

**SEX OFFENDER MANAGEMENT BOARD
MINUTES**

Friday, September 18, 2009

Board Members

Meg Allen
Mary Baydarian
Carl Blake
Merve Davies
Cheryl Davis
Jeff Geist
Missy Gursky
Peggy Heil
Kellie Hotter
Tom Leversee
Rick Levenson
Dave Long
Daniel Makelky
Bill Martinez
Paul Prendergast
Chris Rowe

Absent Board Members

Bill Hildenbrand
Marcie Howell
Jeff Jenks
Tom Kennedy
Kandy Moore
Kari Quevli
Doug Stephens
Marianne Tims

Vacant Board Position

Department of Education
Representative

Staff

Chris Lobanov-Rostovsky
Cathy Rodriguez
Charla Phagan
Nancy Bullis

Visitors

Birgit Fisher
Victoria Gallegos
Carolyn Turner
Suzanne MacKinnon
Susan Walker
Scott Hefty
Maureen O'Brien
Sara Phelps
Allison Boyd
Ted Romero
Vicki McNeese
David Emerson
Laurie Knight
Steve Parker
Carla Spence
Charles Szatkowski
Heather Roseblock
Tess Henry
Michelle Spradling
Dianna Lawyer-Brook
Dawn Bienek
Denis Lane
Annie Wallen
Scott Humphreys
Terry Bennett
Jennifer Kok
Greig Veeder
Richard Steel
Dennis Leveille

Board Meeting Begins: **Introductions**

Future Agenda Items

- A computer technology representative who can show the Board new methods of tracking and monitoring of sex offenders.
- Continued discussion on the Supreme Court ruling in the interest of M.M., Jr. and A.M., Children, court case. This ruling has more implications for parole and probation. The use of the polygraph is the point of contention. What is the role of the polygraph in the standards? (e.g. a polygrapher is a co-equal in the Community Supervision Team and this is a point of contention) The Parental Risk Assessment (PRA) has a big reliance on the polygraph. This issue should also be taken before the PRA committee.
- There is a need to review the Sexually Violent Predator instrument status as it is no longer required by the Federal legal system.
- A discussion about the attendance of Board members, given that a quorum was not achieved until after the meeting had begun.
- How to incorporate the psychiatric knowledge gained today into sex offender management as well as the standards.

Announcements

- Court case M.M., Jr., and A.M., Children Court Case: The Attorney general representative said the Supreme Court has denied cert (will not be making a decision on this case); the lower court ruling stands as is. It is questioned as to whether this case may be used by defense counsel to attack the credibility of the polygraph.
- A new District Attorney Representative has been appointed. Kari Quevli, from Jefferson County District Attorney's Office, will be replacing Emily Warren.
- Kristy's son Evan was born on Saturday (9/12/09). He was 6 lbs., 13 oz., 19.5 inches. Mom and baby are doing great.
- SOMB grant- Staff applied for a grant from the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART). The staff were awarded a two-year grant of \$200,000 to hire staff for the rural initiative provider program (adult & juvenile providers), which will help staff all jurisdictions. This staff member will work closely with State Judicial. This position is posted. A grant advisory group will be formed for guidance. The grant officially begins on October 1. The staff intends to poll a group of stakeholders to see how to best use this resource.
- Mike Harris is offering a brown-bag training on sexting at the Lakewood Police Department on October 13, 2009 from 11:30 am – 1:00 pm.
- Jim Tanner will be working with probation officers in December with new research into the criminal mind/inside the sex offender mind as well as new technology such as software that is currently available for sex offender management.
- DVOMB has approved a draft of their offender treatment model and is at the public hearing stage. The Public hearing is scheduled to take place in October.

Approval of August Minutes

A call was made for additions and/or corrections to the August minutes. Rick Levenson requested that on Page 6, a comment from defense bar should be included. The poor wording on the last sentence on page 4 was also noted. A request that that sentence be reworded was made. Maureen O'Brien was not in attendance for the August Board meeting; her name will be stricken from the minutes.

Motion to approve amended August Minutes. Motion seconded. Minutes approved with no opposition and 1 abstention.

