

SEX OFFENDER MANAGEMENT BOARD (SOMB) MINUTES

Friday, March 15, 2024

THIS MEETING WAS HELD VIA AUDIO/VIDEO CONFERENCING ONLY

SOMB MEMBERS

Amanda Retting
Carl Blake
Casey Ballinger
David Bourgeois
Gary Kramer
Gregg Kildow
Jason Lamprecht
Jeff Baker
Jessica Dotter
Katie Abeyta
Kent Vance
Kimberly Kline
Lisa Mayer
Michelle Simmons
Nicole Feltz
Norma Aguilar-Dave
Priscilla Loew
Sarah Croog
Taber Powers
Theresa Weiss

SOMB GUESTS

Abi Olson
Alison Talley
Amira Minazzi
Conrad Gonzales
Dianne Tramutola-Lawson
Erin Wieneke
Holly Harris
Jason Talley
Kristin Kubacki
Lauren Rivas
Laurie Kepros
Marsha Brewer
Natasha Kindred
Pat Harris
Roger Kincade
Stephanie Reed
Sarah Marlow
Tim Tomasso
Yvette Cousins

Absent SOMB Members: Hannah Pilla, Jesse Hansen, and Mike Knotek

Staff Present: Chris Lobanov-Rostovsky, Erin Austin, Jill Trowbridge, Paige Brown, Dr. Rachael Collie, Raechel Alderete, Taylor Redding, and Dr. Yuanting Zhang

SOMB Meeting Begins: 9:03 am

This meeting was recorded.

INTRODUCTIONS/ATTENDANCE:

Kimberly Kline (SOMB Chair) introduced herself and welcomed the SOMB members in attendance along with the members of the public. She also asked for questions to be placed in the chat box as she does not always see when Board hands are raised.

Katie Abeyta (SOMB Vice-Chair) introduced herself and welcomed the SOMB members.

Raechel Alderete (ODVSOM Staff) introduced herself and introduced the online SOMB members.

Taylor Redding (ODVSOM Staff) introduced herself, reviewed the aspects of the WebEx components of the meeting, and indicated how the meeting will be conducted. She asked all to state their names for clarity in the minutes.

Taylor Redding (ODVSOM Staff) introduced the ODVSOM staff online.

Erin Austin (ODVSOM Staff) introduced the online guests.

FUTURE AGENDA ITEMS:

Board:

None

Audience:

Laurie Kepros (Audience Member) requested future discussion on the crises in treatment for offenders housed in the Department of Corrections (DOC) that Chris Lobanov-Rostovsky indicated the Division of Criminal Justice (DCJ) would be monitoring.

ANNOUNCEMENTS:

Staff:

Taylor Redding (ODVSOM Staff) announced the following ODVSOM Conference and training updates:

- Board Meeting
 - The April SOMB meeting will be held at the CDOT offices located at 2829 W. Howard Pl., Denver. She noted that the Board members are to send her their license plate number for pre-registration to get through security at the facility.
- Training
 - Advanced Series Training: Assessing Risk for Sexual and Domestic Violence Recidivism - The Latest Research Including Cross-Cultural Validity which will be held on April 18th, at the Arapahoe Human Services office in Aurora, Colorado with Dr. Helmus for DV/SO Professionals. Board members can attend for free and should reach out to Taylor Redding for the discount code.
 - Lunch & Learn for Questions and Answers with the Application Review Committee on April 11th. This is open to Providers only. Providers are to submit questions ahead of time to discuss at the training.
 - SOMB Standards Booster Training will be held on May 9th, with registration going out on March 18th.
- Conference Updates:
 - The Beaver Run Hotel information will be emailed to Board members soon. Taylor Redding asked for the check-in dates from Board members and noted the SOMB will pay for 1 night. She indicated she will book the rest of the Board members stay.
 - Board Members can attend the Conference for free and indicated she will provide the Discount Code when they register.
 - The Pre-Conference sessions will begin on Tuesday, July 11th.
 - There will be a Board Member networking event in the evening of Tuesday, July 11th.
 - The July combined DV/SO Board Meeting will be held at the conference on Wednesday, July 12th.

Chris Lobanov-Rostovsky (ODVSOM Program Manager) announced the following:

- Please review the 2024 Pending Legislation list of proposed bills that are included in the handouts to include relevant bill proposals. If there are any other bills that should be included, please let Chris Lobanov-Rostovsky know. He indicated that there will be monthly updates to this list and noted that Joel Malecka (DCJ Legislative Liaison) may give a report to the Board later in the Legislative session.

Raechel Alderete (ODVSOM Staff) announced the following:

- Voting will be done manually for this meeting and noted that there is no electronic voting available.
- The Board members should complete the annual Conflict of Interest Jot Form that was sent to them. Those who have a financial disclosure should state that during this time.
- The May SOMB meeting will be held in Pueblo with no meeting scheduled in June. She asked that providers and other stakeholders who wish to present at the Board Meeting to please contact her, Taylor Redding, Erin Austin, or Paige Brown.
- She noted that March is Women's History Month and acknowledged a number of amazing women.

Kimberly Kline (SOMB Chair) indicated that March is also Social Workers Appreciation month and acknowledged them for their hard work in this field.

Board Announcements:

None

Audience Announcements:

Laurie Kepros (Audience Member) announced that Monday, March 18th is Public Defender’s Day and noted case law that involved indigent offenders which triggered this recognition. She noted how much work that Public Defenders do to help with defendants so that their constitutional rights are respected in the system.

