

**SEX OFFENDER MANAGEMENT BOARD  
MINUTES**

**Friday, May 20, 2011**

**Board Members**

Jim Austin  
Carl Blake  
Allison Boyd  
Merve Davies  
Cheryl Davis  
Robert Erler  
Jeff Geist  
Missy Gursky  
Peggy Heil  
Bill Hildenbrand  
Erin Jemison  
Tom Kennedy  
Dianna Lawyer-Brook  
Tom Leversee  
Rick Levinson  
LiYing Li  
Dave Long  
Bill Martinez  
Kandy Moore  
Mimi Scheuermann  
Doug Stephens

**Absent Board Members**

Mary Baydarian  
Amy Fitch  
Jeff Jenks  
Eric Philp

**Staff**

Chris Lobanov-Rostovsky  
Charla Phagan  
Nancy Bullis  
Cathy Rodriguez  
Jana Locke

**Visitors**

Helen Edwards  
Lorraine Diaz de Leon  
Colton McNutt  
Shefali Phillips  
Valerie Estrada  
Rick May  
Karen Vigil  
Jessica Bartels  
Laurie Rose Kepros  
Wellesley Bush

**Visitors**

Christine Tyler  
Robert Berner  
Jennifer Leonard  
Angel Weant  
Jan Hunsaker  
Mike Fleenor  
Theresa Weiss  
Jodie Brandl  
Roberta Ponis

## **Board Meeting Begins: Introductions**

### **Future Agenda Items**

- A request was made for speakers/treatment providers who use alternative (holistic) treatment methods talk about the program and their successes & failures.
- Pre-sentence investigation reports - These reports almost always defer to risk assessment evaluations without specific recommendations for the client. Can the SOMB inform/influence the Pre-sentence investigation (PSI) process?
- A request was made for different groups to present on their treatment approaches with regular short presentations to the Board. Let staff know who you would like to see.

### **Announcements**

- SOMB conference is open for registration; registration forms are on the website. There will be a Board meeting during the conference. A request was made to please make a flyer that can be distributed to the folks in that area.
- Fiscal year end is June 30, so all expense/mileage forms need to be turned in.
- New member orientation: Staff will try to schedule this with newest members.
- Awards for the conference - Please turn in nominations by May 31. Board members volunteering for nomination committee: Cheryl Davis, Erin Jemison, & Dianna Lawyer Brook.
- Cathy Rodriguez did five trainings for CCASA throughout the state.
- CCASA annual conference June 27-29. Registration materials are available on the CCASA website.

### **Approval of April Minutes**

A motion was made to approve the April minutes; motion was seconded.

Discussion:

Vote to approve the minutes with the amendment on page three:

Vote:            Approval: 12            Oppose: 0            Abstain: 5

## **Provider Approval/Intent to Apply Application Process- Carl Blake & Cathy Rodriguez**

Handouts provided

### **Discussion:**

- What sort of statistics does the Application Review Committee (ARC) keep on the number/types of applications? The staff keeps track of new approvals, reapplications, complaints and findings. The number of applicants needing help to become compliant with the application process is also tracked.

- A new database will be implemented in the near future. This will allow for a user friendly provider list with the ability to track data easier via queries.
- How long does the process take if the application is complete? It usually takes a couple of months if application is complete.
- Do underserved providers fill out same applications? No that process is completely different. The underserved provider still fills out a fingerprint card and has a background check; the required number of training hours is different.

**Application Review Committee (ARC) process:**

Part of ARC meetings are open (general topics discussed); then the meeting goes into executive session (only committee members are allowed). It is during executive session that the committee looks through each application in-depth; discusses concerns and requests more information, as well as looks at training requirements and reviews treatment plans in detail to see if they comply with standards and victim requirements. Once the application is reviewed, the ARC may approve the application but give some direction about treatment plans. Or the ARC may deny the application and ask the applicant to resubmit the application with new treatment plans. The ARC also reviews complaints. Complaints take precedence over applications so that can delay processing of applications. The ARC votes on all applications.

Evaluator applications are also reviewed to make sure required components are followed; and that the current standards are being used.

Clinical judgment is harder to review; therefore, the ARC closely manages implementation of the standards. The SOMB has started providing training on writing treatment plans in accordance with the standards for therapist and evaluators.

