

AZSOMB Adult Guidelines and Standards Subcommittee Meeting-20260729_200156UTC-Meeting Recording

July 29, 2026,

1h 23m 41s

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Jenna Mitchell 0:13

We can have just another minute. We're making sure everyone from the public has been admitted to the room.

Okay, we have everyone in. So we do have, quorum, do you want to go ahead and start the meeting, Chairwoman?

BB **Brecken Blades** 0:43

Okay. All right. Well, I will go ahead and call this meeting to order. This is the adult subcommittee of the Arizona Sex Offender Management Board, and the meeting is called to order at 1:02. Today is July 29th, 2026.

So first to start, Major Mitchell, would you please go through the roll call?

Jenna Mitchell 1:09

Yes, ma'am, we have Chairwoman Blades present, Miss Adkins.

AA **Amanda Adkins** 1:14

Present.

Jenna Mitchell 1:16

Mr. Barney.

B **Blake** 1:18

Present.

Jenna Mitchell 1:20

Mr. Hanratty.

JH **Jim Hanratty (SUP)** 1:22

Present.

Jenna Mitchell 1:24

Ms. Kaczorowski.

Dr. Miller.

I can see you and you're waving, but we can't hear you.

Are you gonna call in?
And you can hear us, correct?
Perfect. OK, Miss Musick.

MM **Missy Musick** 1:56
Present, sorry.

Jenna Mitchell 1:57
Thank you, Mr. Naegele.

SN **SCOTT NAEGELE** 2:00
Present.

Jenna Mitchell 2:01
And Miss Panas.

JP **Jenna Panas** 2:03
Present.

Jenna Mitchell 2:04
All right, Madam Chairwoman, you do have a quorum.

BB **Brecken Blades** 2:08
Okay.

All right, excellent. Thank you, everyone, for being here in the middle of summer and when it's so hot. I appreciate it. So I believe that our first item today for discussion is legal advice regarding the definition of a sex offender. Ms. Baldner, I think you were going to help us with that. Is that should we?

Should I be requesting a motion for executive session for that legal advice or we're just having that discussion in the general meeting?

BV **Baldner, Victoria** 2:41
That's up to the board. I think last time we didn't go into executive session. It's up to you. It doesn't change what I've got prepared for you either way. So we can do it. We can do it in the open if everyone's fine with that. I'm comfortable with it is my point.

BB **Brecken Blades** 2:50
OK.
Okay. Okay.

Okay, I'm comfortable. If you are, are all of you the board members? Yes, everyone's nodding. Okay, okay, let's go ahead with that. We're ready for you. Thank you.

BV Baldner, Victoria 3:05

Okay.

Okay, so...

Please jump in and interrupt me if I'm if my recollection is failing me, but I remember last time.

Many of the providers were focusing on getting sex offenders into treatment earlier in the process of the criminal justice system. And I think that's what sparked this conversation. And of course, the lawyers jumped in and ruined everything for you because we said,

BB Brecken Blades 3:34

Yeah.

BV Baldner, Victoria 3:36

It's fine, I'll take it. Said, wait a minute, pump the brakes. We're worried about, you know, civil rights and the defense bar, and we don't think you can do this. And that is basically what I have to tell you today. I...

BV Baldner, Victoria 3:55

Um, I did.

spend some time consulting with another AAG whose advice I always trust. And he told me to start out with reminding the room. And this would make more sense to the lawyers if they were here, but I think I'm the only lawyer in the room today. What's your... Yeah, I know.

Oh, no.

BB Brecken Blades 4:14

You're outnumbered.

BV Baldner, Victoria 4:17

Um...

BB Brecken Blades 4:17

Yeah.

BV Baldner, Victoria 4:19

The thing about reading statutes is that we're supposed to assume that what the legislature passed is constitutional.

And I hate the word assume, but that's what it is. We're making an assumption that this entire

statute is constitutional. So once I come to that position,
The way we read, we meaning myself and the AAG I consulted with, we read this to mean the legislature must have been talking about somebody with a conviction. For all the reasons that we went through last time, that probably bored everybody to death, but they're really important because as I said last time,
My best advice to you is to make sure that the subcommittees and that this board make recommendations that are constitutional. So I know it sounds, you know, like legalese, but it's really important. So
Conviction is necessary. We're only talking about adults also. Please, this is a distinction with a difference. I think Scott probably would agree with me.
Juveniles do not have criminal convictions. They are adjudicated delinquent. And so everything I'm telling you today is about adult sex offenders. I just want to make that very clear. This is not a definition to apply to everything. I don't know that we're going to be able to do that, but we'll cross that bridge later when we come to it.

BB Brecken Blades 5:41
Yeah.

BV Baldner, Victoria 5:51
The interesting thing about criminal convictions in Arizona is that...

The case law says...

And I'm just going to read it verbatim so that it's clear and ask me questions after I finish, if you like. Our Supreme Court has concluded that the popular meaning of the word conviction is that a person has been convicted after a determination of guilt has been made, even when no sentence or formal judgment has been imposed.

Further, the court has held that one is convicted when there has been a determination of guilt by verdict, finding, or the acceptance of a plea.

Sentencing is not required, so...

There could be that weird window in between, and I don't see a lot of deferred pleas, but it does happen.

Pleas are deferred usually to allow a defendant to get his or her affairs in order before they go inside. That's the only time I've seen a plea deferred. I'm sure there are other reasons, but it wasn't part of my practice. If Karolyn was here, she might be able to weigh in a little bit more about when pleas get deferred, but I almost...

And never ever did it as a prosecutor, so...

BB Brecken Blades 7:10
Okay.

BV Baldner, Victoria 7:12

What I want you to understand is that...

There's quite a bit of time that can go from...

acceptance of the plea to sentencing, or a finding of guilty with a jury or a judge.

and then to sentencing. I mean, as a practical matter, I would think you're not going to get much out of a criminal defendant who's pending sentencing. But I think, I think.

It's possible.

orders could be put in place. I just think that most...

I think most superior courts tend to put orders in place at sentencing. And so that's where I think your idea is really good, but it's problematic for a couple of reasons. And it may be that For ease of process, you just wait until sentencing anyway.

I don't have a lot of experience with sex offenders after they are sentenced, unless they violate probation and come back. I know a little bit about that world, but...

It's all a mystery to me at exactly what point convicted sex offenders are told what to do as far as treatment goes. Because we are talking about treatment, right?

BB Brecken Blades 8:41

Yeah, we are. I mean, ultimately, and initially what we had proposed was that other states have an earlier methodology of evaluating their offenders, and a lot of them do it in that window. You kind of referred to like a post-conviction pre-sentence window. And that's what we had proposed.

BV Baldner, Victoria 8:59

Right.

BB Brecken Blades 9:01

but it was met with a lot of opposition. And we knew, you know, that's fine. And we want feedback. And we knew that there would be areas that needed to be, you know, there needed to be troubleshooting. And so we're just trying to understand. I think some of the issues raised were even sort of constitutional challenges to it, which regardless of state laws would apply across the board. And so we were then wondering how would another state

BV Baldner, Victoria 9:17

Right.

BB Brecken Blades 9:24

overcome a constitutional challenge to that. I mean, we'd all be under the same, you know, in the same boat there. And then the other piece of what you were saying is that I think Karolyn raised it last time about there not being a statutory definition of a sex offender, which you addressed at the beginning.

- BV** **Baldner, Victoria** 9:41
Yeah, that's kind of a different issue.
I mean, I, I wouldn't want you, I wouldn't want you to be held up by...
And Karolyn has a lot of concerns about not having a definition. I looked at her. She submitted some proposed changes to 133828 and her biggest concern is the lack of definition. She has some interesting
- BB** **Brecken Blades** 10:02
Mhm.
Okay.
- BV** **Baldner, Victoria** 10:06
Questions, but...
For your purposes, the way I read the statute, I am comfortable telling you.
You can't make any, you can't make a criminal defendant do anything before they're convicted.
- BB** **Brecken Blades** 10:21
Yeah, okay.
- BV** **Baldner, Victoria** 10:22
So as long as we have a guilty verdict, we have a finding, which means they pled to the charging document, or we have a guilty plea accepted by the judge.
Magic word is accepted. That is when they're convicted.
- BB** **Brecken Blades** 10:37
Okay, and then after that, even if they're not sentenced yet, potentially they could be required to do an evaluation.
- BV** **Baldner, Victoria** 10:39
Oh.
They could, but pardon me and.
That's something you'd have to, I mean, I'm just...
Wouldn't you have to ask the prosecution to move for that? Like, how would you effectuate that happening is my point. Am I making sense?
- BB** **Brecken Blades** 11:05
Like, what's the mechanism for implementing it or mandating it, essentially?

