

AZSOMB September Board Meeting- 20260928_203308UTC-Meeting Recording

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Good afternoon, everyone. It's September 28th at 1:33 p.m. I'm going to call the meeting to order. Thank you all for being here. Major Mitchell, could you help us with roll call?

Chairwoman Goulden is present.

Miss Adkins?

Present.

Miss Balson, Miss Balson?

Mister Barney.

Present.

Doctor Blades.

Present.

Miss Breed.



Ashlesha Naik

She is present online.

Jenna Mitchell 1:08

I could not hear Jamie online. Have not heard response from Shanda. Are they able to unmute on their end?

OK, Miss Balson.



Jamie Balson 1:16

Hi there, you just came on. Is this roll call?

Jenna Mitchell 1:20

Yes, ma'am.



Jamie Balson 1:21

Present.

Jenna Mitchell 1:22

Thank you. Sorry about that, Miss Breed.



Breed, Shanda 1:26

Present.

Jenna Mitchell 1:27

Thank you, Judge Cohen.



Suzanne Cohen (SUP) 1:30

Present.

Jenna Mitchell 1:32

Ben Cook.

Present. Sorry.

Mr. Fanning.



John Fanning 1:38

Present.

Jenna Mitchell 1:40

Mr. Thank you, Mr. Galarneau.

Present.

Major Griego.

Mister Hanratty?

Doctor Johnson.

Present.

Jenna Mitchell

Ms. Kaczorowski is excused. Mr. Kelroy.

KJ

Kelroy, Joseph 2:09

Present

Jenna Mitchell 2:12

Miss Krejci

Present.

Also excused are Doctor Lokey, Doctor Miller, and Miss Musick. Mister Naegele

Present.

Mister Neil

Present.

Miss Opheim

Present.

Mister Pawlowski

Present.

Miss Panas

Present.

Representative Powell

Present.

Doctor Rivera,

Present.

Judge Young,

Present.

All right, Madam Chair, you have a quorum.

Thank you. Before we move on to public comment, I want to welcome Dr. Johnson here, who is succeeding Ms. Colette Chapman. And also to update the board, Chairman Mr. McClure from Pinal County did have to tender his resignation at this time, and so we'll be looking for a replacement for him.

and thank him for his service to the board. Major Mitchell, do can we do call the public at this time?

All right, up first is Sherry Eberlin, followed by Suzanne Dodson, followed by Gary Hardy.

She unmuted. Okay, Sherry, are you there? You'll need to unmute. On your end.

SE

Shari Eberlein 3:26

Okay. Am I okay now? Can you hear me?

Jenna Mitchell 3:26

OK.

You are. Yes, ma'am. One moment before you begin. Did you give the instructions, Chairwoman, or do I need to do that?

SE

Shari Eberlein 3:31

Okay.

Yeah, okay. This is the time for the public to comment. The timer will be set and you're asked to end promptly after the three minutes, if not before. Members of the board may not discuss items that are not specifically identified on the agenda.

Therefore, pursuant to ARS 38431.01 i,

Action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Thank you.

Jenna Mitchell

All right, Shari, your time will begin when you start speaking.

SE Shari Eberlein 4:27

Thank you. Thank you for the opportunity to address the board regarding early termination of probation for individuals who have completed substantial portions of their supervision. I respectfully ask the board to reconsider excluding individuals who are originally sentenced to lifetime probation.

I ask these individuals to be considered under early termination framework. Lifetime should describe the sentence, not automatically describe the person's risk. I'm not asking that lifetime be automatically terminated. I'm asking these individuals be allowed to have their cases reviewed

individually using the same evidence-based principles that the board applies to the individuals under supervision. Many individuals accept a plea agreement while facing the possibility of lengthy incarceration. Okay, so you don't know, there's no way to really know what this person looks like.

10 years, 15 years, 20 years, years later, time matters. So a person committed an offense many years ago is not necessarily the same person that stands before the board today. Age, maturity, treatment, employment, relationships, criminal history, conduct under supervision, all validated current risk factors should be considered. Public safety is best served by identifying a person who is continuing risk, not by assuming that every person carrying a legal label presents the same risk indefinitely. The board's own mission recognizes the importance of evidence-based assessment, individual treatment, rehabilitation, and the risk-need responsible model. Arizona law also directs the board to develop case-by-case procedures for reliable low-risk offenders

and criteria that can assist in determining whether that person's level of supervision can be reduced or whether probation can be discharged. Therefore, I respectfully suggest lifetime probation should be a factor considered in an individual review, not automatically as a disqualifier.

This does not mean that we're being soft on sex offenses. It does not minimize victims. It is not eliminating accountability. I ask the board to consider the process where lifetime probation individuals can have appropriate safeguards and that public safety is best served

not by supervising everyone forever, but by making sure the right people are

supervised for the right reasons. Thank you for your time and commitment to the evidence-based public safety. And again, time matters. Time does matter. Thank you. I appreciate that.

Thank you.

Jenna Mitchell 7:06

Next is Suzanne Dodson, followed by Gary Hardy, and then Patricia Borden.

Okay. Ordinarily standing in front of somebody, I would say, it's nice to see you again, but I really wish I didn't know any of you. So here it goes. I understand sex offender therapy. I get it. But subjecting someone to treatment after Repeated documentation that he doesn't need it is putting it mildly unhealthy. I'm scared for my son.

I'm going to read.

I'm going to read this for him because he works seven days a week to afford sex offender therapy, a private counselor, and now a doctor to mitigate his increasing mental health concerns. I practiced so that I wouldn't do this. I'm sorry.

His words, I was 18 and I didn't know the girl who was in my dorm. The state and the judge used these facts, among others, to determine that I'm not a sex offender. My frost assessment classifies me as low risk, but my probation team uses the same facts that the state heard.

and they classify me as a medium risk.

Before my sentencing, my ABLE found no sexual deviance. When I entered treatment in 22, family transitions required a second ABLE assessment. They still refuse to show it to me despite our signed agreement every year that I sign saying that I am allowed to review documents with my therapist.

I took an MSI a couple months ago. I'm still asking to have that reviewed with me.

What did these evaluations show?

If they identified a risk, where is that risk reflected in treatment goals?

According to probation, his current probation team, my therapist never submitted treatment goals or a case plan. My current probation team thought five years was unusual. They could not find any reasons for the extended therapy, so they questioned my sex offender therapist.

He says they have a five to seven-year plan program to increase understanding and decrease recidivism for sex offenders.

Last week, I learned I still have 11 assignments remaining, approximately another year at my current pace. That's 6 years of sex offender treatment, even though my own sex offender therapist documented in my probation file no issues with minors and no deviant tendencies.

Last week I showed probation a document from the judge back in 22 saying that I could earn social media, which is the primary form of communication professionally and socially for my generation. And I lean heavily on the professionally there.

Probation has seen this, but they say they've never done this with anyone before, so they are not even willing to try. I thought therapy was supposed to help reintegrate into society.

his questions. What identified sexual criminogenic need is being treated? And what happened to risk need responsiveness?

Thank you.

Gary Hardy, followed by Patricia Borden, and then Marina Fleetwood.

Madam Chair, members of the board, my name is Doctor Gary Hardy, co-founder of the Collaborative Justice Institute here in Arizona.

I'm setting aside my planned comments to ask a more fundamental question.

Is the board prepared to examine the system it was created to review? For months now, the public has brought research, lived experience concerning containment, polygraphs, outdated assessments, inconsistent treatment, and the absence of any clear completion criteria. We speak for three minutes.

submit papers, return the next month. What happens to that evidence after the three minutes? I have read and listened to all the audio and all the published transcripts of the adult subcommittee, juvenile subcommittee, and this board. Our words appear under public comment. But on the treatment research we submit, I cannot find where the board evaluated it.

Reach a conclusion, explain what it intends to do. I cannot find a public comparison of treatment models, an independent appraisal of polygraph evidence, or conclusions on treatment progress and discharge. These are duties assigned to the board by statute. We cannot reform a system if we refuse to question the thinking that built it.

Repetition does not make a claim reliable.

I understand that changing familiar practices often invites criticism if someone re-offends. But refusing to test current practices also has consequences for victims, families, public safety, and people kept in treatment without measurable goals. The law requires treatment providers to comprise at least 80% of each subcommittee. Their expertise matters. But who independently evaluates recommendations affecting the services those professionals provide? That's A structural question. Three minutes at the microphone allows public comment. But does anybody listen?

Does anybody hear? It does not give the public a role in evaluating evidence.

I'm asking the board to put this review on a future agenda, invite independent outside researchers and people with lived experience, compare treatment models, don't get stuck on containment, examine polygraphs benefits and limitations, establish measurable criteria for progress and completion,

In treatment.

Publish the evidence reviewed, your conclusions, and your recommendations. You cannot make rules, but you can research and recommend. Will you, and will the public be able to see that result? Thank you.

Patricia Borden, followed by Marina Fleetwood, and then Kim Drogas.

Gary Hardy just asked some very compelling questions. I'm here today as Patricia Borden, the director of Arizona's Rational Sex Offense Laws. I would like to ask the board to have Peter Dross come and speak to the board. He recently retired after a 32-year career with the Center for victims of torture, the largest organization of its kind in the world, where he served as vice president of external relations. He led the organization's policy, advocacy, fundraising, and communication work, and ran legislative campaigns at the state and federal level.

that earned broad bipartisan support. He's a seasoned policy professional with three decades of credibility across the political spectrum. Today, Peter facilitates the Government's Relations Working Group for Minnesota's \$100 million committee, a group focused on the core cost and outcome of Minnesota's sex offense civil commitment program. That program now costs Minnesota over \$126 million a year. This committee's work builds on a report from the Mitchell Hamel School of Law finding that MSOP has had no discernible impact on the incidence of sexual violence in Minnesota and recommending it be phased out with funds being redirected to approaches that actually actually prevent sexual violence.

Minnesota has run its civil commitment program longer than almost every other state, and Peter has watched it closely for years through a coalition building evidence-based lens. I'm asking the board to place Peter's name and background on the agenda, extend a formal invitation for him to present and let him know the board plans to consider this request. Thank you.

Marina Fleetwood, followed by Kim Drogas, and then Darren Stanley.

Good afternoon. My name is Marina Fleetwood. Thank you for your service and your commitment to evidence-based public safety. A DCAC, Dangerous Crimes Against Children, designation under 13-705 is a sentencing enhancement. It is not a determination of current risk. I appreciate that this board recognizes that distinction. Yet SB 1236 and SB 1404 use that decades-old designation to make certain level 1 registrants public with no change in their assessed risk. For decades, many of these individuals live quietly and offense-free. They completed treatment, They rebuilt their lives, their careers, homes, families, and community ties. That stability helps prevent re-offending. Then suddenly, their photographs and addresses appeared on Arizona's Offender Watch Registry. Arizona's listings do not show the conviction date. A face suddenly appears, an employer sees it, a neighbor sees it, a church sees it. Nothing tells him that that offense may have happened 20 to 40 years ago. It looks brand new. And lives were disrupted, jobs were lost, housing and relationships ended, families suffered, spouses, children, and grandchildren who committed no offense.

Most importantly, I have found no single identified incident involving A compliant level 1 DCAC registrant that prompted those laws. Their risk didn't suddenly change, the law did. That brings me to lifetime registration. Research does not establish that keeping every registrant on a registry for life improves public safety. There was a huge loss in Michigan.

lawsuit in Michigan and 20,000 registrants were taken off of a lifetime registration. Even federal SORNA does not require lifetime registration for every registrant. I ask this board to recommend an end to automatic lifetime registration. Give people a meaningful opportunity to earn their way off.

Look at who they are today. Consider current risk, years offense-free, compliance, treatment, and demonstrated rehabilitation. We all want children protected. Public safety resources are limited. They should be focused where the risk is today. I am a

grandmother. Of course, I want my grandchildren protected, but protecting them also means recognizing when someone no longer presents a meaningful risk. 40 years of good behavior should mean something. Rehabilitation should mean something. Current risk should matter. Thank you.

Kim Drogas, followed by Darren Stanley.

Good afternoon, Chair and members of the board. My name is Kim Drogas and I represent myself. First, I want to follow up on my request from the August 31st meeting. Will the SOMB establish a policy requiring the chair to notify legislative leaders in writing within three business days when the Committee of the Whole takes a formal position or vote on proposed legislation?

This would help ensure the board's recommendations reach lawmakers while legislation is actively being considered. Second, as the SOMB develops the adult standards and guidelines, I would like the board to address an important distinction. Sexual offenses encompass a wide range of conduct. In listening to discussions surrounding the guiding principles in both subcommittees, Much of the framework appears focused on contact sexual offenses. Will the standards and guidelines specifically examine whether exclusively online, non-contact CSAM offenses should be recognized as a distinct population for purposes of risk assessment, treatment, and supervision? Your guiding principles already state that treatment and supervision should be individualized based upon assessed risk and needs.

ARS 133828 also requires the SOMB to use an evidence-based model to identify lower risk individuals who may not benefit from additional treatment. So I asked the board to examine a fundamental question. What does the current evidence tell us about individuals whose offenses are exclusively online, non-contact, And how do their risk and treatments need compare with other sexual offense populations? If the evidence shows comparable risk and treatment needs, the standard should explain the evidence supporting that conclusion. If the evidence demonstrates meaningful differences, those differences should be expressly recognized. Maricopa County Attorney's Office already recognizes distinction among categories of sexual offending in its policy and charging practices. Arizona statutes do not always make those same distinctions. This is not about minimizing the harm caused by CSAM. It's about ensuring that treatment and

supervision reflect the evidence, the conduct, and the individual's assessed risk. The goal should be clear. Let the evidence determine whether exclusively online non-contact CSAM offenses warrant distinct standards.

Lastly, I ask the board to designate a representative to review past public comments, identify concerns that have been raised, and provide meaningful responses so the public knows how those concerns are being addressed and not left unanswered.

Thank you.

Darren Stanley.

Good afternoon, Madam Chairwoman and members of the board. Sorry I missed you last month. I was on vacation. After reading the proposed template for ETOP, my first thought was, why is the probationer or probationer not included in this? I recently filed my ETOP. In my report, there were several glaring mistakes in probation's report.

