

MEETING MINUTES

Organization: Advisory Committee to Study Laws Concerning
Sex Offender Registration

Date: November 14, 2012

Meeting Location: Legislative Counsel Bureau
401 S. Carson Street
Carson City, Nevada 89701
Conference Room # 2134

Video Teleconferenced: Legislative Counsel Bureau
555 E. Washington Avenue
Las Vegas, Nevada 89101
Conference Room # 4401

Committee Attendees:

Keith Munro, Brett Kandt, Senator Ruben Kihuen, Susan Roske, Donna Coleman, Curtiss Kull, Scott Shick, Elizabeth Neighbors, Committee Legal Counsel Julie Towler, and Secretary Jan Riherd.

Members of the Public Who Signed In As Present:

Alisa Klein via telephone; Edie Cartwright, Diane McCord, Vanessa Sanazola, Michon Martin, Kareen Prentice, Mercedes Maharis, and Wesley Goetz.

Agenda Item #1:

Call to Order and Roll Call:

The meeting was called to order by Keith Munro, Assistant Attorney General and Committee Chair at 10:00 am. Mr. Munro asked for roll call, the above members of the committee were present.

Agenda Item #2:

Public Comment:

Mr. Munro called for public comment. The following members of the public came forward and spoke:

Public Comment in Carson City:

Edie Cartwright, Nevada Attorney General's Office:

Ms. Cartwright submitted for the record a report entitled *A Multi-State Recidivism Study Using Static-99R and Static-2002 Risk Scores and Tier Guidelines from the Adam Walsh Act*. See, Attachment One (1). Ms. Cartwright stated that this was a report that was developed under grant by the Department of Justice. Ms. Cartwright read a short abstract from this report.

Wesley Goetz:

Mr. Goetz stated that in the summer of 2012 he had to move out of his apartment in which he had resided for two (2) years. A new resident learned through the sex offender website that Mr. Goetz was a sex offender and the management forced him to move out. Two (2) days after moving into his new apartment someone called his Parole and Probation Officer regarding his new residence location. The Parole and Probation Officer assured this individual that this was a good location for Mr. Goetz to reside. Mr. Goetz wanted the committee aware that the information on the website has a potential of making people homeless.

Mr. Goetz asked if any research had been completed on the information he previously presented regarding the California Penal Code and if Nevada risk assessment scales for sex offenders reflects the most reliable, objective and well established protocols for predicting sex offender recidivism. Additionally, he stated if that scale has been scientifically validated and cross validated and if it is widely accepted by the Courts. Mr. Goetz asked the committee to consult with experts in the field of risk assessment and the use of actual instruments in predicting sex offender risk, sex offender treatment, sex offender mental health, and law as it deems appropriate. He also asked if research had been done on the tools used for Tier Ranking is scientifically validated and cross validated.

Mr. Goetz reported that he had done some research of the history of Senate Bill 68, done in 1963, which created the Board of Physiological Examiners and provided for certification of Physiologists. This bill led to NRS 641.390. Mr. Goetz read this NRS Statute. Mr. Goetz stated that his understanding of this Statute is that the Physiologists working in the Nevada State Hospitals and the Nevada State Prisons do not have to be licensed.

Mr. Goetz reported that he had done some research of the history of Senate Bill 99, which had a bulletin of January, 1977 that in part stated, Adult Sex Offenders which will eventually be released from prison shall be placed in highly structured realistic and responsible treatment programs while they are incarcerated. The bulletin also stated in part to include a statement in the final report recommending to legislature, appropriation so all convicted sex offenders, particularly inmates in the Nevada Department of Prisons, receive the appropriate treatment to reduce the chance that they will re-offend. Mr. Goetz stated that this bulletin was from 1977, it is currently 2012, and the treatment programs are led by unlicensed physiologists. Mr. Goetz stated that our legislature wanted treatment in Nevada's prisons so sex offenders would not be released from prison and re-offend.