BV **Baldner, Victoria** 11:09

Right.

Right, because now that I think about it, all sex offenders in Arizona.

at least in my experience, are ordered to go on sex offender probation. And once that order is made, that's when the wheels start rolling. Does that make sense? And that always happens at sentencing.

BB **Brecken Blades** 11:27

Mhm, mhm.

BV **Baldner, Victoria** 11:31

So I think for all intents and purposes, you're going to have trouble getting anything done in the window.

BB **Brecken Blades** 11:36

Yeah.

BV **Baldner, Victoria** 11:37

the window of conviction and sentencing. I mean, I'm not saying it's impossible, but you're going to, you'd have to recommend that the process, the current process be changed. And I really wish.

BB **Brecken Blades** 11:40

Okay.

Oh yeah, this is a huge change to the current process.

BV **Baldner, Victoria** 11:50

Yeah, I wish I wish Karolyn was here 'cause I think she'd be able to weigh in on.

BB **Brecken Blades** 11:55

Yeah.

BV **Baldner, Victoria** 11:59

I mean, Maricopa County, obviously, we're the biggest one, but other counties do things a little bit differently. I don't see any problem with once there's a conviction.

As A prosecutor, asking the judge to order.

treatment to get started earlier unless

There's some reason why you have to be put on probation before that order can be handed

down. And that may be the problem.

Because all the treatment in the background is attached to probation.

BB Brecken Blades 12:33

Yes, all the treatment.

BV Baldner, Victoria 12:33

And so...

Nobody gets ordered to go onto probation until they're sentenced. And some of them go away for a while and come out right afterwards with a probation tail.

So...

It's an interesting question. I don't know how much you'd be able to get done in the window.

And this leads me to my next, didn't somebody, was somebody going to talk to other states? to figure out what they do with the window or how they effectuate starting things earlier.

BB Brecken Blades 13:07

Yes. No, you're not wrong. So we received responses back from Idaho and from Tennessee, a little bit about how they handle that. And then we also have, Colorado is very thorough, so we have some of their wording as to how they handle it. But I see, I don't know who was first, but I know Jim and Missy, you guys both have hands up and then I can go into what.

BV Baldner, Victoria 13:08

Am I wrong? Okay.

Okay.

BB Brecken Blades 13:30

what we received from the other states. Missy, do you want to go ahead?

MM Missy Musick 13:37

So I wanted to address one of the conversations we had had as far.

as who directs the person to treatment or to the evaluation. My understanding was we discussed that this would actually come from the courts, not from probation. And I'm almost positive that that's what Colorado does.

So that's actually coming from the judge. The judge would order them to go and schedule those evaluations like almost directly after conviction.

BB Brecken Blades 14:22

Yeah, it would be, yeah, in other states, it's court ordered. What we're doing now is, or at least what I see in Maricopa County, is that the court at sentencing, part of one of their terms and conditions of probation is that they participate in treatment. And then the probation

department, once they're there, gives the person directives to complete assessments, but at no point, at least routinely, is a full evaluation completed. They do sort of selected assessments to inform treatment and supervision. So what we're talking about is a more comprehensive evaluation of risk, and we're looking at other states as implementing it in the post-conviction pre-sentence.

timeline that would also then potentially inform sentencing and it would be ordered by the court. Jim, did you have some, oh sorry, go ahead.

BV **Baldner, Victoria** 15:11

It would be really...

Oh, I'm sorry. Just before I forget, it'd be really good if you could have your contacts on these other states.

BB **Brecken Blades** 15:14

No, no, yeah.

BV **Baldner, Victoria** 15:21

Um...

collect documentation because I'd like to see what it looks like. Does that make sense? I mean, it's got to be a freestanding court order, I suppose, on after motion by the state.

BB **Brecken Blades** 15:27

Mhm.

BV **Baldner, Victoria** 15:35

And we also need to make sure that it can be separated from probation. I mean, probation is an arm of the court, so I don't see why not. I don't see why it would be a problem. I don't know the answer to that right now.

BB **Brecken Blades** 15:43

Mhm.

Yeah, that's okay. I mean, I think this is probably it's.

BV **Baldner, Victoria** 15:52

Missy, Missy, Missy is jumping up and down.

BB **Brecken Blades** 15:52

This would represent a huge shift for Arizona. What?

BV **Baldner, Victoria** 15:57
I said, Missy's ready to answer me.

BB **Brecken Blades** 15:59
Okay, let's let Jim go ahead. Jim's had his hand for a while and Blake too.

BB **Brecken Blades** 16:05
Go ahead, Jim.

JH **Jim Hanratty (SUP)** 16:06
Hi, it's Jim Hanratty. I was under the understanding and based on my past experience that that that weird window is when a defendant can have a private assessment done that can be used before sentencing for mitigation.
And that usually involves...
you know, a psychosexual evaluation by somebody qualified to do that. And that's kind of been a voluntary kind of thing to help their case.

BV **Baldner, Victoria** 16:38
They can, Jim, they can do it at any time after they've been indicted or charged. The window doesn't.

JH **Jim Hanratty (SUP)** 16:46
Have anything to do with it?

BV **Baldner, Victoria** 16:46
The window, yeah, no, it's it might be a coincidence that they wait to the end.

JH **Jim Hanratty (SUP)** 16:51
Yeah.

BV **Baldner, Victoria** 16:52
It could be, but they can do it. They can do it as soon as they're served with an indictment. So I do think a lot of defendants wait to the end because they're trying to feel out the case. And so it's, and it's.

BB **Brecken Blades** 17:00
Yeah.

JH **Jim Hanratty (SUP)** 17:04

Yeah. So my question is, my question is, if they do that and if we allow that to continue to happen, are these guidelines going to dictate how that's done?

BB Brecken Blades 17:17

Well, not necessarily. Most commonly, those are pre-conviction, even, that someone is getting one of those evaluations, because I believe the defense attorneys are using them in the process of the plea bargain. And so they want, they usually have them done prior to, you know, the final plea being offered, accepted, that kind of thing. So they're early. I don't think that this would dictate how those were are done. If we come up with standards for the evaluation, this would be standards for any evaluation that's court ordered and any evaluator that is sort of certified or accepted by the court. Although
What I would say is that perhaps it would influence the way that other evaluations are done if someone wants one of those to be considered, you know, as...

JH Jim Hanratty (SUP) 18:07

So, really, so really the key is the conviction date.

BB Brecken Blades 18:12

The conviction, this would be a post-conviction.

JH Jim Hanratty (SUP) 18:12

If they're convicted, if they're convicted, then these guidelines kick in.

BB Brecken Blades 18:17

Post-conviction, correct? Yeah.

JH Jim Hanratty (SUP) 18:19

Okay, I'm clear on that. Thank you.

BB Brecken Blades 18:20

Okay, Blake. Okay, thanks, Jim.

B Blake 18:26

So one thing, and I apologize, I didn't read what we got from Idaho, but one of the things that I had in my notes here that I was going through, anybody has the ability to refuse the psychosexual evaluation in Idaho?
but they have to do so in writing and basically say, I am refusing to do any of this. And then the sentencing is specifically up to the judge without having anything.
determining, you know, risk level and all that kind of stuff. So I think that that's one of the aspects of how Idaho gets away with it is it does appear more voluntary because there is the

opportunity for them to refuse it. And then as far as like, the constitutional aspects of it. It says that they have struggled with the Fifth Amendment because if somebody incriminates themselves going through testing, that's a problem. Due process with the 14th Amendment, that's been an issue. But I guess that it says the US Supreme Court has recognized the privilege against self-incrimination continues through sentencing. So that creates another aspect of.

