

**SEX OFFENDER MANAGEMENT BOARD (SOMB)
MINUTES**

Friday, April 15, 2016

SOMB Members

Alli Watt
Allison Boyd
Amy Fitch
Brie Akins
Bill Hildenbrand
Carl Blake
Jeff Jenks
Jeff Shay
Jessica Curtis
Jessica Meza
John Odenheimer
Kandy Moore
Kim English
Korey Elger
Leonard Woodson III
Marcelo Kopcow
Mary Baydarian
Merve Davies
Missy Gursky
Pam Bricker
Richard Bednarski
Rick May
Tom Leversee

Visitors

Ann Southam
Brenda L. Kay
Carolyn Turner
Cassi Sattazahn
Chris Renda Ph.D.
Christine Tyler
Colton McNutt
Dean Berry
DeAnn Major
Debbie Baty
Dena McClung
Gary Reser
Jalice Vigil
Jamie Gibbs
Jen Leonard
Jo Stack
Katharina Booth
Laurie Kepros
Mable Banks
Pat Harris
Roger Kincade
Steven H. Parker
Susan Walker
Valerie Estrada

Absent SOMB Members Angel Weant and Nancy Jackson

Staff

Chris Lobanov-Rostovsky
Marina Borysov

Raechel Alderete
Jesse Hansen

Michelle Geng
Jill Trowbridge

9:08 am

SOMB Meeting Begins:

Introductions:

Future Agenda Items: None

Announcements:

Carolyn Turner from Advocates for Change announced the sex offense citizens meeting will be held on May 18th at the Denver Women's Correctional Facility. Carolyn noted that a consent form is required to attend and

to please request this through Lisa Sanchez with the Department of Corrections. She also announced that the Parole Board forum meeting will be held at the Police Department, District #3 (University & I-25) on August 25th.

Carl Blake of the Application Review Committee (ARC) announced that the general variance form and the variance forms used for the Burns' cases have been revised to include Date of Request, Client's Index Offense and Date of Conviction, and Length of Time in Treatment per the Sex Offender Management Board's (SOMB) request.

Jessica Meza asked Carl Blake for an update as to how many variance request forms ARC has been getting on the Burns cases, how many are approved, how many are denied and the reason. Carl replied that this is to be added to the agenda for next month's SOMB meeting on May 20th.

Michelle Geng announced that the SOMB staff is sending out FAQ's regarding the Burns document previously approved. She stated that if anyone has any questions, please email Michelle so she can clarify these.

Raechel Alderete announced that registration for the 2016 SOMB Conference will begin next week beginning on April 18th. If you have any questions, please contact Raechel Alderete or Marina Borysov.

Marina Borysov stated that if an organization or agency is interested in a table to exhibit at the conference, the cost is \$50.00/table and to please contact her.

APPROVAL OF MARCH MINUTES:

Motion to approve the March Minutes: Merve Davies; Tom Leversee 2nd

14 Approve	0 Oppose	3 Abstain	Motion Passes
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Approve Agenda:

Carl Blake mentioned that the Safety Plan Agenda Item handout is not what the committee has submitted for approval. As chair of the Continuity of Care Committee, he indicated not wanting to proceed without the proper document.

Michelle Geng suggested tabling this agenda item to next month.

Judge Kopcow announced that this agenda item will be deleted from today's agenda.

Chris Lobanov-Rostovsky announced that there was a late addition to the agenda of the Executive Session regarding an SOMB court case. He also mentioned that if there will be any public business to be conducted regarding the court case after the Executive Session, then the audience are invited back in an open session.

Approval of Agenda: The agenda was approved by consensus.

Variance Request (Decision Item) – Carl Blake, Application Review Committee, and Kandy Moore, Child Safety: (Handout Provided)

Carl Blake stated that this variance request is for a suspension in sex offender treatment for up to one year due to the need for victim treatment of the offender for previous sexual assault trauma.

Kandy Moore gave some background of this variance request case and the sex offender treatment difficulties due to sexual assault triggers. She stated that this client has been following the terms of his probation and

has kept a job, has suitable living arrangements and that he has no probation violations. Under the terms of the proposed variance, the client would continue to meet monthly with his probation officer as a sex offender and his victim therapists for victimization treatment. Kandy stated that monthly and quarterly reports will also be submitted to the appropriate agencies and ARC. Kandy mentioned that he is unable to take polygraphs, urinalysis assessments (UA's) and has had psychosexual evaluations for sex offender treatment.

