

SEX OFFENDER MANAGEMENT BOARD MINUTES

Friday, January 16, 2009

Board Members

Meg Allen
Mary Baydarian
Carl Blake
Bob Coulson
Merve Davies
Cheryl Davis
Missy Gursky
Jeff Geist
Peggy Heil
Bill Hildenbrand
Kellie Hotter
Marcie Howell
Tom Kennedy
Rick Levinson
Dave Long
Bill Martinez
Kandy Moore
Paul Prendergast
Chris Rowe
Phil Tedeschi

Staff

Chris Lobanov-Rostovsky
Kristy Alles-Serrant
Charla Phagan

Visitors

Ted Romero
Bowman Smelko
Dawn Bienek
Diane Welsh
Carolyn Turner
Laurie Knight
Charles Szatkowski
Steve Parker
Allison Boyd
Suraya Ismail
Tom Leversee
Allison Sweeney
Janet Hunsaker
Karen Carollo
Carla Spence
Lawson Hagler
Dave Stephens
Rick May
Maureen O'Brien

Introductions -

Meg Allen is our newest Victim Representative on the Board. She is the Executive Director of the Colorado Coalition Against Sexual Assault (CCASA). Meg has worked in victim's services for 9 years. Meg's specialty is working with Spanish victims and their families, as she is bilingual.

Announcements -

Cheryl Davis reported that the Domestic Violence Offender Management Board (DVOMB) has been working for the past 3 years to update their Standards for Treatment with Court Ordered Domestic Violence Offenders. The projected completion date for these revisions is the fall of 2009. The new Standards mandate treatment that is risk-based, strengthens the Multi-Disciplinary Team (MTT), and developed the Domestic Violence Risk and Needs Assessment (DVRNA).

The Sex Offender Management Board (SOMB) is a secondary party in two lawsuits being brought by inmates against the Colorado Department of Corrections (DOC). These lawsuits are being handled by the Colorado Attorney General's office. The SOMB will be kept apprised of the status of these lawsuits.

Future Board Agenda Items -

Bill Martinez shared information related to possible legislative initiative that would propose changes in the mental health statutes regarding the requirements of sex offender registration for those found Not Guilty by Reason of Insanity (NGRI).

Approval of Minutes -

There was a motion to approve the December minutes. The motion was seconded.

Approve: 14

Opposed: 0

Abstained: 1 (Cheryl Davis)

Committee Updates

Training Committee -

The 2009 SOMB/DVOMB conference keynote speakers are set: Patty Wetterling and Dr. Sujata Warriar. The Call for Presenters for breakout sessions is still ongoing and has been extended to 02/28/09. The conference committee has been addressing concerns related to the potential impact on attendance of the current economic situation and is attempting to identify mechanisms to address this issue. The target date for conference registration is March-April 2009, once the workshops have been established. The conference will include a brief SOMB meeting to be held on Thursday July 9th at approximately 4:00 pm.

The SOMB is sponsoring a training by Professor Tony Ward on the Good Lives Model on June 4, 2009.

5.0 Standards Revision Committee -

The committee is working on the Parental Risk Assessment (PRA) instrument in the next scheduled committee meeting, and encourages all of those interested in this issue to attend. The meeting is scheduled for January 30, 2009, from 10:00-2:30, at 700 Kipling in the 1st floor conference room. It was requested that the staff send an email requesting the attendance of providers who have PRA experience.

Defense Attorney Committee -

This committee has not met for several months due to scheduling conflicts. The current project of the committee is an advisement document for use by defense counsel when representing sexual offender clients. The next meeting will be January 27, 2009, at 1:00 pm, at 150 East 10th Avenue in Denver.

Risk Discrimination Committee -

The committee's goal is to see if categories can be established to identify the level of risk for sexual offenders. The next meeting will be Feb 9, 2009, at 10:00 am, in the first floor conference room at 700 Kipling.

Best Practices Committee -

The committee just finished reviewing a differential treatment model request and will be reviewing feedback with the program requesting the use of the model in the near future.

Another task the committee is undertaking is to look at what role the committee can play in revising the Juvenile Standards. A request was made for more committee members, specifically representatives from Probation, the Department of Human Services, the Division of Youth Corrections, the Department of Corrections, and Parole. The next meeting will be February 18, 2009, from 1:00-3:00 pm in the 1st floor conference room at 700 Kipling. The following meeting is scheduled for March 12, 2009, from 2:00-4:00 pm at the same location.

Juvenile Standards Revision Committee –

The first committee meeting will take place on January 21, 2009 from 1:30 to 3:30 pm in the 710 Kipling 3rd floor conference room. A discussion will be held about how best to address specific revisions related to youth with developmental disabilities and the possibility of the Juvenile Developmental Disability Committee reforming to work on those specific issues.

Application Review Committee (ARC) -

The committee is working through re-applications, as well as several complaints. In January 2009, a notice was sent to those who will be taken off the provider list. There were 25 Adult Providers and 6 Juvenile Providers taken off the provider list.

Victim Advocacy Committee -

The focus of the committee is to participate in the 5.0 Standards revisions. The committee is also working on language for a Victim Representative document in the Adult Standards through the standards revision committee, and deciding in which section is most appropriate to place this information.

