

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

**Friday, January 18, 2018**

**SOMB Members**

Allison Boyd  
Amanda Gall  
Angel Weant  
Carl Blake  
Jeff Jenks  
Jeff Shay  
Jesse Hansen  
John Odenheimer  
Kandy Moore  
Leonard Woodson  
Lisa Mayer  
Missy Gursky  
Nicole Leon  
Norma Aguilar-Dave  
Richard Bednarski  
Robin Singer  
Sharon Holbrook  
Taber Powers  
Tom Lerversee  
Tony Rodriguez

**SOMB Guests**

Alex Rodrigues	Mable Banks
Becky Lowe	Pat Harris
Beth Baldwin	Rick Ostring
Bonnie Scarlett	Roger Kincade
Brenda Kay	Star Hess
Bryan Jameson	Susan Walker
Colton McNutt	Tami Floyd
Conrad Gonzales	Terri Pieros-Kennedy
David Nahum	Wendy Bieseemeier
Debra Baty	
Denise Metz	
Gary Reser	
Gosia Schmitz	
Greg Hisscock	
Jeff Geist	
Jim Tanner	
John Fischer	
Judie Kunze	
Katie Tufte	
Kimberly Kline	
Lauren Rivas-Jacquez	
Laurie Kepros	
Laurie Knight	
Layla Sadighi	
Leslie Quitmeyer	
Lindsay Sova	

**Absent SOMB Members:** Kathryn Heffron, Marcelo Kopcow, Mark Waller, Rick May, and Steve Moreno

**Staff:** Chris Lobanov-Rostovsky, Raechel Alderete, Marina Borysov, Michelle Geng, Kelly Hume, Yuanting Zhang, and Jill Trowbridge

**SOMB Meeting Begins: 9:01 am**

**INTRODUCTIONS:**

Introductions were made by all SOMB Members, SOMB Staff, and audience members in attendance.

**Future Agenda Items**

None

**ANNOUNCEMENTS:**

Chris Lobanov-Rostovsky indicated that the Sex Offender Management Board (SOMB) will give a presentation to the Legislature on January 25<sup>th</sup>. He also mentioned that Trent Buschner, who is conducting an independent review of the SOMB governance and decision making processes will be presenting his observations and preliminary results at the February SOMB meeting.

Chris Lobanov-Rostovsky indicated that the room is set up for the SOMB workgroups to meet during the lunch break to continue working on the strategic plan action items. He mentioned the SOMB team leaders and staff will update the SOMB and the audience in March on the status of these action items, and noted that feedback will be encouraged at that time.

Chris Lobanov-Rostovsky indicated that the public comments for Section 5.7 have been collected, and noted that today’s discussion will only be a review of this public testimony. He mentioned that this section will be ratified at next month’s SOMB meeting.

Marina Borysov reminded all of the annual SOMB Conference that is scheduled for July 9<sup>th</sup> through July 12<sup>th</sup> and asked that conference presentation proposals be submitted by February 1, 2019. She indicated that the Keynote speaker information will be forthcoming. Marina went on to review the upcoming trainings that are scheduled in the coming months to include three VASOR/SOTIPS trainings scheduled in Colorado Springs, Glenwood Springs, and in the Denver metro area in partnership with Judicial. Marina mentioned there will be a revised VASOR booster training in the fall.

**APPROVAL OF SEPTEMBER MINUTES:**

**Motion to approve the September minutes: Carl Blake; Tom Leverage 2<sup>nd</sup> (Question #1)**

<b>16</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 AGENDA:**

Tom Leverage proposed that the review of the TES Variance (currently an action item) on the agenda be changed to a Decision Item. Chris Lobanov-Rostovsky responded that this item is concerning what the next steps are if the SOMB wants to make a Standards change to incorporate these types of situations. There was SOMB consensus to change this item to a Decision Item on the agenda.

Carl Blake suggested shortening the workgroup time allotted to one hour from 11:45 am – 12:45 pm. There was SOMB consensus to make this change.

**BACKGROUND INFORMATION FOR SOMB WHITE PAPER REGARDING PROBATION TERMS AND CONDITIONS (Presentation) – Jim Tanner, KB Solutions (Handout Provided)**

Jim Tanner, of KB Solutions noted his approval of Appendix D to the Adult Standards, and reviewed the criteria regarding why the SOMB created this White Paper. Jim went on to discuss the application of the Special Additional Terms and Conditions of Supervision. He mentioned that the standard Conditions of Supervision and the Special Additional Conditions (SAC) applied must be reasonably related to the facts of the offense, relevant to this particular case, this offender, and is relevant to this time.

