

# SEX OFFENDER MANAGEMENT BOARD (SOMB) MINUTES

Wednesday, August 19, 2016

## SOMB Members

Allison Boyd  
Amy Fitch  
Angel Weant  
Brie Franklin  
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  
Nancy Jackson  
Norma Aguilar-Dave  
Richard Bednarski  
Rick May  
Tom Leversee

## Visitors

Aurelia Ward	Madison Herrud
Carey Boelter	Mona Murch
Colton McNutt	Natasha Kindred
Cristy Sullivan	Roberta Ponis
Daniel McDonald	Roger Kincade
DeAnn Major	Stephanie Engler
Debbie Baty	Susan Walker
Gary Reser	Tom Nelson
Gerry Fry	Valerie Estrada
Greg Hisscock	Walt Simon
Ingrid Barrier	Walter Vonni
James Hinderks	Wayne Bethurum
Jenna Matthews	Wendy Bieseimeier
Jessica Lee	Wendy Kendall
Jo Stack	Win Windsor
Joe Sanchez	
Kim Ruybal	
Larry Hinderks	
Laurie Kepros	
Lenna Jawdat	

**Absent SOMB Members** Alli Watt, Missy Gursky, Pam Bricker

## Staff

Chris Lobanov-Rostovsky      Raechel Alderete      Michelle Geng

**SOMB Meeting Begins: 9:05 am**

## Introductions:

Introductions were made by all SOMB members, and staff and members of the public in attendance.

## Future Agenda Items

Jessica Meza requested clarification on the Burns case variances denied by the Sex Offender Management Board (SOMB).

## Announcements

Laurie Kepros suggested revising the Lifetime Supervision Criteria, as there is a disconnect between that Criteria and the Adult Standards revision process. She suggested it be revised based on evidence-based research.

Carl Blake mentioned that the Application Review Committee (ARC) will continue reviewing variances, noting their concerns, but will ultimately send them on to the SOMB for approval.

Susan Walker announced that the City of Englewood has not changed the sex offender residence restrictions at this time; however, they have created a study group to analyze this situation.

Advocates for Change will be hosting the Parole Board on Thursday, August 25<sup>th</sup> at 7:00 pm with a sex offense specific meeting agenda.

Dale Jenkins announced that on August 10<sup>th</sup> the Colorado Independent Ethics Commission began live-streaming of its meetings, which makes their meetings more transparent throughout Colorado. She encouraged the SOMB to also consider live-streaming its meetings. Dale also requested that any documents for decision items allowing public comment be made available before the SOMB meetings.

Angel Weant announced she will be providing the Parole Board with training on September 1, 2016 and the opportunity to present information requested that involved probation.

Michelle Geng mentioned that the SOMB will have a "live" Standards document on the website prior to the next SOMB meeting reflecting updated changes as they happen. The Juvenile Standards will also be live on the website shortly. She encouraged all to go to the website and review any updates or changes. Michelle mentioned that there is an appeal in process and that the notebooks are available to the SOMB members. She requested these be returned at the next SOMB meeting.

Marina Borysov announced that the 2016 SOMB Conference surveys will be closed out next week, and all attendees should complete and return the survey if you require a Certification of Completion. She also mentioned that the handouts from the conference will only be available online through the end of September. Marina reminded all of the upcoming Introduction and Booster trainings taking place in Denver next week, and future classes available in Colorado Springs/Fort Collins October/November, and VASOR-SOTIPS training in Greeley/Boulder.

Leonard Woodson mentioned that he and Jeff Geist will give a SOTMP presentation to the Parole Board on September 23<sup>rd</sup>.

Chris Lobanov-Rostovsky announced that Kelli Reynolds, will replace Jesse Hansen as the Sex Offender Management unit's Statistical Analyst and will start on August 23<sup>rd</sup>.

Chris Lobanov-Rostovsky requested on behalf of Missy Gursky the need for a future agenda item related to special populations (LGBT, dementia, geriatric and cultural populations). He also mentioned that at next month's SOMB meeting there will be a presentation by Steve Parker and Jesse Hansen on the responsivity component of the Risk-Needs-Responsivity (RNR) principles which could lead to discussions of some of these special populations.