Committee Reports

Sex Offender Registration Legislative Committee-

The next meeting is scheduled for the first part of December.

Risk Discrimination Committee-

This committee has been assigned the task of taking the protocol, which is in draft form and pilot it. Cathy Rodriguez will send (via email) out a request for two lists from treatment providers. The first list would include existing low risk offenders in their case-load. The second list would be those offenders from the first list that were construed as low risk at the time of their psycho-sexual evaluation. A contrast and comparison of the two lists to the protocol will be done in order to see what the characteristics are of those low risk offenders.

Defense Bar Committee- The Information Sheet will be finalized at the next meeting. This document would be available to all parties during the legal process and tries to address the No Known Cure issue.

Adult Standards Revision Committee- The Parental Risk Assessment is still the main focus. The focus currently is spending more time looking at the assessment tools and whether to keep them in the Standards and Guidelines.

Juvenile Standards Revision Committee- Working on 5.0; the roles and responsibilities of the Multi Disciplinary Team (MDT) members. The committee is past looking at research. Next meetings will be 10/22 and 12/3. The fourth Thursday of the month is typically when this committee meets from 12-2:30.

Juvenile Developmentally Delayed Committee- This committee has been on hiatus. They have been working with the juvenile standards committee. Recently the committee polled the counties asking for the number of Developmentally Delayed and adjudicated juveniles in their counties. The numbers that were reported back are very low (one or two per county), and the Board might have to take this into consideration with the standards. Next meeting is scheduled for 10/14, but most likely will be canceled.

Application Review Committee- This committee is ongoing, and at this time is reviewing a number of grievances. The committee is caught up on adult applications.

Victim Advocacy Committee- This committee is working on a presentation for the Board. The next meeting will be 10/26 from 9 am-11 am in the third floor conference room at 710 Kipling. A call for cases to be shared was extended. Victim letters were read to help reacquaint the Board with the need to self educate.

Best Practices Committee- Working on a position paper dealing with the statutory language for No Known Cure to clarifying that it does not apply to juveniles. The committee has also been helping with the Juvenile Standards revision process with newest research focusing on brain research.

Community Notification Committee- The new protocols for community notification have been printed and are at the office. Staff will be distributing the protocol to law enforcement throughout the state. Staff will also be conducting trainings for law enforcement to familiarize them with the protocols.

Adult & Juvenile Standards Effectiveness Committees (They have been working in conjunction with each other)- The combined group will be going forward with the Institutional Review Board (IRB) process for approval for this research on behalf of both adult and juvenile outcome studies (phase two). The group will look at timeframes as well as what data should be gathered and how it should be gathered.

Sexually Violent Predator (SVP) Risk Assessment Instrument Committee- This committee will be coming before board at next month's Board meeting with specific recommendations on the prior offense issue. The language in the instrument has been reviewed and the committee is now working on a handbook and protocol on how to use the SVP Risk Assessment Instrument. Next month we will have a decision item related to finalizing the handbook and protocol; and upon finalization the staff will begin trainings. Given that we are mid-September, the goal of January 1, 2010 may or may not be feasible.

Housing committee-

This committee has met two times and has identified three sub- committees.

1. Sub-Committee focusing on Shared Living Arrangements (SLA). The focus of this committee is to define SLAs and the principles related to SLAs as well as determining if there should be guidelines for the use of SLAs. A written document will be produced to use as educational tool first with Denver County and then other jurisdictions. The goal would be to first educate then advocate.
2. Community Corrections (COM COR) has produced a request for proposal (RFP) to fund an enhanced per diem for sex offenders. COM COR is also looking into the idea of using COM COR locations as transitional housing for sex offenders released from the Department of Corrections (DOC).
3. The last sub-committee is working to produce a White Paper on Sex Offender Housing issues.

State Judicial has tried to identify sex offenders who are living in Denver County without Denver Probation supervision in order to be proactive.

Judicial is also working with PSI writers and Chief Judges in order to educate all parties as to the affects of the court ordering the use of SLAs and the problems created. Another project is developing SLAs in rural communities.

