

AZSOMB March Meeting-20260323_203529UTC-Meeting Recording

March 23, 2026,

AI-generated content may be incorrect

Good afternoon, everyone. It is March 23rd, 2026, 1:36. I'd like to call this meeting to order at this time. Can we do roll call?

OK, I would like to remind everyone in the room to please move the mics as close to you as possible and turn them on and state your name before you speak and get the microphone as close to your mouth as you can. We do have members of the public and board members participating virtually, so in order for them to hear everything that's happening, we need. To make sure we're doing that, I'll begin with the roll call. Chairwoman Goulden is present. And before I do start the roll call, Karolyn, can you confirm if you can hear us?

KK Karolyn Kaczorowski

Yes, I can hear you. Thank you.

Ok.

Wonderful. Thank you. So we'll begin the roll call. Chairwoman Goulden is present. Miss Balson.

Is here. Have you changed her to board member status so she can unmute?

Give us just a second, Jamie. We're transferring you to board member status so you can unmute yourself.

OK, moving on, Doctor Blades.

Present.

Miss Chapman, Present Judge Cohen.

SC Suzanne Cohen (SUP)

Present.

Detective Cook.

Here.

Mr. Galarneau, Present

Doctor Gray, Present

Major Griego, Present

Miss Kaczorowski.

KK Karolyn Kaczorowski

Karolyn Kaczorowski, present virtually.

Mr. Kelroy, present.

Doctor Lokey present.

Supervisor McClure. Present.

Doctor Miller. Present. Doctor Morey. Present. Miss Musick. Present. Mr. Naegele. Present.

Mr. Neil Present.

Miss Opheim present. Mr. Pawlowski present.

Judge Young present.

And excused, we have board member Adkins, Barney, Fanning, Hanratty, Krejci and Representative Powell.

Is Jamie Balson on now virtually?

OK.

OK, Chair, Madam Chairwoman, you have.

20 board members participate in the meeting, so you do have a quorum.

Thank you. May I have a motion to have the board go into executive session at this time?

Brecken Blades, I will motion for the board to go into executive session. Do I have a second?

SC

Suzanne Cohen (SUP)

Judge Cohen, I'll second.

Um.

To obtain legal advice. Someone seconded. Judge Cohen. Judge Cohen seconded. Now you vote.

All those in favor, please say aye.

SC

Suzanne Cohen (SUP)

Aye

KK

Karolyn Kaczorowski

Aye.

Any nays? Any nos or nays? Any abstaining? The ayes have it. We will convene into executive session at this time.

OK, we would ask members from the public that are present in the room to step outside.

We'll come and get you. Please take all of your belongings with you.

Members of public that are participating virtually would ask that you remain in the room. We will take our board members into a breakout virtual room and we'll reconvene in the virtual room that you will be in at the end of executive session.

● **Ashlesha Naik** stopped transcription

Based on the legal advice the board received during executive session, I'm now going to call for a vote if you're in favor of the all those in favor of the.

I'm sorry, second.

I call for the vote that we've received in exec session. Do I have a second?

Brecken Blades I will second that.

Do you want

One second.

Oh, you do want. Yeah, you got to do it . Sorry.

Jenna Mitchell, the DPS will do the voting now. Chairwoman Goulden, yes.

Jamie Balson.

Yeah.

Doctor Blades.

Yes, Miss Chapman. Yes, Judge Cohen.

SC

Suzanne Cohen (SUP)

Yes.

Detective Cook, yes.

Mr. Galarneau, yes.

Doctor Gray, Yes. Major Griego, Yes.

Miss Kaczorowski.

KK

Karolyn Kaczorowski

Karolyn Kaczorowski abstains from the vote because I was unable to attend the executive session.

Mr. Kelroy, yes.

Doctor Lokey, yes.

Supervisor McClure. Yes. Doctor Miller. Yes. Doctor Morey. Yes. Miss Musick. Yes. Mr. Naegele. Yes. Mr. Neil. Yes. Miss Opheim. Yes.

Mr. Pawlowski, Yes. Judge Young, yes.

Madam Chair, the yeses are 20 and one abstaining motion passes.

It came to my attention that materials were circulated to members of the Arizona State Legislature that appeared to be official documents of the Sex Offender Management Board, and this is deeply concerning. Any communication that implies it represents this board without formal review and approval misleads policy makers.

Undermines the integrity of this body. Advocacy is a right. Misrepresentation is not. No individual or entity is authorized to speak on behalf of the board or present positions as

official board policy without explicit authorization, incorporating quotes from individual board members into materials that appear to be official board.

Documents is an inappropriate, is inappropriate and creates a false impression of board endorsement or consensus. As Chair, I expect all communications with the legislature to reflect professionalism, accuracy and clear attribution. The credibility of this board will be protected.

Thank you.

We're now going to move on to public comment. Major Mitchell, Jenna Mitchell, DPS. Before beginning your public comment, please state your name and organization if applicable for the record. We do not have any members of public that will be participating virtually today. All will be in person. Verbal public comment is limited to 3 minutes. A timer will sound to help speakers manage their time.

When the timer indicates the time has expired, speakers are expected to promptly conclude their remarks. First up today is Trenton Davis, followed by Amy Stewart and then Stacy Reed.

Good afternoon. I'm Doctor Trenton Davis and I'm a member of the public. This is really just sort of a follow-up regarding the theme of assessments. While we don't have time to discuss the statistical and methodological complexities.

Of the plethora of assessments that exist, I'd just like to point out a few things to think about when the board talks about or thinks about assessments. How is the assessment developed? What is sensitivity and specificity or predictive power? How is the sensitivity and specificity of the assessment validated?

What was the demographic composition? For example, sex, gender, sexual orientation, age, ethnicity, etcetera of the cohort use, especially for the validation. For example, being male and having male victims may be associated with higher risk, but what was that? But was that variable determined based on a cohort?

Primarily heterosexual men. If a man who identifies as bisexual or homosexual, one might obviously expect their victim to be male. This seems to me to be perhaps contain outdated biases that bisexuality or homosexuality is somehow deviant.

What year was the assessment developed and validated? Another example? The static assessments currently used are based on 25 year old data with validation cohorts primarily of incarcerated heterosexual white men. Is this assessment still valid? Who is studying this?

What does the peer reviewed literature say? In other words?

What is the current state-of-the-art? What training do law enforcement receive from experts, psychologists, psychiatrists, other mental health professionals to perform these assessments? Most of the assessments that are used for any purpose, community notification or otherwise, are not perfect.

They are old. They are confounded by biases and paradigms that existed at the time of their development. In most cases, they have not been independently validated. In other words,

validated by studies conducted by researchers other than the original investigators that are available, and this is important in the peer-reviewed literature.

These are things I think the board and especially the clinicians, I think all of this the clinicians are aware of and think about, I think have to be concerned with. Thank you.

Thank you. Next is Amy Stewart, followed by Stacy Reed and then Susan Dodson.

Members of the board, my name's Amy Stewart.

I'm here because there is no better voice than someone who is living this reality right now.

On September 26, 24, my husband was taken from me.

We were living a beautiful life, built on love, family and hard work. We have five beautiful grandchildren and two adult children. In an instant, everything was changed. My husband's case began with the disguise leak on Facebook related to his work and.

When he clicked it, videos began downloading. He did not seek this material. He was really terrified.

Law enforcement later said they cannot pursue who create these malicious links because many operate in non-extraditable countries. Instead, the focus remained on him. Our home was raided.

They ripped my ring camera off the wall and covered the peephole. It was the longest 2 minutes of my life. I feared I was about to be a victim of a home invasion.

The trauma of that moment, being treated as if my husband was a dangerous criminal, has stayed with me.

I am still in counseling because of it.

He told the truth and believed it would matter. Instead, we were told he could face life in prison even without intent.

The honest man he is believed to truth to be, he thought truth would set him free. I was raised by a police officer to respect the law and believe in our justice system. This experience has forced me to confront how laws are written without.

Consideration of intent that can destroy innocent families. For 17 months, three weeks, I have been wanting someone who is still alive.

This did not just imprison my husband. It dismantled our family. I understand these laws are created with good intentions, but A one-size-fits-all approach. Justice is not justice. Lengthy incarceration without consideration of intent is not.

Fairness.

My husband was collateral damage of how this these laws are written. He is a living husband, stepfather and grandfather. I believe he can continue to live a productive and law abiding life.

I respectfully

Thank you so much. Thank you. Thank you. Next is Susan Dodson, followed by Gary Hardy and then Kim Drogas.

My name is Stacy Reed.

Dear members of the Board and Chairwoman, I'm a 44 year old woman, wife of 23 years and

a mother of four children. I'm here today to fight for my rights as a victim and bring awareness to the injustice my children and I have experienced due to overzealous laws and inhumane practices.

I am fighting a fight I never wanted to fight, and yet I am a voice that must be heard. 18 months ago, my husband was arrested. He was ripped away from our family, tearing our lives into a million pieces. We later learned that it was undercover sting operation. There was no meet up and no real victim. That does not excuse accountability, but.

Is important for understanding the full context. No actual victim exists beyond the one standing here today and my children who don't have a voice. Even CPS investigated and found nothing concerning. I am the victim. This is my face. I am not a number or not a statistic. I am a real person living this nightmare.

My children and I have paid a heavy price under the premise of justice and public safety. Instantly, my life was shattered and I was left to pick up the pieces alone. Overnight, I became a single mother, navigating shock, fear and heartbreak while trying to hold my family together.

I have been silenced and shamed throughout this process while carrying the full emotional, physical and financial weight of our family alone. My children lost their father, their stability and their sense of normal life. They're living with emotional distress, financial devastation and depression as they try to understand.

Why their father exists but is not allowed to be part of their lives. During pretrial, my children were not allowed to see him. No contact, missed birthdays, missed games, missed Christmases, missed years. My daughter asked me how can he not see us when we're his family? We are the ones he needs the most.

From the beginning, my husband took accountability and committed to therapy, support groups and every available resource. His efforts have been genuine and consistent. Later, a judge recognized his progress and allowed him to return home. For a brief time, we were reunited as a family. A few months later, he was sentenced to 103 days in jail.

When he was released, he was once again stripped of all contact for our children with our children. Today he still can't live with us or have contact with our kids, not person, phone or in writing. So I am still raising my children alone, carrying every responsibility while they grieve someone who is still alive. My husband and I have remained committed to our marriage and healing our family through this process.

I believe in accountability, rehabilitation and second chances. I do not believe in a system that creates ongoing punishment that extends beyond the individual and onto innocent families. We say we want fear of victims, yet we are creating more in the wake. When do the consequences end? Not after jail, not during probation, not with a lifetime label. Not while my children.

Live with depression, fear, uncertainty, and public judgment. How much harm can one family endure for something they did not do? I'm asking you to see me. I am not collateral damage. I will not be ignored. When do I get justice as a victim? My children do not deserve to serve

this life sentence.

Thank you. Next is Susan Dodson, followed by Gary Hardy and then Kim Drogas.

Hi, Suzanne Dodson.

Uh.

Taking medications for a diagnosis you don't have makes you ill. Mental health treatment for a diagnosis you don't have creates other mental health issues.