Two of the most concerning were the victim's age was incorrect and my level was reported as a three. I have always been a one. I asked for proof my level was correct but was told that correspondence was confidential. I felt that was pretty important in my threat to the community that everyone claims to be so concerned about. How can the judge make a valid decision with misinformation and the petitioner cannot defend or correct the misinformation. I failed my sex history polygraph on one question because no less than five probation officers and five therapists told me the question was about victims. It was not. It was a question of quantity and fact. I'd be glad to disclose to you and the following argument I had with the assistant director at Mountain Valley over the same question during my RPP. When the court, probation, and therapy put so much weight on polygraphs, when you pass one, no one seems to care. If you fail one, the world ends. Why can't I use a polygraph question that I passed to prove that false statements have been made. Not allowed to, I'm not allowed to reply unless the judge asks me to, or so I've been told by counsel. How does a probationer address any of the issues when they have no access to polygraph findings, MSIs, ABLEs, LOOKs, and other tests until the negative results are carefully manipulated and shown to off the worst case scenario. I pay for all these tests, yet I have no right to them and they control my life and I am consistently judged by them. I am truly a second class citizen and always will be because of the poor decision I made over 20 years ago.

Two of the concerns in my ETOP were that I was not out of therapy two years and not in the community five years. These are guidelines. They are not written in stone like everyone seems to believe. ETOP is not and never should be a one-size-fits-all. Let's continue to use common sense.

Unlike the people who voted for SB 1092, the probationer should always be able to address any provable false statements. Thank you.

Thank you.

That concludes the call of the public. And Madam Chair, I would like to note for the record that during the call of the public, board member Mr. Hanratty and Major Greigo have joined the Board meeting. Thank you.

Thank you.

On the just a couple notes for the agenda, a.i under old business and D are going to be tabled today as my understanding is they're not ready for the board to review. So that's just an FYI. a2, now we're going to move on to the discussion of early termination, the lifetime probation protocol and proposed amendments. So in your packet, thank you to the adult subcommittee members who made some of those. Oh, Representative Powell, yes.

I apologize for interrupting.

Not at all. I'm so sorry.

Madam Chair. I would like to, for my own understanding, I agree with everything that was just stated on the public presentation here with every one of these individuals. So I'm interested in knowing

Do we have a system? Do we have a mechanism? Do we have individuals that are assigned to record the request for agenda items and to provide subsequent reports as they're asking so that we can track this to see if we're actually making progress? Or is that something that is absent in the system?

Major Mitchell, did you want to respond? Are you asking do we have staff that is tracking that, Representative Powell?

I'm just asking if anybody's tracking, is anybody recording these requests? I know they've been recorded, but after they're recorded publicly, is anybody turning to them? Is anybody cataloging them?

Is anybody addressing them? Do they become part of future agendas?

Certainly, Madam Chair, I can help with that. Any board members are welcome to send agenda items to AZDPS to put on the agenda, which we do every month. It's an agenda item to send future agenda items to us and by the deadline. So anything that the board members would like to have put on the agenda, we will do that for you.

Correct. So wait a minute. Let me get clarification on this. Are you saying that their request for public agenda items cannot be acknowledged unless one of us on the board actually? Why can't we suggest that it be done in person at this board setting? Okay. Well, let's be clear. We have this board for a reason. I apologize for the times I've been absent. The reason I've been absent is because of other legislative affairs. But the purpose of this board in the 1st place, it's my understanding, is to see if we can move forward in making significant corrections and the obvious flaws of the present laws that we have. We have clear examples. Every time we have this board meeting, we have public presentations identifying the grievances that are significant. But yet I don't see any, I don't see any record that we're moving forward on any of these requests.

And so...

We want to make positive changes. I would assume that everybody here on this board is here voluntarily sacrificing and serving so that we can improve the system, not ignore the system.

So I'd like it to be part of the record today, that when somebody stands in front of this board and asks that something be placed on the agenda, that it be placed on the agenda.

Unless there's some bylaws of this board that prevents us from doing that, I suggest we honor that.

Okay, so Representative Powell, our attorney is advising that board members will need to request things to be placed on our agenda.

So, board members will.

So, Madam Chair, if I may.

Please.

Anna Young, Representative Powell, the very last item on the agenda of each of our meetings is item, today it's item J, where you could request that something get put on the agenda for the next meeting.

Okay, so.

Thank you. Thank you for bringing that to my attention. So just one last question about this. I would appreciate it if each of the people who stand in front of this board contact me with their information. I'm happy to provide you with my e-mail, and I'd like to have a list of what you're requesting so that I can follow up as you are requesting so that they are placed on the agenda. So if that's the procedure that we have to follow, I'm happy to address that.

Thank you.

Thank you for doing that. I want to go back to the why this board was created. So this board was created because in the state of Arizona, there are no succinct any standards for how we supervise or treat individuals on probation, community supervision, or otherwise in the state of Arizona. And every county does everything very differently. So I do want to, first of all, acknowledge that most everyone here has a very busy full-time job. And I want to acknowledge the adult subcommittees and the juvenile subcommittees who are meeting once a month in addition to this, there is a lot to cover. There's a lot to cover regarding sex offender supervision, treatment, guidelines. Rome was not built in a day. So we are trying to figure out the best way to tackle each of these things, whether you're talking polygraphs, treatment,

Not all of these issues, these issues need to be triaged, I guess I would say. And that I'm going to ask for the board and we've had meetings, a lot of meetings about creating a one, two and three-year plan about a realistic idea of when we can get to some of these topics, because some of these topics are not going to be able to be covered in a week, a month, a day. So we have had those meetings as well about a plan of action moving forward. So I just want you to be aware of that. Sex offender supervision and treatment is complicated and it is very involved. So I want that noted

on the record and I want to thank everybody for their time and what they're putting forward.

in addition to the work that they do outside of this board. So moving on to the A2, the discussion on early termination and lifetime sex and probation protocol and the adult subcommittee. I don't know if I know Ms. Krejci or Dr. Blades, if you want to touch on a couple of the amendments before we go into any discussion. And I want to entertain a motion to adopt these amendments today. Or if anybody had any questions, comments before I entertain a question.

I'm happy to answer any questions about the proposed changes that I made. I did have a question about a couple of them from the adult subcommittee. I wasn't able to attend that meeting. I see that for essentially what's Like #7, I think the individual demonstrates a high level of personal responsibility for sexual offending as opposed to focusing on external causes. And I see that we're getting that from the SOTIPS manual. Someone please correct me if I'm wrong, but my understanding is like when people are petitioning for early termination, we're talking like years down the road. And my understanding is like the SOTIPS research is full.

is from like, it really only, I think they only went like three years post someone being in the community. So if I just want to make sure that we're using like things that are currently research based.

To be clear, are you on #7? Yes. OK, yes. OK, #7 of the early termination.

Okay. Considerations. And then if we're going to look at like one of the dynamic factors, why are we not looking potentially at all the dynamic factors? I think in the kind of what probation submits, I had also proposed changes that like probation outline the dynamic and static risk factors, because I think what maybe everyone in this room might have more knowledge sometimes than the court, a judge who maybe doesn't have a lot of training on what these factors mean or what they, the background is. And so when they're getting this information, I just want to make sure we're not causing confusion. For example, as well, okay, hold on.

I guess that's my first question. I'll just do one point at a time.

Okay, so for #7, right?

Yes.

So...

Well, Doctor Blades.

Okay, go ahead.

So, yes, in terms of the rates for recidivism, the SOTIPS only extends out for the three years. However, I, myself and the subcommittee, and I think generally it doesn't necessarily mean that all of the factors don't have evidence behind them or utility for them.

So you are correct in that we don't provide a numerical scoring and their, the way that they estimated their recidivism and followed through, those people only went through to the three years, but it doesn't mean their research on the factors is limited to only three years. Does that make sense? Those factors still have validity.

you know, I believe beyond the three years and they do. The reason we changed this is because we, first of all, we appreciated and agreed with your modifications to the document. On #7, rather our discussion was about rather than completely striking through that one was to provide kind of an updated and more evidence-based statement that sort of reflects what we felt to be the original intent behind that item of what it was trying to communicate. And so that's why we put that one there.

Comment.

Oh, yes, go ahead.

Frank Greigo.

Also reading through that agenda item was taken off for number one. We're reading through. It looks like we're slipping out of the judicial process into a clinical process on some of the suggestions that are being made. And this

Taking that number 7 out kind of gets into the clinical process, not the judicial process. So acceptance of responsibility is part of the judicial process from the beginning to the end with plea deals, with sentencing, with probation, with clemency, with every board. So when you're talking to the judicial process in front of a judge to get early termination of probation,

I think it's absolutely should be a factor on that. Not talking to, I don't know nothing about the clinical side, so I'm not pretending to, but if we stick to what the intent, going to what was talked about earlier, the intent of the board was to manage sex offenders, not people that are just in to get help or to get better.

Right. So they're all offenders. It's all a judicial process. So I think there should be something in there. And I think the proposal that you made, ma'am, was a good

middle ground between absolute responsibility and staying within that judicial process that we need to stay in for this board. Thank you.

Thank you.

And I think, Chairwoman Goulden, you were asking, had I seen the additional comment? Okay, I did. And I do appreciate the explanation about how, like, it's really focused on them, you know, focusing on like who the individual is blaming. I would appreciate if there's like an additional footnote

Because again, if we're providing this potentially to judges that aren't familiar with that, they're like, what is a high level of personal responsibility? I have concerns that that's going to be interpreted that the person needs to admit to everything the pre-sentence report says, which isn't always aligned with what necessarily a person agrees happened or maybe an incident offense polygraph would support.

And I also have concerns about including the personal responsibility at all, because I think this leaves out perhaps people that sometimes in the judicial system, people admit to things they didn't do. I don't think it's maybe as common as we, you know, I don't think that the commonality is important, but I think sometimes people to admit to something that perhaps they didn't do because of the pressures of their facing the rest of their life in prison. And this essentially is saying that like if someone is, you know, paraplegic in a hospital bed and can't move and can't essentially create what, you know, regardless of whether or not we think they actually committed the offense, maybe they passed an incident offense polygraph in the past.

but maybe this person like essentially cannot offend again. This would leave it so that that person couldn't get off probation because they're not able to take a high level of personal responsibility for the offense. So that's just another concern I had. I think it's like a separate from, I understand why in terms of the SOTIPS.

there. My other concern was item number 10 and including the risk relevant admissions. I think it would be very helpful when we're providing a document like this to the courts to follow. I agree that that language probably makes more sense than major admissions or multiple admissions.

But I think defining maybe from a treatment perspective what a risk relevant admission would be, because I think different POs would potentially interpret it differently because a lot of probation officers aren't sent to the ATSA or aren't trained on what risk relevant admission might be, as well as educating the courts of what risk relevant.

admission maybe to make sure that we're not having essentially resources that could be better focused on supervising someone else that is a higher risk because of someone making admissions that a treatment provider would say are not risk relevant admissions.

Well, yeah, I suppose to just, I guess, respond briefly to #7, I think, and you know, perhaps different wording is more clear, but essentially a high level of personal responsibility or the difference between this and sort of denial is that, as you're saying, the person doesn't really necessarily need to admit to all of the things to which they were accused of, which leaves room for someone to be able to say, like, like, okay, well, they said I did it 12 times, but, you know, it was only two and we can, you know, leave that where it is. But what's important, according to this research, is that the person says, of what did happen, whatever did happen, you know, it's, I'm responsible. It wasn't because of something else. And so I think even if someone say who's like,

paraplegic, I mean, this is more sort of verbal in terms of their attitude about how they're approaching it and approaching treatment is kind of the intent behind that one.

And then in terms of the number 10, that was wording submitted by our polygraph member on the adult subcommittee. So we did not provide examples for what risk relevant admissions were. I think his suggestion was that major admissions or multiple admissions was also that that was at least sort of a bit more clear or concise than major admissions. But I'm welcome, you know, anyone on the adult subcommittee that wants to clarify that further, please do.

Dr. Blades, if I can jump in. So, one, I just want to kind of remind everybody, these are guidelines. They're not a statute. It's not 100% in stone. So, yes, there's going to be outliers. We discussed that in our subcommittee meeting, as there's going to be outliers for each.

category of and topics that we go through, but this is for the vast majority. If there are questions from a probation officer, they have a supervisor. The supervisor should have some relevant training. It also is going to come through in any kind of treatment reports and the treatment

Reports and stuff like that is going to demonstrate the amount of responsibility.

Oh, sorry, Blake Barney. I apologize. So there's that aspect. And then the number 10 with the polygraph, I think it's because

the major admissions, they could be something that is considered major by probation, but not risk relevant. So the reason he wanted it to be risk relevant is because that speaks specifically to their risk of either re-offending or, you know, potential re-offense behavior instead of, you know, I walked my dog through a park, because that could be considered a major admission, but it has absolutely nothing to do with their risk. So to me, that was my understanding of why he wanted to change the wording from major admissions or multiple admissions to risk relevant admissions, because from a polygraphy standpoint, he sees that as The most.. proper way to address that issue. And again, guidelines, not a statute.

Jim, did you have your hand up?

JH Jim Hanratty (SUP) 43:04

Yes, yes, Jim Hanratty, the polygraph examiner. I did. Just for clarity's sake, I did put the risk relevant.

terminology in there for admissions because the other admissions would not necessarily warrant a risk value. And risk relevant is based on the Thornton study. And we provided that information. That will be more clarified and some education can be provided. But I think if it's risk relevant admissions that would be considered risky behavior based from a treatment perspective, treatment provider and good judgment, professional judgment that behaviors, certain behaviors are far more risky than admissions that we might get, garden variety admissions that are fairly common in a polygraph that are part of clarifying A person's behavior. What part of that behavior is more risky than

JH Jim Hanratty (SUP) 44:08

than not. Hopefully that provided a little bit more clarity, but it seems more pertinent to have risk relevant admissions be categorized there as opposed to any and all admissions because we typically get admissions. So that would suggest that if you get 2 admissions about non-risky behavior that somehow is going to preclude somebody from moving forward and I

I don't think that's warranted.

That's all I have. Thank you.

Jim, thank you for that. And I would agree. I think my proposal would be to create a, well, two things that I want to touch on. So when I said earlier that we had to figure out the best way to do some of this moving forward. So yesterday I turned in a document that I'd been working on to have the adult subcommittee work on. It's 19 pages and it has to do with adult supervision stuff. So those standards, I'm hoping the adult subcommittee can look at, review, and then get to the big board next, hopefully next month. I'm also going to be working on a document for committees to be reviewing what to do with clients in denial, right? And then there's different levels of denial. So that might address some of those things. But I do think it would be helpful, because I think far too

often when even I'm reviewing court reports and probably, Katie, to your point, officers, which is also my third issue that I have on my to-do list, is training. So right now, the lack of training that officers are receiving is leading and contributing to the errors and issues that the court is then getting. And so I do support perhaps next, like I'd like to go over and vote on this document today and then add next month a definition for risk about relevant admissions because I think it's important to highlight what that means. So just because someone makes an admission in a polygraph,

with the lack of education that officers are receiving today, they think that everything, it means you're going to refund, whereas they're not understanding the risk to that individual person in front of them. And so I think that my proposal, I do support the language in seven. I think that

you're not really going to get through sex offender treatment, you know, if you're not demonstrating. And that's a whole other conversation, right, for another day that when someone does come to treatment in denial, how far are they in denial? Is it workable? Why? What are those reasons? Which is something I think we can tackle. in a section of its own. So I do like the proposed language there. And, but I don't think I've ever seen anybody really making it through any sort of treatment without demonstrating like personal responsibility for their choices. So, and then 10, I will like, I think

Someone may be Jim or I think we can come up with a short risk relevant admissions definition that then will allow whether it's a judge reviewing this attorneys probation

to even probation officers what that means. Those are my proposals. If that's does anybody have any other comments or thoughts on?