B Blake 19:50

I don't know, difficulty, I suppose, with all of this. But they've also recognized there's limits on compelling admissions during evaluations. And so most of the time, they're not holding that against them. They're not looking to prosecute them further for additional sex offenses that they might disclose. It's specific to The indictment that they are facing, you know, specifically the charges that they have at that time. So although it may influence the sentencing, they're not going to be convicted of additional crimes that they disclosed during the evaluation. So I don't know if that helps or if it just makes things more confusing.

BB Brecken Blades 20:21

Mhm.

B Blake 20:34

But with Idaho, that is how they have. in a sense, skirted that issue or circumvented the constitutional aspect of it. So I don't know, Victoria, if that helps or if it actually muddies the waters further.

BB Brecken Blades 20:43

Mhm.

Mhm.

BV Baldner, Victoria 20:51

I think what I hear you saying is that...

And we're just going to call it the window so that we're all on the same page. The window, the window. OK, I think what I hear you saying, Blake, is that.

BB Brecken Blades 20:57

Yeah.

Yeah.

BV Baldner, Victoria 21:04

The window.

And unless you have a site for that Supreme Court case, I've never heard that before, that the Fifth Amendment carries through sentencing. I'm not saying it's wrong. I'm just saying I'm not aware of that. Let's just assume that it does. So guess what? That makes the window voluntary, right? The guy is going to have to say, oh, sure, I'll do it early.

You can't be ordered to do it.

So.

Did they happen to give, Blake, did they happen to give you a site to the case or the name of the case?

You're muted.

B Blake 21:43

Sorry, I don't see the source on it, but if you give me a couple of minutes, I will find it.

BV Baldner, Victoria 21:44

It's okay.

Okay.

No, it's my job.

Well, if you think you can find it, I'm happy to dig around, but you know, if that is absolutely true, then the window is just...

Jenna Mitchell 21:52

What?

If I may.

BV Baldner, Victoria 22:01

It's voluntary and probably a decent.

BB Brecken Blades 22:02

Yeah.

BV Baldner, Victoria 22:06

Defense lawyer is going to say.

Let's just wait until you're sentenced.

To be safe.

BB Brecken Blades 22:11

Yeah, I mean, that's one of the things Katie raised when she was president, Katie or Katie Krejci when she was present in our meeting is that there would be a lot of pushback. I do have the statute from Idaho and it does say this is under their requirement for psychosexual evaluations upon conviction.

BV **Baldner, Victoria** 22:16
Yeah.

BB **Brecken Blades** 22:31
If ordered by the court, an offender convicted of any offense listed in Section 188304 Idaho Code may submit to an evaluation to be completed and admitted to the court in written form. So I think that's what you're speaking to, Blake, is that it's not a shall, you know, requirement. It's a may, so it's optional. So that's how they're dealing with this. Okay, Scott, I know your hand was up, but did we... Oh, yeah.

Jenna Mitchell 22:57
Madam Chair, before we go to Scott, this is Jenna Mitchell, DPS I just want to for the record note that Ms. Kaczorowski has joined us. I know that she wasn't when we did roll call, but I just wanted to have the record reflect that she has joined us for the meeting. Thank you.

BB **Brecken Blades** 23:04
Oh.
Great, okay, thanks. Welcome.
Okay, Scott, did you want to chime in? Or I know I see you took your hand down, but I just wanted to check in with you.

SN **SCOTT NAEGELE** 23:27
Sorry about that. To say that I'm tech challenged would be an understatement. I think much of what I was going to say has been said by the discussion and the things that Blake said. I think that, I mean, I'll call it an honor system historically, at least from my reference point. When people are participating in psychosexual evaluations pre-sentence, if they disclose a whole bunch of other information in the context of that evaluation, I haven't been part of a case where somebody's been prosecuted for admissions they made in the context of a psychosexual evaluation.
Now, if...
information regarding some of the same things that the offender disclosed in the context of the evaluation are to come forward from some other source, that has changed the equation in a select few number of cases. But I guess I just wanted to provide some historical context
For.
for what's been my experience, and I guess, you know, Brecken and you could comment on that too.

BB **Brecken Blades** 24:39

Yeah, I think most of the time if they make really significant admissions to other things, I'm not sure anyone ever sees that evaluation, you know, honesty is what happens. So

SN SCOTT NAEGELE 24:49

Yeah, absolutely. It's kind of like, what's the threshold line, right? you know, like up to a certain point and that gets debated by me in the context of discussions with legal counsel. And you're right about that. I mean, after a certain point, quote unquote, so much has come out in the wash that that's the end of that discussion.

BB Brecken Blades 24:56

Yeah.

KK Karolyn Kaczorowski 25:01

Right.

BB Brecken Blades 25:15

Yeah. Okay, Amanda, you've had your hand up. Do you want to comment?

AA Amanda Adkins 25:21

Would this not be covered under the same ARS code that protects them from court ordered treatment? Missy is shaking her head like 134066. Any statement made by a person who undergoes sex offender treatment that is ordered by the court, that is provided by the state DOC, et cetera, et cetera, cannot be held against them, right?

BB Brecken Blades 25:40

Yeah.

AA Amanda Adkins 25:41

Except that,

BB Brecken Blades 25:43

Except a 404B or C.

AA Amanda Adkins 25:43

So...

Right. So would that would that not protect them in that?

I was just.

BB Brecken Blades 25:53

Yeah, okay. Karolyn, we're glad you joined us. You've had your hand up. I'm guessing you have some thoughts. Tell us.

KK **Karolyn Kaczorowski** 26:03

Good guess, good guess. So the case that the most recent case you're looking for on the Fifth Amendment at sentencing is *White V. Woodall*. It's 572 US 415, and that's from 2014. It started with *Estelle V. Smith* 451 US.

454, 1981. There's been a couple of cases in between, including *Mitchell V. US*, but what Blake said is absolutely correct. As far as the statute applying, that is used in a probationary context.

because part of, and I don't have to tell you this, but part of sex offender treatment is getting them to open up about their other sex offenses. So when they do that, we cannot use that admission against them for prosecuting for those previously unknown sex offenses.

BB **Brecken Blades** 27:03

Okay.

KK **Karolyn Kaczorowski** 27:04

I hope that helped.

BB **Brecken Blades** 27:05

No, it does. It's really helpful. Okay, Scott.

SN **SCOTT NAEGELE** 27:12

I was just going to comment. I kind of piggybacking on what I just heard Karolyn say, and just for clarity's sake, because this is attached to what Amanda was saying, too. I think I think that hinges on the person having either been adjudicated if they're a juvenile or convicted if they're in a.

adult, that happens, then there's then there's some provisions built in to protect them from incriminating themselves for further admissions. I think I have that right. Somebody somebody assist me.

AA **Amanda Adkins** 27:48

Yeah, it sounded like to me it would fit for that window, but I understand it has been used in probationary situations.

KK **Karolyn Kaczorowski** 27:48

I, I agree.

BB **Brecken Blades** 28:10

Um...

I guess, yeah, sorry. Karolyn, is your hand? I didn't even notice. Go for it.

KK Karolyn Kaczorowski 28:17

Yeah, as just to piggyback on that, I think part of the concern, and I don't have the statute in front of me, is that it's specific to treatment. And when you're talking about that window, we are not in a treatment situation yet. It's an assessment and evaluation.

BB Brecken Blades 28:40

Okay.

Okay, no, this is really helpful. Okay.

JH Jim Hanratty (SUP) 28:42

Hi, this is Jim Hanratty. I'm sorry, I didn't raise my hand. It's Jim Hanratty. Karolyn, is that, and I'm going to say this again, whether you were online with us at the time or not, isn't it really the conviction, the key to how

BB Brecken Blades 28:45

No, that's okay. Go ahead.