The authorities in the state of Arizona agreed that my son was not a sex offender. He was not charged with the sex offenses, but perhaps to prove a point, they asked that he comply with sex offender terms. Since then, he goes to his private treatment group.

For four years.

He's paid them over \$24,000. They will not give him test results or updates. He gets verbal.

You're doing great, attaboy, but there are no results.

To get anything, they say talk to probation. Probation says don't talk to us, talk to treatment.

And around and around he goes \$24,000 later, this private treatment group.

Is treating him for four years for a diagnosis that he doesn't have, says the state of Arizona. I would like to know who oversees the private treatment groups. Thank you.

Thank you. Next is Gary Hardy, followed by Kim Drogosz and then Patricia Borden. Thank you, Madam Chairperson Board. My name is Doctor Gary Hardy. I'm affiliated with Collaborative Justice Institute and Restorative Action Alliance in New York City.

If you look at the statutory responsibilities of this board, you are charged with something incredibly important to evaluate what actually works, what reduces recidivism, what improves treatment outcomes, and what enhances public safety. That includes reviewing cognitive behavioral treatment, supervision practices, and

And the containment model itself. But as we've been reviewing the research and current practice, we've encountered a concern that I believe deserved the board's attention. There is a growing gap between what we say we are doing and what we are actually doing.

On paper, we align with evidence-based frameworks like risk, need, responsivity. In practice, much of our system still operates through containment, surveillance, restriction, compliance, driven responses, mandatory treatment, polygraphs, etcetera.

And those are not the same thing. At the same time, many of the policy decisions we're seeing, both here and nationally, are being driven by high profile cases that create a narrative of system failure. But when you look more closely at those cases, they are often not failures of risk assessment models or treatment frameworks.

There are failures of supervision, coordination and intervention, so we end up responding to the wrong problem. We pass laws that extend penalties, expand restrictions, tighten registration requirements, but do not actually improve real time public safety, supervision, quality or treatment effectiveness.

That raises a critical question. Are we measuring what works? Are we reacting to what alarms us? Over the past several weeks, we've been working with the research team to begin a structured review of existing treatment models, population specific needs, supervision

practices and outcome data tied to recidivism and assistance.

Our goal is not to criticize, but to assist, to help align policy, practice and evidence in a way that strengthens both accountability and public safety. Next month I'll be bringing a more complete set of findings and recommendations to the board, but for now I would simply encourage this.

If we are serious about reducing risk, we have to be equally serious about examining whether our current system is producing the outcomes we intend. Thank you. Thank you.

Next is Kim Drogosz, followed by Patricia Borden and then Stephen Mandoka. Good afternoon, Chair and committee members. We're in the middle of a legislative session with over 2100 bills being heard, an all time high. The pace is fast and the decisions being made right now carry real and lasting consequences. Last month this board.

Discussed three bills and rendered its opposition to HB 2966, HB 2870 and SB 1829. Thank you for making your position on these bills known. It really matters and the legislators need this information rapidly. I would like to recommend that this committee add to the agenda today a time frame of correspondence with.

Three business days of the positions of the board to the governor in ranking legislative positions I am holding.

An educational packet that another mother and I distributed at the Capitol on March 9th to provide legislators with both factual information and personal perspective. We felt it was very important to share our deep personal experiences along with factual information that reflects our journey. We had hoped that after the February 23rd meeting at the Board's directive.

The Chair would have communicated the committee's position to the Governor and ranking members as communicated at the meeting sooner than March 9th. Letters were written by the public asking when these letters would go out with no response. I do want to acknowledge an error in the Senate packet which stated that the SOMB respectfully urges the legislature to pause and to allow the board.

To complete its ongoing work, the sentence should have read AZRSOL, not SOMB made that request. Again, this was an error, not intentional misrepresentation. Perhaps the board can share insight into why its official correspondence to the governor and legislative leaders was dated March 9th, 2 weeks.

Weeks after its position on these bills was established, the morning of March 9th, two of us moms dropped off this information for legislators as these bills were moving quickly and we wanted to ensure that they had vital information while decisions were still being made, even though we assumed legislators would not vote.

Or would vote along card lines. We all make mistakes. This committee will make mistakes. My autistic son made a mistake by clicking on a link sent by a stranger on the gaming platform Discord. That click automatically downloaded, unbeknownst to him, illegal content, a mistake that will follow his life forever.

On March 18th at the Senate Judiciary Committee, I want to share an exchange regarding HB

2966, which the board opposes. Senator Ortiz, question Representative Diaz, are you aware that the Sex Offense Management Board is it is opposed to your bill? And do you have anything to say about that? Yeah, I understand and I think they're wrong.

Wrong because of the offenses of our most vulnerable citizens and those are children and these people, these folks should not. These are appealing every Friday at the courts their cases to try to get leniency or else get their sentences reduced and I do not believe that they should have.

Especially when they have that kind of heinous crimes against children. HB2966 is the mirror bill to the Senate bill at Senators Shafts and SB1092. Representative Diaz, I can understand what he is sponsoring. If you guys could testify, it would be greatly appreciated.

Next is Patricia Borden, followed by Stephen, and then Trish. Good afternoon, Chair and members of this board. I am Patricia Borden. I am the founder and director of Arizona's Irrational Sex Offense Laws. I appear before you as a fellow volunteer.

I appear representing the over 12,000 Arizonans on the Sexual Offense Sexual Offense Registry. I want to sincerely thank each member of this court.

Like me, you give your time voluntarily in service to public safety, and that commitment deserves genuine recognition. Many of the people we represent.

Are too fearful to speak for themselves, and that fear is not unfounded. In 2025, the Proud Boys launched violent threats that forced NASL, the National Sex Offense Laws.

To cancel their national conference here in Arizona, three members, or I should say be saying 3 mothers who testified at the legislature were targeted on social media.

When advocates like these mothers all falsely portrayed as spreading misinformation, when they were simply telling the truth, AZRSOL must be the voice that sets the record straight.

The threat against this population is real. We genuinely care about the Board's mission and understand that funding is essential to carry it out. We ask that you that your financial records be made available on the website.

To stakeholders so that we can understand how current funds are being used and where the true needs lie. Regarding Senate Bill 1585 and requesting for an additional twenty \$200,000, we simply ask.

Please provide a detailed breakdown of how this \$200,000 will be spent and how it advances the Board's mission. What outcomes and deliverables are?

Are tied to this appropriation. Those on Arizona's sexual offense registry already struggled to find employment and housing. The costs that consume them include ankle monitors, polygraphs and such if SB 1585 creates a.

Additional financial obligations, those who cannot.

Thank you so much. Thank you. Thank you. Next is Steven, followed by Trish and then Darren.

Hello, my name is Stephen Mandoka. In 1998 I was 14 years old. I was in the 8th grade when I was handcuffed in school and took out in front of the student body. I was took to a police station in downtown Phoenix, read my Miranda rights and asked if I wanted to speak without

my parents present, which on two separate occasions I said no.

I was then told my mother didn't want to be in the room during question, and the detectives told me then to admit to whatever it was that they wanted me to admit to. Regretfully, to this day, I did that, whatever it was. What I wasn't told was that I wouldn't be able to go back home with my family or that my stepfather was also a suspect.

During the investigation, my two sisters were placed in a room with a recording device hidden inside of a teddy bear where they were heard saying should we say anything about dad? In order for us kids to come home, he had to be out of the house. So my mom gave custody of all four of us kids to CPSI was arrested soon later from a group home placement and went to Durango Jail and after a few days there I was charged as an.

Adult and took to the infamous Maricopa County Madison St. Jail in 1998. If you entered that jail, you were subject to an already guilty outlook due to the statements of convicted and pardoned criminal Sheriff Joseph Arpaio, whose branded jail was if you can't do the time, don't commit the crime.

This led me to signing two lifetime probation grants in order to be placed in a treatment program that specialized in working with juvenile sexual offenders called Youth Development Institute. I only signed the plea to avoid over 40 years of prison that was being held over my head. While at YDI I was subject to therapy that focused on clarification for victims of crimes that I.

Honestly knew nothing about or for the most part was being told to by a probation officer who evidently had more information about my own sexual history than myself. This led me to fail in a polygraph there at YYDI. And when I was confronted about being truthful with my treatment, I did just that and told the truth. I then passed the next polygraph, which changed the course of my treatment.

From to the survivors program for sexual abuse. However, the state the state sends me to SO treatment and the probation officer said that if I was going to, I was going to do that regardless of the polygraphs rules because the results because they weren't even admissible in court. I soon violated probation, ultimately put me in a position to go to prison or go back to a treatment facility.

Facility to attempt to do a SO treatment that I did not commit the crime of. I chose prison. In prison I was subject to fights, riots, drugs, and in total between jail and prison I've been stabbed 17 times. When the state convinced me to sign these plea agreements, all the eyes on my stepfather, they just left. And then there was 10 more victims that were made in Arizona, Michigan and in.

Tennessee. To this day, there's been no accountability on the behalf of Arizona, just visible proof that they pursued a child over an adult for a conviction rate. There's not many places hiring people with charges like my own, but I paved my own way in that darkness. I'm the first indigenous artist to paint for the Super Bowl host committee. I became one of the fastest rising street artists in 2015.

Until someone took my identity from a newspaper into the place with my charges and I ended

that. But in the process I've opened. This has opened other wounds. They hadn't. Hold on. They hadn't had real clarification. My victims never. Those victims of the crimes that I was charged have never had real clarification. One of my charges they convict me for.

It was in 1994, one of the charges they convicted me for. I was 10 years old. You have to be 14 years old in Arizona to be charged as an adult. This is a crime. Thank you.

Next is Trish, followed by Darren and then Marina.

Thank you. I'm Trish Kokoris. I'm the co-founder and co-executive director of Youth Development Institute and was responsible for for some of the misery I think that Mister Mandoka had to had to go through in in in treatment and in life.

It I'm not claiming responsibility or fault. It was just I was part of the process that he was subjected to and many others were subjected to unjustly. These were children and really preteens in some cases whose whose charges were held until they.

Became old enough to be transferred to the adult court and then afterwards a lifetime of registration.

The injustice of this for a youth who was 10 at the time of crime or 14 to suffer a lifetime of probation with all of the discrimination, the housing problems.

The injustice of it is is just so great. I would like for this committee to at least look at the situation of those youth who were transferred at a very young age because of a failed public policy that did not protect.

It did not rehabilitate. It only harmed and created greater injustice. And if the committee would look to see what could be done for those transferred youth, I I would very much appreciate that. Thank you.

Thank you. Next is Darren, followed by Marina.

Good afternoon, Madam Chairwoman and Board. I'm Darren Stanley, a registered citizen and missing two of my very important constitutional rights, the right to vote and the right to bear arms. Those two things are a discussion for a different day. I'm here once again to speak on SB 1092, HB 2966, SB 1820.

After the February meeting, I believe that SB 1092 was opposed by the board, which I say to you whom opposed it SB 92, thank you for using common sense. Many of the sex offender laws are based on fear and not facts.

With this in mind, I thought it was prudent to file for early termination of probation for fear that one of these three may pass within the next year or so. I am not confident I will get it because of I am shy too. I am just shy of my two year mark out of therapy. However, since I've completed more than 550 hours.