JH **Jim Hanratty (SUP)** 47:21

This is Jim Hanratty, polygraph examiner. I totally agree with what you said, and we can come up with those operationally defined risk relevant admissions or behaviors based on not only terms and conditions of probation, but also on the study, the Thornton study that I was referring to. And I have a 20

Yeah.

JH **Jim Hanratty (SUP)** 47:41

20 page slide review that I'd be willing to present that at the next adult subcommittee.

Did he say 20? Did you say 20 pages?

JH **Jim Hanratty (SUP)** 47:53

Well, it's 20 slides, so...

20 slides, okay.

JH **Jim Hanratty (SUP)** 47:56

uh, I can, I can, I can bring that down to about 5 if you really want to, but...

Thank you, Jim. Yeah.

Sure. That'd be great. The Cliff Notes version. Just kidding. Thank you. So yeah.

JH **Jim Hanratty (SUP)** 48:06

You, you got it.

But we can definitely operationally define those for sure. It's not just a catchy phrase. It's actually based on a study and it's actually based on dynamic risk and not just assumed risk.

Yeah.

That'd be great. Thank you, Jim. That'd be great.

JH **Jim Hanratty (SUP)** 48:21

You bet.

Scott Naegle. Jim, I think it would be helpful if you could tell people who Doctor Thornton is and what Doctor Thornton's study was, and perhaps make it clear to everybody listening to this discussion right now who that is and why what he has to say matters and is important. Because I'm confident that not everybody knows who David Thornton is, and I'm confident that not everybody knows what David Thornton spent his professional career doing. in researching. And I think that it's really important that when you talk about what he says have been risk relevant, you know, factors, that he's through his own research demonstrated that people kind of have some more context here.

JH **Jim Hanratty (SUP)** 49:19

Jim Hanratty polygraph examiner. I'll be happy to do that at the place and time when I'm prepared to put those slides together and present that.

Thank you. Shanda, did you have your hand up?

BS **Breed, Shanda** 49:35

Yes, thank you. When it comes, I'm not part of the adult subcommittee, but I did attend this last meeting partially for this section of the early termination considerations. And they're all correct. There was a lot of conversation around all of this.

I just want to make sure that this is...

truly a guide. You know, I was explaining last time that working in the courts and over the probation department, we have some influence on, you know, this guide maybe being tied to the self-help areas in the courtrooms in the counties.

Yeah.



Breed, Shanda 50:22

You know, there's a form already for...

a petition, right? And that petition can be blank, whatever it is you fill out. And within that petition, it's early termination is one of the options, right? And this could be if you, you know, are filing a petition for early termination for sex offenders, here's a guideline of considerations that may be contained in the petition for early termination. And this guideline can be for, you know, judges if they want to have it on the bench while they're reviewing it, or prosecutors or probation departments when they're filing a petition for early termination,

or probationers, right, or their attorneys, they can see this as well as a guide for maybe what the court will be considering. So I do think it should be, I understand we have a job to do. I understand that we want to make recommendations. I understand that we are looking at the totality

sex offenses and those who've committed those offenses around all this. And so I just want to make sure that it's generalized. I do think we're tapping into too much of the clinical side when it's pretty evident as you go up and it's number.

Number 7, yeah, it is number, it's the new number 7. That A probationer has completed all the aspects of primary treatment, relapse prevention, maintenance treatment. I think it should be looped in with any polygraphs. That should be one big, okay, this is the treatment side of things.

And then to get into the weeds, you're right. There's going to be a lot of different opinions, a lot of people who may not exactly understand the true definitions of some of these words and some of the high level, you know, clinical modalities that are going into maybe a polygraph or maybe the clinical side.

And so, you know, when you're writing as a probation officer, a petition for early termination, you should be looking at all of these things. And that is also to make sure the clinical provider

which may include the polygrapher, is also in agreement with early termination. But I don't think those details should be.

bled out, if you will. Now, I know that, you know, the number one probably cause for why this was recommended to be guidelines or template is because this has been missed in the past. But I think the guidelines, more generalized, will cover that.

It's not the norm that those things get missed. But I know we're also trying to prevent it. So that's my two cents is to take these two.

BS

Breed, Shanda 53:33

guidelines, if you will. I don't think a template is necessary, but I think the guidelines are. I really, I really like it. I really think there's a need for it. And then we can have some influence in where to put it, whether that be in probation officer training, training for prosecutors, you know, in the hands of judges and information and also in the self-help for probationers and offenders. Thanks.

Thank you, Shanda.

Katie, go ahead.

Okay, Katie Krejci. I wanted to touch on another point and also respond to it. What Mr. Barney said, and that there's a similar version to this in use in Maricopa County already. And I will say, although they are guidelines, they have turned into the minimum criteria. Like these are minimum things.

And I really, I would love the input of the treatment providers, but unfortunately one of the requirements is essentially you have to be out of treatment. And so probation officers are not going back to treatment providers to ask for their input on any of this. And so we're not getting like current, someone could be out of treatment.

Sometimes I'm getting them like 10 years later, no one can find any of the treatment documents. They don't even know. So

what we're dealing with is like lots of time has passed. And I think it was brought up in the public comments about excluding people on lifetime probation. I did make the suggested change to #2. And I just made that in response to the new legislation that was passed that essentially people sentenced after January.

cannot petition for early termination, regardless whether that's lifetime probation or a number of years. And so I just wanted to kind of identify that timeline so that there's not confusion that people who are already on lifetime probation, they still have the, or 20 or 30 years of probation, they already have, they still have the ability to petition for lifetime so that there's not like misinformation in probation or to the courts that no one can petition for early termination.

That's what, yeah, and I appreciate you adding that. I wasn't sure if the public comment was talking about the statute or in here, but yes, it is in statute. So thank

you for adding that in. To your point about the treatment providers in the document that I just provided last night to the subcommittee to review, It talks about a lot more about...

communicating with the treatment providers because the clinical issues should come from the, when I was still with probation, it was recommended they go back for the year, the check-ins once a year. There's a reason for that. My understanding is that Maricopa County is doing away with those, but that can sometimes hurt the then when they're going to file for an ET when we do want that clinical perspective. So I think we can have further discussion on that. And then the training aspect as well for officers, judges, and whatnot. The historical on this with the template is that judges were getting pretty frustrated that every document and memo they were receiving from probation looked different and did not include the same information. And that's why that document was created to help and as a guide, so judges knew what they were to expect from probation and that probation officers, supervisors, people in probation had, it was a uniform, this is what the judge expects you guys to touch on. And The judges were not frustrated as much anymore with the content that they were getting on these cases. Anything else?

Oh, sorry, one more thing, Katie Krejci again. And I didn't mean to make Jim Hanratty have to do a whole presentation. Even if we could just do like a citation to the Thornton study for the risk relevant, I think that would be very helpful for everyone going forward in terms of like, this is risk relevant based on treatment. Same with the, if we are going to include #7, that we kind of have some sort of citation to some of the language in the comment of what it means to be taking a personal responsibility versus the external factors because I could see this being, again, misinterpreted by a PO who's not necessarily, depending on what happens with the other document, not consulting with the treatment provider about whether or not the person is taking. high level of personal responsibility. Jim, was your hand up?

JH **Jim Hanratty (SUP)** 58:16

Yes, Jim Hanratty, polygraph examiner. Just I wanted to clarify, Major Mitchell, that you posted both the Mann, Hanson, Thornton article regarding that relevant risk,

dynamic risk factors based on the study and also the document.
for how each individual polygraph examination caters to or contributes to both
treatment and supervision in the community. Hopefully that will tie in in general
terms of what that with those dynamic risk behaviors, how they tie into the
contributed
contributing into treating and supervising folks while they're under, you know,
probation.

Jenna Mitchell 59:05

Jim, this is Jenna Mitchell, DPS. Yes, we did post those documents that you provided
to the adult subcommittee as background material for the adult subcommittee on
the website. So all board members can find that there.

JH **Jim Hanratty (SUP)** 59:18

Okay, very good. Thank you.

Thanks, Jim.

Can I motion that we adopt the early termination considerations for sex offenders
document as amended?

BS **Breed, Shanda** 59:37

Madam Chair, I have just one more question for the group, if I may. This is Shanda.

Oh, yeah. Yes, Shanda.

BS **Breed, Shanda** 59:43

Thank you. Sorry for interrupting. For #2, I know I did leave the conversation a little
bit early. But for #2, I did recommend that that first sentence be stricken out. So
thank you for that. But for #4, I know we had had a little discussion about

BS **Breed, Shanda** 1:00:07

The probationer has not had a petition to revoke in the past two years. And I had
asked about if there was some validity or research behind that two year mark, you
know, rather not one year or three years or what kind of landed on that two year

mark.

Did the subgroup have maybe some background on that?

We did talk about the two years because it's throughout the document kind of repeatedly. And I wasn't part of the creation of the document, so I couldn't say with certainty exactly where they decided to drive the two years from. What we did have discussion about was the research related to the static 99R and those that kind of decreasing risk of someone's in the community offense free from that score. But I don't have a citation for their for the two years decision that's in the document. That did come from the group when we met with the judges, psychologists, prosecutors, defense, the original group as well that That was what was come up with during that time.

BS Breed, Shanda 1:01:19

And that was like.

And don't take any offenses, that was about 20 years ago, did you say? I forget.

Oh no, this was...

Maybe 6 years ago.

BS Breed, Shanda 1:01:30

Six years ago, do you do you know the two-year stamp on this?

Yeah.

No, but I could go back and look. There were psychologists on that committee that recommended that two year mark.

BS Breed, Shanda 1:01:44

And that would make me feel better if we had some, um...

you know, if there's some researchers that said, you know, two years is a great time frame rather than one year or 18 months or five years or, you know, I just don't want to be writing this and giving guidelines in a bubble. And so that's all.

I just want to make sure that what we're doing is evidence-based and has some research behind it.

Oh. We can certainly go back and look at the research on that number and add a citation if we need be, or change the number depending on what we find.

So you can correct my formatting for this if it's not correct, but I would still put forward a motion that we adopt the early termination considerations for sex offenders document.

and the template for writing sex offender early termination responses and filing as we have them amended and as the discussion we've had given that will provide footnotes and do further research as discussed.

Blake Barney, I second that motion.

Okay, Major Mitchell, can we move to a vote?

Jenna Mitchell

Chairwoman Goulden.

Yes.

Jenna Mitchell

Miss Adkins.

Yes.

Jenna Mitchell

Miss Balson.

JB

Jamie Balson 1:03:15

Yes.

Jenna Mitchell 1:03:17

Mister Barney,

yes,

Jenna Mitchell

Doctor Blades,

yes,

Jenna Mitchell

Miss Breed.

BS Breed, Shanda 1:03:25

Yes.

Jenna Mitchell 1:03:27

Judge Cohen.

SC Suzanne Cohen (SUP) 1:03:28

Yes.

Jenna Mitchell 1:03:30

Detective Cook.

Yes.

Supervisor Fanning.

JF John Fanning 1:03:35

Yes.

Jenna Mitchell 1:03:36

Mr. Galarneau.

Yes.

Major Griego.

Yes.

Mr. Hanratty.

JH Jim Hanratty (SUP) 1:03:41

Yes.

Jenna Mitchell 1:03:42

Doctor Johnson,

Yes,
Mr. Kelroy.

KJ **Kelroy, Joseph** 1:03:48
Yes.

Jenna Mitchell 1:03:49

Miss Krejci.

Yes.

Mr. Naegele.

Yes.

Mr. Neil.

Yes.

Miss Opheim.

Yes.

Mr. Pawlowski.

Yes.

Miss Panas.

Yes.

Representative Powell.

Yes.

Dr Rivera.

Yes.

Judge Young?

Yes.

The motion carries unanimously, Chairwoman.

Thank you, Major Mitchell. Next up on the agenda is discussion or review of future board meeting dates and frequency of meetings. So I'll be working with staff shortly to get all of you meetings for next year. We also want to talk about and check in how this year has been. Obviously a lot of learning.

trying to, you know, figure out what's best, the best use of all of our time, getting documents through subcommittees, bringing it to a larger group. So I'll open up at this time just for feedback, comments as we look to preparing some dates and putting them on the calendar for next year. And of course, the legislature kicks off in January as a reminder for everyone. So thoughts on meeting dates.

Two hours, 3 hours, good. Do we need 8 hour days, quarterly? What do we? No, what are, what are we, what are we thinking? Just...

Any thoughts on that?

This is Katie Krejci. I would suggest perhaps during the legislative session, at least when this, are they called like subcommittees are meeting, where there might be potential bills where we want to weigh in, that we potentially need to meet more frequently for less time.

to respond to any legislative things and give our position and pass our positions on to the legislature.

Everyone's going to hate me for that suggestion.

Would it be, is it helpful though in that, so with what you're saying, so usually say committees might start in early February, go through March. Is it better to maybe put an hour or two on hold if we, even if we have to cancel, that everyone maybe possibly has some blocked out?

but easier to cancel than obviously rearrange schedules. So.

But yeah, committees usually only go through, say, March. Not to say the legislative session, but are you proposing maybe through the legislative sessions that typically end until June?

Yeah, I was thinking when they have the subcommittees, because that's, I think, where the people on the subcommittee most want to know, potentially have our position on legislation that might affect this area of law. Okay. And yes, I think it's

easier to set than cancel.

Put some holds on calendars, and then OK.

Representative Powell,

Thank you, Chairwoman. Thank you, thank you, Katie, for that comment. If I might just kind of explain how that works.

Yes, please. Okay, there we go.

Thank you. She's right, okay, because these bills move pretty fast. And when that committee chair picks his agenda, then he usually has four days before the members of the committee have to respond to his agenda. And they're interested in knowing the position of the various members of the committee in advance of the committee. So we may not be able to, I mean, it may not be feasible for everybody to come together in a meeting, but perhaps we could have some type of notice via e-mail that just says, hey, here are bills that are coming up, and these bills are ones that we might be interested in, and perhaps we could look at them in advance, and then we could share our opinions on them. So, I mean, that might expedite the process a little bit faster.