Jim emphasized the use of Special Conditions which address the use of computer systems, internet-capable devices, or similar electronic devices should be applied only if relevant to the case at hand. He went on to discuss the lack of definitions of the various terminology related to the term “pornography, X-rated, and inappropriate

sexually arousing material” in the SOMB’s Appendix D of the Adult Standards. Jim also noted that the terms “sexually oriented” or “explicit material” and “sexually stimulating materials” are defined in the SOMB Appendix D, but are not defined in the Judicial Department’s Guidelines. He indicated that the Judicial Department equates “sexually oriented” and “sexually explicit” to be synonymous. He then discussed the changes in terminology and differences in definitions throughout the years. He noted that for the purposes of the SAC, the following is the current terminology and definitions:

- Sexually Explicit Material (SEM) – content in any format, legal or illegal, which displays, depicts, portrays or represents:
  - sexual acts of any kind, or
  - nudity in a sexual setting, especially involving, but not limited to, exposed genitalia, or
  - Paraphilic content
- Sexually Stimulating Material (SSM) – content with or without any nudity or SEM, that a CST/MDT has determined through review of an offender’s progress in supervision/ treatment is appropriate for the offender to possess or view.

Jim noted that the evidence is trending toward frequent SEM use as:

- Having a detrimental effect on attitudes and beliefs regarding sexual behavior, especially when the view has preexisting behavioral scripts,
- Causing increased craving for SEM,
- Incrementally increasing need for more paraphilic content, and
- Leading to increased difficulties in social interaction and decision making

Jim Tanner also discussed the following:

- The research and use of the Risk-Need-Responsivity (RNR) model and how it impacts treatment and offender beliefs and attitudes;
- The attitudes and beliefs toward frequent SEM use which indicates detrimental effects on the user;
- Dynamic risk factors for sex offenders;
- SEM and the adverse effects on several of the key dynamic criminogenic needs of sex offenders;
- Limiting access to SEM during supervision and treatment;
- The CST/MDT may allow clearly defined specific SSM in accordance with approved Safety Plans.

Jim went on to discuss the neuroscience aspects of SEM use and the effects on the brain. He also indicated that people do change, and noted that a severely altered brain can, over time, recover. Jim mentioned that due to this, the CST/MDT should periodically review the offender’s progress and adjust the Special Additional Conditions (SAC) as indicated.

Jim discussed the following:

- What We Know
  - Sex Offenders have committed an act involving sexual behavior which is prohibited by law;
  - The RNR model recommends interventions be focused on specific dynamic criminogenic needs of each offender;
  - Significant dynamic criminogenic needs have been identified as, offense supportive attitudes and beliefs, atypical sexual interests, antisociality, frequent sexual thoughts, frequent masturbation, impulsivity, poor delay of gratification, misreading sexual cues, problems controlling anger, intimacy deficits, and personal distress;
  - The use of SEM directly affects the user by contributing to the dynamic criminogenic needs, have the same addiction-based neurological effect on the brain as does addiction to drugs or alcohol, have a fast onset of addiction, frequently lead to experimentation with increasingly atypical sexual behavior;
  - At the time of sentencing, our understanding of the offender risk/needs is limited until the CST/MDT engages the offender in on-going supervision/treatment.

- People can change;
- The CST/MDT must engage in actions which do no harm and objectively evaluate, recognize and reward progress;
- There is an overarching legal need for specific SAC to be individualized and the reasons for imposing them articulated in sentencing orders.
- What We Need to Do:
  - Base SAC upon elements present in the individual's case, the PSI process, or emerge post-sentencing through the supervision/treatment process;
  - Articulate the nexus between the SAC and elements present in the individual's case;
  - Prohibit access to and use of SEM where it has been part of the elements of the case, the PSI process, or emerge in post-sentencing supervision/treatment;
  - Prohibit access to and use of SSM where SEM has been part of the elements of the case;
  - Periodically review offender progress in supervision/treatment
  - Adjust SAC as needed to accommodate and reward offender progress in supervision/treatment.
- How Do We Get There:
  - A notation in the evaluation's narrative to the PSI writer report that these elements were present enhances the accuracy of the risk assessment and focuses recommendations on special terms of supervision;
  - In the evaluators section, include a section on SEM utilization, sexting, live entertainment, masturbation habits, history of voyeurism, history of exhibitionism, and any attempts to hid content or behaviors;
  - Lead the reader through the PSI, include case elements, forensic notables, psychosexual evaluator's findings, interview findings, and recommendations for SAC to provide a nexus to case elements.

