

**AZSOMB Adult Guidelines and Standards Subcommittee Meeting-
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BB Brecken Blades 0:29

Okay, I'm going to go ahead and call the meeting to order. So it is June 10th, 2026, 1:01 p.m. and this is the Adult standards and guidelines subcommittee meeting of the AZSOMB. So, Major Mitchell, would you get us started with a roll call? And then I think prior to our agenda items, we'll maybe do another quick round of introductions because we have a new committee member today.

Jenna Mitchell 1:08

Sounds good. So present is Dr. Blades. Excused is Miss Adkins. Mr. Barney.

BB Blake Barney 1:16

Present.

Jenna Mitchell 1:17

And Mr. Barney will be with us for the 1st 20 minutes and then needs to log off for another meeting. Dr. Gray.

BB Brecken Blades 1:28

Dr. Gray informed me that he's ill, so he won't be here.

Jenna Mitchell 1:29

Okay.
Thank you. So, Doctor Gray is excused. Mister Hanratty.

BB Brecken Blades 1:40

You were muted.

JH Jim Hanratty (SUP) 1:45

Present, sorry about that.

Jenna Mitchell 1:48

Thank you, Ms. Kaczorowski.

BB Brecken Blades 2:01
Maybe also muted.

Jenna Mitchell 2:12

Ms. Kaczorowski.

Maybe having some difficulties. Looks like we lost her, so we will, when we finish roll call, step out and check with her. Dr. Miller.

A anonymous 2:28
Present. I'm under anonymous. I'm calling in.

Jenna Mitchell 2:33

Thank you.

Miss Musick.

MM Missy Musick 2:37
Present.

Jenna Mitchell 2:41

Mister Naegele.

SN SCOTT NAEGELE 2:42
Present.

Jenna Mitchell 2:44

And Miss Panas.

JP Jenna Panas 2:46
Present.

Jenna Mitchell 2:50

So that completes the roll call. Madam Chair, you do have a quorum. We have six board members present, and I will follow up, sorry, seven board members present, and I will follow up with Ms. Kaczorowski.

BB Brecken Blades 3:05
Okay.

Should we hold off potentially on the introductions? Oh, she's back, or on my screen maybe.

KK **Karolyn Kaczorowski** 3:17
Oh.

Jenna Mitchell 3:22
Karolyn, can you hear us?

BB **Brecken Blades** 3:22
And.
You're muted, Karolyn, if you can hear us. We can't hear you.
Well, what I was starting to say is maybe while we get her audio kind of worked out, that we would start in with a discussion of the guiding principles since the introductions will be because of her presence. So I think we'll do that unless Major Mitchell, you have a different idea about what we should do.

Jenna Mitchell 4:11
No, that works good and I'll step out and see if I can reach her by phone to see if we can identify her connectivity issues.

BB **Brecken Blades** 4:20
Okay. Okay, great.

JH **Jim Hanratty (SUP)** 4:21
Jim Hanratty, Jim Hanratty have a question: Who's the new member?

BB **Brecken Blades** 4:26
Karolyn Kaczorowski, who is the Yuma County Attorney.

JH **Jim Hanratty (SUP)** 4:31
Oh, she's a new member of the subcommittee.

BB **Brecken Blades** 4:33
Yes, not, yeah, she's a board member, but just joined. This is her first meeting with the adult subcommittee. So, yes. Okay. Okay, well, let's go into the, to the guidelines. So, I guess as we, it came up in discussion at the last

JH **Jim Hanratty (SUP)** 4:36
Okay.
Gotcha.

BB Brecken Blades 4:54

board meeting, the larger board meeting where they were provided to the board members, but then there was some discussion about them and a sense that it was too sudden that the board members weren't given enough maybe notice to put in there comments. I guess I just want to remind everybody that from the document that the board originally had, and then we reviewed it as a subcommittee, approved it, and then it was provided again to the board. We didn't make any substantive changes. So it wasn't that the document in front of the board at the last meeting was the same document that they had seen and had a chance to review previously. But we did receive some comments on that version regardless. So I don't know. Major Mitchell, is it appropriate for me to maybe just go through those? in terms of the guidelines and see if everyone is in agreement to those.

Yeah.

Yep, that's the document.

Jenna Mitchell 6:03

Yeah, I think that would be helpful. And also, just for the record, I failed to acknowledge that we do have Assistant Attorney General Victoria Baldner on the call as well today.

BB Brecken Blades 6:14

Oh, hi, Victoria. Do we, Victoria, do are you under scheduling constraints that we need to, if we have any questions for you, ask you right at the beginning? I want to make sure we're conscious of that.

BV Baldner, Victoria 6:25

I have a hearing at 3 o'clock, so hopefully we will be out of here by then.

BB Brecken Blades 6:31

Yes, okay. Well, let me know if you're feeling like you need to jump off to prepare or anything like that.

BV Baldner, Victoria 6:32

Okay.

Okay, Brecken, and I appreciate it. Thank you for the question.

BB Brecken Blades 6:39

Okay, thanks. Yeah. Okay.

All right, so I think what we probably need to do is just go through these kind of 1 by 1. And so she's made some comments. And then also you can see some suggested changes to the wording. So we didn't have this.

to the committee, it wasn't not ahead of time, right? So this is the first time folks are seeing this. Yeah.

OKOK.

And.

SN **SCOTT NAEGELE** 7:15

Brecken, what? Scott Naegele, can I ask a quick question?

BB **Brecken Blades** 7:18

Sure.

SN **SCOTT NAEGELE** 7:20

There's also a second set of comments, I believe, that Ms. Kaczorowski provided. And on the very first page of that, a rather important question I think bodes needing to be answered, and that is to what extent

Does the statute give us authority for some things? Do we need to talk about that after? I mean, is that just specific to the evaluation process or is that any of this stuff?

BB **Brecken Blades** 7:53

No, that's not this. This is the this is the this is the document that we've been reviewing almost since the beginning kind of of the board meetings. This is the guiding principles document. And so there's a juvenile one that's separated that I believe has some additional comments and may go through that committee again. And then there's this adult guiding principles. And my understanding of Ms. Kaczorowski's comments is that they relate specifically to the proposal that I presented at the last board meeting with regard to implementation of an evaluation. And that's the piece that there's a legal question about. And I do that as the piece that I want Victoria to weigh in on for us also, but I want to wait. I did the guidelines first because I think I would really like Ms. Kaczorowski to be able to provide us with additional, you know, context and explanation of her comments.

Because yeah, so I think that's what the document was. So this I was just doing first until we have her audio.

KK **Karolyn Kaczorowski** 9:01

I am present and I can hear you now. Thank you.

BB **Brecken Blades** 9:03

Ohh.

Okay, great. Hi, welcome. Okay. Okay, well then let's go backwards and do a quick round of introductions. So I would say if everyone would just, we can do it in a roll call way again,

Major Mitchell and.

If everybody would say their name and their profession, and then, you know, briefly, if how their profession overlaps with work with sex offenders, sex offenses, and then that way we can all kind of be oriented to everyone's role professionally. So

I can start. Brecken Blades. I'm A psychologist and my experience is in the assessment and treatment of sexual misbehavior from youth through sexually violent persons and includes work with both private attorneys, defense attorneys, and then counties and the state. So who would be next, Major Mitchell?

Jenna Mitchell 10:11

Mr. Barney.

BB **Blake Barney** 10:15

Yeah, Blake Barney. I did 5 1/2 years under Dr. Blades with treating convicted sex offenders with sex offender treatment. Currently, I do independent practice and I'm working with guys in the pretrial process.

doing as much therapy as possible with them prior to them being convicted. And that's my continued work with guys going through the sex offender treatment process.

Jenna Mitchell 10:52

Thank you, Mister Hanratty.

JH **Jim Hanratty (SUP)** 10:59

Hi, I'm Jim Hanratty. I'm A polygraph examiner. I've been working in polygraph professionally since 1997. And about 15 years of that was exclusively with justice-involved individuals, both adult and juveniles, polygraphing them while they were under the community supervision guidelines for each individual county, about 9 counties in the state of Arizona and also on federal contract for adults.

And that's it.

Jenna Mitchell 11:34

Thank you, Ms. Kaczorowski.

KK **Karolyn Kaczorowski** 11:42

And you said that perfectly great. I'm Karolyn Kaczorowski. I am the Yuma County Attorney. Prior to holding this position, I was a prosecutor for 20 years. Starting in 2005, I specialized in dangerous crimes against children. And beginning in 2015,

KK

Karolyn Kaczorowski 12:03

I became the major crimes unit supervisor, which handled all of the homicides, adult sexual assaults, and dangerous crimes against children that occurred within Yuma County.

