

AZSOMB Adult Guidelines and Standards Subcommittee Meeting-20260415_195916UTC-Meeting Recording

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1h 33m 10s

AI-generated content may be incorrect.

Jenna Mitchell

All right, for those of you that are with us, this is Jenna Mitchell with DPS, and we have started the meeting, the recording. We're not going to officially start it until we have a quorum, but just for your awareness, we did go ahead and initiate the meeting and the recording.

Jenna Mitchell

Hi, this is Jenna Mitchell with DPS. Dr. Blades, if you want to go ahead and start the meeting, we have all of the members except one is having problems connecting. So we'll work with him. If you want to go ahead and call the meeting to order and then I can do a roll call for you.

BB

Brecken Blades

Okay.

There's, OK.

All right, so I'm going to call the meeting to order. It's 1:03 p.m. This is the Adult Guidelines and Standards Subcommittee. Major Mitchell, would you, I think we need to start first with roll call.

Jenna Mitchell

Yes, ma'am. Dr. Blades obviously is present. Ms. Adkins.

AA

Amanda Adkins - ADCRR

Present.

Jenna Mitchell

Mr. Barney.

BB

Blake Barney

Present.

Jenna Mitchell

Dr. Gray.

Present.

Jenna Mitchell

Dr. Miller.

SP

Sheridyn Miller Psy.D.

Present.

Jenna Mitchell

Dr. Morey.

PM

Peter Morey (OLA)

Present.

Jenna Mitchell

Miss Musick.

MM

Missy Musick

Present.

Jenna Mitchell

Mr. Naegele.

And Miss Panas.

JP

Jenna Panas

Present.

Jenna Mitchell

Madam Chairwoman, you do have a quorum and we'll continue to work with Mr. Naegele to see if we can get assist him in getting online.

BB

Brecken Blades

Okay, thank you. Okay, I am just trying to make sure that I have the correct agenda in front of me, but I did, I think we have at least one new member to the subcommittee. So I did want to go around again just briefly and make sure everybody introduces themselves so we all know each other, just maybe saying your name, your

profession, and then, you know, what
what kind of connection you have to working with sex offenders or sort of in the area of sex
offenses in general.

Do you want to, I don't know what's easiest, maybe Major Mitchell to just call through roll
call again?

Jenna Mitchell

Yes, I think that would be great. So we'll start with you, Doctor Blades.

BB Brecken Blades

OK.

Okay, I'll start. So I'm Brecken Blades and I am a psychologist. I've been licensed in Arizona
since 2013 and I specialize in the assessment and treatment of sexual misbehavior. So that's
individuals who've committed sex offenses and are on probation all the way through to

Jenna Mitchell

Yeah.

BB Brecken Blades

sexually violent persons civilly committed to the state hospital. So there you go.

Jenna Mitchell

Thank you. Now, Ms. Adkins.

AA Amanda Adkins - ADCRR

Hi, my name is Amanda Adkins. I'm an LPC here in Arizona. I provided sex offender
treatment inside Arizona Corrections since 2008, and I'm the corrections representative.

Jenna Mitchell

Thank you, Mr. Barney.

BB Blake Barney

My name is Blake Barney. I do mostly guys with pre-trial, going through pre-trial process for
sex offenses. I did 5 1/2 years with Dr. Blades and Dr. Gray at PCS, working and doing sex
offender treatment. And I am now in private practice.

AN Jenna Mitchell

Thank you, Dr. Gray.

Steve Gray

Dr. Gray, Steve Gray, I've started working in the Department of Corrections and Juvenile Services and then moved to Adult Services, whereas it was imposed upon me, my supervisor to learn about sex offender issues. So I started doing that and had so much fun with the Department of Corrections that I resigned and then started my own private practice in the Phoenix area. And I've been doing this for about 40 years. I'm a fellow of ATSA. I've given 11 or 12 presentations and published a few articles and that's enough. Thank you very much. Who's next? Doctor Morey?

Jenna Mitchell

Sorry, we're trying to send the invite again to Mr. Naegele and unmute, so apologize for that. Thank you, Dr. Gray. Dr. Miller.

BB

Brecken Blades

No, no, you're fine. No problem. No, that's OK.

SP

Sheridyn Miller Psy.D.

Hi, I'm Dr. Miller. I'm A licensed psychologist in Arizona. I am the current director of the Arizona Community Protection and Treatment Center that houses Arizona's Sexually Violent Persons Program. I have been involved in sex offender treatment for over 13 years now and started actually under Dr. Gray at PCS.

Jenna Mitchell

Thank you, Dr. Miller. Dr. Morey.

PM

Peter Morey (OLA)

Yeah, thanks. Peter Morey. I am a JDMD. I was a psychiatrist, trained in adult psychiatry, dealing with sex offenders, and been medical director of several downtown urban clinics in the Pacific Northwest and been an attending at state hospitals.

After burning out in medicine, I went back to law school and currently work for the Office of Legal Advocate defending sexually violent persons. And I was appointed as the public member, a public member. There's a few of us.

Jenna Mitchell

Thank you, Dr. Morey. Ms. Musick?

MM

Missy Musick

Hi, my name is Missy Musick. I believe I'm an LPC. I believe I worked with sex offenders,

court ordered treatment for about 15 years. I went into private practice. I specialize in trauma and I do have a focus on working with survivors of sexual abuse.

Jenna Mitchell

Thank you. And we also now have.

Subcommittee member Mr. Naegele here just in time for his introduction. Welcome.

SN

SCOTT NAEGELE

We just doing brief introduction, is that what we're doing?

Jenna Mitchell

Yes, we have a new member, so we're just doing a brief introduction of each board.

SN

SCOTT NAEGELE

Sure, sure. My name is Scott Naegele. I too am a licensed professional counselor. I too got my start in this field through my association with Dr. Steve Gray. I've been doing this kind of work primarily early on with juveniles.

As time has passed with young adults and adults as well, I have been both a treatment provider and an evaluator for individuals who are charged with various types of sex crimes.

Jenna Mitchell

All right, thank you. And last, our new subcommittee member, Miss Panas.

JP

Jenna Panas

Hey everyone, I'm Jenna Panas and I'm with the Arizona Coalition to End Sexual and Domestic Violence and I am representing Victim Services. Professionally, my work has primarily been with survivors of sexual assault and childhood sexual assault for a good two decades now. And then obviously offender treatment, primarily court ordered, but limited as most offenders don't particularly want to engage with rape crisis centers when seeking offender treatment.

Jenna Mitchell

All right, thank you and welcome. Dr. Blades, I'll turn it back over to you.

BB

Brecken Blades

Okay, thanks everyone. Okay, I believe the first item on the agenda is the discussion, kind of our continuing discussion of initial or just evaluation practices.

Is that accurate, Major Mitchell?

Jenna Mitchell

Yes, ma'am.

BB Brecken Blades

Okay. Okay, so I will just quickly, I guess, kind of recap sort of where we were previously. We sort of started at the beginning of the timeline of when someone kind of intersects with the criminal justice system and specifically looking at other states practices as early as sort of the pre-sentencing stage. And what we had concluded sort of two meetings ago is that it seems like there's a pattern of other states implementing some type of sex offense specific evaluation at the earliest stages. That is used sometimes to inform sentencing for the courts, but also used to help determine treatment needs, risk level, whether the person needs treatment, other needs, things like that. So we, as I have sort of noted down, is that we all

As subcommittee members agreed that implementation of an evaluation would be a positive step forward, that that would be a good idea for Arizona. And then we were continuing to discuss sort of exactly when that might occur in our process. And then with the an eye on future topics of, you know, what constitutes an evaluation, who is able to give the evaluation, what are, you know, what goes into it, all of those kind of things. But I think we are still at a point of looking at the evaluation and talking about does it become part of a pre-sentence investigation or

Or is it sort of at the start of probation and where does it where does it belong? We were going to do a bit more research on kind of what comes next for some states. That's where I have it that we left off. Does anyone have anything different than that?

Okay. I think, I know, Missy, I think you were going to maybe look a little bit at Colorado. I think that Jim was going to take a look at what's going on in Florida, but he's not here with us today. And then I don't know if I missed, or Dr. Miller, were you?

Gonna look again at Utah maybe, or Idaho.

SP Sheridyn Miller Psy.D.

I was going to look at Utah. I don't have much of an update today, though, on that.

BB Brecken Blades

Utah.

Okay, okay. Missy, did you have anything to add sort of in terms of how they handle the evaluation and kind of what happens next?