I think we take position on many of these bills.

Thank you. Asking Major Mitchell and staff question, is it possible to perhaps even if it's a quick hour to do it online, right? We're all popping online. Is that, I just want to check with staff feasibility to do that. If we're adding just hour, like we're all on a Zoom.

Yes. Through Teams.

Okay. Yeah, like it. Okay.

So maybe that's even something that is convenient, where we're just logging in and we're not, you know, in person for those discussions.

Okay, that's helpful. Are there any other thoughts?

Shane Neil. So, I mean, my thought is, as far as in-person meetings, I do not believe we need in-person meetings every month. It's A statewide committee. There's plenty of technology to meet other ways. So as far as face-to-face, maybe quarterly, anything in between or for the purposes of legislation, virtual makes sense to me. You can do that on the fly.

or cancel it on the fly. People don't need to commute to downtown Phoenix for these meetings. So I'm just not a fan of meetings just to meet. It needs to be purposeful. It needs to be focused on what we actually do. It's the sex offender management board. It's not the advocacy board. We do not do that. We can't weigh in on specific cases.

We can't force probation to manage somebody better or supervise somebody better. Let's not waste an overview.

committee that focuses on broad issues and we provide recommendations and guidelines on broad issues based off of our expertise. We are the experts. That's why we're here. So

I don't need to come here face to face to do that every single month. I think we trust the subcommittees, work groups, and people's expertise. If we need recommendations for outside speakers, that's cool. We certainly can get that, but otherwise, I think we should stay focused on

what is in the law as it is and try to be as purposeful as we can so that when we do meet, we can get through stuff and be productive because like if we want to talk about Colorado or other states, they've been doing it for 20, 30 years. So to expect us to be up and at that speed, that's a different, that's a totally different thing. So come legislation time,

We've been in existence long enough, maybe, yeah, maybe, maybe our recommendation will be better valued way better than it was last time. I don't know. But all we can do is make recommendations on what we know and what we're good at. So that's what I know. That's why I was asked to be here because I managed sex offenders for 21 years. So that's what I think we should be doing is meeting when we need to meet

And if we don't need to meet, we don't need to meet, so...

Virtual works just fine for most things. So I don't know what the mandate is by law, but I think we, you know, quarterly would be sufficient for in-person meetings, but that's my thought.

Thank you.

Anybody else?

Katie.

In terms of the, so I think we should meet more often during legislative session. I think otherwise, like monthly, we've seemed to have something to address every month. I think if we don't have things to address, I think one of the months was canceled because I don't think there was anything ready to potentially pass. But I think otherwise, since we're a relatively new board, monthly has seemed like we there's some doc, you know, something to prepare and read, and it's usually substantial to prepare for every meeting. So I find monthly helpful. I would caution us against going completely virtual. I think people have the option to attend virtually if they want to and not be in person all the time. But I know that a lot of the people we, our recommendations potentially impact cannot use the internet. And so I think excluding that population from being able to even and like watch the meetings would not be right. I think, you know, legislatively, if we can only meet virtually, because that's what our recommendations are, and that's, I'd rather us make a recommendation to the legislature and meet virtually. But if we're doing other things about probation policies and things like that, I think we should at least offer it in person. Thank you.

Joe Kelroy, did you have your hand up?

KJ

Kelroy, Joseph 1:12:17

Yes, thank you, Madam Chair. I would support quarterly meetings and place the onus on the work groups, subcommittees to bring material information to the board. I agree with

Um...

a hybrid option where you could be in person or virtual based on your work schedule or demand there. But I've been on, I'm on three boards under the governor's office and all three of them meet quarterly with subcommittees. And there's a great deal of work that's being accomplished under that format and style. So Just throwing that out is my option. Thanks.

Thank you.

Amanda Adkins here. My concern, if we have a quarterly and then we don't mean to have a quorum, then we have six months of no board. I'm okay with the monthly as long as it's a hybrid. Thank you.

Yes, sir.

Just a few things. I do support the monthly meetings for those for the reasons that are said before. And then if

The board or the chair is going to solicit the responses on legislation. Just caution that those responses, sorry, Frank Greigo, thank you for the sign, mam. That those responses only go to you and staff and not share it amongst the board because that would violate the open meetings laws. So if you do want responses back, then make sure that we're not sharing amongst any of the members outside of that.

And then I don't know if this is for staff to research or counsel, but if we go virtual only, is there a requirement in state law that we have an in-person availability for open meeting laws to satisfy those results? Because as was mentioned earlier, there are interested people that are prohibited from using the internet that could be adversely affected by us doing only virtual meetings. And my concern is that part of the constituency of this board would be locked out of attending those open meetings.

That issue of, Victoria Baldner, counsel for the board, that issue came up early because obviously a lot of sex offenders are not allowed to be on the internet. My advice is that it's not an issue.

If you wanted to do only virtual, you're not violating open meeting law.

Thank you.

Okay.

Blake.

Blake Barney. So I agree with Shane on meeting quarterly. One thing that I was kind of thinking is if we need to, if we do the one hour virtual during sessions and stuff to have

small discussions. Obviously, it has to be open to the public, but we don't have to do

a call to the public or anything like that, so it can be specific to the issues that are being addressed. Is that correct?

Forgive me, I was half listening, reading. I heard a number of questions. Can we break those down?

So do we have to have a call to the public on those virtual meetings that are, you know, potentially for an hour to discuss specific issues with, or the board's thought process on some of the legislation that's being discussed.

It's lawful to not have a call to the public as long as it's not on the agenda. So as long as it's taken off the agenda, you don't have to have a call to the public. It's not required by law.

Okay.

Does that make sense?

Yes. Okay. So my suggestion then would be continuing our subcommittees. If needed, we do the virtual.

and then once a quarter we meet in person and it's scheduled for like 5 hours. I know Shane, I don't want to arm wrestle you over this, but if it's a five hour once a quarter, clearly we know we're here to address a lot of topics, three months worth of things from subcommittee. At that point we do a call to the public and if it's you know, an hour of our time, we still have 4 hours to address everything. It doesn't mean we need to take that amount of time, but it's at least scheduled for that so that we can make as much progress as possible every quarter. That's my suggestion.

Jamie, did you have your hand up?

JB **Jamie Balson** 1:17:01

I do. I think this goes along with what the gentleman was just saying, and I'm so sorry, I didn't catch your name. Regarding the kind of legislative session, our meetings that we're talking about possibly scheduling and the call to the public, the public has an opportunity to go to the legislature and speak to them directly. I think that for acknowledging the time that this volunteer board takes away from their regular work, I think it would be reasonable to not have a call to the public on

those meetings, because they have an avenue to get their feelings and thoughts across directly to the legislature. So I don't have a position on monthly or quarterly, whatever.

you need me here for, I'll do my best to be. But regarding the specific legislative session meetings, I would ask that we don't do the call to the public just to value the time of the volunteers. I know that's an extremely busy time for my office, and it will be difficult for me to make time to pop on different meetings and calls.

So I would greatly appreciate if we can maximize the time we have to have our discussions, get the meetings done, and put our recommendations together.

Thank you, Jamie.

This is Katie Krejci. Maybe we do another option would be like bi-monthly meetings so it's not monthly.

And see, because I think this year we tried monthly and maybe we lessen the number of meetings, maybe not go all the way to quarterly, because I do think Amanda has a point of if in case we don't have ever have a quorum, then we have generally six months. Yeah. Thank you.

Okay. Oh, did you?

My concern with quarterly would be that because we're at an early stage and we're reviewing and adopting some of these documents, that if we present them from the subcommittee at the larger board meeting and then changes need to go back to the subcommittee, we're not seeing that document again for several months. And then assuming it's fine at the next meeting, I just would be concerned that it would slow down the process of getting the larger board's approval.

Okay. Thank you. This gives us a good idea, I think, to talk about, so thank you.

Oh, see, thank you.

All right, discussion regarding call to the public, written public comment, content, format, and length. I will open up the floor for comments, discussion on this topic. We discussed last year starting with three minutes. We also talked about looking and just see if that time was sufficient.

doing other things. Does anybody have comments on how it's going, what we want

to see, moving forward, making the most of our time? Any comments on that?

So I think if I remember...

Amanda Adkins. If I remember the discussion was that there's a three minute period to present, but then there's also then, you know, they could be 400 pages submitted. And so that doesn't really match like the time limit versus like the written. So people were giving us a lot of written information that maybe not all the volunteers had that much time.

to read ahead of time, to really be prepared. So I'm open for discussion on if there's going to be a page limit or a number of documents limit. I definitely don't want to silence the public. That's not the purpose. But also to just be mindful of the volunteer time.

Please.

Frank Greigo. And admitting this is not scholarly research for the researchers in the room, but just looking it up online at average speaking for three minutes is about 350 to 400 words. And if they speak very fast, it's about 500. So

If we want to match the three minutes as you're talking about, as was discussed at the last meeting, max 500 word limit on public comment, in my opinion, seems reasonable to match the three minutes that we give the people who show up in person.

Again, not scholarly research, just.

Shane,

Shane, Neil. I think the opposite actually, as always, it sounds like, but...

I think the public comment should be provided in writing, if, if, if recommendations. want to be taken seriously with, you know, whether it be recommendations for speakers or research or whatever, it's a lot easier to get it in writing and look at it on paper to me than to just hear it verbally. And people are trying to speak as fast as they can to try to get it in. So I think submit as much as you want. If you want to submit 100 pages, just submit it, get it out there, and and people can read it when they get a chance instead of being that the time we meet is valuable, consuming that time with public comment when it can just be submitted at the public's leisure. We can read it at our leisure before we get the

meeting. And then everything's down there in writing. So I think it actually should just be in writing, whatever people want to submit.

Jenna Mitchell with DPS, just from a procedural standpoint, when we stood up the website and allowed for written public comment, our IT strongly recommended that we not limit characters or words to public written comment because of the fact that they've had other experiences with doing that and people just submit multiple emails with multiple, you know, pages going on. So they would, instead of 1 submission with 5,000 words, they might submit 10 submissions. So there's a way to defeat the limitations that would be placed on it. And we have seen that even with our written public comment form does not allow for the public to upload documents. And so the public does often e-mail us additional pages or documents that are too large for them to submit. And you've seen that in the written public comments that you've received. So just some procedural information as you're having this discussion. Thank you.

Thank you. Jamie, did you have your hand up?

JB **Jamie Balson** 1:23:28

Yes, Jamie Balson. Shane, I support what you said. You're not on your own. I do value maximizing the time of this volunteer board and being able to read it and digest it is, for me, way more valuable than hearing it and then kind of being expected to formulate my thoughts right there on the spot without having time to thoughtfully consider.

So I support that and I would support a motion to move to written only. Regarding what Major Mitchell said, I think if we are very clear that multiple submissions will not be accepted and will not be considered or distributed to the board, I think as long as we're setting the expectation of what we accept, and what we will review and what we can do within the time frames that everyone has available. I think that's fair. And then if a person submits 5 submissions, only the first one gets considered. Brevity is important. We are expected to come here with our clear thoughts and ideas. And I think holding the public to that is fine as well.

Thank you, Jamie. Representative Powell.

Representative Powell, thank you, Madam Chair.

Is it possible if we were to extend the public comment to 5 minutes, would it be possible to allow us as members of the board to actually ask questions? Because I think often as we go forward and as we begin to discuss bills and other things that are going to be important,

I think it's important to have feedback from the public, and when they stand to address things that we're actually doing, it would be nice to have some engagement. So is there some possibility that we could do that?

Certainly.

Thank you, Representative Powell, for your question. The one thing I need to drive home is that the board is not allowed to discuss anything that is not on the agenda. So...

Your answer is maybe. Okay. It depends on whether a member of the public gets up and wants to talk about something on the agenda.

There were three criteria. Could you review those criteria one more time for us?

With regard to what?

Our response, our ability to, there were three, at the very first of this meeting, you mentioned three different things.

The issue is the word reply or engage with the public. You are free to say thank you for your comment.

That's engaging.

So if it's on the agenda. The subject. The subject is on the agenda, and they're talking to us, and they're coming and talking to us about something on the agenda. We have the right to ask questions.

Well, I don't know that it's a right.

We have the opportunity then to ask a question.

Sure.

And the board needs to decide whether that's the best use of their time.

So it's my suggestion that we extend it to 5 minutes. I think sometimes 3 minutes actually is too brief for us to actually have the opportunity to really understand the difficulty or the issue that they're addressing. But I think there's value and great benefit in having time to us, if it's on the agenda, to have a discussion or ask questions. Thank you.

This is Katie Krejci. So kind of bouncing off of Representative Powell's idea, would it be possible to do like, like right now we do a general call to the public at the beginning. And so the public's kind of talking to us about general issues, whether or not they're necessarily on the agenda and we can discuss or engage with them or they're, you know, relevant to what we're discussing today. But would it be possible like similar maybe how to like the legislative subcommittees work where if there's like a certain topic, like, okay, now we're going to discuss this and people have signed up to talk about a specific issue. And then we're getting more like relevant public comments to the specific things on the board. I'm concerned and I'm generally just concerned about, so I do appreciate the written comments as well. So I echo those comments as well, because I think having that information in advance or in writing or specific names and stuff like that is helpful to have. But I think excluding in-person comments as well, we potentially exclude a population that we're making decisions about because of the internet usage again.

So would it be possible to like restructure? Is that even a possibility or not really because of how we don't know exactly what someone's going to be talking about?

I think if I, well, first I want to.

Jamie, I need to make sure, did you make a motion or did you, I need, did she say a motion or no? I just want to make sure. Okay.

JB

Jamie Balson 1:28:24

I did not. I, Jamie Balson, I was supporting Shane and said I would support a motion, but I didn't believe the discussion was completed, so I did not.

Okay, I just...

I just, okay, I want to make sure. Thank you. I do have concern about everyone's time on this board. I would not support, it's not my opinion, or it's my opinion that I would not favor lengthening at this time public comment.

JB

Jamie Balson 1:28:35

I appreciate it.

I'm also concerned about opening the floodgates of...

I am very well aware of the mess of the system that we have here in Arizona. And we are not, I do not think that we have the time to vet every single situation that comes in here. Nor is I don't think it's like our place to do that.

we hear a lot of things that are not within the scope of like our, I guess, duties. And I am also concerned about getting through really important things that we need to do. So

I could see a line out the door with people, like, go talk to the board about what your probation officer did or said or treatment provider. And I think that that could become a like a

It's a very slippery slope, and I would not support that at this time. But did anybody else have anything?

To add?

