

13-3828. Sex offender management board; duties; report

A. The sex offender management board is established within the department of public safety and consists of members who represent urban and rural areas of this state, who have expertise in adult and juvenile issues that relate to sex offenders and who are appointed as follows:

1. The chief justice of the supreme court shall appoint the following members, who may be active or retired and who have sufficient experience in the field:

(a) One member who represents the judicial department.

(b) One member who is a superior court judge.

(c) One member who is either a juvenile court judge or a juvenile hearing officer.

2. The director of the state department of corrections shall appoint one member who represents the state department of corrections.

3. The director of the department of economic security shall appoint one member who represents the department of economic security and who has recognizable expertise in intellectual and developmental disabilities.

4. The director of the department of child safety shall appoint the following members:

(a) One member who is a provider of out-of-home placement services and who has recognizable expertise in providing services to juveniles who have committed sexual offenses.

(b) One member who represents the department of child safety.

5. The director of the department of public safety shall appoint the following members:

(a) Two members who are licensed mental health professionals and who have recognizable expertise in the treatment of adult sex offenders.

(b) Two members who are licensed mental health professionals and who have recognizable expertise in the treatment of juveniles who have committed sexual offenses.

(c) One member who is a public defender and who has recognizable expertise related to sexual offenses.

(d) One member who represents law enforcement and who has recognizable expertise in addressing sexual offenses and victimization.

(e) Three members who are recognized experts in the field of sexual abuse and who represent sexual abuse victims and victims' rights organizations.

(f) One public member who has expertise related to the evaluation, treatment or supervision of sex offenders.

(g) One member who is a clinical polygraph examiner and who is trained in postconviction sex offender testing.

(h) One member who is a current or former probation representative and who has recognizable expertise related to sexual offenses.

(i) One member who is a county director of human or social services and who is appointed after consultation with a statewide group representing counties.

(j) Two members who are members of a county board of supervisors or who are members of the governing council for a jurisdiction that is a contiguous city and county, one of whom represents an urban or suburban county and one of whom represents a rural county, and who are appointed after consultation with a statewide group representing counties.

(k) One member who represents the highway patrol division in the department of public safety.

6. The director of the Arizona prosecuting attorneys' advisory council shall appoint one member who represents the interests of prosecuting attorneys and who has recognizable expertise in prosecuting sexual offenses.

7. The superintendent of public instruction shall appoint one member who has experience with juveniles who have committed sexual offenses and who is in the public school system.

8. The speaker of the house of representatives shall appoint two public members who are from different political parties and who have expertise in adult and juvenile issues that relate to sex offenders.

9. The president of the senate shall appoint two public members who are from different political parties and who have expertise in adult and juvenile issues that relate to sex offenders.

10. The governor may appoint up to two additional members who are from different political parties.

11. The director of the department of health services shall appoint one member who represents the Arizona community protection and treatment center.

B. The board shall elect a chairperson from among its membership to serve a two-year term as chairperson.

C. Members who are appointed pursuant to subsection A of this section serve at the pleasure of the appointing authority. The initial members shall assign themselves by lot to terms of two, three and four years. All subsequent members serve four-year terms of office. The chairperson shall notify the governor's office of these terms. Board members are not eligible to receive compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

D. The board shall do all of the following and shall present its recommendations, as applicable, to the legislature:

1. Develop, prescribe and revise, as appropriate, standard procedures to evaluate adult sex offenders, including adult sex offenders with developmental disabilities and serious mental illness. The recommended procedures shall:

(a) Provide for evaluating adult sex offenders.

(b) Recommend management, monitoring and treatment based on existing research.

(c) Incorporate the concepts of the risk-need-responsivity or another evidence-based correctional model.

2. Develop a procedure for evaluating, on a case-by-case basis, reliably lower-risk sex offenders whose risk to sexually reoffend may not be further reduced by participation in a treatment program that is implemented pursuant to paragraph 4 of this subsection.

3. Develop and recommend methods of intervention for adult sex offenders. The methods must prioritize the physical and psychological safety of victims and potential victims. The methods must also be appropriate to the assessed needs of the particular adult sex offender.