MM Missy Musick

So yeah, I spoke with Erin from the board yesterday. She was absolutely fabulous. She gave me a really good idea of what that looks like. Are you guys able to see my screen?

BB

Brecken Blades

Yes.

MM

Missy Musick

So we talked about perfect situation, which we know there is no perfect, especially when it comes to the courts. What will happen is at the time of conviction, the convicted person will be ordered to go over to the probation.

department and schedule a PSI. When they get over there, they're provided A referral. The PSI is scheduled and they're given a referral and a list of approved evaluators to schedule a pre-sentence sexual evaluation.

So those are actually two different documents. Probation will complete the PSI, and then a state approved evaluator will do the PSC.

At the time of conviction, the sentencing date is scheduled for 12 weeks out. They, in a perfect world, the PSC will be completed within 90 days. Again, that's a perfect world. If they're not able to do that, they just need to let the courts know.

why. So that is all done pre-sentence. There are three pathways, three directions of sentencing, depending on the offense. Either a person has a set amount of time on probation, there's no incarceration. So that initial PSC is just passed on to probation where they do treatment. There's a set amount of time incarceration with no probation, the treatment will happen while they're incarcerated. And then there's incarceration with a term of 20 to life, which I think was something that was very interesting to all of us. And so the way that that works, there is a minimum of 20 years, and then they basically earn their time out of prison, they're released onto parole, where they are expected to continue with treatment. I want to say that they said

If a person is in DOC for at least two years, they do want a new evaluation completed prior to release. A lot of that is to establish trauma that happens while in prison that needs to be addressed as

as well as those risk factors. Did I cover everything that I was supposed to?

Because I wanted to make sure that.

BB

Brecken Blades

I think you did. I thought that was really helpful that that answered some of the questions.

Steve Gray

Were they specific as to the kinds of tests and kind of protocols that they wanted to use?

MM

Missy Musick

Oh.

Oh, absolutely. I actually, I love the way Colorado has this set up. So they don't have like

specific tests. They have an array of tests for someone to use based on their competency and their specialty and also the different dynamics.

BB Brecken Blades
Hmm.

MM Missy Musick
of the offender. So if there's, you know, cognitive issues, there are certain tests to be used, but it's a wide array. So it's not like this one size fits all.

Steve Gray

Do they address mental health issues as well, just besides the sexual abuse?

MM Missy Musick
They do. They actually, and I almost added this, I really just got this done yesterday, but within their protocols, they do have a list of all of the different areas and all of the tests that are used for different of dynamics. So I was very, very impressed with it.

BB Brecken Blades
You.
Yeah, I think they're very specific, like they really lay it all out, which is helpful.

MM Missy Musick
They're specific without being constrictive, if that makes sense.
Yeah.

BB Brecken Blades
Right. Yeah, there's still flexibility is what I hear you saying, depending on the evaluator's sort of competencies or preferences and then the person's needs or, you know, special abilities or, okay.
Well, I found this to be really helpful, Missy. Thank you so much for doing that, speaking to them. I think one of my biggest questions as we left the discussion was what happened if we think that at the sort of this...
Post-conviction pre-sentence stage is a good timing. What do you do when someone serves a long incarceration? But you got that question answered where she said if it's at least two years, then a new evaluation needs to be completed. Prior to their release from DOC,

MM Missy Musick
And, and...

In a perfect world, that would happen, but anyone that's worked in this field knows that DOC does not like to release evaluations. Scott, you know, I think you're kind of the expert in the ability to actually do evaluations while a person is incarcerated. And there are limitations because

BB Brecken Blades
Mhm.

MM Missy Musick
It would happen prior to release, but sometimes DOC gets kind of possessive of any evaluations done while incarcerated.

BB Brecken Blades
Mhm.
Scott, do you have your hand up?

SN SCOTT NAEGELE
I did. I guess two points, just to clarify a question for Missy. Missy, I assume that I'm going to call them domains. I assume that these domains that comprise the psychosexual evaluation are all outlined in detail in the Colorado standards. Is that accurate?
The the.
Your mic's off.

BB Brecken Blades
Oh, you're muted, Missy.

MM Missy Musick
Sorry, can you ask that in a different way? I want to make sure that I'm understanding you.

SN SCOTT NAEGELE
Yeah.
Well, I mean, you used the word domain, I think, and you said that there are multiple different instruments that they're identifying that can be used to assess those different domains. I assume those are all outlined in written form in the context of their larger guidelines.

MM Missy Musick
Mhm.
Yeah, I mean, I can actually pull that up for you and show it. It's in their standards. If you want me to do that, I'm happy to do so.

SN **SCOTT NAEGELE**

At.

I'm fine with that. I mean, I don't know what others' thoughts are, but but you asked another you asked another question if I can respond to it.

MM **Missy Musick**

Mhm.

SN **SCOTT NAEGELE**

So...

And Brecken, perhaps you can comment on this as well, and Steve, from a historical standpoint, but pre-sentence evaluations oftentimes make their way into the hands of the DOC people for treatment services. To what extent further assessment is being done on an ongoing basis through the Department of Corrections treatment program at this point in time. I don't know that I know the answer to that. So that so as to answer the question of, you know, what new does the Department of Corrections have when it when somebody's approaching a time when they're going to be released? from the Department of Corrections. I don't know that I know that. And I would suspect that anything that they've done doesn't include polygraph testing and doesn't include any either assessment of arousal or sexual interest at this point in time. So Perhaps the only testing that we're going to get from the Department of Corrections, other than, you know, possible evaluations that were done pre-sentenced by whomever, and then some MSI testing that might be being done, but I'll shut up and let others comment on what they're aware of.

BB **Brecken Blades**

I think you're right, only the MSIs. And even then, only MSIs on people who are in the SOETP program. It's not, you know, given to everyone. What I took Missy to be saying, I could have misunderstood, but is almost, is less that, not so much that DOC would be doing the evaluation on them, but that they would need to have

SN **SCOTT NAEGELE**

Mm.

BB **Brecken Blades**

a new evaluation done by one of the certified providers. Again, you know, a full evaluation rather than relying on DOC to undertake the evaluation and do that, that they would have to get, you know, one of the certified providers to do it.

SN **SCOTT NAEGELE**
But post-release, correct?

BB **Brecken Blades**
Well, she said prior to their release from DOC, but, but that again, I mean, these are this, we're just taking a look kind of a cross section of what other people are doing. And so if we think, you know, that's not going to work for our DOC, then maybe we suggest that that needs to be done, you know, that needs to be initiated within the first 30 days of your release from DOC and it's through probation or, you know, we can.

SN **SCOTT NAEGELE**
Yeah.
Yeah.

BB **Brecken Blades**
you know, modify as is appropriate for our state.

SN **SCOTT NAEGELE**
Yeah.
Yeah, I think I think that to know the answer to what's possible while somebody is still, you know, in custody is for us to reach out to whoever it is that we reach out to at this point in time and say, hypothetically speaking, you know, if we know somebody that's going to be released, you know, in X amount of time,
Will you work with whoever the evaluator is to come into the Department of Corrections and do that testing?

BB **Brecken Blades**
Yeah.
Do you have any thoughts on that, Amanda?

AA **Amanda Adkins - ADCRR**
So you were correct on the MSI testing is about the only testing that's happening, and that's not even for all of the SO population, right? Just for those enrolled in treatment. We also do the static 99. And then of course, they get their risk assessment for community notification upon leaving. But

BB **Brecken Blades**
Yeah.

AA

Amanda Adkins - ADCRR

I also know there's a, you know, a percentage of people who get evaluated for SVP inside the system, and I feel like those people get pretty good accommodations when they come. And so I feel if there was outside providers coming to assess, it would probably be pretty effective.

BB

Brecken Blades

I.

Yeah, I mean, Dr. Gray and I have both done that, gone inside to do an SPP screening evaluation and it's, you know.

Steve Gray

I was curious about Colorado again. So are people evaluated before they're found guilty, they're evaluated and then they're sentenced like you get, you would do both probationers and people incarcerated.

AA

Amanda Adkins - ADCRR

Uh-huh.

MM

Missy Musick

So the guideline is upon conviction. So once a person is convicted, so found guilty, they are ordered to complete a PSI and a PSC prior to a sentencing date at the time of conviction. of conviction, the sentencing date is scheduled at that time, 12 weeks out. Did that answer your question?

Steve Gray

So the evaluation then is used in some, at least partially to determine sentencing or? I think it is.

