

**Sexual Offender Management Board**  
Idaho Dept of Correction  
1299 N Orchard St. Ste 110, Boise ID. 83706

Regular Meeting Minutes for September 9, 2011

**Roll Call:** Jeff Betts, Paula Garay, Dolly Bedal, Jon Burnham, Jean Fisher, Shane Evans, Dr. Michael Johnston, Sheriff Chad Huff, Scott Ronan, members; Kathy Baird, Management Assistant and Maria Young, Administrative Assistant

**Guests:** Brent Reinke, Director Idaho Department of Correction; Mark Kubinski, Deputy Attorney General; Jessica Lorello, Deputy Attorney General; Kim Frashier, IDOC Fiscal

Director Reinke began the meeting by welcoming all members of the SOMB. Each member, in turn, introduced themselves and gave a brief synopsis of the reason(s) they wanted to be on the Board.

**Certified Psychosexual Evaluators**

- Kathy Baird presented that the SOMB will carry on the annual certification of Psychosexual Evaluators.
  - The SOCB did not set up a specific annual recertification date; therefore, there are 4 renewals due in October.
  - Propose extending those renewals until March 2012 when the next group of evaluators is due for renewal
  - Current Certified Evaluators:
    - 17 in-state for adult offenders
    - 2 out of state (WA)
  - Process has been:
    - Standards are the same as the clinical membership in ATSA
    - Treatment and evaluation experience (hours)
    - Specialized training hours
  - Board may wish to change the protocol at some future date
- Jon Burnham motioned to extend October 2011 Psychosexual Evaluator renewals until March 2012. Dr. Johnston seconded the motion. All members present voted aye; motion passed.

**SOMB Creation**

- Idaho Criminal Justice Commission (ICJC) was formed by Executive Order of Governor Kempthorne in July 2005
- Director Reinke has been the Chairman of the Commission since inception
- 25 members comprise the ICJC from all branches of government
- Steve Bywater, Deputy Attorney General (Retired), worked with the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART)
- Byrne-JAG funding reduced 10% due to being out of compliance with Adam Walsh Act; however, there is no research to support crime-based tiering system, so ICJC recommended to continue to be out of compliance
- The SOMB was created by the legislature and has the authority to make a difference
- ICJC will need quarterly updates
- Sex Offenders make up 21% of IDOC population
- SOMB is hosted by IDOC – not a part of IDOC
- Positions on the board, per 18-8312, Idaho Code are as follows:
  - a) One (1) member of the board shall have, by education, experience and training, expertise in the assessment and treatment of adult sexual offenders

**Michael Johnston, PhD**

- b) One (1) member of the board shall have, by education, experience and training, expertise in the assessment and treatment of juveniles who have been adjudicated for sexual offenses

**Jeff Betts**

- c) One (1) member of the board shall have, by education, experience and training, expertise in cultural diversity and behavior of sexual offenders as they relate to assessment and treatment

**Paula Garay**

- d) One (1) member of the board shall be from the Idaho department of correction

**Shane Evans**

- e) One (1) member of the board shall be from the Idaho department of juvenile corrections

**Jon Burnham**

- f) One (1) member of the board shall be an attorney who has experience in the prosecution of sexual offenders through the criminal justice process

**Jean Fisher**

- g) One (1) member of the board shall be an attorney who has experience in the defense of sexual offenders through the criminal just process  
(Position vacant)

- h) One (1) member of the board shall be from the Idaho sheriffs' association

**Sheriff Chad Huff**

- i) One (1) member of the board shall be a representative of the public

**Dolly Bedal**

- In addition, there shall be advisory to the board, one (1) nonvoting member representing the judiciary who shall be appointed by the chief justice of the Idaho supreme court  
**Scott Ronan is representing the courts until a permanent appointment is made**
- Ms. Baird added that we are appreciative of ICJC's involvement in the formulation of this board. Additional contributions have been made by Dr. Mary Perrien, Shane Evans, Mimi Carter, Dr. Kurt Bumby and the board will be conducting its own research to enhance operations.