Hours both in and out of prison. As my personal therapist who worked on the guidelines, Doctor Nicole Pondell says the two years is a guideline, not written in stone. You're ready. Therefore, I oppose all of these bills for my own personal and mental and financial reasons.

Next, I would like to speak on SP1239. Anything to do with registration is allegedly not punitive. It's administrative. So then why are so many people back to prison on failure to register? Let's not make the registry more difficult than it already is.

The only reason I knew registration went from seven days to 72 hours was because of the network of people I volunteer with. I was not notified in any way. I went to my group therapy, my church, my men's Bible study group, and of course let everyone know that the law had changed. I was the only one.

Three groups that had this very important information.

These are just some of the things our legislator passes with no regard to how to properly implement them. But hey, it sounded like a good idea. Again, as I've said before, I would be glad to talk to any of you on the board, even if you are totally on opposite sides of the fence. Sometimes that's the only way we can learn to work out our differences and work together. Thank you. Thank you.

Marina Fleetwood.

Good afternoon. My name is Marina Fleetwood. I want to share what this registration system looks like. Not on paper, but in real life. My husband's life, our family's life. In 1986, my husband accepted a plea agreement for an attempted offense against the minor. That plea agreement wasn't just about him, it was about protecting his family. A public trial would have exposed.

Personal details caused financial strain and dragged our family through something no one could endure. This is common. Plea agreements in these cases are often about survival, shielding loved ones. It's not agreeing to decades of future consequences that didn't even exist at the time.

Because in 1986, there was no registry, no reporting, no public website, no lifetime monitoring. His sentence was clear and he completed it. But the laws didn't stay the same. Year after year, new requirements were added retroactively. First registration, then community notification, risk levels, shorter reporting deadlines, employment, vehicles. Internet identifiers and now after 40 years placement on a public website, he will be 80 years old. Each change may seem small to you, but living it feels like the finish line keeps moving. My husband is risk level one. That means low risk. He has spent decades complying, building a stable life, working several jobs at once to support his family.

Building back community relationships. And yet today he is on a public website for life. After 40 years compliance and being labeled low risk, he is still presented as a public threat. Studies show that at this stage of his life, his risk of reoffending is less than 1%, the same as the general population. What does low risk mean?

If it still results in lifetime public exposure, what does rehabilitation mean if it is never recognized? And what does it say to families like mine who have made decisions decades under a completely different system, only to have the rules rewritten repeatedly? Outside Arizona, things are different. Federal SORNA laws and a majority of states, including Colorado.

One text.

Recognize people can change. They provide pathways off the registry. They allow review, acknowledge time, compliance and risk level. But not Arizona. There's no off ramp, no

recognition of the life lived since then. This is not just a legal issue, it's a human one. It affects many aged registrants with decades of compliance and their families of where we can live.

Work, attend church and how our community sees us. It affects the spouses, the children, the grandchildren, other family members. It affects more than just the one person. It follows us every day. My husband is not the same person he was in 1986. In 10 states, if someone is offense free for 15 to 20 years, he is automatically rolled off the registry.

In another 30 states, one can petition. In Arizona, someone who is offense free for 40 years can remain on the registry for life. I asked the board to consider whether this system, especially for those classified as low risk, is truly serving public safety, or whether it's time to allow a path work forward, an automatic roll off after years of compliance, or at least a Method to petition for removal. I thank you for your consideration. Thank you.

Major Mitchell, can you give us just an update on the letters that were sent out? Yes, Madam Chairwoman, the letters were sent out and included in your packet. I believe they were mailed the date of the letter, which I think was March 9th.

Thank you, Miss Baldner. Will you give us an update on the bylaws?

I was not ready for that, but sure, I apologize. That's fine. No, we're on version four. I went ahead and.

Implemented everything we discussed regarding version three. I would have really appreciate everyone taking a quick pass through on version 4 and if you're fine with what you see.

You can put it to a vote next time.

They should be in your Major Mitchell. They're in the materials system, aren't they? That's correct. Version 4. Yes, ma'am. OK. Thank you.

The validation. Yeah, it's included in the packet. OK, just let me know. Do you want me to? Yeah, go ahead. Old business. The update on the validation study of the current community notification assessment. Miss Adkins as the Department of Corrections representative had.

Volunteered to look into obtaining the validation study and she was unable to do so. She did find what was called Q&A that was included in your packet. I believe it was about an 8 page document that was created at the time the assessment was created. I've reached out to a couple.

Of more board members that might have been involved in that validation study to see if they still have a copy of it or know where we can get it. So we're continuing to look for that for the board.

Thank you, Major Mitchell.

Mr. Davis.

Yes, ma'am. All right. So I want to just take a moment to review our legislative review and voting procedures. We've had an opportunity to do this once at our last meeting, but I just want to review a few pieces moving forward. So first and foremost, when discussions happen, the chair will introduce the bill that we will be voting on.

A brief overview of the bill will be provided to each of you all, and then at that time, members of the board will be able to offer comments, questions, perspectives and their rationale for the legislation.

This first initial phase will take 15 minutes. It will be time. So at the start of, like I said, the chair will introduce the bill, then the 15 minutes will begin. I want to remind folks that it is very important that you guys offer a rationale in order for a vote, either in the affirmative and the negative or to abstain to go forward, it must have.

Have a reason. So I vote to oppose this bill because this, this and this, and that will be the merit zone by which you guys are all voting. So feel free to add general comments. Try to be as concise as possible. Avoid repetition.

But again, provide concise evidence-based rationale for explaining why you chose to either support, oppose or abstain from the bill. Statements like it doesn't align with the board permission or priorities. The more specific the better. The ideal goal is, especially when we are opposing bills, we want the legislature to amend it.

To make a difference to change. So if you don't provide them the rationale or that guidance, they won't be able to do so after the initial 15 minutes. If we do not reach a vote, another 15 minute session will happen in which we again we can continue to discuss whether it's our position or the rationale.

If after that initial that that 2nd 15 minutes, so a total of 30 minutes of discussion, a vote is not reached by majority, then the bill will be tabled.

Are there any immediate questions based on what I just shared?

OK, again, and some chairwoman will introduce the bill. We'll have a 15 minute discussion.

The biggest piece that is different from the last time that we did this, we must provide a rationale as to why we are opposing, affirming or abstaining from a vote. It should be policy based and it should be based on the merits of the bill.

If we do not reach the majority vote within that first 15 minutes, we'll have another 15 minute session. If it's not met during that time, then the bill will be tabled for our next convening.

Pending any questions, I yield back to the chairwoman.

Thank you, Mr. Davis.

I'm going to begin with.

SB 1240.

Back up.

Let's back up. We're going to need a motion.

Need a motion.

May I have a motion to adopt the rules that Mister Davis just laid out for us?



Karolyn Kaczorowski

This is Karolyn Kaczorowski. Can we be provided those rules in written format?

Those rules are provided in written format and if they were also posted on the website.

May I get a motion to adopt the rules that Mister Davis just laid out for us, which is different than last. Fred Griego, I'll make a motion to adopt the rules as laid out by Mr. Davis. Could I have a second on?

Anna young I'll second that. Thank you. All those in favor, aye. Any opposed?

Any abstaining? The motion passes. Thank you. Can you the motion passes?

I just.

All those in favor, please say aye. Any opposed?

No. Any abstaining?

No. OK. The motion passes. Thank you.

OK.

And that was 21 votes in the affirmative 0 abstaining 0 no s. Thank you.

All right, we are going to begin today with SB1240.

I'll go ahead and go over a background and then open it up for discussion. This is the probation success incentive payments.

The background on this bill. The administrative office of the courts must calculate a probation success incentive payment using a formula specified in statute, the basis for which is equal to the number of probationers successfully prevented from entering prison.

Subject to legislative appropriation, incentive payments must be proportionally allocated to each county probation department to improve supervision and rehabilitated services for probationers. The AOC must submit annual reports to the Governor, President of the Senate, Speaker of the House, and joint Leg Committee.

Dangerous crimes against children are specific legal definitions for serious crimes and sexual offenses committed against a minor who's under 15.

The provisions of this bill, SB1240, prohibits AOC when calculating county probation successive incentive payments from including probationers who are convicted of a dangerous crime against children. Makes technical also makes some technical changes.

So the purpose of SB1240 is to exclude probationers who are convicted of dangerous crimes against children from being included in the calculation that determines probation successive success incentive payments to counties. So.

I will open this up, but is um.

Little background, I think it's ARS 12-270. Probation incentive payments went into law several years ago.

With, I think, the intent to keep people out of prison.

My experience working in probation under the incentive program plan is I think that it incentivize probation to ignore behavior that was not good so.

Before I go any further, does anybody want to add to this discussion?

Nobody, because I will keep going and I will turn into the professor and start randomly calling my folks. So I do need you guys to engage. I will, I will. If there are any clarifying questions about the the substance of merits of the bill or what we're trying to technically

change or what they are trying to technically change, these are a great venue to ask those questions.

If you don't understand where we are, please flag that and we can also provide more background. Ma'am. Madam Chair, this is Doctor Miller. I'm looking up this document myself. I'm not quite understanding the recommended changes. So they so several years ago, I do not remember the exact year I was still on probation when.

The legislature passed the probation incentives statute, which essentially was supposed to incentivize probation to keep people out of prison. However, in my experience and practical experience working in probation, it was.

Kind of a look the other way so we can get money from the state legislature. I'm not in. I am not personally based on my years of experience in probation in favor of probation incentive payments at all. That is my that is my opinion.

This bill is saying that the legislature is removing incentive payments for DCACS. So if probation early terminates someone with a dangerous crime against children, they're not going to receive funds. They have to exclude those individuals.

From the payment system, the calculation that they make for people they early terminate. So quick question to that point is it's like so instead of in lieu of going to jail they can make payments. Is that what the at the end of I believe it's every fiscal year they.

Turn in their numbers of people who successfully completed probation.

And then based on that number, you have to hit at least 70%. And then, so I think last year, if I'm not mistaken, say they got an additional \$1 million from the state if they hit a mark, if that makes sense. This bill excludes anyone that's early terminated from probation for a dangerous crime against children from that number.

Peter Morey. Oh, sorry, two questions.

Does anybody who has a dangerous crime against children ever get early terminated? And second concern more than question is I understand what you're saying about the difference in practice between theory of the incentive payments versus practical application.

What I'm concerned about is that if we single out a special population rather than turning.

Turning over the whole early or, I'm sorry, the whole incentive program, are we creating a biased population within the legislature that could down the road create more problems?

KK

Karolyn Kaczorowski

This is Karolyn Kaczorowski. I can tell you that people who have dangerous crimes against children convictions are released early from probation as far as the.

Mm.

OK.

KK

Karolyn Kaczorowski

Possible bias that DCAC crimes are being addressed in the legislature. I don't have a

comment to that. However, I will say that creating incentives for probation not to report violations.

Yes.

Oh.

KK

Karolyn Kaczorowski

I mean, they're they're basically being incentivized based upon what Chairwoman Goulden said to overlook violations so that the probation doesn't get revoked if it's appropriate for it to be revoked.

OK.

Yeah.

KK

Karolyn Kaczorowski

And I agree that the entire law is.

Problematic, but in short, we only can address the sex offender portion of that.

Peter Morey, I I agree with what you're saying, but if it's the whole laws that problematic, are we doing anything beneficial by selecting out a certain population of early termination for the incentive?