MM

Missy Musick

And Erin and I talked about that and.

I got kind of a yes and no response to that because we also talked about plea deals in regards to that. I'm not a legal person. I don't know, like Dr. Morey, you

BB

Brecken Blades

Yeah.

MM

Missy Musick

You probably understand that because apparently a judge can deny a plea deal. There still has

to be a conviction. And they still have to arrange for the PSI and the PSC prior to sentencing. Like the legal field is way outside of my scope of expertise.



Peter Morey (OLA)

Well, a plea deal is essentially pleading guilty. And so they can plead guilty.



Missy Musick

Right.



Peter Morey (OLA)

pretty much at any time and a judge can override a plea deal or deny it. So they can do, if my understanding is correct, they've already been found guilty at this stage and they're doing a pre-sentencing evaluation scheduled 12 weeks out. And so.

I guess I just assumed that it would be used as part of the sentencing. And there may be...

I don't know if there could be any negotiation necessarily going on between the attorney and the court at that point of...

you know, wondering, I could see attorneys try to stop an evaluation or try to manipulate it in some way so that extra bad news doesn't come out and get an aggravated sentence, but I'm not sure quite how that would work.



Missy Musick

Well, the PSC, the PSI and the PSC are actually part of statute. So a lawyer is not able to stop that process.



SCOTT NAEGELE

But the real big difference.

Steve Gray

But if you're doing the evaluation, do you get to look at the pre-sentence investigation?

Because it's getting kind of weird in terms of protection of people's rights and legal issues and all kinds of crazy stuff.



SCOTT NAEGELE

Oh, can, can I, can I?



Brecken Blades

I don't know. I bet it just wouldn't be done. I just bet it would. Do you know what I mean?



Missy Musick

If.

SN SCOTT NAEGELE

Can I, can I?

Can I chime in just one second? Because clearly part of what Missy's describing here, if I'm understanding it correctly, with respect to the timing of the PSI and the pre-sentence risk assessment are very different from things as they currently exist here because people are getting evaluated both with respect to PSIs and pre-sentence risk assessments prior to them ever being sentenced so that those, so that information becomes part of what, you know, becomes part of the dialogue and discussion around the plea agreement. So the timing of things,

it would sound like from my experience here in Arizona relative to what is being described for Colorado is very different. And I don't know what implications that has for legal issues.

PM Peter Morey (OLA)

Yeah, and I, sorry, Peter Morey, I'm just jumping on what Scott said. That's kind of where my brain is coming from too, and I don't know what the implication would be or if.

Because if the PSI and PSC were not made public but kept in camera with the judge, that would seem to make more sense as far as sentencing goes and...

Following up afterwards, I would think.

MM Missy Musick

And so that's why I wanted to be very clear. So Erin and I like just covered like a million things when I was speaking with her yesterday. She was a font of information. And I remember asking, is the PSI and the PSC used to determine sentencing. And that's where she got kind of vague about things because there are certain aspects that, again, I am not a legal person. You guys all know the law better than I do. But there are aspects that she said just it doesn't work that way. And she did give me the number of like her legal counterpart. I procrastinated on doing this, so I didn't have a chance and she's actually on vacation right now.

But yeah, I don't, I don't know how all of that works.

BB Brecken Blades

Blake.

BB Blake Barney

So, Blake, Barney, I think that there must be some kind of consensus for a lot of states because Idaho does the same thing.

It's once they've entered a plea deal or been found guilty, but it's prior to sentencing. And so there's got to be some kind of consensus as to why that makes the most sense and why it's

effective. Because Idaho does the same thing. And to Scott's point, here we do it so different. But I'm also kind of curious, Missy, if there was any conversation about who is funding for this testing with Colorado. Is it coming from the state? Is it a state funded thing? Because there's only people here who can either become indigent through the court, get it paid for, or it's you know, private pay and people who can afford it. So I'm curious how that works in Colorado.

MM Missy Musick

Yeah.

Yeah, so we discussed that and it sounds like they have kind of a similar system that we do for treatment and testing here. They do provide financial assistance based on income and ability to pay.

BB Blake Barney

But at some point, it does potentially come from the defendant themselves. They have to pay for it if they have the means to do so.

BB Brecken Blades

Thanks.

MM Missy Musick

Yeah. Yeah. The.

BB Blake Barney

Okay, even though it's a requirement.

MM Missy Musick

Correct.

BB Blake Barney

OK.

MM Missy Musick

I, I mean, I, I, I'm not sure what your concern is about that. I...
I'm pretty okay with that. Yeah.

BB Blake Barney

I don't really have a concern. It's more a curiosity because my question is more pertaining to like, if everybody has to do it here, it's not a requirement. So it's more of if they have the

means to do so, or if they are, you know, indigent, then the court will cover that cost. So everybody has to do it in Colorado.

MM Missy Musick

Yeah.

Mhm.

Yeah.

Right.

Mhm.

BB Blake Barney

you know, how does that get paid for is kind of my thought so that it seems like it's equally distributed.

MM Missy Musick

Yeah.

Yeah.

Yes, yes. And the way she talked about it, it's kind of the same as, you know, for treatment. There are certain guys and or and gals in Arizona who they qualify for probation to pay a portion of their treatment, their polygraphs, those types of things.

I don't know.

what system they use, but Colorado does do the same thing for the evaluation because they recognize evaluations are expensive. And, you know, most people can't just pull out a checkbook and say, oh, here, here you go. Yeah.

BB Blake Barney

Yeah.

OK. Thank you.

MM Missy Musick

So, yes, they do. They do provide assistance for that.

BB Blake Barney

Okay.

SN SCOTT NAEGELE

Scott Naegele here chiming in again. I'm a little.

BB Brecken Blades

Good.

SN SCOTT NAEGELE

I understand, I believe, what I think Colorado is doing and as Blake is saying, Idaho is doing as well. I'm just not sure how they're arriving at, whether somebody's guilty or innocent.

Prior to having any other information to help.

In a in both evaluating risk and and weighing in on those issues, I mean the the the.

I'm just, I don't know what they're doing, because procedurally, they're obviously doing something different than we are. And Peter, I'd love for you to chime in here, but they must procedurally be doing something very different than we are to be able to have arrived at a guilt and innocent decision.

in the absence of the information that we're here talking about.

MM Missy Musick

Can I chime in before you, before you, Peter, do you mind? I'm so sorry. Because I mean, the way Arizona is now, it's a lawyer can have a psychosexual evaluation completed and then they get to choose whether or not

PM Peter Morey (OLA)

Um...

Oh, go ahead.

MM Missy Musick

they submit that into court. It's the same thing in Colorado. A lawyer can still ask for an evaluation to be done. That's not right.

BB Brecken Blades

hmm.

MM Missy Musick

They they can't tell a lawyer to not do that.

Is that what you're asking?

PM Peter Morey (OLA)

Right.

Well, I think, let me see if I can address what Scott's after. And I agree with you, Missy, that's what they can do. But Scott, I think part of what you're pointing out, and I've been trying to get out of it, but my words haven't been coming to me very well. The law and mental health are two totally different things as far as the court is concerned.

So when they're going to the guilt and innocence phase, they're looking specifically at the due process, the procedure, and the facts, and whether or not they're going to get it. So the reality

from a pure legal point of view is the risk assessment, the mental health, the everything that the person on trial has gone through is really irrelevant.

When they get to the evaluations, that's where a lot of mitigating factors come in and from the aggravation side, aggravating factors that could lead to a harsher sentence. And I think that Colorado and Idaho, what they've done is what I kind of touched on earlier is If it's done pre-sentencing, the lawyers are going to get their fingers in that and muddle it up. They're going to try to do everything they can to bury a bad report or...

Conversely, the prosecution is going to try to bring out aggravating factors. So it's just still part of the game because law is really just a game in the legal part. So if it's done post-conviction, I think you're actually going to get a more honest evaluation.

with keeping the lawyers fingers out of the whole thing, that could go to the judge for sentencing on what they feel is appropriate. I think kind of the question from that is how do we keep the privacy of that evaluation going to the judge and then get transferred to people afterwards and how do we keep that going?

through the system to make sure the person does get the rehabilitation need that they, rehabilitation resources they need while respecting the victim as well.

Steve Gray

Another question is, what's getting included into the assessments? Does it include a polygraph, for example? That would be scary.

assessment of deviance like the ABLE or plethysmography if they still use it anywhere.