I am here as the APAC representative, Arizona Prosecuting Attorneys Advisory Council representative.

Jenna Mitchell 12:23

Thank you, Doctor Miller.

A

anonymous 12:27

Hi, I'm Dr. Miller. I'm a licensed clinical psychologist. I am also the director of the Arizona Community Protection and Treatment Center, where I have been for the past 10 years. Previously, I was the ACPTC clinical director for five years. ACPTC provides treatment care and supervision to Arizona sexually violent persons, and my experience in includes treatment and evaluation, as well as administrative duties related to sexual violent persons.

Jenna Mitchell 13:00

Thank you, Miss Musick.

MM

Missy Musick 13:06

My name is Missy Musick. I'm A licensed professional counselor.

I used to work with people who were convicted of sexual offenses, all adults. I'm now in private practice and I specialize in trauma. So a good portion of the population I work with are survivors of sexual assault.

Jenna Mitchell 13:35

Thank you, Mr. Naegele.

SN

SCOTT NAEGELE 13:39

My name is Scott Naegele. I have a master's degree in counseling. I started working with juveniles who present with these issues in the latter part of the 1980s and then ran a residential treatment program for a period of time for juveniles.

slowly, gradually transition to more outpatient work, both with juveniles and as time passed with young adult males. In more recent times, my practice has probably split between about 15 or 20 percent treatment services, both

with some non-adjudicated adults and adjudicated juveniles in a rural county and doing pre-sentence risk assessments, both with juveniles and with adults.

Jenna Mitchell 14:35

Thank you, Ms. Panas.

JP

Jenna Panas 14:39

I'm Jenna Panas. I'm with the Arizona Coalition to End Sexual and Domestic Violence. And professionally, I've been in this space for over 20 years, working with both victims and offenders of sexual assault as well as domestic violence.

Our organization provides services or represents all of the providers of services to victims of sexual assault in the state. But many of those also provide services to offenders. And then as we know,

Unfortunately, many offenders are also victims of sexual assault, so it's kind of an intermeshed field.

Jenna Mitchell 15:26

Okay, and that completes the introductions, Chairwoman.

BB

Brecken Blades 15:31

Okay, thank you, everyone. Welcome, Karolyn. We're glad to have you.

So let's go back to where we were sort of starting to go through the guiding principles. Can we try to, I think that'll probably be the shorter piece of discussion is my guess. And so if we can start with that, I think it also comes first on the agenda. Yep. So
On.

be able to share it on the screen, the guidelines with the...
the feedback or the changes suggested by Ms. Krejci.

Jenna Mitchell 16:32

Unmuted. Yes.

Yeah, Ashlesha, she's just pulling that up now. It seems to have locked the screen on us for a second. It's frozen, but we'll get that up. And then also just for your information, you may have noticed that Katie Krejci is in the meeting as well today.

BB

Brecken Blades 16:39

No.

Okay.

Jenna Mitchell 16:52

Welcome, Katie.

There we go.

BB Brecken Blades 17:01

Okay, thank you so much. Okay, so starting at the beginning, so what you can see, obviously everyone knows how to read this in a document, but the red line, the red font is where she has suggested different wording.

And so, and then comments on the side. So, we've got initially in this very first paragraph, she's suggesting we add to develop a statewide system.

I guess maybe Major Mitchell, can we ask her to participate if we have questions or I don't know what are the guidelines about that.

Jenna Mitchell 17:49

I believe so since she's here, but I will defer to Victoria.

BV Baldner, Victoria 17:53

Yeah, that's fine.

BB Brecken Blades 17:55

OK.

Okay, Miss Krejci, can you hear us? Are you in a just listening? Are you able to contribute also?

Sure, OK.

KK Kathryn Krejci (OPD) 18:16

I can, I can .

BB Brecken Blades 18:24

You said yes, I think. The reason I'm asking is because for...

Example for this first one and maybe everyone else is able to see it and I'm not, but it looks like the word safety is highlighted. Is that just because that's where you put the comment for the...

The fact that the sex offender management was dissolved or are you wanting to remove that word, the safety word?

KK Kathryn Krejci (OPD) 18:52

Can you hear me better on this device?

BB Brecken Blades 18:54

Yes.

KK Kathryn Krejci (OPD) 18:56

Okay. No, that was just to highlight safety because it wouldn't let me comment on the footnote. It wouldn't let me add a comment to the footnote. It deleted the reference to the center for the sex offender management just because it has been dissolved. So that was just to reference that footnote, what I did there.

BB Brecken Blades 19:01

Got it.

Okay.

Okay, perfect. Thanks. Okay. Okay, so then you, the suggestion is to add, to maximize community safety through the development and implementation of evidence-based policy, standards, and practices for effective delivery of quality intervention, assessment, evaluation, treatment, monitoring, and management.

And then I think throughout, you've made the change instead of sex offenders to individuals who have committed sexual offenses. And then in this instance, also while promoting system and offender accountability. So I guess we'll just kind of pause at each one. Does anybody have questions about that, comments?

Miss Krejci, do you want to add anything or Karolyn, you have your hand raised?

Mm.

KK Karolyn Kaczorowski 20:19

I do. Thank you. I don't know if you received this as well. But one other request at the last meeting were suggested changes to our statute 13 3828. I think one of the things that's missing from our statute is a definition of the sex offenders. I provided a list of questions I had, and I get that I'm the lawyer in the room, but Ms. Krejci is too. But there is no definition of sex offenders in our statute. So does it only apply to people who are under court ordered treatment for sex offenses?

BB Brecken Blades 20:26

Mhm.

KK Karolyn Kaczorowski 20:38

Is it anyone who's convicted of a sexual offense only in Arizona or anywhere? What if a person isn't convicted because they're legally incompetent at the time of the offense? What if a person isn't convicted because they're legally incompetent to stand trial? Does it include anyone who has to register as a sex offender, regardless of whether they're currently under supervision of probation, community supervision, or incarceration?

Does it apply to anyone who self-identifies as a sex offender without having been convicted?

So those were the questions I posed to the amendment, possible amendments to our governing statute. But I think I bring that up because with the

the change that Ms. Krejci is suggesting, it comes into play there too. I'm not entirely sure of the scope of what we are doing to whom.

BB Brecken Blades 21:39

Okay, so you're saying that becomes relevant here because we're using the phrasing of individuals who have committed sexual offenses and you're saying that's ill-defined at present.

Or am I misunderstanding?

KK Karolyn Kaczorowski 21:51

Hey.

Yes, I think I think when we discuss individuals who've committed sexual offenses.

It has, it's not addressing whether they've been convicted and where our authority is. I understand we're making recommendations, but when you start talking about evaluation and treatment,

BB Brecken Blades 22:18

Mhm.

KK Karolyn Kaczorowski 22:20

You know, if there's people who identify themselves as having committed sexual offenses, but have not yet gone through the criminal justice system.

BB Brecken Blades 22:32

Mhm.

KK Karolyn Kaczorowski 22:32

So I think these requested changes really kind of change the meaning of it. In my mind, a sexual offender is someone who's been convicted.

Um...

BB Brecken Blades 22:44

So.

you're more comfortable with the original wording.

KK Karolyn Kaczorowski 22:46

Not just committed.

I think it's less about being more comfortable and more about a foundational question we need to answer as a board.

Who are we directing these recommendations to? Is it all treatment, regardless of their status as having been through the criminal justice system?

BB Brecken Blades 23:03

Mhm.

Mmh.

I mean, my understanding, I think, would be this would be sort of the same as what you said in the sense that it would be someone who's been convicted of a sexual offense. That's what I would, that's what I would initially come to mind.

But maybe this, I mean, that was the 1st place, you know, when we're talking about your, the feedback that you submitted where that we would, I think we would benefit also from Victoria's input or if there is any input in terms of sort of the definition of that or what statutorily or.

I don't know what other board members think.

BV Baldner, Victoria 23:56

Karolyn's points are well taken. I totally understand where she's coming from. The first thing that popped into my mind is let's consider where the legislature placed the statute in the Arizona revised statutes, and that's in the criminal code. So that speaks to me as someone who's been caught.

has been prosecuted, may not have been to disposition or post disposition. This is a conversation I actually wanted to have with Karolyn on the other issue. Brecken, the reason you asked me to log in. So I see, now I'm seeing they're very connected because it's kind of a...

BB Brecken Blades 24:28

Yeah.

Yeah.

BV Baldner, Victoria 24:34

It is a jumping off point and.

I read Karolyn's comments on the suggestions about pre-sentence and I do have questions for her. I don't know if you can we can we flip over to that or do you want to table the background material? I don't I'm I don't know how you want to do this.

