

# SEXUAL OFFENDER MANAGEMENT BOARD

EST. 2011

C. L. "Butch" Otter  
Governor



## Regular Meeting Minutes

November 18, 2011  
Department of Environmental Quality  
Conference Room A  
1445 N. Orchard, Boise, ID

### Members present:

Shane Evans, Chair  
Dolly Bedal  
Jon Burnham  
Paula Garay  
Scott Ronan

Dr. Michael Johnston, Vice-Chair  
Jeff Betts  
Jean Fisher  
Chad Huff

### Others Present:

Kathy Baird, Management Assistant  
Molly Huskey, Appellate Public Defender

Maria Young, Administrative Assistant  
Guest sign-in sheet on file

- I. Call to Order
  - Chairman Evans called the meeting to order at 8:43 a.m.
- II. Approval of Board meeting minutes

**Mr. Burnham moved to approved minutes, as corrected, from the October 14, 2011 Board meeting. Seconded by Dr. Johnston. Motion carried unanimously.**
- III. Old business
  - Bylaws:
    - ◆ The Board continued discussion and clarification of points in bylaws draft

Welcome to visitors. Agenda items were reordered to accommodate guest participant, Molly Huskey, Idaho State Appellate Public Defender

- IV. New Business
  - Tiered Registration
    - ◆ Presentation by Mr. Betts on states with risk-based, tiered registration system
      - States are extremely varied in their systems
    - ◆ Federal Sentencing Guidelines as a template presented by Mr. Evans and Dr. Johnston
      - Consider Static + Dynamic + Protective factors and conviction to determine risk
      - Research-driven

**Chairman Evans moved to table discussion upon arrival of guest participant, Ms. Huskey. Seconded by Dr. Johnston. Motion carried unanimously.**

- Psychosexual Evaluations
  - ◆ Ms. Huskey facilitated discussion
    - Psychosexual Evaluations conducted for the courts
  - ◆ Defendants 5<sup>th</sup> and 6<sup>th</sup> Amendment Rights concerns
  - ◆ Propose:
    - Uniform instrumentation
    - Uniform template
    - Consider publishing a brief summary of instruments
    - Written informed consent
  - ◆ Recommendations of Dr. Kurt Bumby mirror uniformity
  - ◆ Refusals to participate
    - Under Estrada v. State of Idaho, failure to participate does not equate to higher risk
    - Can still evaluate static risk factors
  - ◆ Format and enforcement discussion
    - Work with courts on their evaluation needs
    - Make format a requirement of evaluator certification with sanctions for failure to adhere
    - SOMB has authority for quality assurance
    - Training for judges
- Tiered Registration discussion, continued:
  - Mr. Burnham motioned to form a subcommittee for registration and notification. Seconded by Mr. Betts. Motion carried unanimously.**
  - ◆ Tiered Registration Sub-Committee members
    - Dr. Johnston
    - Sheriff Huff
    - Mr. Burnham
    - Mr. Betts
    - Mr. Evans

V. Next meeting: December 9, 2011

VI. Adjournment

**Chairman Evans motioned to adjourn the meeting. Seconded by Mr. Burnham. Motion carried unanimously.** Meeting adjourned at 12:08 p.m.

Submitted by:

Maria Young, Administrative Assistant