4. Develop, implement and revise, as appropriate, guidelines and standards to treat adult sex offenders, including adult sex offenders with intellectual and developmental disabilities and serious mental illness. The recommended guidelines and standards must incorporate the concepts of the risk-need-responsivity or another evidence-based correctional model. The guidelines and standards may be used in the treatment of adult sex offenders who are placed on probation, imprisoned in the state department of corrections or placed on community supervision. Programs recommended to be implemented pursuant to the guidelines and standards must:

(a) Be as flexible as possible so that the programs may be accessed by each adult sex offender to prevent the adult sex offender from harming victims and potential victims.

(b) Include a continuing monitoring process and a continuum of treatment options that are available to an adult sex offender as the adult sex offender proceeds through the criminal justice system. Treatment options must be determined by a current risk assessment and evaluation and may include group counseling, individual counseling, family counseling, outpatient treatment, inpatient treatment, shared living arrangements or treatment in a therapeutic community.

(c) To the extent possible, be accessible to all adult sex offenders in the criminal justice system, including those adult sex offenders with behavioral, mental health and co-occurring disorders.

5. Establish a subcommittee to make recommendations to the board on revising the guidelines and standards developed pursuant to paragraph 4 of this subsection. At least eighty percent of the

members of the subcommittee must be approved treatment providers, including one polygraph examiner.

6. Develop annual recommendations to allocate monies deposited in the state general fund pursuant to section 13-3821, subsection Q and section 13-3824, subsection B. These recommendations shall include recommendations regarding the coordination of spending monies from the state general fund with any monies spent by the state department of corrections, the department of public safety or the judicial department to evaluate and treat adult sex offenders and juveniles who have committed sexual offenses. These recommendations shall be presented to the legislature before the start of each legislative session.

7. Consult on and propose revisions to the legislature, as necessary, to the sex offender community notification risk assessment prescribed in section 13-3825. The board shall consider research on adult sex offender risk assessment and shall consider as one element the risk posed by an adult sex offender who suffers from a paraphilic disorder, psychopathy or a personality disorder that makes the person more likely to engage in sexually violent predatory offenses.

8. Research, either through direct evaluation or through a review of relevant research articles and sex offender treatment empirical data, and analyze, through a comprehensive review of evidence-based practices, the effectiveness of the evaluation and treatment policies and procedures for adult sex offenders that are developed pursuant to paragraph 4 of this subsection. This research shall specifically include reviewing and researching recidivism and factors that contribute to recidivism for adult sex offenders, the effective use of cognitive behavioral therapy to prevent recidivism, the use of polygraphs in treatment and the containment model for adult sex offender management and treatment and its effective application. The board shall advise the legislature regarding revision of the guidelines and standards for evaluation, identification and treatment, as appropriate, based on the results of the board's research and analysis. The board shall also develop and recommend a system to implement the guidelines and standards that are developed pursuant to paragraph 4 of this subsection.

9. In collaboration with the state department of corrections, the judicial department and the board of executive clemency, develop proposed criteria and make recommendations, as appropriate, for measuring an adult sex offender's progress in treatment. The recommended criteria shall assist the court and the board of executive clemency in determining whether an adult sex offender may appropriately be released from incarceration, whether the adult sex offender's level of supervision may be reduced or whether the adult sex offender may appropriately be discharged from probation or parole. At a minimum, the recommended criteria must be designed to assist the court and the board of executive clemency in determining whether the adult sex offender could be appropriately supervised in the community if the offender were released from incarceration, released to a reduced level of supervision or discharged from probation or parole.

10. In collaboration with the state department of corrections, the judicial department, the Arizona community protection and treatment center and the board of executive clemency, make

recommendations for the establishment of standards for community entities that provide supervision and treatment specifically designed for adult sex offenders who have developmental disabilities or who are deemed sexually violent persons. At a minimum, the recommended standards must determine whether an entity would provide adequate support and supervision to minimize any threat that the adult sex offender may pose to the community.

11. Review the current delivery of services and the establishment of release conditions at the Arizona community protection and treatment center. The Arizona community protection and treatment center shall implement any guidelines and standards for sex offender treatment and supervision that are established by the board.

