

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

Friday, May 20, 2016

SOMB Members

Allison Boyd
Amy Fitch
Angel Weant
Bill Hildenbrand
Carl Blake
Jeff Jenks
Jeff Shay
Jessica Curtis
Jessica Meza
Kandy Moore
Korey Elger
Leonard Woodson III
Marcelo Kopcow
Merve Davies
Missy Gursky
Nancy Jackson
Richard Bednarski
Rick May
Tom Leversee

Visitors

Beverly Casey
Bob Weiner
Brenda L. Kay
Carolyn Turner
Chris Renda Ph.D.
Christine Rinke
Christine Tyler
Colton McNutt
Dean Berry
Dena McClung
Dianna Lawyer-Brook
Gabriel Garcia
Gary Reser
Jackie Vigil
Jennifer Leonard
Jerry Frey
Jo Stack
Jodie M. Goter
Katharina Booth
Laurie Kepros
Linda Blocks
Mable Banks
Maytal Schmidt
Pat Harris
Robertta Ponis
Roger Kincade
Steve Parker
Susan Walker
Valerie Estrada

Absent SOMB Members

Alli Watt, Brie Akins, John Odenheimer, Kim English, Mary Baydarian and Pam Bricker

Staff

Chris Lobanov-Rostovsky
Marina Borysov

Raechel Alderete
Jesse Hansen

Michelle Geng
Jill Trowbridge

9:12 am

SOMB Meeting Begins:

Introductions: Introductions were made by all present

Future Agenda Items: None

Announcements:

Chris Lobanov-Rostovsky announced that this is Bill Hildenbrand's last meeting as a member of the Sex Offender management Board (SOMB).

Carl Blake gave an update of the open forum discussion topics that included Reliatrax, registration relief, sex offender housing, sex history/polygraph questions, victim centeredness, treatment of trauma and program evaluations.

Raechel Alderete mentioned that the 2016 Conference Registration is open. She stressed to SOMB members to submit nominations for the Senator Norma Anderson Excellence in Victim Advocacy Award and the Gary Burgin Sex Offender Management or Treatment Leadership Award. Raechel reminded all about the sponsorship opportunity and also that exhibit tables are available at \$50 per table.

Dena McGlung asked if there is a list of SOMB members and contact information. Chris Lobanov-Rostovsky responded that this information is on the website and that you can reach out to the SOMB office for the individual contact information.

Jesse Hansen asked for any policy changes/updates from the SOMB that should be included in the next Annual Legislative Review publication. He also announced that the Colorado Youth Project has launched and provider recruitment has started.

Judge Kopcow mentioned two Colorado Supreme Court Cases that revolve around revocation hearings where a client in treatment invoked his right to remain silent under the 5th amendment. Justice Gabriel made some conclusions to this case that will directly affect the work of the SOMB. Judge Kopcow read Justice Gabriel's decision in the "Roberson" case and encouraged the SOMB to read these cases. He mentioned that there will most likely be future discussions as to the consequences of these decisions. Judge Kopcow encouraged all to look on the Colorado State Judicial Branch's website www.courts.state.co.us to read these cases.

Chris Lobanov-Rostovsky noted that the Supreme Court ruling does not change the Standards at this time. The Attorney General's staff is reviewing these cases for legal guidance to determine the future course of action and hopefully will have some guidance for the SOMB.

Judge Kopcow read the new SOMB meeting procedures that have been sent to SOMB members. He suggested that this new structure be initiated at the next SOMB meeting.

Tom Leversee suggested the SOMB adopt this procedure for a period of time to evaluate its effectiveness. Judge Kopcow agreed to this suggestion.

Approval of April Minutes:

Motion to approve the April Minutes: Jeff Shay; 2nd

14 Approve	0 Oppose	2 Abstain	Motion Passes
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Approval of Agenda: The agenda was approved by consensus.

Vice-Chair Nomination – Judge Marcelo Kopcow (John Odenheimer)

Motion to appoint John Odenheimer as Vice Chair: Judge Kopcow, 2nd Carl Blake

17 Approve 0 Oppose 0 Abstain Motion Passes

Lifetime Supervision Report (Presentation) – Jesse Hansen, DCJ; Angel Weant, Judicial Department; and Lenny Woodson, DOC

Handout provided

Jesse Hansen, Angel Weant and Lenny Woodson gave a presentation of their respective areas of purview that are included in the Lifetime Supervision report.

Laurie Kepros suggested some items that would be beneficial to this report

Tom Leverage suggested a future study of determinate vs. indeterminate offenders and how this relates to risk factors. Lenny Woodson responded that they are just starting to look at this data but do not have it at this time.

Allison Boyd asked if of the 149 new commitments for the year how many are direct sentences to the Department of Corrections (DOC) and how many are due to revocation. Lenny Woodson responded that he will get her the information requested.