BB Brecken Blades

I want to say that it does include a polygraph because it's, or I guess at least some states do, even if Colorado doesn't, because it's post-conviction.

PM Peter Morey (OLA)

Yeah, but I guess, pardon my, oh sorry, Peter Morey, I guess my question is, if it does include a polygraph in its post-conviction, and I think this goes back to what, Dr. Gray was saying is what prevents the prosecutors from coming back with new charges if something else comes up in that polygraph. He said, I think that could be a, that would be a really messy area.

MM Missy Musick

So there's actually a protection in the state of Arizona that since a polygraph is required, a person cannot be convicted upon any information they release during a polygraph. That's required.

BB Brecken Blades

Yes.

Yeah.

SN **SCOTT NAEGELE**

Can I, can I, can I, can I chime in on that a little bit, Scott Naegele here? That's true. Once they've been sentenced, once they're formally sentenced and the consequences of their charged actions have been dealt with, then they can make admissions of prior bad acts

BB **Brecken Blades**

We.

SN **SCOTT NAEGELE**

prior to the admissions that the charges that they've been brought to court on. That's true, but, you know, a piece of that hinges on they've already been sentenced and they've already, you know, basically been rendered consequences for the charged conduct.

If they disclose prior bad acts in the course of treatment, the statute protects those disclosures. But timing again is a piece of this.

BB **Brecken Blades**

My understanding of that statute is that it was post-conviction.

post-conviction and not, but these evaluations are happening post-conviction also in these other states. So therefore, anything disclosed in a required polygraph post-conviction would still be covered by that statute in Arizona, right?

SN **SCOTT NAEGELE**

Yeah.

Yeah, no, I.

Yes.

BB **Brecken Blades**

Yeah. Amanda, were you going to say something?

AA **Amanda Adkins - ADCRR**

I mean, Scott's questions bring up kind of where we started with the, what is the risk assessment for? Is it to guide legal decisions? Is it to determine their supervision? Is it for treatment planning? Is it like community re-entry issues? And so I think we kind of look at the timing of the testing for its purpose and maybe what testing happens for that purpose. My responsibility from our last board meeting was to look into what ATSA recommends. And while they have a lot of information about the tests themselves and training and validity, there's not a lot of recommendations for when in the process that is implemented.

BB

Brecken Blades

Mhm.

Okay, thank you. Yeah, did I miss anybody else who was going to check into a different state?

Mm.

MM

Missy Musick

I did find the list of different testing and evaluations in Colorado's thing if you guys want me to share my screen to kind of roll through that.

SN

SCOTT NAEGELE

Can you tell us what pages in that document it's in, Messy?

MM

Missy Musick

Absolutely. It's appendix 5. It starts on page 358. Sorry, I scrolled through. That's why it took me a little bit to find it.

So goes through child contact screening, cognitive and intellectual, and they just provide all of the different options.

SN

SCOTT NAEGELE

Yeah.

MM

Missy Musick

based on the evaluator's expertise on what is the best.

Things to use.

So, you know, again, this is from Colorado's like guideline. It is like 4 million pages long, but it is under appendix 5 starting on page 358. And prior to this, they actually go through.

through all of the different types. They'll specify for like people with cognitive impairments and child contact and all of those things. It's very well outlined on there.

So.

There you go.

BB

Brecken Blades

That's great. I can, when I pulled up, I think for one of our earlier meetings, maybe the February one, about Colorado's sort of purposes, what they have written is that the purpose of the PSI, kind of to speak to what you were saying, Amanda, the PSI is to provide the court with relevant information upon which to base sentencing decisions. The sex offense specific evaluation establishes a baseline of information about the offender's risk and protective factors.

treatment needs and amenability to treatment, the PSI may include recommendations about an offender suitability for community supervision. So they divide the purposes of them, you know, a little bit, but I do believe that the evaluation can also sort of inform or play a role in the PSI.

which then informs the sentencing guidelines. So maybe that's why she was a little bit vague Missy, is because it all kind of like, you know, rolls together, I guess.

So that's how I understand.

Process.

BB **Blake Barney**

So Dr. Blades, to speak on that, Blake Barney, to speak on that with Idaho, they consider the PSI and the PSE all part of the same process and they call it the PSI process. So they don't have a delineation, they don't separate it out. And it's within

BB **Brecken Blades**

Okay.

BB **Blake Barney**

it's that same 12 weeks. So, and they just call it the PSI. And so it's the pre-sentence investigation, the PSE, all of that. And it is to inform sentencing, but I think that the sentencing is more based off of the behaviors.

rather than the testing itself. So it is more focused on the risk and all those areas of, you know, threat to community, age of the victim, number of victims, whatever that might be. They focus on that much more for informing sentencing and then much more the PSE for informing

after incarceration, you know, treatment, resources, all those kinds of things.

BB **Brecken Blades**

OK, well, and then, OK.

MM **Missy Musick**

And so Blake, I, I'm so sorry. So I have a question because another thing that I really appreciated about Colorado is that sex offender treatment starts like as soon as someone is incarcerated.

BB **Brecken Blades**

No, no, you go.

MM **Missy Musick**

Whereas my understanding is here in Arizona, they wait until kind of the end when they've only got a couple of years left. Do you know what that looks like there?

BB **Blake Barney**

For Idaho, they have a, as far as I know, and this isn't from me doing research, this is just my knowledge from there, they have a system in the prison, but it is voluntary. You do not have to do treatment. It's not required. And any treatment that you would get would be

MM **Missy Musick**
Open.

BB **Blake Barney**

post release that would be required as part of the probation guidelines, such as, you know, Arizona is right now. But it doesn't matter what your offense is, what your conviction is, the treatment in the prison system is voluntary.

BB **Brecken Blades**

Which ours is now, right? Isn't that how it is, Amanda and Dr. Gray? It's, you're not required to do it. It's voluntary to be in the.

AA **Amanda Adkins - ADCRR**

I mean, the inmates can receive a loss of privileges if they participate, if they refuse participation in any major programming. So, like, say, I'm not going to GED, I lose maybe what day my visits come or how many dollars I can spend in the store, but it's not, you know, the inmates joke like they can't take your birthday. Like, you know, they're already here in prison, you know.

BB **Brecken Blades**

Got it.
Not required, required, but yeah, OK, OK.

BB **Blake Barney**

They have incentives to, yeah, they have incentives to do the program, but it's not something they are required to do.

BB **Brecken Blades**

Peter, do you have your hand up?

PM **Peter Morey (OLA)**

Yeah, I just wanted to circle back to that. Excuse me, the polygraph question really quickly,

because it was not ringing quite right in my head. So yes, if post-conviction, they cannot convict you for another crime or another bad act.

BB Brecken Blades
In.

PM Peter Morey (OLA)
but they can use that information to start another investigation. So that's why people would be concerned about, or people slash defense attorneys and possibly prosecutors would be concerned about a polygraph before the sentencing, before the sentencing starts to run. is that they get that information and be like, okay, well, we didn't know this guy may be involved in this arson. Let's see what we can do about that. So.

SN SCOTT NAEGELE
So Scott Naegele here commenting on what you just said, Peter. And Steve, I'd love to hear your perspective on this as well, because between the two of us, we probably cover 50 years of time. But I've had, I've had, I've never had the county attorney file new charges. on somebody for things that come out in the wash, so to speak, in the context of a pre-sentence evaluation. I've had one instance in history where a young man was sentenced to prison in the state of Washington and separate and apart. from those issues, one of their victims, historical victims, came forward and filed charges independently of any ongoing court proceeding, and new charges were filed against that young man. in spite of the fact that he had disclosed that in the course of his treatment in the state of Washington. But I've not, I personally have not had any clients charged with information that comes out in the context of a pre-sentence risk assessment. And I think that's because the second somebody does that, lawyers are going to advise their clients to not participate in pre-sentence risk assessments. So I don't think there would be a lot of wisdom in functioning that way. But Steve, I'd love to hear what you have to say about that.

Steve Gray

I'm just going to ditto what you said. I've not ever seen anybody charged or even investigated relative to a pre-sentence or a psychosexual evaluation either after the sentencing. Never seen that either. And in a couple of occasions where they tried at the judge, Just said, you're not we're not going there.

PM Peter Morey (OLA)
I agree with what both of you said. I've never seen it from a pre-sentence investigation, but the risk with a polygraph is there. So I think it's pretty routine that lawyers with a pre-

sentence investigation will not allow their clients to take a polygraph. And while I've never seen it come from a pre-sentence investigation, I've seen tons of charges from guys talking in prison leading to other investigations after they're already convicted. Similar, not quite the same, but it's the polygraph issue that's going to stick in defense of their throats.