Laurie Kepros (Audience Member) noted a “Vigil” that was being held on March 15th at the US Supreme Court in recognition of those who have been harmed as a result of the Sex Offender Registry.

APPROVE AGENDA

Sarah Croog (SOMB Member) asked about the agenda regarding the Denial Policy item which is scheduled at the end of the meeting and indicated that there may be a large amount of public and Board comments. She requested that this be moved to next month’s in-person meeting to accommodate all input. Raechel Alderete (SOMB Program Coordinator) noted that this is an action item to be sent out for public comment and indicated this is not a decision item. She suggested keeping this on today’s agenda and noted that this will also be added to a future agenda for a vote. Raechel Alderete then reviewed the process involved when sending out items for public comment which will also provide time for all to submit their questions. Sarah Croog reiterated that having another opportunity to discuss this item for all who are impacted by these revisions will allow for more robust comments, and suggested to also have this as an action item at next month’s meeting. Carl Blake (SOMB Member) responded to allow this as an Action item at next month’s meeting which may allow additional time for public comment. Kimberly Kline (SOMB Chair) agreed with Carl Blake’s suggestion. Chris Lobanov-Rostovsky noted that the agenda is approved by consensus and not by a vote, and indicated when the item comes up there is an opportunity to make a motion to table the agenda item. There were no other objections to the Agenda.

The agenda was approved by consensus.

APPROVAL OF THE JANUARY MINUTES: (Attachment #1)

Carl Blake (SOMB Member) made a motion to approve the January Minutes as presented.

Norma Aguilar-Dave (SOMB Member) 2nd the motion.

Board Discussion:

None

Motion to approve the SOMB January Minutes as presented: Carl Blake; Norma Aguilar-Dave 2nd (Question #1)

17	Approve	0	Oppose	2	Abstain	Motion Passes
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APPROVAL OF THE FEBRUARY MINUTES: (Attachment #2)

Nicole Feltz (SOMB Member) made a motion to approve the February Minutes as presented.

Jessica Dotter (SOMB Member) 2nd the motion.

Board Discussion:

None

Motion to approve the SOMB February Minutes as presented: Nicole Feltz; Jessica Dotter 2nd (Question #2)

19	Approve	0	Oppose	1	Abstain	Motion Passes
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Gregg Kildow Voted Yes verbally

SOMB JUVENILE STANDARDS REVISIONS (JSR) COMMITTEE UPDATE (Presentation): (No Attachment) - Paige Brown, Juvenile Standards Implementation Specialist and Theresa Weiss, JSR Chair

Paige Brown (Juvenile Standards Implementation Specialist) provided an update of the work of the Juvenile Standards Revisions Committee and introduced Theresa Weiss (JSR Chair) as the new chair. She acknowledged Carl Blake’s dedication and passion as he steps down as the Chair of this Committee. Paige Brown noted the Committee has started work on updating Section 10 and Appendix K regarding Supervising Officers, they are also looking at Section 3.151 to revise treatment plans, looking at Section 5.110 to update the Supervising Officer language, Section 2.210 to add clarity on the pre and post evaluations, and are working on revamping a

reference guide for school personnel and Families First as some of the plans for the future. She indicated that the Committee attendance has increased considerably with a wide variety of agencies being represented, and noted there are no Appointed members.

Theresa Weiss (JSR Chair) indicated that the committee meets on the 1st Monday of each month from 10:00 am - 12:00pm. She thanked Carl Blake and noted there are big shoes to fill with his departure as Chair.

Board Discussion:

None

Audience Discussion:

None

SEX OFFENDER SURCHARGE ALLOCATION (Decision Item): (Attachment #3) - Chris Lobanov-Rostovsky, ODVSOM Program Manager and Lisa Mayer, Sex Offender Surcharge Committee Chair

Lisa Mayer (SOMB Member) indicated that the Surcharge Committee discussed the amount of funds in the Surcharge budget and noted the need to keep the fund at a lower balance. The Committee discussed ways to determine the best use of the additional funds. Chris Lobanov-Rostovsky (ODVSOM Program Manager) reviewed the makeup of the funds and how they are allocated to the Department of Public Safety (DCJ), the Judicial Department (Probation), the Department of Corrections (DOC) and the Department of Human Services (DHS.) Chris Lobanov-Rostovsky (ODVSOM Program Manager) introduced the agenda item and noted that this as a decision item which requires a vote. He noted that the current allocation across those four agencies is \$860,843.00, noted that the fund balance has increased to about \$1,000,000.00, and mentioned that the preferred balance is \$500,000.00. Chris Lobanov-Rostovsky indicated that each agency submitted a proposal of how to use the additional \$500,000.00. He noted that the revised Surcharge letter outlines the additional spending that crosses two fiscal years (FY25 and FY26). He explained the budget process and then reviewed the suggested spending allocation for the \$500,000.00 as follows:

- \$100,000 = DCJ - Would hire a consultant to provide training, technical assistance, and mentorship to jurisdictions, agencies and individuals who would like to provide post-conviction sex offender victim advocacy services.
- \$200,000 = Judicial Dept. - Would use these monies for direct services for funding of sex offender evaluation assessments and polygraph required by statute for indigent individuals during the pre-sentence investigations.
- \$125,000 = DOC - Would use these monies for Adult Parole to support reentry services for sex offenders who are paroled from prison to help provide housing.
- \$75,000 = DHS - Would use these monies to develop a client data management system that will provide access to important treatment and rehabilitation information and be able to track client outcomes.

