

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

**Friday, October 20, 2017**

**SOMB Members**

Allison Boyd	Abbey Grant	Kerry Humphrey
Angel Weant	Allison Daley	Laurie Kepros
Carl Blake	Amy Warden	Mitch Murray
Jeff Shay	Augustine Garcia	Nicole Leon
Jessica Curtis	C. Sattazahn	Pat Harris
Jessica Meza	Charles Churman	Randy Davison
John Odenheimer	Dena McClung	Rick Ostring
Kandy Moore	Dr. Danelle Looney	Roger Kincade
Korey Elger	Fiona Cochran	Susan Walker
Leonard Woodson III	Gary Reser	Tanya Tyrrell
Marcelo Kopcow	Jeff Geist	Valerie Estrada
Mary Baydarian	Jessica Dotter	Yvette Cousins
Merve Davies	John Fischer	
Norma Aguilar-Dave		
Tom Lerversee		

**Absent SOMB Members:** Amy Fitch, Brie Franklin, Jeff Jenks, Kim English, Missy Gursky, Richard Bednarski and Rick May

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

**SOMB Meeting Begins: 12:19**

**INTRODUCTIONS:**

Introductions were made by all in attendance.

**FUTURE AGENDA ITEMS:**

Laurie Kepros suggested the following future agenda items:

1. She noted that October 4<sup>th</sup> was "Wrongful Conviction Day" and asked the Sex Offender Management Board (SOMB) to consider providing additional guidance to the field on cases where individuals passed their index offense polygraphs.
2. She asked for discussion if it is ethical for a licensed practitioner to be involved in the polygraph process, and the ethics involved when a client requests access to their polygraph reports.
3. She asked to hear from the SOMB as to what efforts the Division of Criminal Justice (DCJ) will make to obtain funding and implementation of the data collection/analysis requirement mandated by the Legislature.
4. She asked for a follow-up on the role of the victim representative on the adult Community Supervision Team (CST). She provided a handout, and suggested a six- to nine-month follow-up with CST's after training due to some confusion in the field.

John Fischer read a letter to the SOMB requesting changes to the current sex offender registry policies which can negatively impact some offenders.

**APPROVAL OF SEPTEMBER MINUTES:**

**Motion to approve the September Minutes:** Korey Elger; Merve Davies 2<sup>nd</sup> (Question #1)

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

**ANNOUNCEMENTS:**

Korey Elger noted that in September, there was a Child Family Review and indicated specifically that Garfield County had a great review.

Chris Lobanov-Rostovsky announcements:

- Chris acknowledged the deaths of three providers: Mr. John Davis, Executive Director of RSA, Dr. Robert Warren, the former Director of the Bijou Treatment Center in Colorado Springs, and Ventsislav Guentcheva of Pueblo. He indicated that cards to the families of the deceased will be passed around at today's meeting for the SOMB members to sign.
- Chris also gave kudos to the SOMB regarding the rigorous timeframes that were met to revise the Adult Standards as mandated by the Legislature. He also asked for future agenda items from the SOMB as the November agenda is shorter, and additional items could possibly be addressed at that time.
- Chris reminded the SOMB that the November and December meetings will be at the PPA Event Center, but indicated that the January SOMB Meeting will be held at the Wheat Ridge Recreation Center.

Magistrate Curtis announced that she has been appointed as a County Court Judge in her district. She thanked all for her time on the SOMB, and will continue on the SOMB for the next couple months. She noted that she will submit a proposal to the Executive Committee to pursue Standards changes regarding the Guardian Ad Litem issue.

**APPROVE AGENDA:**

Approved by consensus

**DOMESTIC VIOLENCE AND ITS IMPACT ON YOUTH (Presentation for Domestic Violence Awareness Month): Amy Warden, Outreach Advocate, Family Tree (Handout Provided)**

Allison Boyd introduced Amy Warden of the Family Tree and indicated that Amy works with survivors of domestic violence, and provides consultation to the Department of Human services.

