

SEX OFFENDER MANAGEMENT BOARD (SOMB) MINUTES

Friday, December 16, 2016

SOMB Members

Alli Watt
Amy Fitch
Angel Weant
Carl Blake
Jeff Jenks
Jeff Shay
Jessica Curtis
Jessica Meza
John Odenheimer
Kandy Moore
Korey Elger
Leonard Woodson III
Marcelo Kopcow
Merve Davies
Missy Gursky
Norma Aguilar-Dave
Richard Bednarski
Tom Leversee

Visitors

DeAnn Major
Dena McClung
Emily Hills
Gary Reser
Jacenta Irlanda
Jeanne Smith
Jo Stack
Karmen Carter
Kathi Fanning
Laurie Kepros
Margaret Ochoa
Melissa Bossert
Nicole Leon
Roger Kincade
Susan Walker
Valerie Estrada

Absent SOMB Members: Allison Boyd, Brie Franklin, Kim English, Mary Baydarian, Nancy Jackson, Pam Bricker, and Rick May

Staff:

Chris Lobanov-Rostovsky	Raechel Alderete	Michelle Geng
Kelli Reynolds	Marina Borysov	Jill Trowbridge

SOMB Meeting Begins: 9:04

INTRODUCTIONS:

Introductions were made by all members and visitors present.

FUTURE AGENDA ITEMS:

None

Announcements:

Missy Gursky announced that RSA has successfully completed over 55 individuals from sex offense treatment in 2016.

Chris Lobanov-Rostovsky announced that Commissioner Pam Bricker and Commissioner Nancy Jackson will be leaving the Sex Offender Management Board (SOMB) and that the SOMB is looking for both an urban and rural county commissioners to fill these open positions.

Chris Lobanov-Rostovsky mentioned the SVP assessment process and that the Executive Committee is recommending a cover letter be included in the Legislative Report which will point to the SVP assessment information.

Raechel Alderete announced that the Training Committee for the Domestic Violence Offender and Sex Offender Management Boards are working on a theme for the 2017 Conference. She also encouraged all to watch for the "call for papers" in January once the theme has been decided on and noted that the conference will be at Beaver Run again in 2017.

APPROVAL OF NOVEMBER MINUTES:

No discussion

Motion to approve the November Minutes: Carl Blake; Missy Gursky 2nd (Question #1)

14 Approve 0 Oppose 1 Abstain Motion Passes

APPROVAL OF AGENDA:

The agenda was approved by consensus.

JUVENILE STANDARDS REVISIONS - DEFINITIONS (Decision Item) – Carl Blake and Raechel Alderette - (Handout Provided)

Carl Blake and Raechel Alderete highlighted and reviewed some of the revisions to the definitions.

Board Comments:

Judge Kopcow asked about the sources of the new language on Developmental Disability/Intellectual Disability. Carl Blake responded that this was created from input by many sources. Amy Fitch also responded that some of this is from the previous definition, and that she used the definition from the Department of Health Services (DHS). Korey Elger mentioned that she asked the Department of Health for their input on this revised language and it was approved by them.

Audience Comments:

DeeAnn Major requested a change from intellectual functioning or adaptive behavior to intellectual functioning “and/or” adaptive behavior in the DD/ID definition section.

Judge Kopcow mentioned that there will be a 20 day comment period after today’s vote.

Motion to approve the Juvenile Standards Revisions - Definitions: Amy Fitch; Missy Gursky 2nd (Question #2)

15 Approve 0 Oppose 0 Abstain Motion Passes

ADULT POLYGRAPH STANDARDS REVISIONS (Action Item) – Jeff Jenks and Chris Lobanov-Rostovsky - (Handout Provided)

Chris Lobanov-Rostovsky framed the work of the Polygraph Standards Revisions Committee and the changes that were made. He noted that the goal is to approve this section in pieces rather than the entire Standard at one time and to take these current revisions back to your stakeholders and provide any input.

Chris Lobanov-Rostovsky mentioned that this Section is for polygraph examiners, and that the language has been changed to be more descriptive and definitional. He went on to review the changes and revisions that were made. Chris mentioned that Section 6.002 (Recommended Guidelines for Polygraph Examination Timeframes) will include a flow chart indicating recommendations for how and when to use polygraph. He also indicated that in Section 6.010 (Types of Post-Conviction Polygraph Examinations), the American Polygraph Association definitions were inserted. Chris noted that in Section 6.011 (Instant Offense Exams) is now tied in with the treatment Section 3.000 and the prescriptions will be tied in with Section 5.000. Jeff Jenks mentioned that the polygraph examiners will be included in these discussions.

Judge Kopcow and Jeff Jenks also discussed that polygraph examiners will have more input and inclusion in the Community Supervision Team (CST).

Board Comments:

Jessica Meza asked for clarification of “early in treatment” in the last paragraph of this document. Chris Lobanov-Rostovsky responded that this will mean in the first year, and will verify and get back to her.