I mean, I don't. I don't disagree with you on the observation, the practicality of incentives, letting bad behavior slip, but are we doing anything?

Beneficial by.

Identifying and pointing to a specific population.

KK

Karolyn Kaczorowski

Well, I think one benefit would be to seeing whether they are treated differently before and after the amendment, so that we could argue later that this does in fact create those financial incentives as we suspect.

Because now you've got one category where that incentive doesn't exist, and that can the data can be measured as to how probation is reacting differently to that exclusion.

I want to call Judge Cohen, I believe, has her hand up. Judge Cohen.

SC

Suzanne Cohen (SUP)

I was just about to take it down because I think what I think has already been said. I I still don't understand why we would be excluding this population.

Can you explain further please? I know it's already been said, but again, for the education of people in the room and for discussion, can you explain your part a little bit more please?

SC

Suzanne Cohen (SUP)

Were you talking to me?

Yes, ma'am.

Yes, ma'am.

SC

Suzanne Cohen (SUP)

Sorry, ask your question again.

Oh no, I was just saying, would you mind elaborating a little bit more for the folks in the room in service of the discussion?

SC

Suzanne Cohen (SUP)

Well, I don't understand why we are excluding them, what the goal, the end goal is to exclude them. I agree with Beth that the the whole statute's a little problematic, but there doesn't seem to make sense to exclude this particular population.

Frank, Frank Griego, I think if you work, everyone here has been working with legislature and stuff, so things happen incrementally. This could be a good foot in the door first step to get rid of a bad policy. So that you do this and see it works. It sees people that need to stay on probation, stay on probation instead of being released.

Just so you can get more money or get incentives into your own agency. This could be a first step into changing a bad policy. It laws change incrementally, bad policy changes incrementally. And I think this is a if you're asking, I'm speaking in support of it because of that to get the foot in the door to get that process started to and it allows as someone.

Said earlier, the opportunity to study the effect of it to maybe help promote removing this type of incentive from probation.

Peter Morey, just quick clarification because I think I may be misunderstanding. If someone's on probation, it they get the incentive if somebody does not go back to prison, correct? It's not they get the incentive if somebody gets off of probation.

Because that would be an entirely different thing. If somebody gets released from probation, they get incentive. If they get released from probation, then that's different than if they stay out of prison. It's that's it's correct. It's anyone early terminated, terminated successfully.

They get to count those in the numbers that they get to turn into the state. OK, so it's not if they keep them from going back to prison, it's early terminating successfully. Yeah, either direction.

KK

Karolyn Kaczorowski

No, I I disagree with that. This is if they go back to prison, they do not get the incentive.

No.

Correct. Correct. That's correct.

They get the incentive if they are successfully terminated. That doesn't include prison.

KK

Karolyn Kaczorowski

Correct. I agree with that.

Madam Chair, Doctor Miller here. So if I'm reading the statute correctly, and maybe I'm not, they're saying essentially that anyone with a dangerous crime against children, essentially, sorry.

Is this related to not offering early termination for probation to individuals with dangerous crimes against children and therefore not incentivizing probation? Completely separate issues at this time they can still apply for early termination.

There they would not be included in any financial game. They would be excluded from the numbers probation departments turn in at the end of the year in the calculation of financial incentives.

Would that in turn disincentivize probation from supporting early termination for individuals with dangerous crimes against children?

I can't answer that. I mean potentially, but I I can't answer that.

Peter, Morey, I well, I agree with Mr. Was it Frank who was saying that, you know, maybe this is a foot in the door to get this whole piece overturned? I I don't disagree with that. But is this the right population that's already?

Such a stigmatized population would be would we be better off looking for another opportunity? And are we further stigmatizing this population by supporting this bill if we did?

Madam Chair, I guess I you mentioned probation and incentivizing and again incentivizing. I'm not a big fan of coming from Illinois and haven't gone through that exercise, but you mentioned probation. Is this exercise seen at the officer level? Is this more administrative? In that they're getting a percentage of this \$1,000,000 from AOC. So I don't know how it works down to the ranks of a caseload. Can you talk to that?

Yeah, and and maybe Mr. Neil can chime in too, because both of us were in management at the time that this law passed and.

What we saw was a constant from top down all the way to officers. You may have found guns in homes. You may have found drugs. Look away, look away. Quash warrants, quash warrants. It goes from the top all the way, trickles down to the bottom and it incentivizes ignoring.

Dangerous behavior. And I don't mean someone that didn't report, because it's really a myth that people get arrested for just not showing up to the office. That doesn't. That doesn't happen. This was incentivizing very serious, potentially serious behavior.

From the top down.

Madam Chair, Shane Neil. So yeah, I mean my perspective on the original law. I I I believe that law is bad in general, but that that that is not how you get success. That's not how you define success. What they're talking about is successful completion of probation versus unsuccessful completion of probation. They're defining.

Going to prison as not success, but it depends on the case. I mean, if the person's very high risk and shouldn't be in the community, that's a success. So they're defining success as just keeping people out of prison, which comes from the top down because the department itself gets the money.

Circle down to the PO. They don't get a bonus for not arresting people. It comes from administration. So they they, I assume at the state level they're looking to funnel money to the the the counties not putting people in prison, which costs more money than supervision. So. Get but we're not voting on any of that with the only issue at hand really is how is it pertaining to sex offenders, convicted sex offenders. And so I I personally don't even know if we should be voting on this issue because it's so convoluted. But the I would say they should not be included in that because it for a PO to do.

Their job correctly, they need to have access to the full range of options. So that might be supporting somebody's early termination and and being an advocate for them to get off probation if they've done everything they need to do to reduce their risk and and better their life and all that good stuff or.

Sending them to prison if that's where they need to be. And so if you remove that portion of it, that really ties their hands and they're just stuck with people on probation and counting it as a success when they're really just existing and kind of taking up space and time of people who that time and energy could be.

Spent on other people, so I I it depends on how we're phrasing it, but I I don't support this stuff at all. Thank you.

Frank, as I read it, it's not, it's not saying anything about who gets on or off probation. It's just saying we're not going to incentivize you to make a decision one or the other decision will be fact-based. You're not going to get money because you do one thing or another.

And I I think it's a bad policy in my opinion in the 1st place, but this is like a I'm just repeating myself. It's a good start, but it's not it's it's not dictating people getting on and off probation.

Yes, Brecken Blades. OK. So I think what I'm understanding this to mean is that it's it's not necessarily de incentivizing someone in terms of a DCAC. What it does is remove a possible incentive to keep someone on probation or in the community when they shouldn't be.

So it makes it more of a neutral, net neutral to be fact-based rather than any kind of financial incentive. That's potentially correct. Rather than it doesn't add a negative, no, just removes a potential incentive, OK.

Yeah.

Any further discussion?

OK.

I'm going to open up at this time to entertain motions on this bill. And just a quick reminder, if you are going to motion, please provide the rationale. I motion to oppose this bill because of this. I motion to abstain from this bill because of this.

And that both the the position and the rationale is what the full board will be voting on.

KK

Karolyn Kaczorowski

This is Karolyn Kaczorowski. I motion that we support this bill as a step in the right direction of changing the incentive for probation to do the right thing for all probationers.

I will second that.

Motion additionally. Um.

I want to add that I'm going to just stop you really quickly. So if you want to make any amendments or adjustments to that, that's another you we. So we have, yeah, I will not complicate things and I will move to.

But if you think it's, if you think it's purposeful, again, I'm going to keep echoing this point. If if what you're going to add is purposeful and will help the Leg make a different decision or improve their legislation, go ahead and add it. We just have to make an amendment and then that's a new vote. OK, I would like to amend. I would like to 2nd that, but amend and add.

That probation should not be incentivized to financially to look the other way from behavior that could put the public at further harm and risk. So that is what I'm going to add to that.

All right, may you restate the motion.

The entire motion with both of the rationales. And I'm only asking because I'm I'm attempting to write what you guys are saying. So again, you guys see that this is a pretty intensive process. So I encourage all of you to help me out and you know, if you're writing things down, catching on to the rationales as a part of these, that'll be extremely helpful.

OK, so I move that we are going to support SB 1240.

And Karolyn said specifically.

Does anybody remember as a step in the right as a step in the right direction to potentially stop the incentive payments for everyone on probation? And I added that probation should not be incentivized for looking the other way and ignoring.

KK

Karolyn Kaczorowski

Yeah.

Potentially high risk behavior and putting the public in danger.

OK. Yes, yeah.

All right, Chairwoman Goulden. Yes, Miss Balson.

Yeah.

Doctor Blades. Yes, Miss Chapman. Yes, Judge Cohen.

SC

Suzanne Cohen (SUP)

Yes.

Detective Cook, Yes. Mr. Galarneau, Yes. Doctor Gray, Yes. Major Griego, Yes, Miss Kaczorowski.

KK

Karolyn Kaczorowski

Yes.

Mr. Kelroy, abstain.

Dr. Lokey, abstain.

Supervisor McClure abstain.

Doctor Miller, Yes,

Doctor Morey, Abstain.

Miss Music. Abstain.

Mr. Naegele. Abstain.

Mr. Neal. Yes,

Miss Opheim. Yes,

Mr. Pawlowski. Abstain.

Judge Young, abstained.

So the motion passes 13 yes, zero no's and 8 abstentions.

Thank you. We're going to break now for about 7 minutes. Thank you.

● **Ashlesha Naik** stopped transcription

We're calling the meeting back to order. We're calling the meeting back to order. No, you'll restate that. Procedurally.

We messed up. I did not get a second to my amendment, so we're going to redo this briefly. For SB.

1240 Probation Success Incentive payments. I'm amending Karolyn's motion.

Karolyn had motioned we support SB 1240 as a first step to potentially eliminate this policy for Arizona, and I added that probation should not be incentivized to potentially.

Overlook behavior that is high risk and could potentially put the public and additional victims at risk. Do I have a second to?

My motion, my amendment.

Frank Griego, I'll second your motion and amendment. Thank you.

Could we do move forward with roll call, Major Mitchell? Yes. And just for the record, Miss Chapman had to leave, so she's no longer present for this vote.

Chairwoman Goulden. Yes, Miss Balson. Yes.

Dr. Blades? Yes. Judge Cohen?

SC

Suzanne Cohen (SUP)

Yes.

Detective Cook, Yes. Mr. Galarneau, Yes. Doctor Gray, Yes. Mr. Griego, Yes. Miss Kaczorowski.

KK

Karolyn Kaczorowski

Yes.

Mr. Kelroy, Abstain. Dr. Lokey, Abstain. Supervisor McClure, Abstain. Dr. Miller. Yes, Dr. Morey. Can I agree with the amendment and abstain to the original premise? OK, in that case, abstain.

Mr. Naegele. Abstain. I'm sorry, Miss Musick. Abstain. Mr. Neil. Yes, Miss Opheim. Yes, Mr. Pawlowski. Abstain. Judge Young. Abstain.

So the motion passes with 12 yes, zero nay and eight abstaining.

Thank you.

Let's move on to SB1239.

SB1239 adds failing to register as a sex offender to the list of offenses for which there is an unlimited statute of limitations and prosecution may can be commenced at any time.