BB Brecken Blades 24:58

Mhm.

Uh, well, yeah, we can.

KK Karolyn Kaczorowski 25:00

And I apologize, I wasn't trying to usurp anything. It was just with that suggested change came the questions about

BV **Baldner, Victoria** 25:07

Right. It makes total sense. No, it makes total sense because I read your comments on the, I read your comments on the proposal for implementation. And I, it's very clear to me that you see a bright line between pre-sentence and post and you think that the statute

BB **Brecken Blades** 25:09

Yeah.

BV **Baldner, Victoria** 25:26

Doesn't.

speaks to pre-sentence and that's something I just wanted to flesh out with you. I did a quick search of the statute and I only saw the word post-conviction with regard to the qualification of a polygrapher.

I'm not seeing the bright line, but I'm certainly interested in talking to you about it and hearing your thoughts on it. My bigger concern, and I'm really glad Katie's here, my bigger concern about the proposal for implementation that we're looking at

I, I don't know that the state can force someone who has not been sentenced.

to submit to that level of evaluation. It makes me crazy when I hear people throw around due process, but that was the first thing that popped into my head when I saw it. I thought, I think the defense bar is going to have a problem with this. And they may be correct if they push back. So Karolyn, can you?

Maybe help me understand why you do see a bright line in the statute between pre-sentence and post.

KK **Karolyn Kaczorowski** 26:40

It's not so much directly with the 3838 statute or 3828 statute. My concern is if we are, if we start dealing with a pre-sentence, you are now getting into separation of powers issues because the rules are set by the Supreme Court and we're operating as a...

advisory board to the governor, which is the executive branch, of course. And you're also getting into the constitutional rights of defendants that they still have up through the time of sentencing. And there are

as well as constitutional rights of the victims. And I just...

I think that going into pre-trial, or excuse me, pre-sentencing is really going out of our lane there.

Because, and I agree with you as far as the placement, it's placed in the criminal code and it's also placed in the chapter 38 with the sex offender registration.

And excuse me, I think for that reason we should be looking at.

that kind of intent, but I don't like making assumptions and the legislature really didn't specify, even though it's in that section, are we only talking about people who are mandated to register as sex offenders? Because now you're incorporating, for instance, kidnapping and custodial interference by a non-parent.

requires registration as a sex offender, even though in most people's mind, that's not necessarily a sexual offense. And indeed, kidnapping with the intent to commit a physical injury rather than a sexual injury, they still have to register. So, and then of course, there's sexual behavior

that is criminalized, but yet people don't necessarily have to register for that. So it's both over inclusive and under inclusive if we use, you know, 3821 as our basis. But as far as going pre-sentencing, I have very strong feelings about that, but I don't think it comes from our statute.

BV Baldner, Victoria 29:15

Well, I certainly don't.

I don't want the board to spend time working on something that ends up being a recommendation to the legislature that is technically unconstitutional. That that's not that's not a good look. The question, you know, the question is whether

KK Karolyn Kaczorowski 29:33

Correct.

BV Baldner, Victoria 29:38

What gives what gives us the green light is a is a sentencing, you know, whether you know the date that the conviction.

is a reality for the criminal defendant. I really would like an answer from a defense lawyer with regard to...

Whether that is a due process issue to force a...

Defendant who has not been to disposition to do any kind of testing at the hands of the government. Obviously. Karolyn you have been through these cases sometimes criminal defendant will go and pay for their own psychosexual evaluation. Right? If they can afford it.

KK Karolyn Kaczorowski 30:21

That's...

BV Baldner, Victoria 30:23

Yeah, it's been my experience. That's up to them. I can't make them do that as a prosecutor. That's completely up to them. And when they get it back, they don't even have to give it to the state. So.

I feel like the government...

Creating any kind of lot of force.

a criminal defendant to do testing at the hands of the government might be problematic. But if, can we let Katie like jump in here?

KK **Kathryn Krejci (OPD)** 30:50

Yeah, I mean, I have a lot of the same concerns that I saw Karolyn pointed out in that background material. I think the pre-sentence is going to have, like, people still have their right, their Fifth Amendment, not to, like, you know, admit to other things. There's no protection. Just because a plea has been entered doesn't even mean the case is resolved. Like many times the court will defer acceptance of the plea. So there's not even any, you know, assurances that the case is going to go forward. You know, criminal defendants don't even have to participate in the pre-sentence interview with probation between that time of plea and sentence. So I have I have like the same concerns that Karolyn pointed out and so eloquently articulated in the documents you provided.

KK **Karolyn Kaczorowski** 31:35

Mmh.

BB **Brecken Blades** 31:39

Let me ask this question and it might be kind of an uninformed question, but one of the, some of the reasons, so I guess, let me start with this. All of us on the board or this subcommittee of the board are admittedly treatment heavy and so none of us bring a legal or a judicial you know, expertise to this. And so we were aware of that. And so we're happy for the feedback and the constructive feedback and glad to make changes and look at all the issues. I, one of the reasons that we landed on this, because we considered a couple of other iterations, which we can.

you know, discuss as the discussion continues. But a number of other states are starting the evaluation process at this stage, at this pre-sentence stage. So I guess my question would be, how are they doing that then in other states that's not applicable?

here. Just different laws on the books, I guess, or a totally different process through the criminal justice system.

BV **Baldner, Victoria** 32:49

Well, to Katie, to Katie's point, the Fifth Amendment is always with you, so...

KK **Karolyn Kaczorowski** 32:49

Right, so, oh, sorry, go ahead.

BV **Baldner, Victoria** 32:57

I can't answer, I can't really answer the question about other states because I haven't looked at

what they're doing, but obviously you see some value in doing this ahead of time. What's the value?

BB Brecken Blades 33:03

Yeah.

Well, I'll let some of the other providers weigh in on this also, but I think that...

It's at a point where I think there's a couple of things. One, it, even though the evaluation might say the person, you know, needs treatment or they're high risk, it also might come out saying that they don't need treatment and they're not a high risk, they're a low risk or we could. So it gives a chance, I think, for people to be looked at in a more specific way before some of those mandates are given.

to them. It gives a chance for, if we're able to, for them to maybe try to participate in some treatment in a prison setting. I recognize that's not 100% available to everyone. I think also sometimes what we see on, or what I see kind of on the back end working with people who are on probation is that there are some inconsistencies in terms of how someone is sentenced or what information was available versus what I find out later and that having that kind of information early on in the process is helpful for their probation officers, potentially for the court. It sort of starts an earlier capturing point of some of the whole picture.

I don't know if anyone else wants to add to that.

No, OK.

BV Baldner, Victoria 34:37

Karolyn, I cut you off earlier. Can you go for it?

KK Karolyn Kaczorowski 34:41

Actually, I think I cut you off and I do apologize for that.

BV Baldner, Victoria 34:44

It's okay. It's hard. It's hard having a real good back and forth over teams. I know, so no hard feelings on my end whatsoever.

KK Karolyn Kaczorowski 34:54

As I mentioned in my memo, the PSEs are already an available option. The court may order an evaluation which...

would come out of the court funds. So I don't think it's disparate as far as only rich people can get them. The defendant may request an evaluation. This is under, I'm on page 4 and it's #2.

On page 4.

The court, the state absolutely cannot request one prior to the sentence being imposed, but the court may order one and the defendant is always free to get one. So if they, if the defense thinks it's beneficial to them, they can get an evaluation. I will tell you in the.

In the few cases I've had where they have gotten them, first of all, we only accepted them if they included a polygraph.

And secondly, it has rarely, rarely, rarely been helpful or beneficial to the defendant to go through this because there's two competing things. First of all, because it's pre-sentence, A lot of the information on the report other than the testing is based upon self-reporting. So they have an incentive to minimize because it's prior to sentencing.

And then the flip side of that is if they don't minimize, it often is very detrimental to the defendant because the state at the time of the case is focused on the individual case that has already been disclosed, but often there's other things that are in there that are harmful to the defendant. So

That's one of the reasons the state cannot ever ask for an evaluation prior to sentencing. But if the court feels that it may be helpful to the court's decision, they can order one. So

It's not like this isn't done and there are provisions within our criminal rules that do provide for that. If the defendant wants it, I don't think.

And I have to agree with Victoria that mandating this.

I, I don't see where that is going to pass constitutional muster.

But, you know, I didn't want to just say that and then tap out. I provided the recommendations I did in case people wanted to go forward. But I really don't think this is a good idea.