**Evaluations for Sex History Offenders- Dr. Rick May & Dr. Jessica Bartels**

Handout provided

There has been an issue in regard to an adult offender who commits a non-sex offense crime but have a prior sex offense on their record. These offenders meet the definition of a sex offender by statute and are required to be evaluated. These evaluations are particularly challenging if the sex offense occurred when the offender was a juvenile and the new non-sex offense is committed as an adult. Currently, the evaluation can recommend placing offenders back into sex offender therapy and back on sex offense specific supervision conditions. However, this is not always appropriate. Direction from the Board for these situations is requested; giving options to evaluators.

**Discussion:**

These cases are difficult to make clinical judgments, for example: removal from home where there is a child. The different options were reviewed per the handout.

Angel Weant reported there was a good response from probation about the proposed options. Pre-sentence investigation (PSI) writers rely heavily on the evaluations. District Attorney's would like to offer ideas as well.

Would these options be listed with the evaluation and the interview? It was suggested that the Board offer trainings about the options and offer the options as part of the evaluation. When using the options, the evaluator should explain how an option was reached. Is the current (non-sex) offense taken into consideration when looking at the different options? Yes, the evaluators will take that into consideration as well.

If an offender was a juvenile when the sex offense took place; but is now an adult, what risk instrument should be used, adult or juvenile? It was noted that several evaluators were asked how they handle this situation and several answers were given. This inconsistency is an area of concern.

Concerns related to using the polygraph as the sole determining factor in these evaluations was discussed.

Is this something that will happen presentence? Yes, this takes place pre-sentence. Are there criteria for what offender fits the different options? The group has an idea of criteria that would apply, but nothing formally written up exists at this time. At this time, a polygraph would be used with options C & D; in some cases a polygraph would be recommended but not in all situations.

Would this revamp section 2.0 of the standards? It may not be necessary to incorporate into the standards immediately since evaluators can always do more than what is required by the standards; they just cannot do less than what the standards require. Another option is to work it into a Board approved document; then incorporate it as a guideline or into the standards at a later time.

Another request was made to establish criteria for each option. How many would fall into each category? It was also suggested that other stakeholders review and give input about the different options.

## **Break**

### **Variance Request-Kyle Lucas**

Handout provided.

A motion was made to approve the variance request by Kyle Lucas with the requirement of written updates quarterly. The variance will be valid through September 2011 when the minor turns 18. The motion was seconded.

Vote:

Approve: 18 Opposed: 0 Abstain: 1

### **Female Sex Offender Committee**

The committee came to the conclusion that changes do not need to be made to the Standards to accommodate female offenders; however the definition of co-offender needs to be defined. The Domestic Violence Offender Management Board has done something similar; requirements for treatment were not different from male offenders, but the reasons

for offending were different than those of male offenders. Providers need to be knowledgeable about trauma and victims. It was noted that there is a big difference between female domestic violence offenders and female sex offenders. Can the SOMB identify statistical differences? The next meeting is scheduled for June 23<sup>rd</sup> from 9:30 am to 11:30 am at 700 Kipling, first floor conference room.

There is a consensus from the board for the committee to continue their work.

### **Lunch: Legislative Update- Jana Locke**

Handouts provided. Jana Locke reviewed the status of the bills with impact for the Division of Criminal Justice (DCJ).

1138-(SOMB Sunset Bill) received final legislative approval and it awaits signature by the Governor.

### **Update on Adult Standards Revisions Section 5.700-Karen Vigil**

Handouts provided: draft of new Standard, current Standard and summary of revisions.

A review of the changes was given by Karen Vigil.

### **Discussion:**

#### **5.700**

- It was suggested that the first sentence in the 3<sup>rd</sup> paragraph should footnote the Intimate Partner Rape (IPR) research.
- A suggestion was made to simplify the first sentence to include: “contact is based on risk which includes both known and unknown factors.”
- The last sentence of the second paragraph is not clear. A suggestion would be to add the words “previously identified” before victim to add clarity or remove victims.

#### **5.710**

- Use of word chaperone implies overseeing both parties; why not use informed supervisor to keep consistent with juvenile Standards? The committee agrees that consistency of terms between adult and juvenile Standards should be a goal; however there are so many different supervisor terms used. In order to clarify the meaning the word chaperone was chosen because the person is actually chaperoning the offender while in the presence of a specific child. Most programs call this role a chaperone, so it is staying consistent with terminology used in the field.
- It was suggested that a definition of sex offender be listed. The committee noted that the definition already exists in the definition section of the standards and agreed that a reference to that section might be helpful. It was noted that the definition of at-risk-adult from statute 18-6.6-102 has varying medical issues that contribute to being an at-risk-adult. For example, a person with dyslexia is considered to be an at-risk-adult, but a person severely handicapped with arthritis is not. The committee said they would look into the definition being used.