Chris Lobanov-Rostovsky (ODVSOM Program Manager) noted that the Board has the authority to propose these changes in the allocations. He noted that they are looking for approval of these allocation additions, and mentioned that the Committee was in favor of the initiatives as presented.

Board Discussion:

Casey Ballinger (SOMB Member) noted that she has been providing victim support to the 1st, 2nd, 17th, and 18th Judicial Districts and indicated that there are currently only 2 of them doing this victim support work.

Carl Blake (SOMB Member) indicated that he supports the recommendations, but was unsure of the split between the two fiscal years. He asked for clarification of how the monies will be split over the two fiscal years. Chris Lobanov-Rostovsky (ODVSOM Program Manager) responded that the ask is to approve the spending allocation and allow for changes in the allocation split. He noted the need to make a motion to approve the allocation with the ability to adjust the monies between the fiscal years. Carl Blake questioned if the motion to approve would not change the total allocation, just what the split would be between the two fiscal years for the DHS portion. Chris Lobanov-Rostovsky agreed that would be appropriate.

Audience Discussion:

None

MOTION TO APPROVE THE SEX OFFENDER SURCHARGE ALLOCATION: (Attachment #3)

Jeff Baker (SOMB Member) made a motion to approve the Sex Offender Surcharge Allocation as presented.

Michelle Simmons (SOMB Member) 2nd the motion.

Board Discussion:

None

Motion to approve the SOMB Sex Offender Allocation as presented: Jeff Baker; Michelle Simmons 2nd (Question #3)

16	Approve	0	Oppose	4	Abstain	Motion Passes
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Committee members may abstain to avoid the appearance of a Conflict of Interest.

Gregg Kildow voted Yes verbally

BOARD RETREAT WORK GROUP REPORTS (Discussion Item): (Attachment #4) - Erin Austin, Implementation Specialist, Theresa Weiss, SOMB Member, Chris Lobanov-Rostovsky, ODVSOM Program Manager, and Gregg Kildow, SOMB Member

Common Purpose Statement Discussion:

Erin Austin (SOMB Implementation Specialist) noted that at the Retreat that two Board work groups created a Common Purpose Statement at the same time. She indicated that each group came up with almost identical statements. Erin Austin indicated that the statement created will be read at the beginning of the Board Meetings. Theresa Weiss (SOMB Member) discussed how the two statements were developed into a single purpose statement and how it will be used by each Board member.

Erin Austin (SOMB Implementation Specialist) read the proposed Common Purpose Statement as follows:

“As a Board member I collaborate among Colorado systems to ensure SOMB practices and policies are evidence-based. This combines the best available research, with professional expertise in the context of individual characteristics, culture, and needs to move the field forward in an informed and humane way. By collaborating effectively, we are enhancing victim and community safety.”

Erin Austin (SOMB Implementation Specialist) indicated that this statement will be individualized for each board member and will encompass all professions. Theresa Weiss (SOMB Member) clarified the different aspects of this statement and that the ultimate goal is to enhance victim and community safety.

Raechel Alderete (SOMB Program Coordinator) noted that at the retreat all Board members were asked if they understood their roles on the Board and how to enhance Board engagement. She asked the Board if they approve the Common Purpose Statement and how they would like this used (i.e., read at each Board meeting, on the SOMB website, etc.) Erin Austin (SOMB Implementation Specialist) noted that the Common Purpose statement will connect with Board engagement.

Board Discussion:

Sarah Croog (SOMB Member) asked for clarification of the use of “Humane way” and what the thought processes were in using that terminology. Theresa Weiss (SOMB Member) clarified that having a balance of community safety and that treatment of clients needs to be used in an appropriate and informed way, with dignity and respect. Erin Austin (SOMB Implementation Specialist) responded that this follows the language in the Standards and the Guiding Principles. She agreed with the use of the term “Humane.”

Carl Blake (SOMB Member) suggested revising the first sentence to: ensure SOMB “recommended” practices and policies are evidence-based. He clarified that the SOMB does not have purview over other agencies and suggested changing “ensure” to “recommended.”

Gary Kramer (SOMB Member) suggested adding: to ensure that the practices and polies recommended by the SOMB are evidence-based “and are consistent with the statutory mandates of the Board.”

Jessica Dotter (SOMB Member) suggesting changing the language to “systems and individuals impacted.” It was noted to change systems to “Systems/Organizations.”

Raechel Alderete (SOMB Program Coordinator) this is not in lieu of our Legislative Declaration which is our Mission Statement, and noted that the common purpose statement is being developed to help people understand what their duties are.

Audience Discussion:

Marsha Brewer (Audience Member) asked how it is ensured that the providers are following the evidence-practices in the SOMB Standards. Carl Blake (SOMB Member) responded that when providers are applying or re-applying to be approved, they submit attestation that they are following the Standards, and they submit work product that ensures they are following the Standards. He

also indicated that the Standards Compliance Reviews, a For Cause Review and the complaint process can also give a picture of the provider knowledge and their application of the Standards. Carl Blake mentioned that while the SOMB does not have direct supervision of the providers, that these systems capture compliance or non-compliance with the Standards. Erin Austin (SOMB Implementation Specialist) noted the changes and the addition of new SOMB staff allows for a better review of provider work product which can help remediate a lack of training and allows the staff to support the providers in a more effective way.