Mr. Goetz read a portion of a letter written on October 18, 2012 by Connie Bisbee, Parole Board Chairman, to Shirley Foster, Deputy Director of Corrections, which stated in part; "during the review we also learned that the STOP Treatment Program for Sex Offenders had been modified by the NDOC and is no longer being conducted in strict compliance with the STOP Treatment

Guidelines. The STOP Program is used in other correctional settings and is known to reduce recidivism in sex offenders when administered according to the curriculum.” Additionally Mr. Goetz stated, that there is a 2012 report by James Austin which states that only sixteen percent (16%) of Nevada’s inmates that are sex offenders recidivate compared to twenty-two to twenty-seven percent (22% - 27%) of other offenders recidivating. Mr. Goetz wanted to tie in his statements with the upcoming presentation by Alisa Klein, that treatment will prevent child sexual abuse if given effectively and efficiently.

Statement by Chair Keith Munro:

Mr. Munro stated that upon completion of the minutes of this meeting he would like to draft a letter, include a copy of the report submitted to the legislature in August, 2012 and the minutes from the November 14, 2012 meeting, and send it to the chief of Parole and Probation. Mr. Munro stated that Mr. Goetz has done a lot of good research, so we should send this information to Parole and Probation.

Susan Roske:

Susan Roske stated that she had received an email from Pat Heinz that she would submit for the record. (See, Attachment Two (2)).

Agenda Item #3:

Approve April 5, 2012 Meeting Minutes:

The minutes of the April 5, 2012 meeting were reviewed; Keith Munro called for any suggested additions or corrections, none were voiced. Brett Kandt made a motion to approve the minutes, Scott Shick seconded the motion; all committee members present were in favor of the motion. The motion was carried and the minutes of the April 5, 2012 meeting were approved. (See, Attachment Three (3)).

Agenda Item #5: (Taken out of order)

Presentation on Human Trafficking Bill Draft to be Presented at the 2013 Legislative Session by Michon Martin and Karen Prentice:

Michon Martin reported that Attorney General Cortez Masto is presenting to the 2013 Legislature an omnibus bill on Sex Trafficking. General Masto has reached out to various stakeholders on this issue to ascertain what is going to be productive for the State of Nevada. General Masto also wanted the legislation described to this committee and to answer any questions.

Michon Martin stated that this bill is seeking to combat Human Trafficking effectively. An investigation was made into what other states are doing with this issue along with partnering with the Polaris Project, an organization that is committed to combating Human Trafficking. The author(s) have tried to determine what currently works well when looking at changing the laws. They are taking the Pandering Statute that currently exists and are proposing to broaden and modernize the definition of that Statute into the Sex Trafficking Statute. When looking at the Pandering Statute, many pieces of that Statute

have not been changed since 1916, and there were many parts that people either did not understand, or did not know how to use.

Sex Trafficking of a child will be the first piece of this legislation, and it does not require that force or violence be proven. The Department of Justice and many other States across the nation are moving to not requiring that the force or violence elements be proven. This is important because the perpetrators of these crimes are very good at “grooming” young people, very similar to what commonly occurs in a child sexual assault. They build a relationship with the juveniles and consequently the juveniles would do whatever the perpetrator wants them to do.

The next piece of this legislation is Sex Trafficking of adults. The author(s) wanted to make sure Nevada was using the federal definition of Sex Trafficking. Therefore, when collaborating with other agencies, counties or states, the same course of conduct and the same action is being discussed.

The author(s), in speaking with the stakeholders in this legislation, found that one piece of the legislation that was very important is in increasing penalties. Currently, the penalty for pandering an adult is one (1) to five (5) years in prison, and usually that perpetrator gets probation. They spoke with prosecutors, law enforcement officers, service providers and looked at the federal sentencing guidelines. After that review it was decided to propose increasing the punishment one sentencing level from a C to a B category felony. In the new bill draft it will be proposed a three (3) to twenty (20) years in prison penalty in an adult sex trafficking offense. The penalty regarding a juvenile victim will be very different. When a perpetrator is using a juvenile victim for sex trafficking, it is a very distinctive crime. There are two age categories of victims, under fourteen (14) years of age, and fifteen (15) to eighteen (18) years of age. The penalty will be an A category felony, which is ten (10) years to life or fifteen (15) years to life, depending the age. Ms. Martin stated that in her tenure as a prosecutor she would try and conceptualize the amount of time the juvenile victim would need to get self-actualized, grown up, going to school, and protect them before this perpetrator gets out of custody.

Ms. Martin stated to this end, they also wanted to include Sex Offender Registry. This is a notice issue and feels it is important that our community understands who they are living near, and are able to protect their children, their neighbors, and fellow citizens. Therefore, within this bill, they are including Sex Offender Registration for those convicted of sex trafficking.