JH Jim Hanratty (SUP) 28:59

These guidelines are going to, I mean, isn't that going to be the start date for these guidelines to be in effect?

That work that work creating.

KK Karolyn Kaczorowski 29:07

Well, I...

I believe that's what we discussed at the last meeting. I apologize. I wasn't in the big meeting, the SOMB meeting, because the date change, I couldn't be there. So I'm not sure if anything has been modified. When this was brought up in our last meeting, that was my concern was when we were going to do these and how we were going to define a sex offender and when these were going to be implemented.

If the team has already agreed that it's going to happen post-sentencing, then these are not the same concerns.

BB Brecken Blades 29:42

Mhm.

KK Karolyn Kaczorowski 29:44

So I'm not sure, has a decision been made on that?

JH **Jim Hanratty (SUP)** 29:44
Thank you.

BV **Baldner, Victoria** 29:47
Karolyn, can I bring you up to speed really fast since you missed most of what I said when we started? No, it's okay. So we did, last time we were very concerned about...

KK **Karolyn Kaczorowski** 29:53
Sorry.

BV **Baldner, Victoria** 30:01
the government telling a defendant they had to do something pre-conviction, and that's 100% correct. My advice is that there has to be a conviction, and I wanted everyone to understand a conviction in Arizona occurs before sentencing. And then we started talking about the window in between
The acceptance of the plea.
as an example and sentencing. And so I think...
And I have this question for everyone. What is the benefit to changing what's being done right now?

BB **Brecken Blades** 30:39
Well...
The implementation, regardless of the...
timeline, I guess, of when we, when we, you know, accepting that issue. But essentially, what's happening right now, at least in Maricopa County, and I would have guessed to some degree, or maybe even sort of less formally in more rural counties, is that the individuals on probation are given selected assessments and there is no
they're not given a more comprehensive risk assessment. And so there are pieces that I think would we think would be helpful to capture that information from everybody. And that would make more comprehensive, more specific, more detailed treatment recommendations. That might be that somebody we recognize that they're a higher risk. It might also mean that there's people that are, you know,
given probation because they have a failure to register from an offense in 1981. And maybe instead of pushing them through the treatment program, we realize they need something different. I mean, it just helps us to be more specific. So thinking of the RNR principle, being more responsive to that person's needs.
Um, rather than sort of more more broad with our recommendations, something said, that's kind of the need for the evaluation in a nutshell.

BV **Baldner, Victoria** 31:59

Okay, so with what Blake brought up and Carolyn was kind enough to confirm, the window is going to be voluntary. If in fact you want to make a recommendation, I guess what you'll be doing is copying Idaho's statute.

BB **Brecken Blades** 32:03

Mhm.

Mhm.

BV **Baldner, Victoria** 32:13

It's gonna be a vague.

BB **Brecken Blades** 32:13

No, I agree with you. I think this discussion was really helpful. I just, what I was kind of, what I was going to say next was basically what I'm understanding our discussion to be coming to is that because of that case, which, so what I understand is that the Supreme Court has upheld the right to not self-incriminate all the way through sentencing. So that means that any psychosexual type evaluation implemented in the window, it has to be voluntary. And so then I think we have to discuss whether or not that has enough merit for us to make that recommendation or whether we think, you know, the voluntary. And I think you said last time, Karolyn, that there is already a provision in the statutes, right, where the court can order such an evaluation in that window if they want to. But mostly it seems they elect not to. So perhaps, so yeah, I mean, that's I guess where I see us kind of boiling down to. Scott.

SN **SCOTT NAEGELE** 33:12

Two things. You said it when you moved to talking about how it would inform us about making risk, need, and responsivity decisions, having a more comprehensive evaluation. I think there's immense merit to it for those reasons.

And I think that I would recommend that we push forward in suggesting that this get done in this window that we're speaking of with as many people as we can, because it will guide decision making from that point forward, or it should guide from that point forward, the level of intensity in terms of treatment and supervision that a given individual needs so that we're not misappropriating either too much or too little and wasting resources in our decision making process.

BB **Brecken Blades** 34:09

Okay, so you're, what I understand you to be saying is that you think we should go forward with a recommendation for a statute or some other sort of mandate similar to Idaho says

where it's a, that if the court orders it, the person may, where it's optional. Because you think what you're saying is that even if not everyone opts in to do it for those that do opt in, it gives us enough valuable information. that it would be helpful. Is that right? Okay.

SN **SCOTT NAEGELE** 34:36

Yeah, and I would go, yes, is the answer to all that. And I would go one step further. I think we should have a discussion about whether or not the same kind of evaluation, once we've decided what that includes and what needs to be in that, happens before somebody actually starts their treatment in a community-based setting.

I mean, if a person hasn't had a full comprehensive evaluation through the entire time that they've gone to prison, and I mean, I guess if we're making an argument that this helps us make some decisions in a much more appropriate, scientifically based decision making way, then doesn't that also

Isn't that also true for the guys that don't agree to do it voluntarily but are coming out of prison into the community?

BB **Brecken Blades** 35:25

Yes. So interestingly, and I see your hand, Blake, just give me one second. The other state that we got a response from was Tennessee. And it looks like what they said in response to our questions were one point they made was that they filed the evaluation under SEAL. as a HIPAA protected document. And then the only persons provided a direct copy are the prosecutor, the defense attorney, and the judge to assist with privacy issues. But then they also have in their standards, and I think in their statutes, a post-conviction evaluation. And so those are two different, they have two separate sort of mechanisms for this. One is, I think, in that

window and the other is a post-conviction evaluation. And that is that what I understand you to be saying, Scott, that instead of like an either or, you're suggesting more of like a both and.

SN **SCOTT NAEGELE** 36:18

I am, I suggest, I'm suggesting that those for whatever reason don't opt in in the window of time, that we hold the position that they need to do that before they, before they are fully involved in the treatment process.

BB **Brecken Blades** 36:33

Okay, okay, Blake.

B **Blake** 36:38

So I was just going to provide an example and context to why influencing sentencing could be beneficial. Just recently, I had a guy that was sentenced to 10 years in prison. He did his

full psychosexual

at the request of his defense attorney. And everything that came back said that he was incredibly low risk. He had, you know, most of the things that would demonstrate he was not going to be a huge risk to the community or anything like that. All that was brought to the prosecutor and the prosecutor said,

We don't really care. This is your plea deal. It is what it is. So then they go in and do a conference with the judge and the prosecutor. And the judge specifically states, I understand that there's very low risk for you to re-offend, but the prosecutor has provided this plea and this is all I can work off of.

So now this guy is going to go do 10 years in prison when maybe that wasn't necessarily appropriate based off of what the prosecutor was offering for the plea, which I mean, if he went to trial, he's looking at 100 years, right? So it's a significant thing. But to me, that's how this would be beneficial.

is we're not having guys sit in prison for a decade or more if their psychosexual evaluation is saying, okay, yeah, they've got issues. They, you know, get consequences for this, but treatment is a better option than a significant incarceration period or something like that. So I can see it benefiting resources in that way, not having all these guys sitting in prison that may not be.

BB Brecken Blades 38:21
Mhm.

B Blake 38:24
as big a threat or risk to the community is, you know, maybe they appear on paper prior to any kind of evaluation being done. So I can see that being a benefit of all of this. And I would be curious to see what, you know, it looks like in Idaho or Tennessee or some of these other places that do that.

BB Brecken Blades 38:33
Mhm.

B Blake 38:44
if it truly has influenced the sentencing from what it was before all of this was in place. And I don't know how to find that or if it exists, but that's just one of the examples that comes to my mind at this moment, why it would be beneficial to have something that does influence sentencing, because right now we don't have that.

BB Brecken Blades 38:51
Right.

B Blake 39:05

it's sent to the prosecutor if it's in the favor of the defendant. And the prosecutor can decide to, you know, say, okay, this makes sense, or I don't really care what it says. This is what our plea offer is and take it or leave it. So

BB Brecken Blades 39:18

Mhm.

Sure.

B Blake 39:21

You know, I think it could be beneficial in that way.