Kimberly Kline (SOMB Chair) asked what the purpose of this Common Purpose Statement is. Erin Austin (SOMB Implementation Specialist) responded that this is a united common purpose statement for each board member and noted that she will make the suggested changes to the wording. She indicated that the ask is if the Board wants this to be used at the beginning of every Board meeting that will indicate how it is implemented by the Board members.

Chris Lobanov-Rostovsky (SOMB Program Manager) suggested that the Staff take this back and finalize the wording. He indicated that this will be brought back at a later Board meeting.

Board Engagement Discussion:

Chris Lobanov-Rostovsky (SOMB Program Manager) and Gregg Kildow (SOMB Member) indicated the 2nd workgroup from the Board Retreat discussed how Board members can be more engaged at Board meetings and their stakeholders. The workgroup consisted of Kim Kline, Carl Blake, Nicole Feltz, Gary Kramer, Jessica Dotter, Jason Lamprecht, Gregg Kildow, Kent Vance, Priscilla Loew, Gregg Kildow, and Jeff Baker.

Gregg Kildow (SOMB Member) discussed that there was a lot of great input, and expressed hope this plan will be instituted when new people join the Board. He noted that getting to know the Board members helps and knowing the expectations of each of the Board members is very important. Gregg Kildow supports the plan and endorses having discussions and getting to know each member personally.

Chris Lobanov-Rostovsky (SOMB Program Manager) reviewed a working document that is being developed which can be used for guidance for new Board Members:

Board Member SOP

- Who the member is and what do they represent (area of expertise)
- What staff member roles are
- Supplemental materials to include Bios
- Supply a list of the Board member roles

New SOMB Member Orientation - expands the new member packets

- SOMB Member Resources
- SOMB Member Responsibilities for Agenda Items
- SOMB Member Participation in Meetings
- SOMB Meeting Behavior and Structure
- SOMB Member Succession Planning

SOMB Member Resources

- A list of current SOMB members, their roles, contact information, and a biography for each.
- A list of SOMB staff members, their roles, contact information, and a biography for each.
- Email list and Committee update email

SOMB Member Responsibilities for Agenda Items

- All documents are to be emailed to Board members at a minimum of one week in advance of the meeting.
- Board members should review agenda items with their stakeholders, and are encouraged to offer verbal feedback during SOMB meetings
- Gives guidance for Board members regarding disbursing pertinent information to stakeholders, and how to bring back feedback to the Board.
- Gives guidance as how to speak up at Board meetings to reflect the position of the Board member and their stakeholders

SOMB Meeting Behavior and Structure

- Board members will be provided the Bylaws and Roberts Rules of Order and guidance as how to follow those rules and processes
- Guidance regarding the behavior and process

SOMB Member Succession Planning

- Gives guidance and suggestions to Board members as to how to make a smooth transition for their replacement when leaving the Board
- Suggested having a transition period for the new member

Chris Lobanov-Rostovsky (SOMB Program Manager) indicated that this Standard Operating Procedure (SOP) is still a work-in-progress, and asked for feedback from the Board members.

Kimberly Kline (SOMB Chair) asked if there are any questions or comments regarding this document.

Jeff Baker (SOMB Member) noted that this document will be very helpful and the mentorship process will be great. He indicated that this document is a great guideline to help new board members know their expectations.

BREAK: 10:49 - 11:00 am

REVISIONS TO THE SOMB ADMINISTRATIVE POLICIES (Decision Item): (Attachment #5) - Raechel Alderete, Program Coordinator

Raechel Alderete (SOMB Program Coordinator) reviewed the revisions to the SOMB Administrative Policies and indicated that this is a decision item which requires a vote.

Raechel Alderete (SOMB Program Coordinator) then reviewed the public comment received regarding the authority of the Department of Public Safety. She reviewed one public comment received, noted that the SOMB is a Type II Board, and indicated the authority is that the Director of the Division of Criminal Justice (DCJ) may suspend or modify any of the procedures.

Raechel Alderete (SOMB Program Coordinator) mentioned that if the revisions are approved the staff will include this in the Standards with applicable revisions and dates noted. She highlighted the areas of the Administrative Policies that were revised (in Red) and reviewed at the February SOMB meeting, and noted that there was no additional public comments received that would have amended the revisions.

Raechel Alderete (SOMB Program Coordinator) indicated that the ask is for a vote of approval of these revisions by the SOMB.

Board Discussion:

Carl Blake (SOMB Member) asked regarding if the authority falls on the Executive Director of the Department of Public Safety or the Executive Director of the Division of Criminal Justice or both. Chris Lobanov-Rostovsky responded that the staff will reach out to the Directors of both to see which is appropriate and make any revisions based on that feedback.

Audience Discussion:

None

APPROVAL OF THE SOMB ADMINISTRATIVE POLICIES AS PRESENTED:

Carl Blake (SOMB Member) made a motion to approve the SOMB Administrative Policies with a possible change in Director authority.

Lisa Mayer (SOMB Member) 2nd the motion.

