

## Section 1: Introduction and Overview

### I. NATIONAL LANDSCAPE, PRECEDENCE FOR STANDARDS AND GUIDELINES

Throughout the country, policymakers in over half of the states have developed state-level sex offender management policy groups, including sex offender management boards, as a mechanism to advance sound sex offender management efforts. Such entities may be fairly broad and all-encompassing in their scope and mandates (e.g., generally addressing sex offender management issues and concerns), designed with more narrow mandates (e.g., developing formal standards or guidelines), or a combination of these functions, and that the objectives include<sup>1</sup>:

- Modeling and supporting the establishment of multi-agency collaborative partnerships to ensure the integration of the various system components that play key roles in sex offender management;
- Advancing well-informed, research-supported state laws and agency policies to shape practices; and
- Providing practitioners system-wide with specialized knowledge, proper training, and skills to implement those laws and policies effectively, with ongoing quality assurance mechanisms.

National organizations have taken leadership roles by integrating research and promising strategies into standards and guidelines for assessing, treating, and managing sex offenders. In turn, many state-level policy teams, including sex offender management boards in multiple states, have built upon such parameters to create minimum requirements, standards, and guidelines in their respective states that guide and inform sex offender management policy initiatives and case management practices.

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<sup>1</sup> See Center for Sex Offender Management (CSOM, 2010). *Advancing sex offender management efforts through state-level policy groups*. Silver Spring, MD.

## II. BACKGROUND AND LEGISLATIVE MANDATE IN IDAHO

The Idaho Criminal Justice Commission (ICJC) and the various agencies represented on the ICJC have demonstrated a long-standing commitment to promoting public safety by advancing sex offender management efforts in the State of Idaho. Subsequent to a series of expert informational forums and training events convened for legislators, agency officials, and practitioners in the State of Idaho, the ICJC commissioned an independent review of the state's policies and practices specific to sex offender management, in order to gauge the extent to which current policies and practice are consistent with the contemporary research-informed and promising strategies and to obtain accompanying recommendations in these areas. **Among the priorities identified in the 2010 report were the following:**<sup>2</sup>

- **Strengthen the Sexual Offender Classification Board standards and guidelines for psychosexual evaluations to promote consistency and alignment with contemporary research and practices;**
- **Establish statewide standards and guidelines for sex offender-specific treatment; and**
- Establish a multidisciplinary, policy-level entity (e.g., a sex offender management board) charged specifically with the advancement and oversight of sound sex offender management policies and practices system-wide.

In 2011, the Idaho Legislature established the Sexual Offender Management Board (SOMB) – replacing the Sexual Offender Classification Board (SOCB) – to develop, advance, and oversee sound sexual offender management policies and practices statewide (Section 18-8312, Idaho Code). Included among the mandates for the Idaho SOMB are to establish standards for psychosexual evaluations; establish standards for sexual offender treatment programs based on current and evolving best practices; establish qualifications for and develop and administer an approval/certification process for professionals who conduct psychosexual evaluations, provide treatment to sexual

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<sup>2</sup> The full report can be accessed at [http://www.idoc.idaho.gov/sites/default/files/webfm/documents/about\\_us/ICJC%20Final%20CSOM%20Report%20April%2010%202010\\_1.pdf](http://www.idoc.idaho.gov/sites/default/files/webfm/documents/about_us/ICJC%20Final%20CSOM%20Report%20April%2010%202010_1.pdf)

offenders, or conduct post-conviction polygraphs of sexual offenders; and set forth and administer accompanying quality assurance procedures. The SOMB was granted the authority to promulgate rules to carry out these and other provisions.

### **III. INTENDED SCOPE AND APPLICABILITY**

- A. The standards and guidelines as outlined in this working document apply to professionals conducting psychosexual evaluations ordered by the court pursuant to chapter 5, title 20, Idaho Code; professionals providing treatment to juvenile sexual offenders as ordered or required by the Court or Idaho Department of Juvenile Corrections; professionals conducting post-conviction sexual offender polygraphs as ordered or required by the Court or Idaho Department of Juvenile Corrections; and other individuals to whom conformity to SOMB standards is required. However, these standards and guidelines can ideally provide consistency and direction for any and all professionals conducting these services in the State of Idaho to promote risk-reduction and risk-management involving sex offenders and thereby enhancing public safety.
- B. These standards and guidelines are designed to complement existing statutes or provisions, administrative rules, relevant agency policies or operating procedures, or promulgated ethical codes or practice requirements/parameters established for regulated professions.