Chris Lobanov-Rostovsky also stated that the SVP Assessment Committee made revisions to the risk assessment process that address individuals with developmental disabilities and that an announcement of these changes was sent to stakeholders and law enforcement. He also mentioned that at next month's SOMB meeting, Kim English and Peg Flick from the Office of Research and Statistics will give a presentation of a proposed model of the SVP risk assessment instrument.

Judge Kopcow announced that the round-one SOMB meeting comment process has been modified. The audience will now have the opportunity to comment after the SOMB round-one discussion/comments are finished. He also mentioned that the public comment time following Standards revisions will change from 30 days to 20 days. Judge Kopcow replied in response to Dale Jenkins request that all decision item handouts/documents will be made available before the SOMB meetings and to reach out to Chris Lobanov-Rostovsky if you have any questions.

**Approval of June minutes: (Question 1)**

**Motion to approve the June Minutes:** Jeff Shay; Carl Blake 2<sup>nd</sup>

<b>18</b>	<b>Approve</b>	<b>0</b>	<b>Oppose</b>	<b>1</b>	<b>Abstain</b>	<b>Motion Passes</b>
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**Approval of July minutes: (Question 2)**

**Motion to approve the July Minutes:** Jeff Shay; Carl Blake 2<sup>nd</sup>

<b>12</b>	<b>Approve</b>	<b>0</b>	<b>Oppose</b>	<b>7</b>	<b>Abstain</b>	<b>Motion Passes</b>
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**Approval of Agenda:** The agenda was approved by consensus.

**Executive Session for the purposes of receiving legal advice on recent court cases:**

**9:41 am – Declaration to enter into Executive Session: (Question 3)**

Carl Blake presented motion to the SOMB to move into executive session: Tom Leversee 2<sup>nd</sup>:

<b>19</b>	<b>Approve</b>	<b>0</b>	<b>Oppose</b>	<b>0</b>	<b>Abstain</b>	<b>Motion Passes</b>
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**10:42 am – Declaration to exit Executive Session:** Carl Blake read declaration to exit Executive Session.

**Adult Polygraph Standards Section 6.000 regarding recent court cases** – (Handout Provided)

Judge Kopcow stated the urgency of revisions that need to be created in the Adult Standards that are affected by the recent court decisions involving questions of past history and the ability to invoke an individual's 5<sup>th</sup> Amendment rights.

**Board Comments:**

Merve Davies expressed his concern that these court decisions will affect numerous cases and can see this impacting clients in many different aspects of treatment.

Carl Blake mentioned an alternative revision that varies from the proposed revision that gives the treatment provider a way to successfully discharge treatment without violating a client's 5<sup>th</sup> Amendment rights.

Angel Weant agreed to the proposed revision and the issue of unsuccessfully discharges for both the treatment providers and probation.

Allison Boyd would like this to be deferred to develop an additional discussion point.

Amy Fitch responded to Carl Blake, Angel Weant and Allison Boyd's comments, and reiterated the fact that this is the law and the SOMB needs to make the necessary revisions to the Standards in a timely manner.

Tom Leversee supports the proposed revised wording and that a discussion point is not necessary.

Angel Weant stated that the Judicial Department is aware of these cases and she is in support of moving forward with this document.

Judge Kopcow reiterated the urgency to make a decision at this meeting as the rulings on these cases are now three months past.

**Public Comments:**

Kristy Sullivan asked the SOMB if they could draw from other states' sex offender boards' experience. Judge Kopcow stated that the SOMB staff may be able to research this.

Mona Murch mentioned the need to help sex offenders be able to give sex offender history in a way that will not incriminate them. She is looking for guidance from the SOMB in this area.

Laurie Kepros stated that there has been other litigation around this issue within that last 10 years and that there is a history of experience available.