Board Discussion:

None

Motion to approve the SOMB Administrative Policies with revisions discussed: Carl Blake; Lisa Mayer 2nd (Question #4)

20	Approve	0	Oppose	0	Abstain	Motion Passes
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Gregg Kildow voted yes verbally

JUVENILE STANDARDS REVISIONS - SECTION 2.00 (Decision Item): (Attachment #6) - Paige Brown, Implementation Specialist, Dr. Carl Blake and Theresa Weiss, Juvenile Standards Revisions Committee Chair

Paige Brown (Implementation Specialist) introduced the Juvenile Standards Revisions (JSR) to Section 2.00 agenda item and indicated that the Board approved the revisions last month to go out for public comment. She indicated that public comment received went back to the JSR for clarification and then were sent to the Best Practices Committee for review. Paige Brown noted that the Best Practices Committee approved the public comment revisions and she then invited Dr. Carl Blake and Theresa Weiss (JSR Chairs) to review the revisions that were made as follows:

Carl Blake (SOMB Member) reviewed the public comments received:

- Revisions to Section 2.1G - The Committee decided to use this discussion in the next round of revisions as it does not pertain to any current revisions.
- Revisions to the Introduction Section and noted the public comment questioned when a juvenile under the age of 18 when the crime has been committed, are convicted in Adult District Court, but under the age of 21 when sentenced are still under the purview of the Juvenile Standards. He clarified that the language was revised to a bulleted list, and noted that the 2nd bullet point clarifies when a juvenile is convicted in adult district court “prior to or after the age of eighteen.” Carl Blake mentioned that these changes seemed to clarify the confusion for these cases.

Carl Blake (SOMB Member) noted that the ask is that the revisions be approved with the clarifications made to page one as reviewed.

Paige Brown (SOMB Implementation Specialist) noted that this is a decision item and requires a vote. She indicated that these revisions will be effective July 1, 2024, and noted that training and round tables will be offered prior to the July 1st effective date.

Board Discussion:

None

Audience Discussion:

None

APPROVAL OF THE SOMB JUVENILE STANDARDS REVISIONS TO SECTION 2.00 AS PRESENTED:

Gregg Kildow (SOMB Member) made a motion to approve the SOMB Juvenile Standards Revisions to Section 2.00 as presented. Nicole Feltz (SOMB Member) 2nd the motion.

Board Discussion:

None

Motion to approve the SOMB Juvenile Standards Revisions to Section 2.00 as presented: Gregg Kildow; Nicole Feltz 2nd (Question #5)

20	Approve	0	Oppose	0	Abstain	Motion Passes
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Gregg Kildow voted Yes verbally

ADULT STANDARDS REVISIONS COMMITTEE - HELPING CLIENTS ACCEPT RESPONSIBILITY AND ACCOUNTABILITY FOR OFFENDING AND ABUSIVE BEHAVIOR (DENIAL) (Action Item) (Attachment #7) - Chris Lobanov-Rostovsky, ODVSOM Program Manager, Dr. Rachael Collie, Staff Researcher and Taber Powers, Adult Standards Revisions Committee Chair

Chris Lobanov-Rostovsky (ODVSOM Program Manager) presented the agenda item and indicated that this is an action item and requested that the Board approve this to go out for Public Comment. He then deferred to Taber Powers (ASR Chair) for review and discussion of the agenda item as follows:

Taber Powers (SOMB Member) indicated that these revisions are in Section 3.50 (Treatment Provider Section) right now, and noted when finalized, they will be incorporated into Section 2.00 (Evaluation Section) as needed. Taber Powers, Chris Lobanov-Rostovsky (ODVSOM Program Manager), and Dr. Rachael Collie (SOMB Data Analyst) then reviewed the process used in creating the following revisions:

Section 3.500

- Changed the Name to “Helping Clients Accept Responsibility and Accountability for Offending and Abusive Behavior”
- Acceptance of responsibility
- Underpinning the emphasis on responsibility and accountability
- Acceptance of responsibility contrasts with denial and minimization of responsibility
- The Stages of Change literature was added which is an evidence-based process and was driven by provider input
- The language falls in line with current research
- The language indicates that each client will have different factors related to accountability and responsibility and supports the use of other methods of addressing those
- Citations have been updated

Section 3.510 - Levels of Responsibility

- Now has 4 levels that refer to the index sex offense and fall in line with the Provider Data Management System levels
 - Level 0: Accepts Full Responsibility
 - Level 1: Accepts Most Responsibility
 - Level 2: Accepts Some Responsibility
 - Level 3: Accepts No Responsibility (i.e., Categorical Denial) - Chris Lobanov-Rostovsky (SOMB Program Manager) clarified the reasoning behind the change to this Level.
- Chris Lobanov-Rostovsky indicated that two discussion points were added regarding when a client’s level of responsibility changes as they move through the criminal justice system and when a client’s case is under appeal.
- Taber Powers noted that “treatment providers should collaborate with other members of the CST” was added.
- These levels fall in line with the SOTIPS and current literature

Section 3.520 - Level 3 Accepts No Responsibility: Accountability Intervention (New Standard)

- Taber Powers indicated this is an area where clients can work toward moving to Level 2 Accountability
- A discussion point was added that addresses when a client has recanted his admission of accountability that they should not be given another 90-day period to achieve level 2 designation
- Chris Lobanov-Rostovsky clarified that this is an Accountability Intervention and not the Denier’s Intervention and indicated that this section is more focused on what the hope is to accomplish.
- Dr. Rachael Collie indicated support of this language, and noted it is ahead of the curve with its general support with more positive approach goals, while not completely accepting full accountability

Section 3.530 - Acceptance of Responsibility

- Accountability Intervention shall only be provided by approved treatment providers who meet the requirements to provide sex offense-specific treatment as defined in the Standards Section 4.000.