The committee would like to host an information gathering roundtable with victim representatives from the different jurisdictions. The roundtable is scheduled for March 12, 2009, from 11:00 am - 1:30 pm in the third floor conference room of 710 Kipling. The next committee meeting will be held on January 30, 2009, from 10:00 am – 12:00 pm at the Jefferson County District Attorney’s Office.

Underserved Provider Committee –

This committee is working with ARC and SOMB members to help rural jurisdictions in matching potential rural provisional providers with Full Operating Level treatment providers. There are several applications pending from this initiative currently being reviewed by the ARC.

State Judicial has funds available to work on a solution for the rural/underserved provider problem. A multi-department committee was formed to implement this model. A Contract for providers has been developed and should be ready by February 2009. The eastern section of Colorado is a high priority at this time.

Adult Advisory Board Agenda: Lifetime Supervision Case and Sexually Violent Predator (SVP) Assessment

Discussion Topic: A case in Jefferson County which involved an optional indeterminate

sentencing was discussed because the Judge in the case wanted to do a SVP risk assessment to determine sentencing, but the crime type did not meet the requirements to do a SVP risk assessment. There are five specific crimes listed that require a SVP assessment. The Judge based his sentencing requirements on the PEOPLE v. HARRISON case. The Board reviewed the case and discussion followed.

The Statute reads that the court may sentence to an indeterminate sentence if the offender is convicted of, pleads guilty, or pleads no contest to the 9 specific crimes listed. An assessment consistent with the SOMB standards (section 16-11.7-104) of the person to evaluate the likelihood that the offender will commit a SVP crime is required. It was also required that the relationship between the offender and the victim (per the SVP requirements) be included in this evaluation.

There was a concern that the requirement of a SVP assessment would be useless, as the criteria of the risk assessment (defining crime type) would not be met. There was discussion about the use of other risk assessments, which do not have the defining crime type criteria of the SVP assessment, to accommodate the law.

It is a concern with this specific case that other Judges may use this case for guidance in trying to predict what sex offenses an offender may commit in the future, making the SVP risk assessment a tool that is improperly used.

Suggestions:

- Revise the SVP assessment so that its criteria are not exclusionary.
- Use a flow chart on when to use the SVP risk assessment.
- The SOMB should write a clarification statement to address the legislative requirements of using a risk assessment and making it clear which pieces of the SVP assessment should be used.
- The Risk Discrimination Committee could be assigned the task of developing a hybrid evaluation that is offense specific to be used in these situations.

A concern was raised about making recommendations to use the current SVP assessment knowing that it is not appropriate for this specific use. The question was asked about the status of the new SVP assessment.

Update on the new SVP Assessment - A new instrument has been developed by the Division of Criminal Justice Office of Research and Statistics (ORS). The new instrument needs to go through a final review before being released for use. The ORS has indicated working to be ready for implementation during the first few months of 2009.

Paul Prendergast suggested reviewing this issue next month and seeing if the new instrument is available at this time before making a response.

Missy Gursky brought it to the attention of the SOMB that John Davis has already written

a paper to the court addressing these concerns. She said she would check with John to see if this paper could be shared with the SOMB.

It was suggested that the SOMB review this issue next month and see what progress has been made in regards to the release of the new instrument. It may be pointless to write a clarification piece if the new instrument will be released.

Break

Update on SOMB Sunset Review Process

Vivienne Belmont is the staff member to the Department of Regulatory Agencies (DORA) working on the Sunset Review. The SOMB staff is working on gathering background information requested by DORA.

Vivienne is scheduling meetings with key stakeholders of the SOMB and key parties that work in tandem with the SOMB. Most of the interviews will take place in the later weeks of February or the beginning of March 2009.

The purpose of the Sunset Review is to verify that the SOMB is meeting its legislative mandates and that there is still a need for the SOMB to exist beyond the repeal date set in the statute. If deemed necessary to keep the SOMB, new legislation will have to be introduced to continue the SOMB with a new repeal date. DORA will also make recommendations for changes in procedure, etc., based on the review.

The Sunset review should be complete in June 2009, and be available to the public in October 2009. A legislative bill based on the recommendations will be introduced in 2010.

Things DORA wants to know from the SOMB stakeholders:

- What issues are coming up?
- Any there problems with the statute?
- Is the public being protected?
- Is the program working well given your interactions with the Board?

Legislative Update from Ann Terry

- The legislative session is in full swing with a lot of new members. There are no major pieces of sex offender legislation. The District Attorneys (DA's) have introduced a bill that defines internet luring to include a definition of texting as a means of criminal interaction.
- The DA's are also working on a bill to address the number of images, including video, for a sexual exploitation of a child charge.
- The Department of Public Safety was asked about the Adam Walsh Act, and has recommended seeking an extension and then working with other states on making changes to the Act. The Department is also waiting to see if there are any regulation changes. The SOMB White paper on the Adam Walsh Act was provided to the

Governor's office.