Gary Reser commented that as a treatment provider, he has had very few sex offenders who have incriminated themselves by divulging past sex offense history. He also mentioned that the sex history process is expensive, stressful and that rarely is information revealed that changes the client's treatment plan. Gary noted that there is nothing in this revision relating to maintenance or event-specific polygraphs (Adult Standards Section 6.013, 6.014).

Motion to approve the revision as proposed: Tom Leversee; Amy Fitch 2<sup>nd</sup>

**Board Comments:**

Amy Fitch noted that treatment providers can still ask the sexual history questions but the client is not "compelled" to answer any that will incriminate him.

Jeff Jenks stated that sex offense history questions can still be asked, but when the client invokes his 5<sup>th</sup> Amendment rights, then he is not compelled to answer. He also indicated that not all sex history questions in the process are incriminating and noted a discussion point would be good. Jeff mentioned that a sex history polygraph is part of the treatment plan and not used for criminal investigation.

Motion to amend motion to remove instead clause: Tom Leversee; Amy Fitch 2<sup>nd</sup> **(Question 4)**

<b>19</b>	<b>Approve</b>	<b>2</b>	<b>Oppose</b>	<b>0</b>	<b>Abstain</b>	<b>Motion Passes</b>
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Motion to approve amended motion: **(Question 5)**

<b>19</b>	<b>Approve</b>	<b>2</b>	<b>Oppose</b>	<b>0</b>	<b>Abstain</b>	<b>Motion Passes</b>
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**Lunch**

**Section 4.000 Proposed Revisions (Decision Item) – Carl Blake, Juvenile Standards Revisions Committee** – (Handout Provided)

Chris Lobanov-Rostovsky asked Carl Blake if there were any questions from the public regarding this document over the past 2 months. Carl Blake indicated there were not any comments.

A member of the audience asked if learning disabilities are captured in these standards. There was discussion as to whether this should be a training issue. Carl Blake replied that this information is found in Section 3.000 and Section 7.000 of the Juvenile Standards.

Motion to approve Section 4.000: Rick Bednarski; Mary Baydarian 2<sup>nd</sup> **(Question 6)**

<b>21</b>	<b>Approve</b>	<b>0</b>	<b>Oppose</b>	<b>0</b>	<b>Abstain</b>	<b>Motion Passes</b>
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**Variance request (Decision Item) – Jennifir Rudner, Care Counseling, and Application Review Committee (ARC)** – (Handout Provided)

Carl Blake summarized the variance for the offender. The offender’s Community Supervision Team (CST) gave more background on the offender.

Jeff Jenks asked how often the client has taken urinalysis (UA) tests and if he has taken a polygraph for the masturbation charge. The CST responded that he has taken three UA’s per month and is sober at this point. There was no polygraph for the event in question.

Judge Kopcow is unsure why this is a variance. He also asked if the courts specifically gave him contact with the children. Carl Blake responded that the court stated that “contact is unrestricted”.

Merve Davies asked if the variance was raised due to the fact that the children live on the property, but not in the same house and have contact three days per week. Michelle Geng responded that the offender has not met the requirements to have contact, but wants to continue to have contact with the children.

The CST responded that they were compelled to file this variance because the offender does not want to be in court ordered treatment. They mentioned that if the variance is not approved, then they would go back to the courts for clarification.

Korey Elger asked if the mother of the children has been notified and given her approval for contact. The CST responded that no contact has been made with the mother.

**Motion to deny the variance:** Rick May; Merve Davies 2<sup>nd</sup> **(Question 7)**

<b>17</b>	<b>Approve</b>	<b>2</b>	<b>Oppose</b>	<b>0</b>	<b>Abstain</b>	<b>Motion Passes</b>
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**Note: On 9/16/16, Angel Weant indicated she voted incorrectly for this motion. She has "Approved" this motion and the numbers above reflect the corrected votes (not reflected in the vote summary at the end of the minutes).**

There was discussion as to whether the treatment providers are using the variance request as a reason not to treat a client. The conclusion is that the CST should not use the variance process for the SOMB to make a decision as the CST has the ability to go back to the courts for clarification.