BB Brecken Blades 38:09

Okay, let me ask you this, and I did go through your document, but maybe what, I guess, what would be your suggestion of a solution or how to move forward or how to incorporate the evaluations? Like, do you have any thoughts on what would be constitutional and, you know, provide information? I mean, what would that look like?

KK Karolyn Kaczorowski 38:31

If you're talking pre-sentence, I don't think that we should move forward. As I stated before, or before I even did this, I think it goes beyond our statutory mandate as a board to do this. And

BB Brecken Blades 38:37

Okay.

KK Karolyn Kaczorowski 38:49

Then you have the next level where even if we did do it, I don't think it'll be upheld pre-sentence. I think we should focus on post-sentence evaluation and treatment.

BB Brecken Blades 39:05

Okay.

Okay, so, um...

I guess any of the other board members want to chime in before I keep going, have like comments. Scott, you have your hand raised. Go ahead.

A **anonymous** 39:18

Yes.

SN **SCOTT NAEGELE** 39:22

Yeah, I was just simply sitting here wondering if it's worthwhile to reach out to the folks in Colorado and ask them how they reconciled this.

you know, massive elephant that's sitting in the room right now. And if they actually did that, I mean, I know in our cursory checking out with them, the feedback we got was to do this in a pre-sentence sort of scenario, but

They had to have grappled with these exact same issues that we're having a discussion about right now. And I, is it worthwhile to ask for their input?

KK **Karolyn Kaczorowski** 40:09

I would never object to obtaining more information, but I will note that many, I agree that the federal constitution is always with us when you're talking Fifth Amendment, but many of my concerns are Arizona specific.

The.

prohibitions on redacting, things like that, that all comes from the Arizona Rules of Criminal Procedure. The Victim Bill of Rights, that's, while every state has it, including Colorado to some extent, you know, the victims' rights are, that I noted in my thing was, very specific to Arizona, but I don't see any reason not to reach out to Colorado.

BB **Brecken Blades** 40:59

No, I agree with that, Scott. I think that was one of my question early on is how did there are a number of states that have this timeline in terms of the evaluation recommendation. And so I just would be curious if their state statutes are written in such a way that it wasn't an issue or if they did come up against these challenges also and how they you know, incorporated those things. So, Dr. Miller.

A **anonymous** 41:25

Yeah, I just had a question if it would be beneficial to discuss the standard procedures for those pre-sentence evaluations that do occur. The statute, the Sex Offender Management Board statute does say that we should discuss standard procedures to evaluate adult sex offenders and since

some individuals do undergo PSEs, is it worth discussing what that should look like should that happen?

BB Brecken Blades 41:58

Yeah, I think that's a good suggestion. I think depending on kind of where we land in terms of the need for additional either research or, you know, consultation or further definition of what constitutes a sex offender, those kind of things, it may just be helpful to, or it may make the most sense to just table this specific issue in terms of when the evaluation occurs and shift into

BB Brecken Blades 42:22

yeah, putting our thoughts towards what constitutes an evaluation so that we can at least keep moving forward in our, kind of in terms of our tasks.

So I think that is, I think that's a good suggestion potentially. I guess I would just ask this and throw this out, I guess, to see what, since we have all so many attorneys present. Another, you know, scenario that the board discussed is, or the subcommittee, sorry, discussed is implementing the evaluation.

kind of at a different timeline. So it would be right currently when someone gets onto probation, they're given, you know, they undergo a series of kind of intake interviews and testing, but it's done individually, kind of, you know, one test in

BB Brecken Blades 43:21

at a time. And so I'm wondering if implementation instead of a full evaluation at that point in time is sort of more feasible or more logistically possible. So that's another kind of iteration of this that had been brought up in the subcommittee. So Karolyn.

KK Karolyn Kaczorowski 43:45

So I have pulled up the Colorado standards and I don't know, is it okay if I try to share my screen?

Can folks see that?

BB Brecken Blades 44:09

Mhm.

KK Karolyn Kaczorowski 44:11

Okay, so this is the Colorado guidelines, and I'm on page 27. So their pre-sentence investigation, they have a very specific Colorado statute. And

JH Jim Hanratty (SUP) 44:11

Yes.

KK

Karolyn Kaczorowski 44:31

It's a 2021 statute, but it says on or after 1995. It's whoever's committed a sexual offense who is to be considered for probation.

shall be required. And I think that's a very different situation. And when they are considered for probation, that's generally when the court orders it or the defense attorney does it. So again, it's a Colorado specific statute that permits them to do that. And then if you go farther down,

The not all of it, what it it it says.

Some of this has statutory support, some of it does not. So they were doing a best case scenario as well, but I'm guessing they probably didn't have as many lawyers putting their fingers in their pie.

So I just wanted to pop that in since I had it.

BB

Brecken Blades 45:41

So are you saying that if we amended the wording to be post-conviction, but pre-sentence, if it were limited to those being considered for probation, that that would make it appropriate?

Or you're still saying this stage is not appropriate at all?

KK

Karolyn Kaczorowski 45:56

No, I don't think it's appropriate to mandate it.

BB

Brecken Blades 46:01

Okay, even just for those who are going to be on or who are going to be considered for probation.

KK

Karolyn Kaczorowski 46:09

It makes more sense, practically speaking, if they're going to be on probation, but you still have the other considerations as far as the timeliness, the victim's rights, all of that other thing, all of that other stuff that we have competing against it.

Um...

BB

Brecken Blades 46:29

Mhm.

KK

Karolyn Kaczorowski 46:30

And as Ms. Krejci said, the way plea agreements work here in Arizona is they may defer acceptance or the court can reject the plea. The other thing to note about these is our, let me see, I know I put it in here somewhere.

As far as the defendant is concerned, the...

When, oh, okay, when they do an evaluation under Rule 26.6, they are not allowed to redact the report that is provided to the state. It becomes public record and disclosable to the victim, as well as any public records requests.

And so now you're putting them in a position of this, I'm sorry, I'm on page 4, #3.

Um...

And...

You're putting them in a position of, do I waive my Fifth Amendment right not to self-incriminate myself for the hope of getting probation?

BB Brecken Blades 47:50
Mhm.

KK Karolyn Kaczorowski 47:51
By participating in this, or...
do I stand by my constitutional rights and, you know, forgo the opportunity to receive probation? And that's just, you know, that type of choice is not anything we ever want to place the defendant in. We want the defendant to be able to exercise his or all of his or her rights.

BB Brecken Blades 48:13
Mhm.

KK Karolyn Kaczorowski 48:18
and still get the benefits and by mandating it without, you know, extensive changes to the criminal rules, which we cannot do because again, these are promulgated by the Supreme Court, the judicial branch, the legislature cannot interfere with that constitutionally. And there's plenty of cases on point for that.

BB Brecken Blades 48:43
Mhm.

KK Karolyn Kaczorowski 48:43
They cannot step on the toes of the judiciary by changing the rules of criminal procedure. So without extensive changes to those rules, you're forcing these defendants into a terrible choice.

BB Brecken Blades 48:53
Mhm.

KK Karolyn Kaczorowski 49:02

And it's a choice they already have if they think it'll be beneficial to them.

As you can see just above that, you know, they can request an evaluation if they think it's going to be beneficial, but they are still maintaining their right not to incriminate themselves by making this choice.

But by mandating it, they no longer have that choice.

BB Brecken Blades 49:34

Okay, so let me just make sure I understand what you're saying. So you're saying that what we've suggested would fall under rule 26.6, which cannot be redacted and then become part of the public record. Is that right? Even if we say, you know, it's only probation or like limitations, that is where this would fall?

KK Karolyn Kaczorowski 49:54

Rule 26 covers evaluations.

Post plea pre-sentencing.

Okay, anything to do in mitigation. So you'll see part of it is 26.5, 26.6. There's different things for that, but.

BB Brecken Blades 50:12

Mhm.

But all of it is not allowed to be redacted, is what you're saying.

KK Karolyn Kaczorowski 50:21

We cannot change it. Only the Supreme Court can change it. Arizona Supreme Court. can change it. And we can't do anything that goes against these rules because of separation of powers.

BB Brecken Blades 50:40

Right. No, I mean, I think I get what you're saying. I'm not saying that to change the rules. I'm saying.

Any evaluation, if we mandate it, would fall under this rule, is what you're saying, because of the timing of it, because it's post-conviction pre-sentence, and that that evaluation can't be changed or redacted once it falls under Rule 26. Therefore, it puts that person in the bind that you were explaining.

KK Karolyn Kaczorowski 51:02

Yep.

But.

BB Brecken Blades 51:08
Is that right?

KK Karolyn Kaczorowski 51:09
Yes, I agree with all of the second half of that, yes.