I would, I would, I suppose, echo that in a way and just to say that on the adult subcommittee at least, and I think on the larger board, we've been doing our very best to stick to what has been given to us in the statute in terms of our responsibilities. And it is an enormous amount of work and a number of tasks and we're doing our best to stay on top of it. And my concern would be if we engage with or respond to or extend the time for issues that are potentially outside of what's agendized or what's in statute for us to accomplish, that that might take us off track and we're already sort of doing our best to stay on top of it, spending quite a bit of time at the subcommittee level to put forth these documents and things as it is.

I do also want to add that I do like written public comments because I can read it at

my leisure and I do think we need to hear what's going on in the system. So I do not want to, I don't want to take away from, many of us do though still hear every day what's going on. So I do think that writing that down and sending that in is important for us to be aware of.

But I do want to be cautious about everyone's time. And there are boards across the country that have a lot of staff that look into these issues. We are not set up that way at this time to, we don't have the ability and staff doesn't have they're not tasked with doing that and they don't have the time or resources to do that. So.

Shane Neil, and I would add, as I said before, the scope of this board is not case specific. So I'm definitely not arguing that there are not cases being mishandled. by probation, parole, whoever, tons of people. But...

We can't, we don't have control over that. There are avenues, there's channels to speak to their supervisor, their director, their chief, the judge, run it through their defense attorney. I mean, there's plenty, talk to the representative. There's a lot of different avenues for people to be heard, but we don't have control over how probation handles a specific case. Are they handling it correctly? I have no idea, but that's why we're trying to create general guidelines to improve that process and provide training opportunities for officers. So hopefully they can be better trained to make these decisions and properly supervise people with best practices.

But as far as just sitting here and listening to somebody talk and to say, yes, you're being wronged or no, you aren't, I'm not a judge. That's not my role. My role is just to provide my expertise. So I think, again, I would say in writing is the best way to get me and everybody else that information and we can look at it And if there's something we can use, that's great.

Anybody else?

Anything else? Okay.

Shane Neil, so I motion we move to just written comment.

JB

Jamie Balson 1:33:22

Jamie Balson and I second it.

So there's a motion at this time and a second to move right now to written comments from the public.

Only.

Okay, is that right? Okay.

Did you meet only at this time? Is that correct? Okay.

Major Mitchell, did you want to do a roll call? Yes, please.

Chairwoman Goulden.

Yes.

JB

Jamie Balson 1:33:52

Pardon me, I think you have a hand up. I don't know if it's too late or not.

Jenna Mitchell 1:33:55

Ohh.

Jim, is it?

who's? Yeah, it's Jim.

JH

Jim Hanratty (SUP) 1:34:00

Yes, Jim Hanratty, polygraph examiner. Is this motion to suggest that only the written comments are the only voice the public has?

Yes,

yes, that's my motion.

JH

Jim Hanratty (SUP) 1:34:15

Okay, thank you.

Jenna Mitchell 1:34:19

Yes, resuming the vote. Yes. OK,

Miss Adkins.

No.

Jenna Mitchell

Ms. Balson.

JB **Jamie Balson** 1:34:25

Yes.

Jenna Mitchell 1:34:27

Mr. Barney.

Yes.

Doctor Blades.

No.

Miss Breed.

BS **Breed, Shanda** 1:34:36

Oppose, no.

Jenna Mitchell 1:34:39

Judge Cohen.

SC **Suzanne Cohen (SUP)** 1:34:41

No.

Jenna Mitchell 1:34:44

Detective Cook?

Yes.

Supervisor Fanning.

JF **John Fanning** 1:34:49

No.

Jenna Mitchell 1:34:51

Mr. Galarneau.

No.

Major Greigo.

No.

Mr. Hanratty.

 **Jim Hanratty (SUP)** 1:34:58
I oppose no.

Jenna Mitchell 1:35:01

Doctor Johnson,

no,

Mister Kelroy.

No.

Miss Krejci,

no.

Mr. Naegele.

No.

Mr. Neil.

Yep,

Miss. Opheim

No,

Mr. Pawlowski.

No.

Miss Panas. No.

Representative Powell. No.

Doctor Rivera. No.

Judge Young. No.

The noes, 5, yeses, 18. The motion does not carry.

Thank you, Mayor Mitchell.

So Madam Chair. Yes. Thank you. May I, may I, you asked that there were additional comments. Yes. There were, there were. I was just slow in responding. Oh, go ahead. May I suggest?

Look, I've been doing this for a number of years, and I've heard people at 3 minutes. Three minutes, they seem to be cut off. So again, if we want to limit the time, perhaps we limit the number, perhaps we limit the time, the gross time, the total amount of time to 30 minutes. But we give everybody 5 minutes. I really believe that if there's this

We want the public to communicate to us what they're experiencing. We need feedback from the public. That's who we're trying to serve.

So it's appropriate that they have adequate time to communicate to us. I think it's appropriate that we have time to ask one or two questions just so we can have clarity. I'd like to see 5 minutes for public expression with questions and then limit to five people.

or six people, so there's just 1/2 an hour. If we're going to meet every other month, if we're going to meet for three hours or whatever, half an hour of that meeting is appropriately given to the public. I think that's, I think that's a great value. Thank you.

Shanda, did you have your hand up?

BS Breed, Shanda 1:37:17

Could we, I was going to maybe make another motion.

Okay, before that, is there any other discussion before or? Just a quick question.

Would we be able to, what Representative Powell said, like to have a time limit on the total number? I see the attorney shaking her head. Okay.

No, that would violate open meeting.

Dr. Rivera, just for clarification, could we possibly extend the time for people who are speaking on matters that are on the agenda? And then for matters that are not on the agenda, just keep it up to three.

Can you repeat that just so I can?

So for matters that are on the agenda and people are speaking, they would get 5 minutes and then for others who are calling to the public would just be the three minutes.

If that's what the board votes to do, then sure, that's lawful. Jim, and then I'll go back to Shanda again.

JH Jim Hanratty (SUP) 1:38:41

Jim Hanratty polygraph examiner. I for one have.

a sense of accountability when I hear the three minutes that those folks have voiced their concerns. Whether I agree with them or not is irrelevant, but it has made an impact on me to be accountable for not just the folks that we provide these guidelines for that are going to be in community supervision, but also the public at large. And

Yeah.

JH Jim Hanratty (SUP) 1:39:09

and all those victims that we'd never hear from. So I don't think it's broke. I like the three minutes. I think it's powerful. I think you can do a lot in 3 minutes. You can move me in 3 minutes. You can change my mind in 3 minutes. You can make a lasting impact for me and what I do in 3 minutes. I'm not sure 5 minutes, is going to make it any more, but provide
Maybe.

Uh...

just more time. It's going to just take more time. I like the three minutes. I think it's powerful. And I think we should just keep it the way it is. That's all I have.

Shanda.

BS Breed, Shanda 1:39:58

Thank you. Some discussion before I make a motion. I agree. I do like the comments from around the room, but I think we need to come to an agreement. I do like the three minutes as well. You know, I do want the public to know that we take everything, all their comments into consideration while we make decisions. I mean, they are definitely impactful. I think it's really important that

we listen and hear from the public as we move forward to, you know, make recommendations for policy. So I think that we should keep the three-minute time frame in.

BS Breed, Shanda 1:40:37

I think we should push them. It'll only be allowed though every quarter and written public comment. I do like Shane's idea about, you know, letting someone share as much as they can. But if we do leave the three minute, I think that maybe cutting it to a five-page limit is probably enough for a comment on that thought process for something on the agenda for that time. So I'd like to make a motion to keep the three-minute time frame for public comment, but only allow for public comment, you know, verbally, quarterly. and then to allow for written public comment quarterly with a cutoff page of five pages. Thank you.

Do I hear a second?

Do I have a?

JB Jamie Balson 1:41:40

Can I request clarification on the motion, please, Jamie Balson?

Yes, please, Jamie. 1:41:43

JB Jamie Balson 1:41:44

Shanda, is it your intention that those would both be at the same quarterly meeting or at different quarterly meetings? Or you're just leaving that open?

BS Breed, Shanda 1:41:56

Same thing being a three-minute, and they can also provide a public written comment at the same time.

JB Jamie Balson 1:42:02

Right, the speaking and the written are, yes.

BS Breed, Shanda 1:42:06

I think I think they could do both, or one or the other.

So if they wanted to have a public comment for three minutes, but they wanted to follow up with a five-page, you know, to share their whole thought comment, I think that's okay. I think it can be both or one or the other.

JB Jamie Balson 1:42:32

I guess what I'm asking is, if we're considering that quarterly, we need to determine, okay, at the spring meeting, we're having speakers, and then in the summer meeting, we're having written comments. If the speakers in the spring can also file written comments,

I guess maybe I'm just not following your thought process.

BS Breed, Shanda 1:42:55

Well, how is it now? Isn't it that someone can make a public comment, but they can also file a written comment? Same, same time.

And so to clarify, anybody can file written comments at any time.

BS Breed, Shanda 1:43:13

Yeah, I would have that part then be the same.

That they could.

have a public verbal comment, and they could also have a written public comment at the same meeting, but it would be quarterly only. Does that clarify?

So I think if I'm understanding correctly, should it may be cleaner if you wanted to do a motion to do quarterly public comments in person, but really written public comments would be the same because anyone can write it at any time.
Right.

BS Breed, Shanda 1:43:53

So do I need to cancel that motion? Or does someone want to clarify or?

Do you want to amend it, Shanda?

BS Breed, Shanda 1:44:07

Okay, I move to amend.

That motion, and...

have it state that the public comment period should stay the same for verbal public comment of three minutes.

but that it should only occur quarterly.

Okay, do I have a second to Shanda's motion?

Shane Neil, second.

Thank you. Major Mitchell, will you do a roll call vote?

Chairman Goulden, no.

Miss Adkins,

no.

Miss Balson.

JB

Jamie Balson 1:44:57

Yes.

Jenna Mitchell 1:44:59

Mister Barney.

No.

Doctor Blades,

no

Miss Breed.

BS

Breed, Shanda 1:45:08

Yes.

Jenna Mitchell 1:45:10

Judge Cohen.

SC

Suzanne Cohen (SUP) 1:45:11

No.

Jenna Mitchell 1:45:13

Detective Cook?

Yes.

Supervisor Fanning.

JF

John Fanning 1:45:18

No.

Jenna Mitchell 1:45:20

Mr. Galarneau?

No.

Major Griego. No.

Mr. Hanratty.

JH

Jim Hanratty (SUP) 1:45:27

No.

Jenna Mitchell 1:45:28

Doctor Johnson.

No.

Mr. Kelroy.

KJ

Kelroy, Joseph 1:45:33

Yes.

Jenna Mitchell 1:45:35

Ms. Krejci.

No.

Mr. Naegele.

No.

Mister Neil.

Yes.

Miss Opheim.

No.

Mr. Pawlowski.

No.

Miss Panas.

No.

Representative Powell.

No.

Doctor Rivera,

No.

Judge Young,

No.

Motion is not carried. Five nos, 18 yes. Thank you.

Madam Chair. Yes, please.

Just for clarification purposes, if someone were to come and address the committee on an issue that's on the agenda,

What does the what does the rules of the committee allow? Can they continue to address that until satisfaction, or is there some limit on that already?

Do you mean address in what manner? Do you mean someone were to speak to us on the podium over here on an item on the agenda?

Is there already an existing limit of time?

Three minutes.

OK, so may I make a motion then?

I move that we accept the suggestion that 3 minutes be retained for something that's not on the agenda and 5 minutes be granted for something, some for someone who wants to discuss something on the agenda.

And that that happened at every meeting that we hold, whether we hold it monthly or bi-monthly or quarterly, that we do that at every meeting.

Mister Hanratty, do you have your hand up?

JH **Jim Hanratty (SUP)** 1:47:22

Yes, my audio bugged out. Could you repeat the votes and what happened, please?

Jenna Mitchell 1:47:29

The motion failed, I think, 5 to 18, did you say, Major Mitchell?
Yes. Five to 18, the motion failed.

JH **Jim Hanratty (SUP)** 1:47:35

Thank you.

So, Representative Powell, oh, go ahead.

I'll second the motion.

Okay, you're seconding Representative Powell's motion.

Sorry, Frank Greigo, I'm seconding Representative Powell's motion. Okay,
Representative Powell for the room, could you repeat that so everybody?

Thank you, Madam Chair. I move that we retain the three-minute public
communication as is, but allow an extension to 5 minutes for anyone who wants to
address an issue on the agenda.

Major Mitchell, would you roll call on that?

Chairman Goulden. No.

Miss Adkins.

No.

Miss Balson.

JB **Jamie Balson** 1:48:20

No.

Jenna Mitchell 1:48:21

Mr. Barney.

No.

Doctor Blades.

No.

Miss Breed.

BS **Breed, Shanda** 1:48:28

No.

Jenna Mitchell 1:48:29

Judge Cohen.

SC Suzanne Cohen (SUP) 1:48:31

No.

Jenna Mitchell 1:48:32

Detective Cook?

No.

Supervisor Fanning?

JF John Fanning 1:48:36

No.

Jenna Mitchell 1:48:39

Mister Galarneau,

yes.

Major Griego.

Yes,

Mr. Hanratty.

JH Jim Hanratty (SUP) 1:48:49

No.

Jenna Mitchell 1:48:52

Doctor Johnson,

Yes.

Mister Kelroy.

KJ Kelroy, Joseph 1:48:58

No.

Jenna Mitchell 1:48:59

Miss Krejci,

yes.

Mister Naegele.

Yes.

Mister Neil.

No.

Miss Opheim.

No.

Mister Pawlowski.

No.

Miss Panas.

Yes.

Representative Powell.

Yes.

Dr. Rivera.

Yes.

Judge, Young,

no.

Madam Chair, the motion fails. 8 nos, 15, yeah.

I'm sorry, I wrote that down wrong.

I said it wrong. Yeah. The motion fails. 15 nos, 8 yes. Okay. Sorry. Thank you.

Yes, Blake.

Blake, Barney. Just for clarification, do we have the call to the public submit their comments in writing prior to their...

No, providing it to us in person. Yeah, go ahead, please.

The current process allows for the public to provide verbal comments to you in person or virtually. And in addition, it allows for written comments either before or they can give them to us at the meeting. If they give them to us at the meeting or after our deadline on Fridays, we put them on the next month's written public comments.

So they have the option to do both. Does that answer your question?

somewhat. I'm wondering if it would be possible to kind of address Representative Powell's concerns if they're not able to fully finish their presentation in those 3 minutes, if everybody that's called to the public has to provide what they are

speaking to us about.

in writing or even here, you know, when they come in person and I don't have access to a computer or this or that, and you know, provide it to our staff so that we actually have what they presented to us in writing and we can go back and look at it. I don't know if that's something that's a possibility or not. I'm just

Trying to think of a compromise, because clearly we are not agreeing on.

what's going to work best.