**New Victim-Centeredness Standards Section (Decision Item) – Allison Boyd, Victim Advocacy Committee** - (Handout Provided)

Allison Boyd gave a quick overview of this document and mentioned that this will be included in the Adult and Juvenile Standards upon approval. She also mentioned that the language will be amended to fit the Juvenile Standards where necessary.

Tom Leversee questioned the use of “shall include a victim representative” in the Juvenile standards. Allison Boyd responded that they were mirroring the current standards language. It was discussed that this requirement has been in the Juvenile Standards since before the last revision in 2014.

Dale Jenkins asked if there will be an additional cost to the client in making the victim representative a part of the Multi-Disciplinary Team (MDT). Allison Boyd responded that she did not know as it might vary from provider to provider. Dale noted that this document does not address offenders who are also victims.

**Motion to approve Victim Centeredness section:** **(Question 8)**

<b>19</b>	<b>Approve</b>	<b>2</b>	<b>Oppose</b>	<b>0</b>	<b>Abstain</b>	<b>Motion Passes</b>
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**New Continuity of Care Standards Section (Decision Item) – Carl Blake, Continuity of Care Committee** – (Handout Provided)

Carl Blake gave a brief outline of the changes made to this document 9.000 Continuity of Care. He also stated that if this content is approved, then this language will be added to both the Adult and Juvenile Standards as applicable with possible numbering and reference changes.

**Motion to approve Continuity of Care section: (Question 9)**

**21 Approve                      0 Oppose                      0 Abstain                      Motion Passes**

**Adult Guiding Principles and Introduction (Decision Item) – Review of Comments and Final Approval – Jeff Geist and Michelle Geng** – (Handout Provided)

Jeff Geist gave a brief overview of the approved revised Guiding Principles with public comments.

G.P. #1: Jessica Meza preferred Sex Offender be changed to “Client”. Carl Blake replied that Sex Offender is used throughout the entire document, while client is used in the treatment section – No objections.

G.P. #2: Jessica Meza asked if anyone on the SOMB has read the notated research. Allison Boyd responded that there is supported research in the footnotes indicated – No objections

G.P. #4: No objections

G.P. #6: No objections

G.P. #7: No objections

G.P. #9: No objections

G.P. #15: No objections

**Motion for ratification of the Guiding Principles and Introduction as is: Carl Blake; Kandi Moore (Question 10)**

**20 Approve                      1 Oppose                      0 Abstain                      Motion Passes**

**Break: 2:00 – 2:15**

**SOMB Administrative Policies Proposed Revisions (Decision Item) – Chris Lobanov-Rostovsky**

(Handout Provided)

Chris Lobanov-Rostovsky gave a brief overview of the changes made to the Administrative Policies. He mentioned that Section B. (Denial of Placement on the Provider List) is new to this document and that this information is also located in Section 4.000 of the Adult Standards.

**Motion to approve Administrative Policies: Merve Davies 2<sup>nd</sup> (Question 11)**

**19 Approve                      0 Oppose                      0 Abstain                      Motion Passes**

**Adult Standards Section 2.000 (Action Item) – Michelle Geng**

Michelle Geng gave a brief overview of the recent revisions to this section. She noted that per the survey results of the treatment providers compiled by Jesse Hansen, he developed a new list of approved and recommended tools in the evaluation process which have been integrated into this section (beginning with Section 2.600). Michelle mentioned that throughout Section 2.000, there is the integration of philosophy of individualization for clients, the idea of responsivity issues and evaluation process, and that the evaluation process is fluid. She also noted that the Developmentally Disabled/Intellectually Disabled (DD/ID) standards are still separate as the decision to integrate into this section has not been finalized.

Jesse Hansen stated that per discussion with Gary Reser that some of the scales and instruments may be incorrect and suggested having evaluators take a close look to ensure completeness and correctness. Michelle Geng mentioned to please email her any revisions that need to be made and she will have these incorporated for review at next month’s meeting.

Jesse Hansen noted that particular research and literature was used in drafting these standards and that Kelli Reynolds, Jesse’s replacement, will be directed toward this research for future revisions.