Missy Gursky questioned the way the 6.002 language is worded in this section which indicates that the sex history exams must be completed within the first year of treatment and noted that this is unrealistic. Chris Lobanov-Rostovsky responded that the committee had taken the previous standard and input it into this as a guideline. He indicated that this will be taken back to the committee for review and revision.

Carl Blake noted that in Section 6.011 (Instant Offense Polygraph) should include prior to clarification “if there are significant differences.” Jeff Jenks responded to Carl that this language should be included.

Angel Weant indicated that the 5.000 committee will parse out and supply specific instructions for the CSTs, and have more polygraph examiner inclusion and encourage them to frame the polygraph questions.

Tom Leversee indicated a change from visual time to "viewing time" at the top of page 2.

Audience Comments:

Susan Walker mentioned her concern with the specificity of maintenance/monitoring exams that is indicated in 6.002.

Dale Jenkins noted her satisfaction with the removal of the sanctions grid. She also asked the SOMB to implement language that polygraph is not the sole source of assessment and to include this language throughout the appropriate sections of the Standards and Guidelines.

Carmen Carter reminded the SOMB to be ever aware of the victims in the Standards when lessening the offender accountability.

Board Comments:

Carl Blake suggested removing in Section 6.002 "on a regular basis every 6 months thereafter" and inserting revised language to read: "continue on a frequency determined by the CST based on risk and need".

Missy Gursky mentioned without some guidance there may be clients that would not have a polygraph for 2 or 3 years. She also reiterated that the polygraph should not be the sole indicator or to be used as punishment and sees the need for more prescriptive language.

Chris Lobanov-Rostovsky suggested letting the committee work on this issue and that they are crafting language that indicates individualization based on risk and need, and that does not negatively impact the validity of the exam.

Judge Kopcow reminded all that the SOMB and the committees are statutorily obligated to follow the law when revising the Standards.

JUVENILE STANDARDS REVISIONS – APPENDICES CROSS-WALK (Decision Item) – Carl Blake and Raechel Alderette - (Handout Provided)

Carl Blake and Raechel Alderete reviewed the various changes and revisions made to the Juvenile Standards per SOMB input, which indicated changing visual time to "viewing time" and when the ATSA guidelines are approved, they will review and insert as necessary for SOMB approval.

Board Comments:

Jessica Meza asked what the difference is between the term juvenile and adolescent. Tom Leversee responded that statutorily the term juvenile is used. Chris Lobanov-Rostovsky responded that ATSA divides by developmental level: Juvenile = 12 and younger; Adolescent = 13 and older and that our standards apply to both age groups provided the youth is adjudicated.

Motion to approve Juvenile Standards Revisions–Appendices Cross-Walk: Merve Davies; Kandy Moore 2nd (Question #3)

16 Approve 0 Oppose 0 Abstain Motion Passes

Raechel Alderete noted that these are open for 20 day public comment.

BREAK: 10:00 – 10:16

UPDATE ON SOMB LEGISLATIVE REPORT, INCLUDING DATA COLLECTION PLAN (Decision Item) – Kelli Reynolds – (Handout Provided)

Kelli Reynolds reviewed the Legislative Report and recommendations, and indicated that a draft copy is scheduled to be sent to the SOMB members next week for input before being presented to the Legislature.

Chris Lobanov-Rostovsky noted that the data collection plan will not include client level data, but is a snapshot of offenders at the time of discharge from treatment providers, or at evaluation, or at the time of polygraph. Chris also noted that the data collection will not include individual provider information.

Board Comments:

Jessica Meza asked how many law enforcement agencies received the survey. Kelli Reynolds responded that 340 surveys were sent and that there were 76 responses (individuals responded, not agencies).

Amy Fitch expressed her concern regarding the registration of juveniles who commit sexual offenses. She noted that juveniles can pose a danger and that parents need to be informed of any juveniles who pose a risk. Amy suggested removing "not including this information in paper lists available to the public" from the Registration of Juveniles Who Commit Sexual Offenses recommendations to the Legislature.

Amy Fitch made a motion to approve the Legislative Report as presented with the removal of the language she suggested. There was no 2nd to this motion.

Tom Leversee mentioned that there are a lot of unintended negative consequences around creating barriers and obstacles to the juvenile's successful reintegration, and that there is research to support these recommendations.

Jeff Shay indicated that the misdemeanor information is not on websites either and that some jurisdictions keep updated information and some do not. He responded that he agrees with the current recommendation regarding juvenile registration.

Judge Kopcow asked if there was a 2nd to Amy Fitch's motion. There was no 2nd, so the motion was defeated.

Angel Weant expressed her concern with the SVP 4th bullet point recommendation regarding reassessing a risk classification level and how this might fiscally impact the Judicial Branch, and who would be doing that reassessment.

Judge Kopcow suggested adding a footnote to the last bullet point under SVP citing the case People vs. Brosh, decided on 12/27/2012 due to the Rule of Criminal Procedure 35.b.

Audience Comments:

Jo Stack suggested adding language to the SVP reassessment recommendation to allow the individual to pay for their own re-assessment. Angel Weant responded that it is more of a workload issue. Judge Kopcow indicated that many of the offenders are indigent and the costs would be waived adding to the judicial costs. Dale Jenkins suggested using contractors to complete these re-assessments as an alternative way to save money and manpower.