From a matter of procedure, the recordings of the meetings are posted, so anyone can go back and listen to those at any time. And additionally, I think you had a second comment in there.

Well, because I'm thinking if they get cut off at the three minutes, but they haven't fully finished their thought, if they do provide to us, because most everybody that comes up to the podium has it written in front of them, if they provide that to us, we have the ability to finish, you know, reading everything that they said. Also with Representative Powell's concerns earlier of we don't have everybody's comments in writing. That would be one way to get it in writing was anything that's presented here or submitted in the call to the public online, we have all of it in writing as a way to go back and reference it, even outside of the recording, because they're not finishing their entire thought. So it's just questions.

It is an option, and we have had some members of the members who, in addition to providing their verbal comment, will give us their statement in writing, and we include that in your packets if they do that.

I don't, we don't demand it at this time.

Is it something that we could require?

No, OK.

No, Blake, I think I understand your question. I see where you're going because it makes a lot of sense. But everybody needs to separate call to the public from written comment. You have to because they're two separate mechanisms for the public to be heard. So I understand your point about

About.

wanting to know what people are going to talk about, we absolutely cannot demand that of them. If they would like to hand in something that says, I mean, we could suggest it, we could say, if you have your comments written out, we would love to

take them so that we can keep, we can keep the record, but I cannot advise the board to demand that because that's not
It's just not a it's not a thing.

OK. Thank you.

You're welcome.

Yes, Frank Griego.

So when this conversation first started early in this board, it was about how to keep presenters respectable, respect the board's time, and now it's morphed into even more than that. From the last few board meetings I've been at, we haven't really had any issues with the public. So

with speaking, maybe we don't want to hear what they said. Maybe some people don't want to hear what's being said or don't like that maybe something they're involved in was directly criticized, right? But I haven't seen any issues, so I'm trying to, racking my brain here, trying to figure out what problem we're trying to solve with all these motions, and I don't know that there is a problem. And then I'll go back on my earlier comment.

my earlier statements of now that we've had some conversation, I no longer support limiting words. I thought it made sense in the moment. It doesn't now. So I changed my mind. But I don't know that what we're doing isn't working. So why are we trying to change something? Like we're trying to address a problem that doesn't exist.

Thank you.

Thank you. Jim, do you have your hand up?

JH **Jim Hanratty (SUP)** 1:54:47

Yes, Jim Hanratty, polygraph examiner. I have to excuse myself, so I just wanted to announce that I will not be available for any more voting at this time for this meeting.

Thank you, Jim.

May I?

Yes,

Scott Naegele.

I think there's one thing that we haven't ultimately sorted through, Frank, with respect to...

How do we, what is the mechanism by which issues that get raised by the public get

revisited, talked about, discussed, sorted through, however we want to characterize those. I don't know that we've sorted that
Piece out relative to this, so, and I think that's intermingled here.

Madam Chair, if I may.

Please.

That was what I was referencing earlier in the meeting. There is an item on the agenda at the end of every agenda. Oh, Anna Young, sorry. The call for future agenda items. If any member of the board hears something during public comment that you want placed on a future agenda, when we get down to item J, you could say,

I would like it included on the next agenda.

what so-and-so said about this, and then we can place it on a future agenda. That's a standing item that's been on every agenda that we've gone on.

I appreciate the clarification for sure.

And in addition to that, if there's someone we feel strongly about that, I'm sorry, Frank Griego.

Maybe in the next six months, I'll get it down. If there's someone that speaks that we feel strongly about, someone on the board can make an agenda item for them to speak further and add more minutes, that five minute, 10 minute, whatever they want, for that person to come back and readdress the board on an agenda item. And then we could have that discussion back and forth.

So that's already, it's already in place. So I don't know. I don't know if there's anything we need to do as far as a motion for any of this, because what we're doing seems to be right.

Jamie, do you have your hand up?

JB **Jamie Balson** 1:56:51

I do. So I just wanted to address the comment that we're trying to tackle a problem that isn't a problem. When people are making comments that are case specific, and this was said by someone earlier, that are specific to their case, but outside what we are chartered with here, it is

JB **Jamie Balson** 1:57:10

is not relevant to what we're deciding. They may be important issues. And I don't think anyone here is trying to dismiss important issues, but they have to be within what we can do as a board. And that is sort of the goal of what I was getting at with supporting the motion, the earlier motion.

So for instance, there were some people even today that were saying statutes and either I don't even remember if it was a Senate bill or a House bill because it went by very fast and I didn't have it in writing. So for things like that, first case specific issues we can't resolve, we can't address. That's not our charter.

JB **Jamie Balson** 1:57:49

But for people who want us to consider something, knowing what the Senate bill is that you're talking about, because I might not have independent recollection of what that bill was, or knowing what the statute that you're referencing is, because again, I don't have independent recall of all the statutes. That's why for me, in writing, it's more meaningful and gives me the ability to understand

what point the person is trying to make. So I just wanted to add some clarification.

It's not that there isn't a problem. I think our time could be better used. The public's time could be better used. And to the point of, and I'm so sorry, I can't see name tags. So the woman who said,

The letter J is we can put that on the agenda. Well, if I have a statement by the public that says House Bill said this, and this statute says this, and they are at odds with each other, and we think that this falls within the charter of this board, then I'm more likely to say we need to put that on the agenda.

But trying to hear a person speaking, process everything they're saying, look up the bill, look up the statute, and then listen to what's happening in the meeting. And by the time we get to J, be prepared to say, I would like this on the agenda. It's difficult. And I think it could be more meaningful. And I know that the motion did not pass. So I'm not going to harp on it, but I just think it could be more meaningful, the time we spend and the comments that we hear. So I do think there is an issue to be worked out. Maybe I wouldn't go far to say so far as to say it's a problem, but I do think it could make us more effective.

Thank you, Jamie. Frank.

Frank Griego , my understanding is that an agenda item can be added to the agenda up to the point that the agenda is published to the public. It doesn't have to be done immediately at the end of the meeting.

That's correct.

Thank you. Yes.

Okay.

Yes, Blake.

Blake Barney. So can we just amend our call to the public explanation and just say if there's further comments that you would like to have or for us to look over this further, we'd encourage you to provide us with a copy of your you know, whatever you're presenting to us today.

Do you mean at the time or submitted afterwards?

So either submit it afterwards or if they did it beforehand, great, because we can't demand that. We could just say, you know, with the whole, you have 3 minutes and everything else, amending it to say, and we would encourage you to provide your presentation in writing so that we can look at it further.

Doesn't mean they have to, but we can encourage it. And then we also have the ability, you know, to add that to our collection, our collection of documents that we have to determine.

Agenda items that may come up that are not put on.

by a board member specifically, but something that is determined that should be an agenda item later on. Again, just suggestions. Yeah, I think, and we can always continue to have this conversation and I would always encourage people to submit things in writing. I think we all

absorb things in different manners. And I think to Jamie's point, I think a lot of that's true. And again, we have to go back to the, of course, the legislation and why we're here. We do not have a mechanism right now to vet cases. If that is something this board wants to consider, that is something that just like we'd have to go back an amendment for legislation. So we can continue to have this conversation with how we want, how best to hear from the public. I always recommend sending things in so we can all look at it at our leisure before a meeting, after a meeting.

So I'm not sure that answers your question, but Katie,

I don't know if you're making a motion, but or if that's just something procedurally we can do that when as part of our, we can just procedurally do it. Just ask for if people are reading something that they can also give us a copy if they would like at the end so we can include it.

Katie, it's Victoria. I broke my own rule and I had a side conversation with Jenna and she handed me the...

the sheet that we have people fill out, we can we can put a nice suggestion. You know, if you have your if you have your comments in writing already, we would be happy to collect them. We'd appreciate something like that. So, yes, it's tweakable. You don't need to vote on it. We can, unless you insist on voting on it.

That's fine. Okay.

Okay. Anything else before we move on? Okay. And if we need to talk more about it next month, somebody add it to the agenda. We'll continue to have this conversation too. Moving on to.

The discussion of feasibility of establishing additional subcommittees. It was asked about the IDD and the sex offender community notification risk assessment. Major Mitchell, maybe you can help me with this. I know we could not necessarily do both at this time and we were leaning toward the sex offender community notification risk assessment. That's constantly the number one thing I hear from law enforcement, the public.

about this risk assessment. So that is the one that we were looking to establish a subcommittee. And if you were interested in being on that, if you could submit your name to Major Mitchell and staff, is that correct? Or do you even?

I think we were going to call it a work group.

Work group.

And we were waiting for the SORNA presentation.

to stand that up and get it going. We do, I think we do have the names of those that were interested. Okay.

So we have one next month. Okay. So we will talk more about that next month when we're going to hopefully hear about more about the SORNA situation.

I have a question related to that, Katie Krejci. So for saying we just don't have the capacity to create both work groups at the same time, is that something where maybe if we have one work group and then we...

we finished the work in that work group related to the risk assessment, we could create the IDD work group at that time.

Yes, but that's not to say that when we are establishing our guidelines or recommendations, we are not going to be including research on that topic. So we're not excluding them. It's just not feasible to do a separate work group at this time, if that makes sense.

Okay. Anybody, any knowing his hands up? Okay.

Mr. Cook.

You're up.

Sex offender registration statute.

OK. Thank you.

I'm pretty sure you guys are probably getting tired of hearing from me. I've put three documents on the table, and I'm just going to go over this quick. I don't think that we're set to decide whether we're in favor of this or not. So I think I'll discuss it with you. You guys can take it, and then back on the agenda next month for a decision on them is what I'm kind of thinking that we're going towards. If you'll look at the documents, this is a modification to an existing statute. And it has to be written within three different statutes in order to be effective. So the Senate Bill 1404, which came about in 2024, said that an offender that comes to do registration at the Sheriff's Office needs to disclose the name of their children and their enrollment status.

Based on that, we were to make notifications to a school according to 3825. Our problem is the definitions or lack thereof that exists within the statute won't allow my position to fulfill this. There's nothing for us to grab on to. There's nothing for us to get our hands around.

And I say that because the definition of custody of a child, custody, legal custody was the right to possess a child, which was way too broad for us doing the registration to handle. We had no means for which to grab on to because you can possess a child at any time. I can take a child from the audience and have the right to possess them. And then it allowed you 72 hours to disclose that custody arrangement or the custody of that child.

So what we're proposing is not to reinvent the wheel. We're just going to kind of

refine and smooth out the ride here. Under 3821 I5, which is the annual disclosure that a sex offender has to come into the office and complete a registration once a year, they come in.

they sit down with us and confirm the information that's disclosed. Section 5, we would change it to where it says the paragraph that's there. And what it's saying is, I don't want to know the names of any children. I want to know the name of the school that you anticipate attendance at, which means

I do have kids, I have grandkids, I have a carpool, whatever the circumstance that takes you to a school on a regular basis, we want the name of that school. And then we as the law enforcement will provide a notification to that school. From then on, you can go to that school however many times you wish to throughout the year with no further disclosures.

nothing else happening because it was disclosed to us at that annual registration.

And what so that's that actually covers two different statutes. 25 is the notification statute. 21 is the registration statute. So you come in to me and say, I have a child, my child goes to such and such school.

Me as the registration office, I'm going to do a notification to that school boom. It's sent out and we modified it to allow that to go under electronic means so that we can e-mail a notification to the school to make it easier because there's going to be a lot of these coming up.

So if you have a grandchild and you decide you want to take your grandchildren to the school, we don't care about the names of the kids. We don't care anything about the children. We just want the name of the school, the school and the address of that school you're going to disclose to us in advance. 3822

discusses what we kind of generically termed non-routine access to a school. This is I intend to go to a school that is not on my registration. I did not disclose that I intend to go to this school. So I'm going here for a play

for my neighbor's kid as a sex offender, I want to go to this school. This statute requires you to go to the school to report to the principal or their designee within the school and make a declaration that you intend to be on that school ground, but you have in your status a sex offender registration.

That notification goes directly from the offender to the school. It removes law enforcement from it, but there is a procedure that the school would already have in advance to account for the safety of the school based on the offender's presence. So this is kind of a three-part modification to statute, which is the yearly disclosure

takes care of anything that you intend to do on a regular basis. Unroutine or non-routine visits would have to be done between the offender and the principal. And then 25 takes a care of the notification process. The notification process is done by the offender under 22 for non-routine by the law enforcement agency of jurisdiction under 21. Did I go through that in a way that everybody understands? Well, the big thing that we're doing is this is already in place.

3825 says that I have to notify the school that the child that's disclosed go to, only I can't compel a person to disclose the child with the way it's defined. It also says the enrollment status of the child that they have to disclose.

The enrollment status doesn't say anything about a school. It says their status. So me as the offender, I can say that my child is enrolled in school and satisfy that statute. But now under 25, I have to somehow pull out of that what school that child that is going to. The statute's not written in a way that we can we can enforce it.

All we're doing is trying to clarify what it is so that we believe we're satisfying what the true nature of that 1404 meant. And in doing so, we're removing the child's name because we don't want to collect children's names that aren't involved in the offense at all. I hope that summarized it quickly. I'm trying to save you guys time.

If you have questions, please let me know.

So Ben, this is your, this is a sheriff's work group and this is folks that do your job across the state from other. Can you explain to the group just so we're clear?

So I have several work groups that I have. I have a sheriff's work group. Sheriff's offices are responsible for the registration. We collect the data. then the data is shared with the agency of jurisdiction. So of the 1000 sex offenders that I have in Pinal County, the sheriff's office is only responsible fully for 400. Six of them, 600 of them will go to a law enforcement agency of jurisdiction. And so that involves the notification process. I'm responsible for the notification of 400. This each city within my county is responsible for the notification for the ones that are inside those cities. So what we're trying to do is make this a little easier. When they come in once a year to see me as the sheriff's office doing the registration, I'm going to collect the name of the school that they anticipate entrance to. I'm going to put that in the registration. The law enforcement agency of jurisdiction will then make the notification. So I've talked with the sheriff's groups, which we meet on a quarterly basis. And then I just recently met with as many city agencies as I could

get involved

to find out their thoughts on this. This is the conclusion. We had several different thoughts on how to do this. This is what we decided as a law enforcement group to come up with. Mainly the 3822 was the one that had the most discussion as to who the offender should be reporting to. And we decided that it was easiest to take as many people out of this scenario as possible and just allow the offender to go directly to the school and make that notification.

