

SEXUAL OFFENDER MANAGEMENT BOARD

EST. 2011

Brad Little
Governor



Certification Sub-Committee
July 10, 2020
Idaho Department of Correction
Zoom

Members present (subcommittee):

Dr. Michael Johnston, Chair
Jeff Betts, Vice Chair
Paula Garay, Member
Melissa Hultberg, Member
Brian Marx, Member

Others Present:

Emily McMaster, Deputy Attorney General
Nancy Volle, Program Manager

Guest:

Call to Order

Dr. Johnston called the sub-committee meeting to order at 8:00 A.M.

Certification and QA Sub-Committee:

- Mr. Betts moved that the subcommittee convene in executive session at 8:00 am to: Consider records that are exempt from public disclosure [I.C. § 74-206(1)(d)] chapter 1, title 74, Idaho code see I.C. § 74-106(9). The purpose of the subcommittee executive session is to consider applications for SOMB certification and to advise the board. It was seconded by Ms. Garay. The vote was Dr. Johnson, Chair, aye; Mr. Betts, Vice Chair, aye; Mrs. Hultberg, Member, aye; Ms. Garay, Member, and Mr. Marx, Member, aye.

The Certification Subcommittee came out of executive session 9:30 am.

AMENDED
Regular Meeting Minutes
July 10, 2020
Idaho Department of Correction
Zoom

Members present:

Dr. Michael Johnston, Chair
Jeff Betts, Vice Chair
Melissa Hultberg, Member
Paula Garay, Member

Brian Marx, Member
Matt Thomas, Member
John Dinger, Member
Carlos Ponce, Member

Others Present:

Emily McMaster, Deputy Attorney General
Nancy Volle, Program Manager

Guest:

Excused:

Ryan Porter, Member
Moirra Lynch, Member

Call to Order

Dr. Johnston called the full board meeting to order at 9:31 A.M.

1) Amended Agenda:

Mr. Marx motioned to amend the July 10th agenda to allow the Board to discuss and vote on Executive Order No. 2020-13. It was seconded by Ms. Hultberg and all remaining members present voted aye. Motion carried.

EXECUTIVE SESSION

Mr. Marx motioned at 9:35 a.m. that the Board convene in executive session under I.C. §74-206(1)(d) to consider records that are exempt from public disclosure as provided in chapter 1, title 74, Idaho Code (see I.C. § 74-106(9)). It was seconded by Mr. Dinger. The vote was: Dr. Johnston, Chair, aye; Mr. Marx, Member, aye; Ms. Hultberg, Member, aye; Mr. Thomas, Member, aye; Mr. Dinger, Member, aye; Ms. Garay, Member, aye; Mr. Betts, Member, aye and Mr. Ponce, Member, aye.

Mr. Marx motioned at 9:40 a.m. to come out of executive session. It was seconded by Ms. Hultberg and all members present voted aye.

Board Business:

1.) Motions-Certification Applications (Action item):

- ◆ **SOMB 1.** Initial application for Provisional Level Adult Sexual Offender Treatment Provider. Mr. Marx motioned to approve the Provisional Level Adult Sexual Offender Treatment certification for T20-82p. It was seconded by Mr. Thomas and all remaining members present voted aye. Motion carried.
- ◆ **SOMB 2.** Initial application for Provisional Level Juvenile Sexual Offender Treatment Provider. Mr. Marx motioned to approve the Provisional Level Juvenile Sexual Offender Treatment certification for TJ20-75p. It was seconded by Mr. Thomas and all remaining members present voted aye. Motion carried.
- ◆ **SOMB 3.** Application for advancement to Associate Level Juvenile Sexual Offender Treatment Provider. Mr. Marx motioned to approve the advancement to Associate Level Juvenile Sexual Offender Treatment Provider for TJ19-70p. It was seconded by Mr. Thomas and all remaining members present voted aye. Motion carried.