Motion to Approve Legislative Report with revisions: Tom Leversee; Richard Bednarski 2nd **(Question #4)**

15 Approve

1 Oppose

1 Abstain

Motion Passes

FOLLOW-UP ON RESPONSIVITY PRESENTATION AND ADDRESSING SPECIAL POPULATIONS (Action Item) – SOMB Executive Committee (record Discussion/Direction)

Chris Lobanov-Rostovsky reviewed the unique responsivity issues addressing special populations and how the SOMB is dealing with these populations regarding treatment and supervision. He mentioned that these issues are being addressed in Section 3 of the Adult Standards and that there is an attempt to incorporate special populations more generally throughout the Standards. Chris asked if there is other direction or needs from the SOMB for the Executive Committee, Adult Standards Revisions Committee, the Training Committee, or any other committees.

Board Comments:

Jessica Meza discussed the loss of information while using an interpreter. She indicated that the interpreter does not feel free enough to relay information related to cultural or religious differences, and asked how to reach these individuals and be able to address their proper needs. Jessica also indicated the lack of treatment providers and evaluators with foreign language skills.

Merve Davies interjected that he has a relationship with some of his interpreters and is able to reach some of these needs, but when there is no relationship, it is hard to assess true needs.

Tom Leversee mentioned that there is an appendix in the ATSA guidelines for special populations that may help with the Standards. He reiterated that the Standards need to focus on responsivity.

Amy Fitch agreed that this is an important issue and having a list of cultural and/or religious resources available would be helpful.

Tom Leversee asked if the Training Committee is working on training evaluators and treatment providers for these populations. Raechel Alderete responded that the Training Committee is now combined as domestic violence and sex offenders, and that they are addressing this issue.

Audience Comments:

Susan Walker commented on the issue of the role of religious issues and that some treatment providers are telling offenders to leave their religious beliefs outside of treatment. She feels it should be used as a form of treatment. Susan also discussed the issue of offenders with dementia and the accountability that they face and that treatment providers need to take this into account.

Missy Gursky mentioned that treatment providers and evaluators do not always have the expertise to deal with these clients. She noted that she uses an outside expert to assist with those particular cases and noted that you will never find a treatment provider or evaluator that has expertise for all the special populations. Missy stated that therapists and evaluators can go outside and be educated from specialists in those areas and that these special needs issues will be incorporated in the new 3.000 revisions.

Laurie Kepros mentioned that training through the Training Committee is necessary and suggested that ideas be submitted to the committee. She also indicated a few of the many organizations that can help with immigration, religious, and cultural needs.

SOMB Meeting Adjourned: 11:28

BOARD MEMBER APPRECIATION LUNCH – No Business Conducted

Session Name

New Session 12-16-2016 10:00 AM

Date Created

12/16/2016 8:34:00 AM

Active Participants

17

Total Participants

24

Average Score

0.00%

Questions

4

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

Responses		
	Percent	Count
Yes	93.33%	14
No	0.00%	0
Abstain	6.67%	1
Totals	100%	15

2. Motion to Approve the Juvenile Standards as Amended (Multiple Choice)

Responses		
	Percent	Count
Yes	100.00%	15
No	0.00%	0
Abstain	0.00%	0
Totals	100%	15

3. Motion to Approve the Juvenile Standards Appendices Crosswalks (Multiple Choice)

Responses		
	Percent	Count
Yes	100.00%	16
No	0.00%	0
Abstain	0.00%	0
Totals	100%	16

4. Motion to approve the Legislative Report Recommendations (Multiple Choice)

Responses		
	Percent	Count
Yes	88.24%	15
No	5.88%	1
Abstain	5.88%	1
Totals	100%	17

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New Session 12-16-2016 10:00 AM

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17

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24

Average Score

0.00%

Questions

4

Results Detail

Last Name	First Name	Q1	Q2	Q3	Q4	Total Points
Answer Key		-	-	-	-	0.00
Aguilar-Dave	Norma	1	1	1	1	0.00
Bednarski	Rick	3	1	1	1	0.00
Blake	Carl	1	1	1	1	0.00
Curtis	Jessica	-	-	1	1	0.00
Davies	Merve	1	1	1	1	0.00
Elger	Korey	1	1	1	1	0.00
Fitch	Amy	1	1	1	2	0.00
Gursky	Missy	1	1	1	3	0.00
Jenks	Jeff	1	1	1	1	0.00
Leversee	Tom	1	1	1	1	0.00
Meza	Jessica	1	1	1	1	0.00
Moore	Kandy	1	1	1	1	0.00
Odenheimer	John	-	-	-	1	0.00
Shay	Jeff	1	1	1	1	0.00
Watt	Alli	1	1	1	1	0.00
Weant	Angel	1	1	1	1	0.00
Woodson III	Lenny	1	1	1	1	0.00
Participant List Averages		-	-	-	-	0.00