BB Brecken Blades 51:13
Okay. Okay, did I get some of it wrong? I just want to make sure I'm understanding. I mean, this is...

KK Karolyn Kaczorowski 51:14
Yes.

BB Brecken Blades 51:20
You know, like I said, it's important to us that the discussion is like focused on a solution and how can we find something workable. But obviously, we're glad to have constructive, you know, feedback and this information that we don't have innately. So this is helpful. Katie, do you want to say something?

KK Karolyn Kaczorowski 51:36
But.

KK Kathryn Krejci (OPD) 51:42
Sure. So I agree with Karolyn's point. I think if we're looking for a solution, it sounds like the issue is like when someone's on probation, we want these assessments completed like as soon as possible earlier. And so the idea was do it pre-sentence. I think if we're looking for solutions, a couple of them could be like someone has to, you know, participation in one of them before someone's released from DOC, or even sometimes people are given jail as a condition of probation. And so that's like 2 opportunities where we could have these assessments done. So when someone releases to the community, that assessment could already have been completed. The other place of, I don't know why the current practice is, it's, you know, kind of three different assessments on separate dates. Like, is there a way to speed that up? Is it 3 assessments on three different dates in Maricopa County, or is that something that's happening statewide? Like, I know some counties only have like 1 provider that does treatment. And so that person's kind of doing that assessment that same time as like the initial intake they're doing kind of all of the assessments they might do and they're not all using the MSI or the LOOK in all of the different counties. So I guess if we, if I, if we better understood the problem we're trying to

fix and those are just some kind of potential solutions where we might not run into these like legal issues of when it could be done.

BB Brecken Blades 53:04

Mhm.

Yeah, I think so. I think I guess to go backwards, the issue that we've identified and, you know, if anyone wants to add to this also is that there is inconsistency probably across the state for sure in terms of the evaluation, the assessment of convicted sex offenders.

And so that information is sometimes slow to get to treatment providers or slow to get to officers. And a lot of times people come right out of jail or prison and they want permissions, they want answers. You know, there's also cases that we see where someone is put into treatment and maybe if they had an evaluation up front, they would need less treatment or perhaps

they, you know, their offense is really, really, really old and maybe there's a different pathway that's more helpful. And we're not always fully capturing that right at the beginning because we're not doing a full evaluation. And so that was one of the suggestions that just that we did talk about in the board is, is there, is there an opportunity or maybe it makes sense to implement a more thorough psychosexual evaluation?

at the beginning of the probation process instead of the separate kind of intakes and testing and kind of roll those together with a few more assessments that would provide a more thorough picture.

I think across the state, we just need to do a better job of evaluating offenders. And so that's kind of the issue that we're trying to solve. And to, you know, to go back to the statute is that we are tasked with coming up with standard procedures to evaluate offenders, to develop them. And we really don't have standard procedures.

Um, you know, consistently across the state for doing that.

If that makes sense. I don't know if anyone else has.

KK Karolyn Kaczorowski 54:58

What and I think you could definitely do that and take out this timing issue. You know, I elaborated on things that are within my wheelhouse. As far as what evaluations would be helpful and things like that, I really don't have anything to contribute.

But I would echo the unavailability of access as an issue. One of the things you can do, because we're talking about the legislature, is you can say, because it is statutory, probation is statutory, you can say they need an evaluation within and with your guidelines, whatever

BB Brecken Blades 55:19

Mhm.

Yeah.

KK **Karolyn Kaczorowski** 55:44
guidelines you come up with for a proper evaluation within the first 30 days, 60 days, 90 days of probation. You can also exclude any time prior to having the evaluation from their time on probation. That's a statutory change you could make without offending any of these other principles.
brought up.

BB **Brecken Blades** 56:11
So you're saying that would be...
basically a motivator to get it done in a timely manner because the time then prior to the evaluation would not be counted. Is that what you're saying?

KK **Karolyn Kaczorowski** 56:23
Yes.

BB **Brecken Blades** 56:24
Okay.

KK **Karolyn Kaczorowski** 56:25
It would be a motivator for the defendant. It doesn't change the practical reality of not having the access to qualified evaluators in a timely manner. And I think that's where the trouble will come in for people who don't have access is, okay, so now I'm on probation.

BB **Brecken Blades** 56:32
Yeah.

KK **Karolyn Kaczorowski** 56:47
additional six months, nine months, or however long it takes to get this evaluation done. So that's going to be the objection from the defense.

BB **Brecken Blades** 56:52
Mhm.

KK **Kathryn Krejci (OPD)** 56:58
Yeah, I think it's one thing if it's like someone's not doing it, but it's another thing if there's just like not access. And so what can we do to, you know, for the people that are coming out of prison and they want these immediate things? What is there a reason we can't be doing the assessments before someone's released? Is there a reason we can't go into the jails and do the assessments before people are released? So at least we can get like this large

You know, a lot of people do time on these types of cases before they get released to probation. What can we do to get those assessments done so the treatment providers can have all that information quickly?

And do we know why it's taking so long for it? Like, why is it the three piece meal? Is that because of provider availability? Like, why are we doing it in the three parts? Like, why can't we just do it? Why can't someone, the first day they check in with probation, why can't they go the next day and do the evaluation? You know, why can't we streamline that?

BB Brecken Blades 57:41
Mhm.

KK Kathryn Krejci (OPD) 57:51
I think that I don't think that's a bad idea to do.

BB Brecken Blades 57:54
Okay, Missy.

MM Missy Musick 57:58
And so maybe I'm behind on this conversation, but as far, I mean, scheduling evaluations, like, that's like saying, oh, you need to go and see a heart doctor tomorrow, right? It's all about the availability of the evaluators. I think.
here in Maricopa County, we probably have more people who would qualify to do those evaluations than a lot of the other counties. And even those people doing the evaluations here, I mean, it can take a while for them to have the time to
to see someone. So I like the idea of..
You know, if you postpone the evaluation time intentionally, that goes against your probation time. Can we do something like you have to have an appointment and actually show up to that appointment as
opposed to probation time doesn't start until the evaluation appointment is made. Am I making sense on that?

BB Brecken Blades 59:18
Mhm.

KK Kathryn Krejci (OPD) 59:20
Yeah, I mean, I think logistically, it just might be hard to keep track of when I'm hearing the issue might just be that there's like not providers to get these evaluations done as quickly as possible, right? Like, sounds like the issue is there's not an evaluator who can do the evaluation the next day. I'm not sure, you know, even the suggested proposal of mandating it between plea and sentencing,

solves that issue, right? If there's not providers, right? Like someone can make a decision to take a plea and we could go to plea on demand tomorrow and now there's 30 days of sentencing. Like is there an evaluator that can get in the following day and start an evaluation in that 30 day timeline? So I don't know if that like the timing like solves the, it sounds like the real issue is, is there enough providers?

BB Brecken Blades 59:55
Mhm.

KK Kathryn Krejci (OPD) 1:00:03
And what can we do to make sure we're getting this information as quickly as possible? So my suggestion would be, you know, hey, if we can get ahead of it, get it in, get it done on the people in custody before they're out. Maybe people can have their appointment, like if they're in jail on a

BB Brecken Blades 1:00:16
Mm-hmm.

KK Kathryn Krejci (OPD) 1:00:21
on a, and they're getting released to probation. Like their probation technically starts when they're in jail. And so there's no reason they can't have like had that appointment be made. So like the second day they're out, they have their appointment already scheduled and they could go to their evaluation. Like we know what day they're getting released. Like the release date isn't a surprise.
Maybe this is the treatment providers, but like not to probation. And so, you know, why can't we have all that stuff scheduled in advance so that we can get it done faster and that it still accommodates the evaluator availability issue and scheduling.

BB Brecken Blades 1:00:45
Mhm.

Yeah, I think across the state that there are issues in terms of, you know, certainly it's like if someone's in Apache County or that, you know, they're just somewhere that's farther out from the center of the state, there become fewer providers available. And so, you know, we have that has come up as a discussion point here. And
I think something we need to continue to problem solve around it, the way that we kind of attacked this issue or what we've been tasked with as a subcommittee is to kind of start at the beginning of the criminal justice process, start at the beginning of the kind of statutory sort of items that we were given to do and just start at the beginning and go, okay, what are we doing? What are other states doing? Where does it, you know, and kind of take one thing at a time, which is why we just landed here in terms of the evaluation and when those would

occur. But I think that the idea of thinking about the time while the person is still in ADOC or in jail is an interesting one and may resolve some of those issues. I will tell you, it's possible to do an evaluation in a jail setting. And Scott, maybe you want to speak to this too, but it is cumbersome. It is cumbersome. It takes, it's, it requires, you know, if someone were to come into the office, there's the possibility that you can have, you know, more than one person taking an MSI in different areas, you know, different things like that so that you can see more people. If you're going into DOC or into a jail, at least the way that I've always been aware of it being done is that you, you know, that person has, you only can do one person at a time. You have to bring everything with you. So that is, again, not impossible, but it is cumbersome. Scott.