### **IV. GUIDING PRINCIPLES, UNDERLYING TENETS**

This working SOMB document of standards and guidelines is intended to be grounded within a framework of the following guiding principles and tenets:

- A. Evaluation, assessment and treatment are ongoing processes for juveniles who engage in sexual offending behavior. Intervention needs and recidivism risk of juveniles who engage in sexual offending behavior change over time. Policies and operating procedures in the State of Idaho must require assessment-driven case management to ensure that interventions and strategies concerning restrictions

and intensity of supervision, placement, treatment and levels of care are developed and adjusted in accordance with the juvenile's current risk, needs, and circumstances.

- B. The rights, needs, and interests of victims and their families must remain a priority at all phases of the system in the State of Idaho. Policies, operating procedures, and practices cannot be exclusively offender-focused.
- C. The individual rights, needs and interests of children who have been sexually abused within the family must remain a priority in all aspects of community response and intervention systems over the interests of parental or family interests. All phases of response to child sexual abuse should be designed to promote the best interests of children rather than focusing primarily on the interests of the offender. Reunification of juveniles who engage in sexual offending behavior with the family should occur only after the parent/caregivers can demonstrate both the ability to provide protection and support of the victim(s) and address the needs of the juvenile.
- D. The prevention and management of sexual offending behavior is a complex issue that requires a multifaceted set of policies and strategies.
- E. Juveniles who engage in sexual offending behavior are a heterogeneous population who vary in multiple ways (e.g., demographics, criminal history, level of functioning, degree of psychosexual disturbance, etiological factors, motivation to change, nature of intervention needs, and short- and long-term recidivism risk). As such, intervention and management strategies in the State of Idaho must be designed to take into account these differences.
- F. A multidisciplinary, comprehensive, collaborative sex offender management system in the State of Idaho can contribute to risk-reduction and risk management among juveniles who have engaged in sexual offending behaviors. The range of entities and disciplines includes, but is not limited to, state- and agency-level policymakers, the courts, victim advocates, prevention specialists, clinical

evaluators, treatment providers, institutional and community-based practitioners, release decision makers, supervision agencies, and other relevant stakeholders.

- G. Outcomes and resources in the State of Idaho will be maximized when sex offender management policies, operating procedures, and practices are grounded in current research and implemented with fidelity.
- H. Professionals responsible for implementing risk-reduction and risk-management strategies in the State of Idaho require specialized training, ongoing professional development, and supervision and support to maximize their knowledge, skills, competency and effectiveness.
- I. Sound data must be consistently collected and routinely analyzed to examine the quality, consistency, efficiency, impact, and effectiveness of current approaches in the State of Idaho and to guide future efforts.
- J. Policies, operating procedures, and practices should be reviewed and adjusted to align with contemporary research findings and other advances in the field.
- K. Sex offender management strategies are a necessary aspect of promoting public safety and reducing sexual victimization in the State of Idaho, but are not sufficient in and of themselves. Rather, resources and efforts must also be prioritized toward the primary prevention of sexual abuse, including, but not limited to, early intervention and public education.
- L. Evaluation, ongoing assessment, treatment and behavioral monitoring of juveniles who engage in sexual offending behavior should be non-discriminatory, humane and bound by the rules of ethics and law. Offending juveniles and their families shall be treated with dignity and respect, without discrimination based on race, religion, gender, sexual orientation, disability or socio-economic status, by all members of the multidisciplinary team regardless of the nature of the sexual offending behavior. Every effort should be made to avoid labeling juveniles as if their sexual offending behavior defines them. Identity formation is in progress during adolescence. Labeling juveniles based solely on sexual offending behavior may cause potential damage to long-term pro-social development.