Section 3.540: - Treatment Providers

- Treatment providers in consultation with the CSTs must establish specific established goals and task for clients who do not accept responsibility.
- Chris Lobanov-Rostovsky noted this is a specific treatment intervention
- Dr. Rachael Collie noted the Committee looked at qualitative data which helped drive this section

Section 3.545: - The Accountability intervention may include the following treatment goals which are not limited to:

- Addressing victim impact
- Developing a therapeutic relationship
- Decreasing stigma and shame
- Focusing on distorted thought patterns related to the offense
- Supporting client motivation
- Use of client support systems
- Addressing client trauma history
- Providing psychoeducation
- Utilize culturally relevant interventions
- Chris Lobanov-Rostovsky indicated that there has been a reduction in Level 3 Accountability due to some of these alternative treatment interventions that the providers are using as a result of the qualitative data gathered from the Provider Data Management System.

Section 3.550 - Polygraph Examination Use

- A Discussion Point was added regarding what to do when a “non-deceptive” polygraph occurs

Section 3.560 - Unsuccessful Discharges with those clients who are still in Level 3 Denial

- Added Unsuccessful Discharge summary
- Added the Colorado Mental Health Practice Act parameters as a resource when treating clients who are in Level 3 Denial.
- Chris Lobanov-Rostovsky noted that the use of an accountability intervention does fall in line with the Colorado Mental Health Practice Act, and noted that when they do not accept accountability that treatment providers can unsuccessfully discharge a client who ultimately cannot proceed out of Level 3 denial. He noted that some may need a little longer to progress out of Level 3, and that an extension can be requested for some clients to continue to be treated based on the circumstances.

Section 3.560 - DD/ID

- Removed “~~revocation proceedings should be initiated~~” are not a role of the treatment providers, but is the role of the supervising officer.

Taber Powers (SOMB Member) noted that these revisions need to be approved by the SOMB to be sent out for public comment.

Kimberly Kline (SOMB Chair) mentioned that there are a number of people who want to weigh in on these revisions. She also noted that this is the last agenda item and asked if it was ok to push through this discussion without breaking for lunch. There were no objections from the Board.

Board Discussion:

Gary Kramer (SOMB Member) noted a couple of typos as follows:

- Section 3.540 - “establish” is used twice and should be corrected.
- The Mental Health Practice Act Statute is missing in the Footnotes.

Carl Blake (SOMB Member) commented in Section 3.545:

- Noted the need for the Committee to find a way to stress the use of Utilize culturally relevant interventions as a “shall” in this section.
- He indicated that he overall supported the revisions to Section 3.545.
- Rachael Collie (SOMB Data Analyst) responded that working with specific culturally diverse clients should be to address a culturally relevant “barrier” which might better be handled using an adjunct culturally based service.
- Kimberly Kline (SOMB Chair) read Carl Blake’s suggested change to the language - “addressing culturally specific needs that pose a barrier to treatment engagement.”

Jessica Dotter (SOMB Member) expressed appreciation of the work done on Denier Accountability and asked for clarification of Section 3.560 regarding the removal of the “revocation proceedings should be initiated when discharged from treatment.” Taber Powers (SOMB Member) responded that Revocation proceedings are not part of the treatment process and that this is addressed in the Supervision and Probation sections. He indicated that the Committee indicated that it was out of place in this section and is not a role of the treatment providers to initiate a revocation. Jessica Dotter agreed with Taber Powers’ response and agreed to move forward with the public comment period. She also expressed approval that this information will give providers more clarity when assessing client accountability.

Sarah Croog (SOMB Member) discussed a case of an African American man who was proved innocent (wrongfully convicted) after serving 28 years, was out on Parole, and went through all required treatment who had a deceptive polygraph and continues to deny accountability and was returned to DOC for a lifetime sentence where he cannot have treatment while in denial. She noted that other states continue to treat those incarcerated who are in denial. Sarah Croog mentioned that some clients will be impacted by this problem. She noted that 5% of people are experiencing this and asked the Board to not approve these changes in the Standards and indicated that she cannot support this policy as there are other ways to address those in denial. Sarah Croog indicated she will not approve these changes and expressed the need to re-address this policy.

Kimberly Kline (SOMB Chair) reminded all that guilt or innocence is not decided in treatment or due to a deceptive polygraph and reiterated that treatment is done after the courts have found a client guilty. She noted that polygraph is only a tool that will help

facilitate treatment and does not determine guilt or innocence. Kimberly Kline indicated the need to trust the providers input who deal with these clients every day and to trust the research.

Chris Lobanov-Rostovsky indicated that the 5% of people mentioned are not the wrongly convicted, but those who do not accept responsibility. He mentioned that providers struggle with the evidence provided from the clients and noted that polygraph is only one clinical indicator of many that are used when determining accountability interventions. Chris Lobanov-Rostovsky noted that there are other options that providers can recommend for clients who are in level 3 denial.

Erin Austin (SOMB Implementation Specialist) noted that the Standards all work together and noted that a client “should” be discharged and not a “shall”. She indicated that when discharging a client, the unsuccessful options are “Uncompliant, New Offense, and Failure to Progress in Treatment” which gives providers context when a client is not able to address accountability. Erin Austin reiterated the need to look at the entire client profile and the work the client has done when considering an unsuccessful discharge. She mentioned that there is an “Administrative” discharge option that can also be used for those clients who will not benefit in treatment. Erin Austin noted the need to train all providers completely regarding the shift in the language. She indicated that in Section 5.00 (Revocation and Supervising Officers) the language is getting away from Supervising Officers being the head of the CST with their policies overriding the provider policies which now allows the treatment providers to focus on the treatment aspect.