Allison Boyd asked if the 106 Non-SOISP offender section are misdemeanors. Angel Weant replied that they could be misdemeanors due to plea bargains.

Richard Bednarski asked Lenny Woodson why no offenders went to community corrections. Lenny responded that some were not accepted. Richard Bednarski also asked why 40 offenders are still incarcerated if they have met the criteria to go into community corrections or parole. Lenny responded that there are various reasons and he will send Richard the information.

Susan Walker asked Lenny Woodson how it is possible for 20 indeterminate sentences to be discharged. Lenny responded that he will check this out and get back to her via email. Angel Weant responded to Susan Walker that this is in response to a statutory requirement to report this information and the legislature requested this for the public to see the outcome for those with indeterminate sentences.

Nancy Jackson asked what is being done to reduce technical violations to indicate the reduction in the numbers. Angel Weant responded that there are many variables that bring about these violations. She also stated that the judicial system has initiated more programs/training and is evaluating risk more in-depth with these numbers being reflected in the outcomes.

Dale Jenkins asked Lenny Woodson how numbers will be affected since the polygraph changes within the Lifetime Supervision Criteria have been enacted. Lenny responded that it is undetermined at this time, but should be reflected in next year's analysis. Dale asked Angel Weant what percentage of the 60 lifetime probations are related to mandatory sentencing where judges have no discretion in sentencing. Angel Weant responded that not all are indeterminate.

Dale Jenkins also asked regarding the Sex Offender Intensive Supervision Program (SOISP vs. non-SOISP) what the timeframe is for offenders to be on SOISP. Angel Weant responded that it varies because SOISP is

behaviorally based with three phases and typically takes 2-3 years for completion. Angel also mentioned that there are new probation standards that are specific to the length of time on SOISP and include more accountability as to the length of time on SOISP. She stated that at this time, there is no required timeframe for the phases.

Dale Jenkins addressed Jesse regarding the sex offender costs for treatment and testing. Dale asked what percentage of the actual treatment provider responses is reflected in these costs. Dale suggested another chart for what an offender/family expects to spend for treatment in a year for treatment and testing. Jesse Hansen responded that 65-80 providers responded and this data is incorporated in this presentation. He stated that yearly offender costs will vary based on the intensity of their supervision which may not be representative of true costs. Jesse also responded that the recommended suggestions will be taken under consideration.

BREAK: 11:01 – 11:19

Sexual Assault Awareness Month (Presentation – Part II) – O’Leary Case – Bob Weiner, Chief Deputy District Attorney, Jefferson County District Attorney’s Office:

Allison Boyd introduced Bob Weiner. Bob presented the details of the O’Leary case.

Allison Boyd stated the importance of victim response on sexual assaults. Allison mentioned she will send out the article outlining the additional rapes made by this offender while living in the State of Washington.

Chris Lobanov-Rostovsky stated the importance of authorities to be educated on the effects of sexual assault trauma and the need to consider this as part of the victim’s accusations.

LUNCH: 12:07 – 12:50

There were many thank you’s for Bill Hildenbrand’s tenure with the SOMB and all wished him the best in his future endeavors.

Sex Offender Treatment Statute (Action Item) – Tom Leverage and Magistrate Jessica Curtis:

What is Sex Offense Specific therapy for juveniles from the legal standpoint?

Jessica Curtis supplied a handout that is indicative as to what is found in the courtroom regarding the language used and misconceptions as to what offense specific therapy for juveniles is. She reviewed a recent case and discussed the confusion around the meaning of offense specific therapy. She mentioned that the offender was confused also as to what therapy was court ordered.

Jessica Curtis is looking for feedback from the field as to what language should be used to clarify the true meaning of offense specific therapy.

Tom Leverage indicated that as he understands the statute, offense specific therapy is based on risk and that an offender may not specifically need to be treated for the duration of his/her supervision with an SOMB approved therapist.

Jessica Meza agreed that in some cases the courts are ordering offense specific therapy to offenders without fully understanding the meaning of this treatment.

Judge Kopcow noted that it is not in the SOMB’s purview to work outside of or to change the statute, but to educate all concerned as to differences between healthy sexual boundaries versus offense specific treatment.

Merve Davies, Judge Kopcow and Allison Boyd mentioned that this may be a future agenda item or possibly an Executive Session agenda item.

Tom Leversee noted that he and Magistrate Curtis are curious as to what is the best way to get the information from the field from a judicial standpoint and a treatment/practice standpoint.

Carl Blake suggested addressing this through the Juvenile Standards Revisions Committee and in training to clarify the Standards.

Angel Weant stated that she can check with her stakeholders for feedback.

Judge Kopcow reiterated that this issue needs to go to the Juvenile Standards Revisions Committee to provide some clarity and suggested this be tabled for a couple of months for the committee to review.