Amy gave a comprehensive presentation on the effect of domestic violence perpetrators on the families and the survivor:

- She presented on how children witness domestic violence and the impact of domestic violence in the home
- Impact on the partner, and partner's parenting
- Impact on family functions (may cause isolation)
- She reviewed the different parenting styles of the perpetrators
- How control continues after the relationship

- How children experience domestic violence
- Infants and toddlers may be distressed, the parent may not be meeting the child's needs, and may imitate violence through play
- Preschoolers learn unhealthy ways to express emotions, believe they caused the violence, or it is their role to stop the violence
- School-age children are more aware of the own reactions to violence and the impact on others, they may believe unhealthy rationalizations for the violence, and develop unhealthy peer relationships
- Adolescents may serve as the caretaker of the family, and may believe they are to protect against the violence, and develop an increase in harmful behaviors
- Unhealthy lessons children may learn

Amy went on to describe the Three Houses Assessment tool, which includes the "House of Worries", the "House of Good Things", and the "House of Hopes and Dreams." She reviewed three different cases, and what client responses were put in each of these houses.

Amy then described the healing process which includes feeling safe, having stability, having a strong bond with the victimized parent, and engaging in positive activities.

**Board Comments:**

Chris Lobanov-Rostovsky asked Amy for more information about the Family Tree program. Amy responded that Family Tree has three areas of focus, which are child abuse, homelessness, and victim survivor programs. She went on to explain some of the services available such as the domestic violence outreach programs, victim advocacy programs, legal services, the operation of a domestic violence emergency shelter, and parenting programs.

Korey Elger asked for Amy to explain more about the work being done with Jefferson County. Amy responded that there are two advocates who interact with case workers, with survivor families, and provide training for the case workers.

Allison Boyd thanked Amy for this presentation and indicated that this is good information for the Adult Standards Revisions Committee Section 5.700 regarding contact with children.

Amy noted that 25% of sexual assaults are committed by an intimate partner.

Michelle Geng noted that case workers are trained on the impact to the child when a parent is removed. She indicated that safety is a very important factor when making these decisions

Mary Baydarian mentioned that visitation with parents is the highest priority at the federal, state, and county levels.

**Audience Comments:**

Dale Jenkins asked what collateral consequences are incurred when the parent is removed from the home. Amy responded that it would be different for every child and situation. She noted there is a wide array of impact.

Nicole Leon mentioned that she has had similar experiences with children whose behaviors would escalate once the abusive parent was removed, and indicated an increase in disclosures when the child was in a safe environment.

**SECTION 5.055, 5.200 and 5.600 (DECISION ITEM) – Angel Weant, Jeff Geist, and Michelle Geng**

**(Handout Provided)**

Jeff Geist gave a brief overview of the revisions and additions made to Sections 5.055, 5.200 and 5.600.

Chris Lobanov-Rostovsky noted that the language in Section 5.200 and 5.310 was changed and tailored to the format of the Adult Standards as suggested by the Best Practices Committee.

After SOMB member and audience discussion, the following changes were made to Section 5.055, Section 5.200, Section 5.310, and Section 5.652:

**Section 5.055**

- Changed “managing” and monitoring behavioral change to *“Promoting”* and monitoring behavioral change in the first sentence of the first paragraph (suggested by Carl Blake).
- Changed “trying to change behavior” to *“facilitating behavioral change”* in the second sentence of the first paragraph (at the request of Susan Walker).

**Section 5.200**

- Added “a” before CST in the first sentence (suggested by Carl Blake).

**Section 5.310**

- Item J. Discussion Point – Changed “client-centered” approach to *“victim-centered”* approach in the last sentence (suggested by Allison Boyd).

**Section 5.652**

- Discussion Point – Changed “can do so on their behalf if the offender identifies” to *“can obtain a copy of the video to review with the offender if the offender identifies”* (suggested by Allison Boyd).

**Board Comments:**

Allison Boyd asked for clarification regarding the viewing of the polygraph video with the client in Section 5.652 Discussion Point. Michelle Geng clarified the language for Allison.

**Comments:**

Susan Walker questioned in the Section 5.651 Discussion Point why the validity of the test is impacted if the test questions are shown to the client. Chris Lobanov-Rostovsky responded that the consensus of polygraph examiners in the field suggest that the polygraph question section shows information about how a polygraph exam works that may compromise the results of future exams. He noted that providers have the ability to approach this in a way that will be beneficial to the client per the language. Susan Walker also suggested there be more precise explanations regarding polygraph usage to help reduce public skepticism.