Jim noted that it is appropriate for the evaluator to give the court any information pertinent to the SAC, and that Probation should ask the court for any special terms and conditions.

**Board Discussion:**

Sharon Holbrook questioned allowing the use of SSM and SEM, and suggested to structure a review of the special terms and conditions in a pre-determined number of months or make it clear that these will be reviewed at a later date.

Tom Lerversee challenged the viewing of sex offenders in a one-size fits all scenario due to the multiple pathways to offending. He noted that it is hard to determine what SSM or SEM is to a particular offender, mentioned it is not always known at the onset. Tom reiterated that Jim Tanner stressed the idea to be more restrictive at the onset, and then relax conditions as the offender works through treatment, and it is found out more about what makes the offender tick. He also mentioned that the definitions are very important so that all concerned understand.

**Audience Discussion:**

Laurie Kepros expressed concern about special conditions (the use of SEM) or a court order that would send someone back to prison for non-compliance. She quoted various research that indicated the use of pornography actually reduces recidivism. Jim Tanner responded that there is a difference between those who have been committed of a sexual offense and those who have not.

Chris Lobanov-Rostovsky noted that the goal of this conversation is informational for the SOMB to inform evaluators of what information is needed to give to the officer of the court

**BREAK: 10:35 – 10:47**

**SOMB BOARD TRAINING PER HB 18-1198 – Ingrid Barrier, Attorney General’s Office (Handout Provided)**

Ingrid Barrier, the Department of Public Safety’s representative from the Attorney General’s office presented the statutorily mandated training to keep consistent standards for Boards and Commission within Colorado.

Some of the topics reviewed were as followed:

- Purpose of the Annual Training
- Governing Law & Policy
- SOMB Duties
  - Develop standard procedures to evaluate adult sex offenders recommending management and treatment using research and evidence-based models;
  - Develop and revise guidelines and standards for treatment of juvenile and adult offenders that are broadly accessible to offenders.
  - Allocate money in the sex offender surcharge fund;
  - Consult on, approve and revise DCJ risk assessment screening instrument for sentencing courts;
  - Research and analyze the effectiveness of the evaluation, identification, and treatment for offenders and revise guidelines and standards based on results;
  - Develop criteria to measure offender progress in treatment
  - Recommend living arrangements for and location of offenders in the community
  - Request data from treatment providers to evaluate effectiveness of guidelines and standards.
  - Develop standards for evaluation and identification of juvenile offenders to recommend behavior management, monitoring treatment and compliance incorporating the risk-need-responsibility or other evidence based correctional models including intervention
  - Evaluation of policies and procedures for juveniles
  - Develop and revise educational materials in collaboration with law enforcement, victim advocacy organizations, department of education, and CDPS for use in schools
  - Annual report to the General Assembly judiciary committees
  - Create application and review process for providers, evaluators and polygraph examiners who provide services and ensure compliance
  - DORA relationship
- SOMB Membership
- Miscellaneous
  - Sunset Review Provision (2020)
  - Quorum
  - The Board and individual members are immune from civil or criminal liability for good faith performance of the duties of the Board
  - AG advises and represents the Board as an entity
  - Secretary of State is statutorily authorized to issue advisory opinions to Board members if questions arise about their conduct
- Staff
- Other Best Practices
  - Data-based Decision-Making
  - Role of a public representative
  - Coordinating with other organizations
  - Annual review of management practices
  - CDPS will put together a policy to govern all CDPS Boards and ensure consistency
- Board and Commission Conduct
  - A member of a board or commission that receives no compensation shall not perform an official act which may have a direct economic benefit on a business or other undertaking in which such member has a direct or substantial interest