Ms. Martin reported that the Polaris Project embodies the three (3) P's; Prevention, Prosecution, and Protection. In this bill they are trying to include each of these three P's. In speaking with law enforcement, they learned that gangs are starting to get into this business nationwide. In looking at other states what appears to be very effective is to include this offense in the Racketeering

Statutes. In having RICO actions, law enforcement could potentially sweep up an entire gang. The same is true with the Conspiracy Statutes. This is to make sure the State has effective tools to combat what is seen as a growing problem. Also stated that included in the bill is the potential for wiretapping. Even though it is very difficult to get a wiretap, if approved, a recording is extremely good evidence in a prosecution.

Process is being provided for asset forfeiture in this bill. It is important to be able to seize what assets are appropriate, and then those assets would go to the victim-claimant. If there is not a victim, or there is no longer a victim, then the assets would go to services for prevention and protection. Also, to that end, there is included Court Discretionary Mandatory Restitution. The Court would be able to look at the specific facts of each case, for example how much money was made on the backs of the victim, what is the value of the suffering of each victim, and any and all other appropriate means. Mandatory Restitution would go first to the victim-claimant, or there is no longer a victim, then the assets would go to services for prevention and protection.

Ms. Martin reported that the Polaris Project is currently in about three quarters (3/4) of the states, and there are many aspects/parts that they feel work extremely well. One that the author(s) chose to put into this bill is a Civil Cause of Action for any victim of Human Trafficking. Even though the author(s) are not sure how often a civil case would be filed, they feel that the concept of a victim becoming a survivor and being able to sue the perpetrator could possibly be a powerful tool to empower the victim-survivor. Another portion the author(s) included is the treatment of sex trafficking victims the same as victims of sexual assault, within the rape shield law, making sure there is confidentiality provided, and the same statute of limitations. Another piece of this bill is the ability to preserve testimony. In the event for example, the Defendant waives their Preliminary Hearing the Victim also has a right to a Preliminary Hearing. The victim is able to testify and preserve his/her testimony. This is important prosecution evidence in the event the victim is unavailable when the case finally comes to trial.

Kareen Prentice spoke about some of the victim components of this bill. Ms. Prentice stated that it was important that the Attorney General chairs the Victims of Crime Sub-Committee of the Advisory Commission on Justice. A bill draft request was submitted by the Victims of Crime Sub-Committee to the Advisory Commission, which was approved. A Legislator is still needed to pick up this piece of legislation. This bill draft request eliminates the Victims of Crime Statue that requires victim documentation of being a US citizen. This bill draft also includes a forensic sexual examination portion, which helps the rural counties in providing funding for forensic sexual examination that is currently taking place in Washoe and Clark counties and not available in the rural counties. Also being added is that sex trafficking victims would be eligible for victim compensation through the Victims of Crime Subcommittee.

Michon Martin stated that the last piece of this bill is to expand the Office of the Child Advocate for Missing and Exploited Children so that the Attorney General's Office has concurrent jurisdiction in sex trafficking cases. General Masto wanted to make sure they were providing help and resources in this area. For example, if a rural county was not used to prosecuting these extremely difficult types of cases given the broken state of the victims, that the Attorney General's office can provide assistance, collaborate, or potentially do a prosecution. This portion of the bill is intended only to assist the counties, not to take over the prosecution.

Question by Keith Munro:

Mr. Munro inquired if any other states were working on similar legislation.

Response by Michon Martin:

Ms. Martin stated that this type of legislation is in many states. The Polaris Project is in approximately three quarters (3/4) of the states, and they rate the states on how effectively each state is combating human trafficking. Those states that have already implemented the laws get a nine (9) or a ten (10), for example California, Minnesota, and Illinois who have already implemented these laws to great effect. Most of the states are in the middle "grades" and are working on legislation to implement these laws. Polaris was instrumental in assisting Nevada in drafting a bill draft legislation that would work for Nevada.

Question by Keith Munro:

Mr. Munro inquired what groups within Nevada have been presented this proposed legislation, and what has been the reaction regarding this proposed legislation.

