

**SEX OFFENDER MANAGEMENT BOARD
MINUTES**

Friday, August 20, 2010

Board Members

Mary Baydarian
Carl Blake
Allison Boyd
Merve Davies
Cheryl Davis
Robert Erler
Jeff Geist
Missy Gursky
Peggy Heil
Bill Hildenbrand
Kellie Hotter
Marcie Howell
Jeff Jenks
Tom Kennedy
Dianna Lawyer-Brook
Tom Leversee
Rick Levinson
Daniel Makelky
Bill Martinez
Kandy Moore
Paul Prendergast
Kari Quevli
Doug Stephens

Absent Board Members

Dave Long
Eric Philp

Visitors

Alice Baer
Robbie Bolton
Mitch Sherman
Yvonne Parietti
Ted Romero
Jason Johnson
Michael Dunlap
Bonnie Cantu
Colette Pegues
Stacy Galbraith
Maureen O'Brien
Todd Helvig
Mary Ann Bolser
Glenice Martinez
Tammy Bonnici
Tanya Hamilton
Jan Hunsaker
Larry Valencia
Scott Hefty
Joe White
Karen Vigil
David Emerson
Art Bundy
Brad Heyden
Ryan Mckone
John Kammerzell
Rick Schneider
Carolyn Turner

Visitors

James Lander
Judy Kinyon
Luis Torres
Lawson Hagler
Jason Page
Anthony Getzberg
Charles Szatkowski
Helen Edwards
Gale Page
Carla Spence
Christine Tyler
Suzanne MacKinnon
Erin Hall
Erin Jemison
Cathy Johnson
Robert Stef
Dale Fenstermacher
Jim Vining
Darien Combs
David Deike
Johnnie Deleon
Jerry Schebah
Janell McDonald
Creighton Bates
Dan Mark
Robert Rodriguez
Greig Veeder
Fred Tolson

Staff

Chris Lobanov-Rostovsky
Cathy Rodriguez
Kristy Alles-Serrant
Charla Phagan
Nancy Bullis

Board Meeting Begins: **Introductions**

Future Agenda Items

The Sex Offender Management Board (SOMB) has been exploring different treatment modalities. A suggestion was to have more discussion and education on differential treatment models, such as the one identified in the Bill Marshall article available as a handout at this meeting.

When the new DSM-V is finalized, a discussion about the changes and how it will affect the SOMB and the management of sex offenders would be appreciated.

Announcements

- Paul Prendergast's term as Chair of the Board has come to an end; Kari Quevli has been appointed to be the Chair of the Board effective Sept 1, 2010.
- Other changes to the Board membership: Marcie Howell is resigning due to workplace commitments; Erin Jemison has been appointed to replace Marcie as the Victim Representative to the Board. Rick Levinson (Private Criminal Defense Attorney Representative) & Mary Baydarian (Colorado Social Service Directors Association) have both been re-appointed for another term.
- The Board meeting for October (10/15/10) will be in Grand Junction, Colorado. There will be an opportunity for local service providers to present about their programs. There will also be an opportunity for Board members to tour two treatment programs (Thursday afternoon and Friday afternoon). Suggested sites have been: DYC facility and the Whitewater juvenile residential treatment facility.
- Cathy Rodriguez, Debbie Stjernholm and Carl Blake will conduct a training in Grand Junction the day before the October Board meeting. A flyer about this 6 hour training will be available soon.
- A group of staff members and Board member Kellie Hotter attended a meeting in Durango with different stakeholders and tribal members. Debbie Stjernholm reached out to the stakeholders in this community to offer help in eliminating gaps within the local sex offender management system. The Adam Walsh Act (AWA) compliance was also addressed with the tribal communities. Kellie Hotter reported that the tribes are willing to work in conjunction with the SOMB and other law enforcement entities in order to comply with AWA.
- Debbie Stjernholm and Cathy Rodriguez will also conduct two regional trainings for Community Corrections much like the intensive trainings provided to Judicial.
- There is a Training update in Board member handout packets.
- Kristy Alles-Serrant will change her work schedule to Part-Time as of September 1, 2010. She will be in the office on Mondays and Wednesdays.
- There will be a Colorado Criminal Defense Bar (CCDB) seminar on October 8, 2010 at the Inverness hotel. This seminar will focus on post-conviction topics, with a panel discussion at the end of the day. This seminar is open to the public; however there will be a fee. CLE credits will be available.

There was a motion to approve today's agenda. The motion was seconded. Approval of today's agenda carried without opposition.

Approval of June Minutes

A motion was made to approve the June minutes. The motion was seconded.

Discussion: On page 3 at the bottom: wording needs to change as the two clauses were inverted. There was a consensus among Board members to change the wording on page 3.

Vote: 16 Approval; 0 Opposed; 4 Abstentions.

The June minutes were approved with the wording changes on page 3.