- Proof beyond a reasonable doubt of any act enumerated in this section is proof the actor has breached his or her fiduciary duty
- Conflict of Interest By-Laws
  - Declaration
  - Abstention of Motions and Voting
  - Responsibility of Board Members and Staff
  - Prohibitions
- Additional Affirmation for SOMB
- Conflicts of Interest
  - Outside employment and compensation cannot be incompatible with Council duties
  - If member has an actual or apparent conflict, that member cannot perform any official act, including participating in discussion or voting on a matter that directly affects that interest
  - Dealing with conflict of interest
- Colorado's Open Meetings Law/Sunshine Law
- Sunshine Law ensures that the formation of public policy is public business and may not be conducted in secret.
- What is a Meeting
  - Any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication
- What Does OML Require (Open Meetings Law)
- Executive Session
- Attorney Advice in Executive Session
- No Formal Action in Executive Session – no voting
- Executive Session Recordings and Discovery - recorded, not open to public
- CORA Requests to SOMB
- Emails
- Checklist for Ethical Behavior
  - Conflicts
  - Meetings are subject to the Open Meetings Laws
  - Questions – contact Chris Lobanov-Rostovsky

### **Board Discussion**

Marina Borysov asked if there is a requirement regarding meeting in a specific space. Ingrid Barrier responded that there are no restrictions other than what works best for your particular meeting.

Nicole Leon asked regarding the Open Meeting Law (OML) if speaking with other committee members about specific information not related to public policy would be a conflict. Ingrid Barrier replied that you should be in contact with the SOMB staff for clarification of this type of discussion.

Allison Boyd asked if there is a conflict if anytime you have a discussion that relates to the work of the SOMB is in conflict with OML. Ingrid Barrier responded to be thoughtful about discussion, and indicated that if you have a question that relates directly to the work of the SOMB, to ask it in a public meeting, not offline.

Jeff Jenks asked about SOMB discussion when training a new board member.

Carl Blake expressed concerned when a SOMB member relays Board specific information to stakeholder groups, and another SOMB member might be present, being misconstrued as a "meeting" under the open meeting law.

**LUNCH: 11:45 – 12:54**

## **SOMB ACTION ITEM WORKGROUP MEETINGS OVER LUNCH – 12:05 – 1:15**

The SOMB members and staff broke into small groups and worked on the indicated strategic planning objectives.

### **CHILD CONTACT SCREENING (Public Comment Review and Standards Ratification) – Michelle Geng, DCJ (Handout Provided)**

Michelle Geng reviewed the public comments for Section 5.730 – Child Contact Screening. She noted that the purpose of this discussion will be to review these comments, make any necessary adjustments based on these, and ratify the document.

Amanda Gall asked where in Section 5.730 is it discussed when the child wants contact with the offender. Michelle Geng responded that this scenario was a contentious issue, and is found in Section 5.700. Amanda clarified that Section 5.730 is just outlining when the Child Contact Screening (CCS) can be used, and does not directly address the mitigating factors.

Allison Boyd questioned when clarification would occur. Missy Gursky responded that clarification may not occur as the purpose of the CCS is to keep the family unit together and is in the best interest of the child. She noted that the CCS cannot be done if the child is a victim, and noted that this assessment (tool) is used for a non-victim child to remain in the home early on in the process, when clarification has not yet happened.

Allison Boyd indicated that on page eight of the document that the statement "Contact with custodial parent or legal guardian regarding whether there is support for the contact between the client and own minor child" does not fit in this area. She suggested this be moved to page one, and change Item F. of Section 5.730 "due to its relevancy." She continued discussion of whether the non-offending parent agrees to the contact. Missy clarified that there needs to be a pathway to have this assessment done, even though the non-offending parent does not want contact. She indicated that this language was removed from Item F. previously, and is now placed in the appropriate location in the CCS table.

Allison Boyd responded to the clarification public comment and indicated a statement be included in the beginning of Section 5.700 that reads "please read this entire section before considering contact with a non-victim minor child." She also suggested adding a reference in the clarification section or add a discussion point regarding the separation of the offender and the own child. Missy Gursky responded that the CCS has steps regarding separation and includes steps in reintroducing own child to the home.

John Fischer reiterated concern that these comments and discussion should be taken back to the Committee for deliberation rather than continue deliberation at the SOMB meeting.

Carl Blake noted that if there is a lot of complex public comment, then it would be good to go back to committee; however, this information has been debated for months, and asked how much of this public comment is new discussion.

John Odenheimer indicated that the charge of the SOMB at this meeting is to ratify this document, and noted that if the SOMB feels they are not ready, then this will be deferred back to the 5.700 Committee.

Tom Leversee asked if these public comments are new that have not been discussed at committee level. Missy Gursky responded that many of these comments were previously discussed at committee level.

Allison Boyd noted that she is not opposed to sending this public comment back to the Committee, but indicated that most of these items were addressed at committee level.

Gary Reser reiterated that most have been previously addressed or discussed.