SN

SCOTT NAEGELE

Yeah, Scott Negley commenting on that. And I know some of this is just our own experiences, but I don't, I don't know, you comment as well again, Steve, but I think attorneys pretty clearly know that in the state of Arizona, that a risk assessment that gets done and doesn't have a polygraph in it, done by a credible examiner, that the state's attorney is not going to view that very favorably. And so there's a bit of the honor code that is going on here in terms of You know, I mean, here's the reality. We all know that the vast majority of the people who come to us, either for treatment or evaluation purposes, the event that brought them to us is rarely the start of the discussion. So the reality is, is the vast majority of them are going to be telling us things that they've They, if they're if they're being honest, they're gonna tell us about things that they've done that go way beyond the scope of what they're being charged with. So, I mean, I, you know...

PM

Peter Morey (OLA)

But I think that's also, I think that's also a pretty negotiated polygraph scope.

SN

SCOTT NAEGELE

Steve.

Steve Gray

Well, that.

Well, here's my idea right now is that we're here to come up with a new model, right? We don't want to be driving 59 Fords. And so what I think we should do is discuss this issue more in light of like, how would we like to see it, one, to get the information and also protect the client at the same time.

And I think it can be done. It'll have to be done based on where you put different assessments to make sure you get protection plus information. And that's tricky, but I think we're smart and we can do it.

PM

Peter Morey (OLA)

Yeah, I would agree with that, Dr. Gray. I think, and back to the point I was trying to make before I jumped on you, or talked over you, and I apologize for that, is I think that a lot of the guardrails need to be put up on those polygraphs, Scott, that you were talking about. So I

think just having an open, unbearable...

open, unnegotiated polygraph, kind of like a free talk. It's scary from a defense point of view.

BB Brecken Blades

Missy.

MM Missy Musick

Sorry, I was realizing that I wasn't holding up my hand or saying my name, Missy Musick.

And I think this is where the fact that it's in the Colorado statutes that

really is the area to look at because I think it depends on what exactly it says in that statute.

Does that make sense?

PM Peter Morey (OLA)

It does, sorry, Peter.

SN SCOTT NAEGELE

Scott, Scott Naegele again absolutely makes sense. I think the real issue here is whether or not, I mean, the county attorney won't go on record and saying they'll never, they'll never charge somebody, but they've never charged somebody. So, you know, part of the issue is, is, is how do you convince them?

that this could be written into statute in a way that they can still do the jobs the way they believe they need to do the jobs.

BB Brecken Blades

Amanda.

AA Amanda Adkins - ADCRR

The ARS code, if you guys want it, is 13-4066. I have it up. And it specifically says any statement that is made by a person who undergoes sex offender treatment that is ordered by the court or that is provided by the Department of Corrections or Juvenile Corrections to a person who was convicted of a sex offense listed in, you know, the appropriate chapters, Any evidence that results from that treatment is not admissible against the person in any criminal or juvenile delinquency proceedings unless the person consents and accept that, yeah, it says accept that the statement or evidence may be pursuant to rule 404 in rules of evidence.

So, and it does not apply if there is a reasonable belief about a new violation, right? This is past offending, because I would have to use this, I would have to present this code in treatment quite frequently in prison to get people to talk about anything other than, hi, my name is, you know.

PM

Peter Morey (OLA)

So Peter Morey.

BB

Brecken Blades

Oh yeah, post-conviction.

Yeah.

Yeah, we do that too, over and over and over again for the guys on probation, because they have the same concerns. I think to speak kind of something to that you were saying, Scott, is that a lot of the information, if someone's being forthcoming in the evaluation is going to come out in a good clinical interview, because you'll be asking a full sexual history and you'll be asking about all the different paraphilic

BB

Brecken Blades

behaviors and if someone's being honest, that's really where the information is going to come out. And by the time you get to the polygraph, assuming it's maybe a sex history polygraph or even a specific issue, it's not really about litigating someone's guilt or innocence. It's more about confirming their reliability as a self-reporter in terms of, you know, you told me that you've never

done this, and now I'm going to ask you a polygraph question saying, like, other than what you've reported, have you ever sexually assaulted, whatever. And as long as they pass that, so it's less about the polygraph revealing specific information and more about, with really the clinical interview.

PM

Peter Morey (OLA)

Well, okay, I, sorry, I just want to make sure that we're all talking about the same thing here. I 100% agree that with what Amanda said and what you guys say about what's going on in evaluations, it is vital to have polygraphs there. Totally agree, no problems with that.

It's the pre-sentence polygraph that I'm worried about and I agree that under that statute That cannot be used as evidence and that cannot be used to say, okay, well, they admitted to the second crime in the polygraph. I agree with that. That can't be used, but that's information that can be picked up on to start an investigation into something else. So they'll never have to use that from a legal point of view and they can't.

but it opens the door to other things. That gets closed after sentencing once you get into treatment and during the evaluation. And I think polygraphs absolutely should be there because we can't do treatment without people being totally honest. So back to the point Dr. Gray was saying and Scott was saying is it's a timing issue about where these things can occur is where we get into slippery slope.

Steve Gray

Well, since we're here to, as I understand it, help draft some legislation that will take care of that that Dr. Berry talked about. Because I agree, I love polygraphs. I like the information that I've not ever seen and I hope never to see it used against somebody.

And I think we can write it up, so present it so it won't happen. So then what is your suggestion? Are you saying polygraphs are not included in a post-conviction evaluation? Because you're saying that that statute, or you're saying that...

Post-sentencing, someone wouldn't use a statement and start a new investigation, even if it's for a different crime.

PM

Peter Morey (OLA)

Well, post-sentencing.

I don't think post sen, I think that if there were a polygraph post-sentencing, we're going to see a more in a treatment.

treatment environment.

I forget what the term is, but basically responsibility polygraphs. You know, you're doing your treatment, are there any things else, all that. That falls under the statute that Amanda just read, that that can't be used against you and can't really open up any further doors. I'm worried about the pre-sentencing.

Polygraph, and I don't have an answer for you right now, but I agree with what Dr. Gray just said, that it's something that we should keep in mind as we move ahead and don't.

make rules without thinking about what the possible consequences can be. So I think it's just more that I want to bring the point out there that everything has side effects, if that makes sense.

BB

Brecken Blades

Mm.

Scott.

SN

SCOTT NAEGELE

I just want to comment on that. So Peter, so that you're clear when and I want to talk for Steve, but I think we're talking about the same thing, Steve and I, and many of these polygraphs are pre-sentenced at least the way the structure exists currently in the state of Arizona. And I want to I want to make it clear that that I've never had anybody be prosecuted in a pre-sentence polygraph for new admissions that they made. And I've already articulated the reasons why I think that would be unwise from the state standpoint, because you'd back the court system up until the end of eternity if everybody had to go to trial. It just, there's no wisdom being exercised there.

BB Brecken Blades
Sure.

PM Peter Morey (OLA)
Right. But Scott, I agree with you that they may not be prosecuted on something they admit there, but they may be a start of an investigation they see there. But what I'm saying is not so much that it's never happened, but it can happen. And that's where your defense attorneys get

SN SCOTT NAEGELE
I, I, I, Peter, I know, I, I...
It.

PM Peter Morey (OLA)
their panties in a bunch and that's where we need to figure out, okay, how do we codify this so that we make sure it doesn't happen and that lingering fear is not still out there because otherwise we're going to run headlong into the defense community who is going to balk at this.
Right.

SN SCOTT NAEGELE
I think you are right that we do have to figure out a way to speak to this and put this in black and white and then get a buy-off on it. I, I, I mean I don't disagree with you just because its never happened doesn't mean it never would. So.
We have to be thoughtful about how we, what kind of language we use about polygraphs being used at that interval and basically get some buy-off on it from the legislature.

PM Peter Morey (OLA)
Exactly, and that's the point I'm trying to make. And I apologize if I stumbled around and became long-winded, but that's the point I'm kind of trying to make there.

SN SCOTT NAEGELE
Yeah.
Yeah.

BB Brecken Blades
Go ahead, Missy.

MM Missy Musick
And I guess now I'm just going to kind of follow up because I think, you know, it really is,

this needs to become a part of the Arizona statutes so that it is laid out very clearly and Colorado has done that.

It's right. It's not like this committee can just say, oh, boom, this is what we're going to do now. There is that statute piece that I think we need to have in place for that.