Approval of July Minutes

A motion was made to approve the July minutes. The motion was seconded.

Discussion: Merve Davies noted that he was listed in attendance when he was not present at the July meeting. Cheryl Davis noted that she was not listed as being in attendance when she was there.

There was a consensus among the Board members to change the attendance records for Merve Davies and Cheryl Davis.

Vote: 11 Approval; 0 Opposed; 9 Abstentions.

The July minutes were approved with the attendance records changed.

Definition of Sex Offender-Developmental Disability Considerations

The current statute has the definition of a sex offender as someone who has been convicted of a sexual offense. This definition does not include non-convicted developmentally delayed offenders, as they often are unable to be convicted. Because of this, the SOMB may need to look at its policies in dealing with persons with developmental disabilities who have not been convicted, but are displaying offending behaviors.

Tim O'Neil from a Community Center Board (CCB) spoke about the current system set up by the state to serve developmentally delayed persons. Each region has a defined geographic area to serve. There are 20 CCBs with 200 service agencies.

The CCB that Tim works with created a separate program to serve the developmentally delayed population with offending behaviors. The Board of Directors sets policy and looks at risk management. They have involved SOMB therapists and other experts to help develop this program. However, there has been minimal and inconsistent direction from stakeholders. There is a perceived need for uniformity and consistency that will increase client safety. A request was made that consideration be given to adding a professional with expertise in the developmentally delayed population to be part of the SOMB. It was also suggested that the SOMB should consider developmentally delayed terminology for the Standards and Guidelines, as well as a "not guilty" wording that reflects an understanding of the limitations of this population. Uniform structure and guidelines would be a way to achieve consistency among the boards.

Currently, programs run by the state have no guarantee that services will be received. This CCB program is working with a population that is receiving funds from the state. Because this is a vulnerable population, it is hard to keep them safe with each other; but it is also hard to keep the public safe.

The changes to the current legal definition must be modified at the legislative level. The

CCBs would like to collaborate with the SOMB to lobby for such a change. At this time, what alternatives can be presented in light of the current legal definition?

Discussion:

Title 16 addresses a different population; because of developmental delays a regular court proceeding is not possible and they are deemed not guilty by reason of insanity.

These individuals cannot be convicted because they will not be restored to competency. This is a colossal problem because without a conviction, there will not be a means of supervising the offender. The other procedure for the courts is to charge the individual with a class 3 felony which will call for an indeterminate commitment. This also poses many problems. A standard is needed by which courts can say there is sufficient need for supervision if the developmentally delayed individual is not convicted. It is also possible to have the individual committed to a mental health institute; however mental health institutes and regional institutes are too full. Another problem for the SOMB is that there is no purview over the mental health institutes, just the SOMB approved providers. In order to change this, a change in the statute must be made to authorize purview over the mental health institutes. Another problem is that the courts cannot order a sex offender risk assessment for this population. However, a case manager is available to each individual, and in some instances advocacy may assist in the individual's defense.

Because of the lack of resources, the possibility of locked centers may be a solution. At this time, the state is well aware that providing services for this population is a funding issue. Unfortunately, the CCBs compete with each other for funding. Resources are being stretched; for example, there is an eight year waiting list for services in El Paso County. As a result of the inability to provide supervision for these individuals, lots of developmental delayed offenders out there are unaccounted for.

Another point to consider is that the developmentally delayed population is very often victimized by centers with offenders on staff.

It was noted that with all these dynamics in dealing with the developmentally delayed population, the solution does not lie in a greater conviction rate.

There is general support from the SOMB to continue dialog with the CCBs to see if a change in the statute is possible to pave the way for changes in the way the Developmentally Delayed population with offending behaviors are handled in the courts.

Break

STAR Protocol for registration-Douglas County Sheriff's Department

Chris Lobanov-Rostovsky talked about the need to notify law enforcement agencies and track sex offenders between jurisdictions in order to gain substantial compliance for the Adam Walsh Act (AWA). Colorado is considering the STAR program developed by the Douglas County Sheriff's Department to meet this requirement. The SOMB staff went to a presentation about STAR and thought this was a program worth sharing with the Board.

The US Marshall's office has started to work with the local jurisdictions to track sex offenders. By working together, a network was created that allowed the US Marshall's office to find out what different jurisdictions were doing to register and track sex offenders. There was a need for an automated system that allowed jurisdictions to talk to each other. STAR really provided the tools for communication with the necessary data. This can help respond to critical incidences, give photo line-ups, etc. In these cases, speed is of the essence and this program can provide up-to-date crucial information in a timely fashion. The US Marshall's office is working to endorse the state and/or Douglas County for federal grants that support the expansion/implementation of this program.

A demonstration of the STAR program was given.

The law enforcement side of the site has both adult and juvenile offenders on it, however only the adults will show on the public website.