Gonna open it up for discussion and the initial comments or thoughts on this bill.

Should I go? Yes, thank you. I'm sorry, is there an exception to the bill if someone registers later? Like if they miss a registration and there's and then they read, you know, like was mentioned earlier, someone didn't get a notification.

Or they must make a mistake and they don't register later. Or there's still the opportunity to charge them years down the road because they miss a registration in in 2010, but have registered every year since then.

Please say your name. I'm sorry, Frank Griego. Thank you.

I'm not sure if I can answer that question or if we can add that to our comments or notes. My understanding in working with these cases, in my experience, it's pretty difficult. I mean, prosecutors are pretty judicious when it comes to when they're charging a failure to register case.

Um.

In my mind I have seen far too many cases of someone on probation that absconds and like goes overseas for years to try to evade registering and I believe this is might be what this is capturing is my. thought.

So, Madam Chair, OK, so if they've, if they, as you say, abscond overseas and to fail to register, what does that do in this case? So say some offense occurred in 2015, you did 2015, 16 17.

You go overseas for 10 years, you come back now, is that a failure to register? Is that is that

you were out of the country and now you're registering again when you come back? Because if you're overseas, why would you register? Just a question in my experience with people. My experience is mostly with obviously people on probation. It'd be people absconding from probation supervision, say to overseas. So say there's a warrant for their arrest and it may be a term one failure to register, but I and I I don't know if any is it seven years for such limitations right now I believe for failure.

Register. So right now it's currently seven years. If someone is absconds from, say, wherever they I'm, I know examples of folks who have, say, left the country. So absconding from probation, active probation warrant, there's probation violations.

But my understanding is that law enforcement could not charge them for failure to register if it's past seven years, seven-year mark. So they would essentially not be able to be charged with that is my understanding.

KK

Karolyn Kaczorowski

This this is Karolyn Kaczorowski. So part of the difficulty with when someone absconds is the failure to register statute has two different subsections, one when a.

Person who is required to register moves within the same county and one when they move outside of the county. When a person absconds and we don't know where they've gone to, there isn't.

You have to charge them in the alternative with both subsections, and then you can only find what the appropriate subsection is when the person is caught. However, when it comes to statute of limitations.

That person can be charged prior to the time they are caught and the then the statute of limitations is fulfilled because they've been charged within the seven years.

But there's nothing preventing the prosecution from charging within the seven years, even though they have not yet been caught. It would be the policy of the individual prosecution offices as to whether they wish to choose in the alternative or not. Some offices hold the belief that they're not going.

To charge until the person is found. And then they argue that statute hasn't run if it's more than seven years because they didn't have probable cause to support one of the elements of the offenses.

Which would be whether they were within the county or outside of the county.

Oh.

This is Peter Morey. I feel like this legislation is just too broad. It's not doesn't give me enough specifics to support it.

Shane Neil So my experience with this is mainly probation related, but.

I I don't. I personally don't find it broad. I think it's just expanding that that statute of limitations from 7 years to unlimited. But my experience had lots of people abscond. I wrote lots of hundreds, probably thousands of different warrants.

Um.

And when I worked with notification detectives, the conversation was always, you know, how long have they been gone? Do you know where they are? And and from looking for kind of an evidence standpoint of can I prove they're somewhere else? And usually people got picked up pretty fast within a couple weeks.

And there's a lot of reasons why people legitimately didn't register within the time frame. Maybe they were sick, they car broke down, they were in the hospital. They, you know, there's there's a lot of. And so I think most detectives are reasonable with that and those those cases are, I've never seen them charged honestly so.

The conversation I usually had is like, OK, well, when they get picked up, you know, let me know and we'll try to figure it out, see if they signed a lease somewhere or whatever. And so the case is.

I worked were probation related, but there are also plenty of people who register that are not on supervision at all. It's even easier to abscond if you aren't on supervision because nobody's looking for you. So there's no probation warrant, there's no FTR warrant, there's nothing. You can just go wherever and until you.

Resurface and somebody realizes who you are, then it maybe becomes an issue. So as I said, of the thousands of arrests and warrants that I did, there's only one that's still outstanding from 20 years ago, and I know where he is. Law enforcement knows where he is. He's in a country that doesn't extradite and he's teaching.

Grade school and he has been for 20 years, so if he ever comes back to the US, he absolutely should catch that case. But.

He's probably not coming back. So there was no FTR done when he left because there's there's my warrant, but there's no FTR warrant. So people that are gone for more than seven years are trying to be gone for sure, so.

I believe detectives should have discretion to charge that up to 20, you know, whatever, whatever it takes, if that's what they want to do. Because I feel like they're they're very reasonable with people who, you know, are hospitalized or there's some reason why they legitimately could not register so.

I I don't. I don't see why this wouldn't pass, honestly.

I think that the other up, sorry it's Frank Griego. The other problem I have is that it doesn't distinguish you between non compliance and absconding. It's it's saying both of them have the same lifetime never fails. So if you.

Someone could potentially not saying your team, but someone who who is looking for a reason could go after someone because they didn't update an e-mail address six years ago, right? And it took them a year, so they didn't comply in time on their month birth on the on the month of the birth to update all that.

And it and it opens that door and for 3824A which is absconding the class 4 felony. Sure it should apply for a situation like you're saying, but just for failure to comply for a technical update every year and you don't complete the everything perfectly update that just that leaves

people open.

For something later down the road to get charged with when we're trying to talk about getting people looking for a way to get certain people that are compliant, that are doing the best, that are doing really good out of the system and not having to do this. I mean they're having be as part of this as well just opens up.

Too many doors long term for for some technical violations that aren't that serious. Shane Neil. Yeah, I mean, I I hear that argument, but I would, I would argue that I think there's checks and balances in place for that. So even if you hypothetically had a vindictive detective.

KK

Karolyn Kaczorowski

Well.

The prosecutor's office doesn't have to pick up that case. So, you know, I think that there's kind of systems in place where I think reasonable heads would prevail and they they, I don't think they're going to be charged with something like that. Peter Morey, all due respect, Mr. Neil, you're implying that there's not vindictive prosecutors.

And to go on with this since I have the floor.

I think this is too slippery of a slope. We've we've got chart lore, which is a real thing that, you know, while Mr. Neils may have very reasonable people and have the warrants put out immediately and have the absconders, you know, within.

You know, can get to them pretty easily. What if somebody has a failure to register, is good for 10 years, moves to a different jurisdiction, and as they're flipping through his chart, sees a failure to register and all of a sudden decides to go after it because now they have.

You know, eight years down the road and why not? They get another prosecution. So I just, I feel like this is too much institutional permissiveness to take away some of the things that are already put in and I think this kind of has the potential.

To lead to some of the things that we hear about with the bad administration, I think I just again feel this bill is too vague and broad.

If I can, Ben Cook. So I've I've never run into a circumstances where we had to worry about statute of limitations for multiple reasons. In the instance of somebody going out of the country, we'll work with our federal partners. Anytime they leave the state or if we know that they've left the country, we go to the US Marshall.

To start a case on their side internally inside the state. If a person comes to me from any other state, any other jurisdiction, we start the registration right then. If I look back at the other registrations, I have to file my charges where they came from, not where we're sitting.

So if he didn't register properly in Kansas, I have to file my charge in Kansas, which I can't do. If they've misfiled from Maricopa County, I would have to file my charges in that county. So we look when they come in and do their registration, it starts now. You give me all the details.

We go step by step through the registration. You declare everything that you need to declare.

If now a month, two months, three months down the road, probation tells me, hey, he didn't declare his social media. Now I begin my investigation and file my charges. If he absconds, I file a warrant for the for him leaving.

The state or doing whatever he did and that warrant I I have guys that are with a warrant status right now. I I have no idea how long they're going to last or how long they're going to stay, but they're sitting on warrant status if somebody should come upon them.

I've never had an issue with it. I'm not opposed to letting me charge everybody for as long as I want, but I don't see a reason for it.

Doctor Lokey, I I I think I what we're hearing a lot of is how people are administering these things in their own jurisdictions a little differently or deciding with common sense versus not all those kind of things. And I I agree with Doctor Morey because this.

This legislation doesn't give you that nuance. And I think that's the trouble I'm having that there is nuance they're all using, but that's not being laid out on in the bill. And so it's too black and white and a lot of our legislature falls into too black and white and then there's no nuance there. And so some people are charged.

When they shouldn't be versus the choices they're making of how bad the charges and what Mr. Griego said the same thing where is it absconding or just forgetting their e-mail address? That nuance isn't there. So I would feel opposed to making such a broad statement with this bill.

KK

Karolyn Kaczorowski

So this is Karolyn Kaczorowski. When we're talking, there is no differentiation in the law.

When you're talking about a technical violation or something like that, that generally is referring to probation. Failure to register is a a new crime that is being committed.

And it 3821 lays out the people that are required to register and then throughout the the next couple of sections you have what registration means.

And so the legislature has set up a differentiation between the Class 4 and the Class 6 felonies.

But I mean a person there. There isn't a nuance in the failure to register law like there is in failure to comply with probation requirements.

Yeah.

SC

Suzanne Cohen (SUP)

This is Judge Cohen. So can I? Sorry, can I? Sorry, sorry, sorry. It's I know you can't see me. So the courts have held that failure to register is a continuing crime. So I don't know that this law really does what they wanted to do because it already exists. So for example, if someone.

Sorry, Peter Morey, staying in. Yeah, sorry, I think you're finished.

Yeah.

Yes.

SC Suzanne Cohen (SUP)

Fails to register because they move in 2010 and off they go and they show back up in 2020, which is right 10 years later. The the time for violation doesn't start in 2010 because it's a continuing crime. I can give you the site that's I was just looking it up.

It's State versus Helmer, which said failure to register is a continuing crime. So if they're gone for 20 years, they're still committing the crime. So I don't know that we need to really get too excited about this law because it doesn't fix anything.

That's broken.

Do I hear a motion, Judge Cohen?

SC Suzanne Cohen (SUP)

I. I don't know. I don't know what my motion would be because if it ain't broke, don't fix it. Can I can I make that the motion?

I still.

That's a that's a.

I make a motion that we vote no on this bill.

SC Suzanne Cohen (SUP)

I'll second that one.

We vote no on this bill because it's not nuanced enough. It's too broad and creates a strict liability violation where it's.

Needs to be more nuanced and allow more autonomy of judgment by the people on the ground and prosecutors.

I'm gonna have you repeat that one more time, please. I'll try vote no because the legislation is too broad.

And creates a strict liability crime by taking with the autonomy.

Of the people who would charge.

Is there a second? I will second, but I'm amending.

Because I would like to add what Judge Cohen, if you could please repeat the case, I'm I would like to add that because I think that is a piece that I would like to add to. Do you mind repeating that, Judge?

SC Suzanne Cohen (SUP)

All right, sure.

When he said OK, well, that I'm. So I just want to make sure you heard that. So yes, OK, I didn't hear the second.

Yes, yes, I want this done.

This stuff.

SC

Suzanne Cohen (SUP)

State versus sure it's State versus Helmer HELMER and it's 2002 Case 203 Arizona 309 Court of Appeals Division One, and it specifically held that failing to register as a sex offender is a continuing offense.

That failure to register is a continuing offense.