Yeah, thank you. I know we briefly talked about also, I think, you know, I brought up and I submitted potentially new, to clarify definitions on addresses to you. Address in this piece of legislation means all locations at which the person receives mail. and that people, for example, in Arizona that have to register, but they have multiple homes are treated as transient. And so I think that part of our initial discussion was how we can separate those out and then also making it potentially possible for electronically being able to register. So the sheriffs or law enforcement agencies are getting this information, whether it's, you know, residential information or Updated employment or vehicle license quickly.

And not having.

Far too many folks I'm aware of have to take time off of work to say go to the Maricopa County Sheriff's Office. They have to drive, for example, Apache Junction to drive an hour and a half to, even if they take the bus longer, they have to wait there for three hours. They have to, and so sometimes people are having to decide between like, am I, I just get a new job, right? I have to take time off work. So how can we obviously get law enforcement the information they need and then make it as, you know, swiftly and as efficiently as possible. So those are also some of the things that, and then I think many counties in the state are doing things differently, law enforcement. So how can we talk about streamlining some of that?

stuff together. So if you're a transient, you do have to go check in every 90 days, which is probably good because it's hard to sometimes find those folks. But if you have multiple residents, how can we address that? So someone who has multiple residents in the state of Arizona or outside doesn't have to go and say take time off of work or whatnot.

like every 90 days to just say, I'm still at the home I'm at, because that's currently what our law.

says they have to do.

So there's a lot of problems on our end as far as the registration. One of the biggest issues is we have jurisdictional attorneys that are having to, they make their own interpretation. So my county attorney looks at the statute the way it's written one way, another county attorney may look at it another way. We just found out that some counties say six days, some counties say three days for the registration because of the way the statute is written and interpretation that's given. So we are trying to put together our sheriff's registration group to try to bring everything together to one format from county to county to make it the same throughout the state as best we can. The problem is, again, we still have to get our attorneys to agree.

No offense to the attorneys in the group, but man, that is tough to do. So yes, there are a lot of statutes that we need to continue to push forward. I've spent probably the last two months working on the ones that I put in front of you.

And Chairman Goulden has sent us more that we're going to start to tear into and I'll try to present those as we go. I'm just getting it to you now, a month in advance, we are looking to push forward on getting this one. I have already meetings set up with more representatives to discuss further and I do look at and hope to get the board's approval on the way that these statutes are written.

Jamie, did you have your hand up? Sorry.

Sorry, Ben.

JB **Jamie Balson** 2:17:49

Yes, but he answered it. Thank you, guys.

Oh, okay, thank you. Can I ask a question?

Yes, please,

Scott. Scott Naegele.

Is there going to be a net increase in schools knowing about parents who are on offender registries as a result of these proposals? Can you answer that question? And then I have a follow-up question to ask about that afterwards.

So what potentially I'll tell you when my procedure in my county, again, this is dealing with the offenders that I'm responsible for. I give a notification to every school in my county. The problem is finding those schools because School districts

are easy to find. It's the, as you go to charter schools and the schools that are just popping up in a person's house and things like this that are getting difficult to find. And so we do our best to make the notification to all of them. By statute, we're supposed to be notifying the schools already.

We just don't have a means to do it because the statute doesn't allow, the way it's written, I can't mandate that they disclose it.

So I think you answered yes, there will be a net increase because the offender is going to have a responsibility themselves to notify key personnel at those schools that they are in fact a registered sex offenders. Did I hear that correctly?

Yes,

so then my next response is, is thinking one step beyond that in terms of...

Have we thought about?

The ripple effect that's going to take place and the responsibilities then that school personnel, some of which you probably already know this, but certainly some are going to learn this as a result of this, they have in terms of safeguarding that information and being mindful of, you know, who gets access to that information and how that plays itself out for individual kids. because it will play itself out for individual kids.

The

The intention of the notification is. It's kind of a...

These ones are already on the state website. So the information is already there. It's A mandate by law to improve the notification process. So this person is already disclosed on the state website. It's just now we have to make a notification to the public, even though they're already disclosed.

publicly on the website, I have to give a paper one to the surrounding community. So it's not that there's more notification, it's that there's more awareness, I guess.

Right, and I guess that's the question I'm asking. I mean, I'm trying to think through to what extent safeguards get put in place to not have kids getting blackballed because now everybody in their school system is aware of the fact that daddy's on the sex offender registration.

So if I understand correctly, the amendments he's proposing takes their names out of the process. So it would be more safety for the children, correct?

I'm talking about, I'm talking about if we don't, if collectively as a community, we don't think through how somebody has conversations with school personnel
About how to handle this information.

it's going to play itself out even though you don't have, the school personnel are going to know who the kids are because they're going to know whose family they're attached to. And if we don't think about forward thinking about how to advise those people about the necessity of controlling that information. Those kids are going to get out at anyhow. Right.

Unfortunately, we're already past that, that thinking through what's going to play out because it's already playing out, is my understanding.

I was going to say pretty much that is that there's already sex offenders that are registering at schools, the schools.

I think we have a school board member who's a member of the board. I'm sure there's already protocols in every school about how this information gets handled and how it's private. The problem now is the kid's name has to be disclosed as part of the registration. This helps resolve that. Everything else is already happening. It's already in place. It's just probably going to be a little bit more because now
If they're going for a football game, they're going to go and say, hey, I'm going to be here. But those protocols are already in place in the schools.

So I guess to Scott's question, is there protocol in place? Like do the schools have protocol since this law has been put in place?

I was, that's one of the things I was looking for is I was looking up different school districts' policies on it, and I know that they're like this, I believe Mesa's policy is They're not allowed on the campus. Now, don't call me on that, but I was trying to read through some of them. There were some school districts that had very restrictive policies on them and others that have policies, but they're kind of vaguely written, but they're addressing it already, how to handle them.

And we did talk to law enforcement agencies about this, and I think it's a little demanding on our part, but I think it's a communication between law enforcement

and the schools as to, and then the schools and their own legal as to how to best approach this. We're not saying that registered sex offenders can't go in the schools. We're just trying to satisfy what the statute is already telling us and clear out some kids names that don't need to be included and then satisfy the statute by making the appropriate notification that we're already mandated to do.

Can I just...

Go ahead.

Dr. Rivera, can I get clarification? So when you notify the school and you tell them who the probationer is, do you also give the name of the kid?

So this is not probationers, this is a registered sex offender.

I gotta remind you, there's only a third of registered offenders that are on probation. Two thirds of them are no longer on probation. This is the notifiable offenders and we do not, right now there's nothing to, as best we can, is nothing to do with kids. The statute, tells us to make a notification to the school. This is under the 3825. It's telling us to make a notification to the school. I believe most of us are making our best effort to leave the kids out of this. So I don't know why it wants us to collect the kids' names in the 1st place.

But I know most law enforcement are trying to leave the kids out. It's up to the school if they want to try to see and connect the dots as to what child's connected. We're trying to leave the kid's name out of it.

Katie Krejci. So I appreciate the intent of some of this legislation. A couple of points that I would just ask you bring back to your committee. One is like, it seems like the intent of this is to notify someone's child's school, but I think there's also going to be a group of people who have to register who attend school themselves. And so They don't necessarily fall in like the subsection 5, but I don't know if that was originally the intent to have that.

They're separate statutes that deal with attending a school yourself. There's a whole another statute that deals with that that's not included in this.

But I think like under the changes of 133822, if it's someone who's going to enter a school institution, they have to go and disclose if they don't otherwise have to. give the notice under 13-38-21 because they don't have a child. So I think it would still require those people to go in and identify to themselves to the school. So one suggestion might be just talking about that this is like a K-12 school or that this is,

right, we're not talking about necessarily grandpa going to someone's college graduation ceremony at ASU and like what's considered a school, right? A master's program, like that's technically a school, so maybe limiting what the school is and even maybe potentially defining child to be whether we want to do like, you know, how long people can be in school till 22 or someone 18 or, you know, 17 or younger being a child, just so we have that further clarification. Because then, yeah, there's lots of other schools beyond the K-12, which I think this is what this is intended to do.

For K-12. So when you're saying is defined, further defined schools, potentially towards the K-12

Okay. Yeah, and potentially even like child, right? Because then you have someone. Like children can be in school when they're 18, children can be in school and they're in like high school. So when they're 19, 20, 21, I think they can go up till 22 in Arizona and they're still in high school. So

Do those people count or those not people not count? We just I just think we need to be clear about if they count or not count.

Tell me again what you're saying. Right. So it talks about that this person, if they expect to enter a school of a child, essentially with the, for the education care.

Let me find where you're at. You're still in 22?

I'm at 3821. Sorry. 21. Okay. Yeah. Under 5.

If the person expects to enter a public and it talks about the different types of school with the, in connection with the education, care, transportation, or extracurricular activities of a child, maybe further defining child, right, to be someone 17 or under, because people could still be at high school for an extracurricular activities at 18, 19, 20, or, you know, if we intend to

to count them, we just need to define that. So you're saying define child? Yes. Okay.

Because it, I'm sorry, Scott Naegele, because a person could have a child who's, a person could have a child who's over the age of 18, but would they still be beholding to meet this requirement? I wouldn't.

I will be.

Do you follow what I'm saying? Their kid themselves might be over the age of 18.

Would it, if we define the school as a K through 12 and just sit for whatever reason and take the child out of it, then it's just entering a K-12

school is, does that satisfy what you guys are thinking? And take the child portion

out of it? Because I don't think the child is the issue, it's the school that we're looking at.

Yes. Okay. Agreed. If they're turning 18, what does it mean anything else for the rest of the kids at the school? Correct. Okay. So a further definition being K-12 school. And then there's further statute that address what's called post-secondary schools being colleges and things like that. If they go to a school, we have a whole other statute that established that takes care of that. Yes, I think it would be helpful to also define school in 13-38-22 as not post-secondary if that's not what we intend. I did my best to try to get the school down and I knew there was going to be. Let me tell you about this, the arguments, we're going to have a report on this. Okay. So basically in all of them, just further clarify that it's a K-12 school that we're dealing with.

Okay, I can do that.

That's not hard. I was expecting worse.

Preschool.

Yes. Student versus child. Thanks. Thanks for that. I think that might, yeah, yeah, preschool through.

Preschool plus K through 12.

So thank you, Ben. Just keep us up to date, and we appreciate your work on that.

Oh, Shanda, did you have your hand up?

BS Breed, Shanda 2:30:19

Thank you, Madam Chair. Could we, for those of us online, we don't have that in front of us, just to see the proposed changes. Could we get that forwarded to us at some later time?

Okay. Yes, so Major Mitchell just received them today, so she said she would forward them on to everyone.

BS Breed, Shanda 2:30:35

Okay, thank you. And just for the group, I really appreciate this conversation as proposed changes, you know, the discussions start to be had with different associations and that sort of thing. I think we'll do better second time around. I think, you know, the first time around, it was all very quick. as legislative proposals came to us with not a lot of time to discuss these changes

and give feedback to the groups that were proposing them. So thanks for bringing this up.

Thank you.

OK. Thank you, Ben. OK.

Brecken, did you want to, I think, yes, your next, the subcommittee report outs and did you want to go over the draft?

Sure. So in terms of the, just our update, we did address earlier the, all the termination and the sort of the sex offender piece that we spoke about last time, the management piece. So

really kind of the only portion left in terms of our update is the document that you have in the background materials. That's a draft of standards and guidelines for the assessment, evaluation, treatment, and behavioral monitoring of adults who have committed sexual offenses. So really, this is just a very, that would be kind of the title of a much larger

document, but this portion is really the beginning piece. That is some standards for the psychosexual evaluations, the purpose, and kind of the scope of them. So it's very brief. It does not address, obviously, the goal, you know, kind of outline of an evaluation, and it doesn't even touch treatment, although it, you know, someday. That's on our list. So I won't read it to you. I suppose it's unhelpful because you have it in front of you. But the first portion refers to kind of the time frame and the placement of the evaluation. We discussed that in the subcommittee. We brought it back here. We received feedback. We had

other people show up to our subcommittee meetings. That was really helpful. And so this is where we landed. That we do already have some statute that addresses, you know, the possibility of a post-conviction but pre-sentence evaluation and that we would support that being done in cases where it's appropriate.

but that we will recommend or require that the board is suggesting that everyone post sentencing is going to be considered for probation undergo an evaluation. And then the next portion is just a general discussion of what we feel is appropriate to the purpose and kind of the scope of the evaluation. So we're open to feedback on this if changes need to be made.

Any questions on the document? Thank you, Brecken, and the committee for putting this together for us. Any questions or feedback? Go ahead, Katie.

Katie , here, all the comments, sorry. Question about the post-sentencing. It says each person who is to be considered for probation, so after someone's sentence will know whether or not they will or will not have probation.

So that's my thought of like, just change the wording. Right. I'm assuming this means like after someone's sentence and they're on probation, they have to do this. Yeah, you're right. Okay. That was my one thing.

I think she's saying this piece where it says, because we wrote in here post-sentencing each convicted adult sex offender has to be considered for probation, but she's saying that doesn't sort of counter to the fact that they're post-sentence, they're not being considered anymore. It's done. So we'll change that to. So I can just strike that or reword it basically so it's more clear.

And then if you want to clarify along with that same portion, is this also so some people are sentenced to prison for whatever amount of years followed by probation. At what point would such an assessment be done? Because also those people are technically sentenced at sentencing to probation. And so did they do the assessment right away or when?

maybe would be also helpful. If there is a, like we talked about, I think in an earlier discussion of like the timeliness, like is it helpful to do it when they're going to prison for 10 years or is it more helpful to do it two years pre-release or is this something that's going to happen on probation? Yeah, to clarify that.

I think part of the reason we landed here on this post-sentencing is because doing it in that other kind of window

know of time made the potential for the being done so early, you know, really high. So I think in my understanding and from the subcommittee and looking at other states that the purpose and you can see it there is to really inform their need for treatment, their risk level. And so it's most relevant to when they're about to be in the community. So it would be post.

some kind of incarceration.

Okay, that's what I assumed, but if we can put it in writing, that would be helpful.

And then sometimes people are evaluated like pre-sentence and they're determined not need to not they don't need treatment for whatever reason or they're not going to be able to participate. They're so low functioning or something's happened or it's been, you know, 20 years since the offense and whatever the assessment is. And so sometimes the court doesn't impose sex offender conditions of probation or sex offender, like an evaluation for treatment at all? I guess, how are we defining sex

offender, which I think we've talked about in other meetings? Is this someone with like sex offender terms of probation? Or because otherwise, is it someone who's maybe getting sentenced for like a drug case, but like 30 years ago when they were 17, they had a...

you know, they engage in sexually abusive behavior and there's been no sexual re-offense, then this also could be interpreted that they've been sentenced now to probation for a drug thing 30 years later. Are they also going to need this evaluation? And so if it's intended to cover them or not intended, I think we just should be clear. We did come up with the definition.