12. Research, analyze and make recommendations that reflect best practices for living arrangements for and the location of adult sex offenders within the community, including shared living arrangements. At a minimum, the board shall consider the safety issues raised by the location of adult sex offender residences, especially in proximity to public or private schools and child care facilities, and public notification of the location of adult sex offender residences. The board shall make recommendations for the adoption and revision, as appropriate, of the guidelines as it deems appropriate regarding the living arrangements for and location of adult sex offenders and adult sex offender housing.

13. Develop and make recommendations for revision, as appropriate, of recommended standard procedures to evaluate juveniles who have committed sexual offenses, including juveniles with developmental disabilities. The recommended procedures shall:

(a) Provide for evaluating juvenile offenders.

(b) Recommend behavior management, monitoring, treatment and compliance.

(c) Incorporate the concepts of the risk-need-responsivity or another evidence-based correctional model based on the knowledge that all unlawful sexual behavior poses a risk to the community and that certain juveniles may have the capacity to change their behavior with appropriate intervention and treatment. The board shall develop and make recommendations for the implementation of methods of intervention for juveniles who have committed sexual offenses. The methods must have as a priority the physical and psychological safety of victims and potential victims and, if the methods do not reduce the safety of victims and potential victims, the methods must also be appropriate to the needs of the particular juvenile offender.

14. Develop, implement and revise, as appropriate, guidelines and standards to treat juveniles who have committed sexual offenses, including juveniles with intellectual and developmental disabilities. The guidelines and standards must incorporate the concepts of the risk-need-responsivity or another evidence-based correctional model. The guidelines and standards may be used for juvenile offenders who are placed on probation or placed under the jurisdiction of the department of juvenile corrections or the state department of corrections. Programs recommended to be implemented pursuant to the guidelines and standards must:

(a) Be as flexible as possible so that the programs may be accessed by each juvenile offender to prevent the juvenile from harming victims and potential victims.

(b) Include a continuing monitoring process and a continuum of treatment options that are available to a juvenile offender as the juvenile proceeds through the justice system. Treatment options may include group counseling, individual counseling, family counseling, outpatient treatment, inpatient treatment, shared living arrangements and treatment in a therapeutic community.

(c) To the extent possible, be accessible to all juveniles who have committed sexual offenses and who are in the justice system, including juveniles with behavioral, mental health or co-occurring disorders.

15. Establish a subcommittee to make recommendations to the board on revising the guidelines and standards developed pursuant to paragraph 13 of this subsection. At least eighty percent of the members of the subcommittee must be approved treatment providers, including one polygraph examiner.

16. Research and analyze the effectiveness of the evaluation, identification and treatment procedures developed pursuant to paragraph 13 of this subsection for juveniles who have committed sexual offenses. The board shall make recommendations for the revision of the guidelines and standards for evaluation, identification and treatment, as appropriate, based on the results of the board's research and analysis. The board shall also develop and prescribe a system to implement the guidelines and standards that are developed pursuant to paragraph 13 of this subsection.

17. In collaboration with law enforcement agencies in this state, victim advocacy organizations, the department of education and the department of public safety, develop and revise, as appropriate, for use by schools educational materials regarding general information about adult sex offenders and juveniles who have committed sexual offenses, safety concerns related to the offenders and other relevant materials. The board shall provide the materials to the department of education, and the department of education shall make the materials available to schools in this state.

E. If sufficient monies are appropriated to the department of public safety, the board may request that individuals or entities that provide evaluation, treatment or polygraph services specifically to sex offenders that conform with the standards developed by the board pursuant to subsection D, paragraph 4 of this section submit to the board data and information as determined by the board. The board may use this data and information to evaluate the effectiveness of the guidelines and standards developed pursuant to this section for all of the following:

1. To evaluate the effectiveness of individuals or entities that provide evaluation, treatment or polygraph services specifically to sex offenders.

2. For any other purpose consistent with this section.

F. This section does not grant the board any rulemaking or spending authority.

G. The attorney general, each county attorney and every agency and political subdivision of this state shall supply the chairperson of the board, on request, with such assistance and information as is reasonably necessary to effectuate the purposes of this section.

H. The board shall adopt recommendations by majority vote, but the recommendations to be voted on are subject to the discretion of the chairperson, who must approve a recommendation that is to be voted on.