### **5.720**

The Appendix will be noted; however the committee is awaiting final numbering throughout the document for accuracy.

### **5.721**

It was suggested that the definition of near (specific footage) be added.

It was suggested that the copy in the 7<sup>th</sup> bullet should be more restrictive when defining where an offender is going or loitering near. The committee was not sure if it needed to be so restrictive and gave the example of places primarily used by children like an amusement park as compared to a grocery store.

### **5.725**

- Why is there the both non-exclusive and exclusive pedophilia when there is a distinction in the CCA? The committee recognized the need for consistency with CCA and will revisit this point.
- Recognize that instruments change and use of most recent instrument should be used.

### **5.730 Child Contact Assessment (CCA)**

- It was suggested that the word “own” be added to the title as it currently implies that this is for contact with any child.
- Concern was expressed about the low standard of proof that could potentially affect parental rights. The legal definition of substantiated was requested by the committee.
- It was suggested to add the wording to the first sentence: “during incarceration”.

### **5.731**

- Who should do CCA? Have to be knowledgeable about the CCA with training that will be required.
- What are we going to do in the transition stage? The SOMB staff, Karen Vigil, Peggy Heil and Missy Gursky will be doing regional trainings for evaluators about the revisions and the CCA and the CCA handbook. There will be time between the public hearing and publication for trainings to take place.
- Additional CCA training is too broad; suggested to say, “see section 4 of the standards.” It was suggested to be more specific in identifying what will be covered in the trainings.

### **5.732**

- Question about pedophilia exclusionary needing to be more clearly defined.
- As a footnote, mention criteria of 5.7 with the table.
- When numbering is finalized the correct reference will be listed.
- Columns have same labels and are confusing. Staff will fix the labels in the table.
- If factors change it could then be considered for a CCA.

### **5.733**

- It was requested that the committee look at age of 13 as the definition for pre-pubescent. The ABEL sexual interest scale categorizes adolescence as 13 or older.
- Juvenile court has exclusive decision making rights on Dependency and Neglect actions.
- This process needs to be as quick as possible for the benefit of the children. Make this process as timely as possible.
- Another concern is accuracy.

### **5.734**

- Behaviors vs. convictions. Be mindful of burden of proof.
- Addition to offender's ability for family stability: under risk factors under Domestic Violence - list some of the risk factors and research citations from Cheryl Davis so it can be footnoted.
- Sexual risk section – under risk factors identify Merve Davies & Dominique Simons research for risk factors.
- Under Evaluation Procedures Key: Required; Needs to state “At least one of the following” or “minimum of.”
- Under Risk Factors: add Department of Human Services finding
- Is this going to be piloted and then compared? There is increased scoring flexibility in the new CCA.

## **Break**

### **Polygraph Provider Qualification Revisions-Cathy Rodriquez**

Handouts provided.

The Application Review Committee (ARC) has noticed that the current standards section 4.7 needs to be revised due to wording that is confusing.

- The current Standard says that a provider can do up to a certain amount of polygraph exams; the interpretation has been the providers only need to do one for the lower level status. Therefore, the ARC changed the Standard to read a minimum of 50 polygraphs for the Associate level and 200 for the full-operating level within five years of application (of the 200, 25 need to be with developmental disabilities for the Developmental Disability listing).
- For continued placement at the Full Operating level 100 exams must be completed with 15 being with adult sex offenders with developmental disabilities for this listing.
- Three different types of reports (change wording to “exams”) need to be submitted for quality assurance protocol review each year.
- Requirements for the supervision agreement were also clarified.
- A change was made to the training hours to obtain the developmental disability listing; 10 hours need to be related to testing of adult sex offenders with developmental disabilities for the Associate level. The applicant for this status has to have a supervisor who has this listing status as well.

Motion to approve the proposed revisions with noted wording changes. The motion was seconded.

**Vote:**

Approve: 20                      Opposed: 0                      Abstentions: 0  
The motion passed unanimously.

**Meeting Adjourned**