- M. Many juveniles who engage in sexual offending behavior have multiple problems and areas of risk. In addition to increasing overall health and wellbeing, treatment plans for juveniles who engage in sexual offending behavior should be individualized to address the specific needs and issues identified in evaluation and assessment processes. Measurable outcomes must be designated that will indicate successful completion of treatment. Treatment goals must be relevant to decreasing the risk of further abusive or criminal behavior, and decreasing all types of deviance and dysfunction. Treatment plans should also reinforce developmental and environmental assets.
- N. Family members are an integral part of evaluation, assessment, treatment and supervision of juveniles who engage in sexual offending behavior. Invaluable information may be garnered from family members regarding the etiology of problems experienced by the juvenile. Family members may provide the primary support system for the juvenile throughout treatment and supervision. The level of cooperative support provided by family members greatly impacts the juvenile's overall treatment/supervision success, risk reduction, health and wellbeing.
- O. Generally, it is in the best interest of the juveniles who engage in sexual offending behavior to grow up in the care of their families. However, protection of victims is the first priority. As juveniles move through the continuum of services emphasis should be given to maintaining positive and consistent relationships. Research indicates that exposure to deviant peers, absence of pro-social adult role models and the disruption of healthy appropriate caregiver relationships increase the risk of deviant development.
- P. Many juveniles who engage in sexual offending behavior can be managed in the community. Assignment to community supervision is a privilege and offending juveniles must be fully accountable for their behaviors. Juveniles need to move between more or less structured settings as their abilities to accept responsibility and demonstrate responsible behavior increase or decrease. The abilities of

parents to provide informed supervision in the home must be assessed in relation to the juvenile's particular risks.

- Q. Placement planning is an integral component for management of juveniles who engage in sexual offending behavior. Consideration should be given to appropriate living arrangements, access to known or potential victims, clarification with known victims, family reunification and safety planning prior to the juvenile's release to the community.
- R. Juveniles who remain at high risk should be referred for long-term relapse prevention that focuses on ongoing services and management.

## **V. RECOGNIZED LIMITATIONS AND ADDITIONAL CONSIDERATIONS**

- A. These SOMB standards and guidelines address several important areas of practice – namely evaluation and treatment, and to a lesser degree, supervising sex offenders in the community – but are not designed to be all-encompassing or to represent the full range of procedures and practice components necessary for a comprehensive system of sex offender management in the State of Idaho.
- B. Many of the standards and guidelines herein are based largely on best practices as found in literature.
- C. At the time of its development, this working document was based on current research and generally accepted promising practices, to the extent possible, particularly with respect to providing specialized evaluation and treatment services.
  - a. Because the sex offender management field continues to evolve, these standards and guidelines must not be considered static.
  - b. These standards and guidelines must be reviewed and adjusted to align with contemporary research findings and other advances in the field over time.
  - c. The Idaho SOMB recognizes that post-implementation, independent external reviews of the established standards and guidelines are an important

mechanism for facilitating the ongoing currency of these standards and guidelines and gauging the fidelity of their implementation.

- D. Polygraphy is to be used with caution with juveniles. Factors such as age, mental capacity and co-occurring mental health concerns shall be taken into consideration when utilizing polygraphy with this population.
- E. These minimum requirements, standards, and guidelines for specialized evaluation, treatment, and/or other management services represent an important step toward facilitating a consistent, informed, and effective sex offender management system in the State of Idaho by providing clarity and direction to support sound evaluation, treatment, and other management practices statewide. Complementary quality assurance provisions are designed to provide yet another mechanism to advance the integrity and effectiveness of Idaho's sex offender management system in this regard.
  - a. The Idaho SOMB recognizes, however, that the establishment of such minimum requirements and expectations, standards and guidelines, and quality assurance protocols is not a panacea.
  - b. The quality and effectiveness of the sex offender management system in Idaho is further contingent upon agencies' and practitioners' individual and collective commitments to responsible, ethical, and well-grounded practices.
  - c. It is, therefore, incumbent upon each professional to assume personal responsibility for adhering to these SOMB standards and guidelines and other ethical codes and standards for their respective professions, to encourage and support the adherence of their seasoned colleagues to the SOMB standards and guidelines; to participate in and support ongoing professional development activities that promote alignment with contemporary research-informed and promising practices; and to contribute to the refinement, enhancement, and expansion of the Idaho SOMB standards and guidelines and other guiding resources over time.