

SEXUAL OFFENDER MANAGEMENT BOARD

EST. 2011

C. L. "Butch" Otter
Governor



Regular Meeting Minutes
May 13, 2016
Idaho Department of Correction
Board Room, 3rd Floor
1299 N. Orchard, Boise, ID

Members present:

Jon Burnham, Chair
Jeff Betts
Bill Crawford
Sheriff Matthew Thomas
Jean Fisher

Dr. Michael Johnston, Vice Chair
Paula Garay
Kimberly Simmons
Erwin Sonnenberg
Moira Lynch

Others Present:

Kathy Baird, Management Assistant

Karin Magnelli, Deputy Attorney General

Excused:

Christina Iverson

I. Call to Order

- Chairman Burnham called the full-board meeting to order at 8:40 a.m.

II. Approval of Board Meeting Minutes

Mr. Betts motioned to approve minutes from the April 8, 2016 board meeting with correction. It was seconded by Mr. Crawford and all members present voted aye.

Mr. Betts motioned to approve minutes from the April 22, 2016 conference call. It was seconded by Mr. Crawford and all members present voted aye.

III. Board Business

- Ms. Simmons has been hired as the Executive Director for the Public Defense Commission. She will still maintain her law license and there should be no issue with her continuing to serve on the SOMB.

Ms. Fisher motioned to amend the meeting agenda to include discussion on questions that were submitted for SOMB consideration after posting of the agenda. It was seconded by Dr. Johnston and all members present voted aye.

IV. Questions for Consideration

- The SOMB was asked for input regarding the use of polygraphs vs. plethysmographs. Ms. Fisher will respond to questioner.

- A treatment provider asked about treatment modalities for DD populations. Ms. Baird will respond to questioner.
- A question was posed regarding out of state Post-Conviction Sex Offender Polygraph Examiners and whether they should be certified by the SOMB to conduct sex offender polygraphs on Idaho offenders. Ms. Baird will respond to questioner.

V. Old Business

- The SOMB's proposal to present at the upcoming ATSA conference on their experience in developing a tiered sex offender registration system was not selected for presentation.
- Mr. Burnham reported on a follow-up presentation/discussion with the ICJC regarding the juvenile tiered registration proposal.
- The letter of agreement to participate as a test state in the SMART Office grant – if awarded – on sex offender treatment standards was reviewed by board members. Additional information was provided to the grant applicants to supplement their submission. Decision on the grant award will be made in about October, 2016.

VI. Subcommittee Reports

- Mr. Burnham presented the draft legislative proposal to the board for a juvenile registration system as developed by the Juvenile Registration Subcommittee.
 - ◆ The SOMB's standards for juvenile psychosexual evaluations are still relatively new. The board agreed that more time is needed for examiners to adjust to the standards and raise the quality of juvenile evaluations for a registration system that would primarily be based upon the risk determinations presented in evaluations.
 - ◆ A suggestion was made to review what other states are doing for juvenile registration and how often states' risk-based registration systems have been challenged.
 - ◆ A 2-('level') system is preferable to a 3-('level') system.

Dr. Johnston motioned to not go forward with the legislative proposal as presented, and to defer back to the juvenile registration subcommittee for further refinement. It was seconded by Ms. Simmons and all members present voted aye.

- ◆ A proposal for risk-based juvenile registration will not be presented during the 2017 Legislative session.
- There was no report from the Adult Registration Subcommittee.

VII. EXECUTIVE SESSION

Dr. Johnston motioned at 10:54 a.m. that the board go into executive session under Idaho Code §74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider applications for SOMB certification. The vote was: Mr. Burnham, aye; Dr. Johnston, aye; Mr. Betts, aye; Ms. Garay, aye; Ms. Lynch, aye; Ms. Fisher, aye; Ms. Simmons, aye; Sheriff Thomas, aye; Mr. Sonnenberg, aye; Mr. Crawford, aye. Motion carried.

Ms. Simmons motioned at 11:00 a.m. to come out of executive session. It was seconded by Dr. Johnston and all members present voted aye.

REGULAR SESSION

VIII. Motions

- SOMB Post-Conviction Sex Offender Polygraph Examiner Certification
Mr. Betts motioned to approve the Post-Conviction Sex Offender Polygraph Examiner certification renewal application from Ken Boals. It was seconded by Ms. Lynch. Mr. Crawford abstained from voting and all remaining members present voted aye.
- SOMB Provisional Level Adult Sexual Offender Treatment Provider Certification
Dr. Johnston motioned to approve the Provisional Level Adult Sexual Offender Treatment Provider certification application from Stefani Campa, LMSW. It was seconded by Sheriff Thomas and all members present voted aye.
- SOMB Senior Level Juvenile Sexual Offender Treatment Provider Certification
Dr. Johnston motioned to approve the Senior Level Juvenile Sexual Offender Treatment Provider certification application with conditional waiver from Tony Salkas, LCSW. It was seconded by Mr. Betts and all members present voted aye.
- SOMB Senior Level Adult Psychosexual Evaluator Certification
Dr. Johnston motioned to approve the Senior Level Adult Psychosexual Evaluator certification renewal application from Paul Wert, PhD. It was seconded by Mr. Betts and all members present voted aye.
- SOMB Senior Level Adult Psychosexual Evaluator Certification
Mr. Betts motioned to approve the Senior Level Adult Psychosexual Evaluator certification renewal application from Richard Meyers, LPC. It was seconded by Dr. Johnston and all members present voted aye.
- SOMB Senior Level Adult Sexual Offender Treatment Provider Certification
Dr. Johnston motioned to approve the Senior Level Adult Sexual Offender Treatment Provider certification renewal application from Robert Wyatt, LCSW. It was seconded by Ms. Garay and all members present voted aye.
- SOMB Senior Level Adult Psychosexual Evaluator Certification
Mr. Betts motioned to approve the Senior Level Adult Psychosexual Evaluator certification renewal application from Robert Wyatt, LCSW. It was seconded by Dr. Johnston and all members present voted aye.
- SOMB Senior Level Juvenile Psychosexual Evaluator Certification
Dr. Johnston motioned to defer the Senior Level Juvenile Psychosexual Evaluator certification application with conditional waiver from Robert Wyatt, LCSW, with recommendation for Associate Level with supervision agreement. It was seconded by Mr. Sonnenberg and all members present voted aye.
- SOMB Senior Level Juvenile Sexual Offender Treatment Provider Certification
Dr. Johnston motioned to defer the Senior Level Juvenile Sexual Offender Treatment Provider certification application with conditional waiver from Robert Wyatt, LCSW, with recommendation for Associate Level with supervision agreement. It was seconded by Ms. Garay and all members present voted aye.

IX. New Business

- The board discussed difficulties in receiving reports from the Ada County Juvenile criminal justice system that are needed to conduct pre-sentence psychosexual evaluations, with ways to address the issue.
- The board discussed concerns with high risk/potentially non-amenable juvenile sexual offenders being sentenced directly to probation and community treatment in deference to recommendations made in the pre-sentence psychosexual evaluations.
- Mr. Burnham made a suggestion for the SOMB to distribute an anonymous update survey to the courts and community providers to evaluate systems developed by the board. This would essentially be an assessment of the board and what it is doing.

X. Standards/IDAPA Rules Update

- Review of proposed updates to the Post-Conviction Sex Offender Polygraph Examiner standards.

XI. Adjournment

Mr. Sonnenberg motioned for adjournment. It was seconded by Ms. Garay and all members present voted aye.

Meeting adjourned at 11:55 p.m.

Submitted:

Kathy Baird, Management Assistant