Merve Davies mentioned that this is a therapeutically difficult client and the treatment variance is the right thing to do.

Missy Gursky asked if he can take a monitoring polygraph to make sure he is abiding by the rules for community safety. Kandy Moore responded that he has only had one non-deceptive monitoring polygraph in the past four years, but they can try another one.

Judge Kopcow asked if there are any specific safety concerns knowing that he cannot achieve a non-deceptive monitoring polygraph. Kandy Moore responded that there are none at this time and that he has not violated any of the rules and restrictions to date. She stated that they have not seen any indicators that would show he is a risk to the community.

Kandy Moore also mentioned that the treatment team feels he should not go to the Department of Corrections (DOC) or community corrections as this would be detrimental to him.

Tom Leverage stated that the SOMB needs to take these types of cases into consideration in the future when revising the Standards.

Rick May asked if a formal risk assessment has been done on this client. Kandy Moore replied that yes he was assessed on the VASOR/SOTIPS assessments and was assessed low risk.

Jeff Jenks asked if he has access to the internet, children, and family members' children. Kandy Moore replied that no, he has no internet connection or contact with children or family members' children.

Allison Boyd questioned the length of the variance with a possible extension. Kandy Moore responded that usually there is a specific set time period.

John Odenheimer asked why the Community Supervision Team (CST) feels he needs to take a leave from the sex offender treatment and why he cannot receive sex offense (SO) treatment and victim assault treatment at the same time. Kandy Moore replied that due to certain words or triggers, he cannot focus or concentrate on the SO treatment.

John Odenheimer stated that he has a concern about community safety. Kandy Moore responded that Probation will meet with him twice a month and may be able to do UA's at that time.

Jessica Meza asked if his treatment is trying to get to the root of his personal victimization. Kandy Moore replied that it is.

Missy Gursky stated that certain aspects of both treatments cross over and are the same for both sex offense and victim treatment, but that she is still having community safety issues.

Motion to approve the variance for one year with no extension: Tom Leverage, 2nd Jessica Meza

17 Approve

2 Oppose

1

Abstain

Motion Passes

General Movement Safety Plan (Action Item) – Carl Blake, Continuity of Care Committee:
(Handout Provided)

Carl Blake mentioned that the handout that is in the SOMB packet is not the final version. The correct form was located and displayed on the screen at the meeting. Carl stated that while an offender is switching treatment providers or coming out of prison and waiting for treatment, this tool will be used as the interim safety plan that will cover the offender's basic necessities (i.e., where to grocery shop and when, where to do laundry and when, transportation needs, etc.). Carl stated that the Continuity of Care Committee is looking for SOMB approval to move forward with this form to use for these situations.

Michelle Geng stated that this type of form has been used in Colorado Springs (4th Judicial District) for a number of years and has been working well.

Judge Kopcow asked if Parole, Probation, or the Department of Corrections (DOC) gets this form and when. Carl Blake responded that it will depend on the client's situation. Carl also stated that this form will be made available on the SOMB website and that the DOC is currently using this in a trial capacity.

Lenny Woodson mentioned that the DOC now has parole supervisors in the facilities who work with the inmates enrolled in treatment before their release. The facility parole officers also work with the community parole officers.

Chris Lobanov-Rostovsky mentioned that this tool is for people who have had extensive treatment and are going through a transition to a new treatment setting and is a bridge to fill in the gap and allow the offender movement in the community in this transitional period.

Carl Blake suggested adding "other resources" and "local police office" sections to this form.

Chris Renda suggested that Parole or Probation need to have the local information necessary for the offenders with respect to the housing locations typically used.

Judge Kopcow suggested sending any comments or questions to Carl Blake within the next month and that this form can then be placed on the website as a resource.

BREAK: 10:05 – 10:35

Sexual Assault Awareness Month and National Crime Victims Rights Week (Presentation) – Allison Boyd, Victim Advocacy Committee:

Allison Boyd and Brie Akins welcomed all and gave a presentation from the Colorado Coalition Against Sexual Assault (CCASA) and the Blue Bench along with a visual display of t-shirts from victims.

Brie Akins mentioned that April 27th is Colorado Denim Day and is in support of sexual assault victims. She presented a moving video series that gave individual sexual assault survivor testimonies.