Response by Michon Martin:

An informal working group was put together by General Masto. This group has spoken to many individuals and groups. For example, Theresa Lowry in the Clark County DA's Office, Kristin Erikson in the Washoe County DA's Office, Mark Jackson in the Douglas County DA's Office, numerous prosecutors, law enforcement both in the north and the south portions of the state, the Sheriff's and Chief's Meeting, countless service providers, the FBI Victim Specialists, a whole host of interfaith organizations, and the Awaken Organization who is looking to build a safe house. They also spoke to Susan Roske, a member of this committee, who was instrumental and gave positive feedback. They are scheduled make a presentation to the Las Vegas Child Advocacy Alliance. Overall, the reception has been exceedingly positive. When they have received feedback that a portion might not work they have made changes. Ms. Martin reported that when the BDR is back from LCB they will take it back around to the groups again to make sure it works for everyone. General Masto made it clear that she wants this legislation to be user friendly, and to work for all who deal with this type of crime.

Question by Keith Munro:

Mr. Munro asked that because these types of crimes are national, and go across several states, information gathering is key. Mr. Munro inquired as to the IT aspects that have been done on information gathering.

Response from Michon Martin:

They are currently working on this issue. They have met with one company that is very adept at sharing information across state lines while simultaneously utilizing security techniques, they have met with law enforcement both from the north and south and the Fusion Centers regarding gathering and sharing data.

Question by Brett Kandt:

Mr. Kandt referred to Ms. Martin's statement regarding the victim's right to a Preliminary Hearing and questioned if this had been found in other states to satisfy the Sixth (6th) Amendment right to confrontation by preserving the testimony so that the victim, or the person testifying, is unavailable at trial, but were available at the Preliminary Hearing.

Response by Michon Martin:

Yes, this has been found to be constitutional. The Court makes a determination at trial whether or not the victim is available or unavailable. There is a whole host of things that the prosecution has to prove for the Court to make a finding of unavailability and then to use preserved testimony. There is a process that insures the defendant's rights are preserved.

Question by Susan Roske:

Ms. Roske asked what would be the tier level for sex trafficking of a juvenile.

Response by Michon Martin:

They are awaiting receipt of the BDR from LCB to determine what was done with that portion. Upon receipt, Ms. Martin stated she would consult with Ms. Roske to insure they were on the right track regarding tier levels.

Agenda Item #4: (Taken out of Order)

Presentation on Reshaping Sex Offender Policy to Prevent Child Sexual Abuse by Alisa Klein, Public Policy Consultant Association for the Treatment of Sexual Abusers:

Ms. Klein appeared telephonically and stated that she is a Consultant to The Association for the Treatment of Sexual Abusers on public policy that is related to treatment and management of sex offenders. Ms. Klein stated that she co-authored a document named *A Reasoned Approach* with Joan Tabachnick on which her presentation was based. Ms. Klein also stated that the Center for Sex Offender Management has been key in developing community based sex offender management treatment and that a number of other researchers aided in the information contained in her presentation.

Ms. Klein gave read from a PowerPoint Presentation, and provided members of the committee copies of each of the slides that she read. (See, Attachment Four (4)). Ms. Klein recommends a positive approach to preventing sex offences in a primary prevention approach before the perpetration, not just responding to the known sex offenders who make their way into the system. Ms. Klein recommends that in addition to reviewing the information in this slide presentation to read the document *A Reasoned Approach* authored by Ms. Klein and Joan Tabachnick on the topic of how to prevent sex offenses before they are perpetrated.

Question by Brett Kandt:

Mr. Kandt referred to presentation slide five (5), regarding recidivism and studies, in in which Ms. Klein refers to percentage of re-offense rates, and inquired what time period this covered.

Response by Alisa Klein:

Ms. Klein stated that pursuant to presentation slide seven (7), the time period is between four (4) and six (6) years. With treatment, between four (4) and six (6) years follow up there is approximately a twelve percent (12%) to eighteen percent (18%) recidivism rate. Ms. Klein went on to state that there is a Department of Justice study that shows a five percent (5%) recidivism rate over a five (5) year tracking period. Additionally, Howard Snyder, a lead statistician for the Department of Justice, is just completing a study that did more of a longitudinal analysis of ten (10) to sixteen (16) years and this study brings the DOJ five percent (5%) recidivism rate up to approximately ten percent (10%) to fifteen percent (15%) for untreated sex offenders.