SN **SCOTT NAEGELE**
Oh.

Steve Gray

Why can't we just get Colorado's and white out Colorado and put Arizona in?

SN **SCOTT NAEGELE**
You know, and Steve and Steve, I was essentially going to say, so a piece of a piece of this language that we're talking about that we need to we need to we need to put forward and get buy off on should should include our research should include what statutes and what states

MM **Missy Musick**
I'm okay with that.

BB **Brecken Blades**
Yeah.

SN **SCOTT NAEGELE**
have actually codified that so that when the lawyers get a hold of this and they want to go start looking, they can find other examples of this having been done in other places. And perhaps that puts them somewhat at ease in terms of a willingness to go there.

BB **Brecken Blades**
Exactly.

MM **Missy Musick**
And, and...

Steve Gray

Well, just as just as long as we codify that you cannot use polygraph for prior bad acts or even current acts or future acts for all I know. I think if we do that, I think that will protect the person and will also provide us with information we need to develop a treatment and supervision plan.

MM Missy Musick
Right.

PM Peter Morey (OLA)
Basically, kind of like, oh, sorry, Peter Morey, what they call free talk in prison. You can just tell us what we want to know and nothing's going to be held against you.

Steve Gray
Right.

MM Missy Musick
This actually, while I was speaking with Aaron yesterday, all of these states actually have meetings where they all get together and they talk about all of these things. They don't do this independently. And
Apparently Arizona has been mentioned because we're kind of the babies and developing a board and they would like for us to join that. And I think that would be a perfect forum in which to ask all of these questions.
Yes.

BB Brecken Blades
So you're saying the different SOMBs from the different states all get together?

MM Missy Musick
Yes, they're actually.

BB Brecken Blades
Well, that would account for some of the similarities, I suppose, right? I mean, these patterns, yeah, OK.

MM Missy Musick
They're actually having a conference the end of July in Breckenridge.

SN SCOTT NAEGELE
What's?

BB Brecken Blades
Hey.

MM Missy Musick
I know, right?

SN SCOTT NAEGELE
It would be, it would be super. I'm sorry, Amanda.

AA Amanda Adkins - ADCRR
Road trip.
Oh, I said road trip.

MM Missy Musick
Right.

SN SCOTT NAEGELE
You know, it would be super helpful if we could actually definitively find out how many states have this, because I have to tell you, when I first started saying there were 16 or 17 states, what I've now learned is, is you can't, you're going to laugh when I say this, but that's okay too. You can't trust the internet to tell you

BB Brecken Blades
It.

SN SCOTT NAEGELE
what's actually accurate. Because as I've tried to contact people in different states who I believed had sex offender management boards, what I've learned is, is they don't have any such thing. So there's probably close to, there's probably closer to 10 than there actually are 16 or 17 who actually have operational sex offender management boards.
because several of the states that you would think do by virtue of doing a cursory search, they don't really have them because I've now talked to more than one of them and they don't have one.

BB Brecken Blades
Yeah. Well, and then to add on that, in February, when we did the presentations earlier, Dr. Miller had told us that Utah also is another one that does the same thing, that the evaluations help inform sentencing. So there must be some consistent logic flowing through and a way that they protected that. Because I would reiterate again, it's

AA Amanda Adkins - ADCRR
Amanda Adkins here.

BB**Brecken Blades**

It is the polygraph that we're concerned about, but more so it's the pre-polygraph interview. It's the clinical interview where they're going to make those statements that you're referring to, Dr. Morey, that are, you know, disclosing of things that they've done, sexual crimes or otherwise. You know, when you were asking about, you know, have you ever done this or that? And they're like, well, yeah, actually, I you know, I mean, they say all kinds of things, but that's where I, in my opinion, that's where the bulk of the information protections would need to come from and less about like the actual small polygraph question itself.

Steve Gray

Also in terms of sentencing, even though it wouldn't be used for prior bad acts and be charged with another thing. then if you get a polygraph and it's a bum polygraph, instead of getting probation, now you're going to get prison. So we're going to have to figure out a way to fix that too. So I mean, if they're done pre like a pre-conviction.

SN**SCOTT NAEGELE**

Yeah. Yeah, you know, I mean, as I think about this, y'all, I'm thinking, you know, Brecken, you made me, made this go to my brain when you were saying what you were just saying. You know, a piece of this becomes, how do we have, how do we talk to these people pre-sentence in a way that we teach them how to tell us the information that we need and that they're going to need without having to identify people. You know, I mean, we don't, we don't, we need to know, you know, some basic things, but we don't necessarily have to have names. We need to know how old people are. We need to know whether they're male or female. We need to know whether they're related or not related, but But we don't have to be having conversations where we're effectively gathering information that people, you know, on the defense side of things would be deeply concerned about that getting out, so to speak.

MM**Missy Musick**

So with that said, Scott, I just found what the paperwork that needs to be completed prior to the polygraph. And it's actually kind of in line of what you were saying. It's, you know, have you had sexual contact with someone under the age of 18? How many people? It doesn't, it doesn't like go into the details that a lot of our sex history polygraphs go into. It's kind of a yes and no and a number.

BB**Brecken Blades**

Right.

Okay, I want to make sure we have time for the, I think the only other item, Major Mitchell, right on the, is the discussion of guiding principles. And then after that, we can sort of do any further duties or responsibilities. Is that right? I just want to make sure I get everybody out on time. Or did I miss an agenda item?

Jenna Mitchell

Yes, ma'am. And then yes, and before you conclude, I do have just a couple of administrative things to do at the very end.

BB **Brecken Blades**

Okay, okay. Does anybody have, I guess, any, I'll kind of try to wrap up this discussion in a second, but any other kind of like concluding thoughts or opinions or concerns or questions?

Jenna Mitchell

Yeah.

BB **Brecken Blades**

About.

AA **Amanda Adkins - ADCRR**

Amanda Adkins here. I have a meeting scheduled at the end of this month with a provider from Colorado who graduated from ASU. But I'm excited to speak to her because she's talking about what works well with the sex offense management board there as a provider. And I'm excited to hear the provider's perspective as well.

BB **Brecken Blades**

Yep.

Okay.

Yeah.

AA **Amanda Adkins - ADCRR**

I'll report on that next time.

PM **Peter Morey (OLA)**

I just wanted to make an observation, and this may be my impulse control disorder, speaking up, but I really like the way our discussions are going and being able to put it out in the format and suss out the things that

BB Brecken Blades
Good.

PM Peter Morey (OLA)
need to be looked at with higher magnification than just pushing them through. So I appreciate that. So, okay, impulse done.

MM Missy Musick
So.

BB Brecken Blades
No, that was great, I think. Yeah.

MM Missy Musick
And I just want to say, Jenna, welcome to our committee. I was very, very excited to hear when here. I actually just heard yesterday that you were going to be joining us. So welcome.

BB Brecken Blades
Yeah.
Yes, welcome.

JP Jenna Panas
I apologize for the quiet. I'm listening, trying to catch up and I'm like, okay, how can I be useful?
Mm.

BB Brecken Blades
No, that's great. Feel free to just listen or, you know, chime in at any time. Absolutely. Well, is there any brief, you said...
program for Colorado is what, 5000 pages or something? Is there a 10 page version of it? The Cliffs Notes version? Yeah, Cliffs Notes.

MM Missy Musick
That would be awesome. I mean, you know, I could be more specific. I just, it's actually actually 368 pages.

PM Peter Morey (OLA)
What you could actually do, and I've been using this more that's really good, is you can take the whole thing and drop it into Claude, and then just ask particularly what you're looking

for, and it will digest the material down into manageable kind of bullet points or outline that will give you what you need, and then you can go back and read it. more in depth if you want to or even question Claude more about it. But I found that to be pretty useful for these types of documents.

BB Brecken Blades

Mhm.

It sounds like to me that we have kind of the, at least the initial stages of kind of a recommendation coming together and that it seems like we're aligned on there being an evaluation implemented in Arizona, post-conviction, but pre-sentence. and that it should be, you know, include mental health issues, other cognitive needs, as well as sex offense risk to inform treatment, and that, but that we need to have to sort of edit that statute or include new statutory language that sort of provides protection so that it's used only for its intended. purposes and not used, you know, in a way that would make folks not want to participate or not, you know, tell the truth in the future. But that that's where we're headed. Does that sound right to everyone? Okay, Blake, do you want to comment?