**Board Comments:**

Allison Boyd requested the removal of (if any) from the first sentence of the introduction as it relates to the determination of the type of treatment needed. Jessica Meza responded that she is not in support of removing this language as she has found that there are circumstances where offense specific treatment is not needed.

Merve Davies agrees that while most clients do need some type of treatment, it may not be offense specific treatment and should be clearly stated in this section.

Chris Lobanov-Rostovsky suggested inserting the statute language.

John Odenheimer noted that the evaluators need this language as a way to effectively and accurately treat their clients and agreed that the statute language might be a better fit.

Allison Boyd agreed with the suggestions to revise with the statute language for this sentence.

**Public Comments:**

Laurie Kepros gave the backstory of the revision of this section and how the introduction came to be written as it is. She also indicated that there are clients who have successfully completed treatment and have not reoffended that would not benefit from sex offense treatment, but might possibly still need treatment for other issues.

DeAnn Major made the suggestion in Section 2.500 (B) - (DD/ID) to make the language more explicit as sexual abuse is more common in this population for both men and women.

**Board Comments:**

Jessica Meza agrees with DeAnn Major that the DD/ID sections should be kept separate and special considerations need to be taken with this population.

Judge Kopcow mentioned that these comments will be shared with the stakeholders and be brought back to the SOMB at September's meeting as a decision item.

**Provider Credentialing/Education (Action Item) – ARC – Carl Blake**

Carl Blake discussed the history for the treatment provider credentialing requirement issue. The proposed suggestion to not only require licensed professionals as full operating level providers, but to also include those unlicensed who have been in the field for an extended period of time in good standing, without any issues. Carl Blake and ARC are bringing this to the SOMB for direction and feedback on this issue.

Amy Fitch requested more information of the SOMB approved provider process. Carl Blake stated that in order to be a "Full Operating" provider with the SOMB, the individual needs to have their Master's degree and be licensed with DORA. He went on to explain that as an associate provider (non-licensed with DORA) they are supervised when meeting with clients even when they have been practicing for 10 to 15 years.

Mary Baydarian mentioned that some associates were grandfathered in the past. She also noted that the master's degree and licensing are necessary criteria for the SOMB for approved full operating providers.

John Odenheimer asked what the difference is between being registered with DORA and being licensed with DORA. Carl Blake responded what those differences are. He also mentioned the types of restrictions and supervision that is needed as a registered psychotherapist.

Michelle Geng also noted that many polygraph examiners who have been practicing for many years have the same situation where they do not have the degree but are supervised by newly graduated individuals.

Judge Kopcow suggested taking this back to the stakeholders for further discussion and review and bring back to the October meeting.

**Adjourn: 4:00 pm**

**Session Name**

New Session 8- 19- 2016 11:55 AM (1)

**Date Created**

8/19/2016 8:53:26 AM

**Active Participants**

21

**Total Participants**

24

**Average Score**

0.00%

**Questions**

11

**Results by Question****1. Motion to Approve the June Minutes (Multiple Choice)**

	Responses	
	Percent	Count
Yes	94.74%	18
No	0.00%	0
Abstain	5.26%	1
<b>Totals</b>	<b>100%</b>	<b>19</b>

**2. Motion to Approve the July Minutes (Multiple Choice)**

	Responses	
	Percent	Count
Yes	63.16%	12
No	0.00%	0
Abstain	36.84%	7
<b>Totals</b>	<b>100%</b>	<b>19</b>

**3. Motion to go into Executive Session (Multiple Choice)**

	Responses	
	Percent	Count
Yes	100.00%	19
No	0.00%	0
Abstain	0.00%	0
<b>Totals</b>	<b>100%</b>	<b>19</b>

**4. Motion to amend motion to remove instead clause (Multiple Choice)**

	Responses	
	Percent	Count
Yes	90.48%	19
No	9.52%	2
Abstain	0.00%	0
<b>Totals</b>	<b>100%</b>	<b>21</b>

**5. Motion to approve amended motion (Multiple Choice)**

	Responses	
	Percent	Count
Yes	90.48%	19
No	9.52%	2
Abstain	0.00%	0
<b>Totals</b>	<b>100%</b>	<b>21</b>