Legislative/Sunset Review Update (Action Item) – Chris Lobanov-Rostovsky:

Chris reviewed the new amended requirements determined by the legislature for the SOMB and thanked the board members that testified on behalf of the SOMB. He also mentioned that the next Sunset Review will be in 4 years.

Tom Leversee mentioned that the Judiciary Committee was frustrated with the length of time the SOMB has taken in updating the Standards and he felt that they are looking for more definitive timelines for completion of various aspects.

Judge Kopcow stated that they are looking for strategic plans coming from this rather large board and concurred that the Legislature wants to be kept informed with timelines.

Adult Standards Guiding Principles and Introduction (Decision Item) – Missy Gursky and Jeff Geist, SOMB Adult Standards Revisions Committee (Handout):

Guiding Principle #14 – Missy Gursky gave the Adult Revisions Standards Committee update and results.

Jesse Hansen explained the “footnote” items mean that he will insert research as it becomes available.

Motion to approve Guiding Principle #14: Allison B; Amy Fitch 2nd

15 Approve	0 Oppose	0 Abstain	Motion Passes
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Discussion: None
Guiding Principle #14 approved

Introduction:

Jeff Geist expressed his hopes that all have read and reviewed with stakeholders the proposed Introduction to the Guiding Principles.

Motion to approve the Introduction to the Guiding Principles: Tom Leversee; Carl Blake 2nd

15 Approve	0 Oppose	0 Abstain	Motion Passes
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Discussion: None
Introduction approved.

Missy Gursky announced that the Adult Standards Revisions Committee is currently working on Adult Standards Section 3 and Section 5. She also mentioned that Section 4 has been completed and needs to be approved by the SOMB.

BREAK: 1:57 – 2:14

Burns Case Variances (Action Item) – Application Review Committee (Presentation):

Carl Blake stated that he is looking for direction or recommendations specific to Burns case variances. He mentioned that to date, the Application Review Committee (ARC) has reviewed 9 variances. ARC has many concerns regarding these variances where the judge ordered contact with their own children. ARC does not feel they are the appropriate body to make a decision on the variances and also that the SOMB is not the appropriate body to make a decision on the variances. They feel that the treatment providers can make decisions based on the facts of each variance and have the ability to accept or reject a client for treatment.

Missy stated that treatment providers need to be educated as to the purpose of the ARC and that they have the capability to accept or reject the client based on the nature of the variance requested.

Jessica Meza asked how many variances have been rejected by the ARC. Carl Blake responded that the ARC has not denied any or that they have the grounds to deny them.

Judge Kopcow reiterated that the SOMB does not have purview over judges and judges do not have purview over the treatment providers, so the treatment providers are looking to the ARC for guidance.

Chris Lobanov-Rostovsky reminded the SOMB that the variance process was put in place to act as a bridge until the Standards are written to give direction to the treatment providers in order to allow them to accept or reject the client based on the contact details.

Jessica Curtis reiterated her concern with Adult Standard 5.724 which states that "Treatment providers shall refuse....." and expressed the need to change "Shall" to "May" so the SOMB can back out of the variance issue and the treatment provider may choose to accept or reject treatment for a client.

Gary Reser described a case that he is involved in that requires a variance. He likes the variance form and how it actually puts the onus on the treatment provider. Gary feels that it is up to the treatment provider to accept or reject a case and that the variances brought before the ARC should just be approved so that the provider is not violating the Standards.

Carl Blake suggested sending these variances to the SOMB directly.

Tom Leverage suggested that the variance form not be used, but that the information for a particular client is brought before the SOMB for paper review.

Judge Kopcow mentioned that the reason these have been going to the ARC is due to the time-sensitivity of these cases and since the SOMB only meets once a month, it is not in the best interest of all concerned to have to wait for a couple of months for the variance process. He also suggested a modification to the variance form that would indicate "approval made solely based on the Court Order attached herein" and relieves the SOMB from any liability.

Amy Fitch proposed a statement that states "this is approved as mandated by the Court and is up to the treatment provider to accept or reject this client".

Judge Kopcow confirmed by consensus that the Burns case variances are to be given to the full SOMB for review. He suggested this be put on the Executive Committee Agenda for next month and that in the interim, the ARC will continue with the current process until this decision is made.

Training for Judges and Prosecutors (SOMB Policy Updates including Low Risk Protocol and Young Adult Protocol) (Action Item) – (Presentation) Angel Weant and Amy Fitch:

Chris Lobanov-Rostovsky suggested collaboration with the Training Committee to ensure SOMB Standards and changes in Board processes, to include Low Risk Protocols and Young Adult Protocols, are given to the practitioners at the court level.

Angel Weant mentioned her target audience is for evaluators and agrees that training is needed.

MEETING ADJOURNED: 3:00

Turning Participant Results

Session Name: New Session 5-20-2016 3-00 PM

Created: 5/27/2016 12:03 PM

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