Question by Brett Kandt:

Mr. Kandt's understanding is that the longer the time period a sex offender is tracked, the more likely the re-offense rate will increase.

Response by Alisa Klein:

Ms. Klein responded yes and confirmed Mr. Kandt's understanding. Ms. Klein added that while the re-offense rate will increase over time, the older the offender gets the more likely they are to re-offend. She believes that will mitigate the trend of re-offense over time.

Question by Brett Kandt:

Mr. Kandt inquired if there was any evidence supporting that if the sex offender re-offends at all that it will be soon after release from incarceration.

Response by Alisa Klein:

Ms. Klein stated that was a good question; however she does not know the answer. The lead researcher in this field is Carl Hansen in Ontario, Canada. Additionally, a Florida researcher named Robin Williams is a good source for the

answer to that question. Ms. Klein stated that she would be happy to provide their email addresses for inquiry.

Statement by Keith Munro:

Mr. Munro advised Ms. Klein that if she would email those addresses to him he would disseminate them to Mr. Kandt and any other members of the committee who had questions.

Question by Brett Kandt:

Mr. Kandt referred to presentation slide nine (9), and first inquired of this chart was based on reports of sexual assault, conviction, or another factor.

Response by Alisa Klein:

Ms. Klein stated that this chart was based on reports, not incidents. Ms. Klein stated that some people in the policy realm feel that some of the policies discussed by Ms. Klein have acted as deterrents to people wanting to report, and the decline reflected in the government studies comes from the fact that less is being reported, not that incidents are declining. In terms of child sexual abuse specifically, the two leading researchers that have analyzed all of the government collected data of the fifty-eight percent (58%) decline in child sexual abuse, feel strongly that policy plays a very small role, if any role at all in reports. It is not just a reduction in reports; it is an actual reduction in incidents.

Question by Brett Kandt:

Mr. Kandt asked if Ms. Klein would agree that the overall twenty (20) year decrease in the sexual assault rate trend reflected on the chart mirrors the overall decrease in violent crime in the United States for the same period of time.

Response by Alisa Klein:

Ms. Klein agreed emphatically to Mr. Kandt's statement. In addition, she stated that she just attended a conference in which the overall twenty (20) year decrease in the sexual assault rate trend is embedded in the overall violent crime decline.

Question by Brett Kandt:

Mr. Kandt referred to presentation slide thirty-six (36), detailing the last twenty (20) year enactment of the Sex Offender Notification laws, if she thought there could be some correlation between the drop in the overall rate of sexual assault and the enactment of tougher laws, SORNA, and the fact that they have prevented future crimes.

Response by Alisa Klein:

Ms. Klein stated that no research has been done to indicate the correlation between the laws and the decreases in sexual assault. Additionally, this would be a good question to email the researchers she previously discussed and agreed to provide their email addresses.

Question by Brett Kandt:

On presentation slide thirty-four (34), the death penalty is referenced. To clarify, Mr. Kandt wanted everyone to be aware that in *Kennedy v. Louisiana* the US Supreme Court ruled that a Louisiana law which was enacted making child sexual assault eligible for the death penalty, was ruled unconstitutional and cruel and unusual punishment under the Eighth Amendment.

Response by Alisa Klein:

Ms. Klein agreed emphatically to Mr. Kandt's statement and added that a few states still have the death penalty on their books, but the US Supreme Court did rule it unconstitutional.

Question by Brett Kandt:

On presentation slide forty-three (43), the Minnesota Department of Correction Study regarding residency restriction that not a single re-offense would have been prevented by an ordinance restricting where sex offenders could live. Mr. Kandt asked how if not by restriction would we even know if this is true.

Response by Alisa Klein:

Ms. Klein could not recall the specific methodology of Minnesota Study, but believes that they tracked the offenses that re-occurred, and in terms of the location of where the offense occurred and the location of the sex offender(s) residences, not correlative effect was seen. This study is available for download online.

Question by Susan Roske:

On presentation slide sixty-five (65), you state that policies are counterproductive to the goal of these youth developing the capacity to live successfully in a pro-social environment. Ms. Roske inquired if this was in reference to public notification and registration.

Response by Alisa Klein:

Ms. Klein stated that she believes that all of the policy trends, but primarily public notification and residence restriction that are looked at as counter-productive to re-integrating youth back into communities.