Brie Akins mentioned that these stories are on the CCASA website.

Amy Fitch stated that these are very powerful stories and that the SOMB needs to remember the victims in the process.

Jessica Meza also mentioned that these stories are very emotional and that the SOMB needs to remember that many abusers are also victims too.

Chris Renda shared that digital story-telling and sharing is very therapeutic to the victim and that it helps them develop their story so they will be able to tell others and ask for help.

Allison Boyd thanked the audience for listening to these survivor stories and stated the need to stay victim-centered. She also mentioned that this is a 2 Part presentation and that Part 2 (a victim case profile) will be presented at next month's meeting. At the 2016 SOMB Conference, there will also be a screening of "The Hunting Ground" that is about sexual assault on college campuses.

Alli Watt urged all to remember the pain is always real and to listen to survivor stories and not minimize the pain.

Katarina Booth discussed a sex assault case where the offender has used the internet to find where the victim is currently living. She mentioned that the victim was contacted by his family and friend accusing her of ruining his life and that she continually recalls the negative comments made to her during the legal process.

DeAnn Major mentioned that people with developmental disabilities have not been prosecuted as often and that in July 2016 it will be mandatory to provide background for sexual assault offenders with developmental disabilities.

SOMB Bylaws (Decision Item) – Chris Lobanov-Rostovsky: (Handout Provided)

Chris Lobanov-Rostovsky stated the Bylaws are very significant to the work that the SOMB does. These changes were recommended by Jeff Geist (previous Chair of the SOMB) and that it was decided to use excerpts from legislation to develop these by-laws.

Chris Lobanov-Rostovsky gave a brief overview of the by-law changes.

Allison Boyd stated her desire to include the new language along with the stricken language in Article 1.3. Allison also mentioned that in Article 6 the Application Review Committee (ARC) should be able to vote on appeals.

Amy Fitch suggested additional wording to the end of Article 1.3 to include "recognizing the priority is the physical and psychological safety of victims and potential victims".

Motion to approve amended motion: Bill Hildenbrand,

20 Approve	0 Oppose	0 Abstain	Motion Passes
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Legislative/Sunset Review Update (Presentation) – Chris Lobanov-Rostovsky:

Chris Lobanov-Rostovsky gave the Sunset Review update in Jana Locke's absence. He noted that the legislative bill updates are in the SOMB packets.

Chris Lobanov-Rostovsky mentioned the SOMB Sunset Review bill has still not been heard. Representative Kagan and Representative Court made the decision last Tuesday, April 12th to cancel the hearing on the bill but instead wanted to convene a stakeholders group where Representative Kagan presented eight amendments to this bill. Representatives Kagan, Court, Lee and Lawrence held a two hour meeting to listen to feedback from stakeholders including SOMB members on behalf of their agencies. The stakeholders expressed their concerns and feedback on the amendments. Representative Kagan stated he was open to receiving feedback from stakeholders (via email) up until the next legislative review date which has been scheduled for Tuesday, April 19th at 1:30 pm in the House Judiciary. Chris encouraged all stakeholders to email their comments and concerns and to attend the hearing if possible. If approved, the next step would be to send the bill to the House Appropriations Committee for renewal of the funding. Chris also stated that there is a fiscal note on the data collection piece and if this goes forward, then the Appropriations Committee will have to review the fiscal impact and decide whether to fund that component of the bill. Chris mentioned that

if approved by the Appropriations Committee, then the bill goes through the full House and then the process is repeated on the Senate side with only 3 weeks left in the legislative session.

Tom Leverage asked what is driving the legislature to require the data collection amendments. Chris Lobanov-Rostovsky responded that this was part of the original recommendation of the Department of Regulatory Agencies Sunset review and initiated by Bryan Jamison who felt that having that level of treatment data would be beneficial to the SOMB in the review of the Standards.

Allison questioned if there will be a fiscal note on these amendments. Chris Lobanov-Rostovsky stated that all impacted state agencies have the right to assess costs for those bills and to file fiscal notes with the legislature. He noted that the Department of Public Safety has done this related to the data collection requirement. Chris noted that this new data collection requirement will require an increase of staff and the State Office of Information Technology also filed a fiscal note and identified a program to collect this data requirement and the cost. He noted that currently, there are no provisions for state funds to become available to treatment providers, etc.

Amy Fitch questioned if providers will ultimately pass these costs onto clients in order to comply with this mandate.