### **Understanding the creation of the legislation**

- Jessica Lorello, Deputy Attorney General
  - Smith v. State of Idaho, February 2009, Opinion of the Supreme Court
    - Lack of Due Process in relation to designation
    - Access to Information
    - Lack of offender involvement
    - Insufficient time to appeal designation
  - Needed something new
    - Many ideas
    - Researched other states' boards
  - Basic national trend is standardization of treatment and provider qualifications
  - Board was originally proposed with 12 members
    - Committee was informed of state financial situation
    - Composition pared down to 6 members, plus a Judge
    - Finally settled on 8 members, but the Legislature requested a public member be added, and the board became 9 members, plus a Judge
- A copy of the Smith Opinion was provided to members

### **IDOC vision/IATSA Partnership**

- Shane Evans presented the idea of sex offender management from the IDOC perspective
- Dr. Kurt Bumby, from CSOM, has been contracted to draft a working set of guidelines for the SOMB

- IDOC goal is to see this board as helping accomplish tasks to bring parties together for decision making in the future. Currently, IDOC has made strides beginning with a comprehensive Pre Sentence Investigation (PSI), utilization of a range of assessments, treatment options while incarcerated, into aftercare and supervision.
- Recommendations:
  - Specialized PSI process (specifically for sex offenders)
  - Riders
  - Enhance Probation & Parole conditions and supervision standards for sex offenders
  - Quality assurance protocol continuum
  - Developing sex offender specific treatment for females
- Female Sex Offenders
  - Approximately 58 female sex offenders in IDOC system
  - Victim research indicates the number of female sex offenders is higher than what we are currently capturing. Female offenders are less likely to be reported as victim is less likely to be believed
  - No current assessment tools for females
    - Iowa is piloting a female risk assessment
  - How do we treat females?
    - Clinically, very individualized treatment
    - Stable 2007 is being looked at as a possible tool for assessment but is not currently approved
    - Use core screening tools
- Psychosexual Evaluation
  - PSI is not available, currently, to the psychosexual evaluator conducting pre-sentence evaluation
  - Propose rule change that allows the PSI to be made available to psychosexual evaluator for consideration?
- IATSA
  - IDOC has moved to enhance IATSA with the objective to provide neutral professional development support.
  - Met with current leadership to discuss a conference for this coming Spring
  - Good opportunity to have board members available
- Board also has an evaluator fund that will become the provider fund – for certifications.
  - Have used that in the past for training program that was presented by SOCB
  - Specifically for certification expenses, training, etc

### **Open Meetings Law**

- Mark Kubinski, Deputy Attorney General, IDOC: provided an overview of the Idaho Open Meetings Law

### **Financial**

- Kim Frashier, Fiscal
  - \$15,000 operating expenses
    - Originally appropriated to SOCB and now assigned to SOMB
    - Board activities
      - Communications
      - Travel
      - Miscellaneous
    - Additional SOMB request was not funded when legislation passed; could not get an addendum
  - 2013 Decision Unit requests more money for:
    - Quality Assurance contractor

- Additional operating expenses

### **Chair Selection**

- Director Reinke advised board on selecting a chairman
- Motion for Shane Evans to be Chairman and Dr. Michael Johnston to be Vice Chairperson made by Jean Fisher. Jeff Betts seconded the motion. All members present voted aye; motion passed.
- Motion for Term of Chairmanship and Vice-Chairmanship to be 24 months made by Jeff Betts. Jon Burnham seconded the motion. All members present voted aye; motion passed.

### **Attendance Expectations Discussion and Future Meetings**

- Attendance:
  - Board is appointed by the Governor in accordance with 18-8312 and 18-8313, Idaho Code
  - Idaho Code outlines how to remove someone from the board
  - An attendance policy will be a matter of future business
- Frequency of meetings
  - Monthly meetings during the 1<sup>st</sup> 12 months
- SOMB website
  - Change name from [www.socb.idaho.gov](http://www.socb.idaho.gov) to [www.somb.idaho.gov](http://www.somb.idaho.gov)

The meeting adjourned at 12:00 p.m.

Submitted by:  
Maria Young  
Administrative Assistant