BB Blake Barney

Yeah, so one thing, and this just kind of popped in my head right now, is if we adopt this post-conviction pre-sentence 12 weeks-ish time period.

Right now, probably 65 to 70 percent of people, when they enter a guilty plea prior to sentencing, immediately go like at that moment into jail. So I'm curious how that would work in the legal system, because now these guys are going to go to jail and then they have to do all their evaluations in jail and they're sitting in jail for 12 weeks versus 2 weeks prior to sentencing.

sentencing? What does that look like? So I think that's another aspect of all of this that we'll have to consider and kind of think about what the court system would do at that point, post-conviction, pre-sentence, if it is going to be a 12-week time frame or something similar. you know, most guys are not going to want to sit in jail for 12 weeks, going through this process, waiting to be sentenced to then go to prison. Even if they get time served, whatever, it's not going to matter. It's 12 weeks in jail that currently they're not doing.

Steve Gray here. There's another issue that I want to plug into this. Are we building a model that's going to be supervised statewide, or are we going to let each county do different stuff like we're doing now? Because I got my idea was from listening to a lot of people is that we wanted to go to a state supervision so you don't get

such disparate sentencings from like rural counties to Tucson to Flagstaff to here. And I hope that becomes part of what we're doing.

BB Blake Barney
Mm.

PM Peter Morey (OLA)
I think it would have to. Sorry, Peter, and I'm sorry, Missy, I jumped your...

MM Missy Musick
But you.

PM Peter Morey (OLA)
Sorry, go.

MM Missy Musick
No, no, go ahead. I cut you off earlier, so please go.

PM Peter Morey (OLA)
Okay, thanks. No, I agree with Dr. Gray. I think it has to be because we've got such different court views on a lot of things between counties and different quality of evaluations that I think it absolutely has to be statewide.

BB Brecken Blades
Yeah.

MM Missy Musick
And, and...

BB Brecken Blades
I do think that's the purpose of the board because we're, I mean, it's a state board. So yeah, go ahead Missy.

SN SCOTT NAEGELE
Yeah.

MM Missy Musick
Yeah.

And, you know, that piece, when I was talking with Colorado, having identified evaluators, it wasn't the phrase that she made, I really appreciate it. It wasn't about qualifications. It was

about competency in the evaluations. And so it seems like there is, you have to go through training and, you know, validation and making sure that the people that are doing the evaluations have the competency to do that, not just because, and there's several psychologists and psychiatrists on here. I know most of you, I have a lot of respect for you, but not just because you have PsyD or PhD behind your name doesn't always qualify you to do those evaluations.

BB Brecken Blades
Mmh.

SN SCOTT NAEGELE
I was going to make a semi-joking comment, Scott Naegele here. Steve, you're suggesting that we set some guidelines that are apolitical and that everybody agrees on them?

BB Brecken Blades
Who said that?
He thinks you did. Ohh, really?

SN SCOTT NAEGELE
Yeah.
Yeah.

PM Peter Morey (OLA)
Well, Peter Morey, and I think Blake actually brought this up a while ago, didn't you? Like, Idaho has a certification through the board for the evaluators, don't they?

BB Blake Barney
Yeah, and I believe Colorado does as well. They certify all of their providers and they certify their evaluators. And if there's any wrongdoing or some kind of shady business going on, they are immediately decertified by the board. So they meet much like a mental health board.

PM Peter Morey (OLA)
Segments.
OK.
Yeah.

BB Blake Barney
and discuss providers if there's problems. They discuss evaluators if there's problems, and

they will just decertify them, and they can no longer do that in that state. That is definitely how Idaho works. I believe that's how Colorado works. And I don't know that this is accurate, but I heard that evaluators have to pay like \$20,000 or something to be able to... provide these treatments in Colorado. I don't know if it's true. I had heard that, but basically it's like a privilege and they are paying the board directly. So the board is funded beyond what they actually need because providers or evaluators or both

PM Peter Morey (OLA)
Ohh.

AA Amanda Adkins - ADCRR
I will ask.

BB Brecken Blades
Yeah.

PM Peter Morey (OLA)
That's interesting.

BB Blake Barney
are paying to be evaluators and providers in the state of Colorado. I don't know that that's entirely true. Something that I heard, I didn't look into it. But if that's the case, it's like they have a lot of skin in the game, right? Now these providers and evaluators are paying to be able to do this and they lose a lot. not just their money, but their ability to practice and everything else in that state. So maybe it requires a lot more accountability for them. And not, not that we would implement that, but uh...

BB Brecken Blades
Yeah.

BB Blake Barney
certifying providers and evaluators, I think makes a ton of sense by the board, because then they're accountable to the board, the state of Arizona, as well as whatever their licensing board is.

PM Peter Morey (OLA)
Right now.
I would agree with that. And I think that would also give us some authority statewide, as Dr.

Gray was talking about, to be able to essentially quality control what's going on with the evaluations.

BB Brecken Blades

Yeah. So I have kind of just noted, at least mentally, is just that future directions would be identifying evaluators, you know, whatever that process kind of looks like based on their competencies, sort of what are the desired outcomes in terms of kind of the domains or what do we want from the report? Is there a template for it? You know, which

what do we want the evaluators to address? And then also, then what would be the approved testing? And if we do a kind of a list or what would go into it, but that we're close potentially to maybe letting the larger board know that we could make at least kind of a preliminary recommendation that this evaluation

sort of processes is what we recommend and that we're continuing to work on that piece is kind of where I see us landing.

But let me know if that's not accurate, because I don't want to speak. When they ask me for an update, I don't want to say something that, you know, makes everyone cringe.

Okay.

PM Peter Morey (OLA)

Peter Mori, that sounds about right. Yeah.

BB Brecken Blades

Okay, great. Okay. Any thoughts? I'll just jump ahead kind of quickly on our agenda and just any discussion or thoughts on sort of where we go next? Where do we...

Now what? You know, from here, is there more information that we need from other states?

Is there, do we want to start talking about what goes into an evaluation? Do we want to talk about, you know, what are the, what are the outcomes that we want from the evaluation? Is it too soon for that? What do you, what does everyone think?

PM Peter Morey (OLA)

Peter, Morey, I'm thinking it's about time to start looking at what goes into the evaluation.

And, you know, we kind of hit the timing, which I think we're ready to present to the board and then probably deal with any pushback from them on what they think and how to handle those issues, but then also what goes into the evaluation.

and start putting it together. So I think we kind of know where...

I like the idea of joining Colorado's whatever the state thing is, where all the states get together. But I think we're kind of landing on the Colorado-Idaho hybrid going forward here. Colorado, Idaho.

BB Brecken Blades
Yeah.

PM Peter Morey (OLA)
Yeah, then I guess I'll hold, yeah, but yeah, I think that probably I think we have enough information to start forming something for ourselves.

BB Blake Barney
I.
Big.

BB Brecken Blades
OK, Missy.

MM Missy Musick
I absolutely agree with that. I'm also interested, I'm still trying to get to know all of the board members. Do we have a treatment provider that specializes working with people with cognitive disabilities? Because I think that would be an important person to be involved in. in the evaluation process.

BB Blake Barney
So, well, Blake Barney is it?

Jenna Mitchell
Jenna Mitchell with DPS.

BB Brecken Blades
Oh, sorry.

BB Blake Barney
Yeah, go ahead, Jenna.

Jenna Mitchell
I would say that Dr. Farrah Lokey is representing that. So I would just add that. And then I would also just for your previous conversations, just caution when you're looking at other states, be aware that statutorily they are tasked with different responsibilities including sanctions of providers, approval of providers, like was mentioned earlier. And if you, you know, I always am going to refer you back to our ARS statute that you really need

to align with what your statute required to do instead of expanding maybe beyond that scope. There is a lot of work to be done in there. And on Monday, we're going to kind of

BB

Brecken Blades

Yeah.

Jenna Mitchell

talk about how to break that down, but just keep that in mind when you're looking at other states. They have different statutory responsibilities than Arizona does.

Thank you.

MM

Missy Musick

So, Jenna, on that, I have a question because I know the subcommittees, it's really the providers are on here. Is there some of our colleagues who are more in the legal aspect that can maybe come and educate us a little bit on the current statutes and guidelines.

Jenna Mitchell

I think what may be helpful is on Monday when we start to assign responsibility to different subcommittees and board members for the different tasks that are listed in the statute. I know we've had it for quite some time, but literally going through that section by section, really the bulk of the work is laid out in section D and section E. A lot of the other is administrative formation of the board and structure and things like that. But that's really where the bulk of the tasks and objectives of the board are laid out.