Victoria, you came up. Who came? Can you clarify? Definition.

Oh, we pulled, it was her, but we, I know she requested one. I can't remember if there was somewhere she suggested one. We had a few, there are other states also have definitions of sex offenders as to how they fit that in in terms of their requirements, their guidelines drafts. And so

We have been looking at, I don't have it in front of me.

In terms of, okay, sorry, can you say that again? So you're saying someone who is on probation maybe for a drug offense and doesn't have SO conditions and do they still have to do the evaluation? Is that what you're saying? So yeah, I think there's two situations. So one would be someone who has a sex offense.

you know, 20, 30 years ago, they pick up a new non-sex related offense. I'm just saying drug offense, whatever, for, you know, it could be anything.

Does that, so that person will be post-sentencing and they're put on probation? Are they can, would they have to do this evaluation right? Would they be covered?

Because I think you could read this either way that they would or would not have to. So are you intending to... So one second, we'll clarify, you can have the committee clarify, well definition, right, of sex offender and then...

clarify who this would pertain to, right, as far as... Right, which I think if you define sex offender, that, right, there's other instances where someone, maybe they're being convicted for a sex offense, but the court is not imposing sex offender terms of probation or saying they don't need sex offender treatment because they've already had pre-assessments or sometimes people have done treatment before they even get to.

the time of conviction. And so would this person then need to go through this same assessment if the court never imposed it? So is it like a court designation? Is it

something a treatment provider is defining? You know, hopefully it's not something that just a random PO and not training is defining.

Well, I think if we talk, if we're looking at the purpose, I mean, the whole purpose of doing this evaluation is to help

those who are going to be supervising the person and treating the person determine what type of treatment, what risk level, if they even need treatment. And so I guess in my mind, without, you know, workshopping it with anyone, if that determination has already been made, I don't know for sure that we need to, especially if it's been made by a judge.

you know, I'm not sure that we would override that again. So I'm thinking, so sometimes we've also seen a judge will not give the sex offender conditions, but it's a 108 or sexually motivated or like something, but that's pled down and then, but they order a psychosexual evaluation with their probation says, well, what do you do with this? There's no addendum and then it's the court expecting us to go back. So I wonder if we can define.

sex offenders, so we know who it's pertained to. And then in probably a larger document, address maybe some of those what-ifs, because I think sometimes judges don't necessarily, if they're new or whatnot, don't understand if you're just giving someone two years, well, it might take how long to get this and then what? And it's super expensive, right? So maybe in a larger document, address the, yeah, of some of the cases that we've seen or that come up.

So that makes up a lot with failure to registers, right? Well, if someone FTRs, but they, you know, they put them on lifetime probation. So like I've asked possibly, please don't do that because it could just be they relapsed into substance abuse. They're not offending, but like you're putting them on, you know, lifetime probation. So some of those situations, I think it's an education issue too.

If we did have an evaluation, so sometimes though what happens I would say is that if we did get an evaluation in some of those historical cases, it would give us a better chance to filter out right at the beginning someone that does not need that treatment. Does that make sense? Is that it's not happening in this way currently? But it would give us an opportunity to do that. Yes. I just I just think we should be clear about like who it does or does. So let's define that and then come back and then a larger document or the greater document go into some of the what-ifs and scenarios. Shanda, did you have your hand up?

BS

Breed, Shanda 2:41:05

Yes, thank you. Firstly, thanks to this committee. This was, you know, this was a two-pager and now it's one and I think it's done very well. But I interpret it a little bit differently. And so let me just share with you how I interpret it because it may not be what you're trying to say, but even though I like it, how I interpret it, because, you know, all of my feedback that was given to like the first draft was, wait, how do we know everyone needs a psychosexual evaluation, right?

And how do we determine that? And, you know, isn't there that initial assessment or initial type of an evaluation that's done just like everybody else in life before the psych eval portion? And so, you know, as I read the first paragraph, I really like that you're giving this an order of operation, so to speak, with the initial assessment.

And if there's a pre-sentence psychosexual evaluation needed, it's going to be determined due to the initial assessment information. Okay, love that. And then the second sentence, paragraph, post-sentencing, Um...

I thought that you were saying the same thing there because you did say an evaluation, but in other places you said the PSE. So I was.

I was thinking in my head that you were still going with an initial assessment. for the post-sentencing part, which I think should probably determine if someone needs a psychosexual evaluation or not still.

So just kind of give you my train of thought, I like that it includes the initial assessment in paragraph one. I think that should be broadened to paragraph 2 saying that post-sentencing each convicted adult sex offender who is on placed on probation shall be required to submit

A psychosexual evaluation for treatment if the initial assessment. determines that.

So that's my only feedback there. Thank you.

Frank Griego, I don't know if it's, if I'm reading this wrong or there might be a gap there. If we're capturing post-sentencing someone who is released on parole before starting their probation tail, will this create a gap in this assessment or is the intent, which might be needed to be added in here?

before they're considered for parole as well, because they don't always run

simultaneously, because under parole they're still under DOC, then they go to their probation tail after that. So there could be a there could be a gap in there of years that we're missing with this evaluation. Thank you.

Thank you.

Katie, was that your other concern, too, when you were talking about when to get them done? Or are you talking about, do you know what I'm saying? Yes, I mean, part of it, that's one, that's I, the name that parole is another consequence, but or situation, but also post-sentencing, like we probably don't, this could read us someone could argue that this person needs this evaluation now. On day one, they've been sentenced to 10 years in prison, which I don't think is the intent. So maybe just something to clarify, if they're going to prison first, approximately this prior to release or once they get out on the probation or parole. But I do like Shanda's idea of including like this marrying the same psychosexual evaluation language.

In the second sentence.

Because I'm assuming we're using the same type of evaluation for treatment risk needs per. If that's if that's if the assessments essentially are looking the same. And then also I think Shanda is assuming we're always going to have the prior to sentencing psychosexual evaluation, but I don't think we always do. But also does it make sense for someone to redo it if we just had one?

So maybe including something like post-sentencing, if a, you know, a pre-sentence psychosexual was not completed, then this.

I just want to make sure I guess I understand what you were saying, Shanda, about...

The initial assessment, are you referring to a pre-sentence psychosexual evaluation as the initial assessment?

what you're talking about? Because once someone comes onto probation, they're not given a comprehensive evaluation or initial type of assessment prior to determining a need for a PSE, if that makes sense. This would be the initial assessment to determine what they need going forward.

BS **Breed, Shanda** 2:46:35

So, are you saying that?

The initial assessment at the pre-sentence phase.

BS Breed, Shanda 2:46:48

That will always be done.

No, those are not always done. Those are no.

BS Breed, Shanda 2:46:55

Okay, and then, so I get what I'm saying is, I think before any psychosexual evaluation, an initial assessment should always be done, whether it's pre or post to determine the further need for that.

complex and intense evaluation. To me, that would help with the other discussion that was just had with, okay, who should get what, when sort of thing. You know, it's just to me, in my mind, I'm like, okay, well, a psych eval, not everyone that's placed on probation or that needs treatment needs a psychological evaluation, right?

But there is an initial assessment that's done to determine that. And I'm just going along those lines of where's the...

Where's the...

the, you know, continuum of, okay, yes, this person needs a psychosexual evaluation.

I don't think it should be just because they're.

Yeah.

BS Breed, Shanda 2:47:54

sex offender. I think there should be a need for that. If there's some other initial assessment that can be done to determine treatment, I think that should be done first.

So Shanda, to clarify, what are you, when you're talking initial assessment, what is, what is your, in your mind, are you thinking that is? Do you mean by a provider?

BS Breed, Shanda 2:48:18

Yeah, I mean, you know, and I think that's part of one of the...

I don't think it should be a cookie cutter that every sex offender should have a psychosexual evaluation.

No, so right now.

They're usually volunteered and, you know, defense attorneys will often have them done for plea negotiations. And then that evaluation is sometimes turned over to probation or the assigned therapist that is that could then look at that to determine if it's valid and whatnot. So, but are you saying once they're on probation, you want them to go to treatment first? Is that what you're, I just wanted to make sure I understand what you're saying.

BS Breed, Shanda 2:49:08

I'm just saying that.

You know, and I'm not the, I'm not the sex offender therapist in the room, so you guys can maybe speak up on this, but you know, I just feel like with all.

BS Breed, Shanda 2:49:23

treatment models, right, and continuums of care, is it just out the gate that every sex offender has to have a psychosexual evaluation or are they assessed to see if they, if this sex offender treatment group will be just efficient?

or another means of treatment will be just as efficient. That's all I'm saying is I think that...

I don't want this to be cookie cutter, because that's not what we're doing, right?

We're individualizing someone's care and need for treatment based on assessment.

And the psychosexual evaluation done for every single sex offender, it's not done now.

And that will be an added effort, time, money on the state.

or the sex offender's pocket or the state to pay for these. And so I just, you know, am I wrong? Is there another determining factor to see if someone has a need for a psychosexual evaluation, psychosexual evaluation?

So...

It's.

It is it is done and a lot it used to be done a lot more. Judges would order it often before they didn't. But I think therapists and providers like as much information about the person they're treating and what they're treating them for as they can can get it then.

what happened is that they did begin to piecemeal, well, then you're just going to do an ABEL, then you're going to do an MSI, then you're going to do, oh, now we do need a full psychosexual. By this time, the person might be two, three, or whatever years in. And so there are other means. There also used to be the plethysmograph that was done.

in lieu of a psychosexual, there was, bless you, there's the sex history polygraph. I want to Scott, Brecken if you want to chime in, but historically we did a lot more psychosexuals than they are voluntary right now. And much of the time they come from the pre-sentence defense kind of commissioned area of things, but the importance of when they are done by defense, when they do get to probation, those evaluations should be turned over to the contract provider to review for accuracy and just what they can take from that to make sure it's legit, for lack of a better word, but go ahead, Brecken, if you want to.

Well, yes, this is Brecken Blades. I think what I would what I would say is that this proposal for the evaluations is our attempt at having treatment and subsequent supervision and the person's needs not be cookie cutter. This is This is our solution for better implementation of the RNR model, because we're not fully capturing someone's sort of risk and needs in the same manner at the beginning. We could do a better job of identifying those who are low risk and don't need treatment or need limited treatment. And we could also do a better job of identifying right away those people who are high risk and do need more of the resources. And so as treatment providers, what we're seeing is the need for this information right at the beginning and we're not getting it. So in terms of an initial screener before the PSE, the PSE really is is our attempt at kind of a screener before someone gets into the larger system of treatment. We, our next sort of purpose as the adult subcommittee is to talk about what a psychosexual evaluation consists of. And so it is not a full comprehensive neuropsychological evaluation or it really is, it is designed for these purposes that we have listed here.

and it will be focused in that way. So I don't know if that helps answer a question about it being maybe sort of comprehensive or really arduous for people. That's not our, that's not our goal. Our goal is to address the R&R model here with this.

BS **Breed, Shanda** 2:53:36

No, I think that helps. And I think that if you are going to be reviewing and assessing

what the psychosexual evaluation means, or that it's more of that precursor of, you know, how much knowledge and information to have, to have the right information to further recommend

Yes.

BS Breed, Shanda 2:53:56

you know, the appropriate treatment, then that's great and good. And that's what, you know, I want from this board is to just make sure that we have the right steps in individualizing and diagnosing and prescribing, you know, whatever that means, whether it's registration or supervision or treatment.

BS Breed, Shanda 2:54:21

And so I just don't want that piece missed, I guess. And so if you're saying that that's what it's going to be, I think that.

that that's okay. There is though this non-matching definition then in my brain and maybe others of the psychosexual evaluation versus what you need to properly determine treatment for a sex offender.

BS Breed, Shanda 2:54:51

at the initial phase, I'll add. Thanks.

I would, I think I would add, Shanda, this is Brecken again, that if you do have some, we were always happy to have other people attend the subcommittee meetings, or if you have like something written that you want to send in for us to review, we're happy to take input on what should, you know, be included as part of a psychosexual evaluation, if you said you do have some kind of ideas about what's most

BS Breed, Shanda 2:55:35

Thank you.

Okay. Okay.

Any further discussion? I think Brecken we'll go back to the subcommittee and just make a few of those changes and bring it back next month to discuss and review.

Sound good to everybody? Okay. Where was I?

Scott, thank you.

My update, this is Scott Naegele, and I'm the chair of the juvenile subcommittee of the Arizona Sex Offender Management Board. We are working on many of the same things that have been articulated with respect to the adult subcommittee.

We're working simultaneously on defining problematic sexual behavior and sexual behavior problems in preteen kids. And we're doing that to add that to the already approved juvenile guidelines that we have passed through this board previously and trying to flesh out some things. We are also working on defining in the same way that the adult subcommittee is, what the definition of a psychosexual evaluation is and what are imperative things that need to be part of that evaluation.

and trying to hone in on the fact that this is a psychosexual evaluation. And its goal is to try to identify treatment needs so that we can make individual decisions about what kinds of treatment kids need. Some kids need different things than other kids. And so we're working simultaneously on things.

And we too are open to people's providing us feedback to do that more comprehensively. Part of what's happened, and I'm just learning to embrace it in my German heritage, in my linear analytical sort of way, makes it very difficult for me to do sometimes. But it's just accept that this is a larger process

It's going to take longer than I would have anticipated it would, but all of those things are going to come together eventually. We're going to have definitions of, like I said, problematic sexual behavior. We're going to have a definition of what a multidisciplinary team is. We're going to add those to the overarching guidelines of what we think needs to happen for kids, adjudicated to non-adjudicated. And we are going to come up with a structure that's not going to be so much, it will be this way, but it has to include these kinds of things, if that makes sense. And

one step at a time, I guess is the thing. Two steps forward, one step back, sometimes two steps back, one step forward. But we are making progress and we will produce something that we will be able to bring back to this board and take a vote on.

Thank you, Scott. At this time, I will make a call for future agenda items.

Yep, we're looking, we're looking at you.

I'm sure everyone's interested in the time and leaving as well. So, all right. So real quick, I would like to make a recommendation that the agenda discuss the format or mechanism, the process, however you want to identify it, of capturing

The.

request to have things put on the agenda from speakers. So I think we need to have that in place, and I'd like to see that discussed.

so that we can at least have some success in recognizing the people who come and communicate their support.

Okay, thank you. And just remember, anybody can e-mail also the staff for any future agenda items. So thank you all for your time and input today.

We will adjourn it. Do I need a motion, Frank?

Adjournment is always in order, so you can do a motion then without objection. So I'll make the motion to adjourn. Thank you. So ordered. Without objection would be that. Yeah, thank you. Without objection, 4:30. Thank you so much, you guys. Have a good night.

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