

From: Gary <[REDACTED]>
Sent: Thursday, October 22, 2026 12:16 PM
To: Arizona Sex Offender Management Board
Subject: Background Material and Public Comments for October 26 Meeting
Attachments: AZSOMB_Memo_2_Assessment_and_Provider_Safeguards.pdf; AZSOMB_Memo_1_Independent_Evidence_Review.pdf; AZSOMB_Public_Comment_October_26_2026.pdf

Categories: Call to the Public Written Comments

Hello

Please find attached two documents to be included as background material for the Sex Offender Management Board meeting on Monday, October 26th. I have also attached a written copy of the public comments I plan to deliver during the meeting.

Best regards,
Gary

Gary W. Hardy, PhD
Co-Founder and Executive Director



Memorandum 1 | Independent Evidence Review and Model Selection

Gary W. Hardy, PhD

Submitted for consideration by the Arizona Sex Offender Management Board | October 26, 2026

Purpose

Request a documented, comparative, and publicly reviewable method for selecting Arizona standards before the Board recommends statewide approaches to evaluation, treatment, supervision, polygraph, and registration-related policy. This memorandum supports public comment for the October 26, 2026 Board meeting.

Why this matters now

The October 26 Board agenda includes an overview of the Sex Offender Registration and Notification Act (SORNA) and Colorado's implementation, presented by Chris Lobanov-Rostovsky. The Adult Subcommittee's October 21 agenda separately includes proposed psychosexual-evaluation standards, a polygraph presentation, and potential adoption of a Community Management Team (CMT/TEAMS) model. The Adult background materials also reproduce Colorado's definition for reference. These are legitimate sources of experience, but they should not become substitutes for a documented comparison of approaches.

The presentation packet expressly disclaims that the presenter's opinions represent the Colorado SOMB or Division of Criminal Justice. A presentation about Colorado's implementation of SORNA should not, by itself, be treated as evidence that any particular registration or treatment policy improves public-safety outcomes.

Requested Board action

1. Direct staff or an appropriate workgroup to maintain a public evidence-review matrix for each major proposed standard, recording: the policy question; the population and offense patterns affected; source jurisdictions; research design and quality; validation and limits; competing approaches; projected benefits and harms; fiscal and access implications; and reasons for selection.
2. Require an explicit comparison of containment-oriented approaches with risk-need-responsivity (RNR), desistance-informed, and other individualized models where relevant, without presuming any model is superior before reviewing the evidence.
3. Distinguish evidence about registration and notification from evidence about treatment effectiveness, risk assessment, polygraph use, or community supervision. These are related but different policy questions.
4. Publish draft recommendations, supporting references, unresolved questions, and dissenting or minority views before final action, with a meaningful opportunity for public comment.
5. Ask each subcommittee to identify where a recommendation is copied or adapted from another jurisdiction, what was changed for Arizona, and what independent Arizona-specific justification supports the adaptation.

Suggested evaluation questions

What measurable outcomes is each proposed requirement expected to improve? For whom is the supporting evidence applicable, and for whom is it not? What alternatives were considered? What evidence would cause the Board to revise or withdraw the requirement? How will results be assessed after implementation?

Requested disposition

Please refer this proposal for staff analysis and place a documented comparative-evidence protocol on a future Board agenda. The request is for a process safeguard, not rejection of any particular state's expertise.

Source materials

AZSOMB Board, October 26, 2026 agenda and background packet, pp. 4, 8–10 (Colorado/SORNA presentation and presenter disclaimer). AZSOMB Adult Guidelines and Standards Subcommittee, October 21, 2026 agenda and background packet, p. 2 (evaluation, polygraph, CMT/TEAMS topics). Adult additional background material, October 21, 2026, pp. 5–7 (draft definition and Colorado comparison). All cited proposals remain drafts unless formally adopted.

Memorandum 2 | Assessment Standards and Professional-Interest Safeguards

Gary W. Hardy, PhD

Submitted for consideration by the Arizona Sex Offender Management Board | October 26, 2026

Purpose

Request evidence-based, population-specific safeguards before assessment instruments, psychosexual evaluations, polygraph practices, or related provider services become statewide expectations. This is a governance inquiry, not an allegation of wrongdoing by any member or provider.

Proposals requiring particular scrutiny

The October 22 Juvenile packet includes a draft Juvenile Psychosexual Risk Assessment Framework provided by Subcommittee Chair Scott Naegele, alongside alternative definitions of problematic sexual behavior and sexual conduct requiring intervention. The October 21 Adult packet includes draft standards for psychosexual evaluations and proposed early-termination considerations; the latter list sexual-history and maintenance polygraph results, ABEL/MSI-II results, and other assessment information for court-facing summaries. These materials describe proposals, not necessarily adopted requirements.

The Adult draft also contains an internal drafting comment asking whether the proposed language promotes private pre-sentencing psychosexual evaluations, and raises questions about conflicting private evaluations and parole. Those open questions should be resolved publicly before a standard is finalized.

Requested Board action

1. Require an instrument-by-instrument evidence table identifying intended purpose (risk prediction, protective factors, sexual interest, diagnosis, treatment planning), validated population, known limitations, training requirements, alternatives, cost, and whether use is required, recommended, or discretionary. Do not equate a sexual-interest measure with a validated measure of future offending risk.
2. Require a written, individualized rationale for any mandatory testing category, including developmental appropriateness for youth and applicability to noncontact/CSAM-only behavior. Permit a documented clinical alternative or exception when an instrument is not validated or suitable for the person assessed.
3. Distinguish test findings from legal decisions. Polygraph outcomes, clinical instruments, or single scores should not independently determine treatment intensity, supervision escalation, or early-termination recommendations; explain how multiple sources of evidence are integrated.
4. Establish matter-specific professional-interest disclosures when members participate in developing standards concerning services or instruments they administer, license, purchase, supervise, or bill for. Obtain legal guidance about any legally required recusal; use independent methodological review even when legal recusal is not required.
5. Publish the role of each contributor in selecting instruments and drafting provisions, including any reimbursement, contracting, referral, licensing, or provider-capacity considerations. Provide meaningful review by independent researchers, legal practitioners, families, and people affected by the standards.
6. Review the draft juvenile definitions for developmental specificity and proportionality, including the alternative "Sexual Conduct Requiring Intervention" language, which expressly distinguishes behavior needing individualized intervention from a diagnosis, criminal finding, or predetermined risk level.

Targeted clarification requests

Please identify the empirical basis for each proposed required juvenile testing category and any exception procedure; explain the independent review process for adult polygraph recommendations; provide the disclosure/recusal policy and any matter-specific records that are public; and explain how provider costs and reimbursement are assessed before service recommendations are made.

The October 21 Adult early-termination draft refers to a January 1, 2026 DCAC cutoff and frames it in terms of sentencing. Please have counsel verify both the effective date and legally controlling triggering event against enacted law before adopting or circulating that criterion. This memorandum does not assert a legal conclusion about the correct cutoff.

Requested disposition

Please direct the subcommittees to document these safeguards before recommending final standards and schedule public review of the evidence and professional-interest procedures.

Source materials

AZSOMB Juvenile Guidelines and Standards Subcommittee, October 22, 2026 packet, pp. 3, 7–11 (agenda, proposed definitions, and draft evaluation framework). AZSOMB Adult Guidelines and Standards Subcommittee, October 21, 2026 packet, pp. 2, 4–7 (agenda, draft early-termination considerations and evaluation-report template). Adult additional background material, October 21, 2026, pp. 2–3 (draft psychosexual-evaluation standards and drafting comments).