SN SCOTT NAEGELE 1:02:57

Yeah, I was just going to say, you know, it has to be obviously a controlled environment. I mean, there's lots of quote unquote spaces, probably both within the jail systems and in the prison systems where somebody can sit and do something. But if it's not a controlled environment, you know, where we can control noise and movement and distraction and all that kind of stuff, then you can forget about, you know, whether or not you're getting objective measures on the physiologic testing for sure, and whether or not that's contaminating even written testing. So those things would have to be sorted through and worked out and spaces and places identified and Then, then kind of kept sacred, if you, if that makes any sense.

JH Jim Hanratty (SUP) 1:03:46

Certainly that doesn't work on a polygraph, and I've done it in just about every facility that you can think of, including the state hospital, multiple prison facilities and jails. And I can tell you, trying to do a polygraph in Durango is an absolute disaster, and I would not recommend it. And it's also difficult when you try to get them to come into your office to do it, because you'll get the particular jurisdiction, like the sheriff's office, balking about taking two of their detention officers just to bring somebody in and shackles into your office. So it's difficult at best. Just excuse me for saying this, but I thought that the line in the sand was the conviction, and these guidelines were designed for that point forward. Maybe that was too subtle and too simple-minded for me to think that, but isn't that what we're doing?

KK Kathryn Krejci (OPD) 1:04:46

So I think the point of conviction can be two different times, is what we're saying in Arizona. So it can either be at the time of the plea if the plea is accepted, but often in these cases with

victims, the pleas aren't accepted at the time of a change of plea. It's not accepted and there's not a conviction point until sentencing. And so there really isn't that. That timeline.

JH **Jim Hanratty (SUP)** 1:05:06
So there's still justice involved though because they've either been indicted or arrested.

KK **Kathryn Krejci (OPD)** 1:05:08
Yeah.
Right.

JH **Jim Hanratty (SUP)** 1:05:15
and they may not even be found guilty until after the plea if they do plea. So it's really after the plea and before sentencing that you may have a 30 to 60 day window depending upon if the mitigation hearing has been postponed ad nauseam. So there is a time frame where you might be able to get that evaluation done, but
Are we really trying to make it about a 30 to 60 to 90 day window to get that expedited, or isn't it just far more easier to do it after they're placed on probation and, you know, some semblance of order can happen from that point forward?

BB **Brecken Blades** 1:05:55
Well, I think my understanding of the kind of the discussion thus far is that we...
We, when we originally put together this, the proposal and the recommendations, we were looking at how other states do it and that we were under the impression that post-conviction, someone would be considered, so to speak, a sex offender and that kind of like your describing, Jim, that that was kind of the line. But I think what the attorneys on the call have been telling us is that it still falls into kind of a gray area and that even specifically, Carolyn was saying that there it would fall under this rule 26, which mandates that it's not redacted, that it becomes public record, and that that is sort of a problematic place for us to try to mandate an evaluation of somebody.

JH **Jim Hanratty (SUP)** 1:06:52
Right. So the point here is I'm thinking that it's not, we should mandate it in that time frame. Is that the gist? I mean, really, is that overstepping what these guidelines are really required to do without getting into a battle in court and having bad case law cited as a result?

BB **Brecken Blades** 1:07:09
No, I mean, I think that's kind of the question for us as we're landing this discussion is to decide if we need to, you know, just continue the discussion or if we're, I guess it's like, is there a way, is there enough merit to the timing of kind of the post-conviction pre-sentence

that we want to continue?

discussing and researching if there's any way to make that work. If there are changes that can be made to it, limitations, wording, whatever, to keep that, you know, to keep discussing that. Do we, another option would be, do we just sort of abandon that, you know, as just not workable because of the laws that we have currently on the books in Arizona?

Or do we, and or I guess, do we look at other time frames, like for example, at the onset of probation and do we want to start to kind of discuss more thoroughly what that would look like? So I would, I'd be grateful for anyone's kind of opinion on those. That's kind of where I see it, like the options before us that I see.

On.

but I'd like to hear where others are falling.

JH **Jim Hanratty (SUP)** 1:08:17

It's Jim Hanratty again, and I'm just going to say this. I really appreciate the lawyers in the room, and the feedback that I've gotten today is very germane to what we're doing. I, you know, I think...

I think it was Carol, correct me if I'm wrong, who said that, you know, the only time she saw anything about post-conviction was related to polygraph, and I think that's...

Clear in my mind, because I only do one thing. I'm a kind of a one trick pony. And that has always been the issue. We get assigned to a justice-involved individual after they've been on probation or after their release while they're in community supervision, even with the state hospital for this.

seriously violent predator folks back in the day. They had, there was a jurisdiction that said, okay, they are convicted sex offenders. There was no bones about that. Now, that may not be a nice way to put it, but, and maybe we want to change how that looks, but to me, it just seems like we don't need to reinvent the wheel on that. Again, maybe that's too simple-minded, but I like the fact that the conviction date or the conviction time frame

is kind of where all things start, at least from a polygraph perspective, and maybe there's a reason for that. And I think it's a good reason that we fall in step with that. Otherwise, I think we're just kind of going in murky waters legally, and I think we really will lose the battle.

And that's all I'm going to say about it.

BB **Brecken Blades** 1:09:56

Okay, thanks, Jim. Missy?

MM **Missy Musick** 1:10:00

So I want to go back to something that you mentioned earlier, Brecken, is maybe this is something that we table and focus more on what do we want in the evaluations. My mind is going to

the conference that they're having in Colorado, I believe it's like next month, where we could

actually interact, you know, talk about what their process looked like, what were the benefits of

pre-sentence evaluations versus post-sentence evaluation. So we can look at, hey, this is our ideal. It's going to take going to the legislature and it's worth it.

Or maybe this is, you know, we just set up something different because that's not going to work for us.

BB Brecken Blades 1:11:11

Okay, so you're saying, um...

table the discussion of pre-sentence versus probation and get more information about those things before making a recommendation and shift our discussion like say for next meeting into what constitutes an evaluation sort of best practices is what you're saying.

MM Missy Musick 1:11:35

Yes.

BB Brecken Blades 1:11:36

Okay. Okay. Anybody else have thoughts on kind of where we've landed today or what, where else we want to go moving forward?

JH Jim Hanratty (SUP) 1:11:49

Jim Hanratty, just to clarify, we're tabling the corrections, the red line on the document you started with. Is that correct?

BB Brecken Blades 1:11:59

Well...

Probably. I don't know, I'm feeling a little like, I mean, this discussion was good, but we didn't bring anything like across the finish line, I don't think today, which that's okay.

Sometimes that's the way the discussions go.

JH Jim Hanratty (SUP) 1:12:08

Yeah, we got to the first paragraph. We got to the first paragraph of the red line and here we are an hour later.

BB Brecken Blades 1:12:12

Yeah.

No, we didn't. We didn't, Jim. We didn't even get through the first paragraph.

JH Jim Hanratty (SUP) 1:12:18

Hey, right, not even through it, not even through the first paragraph.

BB Brecken Blades 1:12:20
No, no, I mean, I read it, so I guess if we consider that, you know, a win, we did read through it. Okay, so I guess I would ask, so, okay, so going back to this document where we got hung up, I think is just in terms of a definition of what constitutes a sex offender, who is that?

JH Jim Hanratty (SUP) 1:12:26
Okay, fantastic. I think positive. That's fabulous.

BB Brecken Blades 1:12:45
Encompass, and so I think...
I guess I'm not sure where exactly we need to get information about that definition. Victoria, is that something that the definition of a sex offender? I guess in my mind, our options would be to maybe move, you know, motion to sort of move these guidelines to the larger board for their discussion of that.
to table it until we get maybe legal advice or clarification on that.
I don't know if anyone has thoughts.

BV Baldner, Victoria 1:13:17
Um...
I can give you legal advice on...
on all of Karolyn's questions about the definitions, if she can send them to me or no, send them to send them to the main email address and then they'll get them to me. This kind of goes back to our first meeting where we didn't have.
What was it, treatment provider defined?

BB Brecken Blades 1:13:45
Right, that, yes, I'm.