Lunch

Outreach by the SOMB to communities and future professionals-Carl Blake

There has been on-going discussion about the lack of SOMB approved providers. What can the Board do to promote this field? One option is to educate the community about the field. Another option is to reach out to universities in order to recruit future therapists. The outreach goal would be to get the SOMB's message and mission to more potential therapists.

It was also noted that there is a lack of diversity within the field as well as on the Board. There are very few bi-lingual providers. With increased diversity, cultural areas of treatment could be addressed in the offender community as well.

Discussion:

Staff is planning to provide a training for victim therapists in the near future.

Opening current work places for field study is another avenue to offer insight to the field. It was suggest that Metro (having a new social work program) would be a good place to start.

Peggy thought Denver University might have a bi-lingual certificate program.

Kandy says that they have child services and victim interns and they require that the interns do time at both programs.

The application process for SOMB approval is prohibitive because of cost.

There is also a huge ignorance factor in the victim advocacy world about sex offender management. Erin Jemison offered to help with educating the victim advocate community.

Can the SOMB do presentations at a campus for example? Maybe the SOMB needs to go to

the future therapist instead of waiting for them to come to us.

Another problem is that current therapists do not know who to market their services to.

Is there a list college or universities to use conferencing of board meetings?

Shared Living Arrangement Guidelines-Shared Living Arrangement Sub-Committee:

The Committee has produced a document to explain Shared Living Arrangements (SLA). A goal is to talk about how to do advocacy efforts with local jurisdictions law enforcement and city councils.

The Committee would like to produce standards and/or guidelines specific to SLAs. Such guidelines could be beneficial if they are not too rigid and if they allow for individualized treatment programs. The SLAs need to be meeting minimum requirements and also need to have accountability.

Discussion:

Can SLAs help treatment providers build a client and income base? Running a SLA is more of a financial burden than that of a revenue generating basis. Is it possible to create incentives to open SLAs and for cities to allow them?

Because of the nature of SLAs, more information about the offenders' backgrounds and crimes become available to staff- staff has to respond to the new load of information.

Developing guidelines makes sense as it helps implement the SLA idea.

The Board should assist those that want to run SLAs, or assist therapist in dealing with City Council etc. in areas where residence restrictions are a factor.

Community Corrections is a good partner to bring to the table, as a hybrid program. Providers who have SLAs take a risk. Is there better protection for SLAs if there are standards and guidelines? What would make it easier to run SLAs?

Having a standard that is clear and not ambiguous is a good legal idea.

A victim advocate is needed to help in promoting the idea of SLAs within the victim community.

There was a majority of support from the Board for the committee to move forward with the development of standards/guidelines.

Staff has begun a research project to collect data about SLAs in order to provide a report to help with advocacy efforts and to show this is an effective means of management.

Providers are in support of this project.

What authority do we have to require an SLA to conform to such standards and guidelines? We actually have purview over the SOMB approved providers who would be running the SLA. Technically a SLA could run housing/supervision services without a SOMB therapist; that is why guidelines/standards would be beneficial.

Lifetime Supervision Criteria-Peggy Heil

The Lifetime Supervision Criteria revision is a clean-up of standards and guidelines that exist about recommendations for those in prison in regards to Parole Board recommendations. Changes have also defined what certain terms mean as well as fixing typos. No new material has been added.

At the Department of Corrections (DOC) this is part of standards for lifetime offenders. It should be noted that DOC has been using this for determinate sentence offenders as well.

Goals:

1. Continue to refine the existing lifetime supervision criteria
2. Look at cleaning up for continued use for determinate sentence offenders.

Discussion:

To give your feed back today or in the future contact Cathy Rodriguez or Chris Lobanov-Rostovsky who will funnel the information to Peggy Heil. Next month a vote will be taken among Board members to approve the changes.

The prioritization schedule is questioned and it was asked that the schedule be clarified. Can an offender be paroled if not receiving/received treatment? Yes, that has happened. How can we not provide treatment to those who are close to their parole date?

Indeterminate sentence offenders are prioritized because of resources.

The material was reviewed to make sure there was consistency in the order of content.

Errors that have been corrected:

- o Set a higher criteria for those with longer time frames.
- o Now there are three formats based on length of sentence.
- o The modified format will define the sexual abuse cycle.
- o The personal change contract will be presented to family.

Number 7- allows an offender to be supervised in the community without undue threat. This was not defined previously.

It was suggested that the issue of medications/proper training for therapist to monitor medications should be reviewed. Would a wording change be helpful to clarify in this situation? The word of concern is ANY which can allow for liberal interpretation. It is hoped that a change would provide accountability for DOC and allow the offender to be part of the decision making process.

What is the percentage of offenders who have the ability to finish the foundation format? What is the percentage of persons in custody who want treatment to satisfy the criteria, but

are unable to receive treatment due to the lack of resources?

The goal is to standardize protocol with the help of research.

Meeting Adjourned

Adult No Known Cure White Paper Committee Meeting

Handout provided.