Chris Lobanov-Rostovsky indicated that the process would be to review each public comment and determine if any changes need to be made to the Standards based on this comment. He mentioned that if changes are required, then a vote would be made on that particular scenario, and after all public comment has been reviewed, then the SOMB can ratify the document as amended.

Michelle Geng clarified that a discussion point regarding the CCS and the Clarification process will be added to Section 5.730 with the other discussion points. Allison Boyd indicated she would be willing to supply the language for that discussion point.

Michelle clarified the second public comment and when the CCS should be initiated.

Missy Gursky summarized the public comment to move the process along beginning on page two of eleven as follows:

- Public comment regarding the timing described in Section 5.730 is confusing – Allison Boyd responded that the CCS will only be used when there is a court order for prohibited contact. It was suggested to add an introduction to the CCS section to clarify when the use of the CCS is applicable.
- Public comment regarding evaluator training in the use of the CCS. Missy Gursky noted that additional training for evaluators is not needed to use the CCS. She noted that the evaluators should follow their code of ethics when using this process.
- Public comment regarding not including the “non-exclusive Pedophilic Disorder” in Section 5.733 – Disqualifying Criteria for A Child Contact Screening. Michelle noted that this is included in the Exclusionary Criteria section which states that if an individual has a non-exclusive pedophilic disorder, then they cannot have contact, and therefore no need for the CCS.
- Public comment regarding the term “unresolved” when describing the unresolved CCS polygraph prescreen factor – Missy clarified that this term is if there is a “deceptive” or “no opinion” result on the exam.
- Public comment regarding the removal of Level III denial as a prescreen factor – Missy indicated this was removed as it does not follow current research.
- Public comment regarding the term CCS or CCA polygraph. Jeff Jenks responded that this is what the American Polygraph Association calls an Instant Offense Investigative Exam (IOIE).
- Public comment regarding that polygraph test results shall not be used as the sole determining factor – Missy responded that if someone has a deceptive polygraph, they can still move forward with the CCS.
- Public comment regarding the Child Contact Screening Handbook – Missy mentioned that this handbook is no longer used and is not necessary.
- Public comment regarding the confusion of the use of “may” and “must” – There was discussion as to how best to clarify these terms.
- Public comment regarding the ROSAC as a guide for the CCS – Missy Gursky responded that after conferring with Bob McGrath, it was indicated that this tool is used for someone that has been in treatment 6-7 months, and not for determining initial contact with a child.
- Public comment regarding using the CCS when contact is not prohibited by the court – Michelle Geng noted that this is not accurate and clarified that the CCS is used when contact has been prohibited, and mentioned the rest of those comments were invalid.
- Public comment regarding mandating the use of the CCS screening with each pre-sentencing evaluation (PSE) – Missy Gursky responded that it would be cost prohibitive to include this with the PSE.
- Public comment regarding the CCS not being consistent with the 2014 external evaluation – Missy Gursky responded that the CCS is a venue to be able to have contact sooner, and noted that if it is not used, then an individual would have to abide by the court ruling or meet the criteria outlined in Section 5.7.



There was discussion as to why there are no requirements in the SOMB Administrative Policies to become an approved CCS or CCA evaluator. Carl Blake responded that the CCS or CCA evaluator is not a "listing status", therefore is not covered under the administrative policies. He did note that an "approved evaluator" is a "listing status" and is covered under the administrative policies.

**Audience Discussion:**

John Odenheimer noted the following changes to Section 5.730:

- Allison Boyd suggested adding a discussion point to page two of Section 5.730 that read: *"If a CCS recommends contact, CST's should refer to Section 5.740 regarding clarification as appropriate."*
- After further discussion, Allison Boyd withdrew her suggestion to add the above discussion point.
- The introduction language suggested by Michelle Geng was added to the beginning of Section 5.730 as follows: *"The Child Contact Screening (CCS) is a process to assist CSTs in decision making regarding a client's contact with an own child. A court/parole board order is not necessary for a CCS to occur, although at times it may be ordered. The CCS is an alternative to criteria established in Section 5.7 that details the required treatment accomplishments prior to a client having contact with an own child. A CCS has the potential to expedite a client's ability to have contact with an own child prior to those treatment accomplishments occurring. This can occur when the client meets the criteria for the CCS, the results indicate contact is appropriate and CSTs adopt those results."*

Carl Blake made a motion to ratify the document as amended. Jeff Shay 2<sup>nd</sup> the motion.