PM

Peter Morey (OLA)

Peter Morey, Jenna, question for you and also just kind of comment to Missy. I've been approached by a couple defense members who would like the defense concerns to make a presentation to the subcommittees. I've let them know that, you know, I'm not, as a public member, I'm not pushing any defense agenda. That's not my role. But they wanted to know if they could make a presentation to us and

From my understanding, what Victoria was talking about is if they make a presentation, it's going to have to be at a subcommittee meeting with a quorum, or we can talk to them individually sub-quorum. But is that something we're all okay with, and can we do that, Jenna?

Jenna Mitchell

I would want us to consult with Victoria on that. Certainly the board and or the

subcommittees can bring in presenters and request that. We do have a member, a board member who does represent public defender, and that's Ms. Katie Krejci. She is on the board and is that representative.

We have talked about posting to the website, who each of you are representing. That might be helpful for all of you. I know we did the board introductions, but that was back in October. And you know, it's hard to remember when you're meeting that many new people at once to remember exactly what section they're representing. So you all may find that helpful if we do that. We've talked about doing that. So I'll add that.

up a little higher on our to-do list to add that information. That might be helpful. And then also, you'll know better than I do, Peter, the organization that represents them, that might be a helpful way for them to reach out to Katie and share, you know, information that they think is pertinent to the board.

PM Peter Morey (OLA)

Yeah, thanks, Jen. I did refer them back to Katie, but it was just a question I had regarding...

Jenna Mitchell

Perfect.

Yeah.

PM Peter Morey (OLA)

You know, because one of the things that we talked about or that came up through the main meeting last time was the restructuring of these subcommittees to 62% versus 80%. And I think the drive behind that was to, as Missy was saying, gets more influence or information in when we're doing these subcommittees. So

I was wondering if that might be an alternative for us to get information is have the presentations.

Jenna Mitchell

Yeah, and they would just caution you to make sure that, you know, anything that you're bringing in is related to those objectives within the statute that you guys are required to do, just to keep you structured and focused on, you know, the objectives that you need to be focusing on. But yes, absolutely. Subcommittees and or the larger board can have external people come in and do presentations.

PM Peter Morey (OLA)

Okay, thank you.

BB Brecken Blades

I think for next time, would we be, are we ready to maybe take a look at what some other

states put into the evaluations, if that's kind of the consensus as to where we go next? So I know we're relying heavily on Idaho and Colorado. Missy, can we ask you to continue with Colorado since you have a good relationship with them and or do you want help? Do you want to delegate it? Let me know.

MM Missy Musick

Yeah, I'm happy. I guess I'm, so just for clarification, how much further outside of the listed evaluations that's documented on there, would you like for me to go to go.

BB Brecken Blades

Um, I guess I, I'm, I think, um...

They usually have a section, right, that has probably paragraphs about it. And then they have that list, which I also don't mind pulling out the section with the paragraphs. I think that that's just how I would start or I would suggest starting. I don't think you need to do a bunch of research or interview someone again, but let's just start. Let's just start looking at where

MM Missy Musick

Mhm.
Okay.
Oh yeah.
Oh, yeah.

BB Brecken Blades

what other states have and what they align in.

MM Missy Musick

Yeah, easy peasy.

BB Brecken Blades

Okay, but you can also, please let me know or let you know, Jenna know if that doesn't work out for you this month, and I'm happy to take some of that on. And then Idaho, Blake, do you want to keep looking at Idaho? Are you okay with that? Okay, and then, thank you. Amanda, you're already speaking to someone, right? A treatment provider, so we'll maybe get that update from you next time.

BB Blake Barney

Yeah, that's totally fine.

BB Brecken Blades

Are there other states that we want to look at or at this point are we kind of aligned or we're sort of boiled down to Idaho and Colorado being the front runners? Anyone else think of another one?

MM

Missy Musick

So she did mention Tennessee, Utah, and New York.

BB

Brecken Blades

Oh. Yeah.

I can tell you right now, New York doesn't use polygraphs.

Okay, well, we did Utah before, so if we could continue at least with Utah to get a, you know, a third, maybe a tiebreaker if it comes that way, which I'm happy to do, or Dr. Miller, if you already have that started, if you want to do it, or somebody else.

SP

Sheridyn Miller Psy.D.

The.

I can reach back out. I've looked online and they don't have a ton, so I'll reach out to Michelle from Utah.

BB

Brecken Blades

Okay, great. Let's start with that. I think that's a good kind of cross-section to just, you know, start taking a look at. And we can always look at more states if we, you know, think that's not sufficient. I, in terms of the discussion of the guidelines, I don't have much to say on that. Did anybody take a look at them and have comments or questions or edits or anything that they want to?

add or chime in about that.

Major Mitchell, did you have anything? Oh, sorry. Somebody start talking.

SN

SCOTT NAEGELE

So I was just going to simply say Scott Naegele here. In my attempts, and I'll know more tomorrow when I meet with the juvenile subcommittee, trying to find something that is in fact, you know, some guiding principles or things that other states have, has been rather difficult to do in terms of

I mean, Colorado's made this, Colorado's been working on this a long time, and what they've done is pretty impressive. And because what they've done is pretty impressive, everything else pales by comparison and is a woeful approximation.

BB

Brecken Blades

Yes.

Yeah.

Yeah, okay.

Jenna Mitchell

Jenna Mitchell with DPS. So we have popped that up there just for reference. I know we're bumping up against the clock, but I think you all have this document that Chairwoman Goulden presented to the board. And it is the, I believe it is exactly the Colorado principles that she's proposed and asked for input from the board and from the subcommittees on those. 15 principles, guiding principles that are the framework for the decisions that Colorado makes and you know how they prioritize and address issues that they're tasked with doing.

BB

Brecken Blades

Yeah, I didn't have any major revisions when I read through it.

But that's, you know, it seems like the research that they have cited is really thorough and very detailed and, you know, pretty current. And so I didn't have any changes to that. But I won't speak for everyone.

SN

SCOTT NAEGELE

I feel comfortable with it as well. This is Scott.

BB

Brecken Blades

Okay.

Okay.

Okay, Missy's nodding. So I think that's kind of the consensus, Major Mitchell, is that from the adult subcommittee, we don't have any major changes or recommendations for altering the document. We feel comfortable with it as it is.

Jenna Mitchell

Okay, that sounds good.

BB

Brecken Blades

Okay, did you have a few things, Major Mitchell?

Jenna Mitchell

I did. I just want to take advantage of having all of you because with our new hybrid meeting options for the full board on Monday, I wanted to get a couple of RSVPs since I have you here. Mr. Barney, are you going to be able to attend and will you be in person or virtual? Monday's meeting.

BB

Blake Barney

Yeah, I'll be able to be there in person this month.

Jenna Mitchell

Person.

Okay, perfect. Dr. Gray.

BB

Brecken Blades

I'll be there.

Jenna Mitchell

In person. Thank you, Doctor Miller.

SP

Sheridyn Miller Psy.D.

I'll be there in person.

Jenna Mitchell

Thank you, ma'am. And Mr. Naegele.

SN

SCOTT NAEGELE

Yes, I'll be there.

Jenna Mitchell

Thank you. I just didn't have RSVPs from you on file, so I wanted to take advantage of getting them from you now because we need to get the virtual invites out if they're needed. So thank you for allowing me to do that, Chairwoman.

BB

Brecken Blades

Okay. Was that it? That was that was pretty easy. Nothing else. Okay. Okay. Well, then we're almost right on time. So I will make a motion to adjourn the meeting for today. Do I have a second?

Jenna Mitchell

Yes, thank you.

PM

Peter Morey (OLA)

I second that, Peter Morey.

AA **Amanda Adkins - ADCRR**
Amanda Adkins, second.

BB **Brecken Blades**
Everybody wants to go home. Okay. All in favor, say aye.

JP **Jenna Panas**
Aye. Aye.

SP **Sheridyn Miller Psy.D.**
Aye.

PM **Peter Morey (OLA)**
Aye. Aye.

BB **Brecken Blades**
OK, any opposed?
Okay, the motion carries and the meeting is over. So thank you all very much.

SN **SCOTT NAEGELE**
Nice to meet you, Jenna.

Jenna Mitchell
Thank you. Bye-bye.

BB **Brecken Blades**
Thanks, everyone. Bye.

BB **Blake Barney**
Thank you.

○ stopped transcription