SC

Suzanne Cohen (SUP)

Yep.

I would like that added to.

What's the so way? It's a it's a continuing offense so that this, it is a continuing offense and therefore technical. Go ahead, Judge Cohen.

SC

Suzanne Cohen (SUP)

With.

Well, I mean that that's the period it it it is a continuing offense. So as as long as the person continues to not register, they are continuing to commit the crime. It doesn't stop the first day they violate the law.

So your your statute of limitations doesn't start the first day they violate the law as long if they're continuing to violate the law.

Thank you.

OK, so the vote that we need a second for is opposed because the legislation is too broad. It creates strict liability crime by taking with autonomy of the people who was charged. And in State versus Helmer 2002, it held that failure to register is a continuing offence, so so long as they.

KK

Karolyn Kaczorowski

Oh, uh.

Continue to not register. They are violating the law and the statute of limitations does not kick in. Is there a second?

SC

Suzanne Cohen (SUP)

Correct. And you said State versus Helmer, right?

I will second that motion that Mister Davis so eloquently placed. Thank you.

Jenna, may we call for a vote?

KK

Karolyn Kaczorowski

It.

OK.

Do you want me to start the vote? Thank you. OK, Chairwoman Goulden. Yes, Miss Balson. Yes. Please.

I keep bringing the statute in line with the thought performance and I believe that's what it says there. So I suppose no.

What she said, it was hard to hear. She's saying she she opposes voting no. She opposes voting no as she would like this to catch up to the case law and she believes that's that's what this law does so.

I would like to change my vote in that case. May I do that? No. Why when you when it comes back to you. So it's very important that we when we're doing procedural votes that if it's a change, if you do not like what's said, you vote no. And then if that fails, then when we go come up to the next vote, then you make a change. Does that make sense? So how we just did in this instance?

Where you amended it, that was fine. But if we keep going back and forth, we won't be able to get through a succinct vote. So on the motion that's on the floor, if you disagree with the motion that's on the floor, then vote no. After we've got through the roll call vote, if you want to make a new motion, if it does not pass, then you can.

Continuing the vote, Doctor Blades.

No.

Judge Cohen.

SC

Suzanne Cohen (SUP)

Yes.

Detective Cook, Yes. Mr. Galarneau, No. Doctor Gray, No. Major Griego, Yes.

Miss Kaczorowski.

KK

Karolyn Kaczorowski

No.

Mr. Kelroy, yes.

Doctor Lokey, yes.

Supervisor McClure. Yes. Doctor Miller. Yes. Doctor Morey. Yes. Miss Musick. Yes.

Mr. Naegele, Yes, Mr. Neil, No. Miss Opheim, Yes, Mr. Pawlowski, Abstain.

Judge Young, yes.

The motion passes was 13 yes, six noes and one abstention. Thank you, Jenna.

We're gonna look at is it 1029? No 1092. 1092. Thank you.

So.

OK, so let's talk about SB1092. However, I believe this is a similar, if not identical, bill to.

What we discussed at length last month regarding dangerous crimes against children probation, so.

This prohibits the early termination or modification of a period of probation that is imposed in a conviction for a dangerous crime against children. So we did discuss this at length last month. If everyone recalls, I will open it up for discussion at this time.

Alright.

Everyone like me to reiterate what I believe we decided last month and you guys can tell me when. OK, so last month, please tell me what if I miss anything that we did oppose. We voted to oppose this bill due to it taking away to judicial discretion.

The age of perhaps an aging population with unique circumstances. Also youth that get caught up in getting convicted of these offenses, potentially them being 18.

14 The age the developmentally delayed. I think that we were very concerned about this population and really just not.

Being able to look at each case in their own unique way and giving the judges, prosecutors, victims, what am I missing?

Am I? If I'm not missing anything, then I will go ahead and um.

Make a motion that's similar to.

Last month that we vote to oppose SB 1092 for the reasons I just listed. Do I need to relist them? OK.

What was that? You go ahead.

Due to removing judicial discretion.

Instances of the aging population with unique issues. Also the youth involved the.

Developmentally delayed population and there's a.

Unique circumstances that judges, prosecutors, probation victims, potentially, you know, all have a say in this early termination process. And for those reasons, I believe I'm motioning that we do not oppose, we do not support SB 1092.

Do I have a second, McClure? I'll second. Thank you. Can we do a roll call, Jenna?

Chairwoman Goulden. Yes, Miss Balson. Yes.

Dr. Blades? Yes.

Judge Cohen.

SC

Suzanne Cohen (SUP)

Yes.

Detective Cook, yes.

Mr. Galarneau, Yes, Doctor Gray, Yes, Mr. Griego, Yes, Miss Kaczorowski.

KK

Karolyn Kaczorowski

Abstain.

Mr. Kelroy, yes.

Doctor Lokey. Yes. Supervisor McClure. Yes. Doctor Miller. Yes. Doctor Morey. Yes. Miss Musick. Yes. Mr. Naegele. Yes. Mr. Neil. Abstain. Miss Opheim. Yes.

Mr. Pawlowski, Abstain.

Judge Young? Yes.

The motion passes with 16 yes, one no and three abstentions.

OK.

Thank you.

At this time, it's my understanding SB1585 is not moving forward. So I'm going to entertain a motion and a second to not discuss that at this time. So I'm going to motion that we table and not discuss 1585 right now. Thank you. All those in favor.

Aye, any opposed? Any abstaining?

The motion passes. Thank you. Perfect. And then can we just get the gentleman to. Joe Kelroy thank you? Can you just say this to the microphone please? Joe Kelroy. Thank you.

OK. Thank you, everyone. Now we're going to move into subcommittee reports. Dr. Blades, could you give us an update on the adult subcommittee? Yes. So we are continuing to meet and have kept with our sort of chronological pathway specifically at this point in time, we're looking at the.

Potential utility of kind of a standardized evaluation process, the timing of that and then sort of the subsequent or related requirements. So we're continuing to do some research and have discussion around that such that we hope to bring our suggestions and our conclusions back to the board for for discussion.

Scott, would you like to give us a report on the juvenile subcommittee? Sure, Scott Naegele. Similarly, we are doing some research with respect to other States and trying to simultaneously invite.

Parties from different entities to come and speak to our juvenile subcommittee, folks from the DC DCS, folks from ADJC, folks from the Juvenile Probation Department, we're trying to do.

Our level best to bring as much information to the subcommittee members from different entities in the state that have certain responsibilities with respect to youth in the state of Arizona so that we can look at where we might be doing things right and well and.

Where we might be breaking down and not getting things done in a concerted collaborative sort of way to meet the needs of the kids and their families. So we are also researching the the guidelines that other states have written for the.

The existence of the the, the, the subcommittee and asking each of our members of the juvenile subcommittee to do research on the 17 ish states that have some version of sex offender management boards. Though what I'm learning in doing that is is.

You you do a search and you get you get a list of states, and then you try to do research on those States and you can find very little of a substantive nature around a bunch of the things that we're trying to gather information about. So I'm not really sure.

What that's going to mean in the end. But I think without doing that research, we we don't know what what's out there that can help us and what we're going to need to really probably create for ourselves.

Thank you. Can I ask Doctor Lokey, can I ask a question about that? Is it appropriate to reach out to a person in these states to ask for maybe a presentation on those things so we can get more information? Yeah. So what what I'm realizing in response to that question is, is I am literally going to have to try to find somebody.

For the the states that I've that that I've kind of assigned to myself to look at and see if I can find a representative given in those states so that they can provide information to me which from the outside is not easily accessible, my my guess is is my other fellow subcommittee members are going to find the same thing.

And they're probably going to have to reach out to to somebody in those states. It may end up being, you know, can you give reaching out to somebody? Are you the person that could answer these questions for me? No, I'm not. This person might be able to and and and then following it up that way, I I suspect that's going to be the case.

Joe Kelroy, Scott, if there's states you're having difficulty reaching, is there, can we see those states that maybe we can give you some names to reach out to? We certainly can provide the list of states that we've identified. Like I said, 17, I don't think we're far enough along to know whether.

There's actually something in writing on their websites that we can use as as a point of departure or we're going to have to dig deeper in those individual states to try to find somebody to to to speak to. And perhaps at that point it makes sense to come back and say do you have a name and and can help us with that.

Another question, Doctor Lokey, is there a national organization that you can reach out to that has those contacts? I don't know the answer to that question. Scott, this is Doctor Miller. I was in contact with the Utah Sex and Management Board. I actually have a website for the juvenile guidelines.

Provided to me nojoes.net. I can provide that to you at the end of the meeting. Appreciate it.

Frank Griego, I can also assist. There's a great network in the law enforcement community anyway across the nation that if you need contacts within a state at the state level, state law enforcement or local, I'm sure either me or one of my associates have really good contacts in those areas or those agencies.

So when those agencies or those states come up, we can help identify those people as well. Would it be inappropriate for me to simply ask that you forward those so that those of us that are kind of doing research, we can begin to start there rather than from scratch?

For sure. If you can send me the states, I can try to make those contacts and send them to you. Hi Victoria Baldner. I need to remind you that emailing one another is not a good idea, I think.

What you can do is forward your information to staff and then I'll have staff disseminate it. OK, thank you.

And Jenna Mitchell, we do have the list of the states that the subcommittee is looking at and we will work with them if they need assistance.

Thank you.

Detective Cook. Oh, wait before we do that. Do you have anything on item D? Do you have the updated agenda? No, I don't have one. Thank you.

OK, discussion on establishing a request to speak account with the Arizona State Legislature. Is everyone familiar with the RTS system? So request to speak.

Want to have a discussion on whether or not the Sex Offender Management Board would like to have an account for request to speak so we can log in and either after we take a position on a bill if we would be able to log into that system.

That's what this is about and either you can say yes, no, I think neutral is the third one on that. So that's thoughts on that. So Jenna Mitchell with DPS, so the the RTS, the request to speak. Is how the legislature allows organizations and people to the public to list their position. One of the things you can do is request to speak, but you can also list your position on bills. So if the board wanted to create an account that would allow staff to post your positions more timely and then we could follow up with.

The letters if you would like us to do that.

Frank, I have a question on that. As a public board, are we required to register with the Secretary of State in order to lobby at the legislature as the request to speak would potentially be OK?

Victoria Baldner, we need to I I know where you're going with that and you're not lobbying for it, first of all. OK, so.

I think it would be fine to post your position. I would like.

Respectfully to ask you to table this so that I can do research on it.

Does that make sense? I I don't want, I don't want you to make a decision on something that I'm going to come back and say you're not allowed to do that. But to your question about the Secretary of State, I believe the answer is no, but I'll.

Those are the two things that I'll look at unless did you have a third that that was it. I would

request the the chair to request counsel to do that research. OK. So it's the Secretary of State question and it's also whether that qualifies as lobbying because we're a public board, yeah. And I think it might. So if we could, OK.

Yes, I I suggest that you not vote on it right now. I'd like to motion we table this discussion until Miss Baldner could do some legal research for us. McClure second. All those in favor, please say aye. Aye.

Any opposed? No. Any abstaining? Thank you. The motion passes and we'll table. Thank you. Now moving on to Detective Cook, we'll turn it over to you for your presentation today. Thank you.

Because I can.

