

# SEX OFFENDER MANAGEMENT BOARD (SOMB) MINUTES

Friday, December 15, 2017

## SOMB Members

Allison Boyd	Abbey Grant	Pat Harris
Amy Fitch	Dr. Callie Rennison	Rick Ostring
Angel Weant	Caryn Datz	Sandra Pierce
Brie Franklin	Debra Baty	Susan Walker
Carl Blake	Dena McClung	Tami Floyd
Jeff Shay	Elizabeth Collin	
Jesse Hansen	Evelyn Sullivan	
John Odenheimer	Gary Reser	
Kandy Moore	Jeff Carpenter	
Korey Elger	Jeff Geist	
Marcelo Kopcow	Judie Kunze	
Merve Davies	Justyna Madenska	
Missy Gursky	Laura Richards	
Norma Aguilar-Dave	Linnea Edwards	
Richard Bednarski	Lisa Nelson	
Rick May	Margaret Ochoa	
Robin Singer	Melissa Bossert	
Tom Leversee	Nicole Leon	

**Absent SOMB Members:** Jeff Jenks, Jessica Meza, Lenny Woodson, and Mary Baydarian

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

**SOMB Meeting Begins: 9:09**

## INTRODUCTIONS:

Introductions were made by all in attendance.

## FUTURE AGENDA ITEMS:

Missy Gursky requested that Victoria Strong, who teaches bullying, sexual abuse, and stranger awareness programs in schools come and present to the Sex Offender Management Board (SOMB) on all the work she is doing in Boulder and Adams County.

## APPROVAL OF NOVEMBER MINUTES: (by show of hands)

**Motion to approve the November Minutes:** Richard Bednarski; Amy Fitch 2<sup>nd</sup> (**Question #1**)

<b>15</b>	<b>Approve</b>	<b>0</b>	<b>Oppose</b>	<b>2</b>	<b>Abstain</b>	<b>Motion Passes</b>
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## ANNOUNCEMENTS:

Allison Boyd noted that the Silence Breakers was named as Time magazine's organization of the year, and reminded all of how underreported sexual assault is.

Chris Lobanov-Rostovsky mentioned his submission to the ATSA blog regarding how the media has handled the recent sexual abuse disclosures, and how it has impacted the victims and offenders. He noted that he will send this information to the Sex Offender Management Board (SOMB) as requested.

Carl Blake updated the SOMB of the changes with the Application Review Committee (ARC) regarding the difficulty in getting references, and noted they will be more flexible when gathering references (as to who they reach out to as a reference).

Judge Kopcow noted that today, December 15<sup>th</sup> is the anniversary of the ratification of the Bill of Rights.

Laura Richards announced that the victims group and program she represents will participate in the Women's March on January 20, 2018 at 10:00 am. She noted that this group is working with those who are trying to educate and effect change for victims and survivors.

**APPROVE AGENDA:**

Approved by consensus

**TITLE IX IN A UNIVERSITY: WHAT REALLY HAPPENS – CU AS AN EXAMPLE (Presentation) – Dr. Callie Rennison (Handout Provided)**

Dr. Rennison gave background of the Office of Equity at CU Denver and the Anschutz Medical campuses. She went on to present and discuss the following topics:

- Nondiscrimination Policy in place at CU – Dr. Rennison also discussed what discrimination and harassment are along with CU's nondiscrimination policy.
  - Case studies – Dr. Rennison reviewed some case studies and discussed if the outcomes indicated discrimination, harassment, or neither.
- What is Sexual Misconduct – Dr. Rennison reviewed the various forms of sexual misconduct that are prohibited at the University, and indicated that there are many resources available to seek help.
  - Case studies – Dr. Rennison reviewed various case studies that indicated sexual misconduct had occurred.
- How does the process work? – Dr. Rennison discussed the procedures and protocols that are followed when a complaint has arisen.
  - Person comes in
  - Initial intake
  - Small "i" investigation – informal investigation
  - Large "I" investigation – formal investigation is done, if needed
  - Outcome (if sanctions are needed)
  - Sanctioning (not a punitive type office)
  - Other rules – Dr. Rennison discussed some of the other rules in place when handling a complaint.
    - 60-day timeline to complete the investigation
    - Appeals
    - Participation
- Being a Responsible Employee – Dr. Rennison indicated that any employee who has the authority to hire, promote, discipline, evaluate, grade, or formally advise or direct faculty, staff or students, also has the authority to take action to redress discrimination, harassment, and sexual misconduct.
  - A responsible employee must report known information
    - Includes 3<sup>rd</sup> party reports, anonymous reports & off-campus incidents
    - Only one party needs to be affiliated with the CU campus to be able to help
- How to respond to a Disclosure – Dr. Rennison discussed how to respond to a disclosure.
  - What to say
  - What not to say

- Common Questions and Goals Regarding Title IX – Dr. Rennison discussed the “Dear Colleague” letter and the due process protocol.
  - Rescinding the Dear Colleague Letter
  - Preponderance v. clear and convincing evidence
  - Due process considerations
  - Kangaroo courts – She indicated that there is no court system at CU.
  - CU’s goal is to allow all students and faculty be able to pursue their education and/or work responsibilities in a harassment and violence free environment

### **Board Discussion:**

Dr. Rennison noted that many organizations are now opening their own Title IX Offices of Equity, and indicated that campuses are generally safe places with low risk.

Judge Kopcow asked Dr. Rennison to speak about the Clery Act which mandates that colleges and universities participating in federal financial aid programs maintain and disclose campus crime statistics and security information. Dr. Rennison indicated that some of the data is skewed due to demographics, and mentioned that the climate surveys on individual campuses gather more relevant information.

Dr. Rennison noted that CU’s case management system (call center) is separate from all other campus offices and/or programs, and described it as highly confidential. She indicated that this system can generate annual reports, and is used to look for areas that need improvement. Dr. Rennison mentioned that approximately 10% of calls end up in the formal investigation process.

Dr. Rennison noted that CU’s Sexual Misconduct Survey (Climate Survey) is modeled on Boulder’s survey, and indicated this survey includes not only students ages 18-22, but faculty and staff. She noted that this survey will be reviewed and reassessed in 2020.

Carl Blake discussed the difficulty therapists have when a client discloses, and the disclosure is not bound by the limits of confidentiality. He also noted the difficulty when the offender is a victim, and needs to work through those issues while at the same time disclosing. Carl suggested adding language to the Standards that will help the field deal with disclosures and confidentiality boundaries.

Dr. Rennison discussed her Introduction to Criminal Justice book which teaches about the current reality of the criminal justice system, both good and bad. She went on to describe different cases that went through the criminal justice system and the effects on those involved in the system. Dr. Rennison also noted that being overly punitive does not always help. She also discussed how social media has reacted to this book. Dr. Rennison indicated that false accusations are only 2-8% of the reported cases, and mentioned that shaming the victim or calling them a liar is considered a false accusation.

Dr. Rennison discussed a research methods book she is currently working on that will be available in January 2018. She discussed that urban/suburban/rural research has been poor, and stressed the need to get a better typology, and that these areas typically do not have the resources available.

Dr. Rennison noted that her 2<sup>nd</sup> edition of Intro to Criminal Justice will be available at the Denver Public Library event in May.

### **WORK OF THE U.S. ATTORNEY’S OFFICE AND U.S. MARSHALS (Presentation) – Alecia Riewerts, U.S. Attorney’s Office and Joshua Clesi, U.S. Marshals**

Joshua Clesi gave a brief overview of his position as a senior inspector and coordinator of sex offender investigations, and discussed what the purpose of the Sex Offender Investigations Branch (SOIB) of the US Marshal’s office is:

- This branch assists state and local law enforcement agencies with the location/apprehension of non-compliant sex offenders;
- During a natural disaster, the SOIB helps sex offenders remain compliant;
- Helps apprehend sex offenders who cross state lines that have failed to register

Joshua Clesi discussed in more detail some of the Federal tools they have available to help in locating and apprehending non-compliant sex offenders. He noted that they can assist with warrants locally, regionally, across state lines, and even assist with extradition internationally. Joshua mentioned that they have the ability to form task forces (deputize individuals to become task force officers) as the need arises.