John Fischer expressed concern with the SOMB's required criteria regarding the CCS and contact with own child, due to the costs involved, and indicated that this does not fall within the risk-need-responsivity model. He suggested another pathway for an offender to have contact with his own child sooner, and expressed his desire to speak off-line with someone about it. John also asked if anyone has ever done a cost analysis of the fees and costs that the offender and offender families incur throughout the entire process.

Missy Gursky reminded all that the language in 5.732 B (have CCS specific training) be removed as it is not necessary, and asked if the motion can be amended to remove this language.

Carl Blake withdrew his original motion, and made a new motion to approve the document as now amended. This new motion was 2<sup>nd</sup> by Jeff Shay.

Allison Boyd asked why the term "client" is being used in this section instead of "offender". Missy responded that this is a treatment provider/evaluator activity and would therefore use "client".

**Motion to approve Child Contact Screening document as amended: Carl Blake; Jeff Shay 2<sup>nd</sup> (Question #2)**

<b>17</b>	<b>Approve</b>	<b>0</b>	<b>Oppose</b>	<b>0</b>	<b>Abstain</b>	<b>Motion Passes</b>
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Missy Gursky asked when evaluators can start using the new CCS. Chris Lobanov-Rostovsky replied they can use it today; however, he suggested a period of time to fully implement this.

**BREAK: 2:16 – 2:32**

**RISK RELATED SEXUAL INTERESTS (Public Comment Review and Standards Ratification) – Raechel Alderete, DCJ, Colton McNutt, (Handout Provided)**

Raechel Alderete noted that the public comment is looking for clarification, training, and education on the terminology.

She reviewed the public comment as follows:

- Public comment #1 asked if the term “sexualized violence” include someone who is inebriated and cannot consent, or someone who is physically helpless. This public comment also asks if this definition will have an effect on the definition of sexual paraphilia/sexual deviance. Raechel Alderete responded that the term “deviance” will be removed from the definitions and will be replaced with “problematic” or “harmful behavior” in certain areas of the Juvenile Standards.
- Public comment #2 discusses various areas and concerns in the use of the terms “sexually deviant” and “sexual deviancy,” and asked that this item be tabled.
- Public comment #3 thanked the SOMB for looking at changing the “deviant” terminology, and indicated that sexual interests or behaviors can vary from person to person.
- Public comment #4 noted that the term “risk related sexual interests and behavior patterns” is lengthy, and suggested using “problematic sexuality.”
- Public comment #5 agreed with this terminology change.
- Public comment #6 also agreed with the new terminology shift.

Colton McNutt mentioned that he had no concerns that modifications to the Standards needed to be changed based on the public comments. He went on to discuss how the use of the new terminology allows for a more individualized approach.

**Board Discussion:**

Tom Leversee responded to public comment #2, and noted the new terminology is designed to be individualized.

Carl Blake mentioned that this change in language has been approved by the SOMB, but it has not been indicated were this new terminology would be placed in the Standards. He noted that the Adult Standards Revisions Committee will have to change the wording according to the context to what is being conveyed.

Carl Blake made a motion to ratify this document as amended. Tom Leversee 2<sup>nd</sup> the motion.

**Audience Discussion:**

None

**Motion to Ratify Risk Related Sexual Interests document as amended: Carl Blake; Tom Leversee 2<sup>nd</sup> (Question #3)**

<b>15</b>	<b>Approve</b>	<b>1</b>	<b>Oppose</b>	<b>0</b>	<b>Abstain</b>	<b>Motion Passes</b>
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**SOMB ANNUAL LEGISLATIVE REPORT (Decision Item) – Kelly Hume, DCJ (Handout Provided)**

Kelly Hume reviewed in detail the sections that are included in the new 2019 Legislative Report

- Literature Review
  - Impact of Pornography
  - Sexual Offending and the LGBTQ Community
  - Risk Related Sexual Interests and Behavior Patterns
  - Victim Voice/Victim Centered Approach
- Recommendations
  - SORNA
  - Juvenile Registration
  - Juveniles Under Adult Standards
    - Will be addressed generally in the 2019 report; more in-depth in the 2020 report
    - Allows for more time to collect all relevant information
- Accomplishments

- Strategic Action Plan – completed
- Standards
- Additional Accomplishments
- Moving Forward
  - Address directives from Former Governor Hickenlooper and outside evaluations
  - Ensure the SOMB continues to operate by best practices
  - Address all recommendations made by the external evaluator and through the Sunset Review
  - Board Retreat Workgroups
    - Board Engagement
    - Mission Purpose Alignment
    - Process Consistency
    - Communication and Information
    - Research-Based Decision Making

**Board Discussion:**

Carl Blake clarified item #5 under the Juvenile Registration in the Legislative Report that this is incorrect. Amanda Gall concurred with Carl and suggested the language be changed to read: *"Remove the ineligibility to petition for release after additional adjudication for "a sexual offense".*

Carl Blake suggested expanding the information in the Juveniles Under Adult Standards section to include juveniles who are adjudicated in juvenile court and then receive a subsequent conviction in adult court.