BB Brecken Blades 39:24

Yeah, yeah, I mean, the flip side of it is that on probation, we see some people sometimes who come in with what appears to be an immense risk or other historical factors that were not captured at sentencing and perhaps somehow, you know, yeah, that risk was not communicated and maybe assessed properly. So, okay, Karolyn.

KK Karolyn Kaczorowski 39:47

Hi, yeah, so.

I know that I'm in the minority here and I understand that, but I just want to give you a perspective on like what Blake was saying. The way our criminal law works is that the person is being sentenced for the crime he has already committed.

And that's what the sentencing guidelines are on. Now, there can be mitigating factors, and those can be taken into consideration. And so if the defense provides us information on mitigating factors, we can take that into consideration. However,

When you're talking about future dangerousness, that is never a concern in the criminal justice system. It is backwards looking. It is not forwards looking. While it may be something that we take into account personally or something like that, it is not recognized by the criminal justice system. And in fact, when you're looking at, say, death penalty cases, you will see repeatedly that they cannot be sentenced for future dangerousness. So.

I think...

there's going to be a distinction between mitigating factors and fact, like the factors that you're talking about, because as a prosecutor, if your guy was looking at 100 years and it's a sex offense, I can tell you right now off the top of my head, it's a dangerous crime against children.

It's multiple counts, whether it's against the same or different victim. And 10 years for committing that offense is well below what the law states he should be getting.

So...

The consideration as a prosecutor is just different than what you're suggesting. So I think that I think the impact that it will have on sentencing isn't as great as what you're hoping it to be. And like at the last meeting, I explained that the defense attorney and the court have mechanisms already in place. And perhaps that's part of our guidelines is that we recommend they take advantage of those mechanisms in place.

During this window. But.

I just don't think it's going to have the impact on sentencing that you believe it will have because it's backwards looking at the offenses that have already been committed.

BB Brecken Blades 42:34

Mm.

And sort of to maybe expand on or clarify what you're saying, also part of what I see on the flip side is when someone's risk or something is not captured, it's usually prior offenses or prior, you know, bad acts, which more than likely then that person will opt out.

of the evaluation or not admit those things during that evaluation.

to not incriminate themselves, I suppose. It's kind of also, I think, goes along with what you're saying.

in that it's maybe not going to have the impact that we're hoping for on sentencing. Yeah, Karolyn.

KK Karolyn Kaczorowski 43:19

I also realized that, you know, part of this committee is trying to make a sea change in the way that prosecutors in the courts think about these offenses and these offenders. And I don't...

I don't dismiss that as one of the goals is that I'm telling you how it is now, but...

It's, I understand that you may want it to be different in the future. So just know I do recognize that that's part of what we're doing here.

BB Brecken Blades 43:54

Yeah, I don't think, I mean, I know, I think that we all have kind of vastly different areas of expertise and background, but we desperately need a legal and sort of administrative perspective in order to make any of these recommendations workable. And so, you know, there's no challenges to, if

If we're going to recommend something, then it does need to be able to stand up to scrutiny and feedback and challenges. And so, you know, there's no, there's no problem with that. We welcome that, you know, kind of information and feedback. So, okay, Missy.

MM Missy Musick 44:29

I kind of want to piggyback on what Karolyn was saying, because I understand we're all treatment. Most of us are treatment providers, and we are just looking at the clinical aspect.

And something that was very concerning to me throughout my career working in this field was the fact that there are actual victims behind each one of these men. And prison is not meant to be therapeutic. It is meant to be a consequence. And that needs to be remembered when we have these conversations.

BB Brecken Blades 45:10

Mhm.

Yeah, OK, Scott.

SN SCOTT NAEGELE 45:17

I guess two things, Karolyn, I greatly appreciate you, you adding in the input that you did at the end in terms of, you know, supporting the process of look of us getting to look at these issues in as broad a way as we possibly can.

I mean, I'm not a lawyer, and I don't even know if I know the language. So I'll confess to that before I say what I'm about to say. But one of the things that's always been kind of puzzling to me, perhaps because I tend to see things through a scientific lens in empiricism, is how how many of our statutes and many of our laws.

aren't really written with empirical support in terms of, you know, what's driven them. And I guess what I'm trying to say is, I think that there's a place and perhaps even a need for that to come into play more in moving forward, because I think it helps us.

make the most informed decisions we can about, you know, how we intervene with people and how we spend our resources in doing that. And I know that there are some jurisdictions around the country that are taking a look at using empiricism as a means of, you know, how they define things and how they

guide their decision making process. So one, I wanted to thank you for saying that, you know, that what you said doesn't mean that you're not in support of that. And 2, I guess I just want to say, I think, I think to the extent that we can do that, we try to figure out how to do that.

BB Brecken Blades 46:58

Yeah, thanks, Scott. Jenna.

JP Jenna Panas 47:01

I just wanted to speak to the victim piece, because that is why I'm here. Just saying that imprisonment needs to be punishment. I don't think necessarily correlates with the experiences of most victims. You've got to remember that sometimes victims are family members.

of the offender. They don't necessarily always want their family member to be locked up.

Also, most victims do not find the criminal justice system overall to be particularly supportive, helpful, or providing them justice. And so if we are looking at, you know, if any argument is being made that

the in-carceral system should not be treatment. I want to step forward and say absolutely it should be because we're trying to prevent future harm. And so I think that is the most impactful thing that can happen in the carceral system is the prevention of future harm versus looking to the folks who have been harmed for some kind of vengeance that isn't going to be present in that carceral system.

BB Brecken Blades 48:17
Blake.

B Blake 48:21
So to clarify, I am 100% on board with recognizing victims. Most of the work I do is victim focused and prison is, you know, And.

It is a consequence. It is a punishment for them. And I do understand having worked with plenty of victims, a lot of times prison is something that makes their recovery more difficult because now they've got scrutiny from their own family. Now they have all these other things. My biggest thing is that I don't want the system to create additional victims.

Items.

in the sense of family members who are related to the perpetrator, you know, the offender, whatever. And I think that that happens far too often because they focus so much on one thing. But the flip side, to your point, Brecken, is, yeah, what happens if some guy comes in and

You know, he has committed an offense he got caught for, and he's only being convicted for that. But we figure out through a psychosexual that he's deviant and has been abusing people for 15 years. And he's facing, you know, three years in prison, but he actually demonstrates a significant risk to the community. That is also important in influencing sentencing, in my opinion. And so there's a lot of benefits to come from this. And Jenna, I appreciate you speaking up because to your point, the victims usually don't care so much about

the punishment towards the offender, they want them to get help. They want them to never do this again. And the best way for that is for them to understand why they did it, go through the full treatment process. And if these guys sit in prison for 10 years and learn from all the other people who have been in there,

how to get away with things, you know, all the other deviant behaviors, that is not helpful. So yes, I understand incarceration. I understand consequences. Carolyn, to your point, if he's facing 100 years, it was a CSAM case. So that should make it pretty obvious why that would be.

The situation, but...

If it's a CSAM case and he's doing 10 years versus a person who has hands on offense and does three years, who has an actual victim that they, you know, have had hands on offense

against, that is also difficult to understand in the judicial system.

So I've had multiple cases where that's happened as well. So I think that there's a lot of things we have to consider. Absolutely the law side of things, the treatment side. I believe that everybody is here because we care about the victims. We identify that there's, you know, victims every single day and that

There's all kinds of protections that need to be in place for victims. And I don't know that that's happened. So I think our board specifically has been formed to help with the community, to help with our victim advocacy and all those things.

but offenders are part of that equation that we have to recognize. So my two thoughts on it.

BB Brecken Blades 51:44

Yeah, thanks, Blake. Okay, Missy.

MM Missy Musick 51:48

And I think it's also important to remember that studies have shown that incarceration has the largest impact on reducing recidivism, larger than treatment, treatment on top of incarceration.

perfect scenario. And I do hear you, Jenna, because I am currently working with people who are like, oh my God, he could go to prison if I report this. I hear that. And then I also hear the backside where survivors from like 15, 20 years are really ***** *** because they're like, he's walking around free and I'm sitting in this room still.