Question by Susan Roske:

Ms. Roske inquired if Ms. Klein knew how many states had rejected the Adam Walsh Act because of the inclusion of juvenile delinquency adjudication.

Response by Alisa Klein:

Ms. Klein stated she believed that there were six (6) states that have definitively refused to implement in part because of the inclusion of juvenile delinquency adjudication. There are many other jurisdictions, including Indian Tribes, that have not made official statements that they are not going to comply, but simultaneously they are also not working towards compliance. From some

conversations she has had with some of those jurisdictions, the juvenile piece is a major concern. In the January 2011 guidelines from SORNA, the mandate from the federal government to states and jurisdictions to include juveniles on the public notification and registry was removed. The states and jurisdictions now have the discretion to keep juveniles off the public notification and registry. Ms. Klein stated that this was done very pointedly by SORNA because the juvenile inclusion in public notification was a huge problem for jurisdictions in implementing the Adam Walsh Act.

Question by Donna Coleman:

Ms. Coleman inquired how she could reconcile and have confidence in the statistics, because, on one hand Ms. Klein reports that recidivism is low, but also that sex offenses are one of the most unreported crimes.

Response by Alisa Klein:

Ms. Klein agreed that the difference in these two statistics puts a large question mark next to the recidivism rates. She believes that there has been some research into recidivism rates of different kinds of sex offenses. For example, interfamilial situations, where they see the recidivism rates are the lowest of all offenses. However, it is also known that the closer the relationship to the victim, the less likely is to be reported. It is additionally known that if someone is a known sex offender and if the local jurisdiction was doing some level of supervision they are going to be watched much more carefully, therefore if there is a re-offense it is much more likely to come to the attention of the authorities and be recorded as a re-offense. Ms. Klein stated that there is occasionally failure within the system, but overall the reason the statistics are used and rely on the research is that they feel the offenders who are already in the system are being tracked carefully enough that there is going to be access to that information.

Question by Keith Munro:

Mr. Munro stated that one of the things he gleaned from her presentation is that registration and notification for the management of sex offenders can be important tools.

Response by Alisa Klein:

Ms. Klein agreed with Mr. Munro. She stated by using risk assessment tools and decisions concerning who those offenders who pose the greatest risk for re-offense need to be monitored.

Question by Keith Munro:

Mr. Munro inquired if Ms. Klein had reviewed any of Nevada's existing laws regarding the management of sex offenders, and if there was any area that needed improvement.

Response by Alisa Klein:

Ms. Klein stated that she had followed some of the issues regarding Nevada's implementation of the Adam Walsh Act, but was not familiar with the specific laws currently in place. She would be happy to assist and offer recommendations in the future, but that the Center for Sex Offender Management would probably be a better source for information.

Agenda Item #6:

Presentation on SORNA Implementation Review by Julie Towler:

Ms. Towler presented to the committee a document entitled SORNA Implementation Review State of Nevada, dated February, 2011. (See Attachment Five (5)). This document is a summary regarding specific provisions related to Nevada's law and comments by the SMART office regarding Nevada's Implementation.

Mr. Munro called for questions by the committee to Ms. Towler regarding this document submitted for the record, no questions were given.

Agenda Item #7:

Discussion on resubmitting language from A.B. 326 (2011 Session) – Various changes to provisions governing juvenile sex offenders presented by Scott Shick:

Mr. Shick is Chief of Juvenile Service of Douglas County and represents the Nevada Association of Juvenile Justice Administrators. Mr. Shick is informing the committee of the re-submission of AB 326 from the last legislative session. They have not presented this to LCB as of the date of the meeting, but plan to do so and have legislative support regarding this re-submission. There are reasonable modifications to particular language revising the matter in which certain juveniles who are adjudicated delinquent for certain acts are required to register as juvenile sex offenders. There might be some additional changes with regard to retroactivity in which he would ask Ms. Roske to comment. Mr. Shick stated that he did not see a necessity to review the entire language with the committee, as it is very similar to the previous submission. This re-submission tempers the reasons and justifications for registration and notification of juveniles that have been adjudicated.