If let's just jump straight in and we'll just go with the first slide. I'll try to get this done, hopefully quick as I can as we go through. When I start to talk about certain sections, there'll be a QR code if you want to look at the statute that I'm referring to. Hopefully it works. It it kind of timed out on me before, but I think I got good ones up there now.

So we'll just jump in.

I don't have a way to.

Yeah, it's sharing. Yeah, that's what you need to do.

Let's see.

Well, I know the first part that we're going to talk about is the it's under 133821 which is the requirements to register and what's required on the registration. We can go from right there. So the the first thing I did was what's important to understand is in state versus out out-of-state convictions.

There's a process for each of them. So just remember that when we're dealing with with people on the registration, we have to remember that the number of them that are in state versus out-of-state and the translation that has to take place in order to understand whether or not they need to register.

Unfortunately, the laws in different states are written in, you know, hundreds of different ways. We have to get conviction documents and we have to read exactly what the statute was that they were convicted of and try to get a least or a translation of that statute. And sometimes the statute isn't specific.

Specific enough, it lists the whole section within that state statute and we have to take the least offensive. According to our attorneys, we have to take the least of the the violations within that statute. So it could be a little Gray and and tough, but we have to go through and make a determination.

And whether or not they're supposed to be on a registration. So just a little comparison of how many of our convictions of the 16,000 in our state, over 5000 of them have out-of-state convictions. So they've moved here since their conviction. And I just put our county just to show that the the numbers can get pretty even.

Depending on what county you're in and where you're at, we can go ahead. So first registration information. The system is maintained by the Department of Public Safety. They

manage the offender watch system. It's based in Louisiana. Last I knew there was 36 states using it. Pinal County has an additional.

Piece that our county pays for and the purpose for this piece and and we think it would be great statewide is it allows the offender that's on the registry from their cell phone to update their registration. They you know most of the things that they have to do come with a timeline of 72 hours if you get a new vehicle you have.

72 hours to register it. If you get an online identifier, you have to not only register within 72 hours, but before you use it. So if you get an e-mail, you can't even use it until you've registered it with your with your county that that you do your registration with.

In Pinal County, it's simple. They go online, they go to the website, they can do it in the car parking lot where they bought the car, they can register that vehicle. It'll go on to their registration. They get a receipt that they did that process. So now they have accountability on their side. And then when we look at it, we have to approve that amendment.

To their registration. So we see if there was an error in addition that we need to put on there and we'll fix it and then insert it into the registration. But they've now reported that they have a receipt of reporting it. So it's it's based on the number of offenders that you have on your registration. So for Pinal County we pay based on the fact that we have.

Nearly 1000, it would be a little more expensive when you're dealing with 16,000. Couldn't. I think our price is somewhere around \$2000 a year for that. For that addition, we can go ahead. So this is if anybody wants it, this is the Arizona Revised Statutes 133821.

No phones will go ahead, just move on. I think that's the wrong one. Anyway, I might have put up the wrong one. That didn't look right. That might have been the old QR code, man. I started at 4:00 this morning writing reports. I was trying to update this and do my other stuff. So who has to register? There's four criteria that we look.

for if you were convicted of one of the offenses that's also listed in this statute that you would see on there, if you were convicted in another jurisdiction of a crime that would translate as one of the registerable offenses in Pinal County, if you, and I'll use California example, if you if you're convicted

California of it's it's public exposure, exposing yourself in public. If you have one count of that in California, you have to register. If you come to Arizona, you now have to register in Arizona because you had to register in California, but that's not a registerable offense in Arizona, you have to have at least two if the victim was a minor, three if their victim was an adult. So indecent exposure requires multiple in Arizona, but because Cal and I have several because California makes them register, they have to register in Arizona. It's reciprocal. So if if they come to us later and say, OK, here's the statute, California, here's a note from California saying I no longer have to register, we now remove them from our registration because they don't match our criteria.

The the last one is a judge has determined that their crime was sexually motivated. Maybe it was a burglary, but it had a a sexual motivation attached to it, and so they were burglarizing that house for the purpose of committing an offense that fit within the the statute for sex

offender. They now would have to register.

Because of that 13118, you also, if you come to Arizona to work, we have some guys that come here. I have one that comes about it maybe twice a month. He'll stay for a weekend to work and then go back to his home state. He has to keep up and register with us because. Aggregate amount throughout the year is more than 30 days, so he'll be required to register and we just have to keep that communication going every time he comes and goes. We made a deal with the guy that he has to stay at the same hotel every time he comes. That way we can keep the city informed because he has to let us know. We have to make sure that he's got his registration done and then we have.

To notify that city that he's back. It just makes it easier with him staying in the same place. We can go ahead. So from that point, the County Sheriff's responsible for the registration, the agency. Once we've completed that registration process, we notify the city or the agency of jurisdiction that he's moving to. And they assume responsibilities, meaning they now do the assessment and notification. And then if by policy they if whatever their policy is on the upkeep of that registration, they do that. Whether that's to contact them once a year, some do it by phone, whatever it is, they maintain that DPS will maintain the database.

Because it involves a connection with NCIC, so they're responsible to keep that and the public website. The Sheriff's Office will keep the we keep an original copy of the registration with the signature and the the thumbprint in our files.

And then the uploaded file stays with the the database.

So requirements for registration. I'm trying to go as quick as I can. If you guys have questions, just hit me up. But registration is done within 10 days of conviction. If you move into a county or you come to a county and stay here for 72 hours, you then have 72 hours to register, excluding weekends and holidays. It gets real.

Confusing. So it's six days, excluding weekends and holidays, that you have to register once you come to our state. So a lot of times we'll get guys that want to come on a vacation.

They'll be here for five days. The weekends don't count. They won't have to register in our state. So because they didn't stay for that 6th business day, they wouldn't have to register.

It is a lifetime registration with certain exceptions, one being the juvenile registration terminates automatically at the age of 25, and that is as long as that there's no further sex offenses under 3821, the the reasons for registration #19 on that list is.

Failure to register. Failure to register is a sex offence and it keeps you on the registration. So if you are a juvenile and you did not register and were charged and convicted of failure to register, you're now on the on the registry for life. So that could be one reason why juveniles are staying on the on the registration after 25.

But that also counts for any other offender. If they get a failure to register, it counts as a sex offense. So now their assessment score will go higher. When we look at that assessment, how many sex offense convictions has there been their original? Now they'll have an additional one for the failure to register. It'll increase their score.

Also, that timeline can be modified based on that failure to register. Section I tells us the

information that's required. The DPS director is responsible to indicate what is required on the registration.

These are the things that are required on there. I also have, we had to get a little bit more information from them. So we went to the DPS legal to get exactly what was required. They told us the registration form that's printed out, all the information that's on that form is what is required for the registration.

So it goes a little bit beyond this, meaning like work, phone numbers, things like that are required on that printed out registration. Those are requirements for your registration according to DPS legal. So these are things where they can do a violation if they don't have all of these listed on their registration.

We go it through with extreme detail on each of these when they come in annually. This is all a Class 4 felony under Section I. We can go ahead and go on. I think it goes to to J. J. Anything under Section J is a Class 6 felony that that tells them that they have to come in annually on their birth month and.

Confirm all information on the registration. So once a year they'll come in during their birth month. We go through everything that's listed on the form, the registration, they have to confirm it. We also have to ensure that they've obtained a driver's license. The driver's license expires yearly.

So once a year they have to go in and renew the license. Now the statute says that that is supposed to be done during their birth month. Our County Attorney won't charge it as long as they have a one year expiration on the on the driver's license. They're not concerned when the license was obtained as long as it maintains that one.

One year expiration. So we do I I think from county to county they're going to have whatever their their county attorneys require. That's just something for our county that we look at. We just want to make sure that it's valid and has one year. They also have to have that driver's license in their possession at all times. So if they're found on the.

Street during this traffic stop or for whatever circumstances, they don't have that ID. It's a class 6 felony, so it has to be in their possession anytime they've left their house.

Just some definitions that come from 3821, we have to obtain as part of that annual and and the required disclosures under the class four. We have to know if they have legal custody of a child. They defined it by saying that legal custody, I think we were over this last month means the right to have physical.

Possession of a child. This is just huge. It's it's too difficult for us to wrap our arms around because you're dealing with grandparents, neighbors, taking kids, step kids, girlfriends, kids, any kid that they have possession of, they have the legal right to have it.

Can you just back up one more? I just wanted to look at that other. The other one is residents and I know that there were some bills dealing with transients that the definition for transient is that is if the person spends it, they want to know.

It's so gray for for a transient where they spend at least three days, three nights, or it says the geographic area of the county where the person spends the night. It's so difficult to try to do

anything to to find out where these guys are. A lot of the jurisdictions want to do checkups. On these guys, maybe an annual checkup. We can't find them. They're allowed to live geographically. They can be whatever geographical means. Maybe the city of Apache Junction. They can live in that city someplace, unless they're spending three nights in the same place.

So they're they're free to walk about the the county and I know that there was some kind of legislature initially about putting the ankle monitor on them, but I don't think that's come before us and I don't know where that's gone, but.

Yeah. So the other, the other things that we dealt with with definitions were the required online identifiers. There's two definitions within the statute. The 3827 applies to DPS, the 3821 applies to the registrations. They're two different statutes we've we've kind of been able to.

To finagle back and forth between the two definitions. It would just be nice to have everything consistent among the same statutes. If they could keep the definitions the same, it would work better. We love the 27 one. Unfortunately, we couldn't use that when it came to our charging. We had a case where we did have a guy that.

Was soliciting with his phone, but we couldn't charge the phone number because the statute was under 27, not under 21 or 22, which both have that that same definition on the left side. So they didn't allow us to use the the definition under 3827. We had to go back and that's why we went to the legal to get the addition to say that the phone number is required on the registration, therefore it's required. But we had to, we had to go through a lot of hurdles to get there.

Go ahead, 3822. We could move forward. I don't think anybody's tracking that. This is the one that says that you have 72 hours to report a change of address. It says in person and in writing if you move within the county that you're registered in. I use my county for reference if they move from a.

Apache Junction to Casa Grande, they have 72 hours to make that notification to us. It has to be in person. We use an appointment system. Our appointments for this are on Wednesday, so we tell them you have to have made an appointment.

And then we can see that the appointment was made. That gives them the the grace period to come in for their next available appointment. So it's not necessarily within 72. They have to make their appointment within 72 hours and then come in in person and do new paperwork to complete that address change. They cannot use that.

System that we have to do an address change. It has to be done in person. So while they can put on vehicles, online identifiers, they can't do an address change with that. We don't. They can put it in there. We just won't accept it. We know that it's happened. We can see that they've made the appointment. If we see it in there and they haven't made an appointment. We contact them and get that appointment made. We are. We are of the feeling that it's easier to contact them and try to make them compliant than it is to charge them for violations. It's it's a heck of a lot easier than the paperwork required to convict. Go ahead.

Required information. So we have to make the notification to whatever city our our county system of doing this is a little bit different than the rest of the counties because of that addition that we had. But in ultimately we have to make sure that that city understands that they have these sex offenders now in their jurisdiction.

If the person does not register, this is the one we were talking somewhat what we were talking about earlier. If they don't register, anyone within my county can initiate the charges. So the city of jurisdiction or the county can come in and initiate the the charges, but it needs to be within the last county.