And, and there's all kinds of clinical stuff around that.

I just, I'm going to stick with so many victims don't experience justice, and it's important that we don't forget them.

BB Brecken Blades 53:08

Yeah. Yeah. Thanks, Missy. Okay, Karolyn.

KK Karolyn Kaczorowski 53:17

I have worked closely with a lot of victims, and one of the things that the plea agreement process allows is to help customize justice to the situation.

Because it does look different for everybody. There are, and one of the most...

terrible things about being a prosecutor is no matter what you do, I mean, we have a lot of power in the criminal justice system. We can take away their life in a death penalty case. We can take away their freedom, you know, and all this other stuff, but we can never undo what was done.

And I think the best part of my job was working with these victims and letting them tell me what justice looked like for them. There are certainly people who are like, I want him to rot in hell and die. And I'm like, I don't have that power. But then there's also some that are like, I don't care how long he goes to prison for, I just want to hear him admit he did it.

And those are the people that get fairly low plea offers because it means so much to the victim for him to stand up and admit guilt in front of God and everybody.

So.

I know, I think we're all on board with the idea that one size doesn't fit all. Whether it's the same crime, a similar defendant, a similar victim, what looks right for that offender may not look right for a similarly situated offender.

And I understand that by doing these assessments, you want to try and get to what does look right for them.

I also agree with the point that the way our laws are implemented isn't necessarily okay. It is absolutely not empirically based. You know, I was a prosecutor for 20 years and I've been an elected county attorney for about 18 months now. And this has been my first exposure to the statute making process. And

It is, it's worse than you actually believe as far as the statutes that are proposed and that go through the legislature and are actually enacted. So I am fully on board with having statutes that are not emotionally based.

BB Brecken Blades 55:38
Yeah.

KK Karolyn Kaczorowski 55:54
Um...

But I don't think we can revise the entire system. And especially here in Arizona, people find sexual offenses against children just to be abhorrent. And with the penalties as high as they are, it gives us a lot of room to customize justice in the plea agreement process.

Um...

But if they decide to go to trial, they go to trial.

You know, and there's nothing we can do at that point. I'm sure most of you have heard about the Agundez Martinez case. That was my case. We had a young man who, between the ages of 10 and 14 years old, he sexually abused multiple children who his mother babysat. It was a delayed report.

So he was 22 when he got arrested and we were going to trial. What isn't reported in all the cases is I offered him a plea to five years of probation because my thought was if it had been immediately reported, he would have only had five years of consequences and they would have been able to treat him.

He rejected it and he was sentenced to 52 years in prison.

and for crimes he committed when he was 10 to 14 years old. That's not justice. But he rejected the plea that gave him to probation. Now, it was overturned by the Supreme Court.

He got time served on one count, and on the other counts, he got lifetime probation.

But it's just, I only bring that up to show, you know, we're not all like, throw them all in

prison and let them die. You know, that's not the goal. And I don't know. I think I'm rambling now and I'm just going to stop. But I think the way our system has developed does allow for customizable justice. I think there may not be as much

KK Karolyn Kaczorowski 58:05

enforced participation by the defendant because of their constitutional rights, but they always have that option to contribute.

So, I guess that's all I have to say about that.

BB Brecken Blades 58:18

No, that's great. And that's really helpful. That's really helpful. So I think, I think everybody's on the same page. I think for the most part, I think what we are tasked with at this point is to figure out how to kind of make a recommendation or sort of land this plane to go forward. So I think.

where we were at and is basically, we've, I think, we've come to the conclusion that a mandatory evaluation in the window is not a possibility.

Everyone is in agreement with that? Okay, great. So then we're left with the question of, is there enough utility or benefit from adopting a model where the person may or may not participate in an evaluation if ordered?

So I guess my question about that is, is that is that something that is already in our statute, as I think you've sort of referenced, Karolyn, that that that there is an option for the court to do that. So is that is it redundant for us to recommend something like that? Or is there is there a room for there to be

maybe modifications or different wording so that that's more clear or maybe more routinely considered. If we even, if we are all in agreement that that is worth pursuing. I know Scott, you're saying yes, let's try to capture what we can. Does anyone else have thoughts on that? Yes, Carolyn, thank you.

KK Karolyn Kaczorowski 59:53

I think it's absolutely a good recommendation. You know, acknowledge what's already in place, that under this rule, the court can order it. Under this rule, the defense can request it. And we recommend the use of it. I don't see anything wrong with that. It doesn't change what's already going on, but it may highlight to some people that this is something that we support.

BB Brecken Blades 59:56

Okay.

Okay, so you're saying we don't need, we already have, it already exists essentially. So we don't need, we don't need to recommend something new or separate or something be added.

What you're saying is what makes more sense is a recommendation for what is our, the mechanism already in place to just be utilized, considered. Is it possible that we that the wording could be updated in some way. We could make recommendation about revisions to the wording or

It's already clear. I don't know which

KK **Karolyn Kaczorowski** 1:00:49
In my opinion.

BB **Brecken Blades** 1:00:50
Statue would. Go ahead.

KK **Karolyn Kaczorowski** 1:00:51
In my opinion, it's already clear. I did do a written layout of that. I can resend it.

BB **Brecken Blades** 1:00:53
Okay.

KK **Karolyn Kaczorowski** 1:00:59
Um...

BB **Brecken Blades** 1:00:59
I have it. I mean, I just don't have it up in front of me readily.

KK **Karolyn Kaczorowski** 1:01:01
Okay.

BB **Brecken Blades** 1:01:04
But I know you had put everything in there and outlined it.
So the statute is in there, you're saying the reference so that we could, I could go read, we could all go read it.

KK **Karolyn Kaczorowski** 1:01:17
Well, and I'd be happy to throw some draft language at you that you could start working with.

BB **Brecken Blades** 1:01:18
OK.
Okay, to maybe make a few tweaks to it is what you're saying.
Yes, Okay, Scott.

SN SCOTT NAEGELE 1:01:41

I think what I don't want to speak for Carolyn, but I think what I hear her saying is, is that as far as a recommendation coming from this subcommittee to the larger board, that there's merit to us recommending that we encourage and support as many people as possible in this window of time.

participating in an evaluation. And if we all agree that that be the point of departure for people coming out of institutions. But the language that's already in statute, I think is the language that's already in statute, but it might mean something if this board, if this subcommittee

takes a position on that and puts it in writing.

BB Brecken Blades 1:02:27

Okay, Missy.

MM Missy Musick 1:02:31

So I'm wondering if this is the appropriate place.

Because something that I've also hear us all say is these evaluations should be utilized in people gaining privileges on probation. And maybe, I mean, is this the appropriate place to say, hey, you guys, if you want reunification, if you want these things,

The earlier you get these evaluations done, the more beneficial that is going to be.

BB Brecken Blades 1:03:05

Mhm.

Yeah, I think what we're talking about, and yeah, so I agree with you, and part of the, their, you know, in terms of like motivational interviewing and, you know, getting them, giving them reasons to participate. I think what we're talking about is, and correct me if I'm wrong here, but that where we're kind of landing isn't, is

utilizing the statute, emphasizing the statute that there's this optional evaluation to provide information in the window of time, but that we are all still looking at or considering then a post sentence, you know, on probation mandatory evaluation at that point in time.

I mean, at that point in time, it can be mandated and that they're already undergoing different assessments, but that we recommend a more comprehensive evaluation process. Does that sound right to everyone? Is that where we?

Kind of come to.

That's nodding OK.

Okay. Okay, so Carolyn, you were saying you would be willing to put together some suggested wording in terms of the, like a statutory recommendation or more of just like a subcommittee position on utilization of these evaluations or what are you, what were you suggesting?

KK **Karolyn Kaczorowski** 1:04:26

Well, I think what we've resolved is the window issue. And I think what we came to was that we will recognize the rules of criminal procedure that are already in place and then recommend they be utilized. I was just thinking about doing some language up like that.

BB **Brecken Blades** 1:04:30

Yeah.
Okay.
Yeah, okay.