2) Renewal Application Approvals:

None presented.

3) Continuing Education (Action item):

- Dr. Johnston advised that he does not have issues with increased online CEUs, as long as we can distinguish between online trainings and webinars, as the highest quality of online trainings come in the form of webinars. Mr. Marx added that the webinars should have moderators where you can ask questions. Dr. Johnston also added that online training with testing at the end adds value. Mr. Marx suggested that of the 20 online CEUs currently allowed, a minimum of 10 should be webinars. The Board would like to propose this rule change subject to certain quality controls. Ms. McMaster added that Veterinary Medicine Rule 15 has a list of approved courses that we could review. We should look at creating a list of approved courses. If someone would like to take a training that is not on the list, they could put in a request for Board approval.
- After discussing the number of online hours allowed, the Board determined that all 40 hours could be online. Dr. Johnston suggested that we draft language to identify quality online trainings. Mr. Marx suggested that we have negotiated rulemaking during SOMB Board meetings.
- Mr. Marx motioned to approve moving forward with proposed rule change to allow all CEUs (not just 20 hours) to be completed online, subject to Board approval of content (letter and AARF). The motion was seconded by Mr. Thomas and all members voted aye. Motion carried.

4) American Academy of Forensic Psychology/IATSA webinars (Action item):

- Mr. Betts motioned to approve funding for any Board members and staff that would like to attend the 2020 IATSA conference online. Mr. Marx seconded the motion and all remaining members vote aye. Motion passed.
- Dr. Johnston discussed the 2020 American Psychological Association online training in September and advised that you do not need to be a psychologist to attend the training. Mr. Marx motioned to approve funding for any Board member

and staff who would like to attend the training. Ms. Hultberg seconded the motion and all remaining members vote aye. Motion carried.

5) Tiered Registration Discussion:

- Dr. Johnston presented on former tiered system PowerPoint. Discussed that SORNA is based off conviction. Discussed that Level 5 was for VSPs and everyone else starts at Level 4, except for recidivists. Individuals are given two years to have risk level reviewed. The registry was going to be made up of a subcommittee making decisions, managed by a staff that have a master's degree and training in sex offender treatment and assessment. There was a check list that had to be completed. Mr. Dinger advised that this might affect the Victims Rights Act. Mr. Marx asked if the Board was intending to provide legal counsel. Mr. Dinger stated that this is a civil matter. He can see a victim wanting the offender to be bumped up shortly after sentencing.
- Notes for future that came out of the meeting:
 1. We have to have legal issues addressed.
 - a. Victims' rights.
 - b. Offenders rights to legal counsel (if they are entitled to legal counsel).
 - c. Don't see the PC having a say in this, that would give them oversight that they shouldn't have.
 2. Child pornography offender may be more dangerous than the L&L, but child pornography can't be higher than Level 2.
 3. Mr. Marx advised if we take away offense category and make it more risk based, it simplifies this a whole lot.
 4. If we place everyone who is on the old registry into a new registry at a higher level than a new person coming on the registry who has the same risk level, we run the risk of legal challenges.

6) Quality Assurance Discussion:

- Discussion will take place during August meeting.

7) Executive Order No. 2020-13 (Action item):

Ms. McMaster and Ms. Volle discussed E.O.2020-13. Went over how this order is looking to permanently eliminate the rules that agencies had temporarily suspended because of the Governor's Order in March based on the COVID-19 pandemic. Ms. Volle advised that we need the rules that were suspended, as they specifically deal with the SOMB certification process. The Board was advised that a vote was needed to be taken regarding E.O. 2020-13, in order to allow her to file paperwork to keep these rules in place. Mr. Marx motioned to approve moving forward with the rule action regarding E.O. 2020-13, it was seconded by Mr. Thomas and all remaining members voted aye. Motion carries.

Adjourned at 11:40 a.m.

Submitted by: Nancy Volle, Program Manager SOMB