Carl Blake suggested changing "Incorporated" victim voice into treatment to "Enhanced" victim voice in treatment on page 32 of the 2019 Annual Legislative Report.

Jeff Jenks asked regarding Section 3 of the 2019 Annual Legislative Report if it was noted that Section 6.0 has been completed. Kelly Hume responded that this was included in the 2018 Legislative Report.

**Audience Discussion:**

None

**Motion to Approve the Annual Legislative Report as amended: Carl Blake; Richard Bednarski 2<sup>nd</sup> (Question #4)**

<b>15</b>	<b>Approve</b>	<b>0</b>	<b>Oppose</b>	<b>0</b>	<b>Abstain</b>	<b>Motion Passes</b>
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**BEST PRACTICES COMMITTEE REVIEW OF THE TES VARIANCE (Action Item) – Tom Lerversee, Best Practices Committee**

Tom Lerversee reviewed the background around the Treatment and Evaluation Services (TES) variance for the past three years which allowed TES to offer treatment to adult sex offenders who are appealing their convictions. He noted that in August a motion was passed that recommended the Best Practices Committee review this variance to make a Standards change rather than continue the variance process.

Tom Lerversee indicated that the Best Practices Committee is recommending a Standards change to offer treatment services to these clients that does not include disclosure of their offense while their conviction is under appeal. He noted the following rationale for this Standards change:

1. Will allow some type of treatment services related to their risk factors to enhance community safety;
2. Will have the ability to set treatment parameters;
3. The CST will monitor, supervise and make decisions;
4. Will have a treatment plan and be able to address non-sexual offense related treatment targets;
5. The client will have the ability to exercise their 5<sup>th</sup> Amendment rights;

- 6. Will determine what Standards will be impacted;
- 7. Will use the Standards change to identify what criteria and conditions need to be met in accepting these clients into groups.

Tom made a motion to make this a decision item to approve a Standards change that would allow treatment for these offenders under appeal, and to ask the Executive Committee to assign the specific committee to create this change. Missy Gursky 2<sup>nd</sup> motion.

Carl Blake reiterated that at this time, they are only asking for approval to move forward with creating changes to the Standards to include this scenario.

Tom Leverage indicated that the Best Practices Committee has already identified some of the areas of the Standards that would be impacted by this change.

**Board Discussion:**

Allison Boyd expressed opposition to this change due to the loss of use immunity vetting. She noted it will impact victims and their testimony at trial, and asked for legal advice for the SOMB on this subject.

Amanda Gall echoed Allison Boyd’s concern, and feels these variances should continue to go through the SOMB Application Review Committee (ARC) process in order to be individually vetted.

John Odenheimer asked the Best Practices Committee if the variance can be continued. Carl Blake responded that the process is three years of issuing a variance. He noted that following the third approved variance, it is then reviewed to see if a Standards change should be made at that point in time.

Carl Blake suggested a Standards change with a committee to review and work through the nuances of this scenario, which may find that a Standards Change may not happen. He mentioned that there needs to be approval from the SOMB to at least use this pathway to see if a Standards change can happen.

Tom reiterated that quarterly reports have been consistently supplied to the ARC for three years.

Allison Boyd indicated that there are some clients in the appeal group who are not appropriate for this type of treatment.

Gary Reser noted that his opinion is that Allison Boyd’s concerns are not warranted regarding this proposed change in the Standards as they provide guidance to treatment providers, evaluators, and polygraph examiners and what people they treat.

**Motion to make a change in the Standards for treatment for offenders under appeal & authorize the Executive Committee to assign a committee to work on the feasibility of a standards change: Tom Leverage; Missy Gursky 2<sup>nd</sup> (Question #5)**

<b>10</b>	<b>Approve</b>	<b>2</b>	<b>Oppose</b>	<b>3</b>	<b>Abstain</b>	<b>Motion Passes</b>
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Chris suggested a change in the Agenda to table the last agenda item until next month due to the timing.