**6. Motion to approve Section 4.000 (Multiple Choice)**

	Responses	
	Percent	Count
Yes	100.00%	21
No	0.00%	0
Abstain	0.00%	0
<b>Totals</b>	<b>100%</b>	<b>21</b>

**7. Motion to deny the variance (Multiple Choice)**

	Responses	
	Percent	Count
Yes	85.71%	18
No	14.29%	3
Abstain	0.00%	0
<b>Totals</b>	<b>100%</b>	<b>21</b>

**8. Motion to approve victim centeredness section (Multiple Choice)**

	Responses	
	Percent	Count
Yes	90.48%	19
No	9.52%	2
Abstain	0.00%	0
<b>Totals</b>	<b>100%</b>	<b>21</b>

9. Motion to approve continuity of care section (Multiple Choice)

	Responses	
	Percent	Count
Yes	100.00%	21
No	0.00%	0
Abstain	0.00%	0
<b>Totals</b>	<b>100%</b>	<b>21</b>

10. Motion to approve the guiding principles and the introduction (Multiple Choice)

	Responses	
	Percent	Count
Yes	95.24%	20
No	4.76%	1
Abstain	0.00%	0
<b>Totals</b>	<b>100%</b>	<b>21</b>

11. Motion to approve administrative policies (Multiple Choice)

	Responses	
	Percent	Count
Yes	100.00%	19
No	0.00%	0
Abstain	0.00%	0
<b>Totals</b>	<b>100%</b>	<b>19</b>

Session Name

New Session 8-19-2016 11-55 AM (1)

Date Created

8/19/2016 8:53:26 AM

Active Participants

21

Total Participants

24

Average Score

0.00%

Questions

11

Results Detail

Last	First	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Total
<b>Answer Key</b>													
		-	-	-	-	-	-	-	-	-	-	-	0.00
Aguilar-Dave	Norma	1	3	1	1	1	1	1	1	1	1	1	0.00
Akins	Brie	-	-	-	1	1	1	1	1	1	1	1	0.00
Baydarian	Mary	1	3	1	1	1	1	1	1	1	1	1	0.00
Bednarski	Rick	-	-	-	2	2	1	2	2	1	1	1	0.00
Blake	Carl	1	1	1	1	1	1	1	1	1	1	-	0.00
Boyd	Allison	1	1	1	2	2	1	1	1	1	1	1	0.00
Curtis	Jessica	1	1	1	1	1	1	2	1	1	1	1	0.00
Davies	Merve	1	3	1	1	1	1	1	1	1	1	1	0.00
Elger	Korey	1	1	1	1	1	1	1	1	1	1	1	0.00
English	Kim	1	3	1	1	1	1	1	1	1	1	-	0.00
Fitch	Amy	3	3	1	1	1	1	1	1	1	1	1	0.00
Jackson	Nancy	1	3	1	1	1	1	1	1	1	1	1	0.00
Jenks	Jeff	1	1	1	1	1	1	1	1	1	1	1	0.00
Leversee	Tom	1	1	1	1	1	1	1	1	1	1	1	0.00
May	Rick	1	1	1	1	1	1	1	1	1	1	1	0.00
Meza	Jessica	1	3	1	1	1	1	1	2	1	2	1	0.00
Moore	Kandy	1	1	1	1	1	1	1	1	1	1	1	0.00
Odenheimer	John	1	1	1	1	1	1	1	1	1	1	1	0.00
Shay	Jeff	1	1	1	1	1	1	1	1	1	1	1	0.00
Weant	Angel	1	1	1	1	1	1	2	1	1	1	1	0.00
Woodson III	Lenny	1	1	1	1	1	1	1	1	1	1	1	0.00
<b>Participant List</b>													
		-	-	-	-	-	-	-	-	-	-	-	0.00

**Note:** On 9/16/16, Angel Weant indicated a voting error on her part for Question 7. Her response should have been "1" instead of "2". This correction has been made on page 4 of the minutes but is not reflected in the above summaries.