Susan Roske's addition to the presentation:

Ms. Roske stated that one of the concerns in justifying this act is including children who have been adjudicated delinquent in the entire scheme of AB 579. The bill as it is written is that it is prospective, meaning it only affects children adjudicated delinquent in the future and it will not address previously adjudicated delinquent children from 1956 to the present day. It would require those children adjudicated delinquent of certain offenses would be subject to public registry. The idea of this legislation is to correct the mistake of the 2007 legislature. A statute has been carved out that would address the minimum requirements under Adam Walsh, making this particular statute prospective only. A child could only

be adjudicated delinquent under this statute that would require immediate community notification on the website if the child was given notice prior to entry of plea or finding of guilt by a court. She feels that the legislature needs to take action to correct the problem.

Question by Donna Coleman:

Donna Coleman asked if there was an update on the lawsuit.

Response by Susan Roske:

The case was argued in the Supreme Court in June, 2009; and has been submitted to the court for quite some time without a decision to date.

Response by Keith Munro:

The Federal lawsuit is back in the Federal District Court for work on some consent decrees, but as far as the litigation on the merits of the case, that is complete. To implement we must wait on the state court proceedings mentioned by Ms. Roske to be finalized as well in order to implement.

Agenda item #8:

Public Comment:

Mr. Munro called for public comment. The following members of the public came forward and spoke:

Wesley Goetz:

Mr. Goetz read additional excerpts from the 1997 Bulletin, The Treatment of Mentally Ill Offenders. Sex Offender treatment can be expensive, between \$5,000 and \$15,000 per year for intensive supervision and treatment. An additional year of treatment costs considerably less than an additional year of prison. Building a prison cell costs approximately \$55,000 and yearly cost of operation is approximately \$22,000. If treated, offenders can be rehabilitated and integrated back into society the cost of treatment can be considered affordable. Another portion of this bulletin contains a statement by Chairman James that sex offenders who are not treated are motivated to continue and escalate their crimes. An additional Chairman James statement was that at least seven (7) research groups have analyzed sex offender treatment during the last fifteen (15) years, and all but one (1) have found positive effects of treatment. Chairman James also indicated that the national study of sex offenders' in 1993 found that the recidivism rate of treated sex offenders was at 10.9% vs. 18.5% for untreated offenders. At the sub-committee's meeting in Las Vegas on February 1, 1996, Dr. Arthur Gordon, Director of Sex Offender Treatment Program at Washington State Twin Rivers Correctional Center, stated that treatment can reduce recidivism rates particularly with high risk sex offenders, but it must be tailored to specific sub-groups of sex offenders to be effective. Dr. Gordon continued by stating that although treatment is most effective with high risk sex offenders, it should be available to all sex offenders as this treatment program had only a 4.4% failure rate among all sex offenders who received

treatment. This bulletin also contained a recommendation of Dr. Diane Mercer, a Clinical Physiologist of Reno, was that the sex offenders are not effectively served by treatment providers who do not have sex offender specific training and certification in the most recent treatment methods. Mr. Goetz reported that based on these concerns, the sub-committee's final report recommended that treatment for sex offenders be provided by therapists who specialize in sex offender specific therapy. Additionally Mr. Goetz reported that this bulletin contained information regarding certification by the Psych Panel, by law an offender convicted of a certain sex offense may not be paroled until a board consisting of an Administrator of a Mental Hygiene and Mental Retardation Division of the Department of Human Resources, the Director of the DOP, their designees, and Physiologists licensed to practice in Nevada, have certified that the offender was under observation while confined in an institution and is not a menace to the health and society or the morals of others. This board is commonly referred to as the Psych Panel. Mr. Goetz reported that the law was changed in Senate Bill 187, besides being certified, the Psych Panel now has to evaluate offenders. Mr. Goetz stated that the terminology for the Psych Panel is a Panel of three (3) licensed physiologists that are licensed by the state of Nevada Board of Physiological Examiners, or Psychiatrists that are licensed to practice medicine in the state of Nevada and certified by the American Board of Psychiatrists and Neurology. Both physiologists or psychiatrists have to have a PhD in Physiology from a college or university accredited by the American Physiological Association. Both physiologists and psychiatrists have to be specifically trained and competent in the field of conducting an evaluation for sex offenders, including, having the knowledge and being competent in how to conduct different kinds of risk assessment instruments, tools, and tests to evaluate sex offenders. Additionally, they need to be competent in how to use all tests for sex offenders that will be consistent and maintain a level of scientific validation ensuring that the sexual evaluation will be precise to evaluate what level, low, moderate, or high risk to re-offend. Both physiologists and psychiatrists have to three (3) or more years' experience in the field.