Susan Walker suggested changing “or” to *“and/or”* in the first sentence of Section 5.652.

Dale Jenkins asked regarding Section 5.600, what the legal basis is for not giving the polygraph results to the client in the absence of attorney representation or a court order. She also indicated there are additional costs involved for clients when requesting polygraph results. Dale questioned the use of "should" in Section 5.652 and suggested changing it to "shall."

Carl Blake responded to the sentence which includes "impact the validity of future exams" in the Section 5.651 Discussion Point by indicating that there are legal and ethical parameters around who can access psychological information of a client. He indicated that there is some level of professional trust, and indicated that if releasing psychological information is harmful to the client or the general public, then it will not be disclosed.

There was continued discussion regarding the financial burden incurred by clients when trying to receive assessment information. Judge Kopcow responded that there are avenues for indigent individuals to have access to free legal services. An audience member responded that there are times when an individual will make themselves indigent in order to get free legal services, which is not beneficial to the client.

Merve Davies reiterated that the polygraph examination is a clinical tool used for clinical processes, and to keep the validity of the test, it must be used only by those who are trained properly to administer those tests.

Merve Davies made a motion to approve Section 5.055, 5.200, and 5.600 as amended.

**Motion to approve Sections 5.055, 5.200, and 5.600 as amendments:** Merve Davies; Kandy Moore 2<sup>nd</sup> **(Question #2)**

<b>12</b>	<b>Approve</b>	<b>1</b>	<b>Oppose</b>	<b>0</b>	<b>Abstain</b>	<b>Motion Passes</b>
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**BREAK: 2:12 – 2:33**

**PUBLIC COMMENT ON SECTION 3.000 ADULT TREATMENT STANDARDS REVISIONS (DECISION ITEM/FINAL RATIFICATION)** – Missy Gursky and Michelle Geng

Michelle reviewed the public comment received.

**Board Comments:**

**Section 3.165 Discussion –**

- Tom Leverage indicated that the Best Practices Committee discussed the issue that in the initial psycho- sexual evaluation, if the client was found non-deviant should the penile plethysmograph (PPG) continue to be utilized in treatment. He noted that this was deferred to the Section 3.000 Adult Standards Revisions Committee. Merve Davies responded that since atypical sexual arousal can be controlled, the continued use of the PPG is necessary to monitor change. Tom noted that the use of the word "shall" makes the first sentence too restrictive regarding the use of the sexual interest/sexual arousal assessments.
- Mary Baydarian suggested "shall be considered" in the first sentence.
- Merve Davies and Kandy Moore agreed to keep "shall." Kandy noted that the use of these assessment tools will help clarify an individualized treatment plan.
- Raechel Alderete indicated that the Juvenile Standards use "shall review the criteria to be determined" language to address this requirement.

- Allison Boyd noted that this language is not specifically dictating when and how often to use these assessments.
- Chris Lobanov-Rostovsky noted that there is no public comment on this issue and this discussion is outside of this decision item.

Allison Boyd - Section 3.160 A.– Allison expressed support of adding “*Preliminary*” assignment of risk in Item 1.

Section 3.160 B. 3. a. – Allison noted the Von Behren language is out of place and belongs in another section. Chris Lobanov-Rostovsky responded that this section is appropriate. Allison noted her concern that the Von Behren language will take away from the client’s acceptance of responsibility.

Section 3.160 B. 3. g. i – Allison suggested adding the definition of Pro-Social Living Plan to this section.

Carl Blake - Section 3.160 B. 3. G. iii – Carl is in favor of changing “should” to “*shall*”.

Section 3.170 A. – Carl is not in favor of any changes as requested by public comment.

Section 3.200 A. – Carl agreed with the public comment to add “*based on all clinical indicators.*” Section 3.210 – Carl disagreed with the public comment which misrepresented HIPAA 164.524, and noted that it does not apply to this section.

Tom Leveragee- Section 3.160 B. 1. Discussion Point – Tom suggested adding “*at least one*” dynamic risk assessment instrument (*s*).

#### **Audience Comments:**

Susan Walker noted that it would be helpful for the audience to have a handout with public comments. She expressed her concern of offenders taking the PPG test repeatedly with no change in results.

