

**SEX OFFENDER MANAGEMENT BOARD
MINUTES**

Friday, April 17, 2009

Board Members

Marianne Tims
Chris Rowe
Carl Blake
Bill Hildenbrand
Missy Gursky
Merve Davies
Cheryl Davis
Dan Makelky
Paul Prendergast
Chris Apostoli for Emily Warren
Meg Allen

Staff

Chris Lobanov-Rostovsky
Kristy Alles-Serrant
Cathy Rodriguez
Charla Phagan
Nancy Bullis
Amy Dethlefsen
Debbie Stjernholm

Visitors

Carolyn Turner
Rick May
Steven Parker
Allison Boyd
Tom Leversee
Carla Spence
Jennifer Kok
Suzanne MacKinnon
Cindy Reinhardt
Maureen O'Brien
Randall Cherry
John Odenheimer
Greig Veeder
Carlotta Knox
Susan Walker
Bruce Harrleson
Kim English
Wellesley Bush
Scott Hefty
Mickey Wright
Allison Britton
Ray Nelson
Lawson Hagler
Marci Brewer
Dave Stephens
Kelly Radke
Diana Allen
Esther Smith
Molly Craig

Introductions-

Approval of Minutes-

Quorum not present, therefore a vote was not taken.

Announcements-

Anna Salter will be coming September 23 & 24, 2009 to train on the PCL:R. A Save The Date flyer is available and will be on the back table.

Colorado ATSA will be hosting a series of roundtable discussions on funding issues. The first will be in Denver. Missy Gursky will get information to Kristy Alles-Serrant to post on the Sex Offender Management Board website, as they hope to meet before the next Board meeting.

Colorado's request for a compliance extension for the Adam Walsh Act has been approved, extending compliance to July 2010.

Previously the Board discussed a case with an optional indeterminate sentencing using the Sexually Violent Predator (SVP) risk assessment instrument as a sentencing tool. In this case, a SVP risk assessment was done. The offender was not indicated as an SVP due to the charge not meeting the defining crime criteria. The evaluator did recommend in the evaluation that the offender would more than likely commit one of the five defining crimes again. Despite this recommendation, the judge did not give an indeterminate sentence.

The lawsuit that the Sex Offender Management Board (SOMB) was a named party has been dismissed. Chris Lobanov-Rostovsky has a copy of the ruling available to look at if anyone is interested.

Chris Lobanov-Rostovsky and Mary Baydarian presented to Colorado Counties Inc. about the Rural Initiative and Adam Walsh Act.

Rural Initiative Update- Phil Tedeschi, Cheryl Davis and Cathy Rodriguez will be meeting on May 1, 2009 to put together materials for the training of providers who are willing to mentor providers with provisional status.

Review of the agenda changes for today. The new agenda will be as follows:

- Board orientation for the appeal
- Victim Experience presentation
- Residency Restriction Research
- New Sexually Violent Predator Risk Assessment Tool
- Lunch
- Sexually Violent Predator Risk Assessment Tool continued
- Adjourn

Future Board Agenda Items-

There have been suggestions for changing the way the Board does business and the use of time during Board meetings. It was suggested that committee meetings be held on board meeting days. The plan is to have committee chairs let staff know if they can meet in the afternoon after a condensed Board meeting next month. The staff needs to make sure there is not an overlap between committees that would overextend the staff.

Orientation to Upcoming Appeal-Cathy Rodriguez

The Board will hear an appeal next month at 10 am.

Board members please review materials in the appeal notebook prior to meeting. Due to confidentiality issues, you need to be very careful with the appeal notebook. Board members need to bring the notebook back to the appeal hearing, at which time they will have to check it back in.

The notebook includes:

- An explanation of the appeal process
- The written complaint
- Provider's response to the complaint
- Diagnostic material and reference about diagnosis
- Finding of Application Review Committee (ARC)
- Recommendations of the ARC

All material in the notebook has been reviewed in the ARC. The complainant will be at the meeting in person with handouts. The complainant will also have a representative present at the appeal. The representative for the complainant is a co-therapist not an attorney. The person filing the complaint will be at the meeting via telephone conference.

The complaint alleged quite a few violations; however ARC only founded one – failure to individualize treatment to the offender's specific needs. This violates Standard 3.160. ARC looked at the written response of the Complainant, and an investigation was done and the results of the investigation were used in making a decision.

Merve Davies, as the chair of the Application Review Committee, will give an orientation for the Board next month outlining how the complaint came in and how ARC reviewed it. The complainant and the provider will both have an opportunity to speak as well. The entire process will be audio taped. The Board will have the opportunity to come to an independent conclusion.

The Victim Experience- A presentation by the Victim Advocacy committee in recognition of National Crime Victims' Rights Week, Sex Assault Awareness Month, and Child Abuse Prevention Month:

The Victim Advocacy Committee brought a display of shirts made by victims. The shirts were coded by color based on the type of crime. Various Victim Impact Statements were shared as well.

Summary: Many victims feel that they are victimized by the legal system as well as the perpetrator. How can you bring a victim-centered focus to your job? Members of the Victim Advocacy committee have offered their services in helping to review processes and forms to help make them more victim friendly.

Research Corner:

Residency Restriction Survey Results-Amy Dethlefsen

Amy Dethlefsen reviewed the results of a residency restriction survey with the Board.

What is the next step in putting this data to use? It was suggested to write up a summary of this survey to put on the SOMB website, which could work in conjunction with the residence restriction position paper. How are Loitering Restrictions being used in lieu of Residency Restrictions? Has there been any feedback in regards to constitutional challenges?

Introductions

Dan Makelky was introduced as the newest member of the SOMB Board. He represents the Colorado Department of Human Services and replaces Bob Coulson.

The Sexually Violent Predator (SVP) Risk Assessment Instrument- Kim English:

Kim English gave the history of the Sex Offender Risk Scale (SORS) as well as reviewed the current Sexually Violent Predator (SVP) Risk Assessment Instrument, the role of the working group in producing the new SORS, the background of the instrument, the role of the SOMB and the research used. The 2009 SORS will be based on 6 items with a score range of 0-9. This scale does not use dynamic factors, and it also requires official record data. Another change is that the new scale is based on research that will predict sex crimes at five years.

Kim will continue her presentation at the May Board meeting with the following topics:

- Board's decisions - deciding a cut point for the assessment
- Why both SORS miss those with prior sex crime convictions and possible solutions
- MCMI/Collidge

Meeting Adjourned