Mr. Goetz stated that he agreed with Alicia Klein, that treatment does reduce recidivism rates. Instead of spending all the money on the Adam Walsh Act, Nevada should provide more treatment for sex offenders from people with the previously stated credentials. Additionally, Mr. Goetz stated that the individuals in the prison system providing sex offender treatment should also have the same credentials.

Mr. Goetz stated that Earl Neilson conducted a study and produced a sixty (60) page report of different categories of sex offenders. If provided a grant, Mr. Neilson, through UNR and with UNR interns, is willing to research categories of sex offenders and their treatment methods and risk assessment tools required to assess sex offenders.

Mr. Goetz submitted an abstract of different reports, and will in the future be submitting Mr. Neilson's report and letter to the committee. See, Attachment Seven (7)).

Mercedes Maharis:

Ms. Maharis presented A Position on the Sex Offender Registry, which was put together at Hotel Harrington, Washington D.C. during Labor Day weekend 2012. This is an alternative Approach to Sex Offender Registry. Cure takes a position that Sex Offender Registries be abolished. Present laws have rarely assisted in the prevention of an abusive situation. Approximately ninety percent (90%) of all sex offenses are committed by a family member or a close acquaintance. Recidivism rates of less than five percent (5%) by convicted sex offenders mitigates against the efficacy of the tremendous expenditure for the registries. Ms. Maharis stated that these figures come from the Department of Justice. Additionally Ms. Maharis added that registration results in severe collateral consequences such as unemployment, homelessness, and often physical and humiliating attacks on registrants, their property, and perhaps their families. The Sex Offender Registry has resulted in registrants and their families facing significant obstacles in building a new life for themselves after incarceration. Ms. Maharis stated that she is interested in re-introducing humanity in this approach. She feels it is very important to step back and look at the registry in this manner. Ms. Maharis stated that one of the best methods of prevention is a positive life for former sex offenders. Being on the registry can bring on some of the same characteristics that led the person into an abusive life in the past. She added that registration laws decrease public safety by making it more difficult for former offenders to re-intergrade into society ultimately increasing the likelihood of re-offense. Ms. Maharis stated that our nation needs to change the presumptions that have led to hysteria that there is a large amount of sex abuse by those previously convicted. This theory has been fueled by law and order and get tough on the crime policies in the past. Ms. Maharis stated that this has taken on the mentality of the Salem Witch Trials or the Japanese Internment Camps during World War II. Ms. Maharis stated these are as damaging as the war on drugs where other failed policies were applied to another group. Ms. Maharis stated many have benefited from an industrial complex that developed, just as present development we have with the sex offender registry industry. Instead of producing a sense of safety, it has fostered and perpetuated fear amongst an uneasy public, and has inhibited positive proactive discussion around the causes that can lead to abusive circumstances. The causes that have nothing to do with how far away someone lives from a school, or a bus stop, or whether they are permanently rendered piranhas by a modern scarlet letter. Ms. Maharis expressed her opinion that the registries promote hatred and retaliation against former offenders, their families, and their victims. Ms. Maharis feels it is counterproductive to enact such registries. It is imperative that legislative bodies effectively address the problem and rescind or seriously refine the registry laws that are harmful and not assisting in sex abuse prevention. Ms. Maharis feels it is time to take a smart approach, not a hysterical one. By eliminating the registry

the resources saved could be redirected in concerted effort to educate the public including media social networks and lawmakers regarding the nature of sexual offenses how to protect children and the vulnerable. Sexual abuse is foremost a public health program and can't be effectually solved through the criminal justice system. Ms. Maharis stated that CURE takes the position that sex offender registry is wasteful, punitive, and hateful and an incapable example of political pandering.

Ms. Maharis submitted an article by a physiatrist entitled "Do Pedophiles Deserve Sympathy" that was presented by CNN following the Sandusky case. See, Attachment Eight (8).

Mr. Munro called for additional public comment, none was given. The meeting was adjourned by Keith Munro at 12:17 pm.

Minutes respectfully submitted by Jan Riherd.