Carl Blake stated that the Division of Youth Corrections (DYC) has also submitted a fiscal note given the increased costs to the treatment providers.

Merve Davies stated that treatment providers already have this data, but is confused as to what data is actually asked for. He prefers to provide data that is for good reason and for a plan.

John Odenheimer asked Kim English if the data were collected to evaluate the effectiveness of the SOMB Standards and Guidelines. Kim English responded yes and that the data that is required is only a small piece of the overall treatment and will not answer the State's question as to why individuals are terminating treatment.

Chris Lobanov-Rostovsky stated that data collection in general is important and should be initiated from the SOMB and stakeholders.

Carl Blake noted that the SOMB has collected data over the years, but the legislature has not put forth the question as to what they need the data for. The new data requirements do not address the effectiveness of treatment. Carl stated that the legislature does not feel that the SOMB is doing anything to analyze the effectiveness of the Standards as they apply to treatment providers and offenders.

There were further comments and discussion regarding this data collection requirement, specifically what data should be included and analyzing of the data.

Chris Renda stated that the SOMB could possibly look at the provider self-evaluation form for information that might help the legislature see that the Standards and Guidelines are working as intended. She also mentioned that the SOMB needs to collect data that supports the effectiveness of the Standards and Guidelines based on current research.

LUNCH: 12:05-12:55

Chair Nomination Process (Decision Item) – Carl Blake:

Carl Blake filled in as Chair for Judge Kopcow in his absence for the remainder of the meeting. He announced that there was only one nomination received and that Tom Leverage nominated Judge Kopcow for the Chair of the Board position.

Motion to approved Judge Kopcow: 2nd Missy Gursky

19 Approve	0 Oppose	0 Abstain	Motion Passes
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Chris Lobanov-Rostovsky mentioned that Judge Kopcow, as Chair of the SOMB, will now be responsible for nominating a new Vice-Chair and that this will be addressed at the next SOMB meeting.

Executive Session and Abstention (Presentation) – Ingrid Barrier, Attorney General’s Office:
(Handout provided)

Ingrid Barrier of the state Attorney General’s office presented a brief outline as to how open meetings and executive session meetings (see Sunshine Laws) are to be conducted. She specifically focused on the executive session specific requirements as well as the process of voting abstentions.

Allison Boyd asked about how far in advance is an agenda to be announced. Ingrid Barrier stated that it is normally 24 hours.

Marina Borysov asked if posting the agenda on the SOMB website and/or sending an email blast would be a sufficient public announcement. Ingrid Barrier responded that yes, both of these methods are adequate.

There were numerous questions and discussion regarding abstentions and how they affect voting.

SOMB Open Forum (Action Item):

Impact of Sexual Assault – Karmen Carter and Jenna Lee Matthews, Blue Bench:

Karmen Carter gave a brief overview of The Blue Bench organization and its purpose to help the victims of sexual assault. She reiterated to remember the needs of the victims while addressing community safety and the work of the SOMB. Jenna Lee Matthews gave a brief description of the trauma symptom inventory (TSI) assessment they use when victims come in for treatment. She also described some of the trauma that sexual assault victims have and mentioned that recovery is a lifelong process. Jenna pointed out that 94% of women experience symptoms of post traumatic stress disorders (PTSD) which is equal to or higher than that of combat veterans. She continued to describe the traumas of sexual assault and the impact of these on the victim.

Karmen Carter challenged the SOMB to commit to the value of victim-centeredness and to make sure that sex offenders are held accountable.

There were thank-you’s for the presentation and the need to remember the victims in all the decisions the SOMB makes was expressed.

Polygraph and Child Contact Issues – Retired Judge Denis Maes:

Judge Maes gave a brief personal background as a criminal defense attorney and a District Court Judge. His discussion was an attempt to convince the SOMB to discontinue the use of polygraph examinations for judicial decisions. Judge Maes reiterated that the Adult Standards mandate the use of evidence based research. Judge Maes stated that polygraphs are fallible and unreliable and that courts rely on polygraph too heavily.

Comments/Questions:

Jessica Curtis mentioned that she has experienced many of the issues Judge Maes has faced but also mentioned that she has also seen the therapeutic side of polygraph.

Jessica Meza thanked the Judge for his views and described revocation cases where the therapeutic use of polygraph is not always in the best interest of the offender. She mentioned where additional offenses were brought to light during the polygraph and the offender was subsequently charged for these crimes.