Carl Blake (SOMB Member) questioned if the SOMB is putting out a policy that sends individuals back into incarceration. He reminded all that a treatment provider can request a variance for treatment for those clients who they feel would benefit from other treatment strategies. Carl Blake indicated that the Standards are applicable to 99% of clients, and the variance process can benefit the 1% of clients who need alternate treatment. He suggested adding a cross-reference to the variance process in this section.

Jessica Dotter (SOMB Member) commented that the survivors will have a huge distrust of the system with those offenders who do not accept at least some responsibility. She reminded all that this accountability standard is evidence-based and noted that a policy cannot be made for 1 or 2 cases. Jessica Dotter mentioned that policy must cover most cases and noted that only 3 cases in Colorado have been overturned. She indicated the need to take this into consideration when making policy and stressed that sending this out for public comment is appropriate at this time.

Nicole Feltz (SOMB Member) commented that working in Probation and having more options for the supervision officers when working with clients in denial is a great thing. She noted that Probation does not make decisions based on one deceptive polygraph and that they understand the seriousness of a lifetime sentence. Nicole Feltz gave her approval to move forward with the public comment period.

Sarah Croog (SOMB Member) clarified that the 5% are not all those who claim to be innocent of their offense or are wrongfully convicted, but that some people are in that category. She mentioned the seriousness of a lifetime prison sentence and she suggested that treatment providers should not get involved in innocence or conviction. Sarah Croog indicated that denial is a “responsivity factor” and noted that the Variance Process should be more clearly stated in the Standard. Kimberly Kline (SOMB Chair) noted that someone who says the words is not the only way of taking accountability and indicated there are a great deal of things that go into taking accountability.

Jason Lamprecht (SOMB Member) expressed approval of many of the changes made to these Standards and mentioned that the Board and the providers should not make legal decisions. He noted that the SOMB does not have the authority to change DOC policies and indicated that being in categorical denial means that a client will stay in prison. Jason Lamprecht mentioned that the SOMB is making policies that will affect those currently incarcerated and will influence DOC and the SOTMP for those incarcerated with a lifetime sentence. Jason Lamprecht expressed approval of the revisions to the Standards for clients starting treatment without taking accountability for their crime of conviction. He indicated that denial is not a risk factor and noted the need to have more discussion regarding denial as being a “responsivity factor” and how it affects others. Jason Lamprecht noted the need to address this before voting to approve these revisions and supported having multiple rounds of public comment to work through these concerns.

Audience Discussion:

Laurie Kepros (Audience Member) noted that giving someone a life sentence because they do not accept responsibility is not evidence-based. She reiterated that when someone is in prison, they do not have the ability for treatment if they have not accepted responsibility and noted that there is no denier’s intervention for those incarcerated in the DOC. Laurie Kepros stated that it is like a doctor only treating a healthy person. She pointed out that there are alternate programs for those who do not accept responsibility

and mentioned they are not referred to in the Standards and expressed the need to look at “all” the research and evidence before approving these revisions.

Conrad Gonzales (Audience Member) indicated he has seen a tremendous growth in treatment options since 2000 and noted that there are still issues regarding the use of polygraph and denial. He mentioned that the DOC does not necessarily follow the SOMB treatment Standards and noted that there were some punishments given while incarcerated that caused a large amount of fear for the inmates. He expressed that the Standards and treatment has improved tremendously in the past 24 years.

Carl Blake (SOMB Member) put in the chat that “5% of individuals does not automatically mean that the 5% is for wrongfully convicted. While it is possible that the 5% can contain those wrongfully convicted, it is equally as possible the 5% contains no percentages of those wrongfully convicted and only represents those unwilling to admit to their behavior.”

Dr. Rachael Collie (SOMB Analyst) responded to the comments, and the literature review included published peer reviews and some articles and programs that address those in categorical denial. She discussed a program in Australia that is called a Denier’s Intervention that has been evaluated in two published studies that focused on the treatment alliance in denier’s treatment groups. She noted this program has not produced risk factor data or recidivism data. Dr. Collie also discussed a pilot program in 2011-2012 in Canada that looked at treatment for clients in categorical denial in mainstream treatment and their approach of risk factors to reduce recidivism, recidivism rates, and noted there were some promising outcomes. Dr. Collie indicated that there is not a lot of new research and indicated that there are limitations. She expressed the need to re-evaluate the data and reiterated that the Committee was aware of the published and peer reviewed programs.

Raechel Alderete (SOMB Program Coordinator) expressed that this is an action item to be sent out for the public comment period, this is not a decision item. She mentioned that the reason is this will be for the public to weigh in on revisions per the policy on public comment. Raechel Alderete noted that the Board needs to vote to send out for public comment or to table this discussion.

Taber Powers (SOMB Member) indicated that he has been involved in these changes from the beginning and that he has been at all the conversations. He noted the need to move these revisions forward to be sent out for public comment.