KK **Karolyn Kaczorowski** 1:04:47

And then obviously, just a starting point.

BB **Brecken Blades** 1:04:53

Yeah.
Okay. No, I think that makes sense. And I'll have to, our meeting, you know, the one that was on Monday is now canceled, but at the August 31st one, I'll have to give an update on, or if someone else wants to volunteer to give that update, that would be fine also. But I'll have to give a subcommittee report at that meeting on our progress. And then we'll have one more meeting prior to that larger board meeting.
Okay, so that is, that actually seems really productive. So what we've all come to is optional in that window, and then we're going to start looking at mandatory or ordered evaluation at the start of probation.
Okay.
Okay, so then I think we kind of encompassed the business items one and two. And then the third, I guess let me stop there and see if, does anybody have anything else to add? Anything else, any other questions, concerns about those things? Yeah, Jim.

JH **Jim Hanratty (SUP)** 1:06:05

So...
This is probably a little off topic, but did we ever resolve the definition part?
On 3828, as far as the, you know, what a sex offender is, are we going to define a sex offender? Are we going to use different nomenclature?
That did we ever, or do we just shelve that for a while?
Oh.

BB **Brecken Blades** 1:06:44

What I took from our legal advice discussion was that it is an adult with a conviction for a

sexual offense. I don't think we got a lot more specific than that but Victoria you can correct me if I am wrong if there was something else. And then you just, you described for us what a conviction entails, how that's defined. And so someone needs to meet all of those criteria to be considered a sex offender for our purposes.

BV **Baldner, Victoria** 1:06:57

Yeah, in the context of adults, I need to see a criminal conviction. And then I explained the three ways to get to a conviction. And we had an extended discussion about the window. And now we know, thanks to Blake and Karolyn, that it's the window time, utilizing the time in the window is going to have to be

JH **Jim Hanratty (SUP)** 1:06:59

Yes.
Yeah.

BV **Baldner, Victoria** 1:07:17

Voluntary on behalf of the defendant, so...

I didn't give you a definition. I don't think you need one, honestly. I understand Karolyn.

Karolyn has submitted.

Her thoughts on 3828.

And I think...

that's a different issue for the whole board to talk about. So yeah, to your point, Jim, I think maybe tabled because I think I think you're all on the same page of like who you're looking at right now. Does that make sense?

JH **Jim Hanratty (SUP)** 1:07:41

Okay.
Yes, yes, ma'am.

BV **Baldner, Victoria** 1:07:53

Okay, okay, so let's, I probably Jenna Major Mitchell put.

JH **Jim Hanratty (SUP)** 1:07:54

Thank you.

BV **Baldner, Victoria** 1:08:00

So that I don't forget put.

For the 31st, we need to put discussion of.

Definition of sex offender on the big board meeting, please.

Jenna Mitchell 1:08:11

Yes, Mam.

BV **Baldner, Victoria** 1:08:12

Thank you.

BB **Brecken Blades** 1:08:14

Okay. Yeah, I think at this point we have a working definition that's enough for us to go forward. And then at the larger meeting, we can have, you know, further discussion about that in terms of its implications for the whole statute. But I'm comfortable with what we have, if everybody else is. Also, Jim, are you comfortable kind of with that and everybody's good to go forward?

Okay, okay, great. Okay, so thanks. Okay, I think so then I think where that leaves us is to do item 3, discussion of standards for the adult sex offense specific evaluations. I think that given our discussion today, that

JH **Jim Hanratty (SUP)** 1:08:37

Yes.

BB **Brecken Blades** 1:08:54

probably impacts a little bit of what we're looking at. I think that will mostly be the same. I guess I would like to suggest that for our next meeting, our next subcommittee meeting, I can work with Major Mitchell to put together some of the relevant pieces of the other states that have good working

definitions and processes and procedures for them, for everybody, so that everybody comes to the meeting having reviewed them, and then we can have a discussion. I know that DPS is also still working on compiling a list of some of the most commonly used assessment items that we have in Arizona. So if we have some of that information next time, then that can also help inform our

discussion. So that's what I would suggest. Ashlesha actually has something for us.

Oh, look at that.

Jenna Mitchell 1:09:50

Okay, Jenna Mitchell here with DPS. So just to give an update, there is the spreadsheet that we submitted to AOC. Board member Mrs. Ms. Breed is going to distribute that or may have already distributed it to the counties to collect the data from them. She was going to give them a two-week turnaround. That was just done this week.

So we should have the counties that return the data, we should have that to you prior to your

next meeting so that you can use that as a jumping off point on what the counties are self-reporting of the psychosexual evaluations that they are using in their counties.

BB Brecken Blades 1:10:30

Okay, that's great. That looks so nice. Well done. It looks great. Thank you for doing that. And then, so that's my suggestion, I guess, for how we address item 3 and then future agenda items, that that's where we shift our focus and that we come to the next meeting with having looked at that list and having, you know, read some of how the other states kind of approach this, the implementation of the evaluation in terms of how they define the purpose of it, the standards they have for it, and then we move forward with that at the next meeting. What do others think?

AA Amanda Adkins 1:11:12

That's good. Did you say you already sent out that assessment or that spreadsheet?

BB Brecken Blades 1:11:13

Okay.
Sorry, say that again.

AA Amanda Adkins 1:11:20

Did you say you already sent out that spreadsheet? Like, is it a live document that continues to update or?
We're reviewing that before next time, right? I just want to make sure I have access before I agree to review it.

Jenna Mitchell 1:11:29

Yeah, so we...

Yeah, so we sent it to AOC for distribution to the counties and that data will get collected and then we will compile it and distribute it to the subcommittee membership for review prior to the meeting.

And we can't compel the counties to respond, but you know, we are working through the courts to hopefully, you know, get as many counties to respond as possible. And they're self-reporting what the, you know, the courts are reporting what the treatment providers in their counties are using, which assessments they're used to seeing. So they're

It may not be all inclusive, but we, with Dr. Blade's help and with Mr. Naegele's help, have put together, I think, a pretty comprehensive list of all the psychosexual evaluation tools that are available for providers to use. And we will get that data to you prior to the next meeting.

BB Brecken Blades 1:12:25
Mhm.

Jenna Mitchell 1:12:28
I just scroll through it.

BB Brecken Blades 1:12:29
Yeah, of what's most typical, I think, of for us in Arizona. And then it doesn't mean that that there we couldn't, you know, continue to add to it, but I think it gives us a starting point to see where folks are at and what is kind of normally used and what we consider to be credible for these evaluations here in Arizona.
Okay, Karolyn, yes.

KK Karolyn Kaczorowski 1:12:53
Was that when you say the spreadsheet was sent to the counties, who in the counties was it sent to?

Jenna Mitchell 1:13:00
So we sent it to the Courts. So board member Ms. Breed is distributing it to the counties for adults, for juveniles, Judge Young distributed it to a group that she chairs and collected the data for juveniles. So we're working through the courts to collect the data.

KK Karolyn Kaczorowski 1:13:00
OK.
Oh.
Okay, so that would be...
So the courts only see what has taken place during probation. They don't see what's taken place prior to conviction if it's not something that is actually presented to it. But if all you want is what probation is using during the treatment of them, then I think that's fine.

Jenna Mitchell 1:13:50
Thank you. Yeah, happy to distribute it to the whatever resources are going to give us the most comprehensive data back for your review. So if you have other thoughts or ideas of distribution points, we're happy to utilize those as well.

BB Brecken Blades 1:14:09
Is there another group, Karolyn, that you think would give us better information back in terms of what assessments are being utilized?

KK Karolyn Kaczorowski 1:14:18

Well, I think mental health providers as well as the prosecutors and defense attorneys.

BB Brecken Blades 1:14:26

Okay.

Um.

Yeah, so I.

We started with a list compiled from other states and their assessments that are being used there. And then I took a look at it, Scott took a look at it, and then Dr. Gray also went through the list. And this is what we came up with in terms of from our, I guess it was only three of us, but from the

mental health providers or an evaluator's understanding of what's being used. It hasn't been sent out to any prosecutors or defense attorneys. I don't know, Major Mitchell, I guess, is that, can we do that? Karolyn, do you have a way to get that in front of those groups of folks?