Gary Reser - Section 3.160 B. 3. – Gary suggested removing “core” and “mandatory” from this section. Tom Leveragee responded to Gary and suggested adding “*include but not be limited to*” in lieu of “mandatory”, and the removal of “core”.

Based on SOMB and audience discussion, the following changes were made to Section 3.000:

- Section 3.160 A. 1. – Added “*Preliminary*” assignment of risk to the first sentence.
- Section 3.160 B. 1. Discussion Point – Added should select “*at least*” one dynamic risk assessment instrument (*s*)
- Section 3.160 B. 3. – Deleted “*core*” treatment and added shall “*include but not be limited to*” each client’s.
- Section 3.160 B. 3. i. – Footnoted Von Behren language
- Section 3.160 B. 3. g. – Footnoted definition of Pro-Social Living Plan
- Section 3.160 B. 3. g. iii – Changed “should” to “*shall*”
- Section 3.165 – Added Von Behren language – If a client refuses to “*answer incriminating sexual offense history questions*” and added cross-reference to “*Section 3.160 B. 3.*”
- Section 3.200 A. – Added “*based on all clinical indicators*” and footnote reference to the first sentence.

Allison Boyd made a motion to approve Section 3.000 with noted amendments.

**Motion to approve Section 3.000 with amendments:** Allison Boyd; Kandy Moore 2<sup>nd</sup> (Question #3)

<b>14</b>	<b>Approve</b>	<b>0</b>	<b>Oppose</b>	<b>0</b>	<b>Abstain</b>	<b>Motion Passes</b>
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**SECTION 6.000 POLYGRAPH STANDARDS REVISIONS (ACTION ITEM) – Chris Lobanov-Rostovsky and Jeff Jenks (Handout Provided)**

Chris Lobanov-Rostovsky noted that the Polygraph Standards Revisions Committee has completed their work on Section 6.000, and reviewed the changes that were made based on the Best Practices Committee recommendations. Chris asked all to take the polygraph Standards revisions back to their stakeholders, and send any feedback to the SOMB staff.

**Audience Comments:**

Dale Jenkins asked for clarification when a request to probation for a client's file, that a polygraph report will not be included if the sole proprietary statement is on the report. Chris Lobanov-Rostovsky responded that if there is a subpoena, then it would most likely be released. Judge Kopcow mentioned there will most likely be a hearing regarding the release of polygraph reports on a case-by-case basis.

**SOMB Meeting Adjourned: 3:59**

**Session Name:** New Session 10-20-2017 2-12 PM

**Date Created:** 10/20/2017 9:41:12 AM **Active Participants:** 14 of 24

**Average Score:** 0.00%

**Questions:** 3

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

<b>Responses</b>		
	<b>Percent</b>	<b>Count</b>
Yes	92%	12
No	0%	0
Abstain	8%	1
<b>Totals</b>	<b>100%</b>	<b>13</b>

**2.) Motion to (Multiple Choice)**

<b>Responses</b>		
	<b>Percent</b>	<b>Count</b>
Yes	92%	12
No	8%	1
Abstain	0%	0
<b>Totals</b>	<b>100%</b>	<b>13</b>

**3.) Motion to approve changes based on public comment (Multiple Choice)**

<b>Responses</b>		
	<b>Percent</b>	<b>Count</b>
Yes	100%	14
No	0%	0
Abstain	0%	0
<b>Totals</b>	<b>100%</b>	<b>14</b>

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## Results Detail

Name	Q1	Q2	Q3	Total Points	Score
<b>Answer Key</b>	-	-	-	0.00	-
Aguilar-Dave, Norma	1	1	1	0.00	-
Baydarian, Mary	1	1	1	0.00	-
Blake, Carl	1	1	1	0.00	-
Boyd, Allison	1	1	1	0.00	-
Curtis, Jessica	3	1	1	0.00	-
Davies, Merve	1	1	1	0.00	-
Elger, Korey	1	1	1	0.00	-
Leversee, Tom	1	1	1	0.00	-
Meza, Jessica	1	2	1	0.00	-
Moore, Kandy	1	1	1	0.00	-
Odenheimer, John	1	1	1	0.00	-
Shay, Jeff	1	1	1	0.00	-
Weant, Angel	-	-	1	0.00	-
Woodson III, Lenny	1	1	1	0.00	-
<b>Participant List Averages</b>	-	-	-	0.00	-