BV Baldner, Victoria 1:13:46
And we spend a whole lot of time on trying to figure out what that meant. And I don't want to jam you guys up, but I'll do my best to, you know, if there's no statutory definition, and I think the other two lawyers in the room would agree with me, we're supposed to use our common sense. And if we have to, we have to use the dictionary. But.

BB Brecken Blades 1:13:49
Yeah.

KK Karolyn Kaczorowski 1:13:57
No.

BV **Baldner, Victoria** 1:14:06
I think Karolyn's questions are smart and I want to look through them again and have something to tell you at the next meeting, if that's okay with you.

BB **Brecken Blades** 1:14:18
Yeah, so at the next subcommittee meeting.

BV **Baldner, Victoria** 1:14:21
Yes, absolutely. Not the big one. This one.

BB **Brecken Blades** 1:14:23
Okay. Okay. Okay.
Okay, Karolyn or Miss Kaczorowski, do you have something else?

KK **Karolyn Kaczorowski** 1:14:32
Karolyn is fine. Yeah, so there is not a statutory definition of a sex offender in the criminal codes anyway. I can't speak to, you know, the mental health codes or anything like that. But in Title 13, there is no definition of sex offender.

BB **Brecken Blades** 1:14:33
Okay.

KK **Karolyn Kaczorowski** 1:14:52
And I agree we could, you know, use common sense or the dictionary or anything like that. But I think what's important for us is to come up with our definition and state that clearly in our documents that when we say the word sex offender, this is what we need.
And it can be anything. And I did send that list of proposals, or I'm sorry, questions to the main email, but if you'd like me to resend it, I can. It was under the idea of we need to amend our statute, because that was something else we were tasked with at the next.

BV **Baldner, Victoria** 1:15:23
Okay.
No.

BB **Brecken Blades** 1:15:34
Yeah.

KK **Karolyn Kaczorowski** 1:15:35
Meeting, or I'm sorry, at the last meeting, and that was my proposed revision to 3828.

BV **Baldner, Victoria** 1:15:36
I'll have Major Mitchell, I'll have Major Mitchell forward it to me. I just so you, you know, I don't see everything that you send. So I will, there's no need for you to resend it. We will, we will find it and I'll take a look at it.

KK **Karolyn Kaczorowski** 1:15:44
Is to get a definition.

Jenna Mitchell 1:16:00
This is Jenna. I have it. Those were due August 3rd, so I have it, but I haven't distributed it to anyone because the deadline was so far out. She gave, the chairwoman gave a lot of time for people to look at that. So I have them on file and I'll share them with Victoria.

BB **Brecken Blades** 1:16:20
OK, so we are going to...
Table, and we can do, you know, I can we can vote on these, but essentially what what we're where this is boiling down to is to table the discussion of the guiding principles and table the discussion of the the evaluation protocol proposal until we have.
more information.
Well, at least the guiding principles, that's right, as everyone in, that's a correct understanding, right, of doubling that.

BB **Brecken Blades** 1:16:58
Okay, okay, so then I guess I will, I move that we table the discussion of the adult guiding principles until we're able to receive some clarification around the definition of a sex offender. And then we would need 2nd.

KK **Karolyn Kaczorowski** 1:16:59
Okay.

JH **Jim Hanratty (SUP)** 1:17:16
Jim Hanratty. second.

BB **Brecken Blades** 1:17:18
Okay, okay, okay. All in favor, say aye.

JH **Jim Hanratty (SUP)** 1:17:18
Aye.

KK **Karolyn Kaczorowski** 1:17:23
Aye.

BB **Brecken Blades** 1:17:25
Okay.

SN **SCOTT NAEGELE** 1:17:26
Aye.

MM **Missy Musick** 1:17:26
Aye.

JH **Jim Hanratty (SUP)** 1:17:26
Aye.

JP **Jenna Panas** 1:17:27
Aye.

BB **Brecken Blades** 1:17:29
Karolyn, did you want to say something before we, in the middle of that, before you vote on it?

KK **Karolyn Kaczorowski** 1:17:33
I just, no, not before we vote. I just wanted to request that you provide copies of the red line copy to us prior to the next meeting.

BB **Brecken Blades** 1:17:44
Okay. Okay, anyone, any opposed?
Any abstaining?
Okay, so the motion passes and the motion carries then to table the discussion of the guiding principles. And then Major Mitchell, are you able to distribute that more widely then to the subcommittee members?

Jenna Mitchell 1:18:05
I can, and I will, but Karolyn, just so you know, because this meeting, unlike the others, is purely hybrid. I mean, I'm sorry, purely virtual. We attach the documents to the Teams invite

that goes out.

But we can certainly email them separately if the subcommittee members would prefer that to being attached to the Teams link. We're just trying to cut down on the number of emails because when you're on a subcommittee and on the larger committee, you're getting, you know, multiple emails with documents at the same time for both of those since they're close. so close together.

KK Karolyn Kaczorowski 1:18:48

I think that's fair. For me, the earlier I have it, the better, because then I can work it in to review it. Sometimes the Teams meeting invite comes very soon before the meeting.

Jenna Mitchell 1:19:04

Yes, it does, because we had a lot of problems with it getting lost in emails. So we're just looking for that balance. So we will do that absolutely going forward. Thank you.

BB Brecken Blades 1:19:15

Okay. Okay, so then in terms of where we're landing with the discussion of the proposal about the evaluations,

I guess looking, I'm looking for maybe a consensus in terms of either.

Ah.

Tabling that to get more research, that's what Missy suggested, and then moving forward with the kind of contents of the evaluation. Is that kind of where we're landing or is there kind of a different consensus in terms of our discussion or other suggestions about how to move forward? Do we want to start putting together a...

a probation type proposal or just wait until we have more answers. Where are we landing?

KK Karolyn Kaczorowski 1:20:02

I think you could move forward.

JH Jim Hanratty (SUP) 1:20:02

Jim Hanratty, even if we had, even if we had...

A backup, if you will, of the probation-related time frame starting point.

We can always change that if the more information comes in a month or two with Colorado and we can change it. I mean, the guidelines shouldn't necessarily change. It's just the timing and the scheduling part that might change when we fit that in. Is that correct?

KK Karolyn Kaczorowski 1:20:34

I agree with Jim. I think you can go forward with setting out your criteria for the evaluations, what you want to see in it, and things like that. And we can just add in the timing of it once

we get those answers. But it shouldn't hold, I'll say us, but I mean you.
on the evaluation criteria because I honestly don't have anything to contribute to that.

BB Brecken Blades 1:21:03

Don't sell yourself short, Karolyn. You're part, you're one of us now on this committee.

SN SCOTT NAEGELE 1:21:08

Yeah, and you already said it should include a polygraph. So we, I think, largely would agree with that, except for maybe the defense side of the discussion.

BB Brecken Blades 1:21:18

Yeah.

Yeah.

Okay, okay, so I think it seems like then the consensus is we will table the discussion with regard to the specific timeline of when it's implemented and continue on next time. So to touch on that third agenda item, so the discussion of standards for the adult sex offense specific evaluations, that will

be largely the agenda item for next time as well as follow up of the adult guiding principles and then further discussion of the

proposal if we've gotten any more information for that one. So I think in order to move that forward, is someone, does someone have a contact in Colorado that they're willing to ask about how they reconciled those things? Because I think that's where we're.

That's at least a starting point for us to understand how this looks in other states.

Jenna Mitchell 1:22:21

I would be happy to do that for the subcommittee if you'd like.

BB Brecken Blades 1:22:25

Oh, okay.

Jenna Mitchell 1:22:26

I do have a program manager, but I also understand if the subcommittee member wants to do that, that's fine.

BB Brecken Blades 1:22:33

No, that would, I think if you would be willing to do that, that would be great because I now I need, we're going to have to all sort of volunteer to take, to present different, at least a few different states in terms of their evaluation kind of standards and what they're doing, what does it look like, and not necessarily just the list of tests, but also kind of their, I think probably the context of it and their intent and sort of a

So we can kind of start to get our hands around fully what other places are doing. And as we talk about with what's being done here in terms of when someone gives a full evaluation here and start to flesh that out. So in the past, we've done Colorado, Utah.

Idaho.

And.

Do we want to start with those three or add any others?

Did we also have Tennessee Major Mitchell or no, maybe?

Jenna Mitchell 1:23:33

I believe Illinois, maybe.

BB **Brecken Blades** 1:23:36

Illinois. Illinois, Idaho. Okay. Okay. Do I have any sub, any, any committee volunteers to take on any of those?

A **anonymous** 1:23:48

I looked at Utah there.

Their board director sent me some information, and I cannot.

find a whole lot on their public facing site. I could reach back out to see if they can share anything unofficially, but I have not been successful in finding much detail online.