Jeff Jenks reiterated that the polygraph is not a stand-alone tool for assessment or therapy. He stated that polygraph elicits information that no other form of assessment or therapy can gather. Jeff also noted that the use of polygraph makes the offender accountable for their offense(s) and help to curb temptations to re-offend. He also gave some reliability statistics of polygraph and the need to administer it correctly.

Amy Fitch agreed that polygraph is inadmissible in court, but it is a very effective investigative tool and helps in therapeutic settings.

John Odenheimer reiterated that polygraph is a therapeutic treatment tool.

Kim English responded that a study from the Office of Research and Statistics conducted on the use of juvenile polygraphs showed outcomes that many "sibling victims" were disclosed during this test. She also stated that until it was disclosed through polygraph, the offenders continued to have contact with the victim.

Carl Blake mentioned that this discussion might be better suited with the Best Practices Committee.

Executive Session Regarding Denver District Court Case #2015-CV-3379 (Lewing) – Rob Huss/Ingrid Barrier:

2:19 pm - Declaration to enter into Executive Session: Kandy Moore presented motion to the SOMB to move into executive session:

16 Approve 0 Oppose 0 Abstain Motion Passes

3:11 - Declaration to exit Executive Session: Kandy Moore read declaration

Motion to accept settlement agreement: John Odenheimer; 2nd Tom Leversee

Kim English moved to call the question and end discussion

15 Approve 2 Oppose 0 Abstain Motion Passes

Motion to accept settlement: Jessica Curtis;

8 Approve 9 Oppose 0 Abstain Motion Passes

The SOMB rejected the Settlement Agreement.

There was continued discussion as to the admission of guilt section of the settlement agreement and it was agreed that this agreement could be amended to include some admission of guilt on the part of the plaintiff.

Motion to advise counsel to continue discussion of the Settlement Agreement with the plaintiff's attorneys: Jessica Curtis; 2nd Korey Elger

12 Approve 4 Oppose 0 Abstain Motion Passes

MEETING ADJOURNED: 3:32

Turning Participant Results

Session Name: New Session 4-15-2016 3-30 PM

Created: 4/18/2016 8:10 AM

Device ID	Remote No.	First Name	Last Name	1) Motion to Approve March Minutes	2) Motion to Approve Variance	3) Motion to approve the bylaws as modified	4) Motion to approve Judge Kopcow	5) Motion to approve	6) Motion to call the question	7) Motion to accept settlement proposal
2B201	1	Pam	Bricker	1	1	1	1	1	2	2
2B212	2	Mary	Baydarian	1	1	1	1	-	-	-
2B213	3	Richard	Bednarski	-	-	-	1	1	1	1
2B216	4	Carl	Blake III	1	1	1	-	-	-	-
2B226	5	Allison	Boyd	1	1	1	1	-	1	2
2B22D	6	Jessica	Curtis	-	1	1	1	1	1	1
2B237	7	Merve	Davies	1	1	1	1	1	1	1
2B23B	8	Kim	English	-	-	-	1	1	1	2
2B246	9	Amy	Fitch	-	1	1	1	1	2	2
2B25B	10	Lenny	Woodson	1	1	1	1	1	1	2
2B261	11	Missy	Gursky	1	1	1	1	-	-	-
5EE64	12	Rick	May	1	1	1	1	1	1	2
2B26A	13	Bill	Hildenbrand	-	1	1	1	-	-	-
2B26E	14	Nancy	Jackson	-	-	-	-	-	-	-
2B281	15	Jeff	Jenks	3	1	1	-	1	1	2
2B291	16	Marcelo	Kopcow	-	-	-	-	-	-	-
2B295	17	Allison	Watt	1	2	1	-	-	-	-
2B2A8	18	Tom	Leversee	1	1	1	1	1	1	1
2B2D6	19	Jessica	Meza	1	1	1	1	1	1	1
2B2F5	20	Kandy	Moore	3	3	1	1	1	1	2
2B2FF	21	John	Odenheimer	1	2	1	1	1	1	1
2B302	22	Korey	Elger	1	1	1	1	1	1	1
2B32A	23	Jeff	Shay	1	1	1	1	1	1	1
2B32C	24	Angel	Weant	-	-	-	-	-	-	-
2B32F	25	Brie	Akins	3	1	1	1	1	1	2