Chris Lobanov-Rostovsky (SOMB Program Manager) noted three things to change in the Standards before being sent out for public comment:

- Include the Mental Health Practice Act and the number
- Add a Crosswalk to the Variance Policy
- Move the cultural relevant interventions to a place that shall be done

Jessica Dotter (SOMB Member) made a motion to send the Revisions to the Adult Standards Section 3.00 out for public comment as amended. Jeff Baker (SOMB Member) 2nd the motion.

Jason Lamprecht (SOMB Member) made a motion to table the Revisions to the Adult Standards Section 3.00 for additional public discussion.

Sarah Croog (SOMB Member) 2nd the motion.

Kimberly Kline (SOMB Chair) indicated that the Motion to Table requires a majority vote. Rachael Alderete (SOMB Program Coordinator) clarified the policy using Robert’s Rules.

Motion to table the Revisions to the Adult Standards Section 3.00 for additional public discussion: Jason Lamprecht; Sarah Croog 2nd (Question #6)

7	Approve	13	Oppose	0	Abstain	Motion Fails
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Gregg Kildow voted No verbally

Kimberly Kline (SOMB Chair) noted that this is not the end of the discussion on this motion.

Additional Audience Discussion:

Marsha Brewer (Audience Member) noted that she has previously brought up the issue of those who are given lifetime supervision for not accepting accountability. She indicated that there is no avenue for those who maintain their innocence, and that there is no consideration for those to enter SOTMP treatment. She referred to a discussion that was tabled a while ago and not brought back for further discussion.

Motion to send the Revisions to the Adult Standards Section 2.00 out for public comment as Amended: Jessica Dotter; Carl Blake
2nd (Question #7)

18	Approve	2	Oppose	0	Abstain	Motion Passes
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Gregg Kildow voted Yes verbally

Raechel Alderete (SOMB Program Coordinator) noted that the amendments will be made to the Standards before sending out for public comment, the public comment period will be for 14 days, and then comment received will go to the Adult Standards Revisions Committee, and then to Best Practices before coming back to the Board for approval. She reminded all that the revisions should be ready to review at the August meeting. Raechel Alderete indicated that the May meeting will be held in Pueblo, there is no June meeting, and that the July meeting will be in Breckenridge at the ODVSOM Conference.

Raechel Alderete (SOMB Program Coordinator) mentioned that the public comment period will open on 3/25/24 and will close on April 5, 2024, end of business.

BOARD MEETING ADJOURNS: 1:29 pm

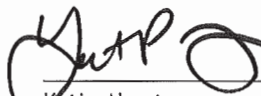
Respectfully,

Jill Trowbridge

Digitally signed by Jill Trowbridge
Date: 2024.05.09 08:56:38
-06'00'

Jill Trowbridge
Program Assistant

Date



Katie Abeyta
Vice-Chair of the SOMB

5/7/24

Date

VOTES

Question #1

MOTION TO APPROVE THE JANUARY MINUTES AS PRESENTED

The motion passed with 17 votes to approve the
January 2024 Minutes, 0 votes to object, and
2 votes to abstain

Responses	
Percent	Count
Yes	89.47%
No	0.00%
Abstain	10.53%
Totals	100%

Question #2

MOTION TO APPROVE THE FEBRUARY MINUTES AS PRESENTED

The motion passed with 19 votes to approve the
February 2024 Minutes, 0 Votes to object, and
1 vote to abstain

Responses	
Percent	Count
Yes	95.00%
No	0.00%
Abstain	5.00%
Totals	100%

Question #3

MOTION TO APPROVE THE SEX OFFENDER SURCHARGE ALLOCATION AS PRESENTED

The motion passed with 16 votes to approve the
Sex Offender Surcharge Allocation, 0 votes to object, and
object, 4 votes to abstain

Responses	
Percent	Count
Yes	80.00%
No	0.00%
Abstain	20.00%
Totals	100%

Question #4

MOTION TO APPROVE THE SOMB ADMINISTRATIVE POLICIES WITH REVISIONS AS DISCUSSED

The motion passed with 20 votes to approve the
SOMB Administrative Policies, 0 votes to object,
0 votes to abstain

Responses	
Percent	Count
Yes	100.00%
No	0.00%
Abstain	0.00%
Totals	100%

Question #5

MOTION TO APPROVE THE JUVENILE STANDARDS REVISIONS TO SECTION 2.00 AS PRESENTED

The motion passed with 20 votes to approve the
Juvenile Standards Revisions as Presented, 0 votes to
object, 0 votes to abstain

Responses	
Percent	Count
Yes	100.00%
No	0.00%
Abstain	0.00%
Totals	100%

Question #6

MOTION TO TABLE THE REVISIONS TO THE ADULT STANDARDS SECTION 2.00 TO ALLOW FOR MORE PUBLIC DISCUSSION

The motion failed with 7 votes to table the
Revisions to the Adult Standards Section 2.00, 13 votes to object,
0 votes to abstain

Responses	
Percent	Count
Yes	35.00%
No	65.00%
Abstain	0.00%
Totals	100%

VOTES - Page 2

Question #7

MOTION TO APPROVE AND SEND THE REVISIONS TO THE
ADULT STANDARDS SECTION 2.00 OUT FOR
FOR PUBLIC COMMENT

The motion passed with 18 votes to send the Revisions
to the Adult Standards Section 2.00 out for
public comment, 2 votes to object, and
0 votes to abstain

Responses		
Percent	Count	
Yes	90.00%	18
No	0.00%	0
Abstain	10.00%	2
Totals	100%	20

Key:

1 = Yes

2 = No

3 = Abstain