BB **Brecken Blades** 1:24:18

Okay, I can do, I can do Colorado. I'll provide some documentation as to their basis for the evaluations and then, you know, start to talk about what goes into one of them. Does anyone else want to do, I think, maybe Idaho or Illinois or...

Maybe pick one more state.

I could reach out to Blake. I think he's done Idaho in the past.

Does anyone else have other suggestions?

Missy.

MM **Missy Musick** 1:24:59

I'm not volunteering, but I guess I need some clarification. What is different from what we're looking at now?

BB **Brecken Blades** 1:25:00

Yeah.

MM **Missy Musick** 1:25:11

from what we've already discussed in the past, because I'm hearing what are we looking for in

evaluations? And I feel like we spent a good portion of time last month looking at like the Colorado list and that type of thing. So what's different?
About this.

BB Brecken Blades 1:25:34
Yeah, well, and we can talk about how we think this discussion moves forward, but what I remember about that discussion is that we talked about kind of a list of the different tests that could go in there. So I don't remember that we landed on whether we want to adopt

BB Brecken Blades 1:25:54
that same list or if other providers have that list. I mean, I think there were a number of evaluations on there or different assessments, including like different ones for different emotions and diagnoses and intelligence. And so I think that for us, there's probably a broader discussion or at least a starting point. Maybe I could be off if we want to go a different route, but of what.

BB Brecken Blades 1:26:16
What questions does this evaluation need to answer? What questions? So I know, for example, in the Colorado statutes, they don't lead with the list of evaluations. They lead with several pages explaining and kind of outlining not only the process, but the purpose and what they're getting out of it and what the recommendations are. And then I think once we know what questions we want the evaluation to answer, then we can do which tests go into it. But first we need kind of a purpose. is kind of what I'm thinking is where we start if we're going to really shift into that discussion. But like I said, I'm open to, you know, doing it a different way if anyone has a different. Suggestion.

SN SCOTT NAEGELE 1:27:02
No, I, Brecken, this is Scott. I think that makes sense. I think one of the things that I think at some point we kind of need to flesh out is what is it we're trying to garner in terms of information from each of these individual pieces of things and how are we using and how are we using that data, if you will,

BB Brecken Blades 1:27:21
Right.

SN SCOTT NAEGELE 1:27:24

to help us kind of quantify what we believe this person's needs are and what their risk is. And somewhere in there to talk about how actuarial risk scales actually

BB Brecken Blades 1:27:32
Mhm.

SN SCOTT NAEGELE 1:27:43
Um...

aggregate a whole bunch of really important information for us so that we don't get lost in the weeds in the details of, you know, these these finer, if you will, more subtle dynamics of individual cases and stay and stay focused on, you know, what what empiricism tells us about risk.

and whether or not, you know, X, Y, and Z are present or not, you know what I'm saying? Because...

BB Brecken Blades 1:28:11
Mhm.

SN SCOTT NAEGELE 1:28:14
I think there's a lot of...

My sense is, is that collectively, there's a lot of unknown about what's subsumed in an actuarial risk assessment score. You know what I'm saying?

BB Brecken Blades 1:28:28
Mhm, mhm.

SN SCOTT NAEGELE 1:28:29
In in in how people.

because there's a lot subsumed there, but it's not really spelled out for the average consumer, that the people are more dismissive of those for some reason. You know what I mean?

BB Brecken Blades 1:28:38
Mhm.

BB Brecken Blades 1:28:46

Yeah, no, I think you're right. I think we need to start by thinking, you know, what do we want to get out of this? We want information about risk. We want information about treatment needs. We want information about, you know, all these other things. And then once we know what we want to find out from the evaluation, then we can say, okay,

what instruments are appropriate to give us information about risk and how do we define risk? Is it static, actuarial? Do we need to include dynamic? Do we need protective, you know, when we, then we, but first we need to know what it is that we're looking for in my mind. And I honestly, I think in some ways those things might be a little easier for us to all agree on, like.

Hey, this is the information that we want to have come out of an evaluation there. I think that, Karolyn, your experience would be really helpful there in terms of, you know, as from a prosecutor's point of view, and this is what we like to see, this is what we're looking for. These are, this is helpful. This isn't that. We can start to kind of put those things together and then fill in with.

you know, the assessments and things that are, that we think are, you know, empirically supported for those purposes, which I think is what you're saying, Scott.

So, okay.

Okay, so we will do that next time. I can ask Blake or Major Mitchell, is it more appropriate for you guys to ask him or does it matter?

Jenna Mitchell 1:30:08

Yes, I can reach out to him and ask him to do that. And the other thing, I think I mentioned at the last subcommittee meeting, I have established contacts with program managers from several states. So if there is a list of information, documents, if you want to put together like one, I know you can't, sometimes that conversation is more important than the actual information there.

you know, the documents they provide. But if there's, you know, specific documents, questions, things that you want me to send, you know, kind of send it out to those specific states, I can do that on behalf of the subcommittee as well. So just keep that in mind. If you want to give me a list of things, I can shoot that to the states as well to facilitate and collect and then distribute that information.

information to you guys.

BB

Brecken Blades 1:30:49

Okay. Okay, maybe we'll start by doing that. I'll just come up with, I'll just kind of summarize what we just said here in our discussion in terms of, you know, what we're looking for, what other states have identified with regard to the evaluations, and then see if they have documents or answers or what they can send us.

I know we have a document that exists here that Dr. Gray put together years ago about kind of the a go by for evaluations in Arizona. And so we have some of that as well. So Karolyn, has her hand up.

KK

Karolyn Kaczorowski 1:31:23

My apologies. I need to leave the meeting, but I'm available by email or anything you have, but I need to leave at this point.

BB **Brecken Blades** 1:31:33
Yeah, no problem. Thank you so much for being here.

KK **Karolyn Kaczorowski** 1:31:35
Thank you for your time. I appreciate your time on this. Thank you.

BB **Brecken Blades** 1:31:39
Yeah, thanks.
Okay, I think we're probably, that was kind of a discussion of future agenda items, and I think we've covered each of the items. So I think we're probably ready to adjourn unless there's any final thoughts. Oh, Missy.

MM **Missy Musick** 1:31:58
Just very, very quickly, Major Mitchell, since you have contacts, because I'm going to keep going back to this conference that they're having in Colorado, I believe it's next month, and I think it would be very beneficial to identify, and this is something more for the larger board, but since it's coming up so soon to maybe identify some people to go to this conference because I feel like that will be so beneficial for our meetings.

Jenna Mitchell 1:32:40
Yes, Missy, we have that information and I believe that we distributed it at the, in the background material with the larger boards meeting last month. I think one of the challenges is there is no funding for the board to fund that. But I think a discussion about who's going, you know, we can put that on the agenda.
for the board meeting on the 20th, I believe it's on the 22nd now. So I could do that for you.

MM **Missy Musick** 1:33:04
Thank you.

Jenna Mitchell 1:33:06
Hmm.

BB **Brecken Blades** 1:33:09
Okay, any other thoughts before we adjourn?

JH **Jim Hanratty (SUP)** 1:33:15
Jim Hanratty, Missy, is that an ATSA sponsored thing or is it just their board?

MM **Missy Musick** 1:33:23
So this is, the way I understand it, Colorado, Utah, Tennessee, I believe Illinois, and a couple of other states, they have a conference, I believe annually, to discuss how things are going with their SOMB.

JH **Jim Hanratty (SUP)** 1:33:33
Okay.
Oh.
That would be beneficial.

MM **Missy Musick** 1:33:49
Yeah.

BB **Brecken Blades** 1:33:50
Mhm.
If you look at their website, they do have up, I think it is a full, it's a conference in the sense that they have a full list of like speakers and other people go, not just people who are on state management boards. And so it's, yeah, they have a whole lineup.

BB **Brecken Blades** 1:34:11
I don't, yeah, so that's on there.
Okay, anything else?
Okay, I will move to adjourn the meeting. Do I have a second?

MM **Missy Musick** 1:34:26
I second.

BB **Brecken Blades** 1:34:28
Okay. All in favor?

SN **SCOTT NAEGELE** 1:34:32
Aye.

JH **Jim Hanratty (SUP)** 1:34:32
Aye.

MM **Missy Musick** 1:34:32
Aye.

A **anonymous** 1:34:33
Aye.

BB **Brecken Blades** 1:34:33
Okay, anyone opposed?

BB **Brecken Blades** 1:34:37
Anyone abstaining?
Okay, the motion carries and the meeting is adjourned. Thank you everyone for your time today and discussion. Appreciate it a lot.

● stopped transcription