- A new Bill was introduced that mirrors Jessica's Law in terms of sentencing. It provides for a minimum of 20-year corrections sentence for certain crimes against children. Ann reported the bill will carry a significant fiscal impact, making it unlikely to pass. In addition, the public policy of this legislature is not consistent with the content of this bill.
- A residency restriction bill is not expected to be proposed this session.
- A civil bill was introduced for the civil causes of action for sex crimes. This bill will change the Statue of Limitations to begin from the point the victim articulates the crime to someone other than a healthcare provider.

Research Corner: Carl Blesch

Carl Blesch gave a presentation about sex offender management in the Community Corrections (ComCor) system. Carl also shared with the SOMB the services that Comcor offers to Sex Offenders in order to bolster their success rate.

In the past, Comcor as well as communities has been afraid of sex offenders and their impact in the community. There is a need to educate the community about sex offender risk and all the factors that go into the successful re-entry of an offender.

For example, the housing burdens of sex offenders make it more likely that they will re-offend, since they do not have a support system in place. The current environment also makes it hard for sex offenders trying to find employment.

Another road block for sex offender placement in Comcor is the current per diem for sex offenders. Some providers believe the per diem should be higher, similar to the mental health per diem.

Residency Restriction Position Paper

The SOMB seeks to educate municipalities in regards to the impact of residency restrictions on sex offenders. The draft Residency Restrictions Position Paper might be of benefit as the SOMB educates stakeholders regarding this issue. It was suggested that a public relations component accompany this paper in order to make the public aware of the research.

It was also suggested that a comprehensive approach should be established for both adult sex offenders and juveniles who commit sexual offenses. A suggestion was made to form a committee to create offender housing guidelines, which would be included in the standards. The Best Practices Committee was considered as an option for this proposal. Others felt that a specific committee should be formed with this specific task to be it's only project. It was suggested the SOMB work on the Adam Walsh White Paper be a good model for this project. This committee needs to become the face and voice for the SOMB to proactively get this information out to the public. We need to think electronically in order to disseminate this information in a useful format to the agencies representing the public and making decisions on behalf of the public.

Project suggestions:

Look at having something that includes best practices and recommended models to have available for the public.

At this time, the Shared Living Arrangement (SLA) is not defined and needs to be.

The Association for the Treatment of Sexual Abusers (ATSA) public policy committee is struggling with this very issue. A problem is the lack of research to support some of the issues we have brought up.

This project should include other alternatives to incarceration such as Comcor services

A reminder that Board Members need to report back to the agencies and organizations that the position represents and let these stakeholders know what the SOMB is working on as well as bringing back their feedback.

Break**Juvenile Advisory Board Agenda: Standard Revision Prioritization.**

The Juvenile Standards Revision Committee has been established to take a good look at the current Standards and Guidelines, and review and prioritize areas of concerns. It will also be decided if subcommittees should be formed to specifically target issues, such as juveniles with developmental disabilities who have committed a sexual offense. Work will also be done with the Victim Advocacy and Best Practices Committees.

Areas of concern and topics to consider in the standards revision:

- It was suggested that the differential treatment model process in reviewing the MST model was very helpful, and a process that might work with the revisions to the Juvenile Standards. The SOMB needs to look at additional clinical strategies. How has the industry changed? What are stronger models used with youth? MST qualifies. How do the Standards become less narrow and restrictive?
- Identify all clinical research and literature that has changed the way the SOMB thinks and how the SOMB uses the Standards.
- Contact guidelines between siblings in incest cases; needs to be revisited. Look at carefully supervised contact as compared to the current method of separation.
- Models of supervision and evidence based practice
- Opening up how Juvenile treatment providers are approved to increase the number of providers
- Residential treatment facilities
- Question shalls and wills in the Standards
- Re-examine the scope of the evaluation - additional instruments, and coexisting mental health issues
- Typology research and differential treatment
- Contact guidelines are significant from a victim standpoint
- Victim issues are not heard, and not always considered in MDT issues.
- What we have is state of the art, but is not always carried out.
- Cookie-cutter treatment approach needs to be individualized. Ability to modify treatment not always utilized by Multi-Disciplinary Team (MDT) members.

- Emphasis on risk and not just what services are available. Don't water down best practices due to lack of resources.
- Strengthen on-going assessment as compared to initial assessment. Currently treatment becomes stuck on history and not focusing on change.
- MDT conflict resolution protocol.
- Community supervision - look at things comprehensively, and support education in community.
- Addressing the issue of media requests related to offender specific issues or in general
- Collaborative auditing - how to do? How to report when others are not following standards.
- Restorative practice.
- Polygraph as an issue – how to use it and maybe adding discussion points
- Need for trainings; experience is what helps.
- Medicaid changes need to do family care
- Responsible adults in home with juveniles who commit sexual offenses
- The standards tend to be applied in a black and white fashion.
- Verbiage really needs to be changed. Missing piece was cautious decision making.
- Sibling risk assessment is needed.
- Parenting stability early on in assessment. Parenting assessment.
- Teen parenting situations.
- Brain development and gender differences,
- Risk and protective factor balancing
- Emphasize tasks that the MDT has to fulfill instead of giving a recipe

There is a need to have a long-range plan.

Meeting Adjourned