County of registration. So if if they're found in Maricopa County, the charges have to be filed there. There's some jurisdiction issues of where the charges have to be filed, whether they have to be filed in the county of registration versus where they're found. It just depends on the charges that you're filing.

And then we use once the offender moves out of state, we'll use the national website which is called SORNA to make a notification to the state that they're moving to. So SORNA is a great website. It it does have our we're able to go there and find the statutes from other states. Not only do we have to find the statute, but we have to find the statute from the year of conviction when we're doing the translation. So if they were convicted in 1985 in Kansas, we have to find the 1985 statute from Kansas to do our translation to the Arizona 1985 statute. To see what the translation is. And so SORNA gives us the access to those ancient sometimes statutes and and the older ones so that we can make that. They also have a system where we put in the offender's name and where they're moving and it sends a notification to that state, whoever is responsible in that jurisdiction.

So they these are the things that they had to report within 72 hours. All of these, if they don't report it within 72 hours, it is a class four felony. We try to make that process easier by giving them the access to that registration where they can immediately make it and and we can we can see that it's.

It's very successful in our county. Our guys are doing this all the time. We're in there updating and making the approving the the changes to their registrations constantly and it tells us that they've added this. So later on a year or two years from now, I can see that they know how to use the system.

When they fail to make those changes, I can look in there and say, look, you've done this before because it it indicates that they made the change to certain criteria. So they I know that they know how. It helps me if I have to charge them later when they say I didn't know, well, you've done it before.

We can show that we get the IP address, the information of how they made that change. So it makes our charging side easier, but it also makes it easier for them to stay compliant.

Transients must come in every 90 days. I always talk about we have a guy in Apache Junction that rides his bicycle to Florence every 90 days. It takes him. I think he said it takes him three days to make the journey, but every 90 days he rides his bike to Florence to to keep up on his registration. Included in this is.

Winter visitors because it says if you have more than one residence, you must register not less than every 90 days. Winter visitors live in a different state and our state. They're required to come in every 90 days as well. So this time of year, those guys are most of them have timed it to where they're only here for one one session and they're gone before the 90 day. But we do have guys that come back and and do it for a second time within that 90 day period.

I don't. I don't go into detail with this, but 38, these are all in order. The statutes within our section. This just gives access to records from other state law enforcement. We can share the records with other law enforcement agencies. We can move on to 24 is just the charging. It gives us the classification. Everything's a.

Class 4 except for the items contained within 3821 J. Anything under 21 J, which was the annual registration and the driver's license is a Class 6 felony. Everything else is a four 25 we went over last month. That was the community notification and then 261338.

26 is the petition to terminate the sex offender registration. Many people don't know this exists, but there is a statute that indicates how to get off of the registration. The guidelines you can Fast forward to it is are all set right here. It says that they're supposed to meet these guidelines in order to be removed. They have to petition to the court.

I'm I'm working right now with my own court to try to figure out this process because what I've found is I have guys who maybe were convicted in Maricopa County. They now live in Pinal County. Pinal County is telling them that you have to return to the county of your jurisdiction in order to make this appeal so.

I have an appointment set to go in through our county to work the process just to get all those questions answered so that should they have questions, I know exactly what needs to be done, but they have to meet this criteria. It says they have to meet if you go to the next one.

It says the court shall deny the petition if the court finds that any factor is not met, or if the court finds the denials in the best interest of the justice or safety of the public. So it says if they didn't meet some of the criteria, they have to deny it. I've seen them.

Not meet all the criteria and be granted. So I I it seems to be up to the court. So when we talk about the the their discretion they they decide when and when not to allow them to get off the the registry. Some of the ones that I banged my head because I didn't want them off their their.

They're released is not up to me, but there is a statute that's designated for getting off of the registration. We can go ahead to 27 is this is the part that's DPS is responsible for. We're required to fill in the information.

All the information because we have the in person visits, we complete everything on the sex offender registry. We have three days to submit that registration to the Offender Watch program. Once that program is updated with our information, it can be seen by anybody in the state, but DPS reviews it and they have legal.

That that checks it to see whether this person should be on the state website or where they should be. They they check, they they look and they let us know whether the person's met

their annual, whether their driver's license is valid. We get little notes like that. It's it's annoying.

Uh, sorry, it is. But uh, we get notes from them. Sometimes they're good, sometimes they're bad. Um.

The key thing with DPS on their website, if you go back one one slide real quick, the key thing with theirs when they're putting the the offender on the website, their criteria is age 12. My criteria when I'm doing the DCAC for level ones is age 14. So there's a two-year. Gap between what I have to do a notification on and what DPS has to post on the website. My notification to the community has a criteria of age 14. DPS criteria is age 12 under 3827. So that's the one thing that I see on there that I I don't know that many people understand the the differences there.

So when a person is on the DPS website, according to their statute, the victim was under the age of 12 or 12 and 12 or under.

And it just lists the information that's required to put onto the website. It's the same information pretty much that we give out in the community notification. I think that's it. It also says that they shall annually verify the address of all sex offenders. That's done by our annual registration when we have the person come in.

Once a year, DPS uses that as the method to do an annual verification. Verifications of offenders is not in state statutes, so different agencies have different policies on how they want to conduct an annual verification.

Our county does an annual one, one time a year. We go and visit that person by whatever means, whether we run a license plate in the front yard, whatever we have to do to confirm that the person lives there, that's that's what our agency does. I think that's the last of it.

Oh, 283828 is you guys. So I don't think I put that up here either. I just wanted to let you know. And then 29, I think there's one more. 29 just adds a street gang subject that I've never had to deal with the street gang portion of the sex offender. I didn't put on there. If you guys want to look at it, you're welcome to 3829.

And that should be the end. So critical. The only thing I put on there was the things that were critical 72 hours. In most cases, I tell a guy if you're in doubt, you have 72 hours. There is no timeline on obtaining the driver's license. We'll get new people coming into our our county to do a registration.

We tell them you need to go and get a driver's license and have that driver's license on you at all times. There is no timeline. They need to have it as soon as possible. It would be up to the court on whether or not they would want to prosecute if they're found without it, but there is no timeline on it.

So community community notification is based on risk level violations. We we are always looking into it. We work close with our probation, so we are inundated with online identifier violations.

We probably have 15 to 20 of those sitting on our on our To Do List right now. We are constantly getting violations of online identifiers and one of the problems is the assessment

really doesn't look at these kind of things as as assessment materials, but.

Online identifiers are a huge, a huge piece of our failure to register.

That's the conclusion. I try, man, I busted through there. Not many stories. I cut down the stories. Does anybody have any questions or anything? I have lots of examples that, but I just didn't think you guys wanted to stay here. I'm with the time, so.

Right on.

Thank you so much.

Let's see, now's the time to call for any future agenda items, any requests at this time.

KK

Karolyn Kaczorowski

This is Karolyn Kaczorowski. I would like to discuss calls to the public when they are not respectful of their time limits on next month's agenda.

OK. Thank you. Anything else? Anybody else have anything right now? One more question. This is Doctor Lokey. I really respected the the discussion with the legal representatives on our board about these bills because being a clinician and not a legal person, it was very helpful.

I wonder if we could set, if we're going to be looking at bills now, is there a way of doing that preemptively, having them come with the information that would be relevant? So it wouldn't be like at the last minute someone throws out case law and we didn't know things like that. It would be really great to hear all that information to really understand what we're assessing when we're looking at these bills.

Especially for me, who was not a legal person, much to the chagrin of my mother.

Doctor Lokey, are you asking for more than the fact sheet from the legislature? I'm trying to envision what you want. I'm looking for. I don't want to call it analysis because that seems very heavy duty. I'm just talking about what are the other things that we consider.

Like for instance, I didn't know that it was a repeat, a continuous offense. You know, those kind of things that would help us understand a little bit more of how this bill fits into other bills and things like that. I'm not looking for like a Supreme Court, you know, analysis, just something to help us who are not legal understand more of the.

Environment or the universe of that bill? Giving you advice on particular pending legislation is a slippery slope for me. OK, I work for an elected official and so my office, I'm not a DPS employee is what I meant.

My office often takes positions on bills and I may not know what they are and.

I brought this up to my supervisors a while ago because I had a feeling someone was going to ask about it and you did.

If you would like really detailed analysis of on a pending bill, my recommendation to you is that you ask to speak to a lobbyist.

Does that make sense? Mr. Davis, can you weigh in please? Yes. So I would say I think there's more and actually I me and Jenna were texting back and forth about this after it

happened because I realized that it's more context as need to be provided. So what I hear you saying is just like more what's out there for an example the like the.

Case law to know that this was a like this was litigated already or to know that this bill was established in this year and this was the precipitated what led up to that. Some of just like the the calls, the why, some unintended consequences, things that may not be in your purview if you're not studying this stuff on a regular basis so we can discuss what that looks like.

Of course I I we cannot commit to it being super extensive. We just don't have the time to produce those type of materials, but we can discuss what they can possibly look like. So they're a little bit more detailed and that can be sent ahead of. So you guys have time to to review it.

OK, thank you. So and McClure here, even how it dovetails into some other uh.

Bill or or legislation is already out there just so that oh, this is going, but it dovetails with this. That's by the way been here for 15 years. Yes, this was the bill they they enacted this 15 years ago and it was 15 adjustments that's led up to this amendment because without those things then we are operating within silos and that's.

But that way, just a bit of context, I think really is what Doctor Lokey's asking. Absolutely. Yes, that's what I'm asking. Yeah, we will, we'll we'll take that in. Scott Naegele here. Can can I raise another issue 'cause I think it's gonna come up at some point in time in terms of agenda items.

At some point here, those of us that are on these subcommittees that are doing research are are going to need to translate some of the work that we're doing into written documentation. That's going to be time consuming and and at present short of.

People on the subcommittees saying, yeah, I'll do that. We're going to have a need for somebody to do that. And I recognize that we don't have that in in our in our system sitting here right now in terms of somebody who can do that.

So I guess I'm just raising the issue of can we have an agenda item to talk about what we would need to do to facilitate having a staff person to help us with some of these, which I think are going to end up being pretty time consuming.

Duties. I don't know what to call it. I just see it on the horizon. And am I making sense? I hope I'm making sense. Absolutely. And the one thing is I know we we briefly discussed this at the subcommittee meeting. I think at present staff is at capacity with all of the various things. This is, as many of you guys know, this is not our main responsibility.

But a piece of it. And so we will have to have a discussion as to what that could look like given that you know funds are appropriated by the lege and things to that nature. So we can discuss that and we can have it as an agenda item if the chair's OK with it next week to discuss what some recommendations could be. In in my recognition of what you just articulated, Anthony is part of the reason.

That I'm bringing that up. I know that y'all are doing a whole lot on a on a routine basis and to ask you to do more is just not realistic. But there's going to be a need for this. Absolutely. And we can't pretend that that's not going to happen. Absolutely. Thank you.

Yeah.

Any anybody else? OK.

Thank you.

OK. Thank you everyone very much for your time and patience and for being here today, especially.

I'd like to move to adjourn this meeting at this time.

The floor is so moved. Thank you so much. And 4:48, we're adjourned. Thank you so much, everyone.

● **Ashlesha Naik** stopped transcription