Joshua Clesi mentioned how the SOIB assists local law enforcement agencies through the use of Enforcement Operations which has the ability to reach out to local and state agencies to assist in issuing warrants for non-compliant sex offenders. They can also run "compliance checks" of the sex offender population within a local jurisdiction to determine who is not compliant, and noted if they are not, the SOIB can seek warrants, arrest, or have the sex offender come in to determine what needs to be done to become compliant.

Joshua Clesi noted that the U.S. Marshals Service has the funding and resources available to assist in finding and keeping the sex offenders compliant. He mentioned that some of the equipment available to local law enforcement is:

- Laptop computers
- Mobile fingerprint scanners that have the ability to fingerprint an individual on the street to determine an individual's identity
- The ability to help fund "overtime" for local law enforcement to apprehend non-compliant sex offenders

Joshua Clesi reviewed that the U.S. Marshals service is divided into districts, and explained how the districts are arranged. He also mentioned that when a fugitive crosses state lines, the SOIB then has the ability to step in and issue warrants and pursue the individual. Joshua discussed some statistics of the number of Adam Walsh investigations initiated and the number of warrants issued.

Joshua Clesi noted that the SOIB is tasked with assisting in identifying and relocating sex offenders after a natural disaster. He mentioned that they also assist in re-establishing local law enforcement presence, and ensure displaced sex offenders comply with their obligation to re-register.

#### **Board Comments:**

Korey Elger asked Joshua about the possibility of the Department of Human Services acquiring a mobile fingerprint scanner for use with juveniles. Joshua responded that as long as there is a nexus in place that indicates the use for juveniles who commit sexual offenses, then this can most likely be purchased. He noted that they can discuss this further off-line.

#### **Audience Comments:**

Laura Richards asked why so many sex offenders are not in compliance, and if not in compliance are their victims notified when not in compliance. Joshua responded that many of the non-compliance issues occur when a sex offender fails to de-register and re-register when moving to another location. He mentioned that when they move across state lines and fail to register, then the U.S. Marshals Service gets involved. Joshua also replied that the U.S. Marshals Service does not normally notify victims, and indicated that it is up to local law enforcement to do so.

Justyna Madenska questioned Joshua if they ask the offender at the time of arrest why they did not register. Joshua responded that if it is someone they pick up from another state and the offender will be extradited, then no questions are asked; however, if the case will be prosecuted in Colorado, then numerous questions are asked.

Dena McClung noted the difficulty of the \$25 registration fee for those who are indigent. Jeff Shay responded that the Colorado Springs District Attorney's office will not prosecute based on indigence, and noted they can register at no charge, but the record will show they owe this fee.

Laura Richards asked if the offender is registered at the time of their release from prison. There was continued discussion that indicated that after the offender meets with their parole officer, they are then given the notice to register, and they will then have 5 business days at that point to register.

Susan Walker expressed concern that pursuing sex offender registration will not reduce recidivism rates. Joshua Clesi responded that his job is to deal with the sex offender registry cases, but he indicated that he also works on local cases that are for registered sex offenders who have not recidivated. Joshua mentioned that the U.S. Marshals service strives to work on those cases too.

**Alecia Riewerts**, from the United States Attorney's office in Denver, indicated this office covers the District of Colorado, and mentioned that she is the Project Safe Childhood Coordinator which prosecutes sex offender failure to register cases. She noted that she also works on cases that involve child pornography and child sex trafficking across state lines.