KK Karolyn Kaczorowski 1:15:21

Well, I can send it out to the prosecutors. As far as defense attorneys, I could just send them out in Yuma County. I don't have access to a statewide defense attorney network.

Um...

Because I can tell looking at this list, we use about four of those.

BB Brecken Blades 1:15:41

Yeah.

KK Karolyn Kaczorowski 1:15:41

That's what I see regularly.

So, but yeah, but if you, if you've already, if you believe that sending it to the courts because probation oversees the treatment is the most appropriate way, I'm not trying to interfere with that.

BB Brecken Blades 1:15:47

Yeah.

Jenna Mitchell 1:15:59

The.

BB Brecken Blades 1:16:00

Well, I think what happened with the juveniles was that, correct me if I'm wrong, but Judge

Young was able to get input from other judges, is that right? In the other counties, I think. And so I think, are we hoping that with the AOC that that will also be in front of judges?

Jenna Mitchell 1:16:00

Yeah.

That's correct.

Correct, yes.

BB **Brecken Blades** 1:16:17

OK.

Scott, do you want to chime in?

SN **SCOTT NAEGELE** 1:16:22

Yeah, I just wanted to chime in and say, I don't mean to put the cart before the horse, but obviously these categories that we've created here with all these listed of assessment protocols underneath them, we're not, none of us are by any means saying that it has to be all those things. I think the next step that's going to take place in our juvenile subcommittee meeting on Thursday is to talk about that and to maybe define some parameters about must include one of the following or must include those kinds of things so that there's some measure of flexibility there yet there's some operational structure defining, you know, what this looks like so that we get some consistency among providers, no matter where they're providing the evaluation from. I think that everybody in this subcommittee, once, you know, this gets sent out to us, can take a close look at this. And then everybody, if you think something's missing there, add it to the list. and further further the discussion. But by no means is anybody saying that that this list, as it sits there on the screen right now, has to be implemented line by line. That's definitely not the discussion that's taking place in our juvenile one. And I would suggest that did not be the one that's taking place here.

BB **Brecken Blades** 1:17:47

Thanks, Scott. Jim?

JH **Jim Hanratty (SUP)** 1:17:49

Okay.

Hi, it's Jim Hanratty. Scott, I noticed, and don't throw any stones at me, but I noticed there's nothing in there about polygraph, so I assume we're addressing polygraph completely separate.

SN **SCOTT NAEGELE** 1:18:02

Yeah, so let me comment on that as far as the juvenile side of the equation is. We're a long

ways, Jim, from having had a thorough discussion about it, but I want you to know that on the analogous list that exists for juveniles, I have put it in there. I put it in there with a little bit of structure around it. I put it in there because I think it needs to be discussed.

JH Jim Hanratty (SUP) 1:18:16

I'm good.

SN SCOTT NAEGELE 1:18:22

and I think it needs to be vetted and we need to have a complete conversation about it. So if the will of this group is that it should be on here as well, then I say we move to do that. But I want you to know that it is on the analogous list as far as juveniles concerned and the battle over on that side of the equation, frankly, is a much bigger mountain than the one that sits over here.

JH Jim Hanratty (SUP) 1:18:31

Yeah.

I'm quite sure of that. Just a comment, if it's on that list, maybe it should be on this list, because if it's not on the list, and we needed it to be on the list, especially to have some input from the counties, if they are relying on it. I know that a lot of probation departments throughout the state place a lot of weight on the polygraph.

BB Brecken Blades 1:18:56

Mhm.

SN SCOTT NAEGELE 1:19:00

Yeah.

JH Jim Hanratty (SUP) 1:19:05

Whether it meets the muster of psychological evaluation or not is another story, but it does provide useful information that's helpful. So I think it should be on the list as well.

SN SCOTT NAEGELE 1:19:16

Yeah, so if I may just chime in because my scatterbrained, you know, ADHD brain goes places that if I don't say something, I forget it until the next time somebody triggers me. But Jim, your last comment about whether or not it meets psychological muster, I would encourage people to go find the training that

BB Brecken Blades 1:19:16

Mhm.

SN **SCOTT NAEGELE** 1:19:37
that David Thornton gave probably about nine months ago, and he gave it through ATSA of all places. And it was a review of his review of studies on polygraph and his and basically he did he did a scientific analysis of it. And he came back and said, and I'll say this so that everybody can

JH **Jim Hanratty (SUP)** 1:19:43
Oh, nice.

BB **Brecken Blades** 1:19:57
Yeah.

SN **SCOTT NAEGELE** 1:19:58
I'll flesh it out if somebody wants me to. But he was very clear to say that he started out thinking that it wouldn't pass muster and that it very much passed muster. In fact, it had more predictive validity than most of the actuarial risk assessment scales. So do with you, do with that.

JH **Jim Hanratty (SUP)** 1:20:14
Well, I already knew that.

SN **SCOTT NAEGELE** 1:20:16
Do with that what you will, but I guess I want to say that for those who want to continue to stay stuck in the mud in a 1970s Supreme Court ruling about the reliability and validity of polygraph, you know, we're way down the line from there. And I'd hope we could have a meaningful discussion about that.

JH **Jim Hanratty (SUP)** 1:20:35
I appreciate that support.

SN **SCOTT NAEGELE** 1:20:37
You're welcome.

BB **Brecken Blades** 1:20:38
Okay, Victoria.

BV **Baldner, Victoria** 1:20:41
So, you know, I'm the killjoy in the room, and I want to remind everybody, please do your best not to veer off topics that are agendized. I know sometimes things bleed over, but it's my

responsibility to remind you that no one is supposed to be discussing things that aren't agendized. So.

BV **Baldner, Victoria** 1:21:01
Sorry, you can hate me. It's okay.

BB **Brecken Blades** 1:21:05
Yeah.

JH **Jim Hanratty (SUP)** 1:21:05
Yes, ma'am.

SN **SCOTT NAEGELE** 1:21:05
Thank you for the reminder.

BV **Baldner, Victoria** 1:21:07
Okay, you're welcome.

BB **Brecken Blades** 1:21:11
Okay, so to kind of just to close this out, I think we might end right on time or even a few minutes early is, I think you're right, Jim. I think we are, we have all, you know, agreed or have seen that the polygraph is included as a part of these evaluations. I do think it warrants probably its own some level of discussion. But I don't disagree with it being added to this list. So let me talk to Major Mitchell and see about that. And then let's also see about maybe, Karolyn, I like your idea of including attorneys and their feedback on this list. I think probably more input and information is helpful in this instance, just to get a broad sort of look at what's being done here. But let me see, let me work with maybe Major Mitchell and see what we can do about that. And then I will also work on putting together some. some documents and kind of so we can get a handle on how everyone in other states are approaching the evaluation implementation going forward and that everybody will have that ahead of the next meeting so that we can all come kind of ready to discuss and flush something out.
How does that sound to anybody? Are there any other thoughts on future agenda items or any other discussion on the items from today?
No, OK.
Okay. Well, I think that then I can have a motion to end the meeting.
if someone would like to do that.

JH **Jim Hanratty (SUP)** 1:22:59
Jim Hanratty.
I have a motion to adjourn the meeting.

B **Blake** 1:23:05
Blake Barney, I second.

BB **Brecken Blades** 1:23:08
Okay, all in favor, say aye.

SN **SCOTT NAEGELE** 1:23:11
Aye

KK **Karolyn Kaczorowski** 1:23:11
Aye.

JH **Jim Hanratty (SUP)** 1:23:12
Aye.

B **Blake** 1:23:12
Aye.

BB **Brecken Blades** 1:23:14
Any opposed?
Okay, the motion carries. So the meeting is over at 2:25 p.m. Thank you, everyone, for the discussion today. This was really productive and helpful. So have a good day.

AA **Amanda Adkins** 1:23:26
Thank you.

B **Blake** 1:23:30
Thank you.

● stopped transcription