Break

Appeal:

Cathy Rodriguez gave instructions for the appeal to the Board.

Board Members Present:

Carl Blake	Missy Gursky
Meg Allen	Merve Davies
Chris Rowe	Paul Prendergast
Rick Levenson	
Tom Leversee	
Dan Makekly	
Bill Martinez	
Cheryl Davis	
Mary Baydarian	
Dave Long	
Jeff Geist	

Each party gets 15 minutes to present their case to the Board. After the presentations, the Board will get 15 minutes to ask questions. Only Board members may participate in asking questions.

Board members should acknowledge any conflict of interest. ARC members will not vote. The Vice Chair is not considered to be a member of ARC.

Jeff Geist conflicted out.

Missy Gursky spoke on behalf of the Application Review Committee (ARC) to review the complaint brought before the Board.

The complainant was not in attendance to present to the Board.

The respondent, Dennis Leveille, and his attorney, Denis Lane, presented their case. Board members asked questions of the respondent and the members of ARC.

A motion was made to extend the time of the appeal for 15 minutes.

The motion was seconded.

The motion passed unanimously.

A motion was made to extend the time of the appeal for 10 minutes.

The motion was seconded.

The motion passed unanimously.

Board members Kelly Hotter and Peggy Heil arrive.

A motion was made to accept the decision of the Application Review Committee.

The motion was seconded.

Motion went to discussion by Board members.

The Vote to accept the decision on the Application Review Committee:
In favor: 8 Opposed: 0

Abstentions: 7

Missy Gursky, Carl Blake, Merve Davies, Jeff Geist, Chris Rowe (ARC members)
Peggy Heil, Kelly Hotter (due to late arrival)

Adam Walsh Act (AWA) Legislative Update & Discussion-Jeanne Smith

Colorado is waiting to decide a next step.

Issues for Colorado:

- Placing juveniles on a public registry.
- The ability to petition off the public registry for juveniles.
- The retroactivity of the bill raises both financial and ethical questions.
- Legal issues have been identified, but monetary issues have not been solved.

At this point the mechanics are in place at state level to proceed towards compliance.
In October group will be meeting again.

Does it make sense to implement pieces of the Act, but not all? There is a danger that pieces could be added to the legislation with consequences that are unintended. At this time, there are national court cases questioning the retroactivity on juvenile cases.

It has been decided that Colorado needs to make tangible steps towards compliance, as it will provide leverage in getting future extensions.

A goal is to find members of the legislature who are willing to float AWA. It was suggested that the Board invite these legislators to give their feedback. Right now the timing is poor due to the political re-election session.

It was suggested that the AWA committee should be reinstated. It is up to the SOMB to be proactive in educating the legislature. The victim community's voice should be shared with the legislature, as it is an important perspective.

Chris Lobanov-Rosovsky will be taking the SOMB AWA White Paper to the ATSA conference in October.

Lunch

Psychiatric Issues for sex offenders

Dr.Scott Humphryes.

A handout was provided.

Intent to Apply for Students-Application Review Committee (ARC)

The Application Review Committee (ARC) would like to bring to the attention of the Board a situation that is becoming more frequent, and the ARC is requesting direction from the Board. There are a large number of interns seeking internships with the treatment agencies. At this time, interns do not have to file an Intent to Apply. If the intern does not file an Intent to Apply with ARC, there is no oversight from the SOMB for these interns. This means there is not a background check done on interns. The SOMB cannot hold them accountable, as there is no purview.

How long to get this approved? It was noted that the ARC can process the Intent to Apply paperwork fairly fast; the only hold up is the background check.

Motion to require students who co-facilitate to file Intent to Apply paperwork .

Motion Seconded.

Motion went to discussion by the Board.

It was noted that the Board should hear from an agency or agencies that are hosting interns.

Motion to table vote in order to explore the issue with other stakeholders.

Motion Seconded.

Motion approved with no opposition or abstentions.

Meeting Adjourned

Break Out Work Sessions on the No Known Cure Position Papers

Adult Work Group- Peggy Heil

Juvenile Work Group- Best Practices Committee