Alecia Riewerts discussed the following:

- The Federal Failure to Register Act;
- She noted that there is overlap jurisdiction between state requirements and federal requirements;
- She indicated that there are state level and federal level statutes regarding child exploitation crimes;
- Alecia reviewed the background of the Federal Statutes and the Failure to Register elements:
  - Defendant is required to register under the Sex Offender Registration and Notification Act (SORNA);
  - Defendant is a sex offender as defined for the purposes of SORNA by reason of a conviction under Federal law;
  - Defendant travels across state lines;
- She indicated that there is a new Federal International Statute which includes the following:
  - Defendant is required to register under SORNA;
  - Defendant knowingly fails to provide information required by SORNA relating to intended travel to a foreign country;
  - Defendant engages or attempts to engage in the intended travel in foreign countries.;
- She reviewed the Federal sex offender registration requirements under SORNA;
- Alecia reviewed the US v Hartwell case in which the defendant left Colorado and traveled for 4 days without registering as a sex offender. She noted that under Federal Statute he was required to register within 3 days, but had 5 days to register under state statute;
- She discussed de-registration and the Federal Clean Record Provision versus the State Clean Record Provision;
- Alecia noted the U.S. Sentencing Guidelines (USSG) table which explains the parameters and the recommended sentencing under a federal failure to register offense.

**Audience Comments:**

Susan Walker asked that due to the International Megan's Law if there is marking of passports. Alecia responded that the SMART Office regulations have different requirements, and noted that she is not aware of a passport marking protocol. Jeff Shay suggested contacting Laurie Kepros who has information on this issue.

Alecia Riewerts agreed to email her presentation to Chris Lobanov-Rostovsky who will email to anyone interested.

### **SEX HISTORY PACKET (Action Item) – Michelle Geng**

Michelle Geng indicated that the Sex History Packet has not been updated since 2007, and noted that a workgroup was created to make revisions. She then mentioned that this information will be included as an appendix to the SOMB Standards

Michelle noted the following major changes:

- Rooted in risk-need-responsivity as a core practice;
- The approach has been changed to focus on sex history development and sexual offense history. She then reviewed the new approach;
- The tool will be risk informative, not investigative, and stresses the collaboration between the therapist and the client
- Part 1 focuses on the sexual development of the client, and consensual sexual activity;
- Part 2 focuses on risk and needs;
- Part 3 focuses on responsivity which includes protective factors, safety planning, and treatment planning;
- Part 4 focuses on the sexual offense history which includes informed consent, the index crime and what happened, and the sexual offense questionnaire, and insights;
- Part 5 follows up with risks and needs related to sexual offense history;
- Part 6 follows up with responsivity related to sexual offense history.

Michelle asked that any feedback from the SOMB and the audience be emailed to her.

### **Audience Comments:**

Susan Walker noted that there is an assumption that an offender has more than one victim (as noted on page 17). Michelle Geng asked Susan to send in her feedback.

### **LEGISLATIVE REPORT UPDATE (Action Item) – Kelly Hume**

Kelly Hume presented a review of the 2017 Legislative Report and the literature and policy review, and noted the following:

- Completed the recommendations offered on sex offender registration and notification;
- Completed the questions on juvenile registration and sexting, and noted that Colorado is moving toward a more juvenile focus regarding sexting (is this a criminal act with malicious intent);
- Completed the Adult Registration review of a 3-tiered registration level.

Kelly noted that the SOMB approved White Paper was used for the Juvenile Registry recommendations as follows:

- Recommended that the Juvenile Registry not be make available to the public;
- Allowing juveniles the opportunity to de-register;
- Giving juveniles more access to public resources and public defenders;
- Looking at how juvenile offenders and their crimes are different from adult offenders

Kelly mentioned the collaboration between the School Safety Resource Center and the SOMB regarding the sexting bill, and noted the focus on juvenile risk levels, funding, education, training for school officials, students, families, and the judicial branch.

Carl Blake noted that individual legislators are looking at the SOMB approved White Paper that was published regarding the juvenile registry recommendations, along with the SOMB Legislative Report.

**SOMB Meeting Adjourned: 11:52**