**ADULT STANDARDS 5.7 – VICTIM CLARIFICATION, CONTACT AND REUNIFICATION (Action Item)**  
**– Allison Boyd, Victim Advocacy Committee (Handout Provided)**

Allison Boyd reviewed and gave background as to the changes made to this section. She noted that one major change was the inclusion of clarification processes, clarification procedures, and clarification work similar to the

Juvenile Standards language. She also noted that much of the current language has been cleaned up to be consistent with the other Adult Standards Revisions changes.

**Board Discussion:**

None

**Audience Discussion:**

None

**REVIEW PUBLIC COMMENTS REGARDING STANDARDS 5.7 (Action Item) – Michelle Geng, DCJ (Handout Provided)**

**TABLED UNTIL NEXT MONTH**

Chris Lobanov-Rostovsky acknowledged the sudden passing of Jesse Hansen's father.

Chris also noted that this is Jeff Jenks last meeting. He thanked him for his years of service on the SOMB. He mentioned that Jeff's replacement will be Glenn Knipscheer.

**Meeting Adjourned: 3:33**

Session Name: New Session 1-18-2019 12-45 PM

Date Created: 1/18/2019 8:32:33 AM Active Participants: 19 of 24

Average Score: 0.00%

Questions: 5

## Results Detail

Name	Q1	Q2	Q3	Q4	Q5	Total Points	Score
<b>Answer Key</b>	-	-	-	-	-	0.00	-
Aguilar-Dave, Norma	-	1	1	-	-	0.00	-
Rodriguez, Tony	-	1	-	-	-	0.00	-
Bednarski, Rick	1	1	1	1	1	0.00	-
Blake, Carl	1	1	1	1	1	0.00	-
Boyd, Allison	1	1	1	1	2	0.00	-
Elger, Korey	1	1	1	1	3	0.00	-
Leon, Nicole	3	1	1	1	3	0.00	-
Gall, Amanda	1	1	2	1	2	0.00	-
Gusky, Missy	1	1	1	1	1	0.00	-
Hansen, Jesse	1	1	1	1	3	0.00	-
Holbrook, Sharon	1	1	1	1	1	0.00	-
Jenks, Jeff	1	1	1	1	1	0.00	-
Leversee, Tom	1	1	1	1	1	0.00	-
Moore, Kandy	1	-	-	-	-	0.00	-
Powers, Taber	1	1	1	1	1	0.00	-
Shay, Jeff	1	1	1	1	1	0.00	-
Singer, Robin	1	1	1	1	1	0.00	-
Weant, Angel	1	1	1	1	1	0.00	-
Woodson III, Lenny	1	-	-	-	-	0.00	-
<b>Participant List Averages</b>	-	-	-	-	-	0.00	-

**Session Name:** New Session 1-18-2019 12-45 PM

**Date Created:** 1/18/2019 8:32:33 AM **Active Participants:** 19 of 24

**Average Score:** 0.00%

**Questions:** 5

**1.) Motion to approve November minutes (Multiple Choice)**

<b>Responses</b>		
	<b>Percent</b>	<b>Count</b>
Yes	94%	16
No	0%	0
Abstain	6%	1
<b>Totals</b>	<b>100%</b>	<b>17</b>

**2.) Motion to ratify document as amended (Multiple Choice)**

<b>Responses</b>		
	<b>Percent</b>	<b>Count</b>
Yes	100%	17
No	0%	0
Abstain	0%	0
<b>Totals</b>	<b>100%</b>	<b>17</b>

**3.) Motion to ratify document (Multiple Choice)**

<b>Responses</b>		
	<b>Percent</b>	<b>Count</b>
Yes	94%	15
No	6%	1
Abstain	0%	0
<b>Totals</b>	<b>100%</b>	<b>16</b>

**4.) Motion to approved recommendations (Multiple Choice)**

<b>Responses</b>		
	<b>Percent</b>	<b>Count</b>
Yes	100%	15
No	0%	0
Abstain	0%	0
<b>Totals</b>	<b>100%</b>	<b>15</b>

**5.) Motion to approve recommendation for Standards change (Multiple Choice)**

<b>Responses</b>		
	<b>Percent</b>	<b>Count</b>
Yes	67%	10
No	13%	2
Abstain	20%	3
<b>Totals</b>	<b>100%</b>	<b>15</b>