

# THE ALLIANCE

*THE ALLIANCE* is a Quarterly publication of the New York State Alliance of Sex Offender Service Providers (NYSASOSP) and the New York State Chapter of the Association for the Treatment of Sexual Abusers (NYSATSA.)

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## Alliance and NYSATSA Present Awards

The twelfth annual Alliance and NYSATSA conference was held at the Poughkeepsie Grand Hotel on May 3d & 4th. There were over 200 attendees this year. Many representatives from different fields and different organizations were present. Professionals from mental health, law enforcement, victim advocacy and other agencies attended sessions that covered a variety of topics in the field. Both keynote speakers were well received. Alisa Klein, a policy consultant was the plenary speaker on the opening day. Ms. Klein presented her opening day keynote with a discussion of the ways in which current sex offender-related policy, legislation, and media coverage hamper or enhance our ability as sex offender treatment and management personnel, victim advocates, preventionists, and as a society, to encourage the prevention and disclosure of sexual violence.

On Friday, May 4, Joanne Archambault, President and Training Director of SATI, Inc. (Sexual Assault Training and Investigations) and Executive Director of End Violence Against Women (EVAW) International presented the conference's second keynote address. Ms. Archambault opened her presentation with a compelling audio tape of a 911 call whereby the dispatcher was questioning the veracity of the rape victim's report. Many in the audience acknowledged their belief that the call might not be a reliable report based on statements made by the victim and the sound of Tina Turner singing, "What's Love Got to Do With It?" in the background. A major point taken away from this presentation was that individuals exercise caution when taking reports from sexual assault victims and investigating these cases. Ms. Archambault gave as an example a case in which the detective investigating a rape allegation believed the victim had confabulated her account and had her apologize for doing so. This rape victim subsequently won a lawsuit over this investigatory work, subsequent to the rape being proven by DNA evidence linked to a rapist later incarcerated for another sexual offense.

The conference luncheon is highlighted annually by the presentation of awards to individual and agency service providers in the field.

Continued on Page 3

## NYSATSA and Alliance Position Paper Regarding The Sex Offender Management and Treatment Act

On April 14<sup>th</sup>, 2007, The Sex Offender Management and Treatment Act (S3318 and A06162), now known as Article 10 of the Mental Hygiene Law (10.01-10.17), Sex Offenders Requiring Civil Commitment or Supervision, became law in New York State.

NYSATSA and the Alliance were asked to provide commentary on the law after Governor Spitzer signed it. Copies of this commentary will, in the vernacular of New York State Legislature, be “bound” to the law, i.e. filed with it in the archives of Albany. The text of our statement is as follows:

“The New York State Alliance of Sex Offender Service Providers is a not-for-profit professional education and support organization comprised of probation and parole officers, mental health professionals, corrections personnel, victim advocates and law enforcement officers. Our members work to enhance community safety by improving the investigation, prosecution, community supervision, treatment and re-entry of sex offenders using a victim-centered model. We appreciate the invitation to provide comments regarding the Sex Offender Management and Treatment Act.

“Our members strongly support the Sex Offender Management and Treatment Act, and anticipate that it will result in significant improvement in community safety. We applaud the Governor, Assembly and Senate for working together to create this vastly improved strategy for sex offender management.

“Our members acknowledge that there are some persistent and dangerous sex offenders whose high risk for recidivism creates a danger to the community. The civil commitment aspects of this Act appear to strike a balance between safeguarding the community and ensuring the highest degree of protection for individual rights and freedoms.

balance between safeguarding the community and ensuring the highest degree of protection for individual rights and freedoms. The several phases of evaluation, prior to sex offenders being released from prison or parole supervision appears to limit the number of inmates likely to be found in need of civil commitment to those who genuinely require long-term separation from the community. We note the wisdom of allowing sex offenders to waive a jury trial during their commitment hearings, having learned from other states that juries typically vote to civilly commit, whereas judges tend more to form opinions based on the merits of each individual case.

“Historically, civil commitment programs struggle with the task of motivating inmates to participate in, and successfully complete, a specialized treatment program. In this Act, motivation to participate in rehabilitation services is maximized by providing the committed sex offenders with ample opportunity for re-evaluation and potential release. We anticipate that issues regarding privacy and confidentiality will be clarified during the implementation phase. Our membership notes that incarcerated or civilly committed sex offenders are not likely to volunteer information about other, as-of-yet undocumented offenses if that volunteered information is going to reduce their likelihood of release. That is, we know that eighty-seven percent of all sex offenses are not reported to the authorities, and that it is more often the rule than the exception that a dangerous sex offender has committed more offenses than are represented in his legal history. For treatment to be effective, it will be important for that sex offender to explore all his sexually offensive behaviors, not just those represented in his legal history. This creates a difficulty if the information he provides concerning non-documented offenses is going to be used to bolster a case for his civil commitment.

## 12<sup>th</sup> Annual Conference Awards

Continued from pg.1

The Marilyn Etcheverry Award is named after a pioneer in New York State who advocated for the prevention of sexual abuse and promoting sexual offender treatment. At this year's conference, Alliance President Richard Hamill informed attendees of the role Mr. Gary Hook played in working with Ms. Etcheverry to make the Alliance a viable entity and bring nationally known experts to this state to promote these goals. Mr. Hook is currently employed at the New York State office of Mental Health and remains a strong and supportive member of the Alliance.

The Marilyn Etcheverry Award is presented to those individuals and agencies that provide innovative and state of the art services to sex offenders. The individual winner this year is Meredith Raye-Labatt. Ms. Raye-Labatt was recognized for her contributions to training juvenile sexual abuse prevention service providers throughout New York State. Ms. Raye-Labatt brought Gail Ryan to New York and arranged for Ms. Ryan to provide training from the Kempe service model of prevention. Ms. Ryan provided 3 day training workshops in six different locations throughout the state. Following this training initiative, Ms. Raye-Labatt remained in contact with the training participants to offer collaboration and assistance. She also maintained the Kempe List Serve to assure that valuable information was delivered to participants.

The Fay Honey Knopp Award is named after one of the national pioneers of in the field of sexual offender treatment. The Child and Family Services (of Erie County) Sex Offender Management Program won the award this year for innovative approaches and strong collaborative efforts with various agencies in the area to assure effective provision of services to offenders and the community served. This program is noted to have a strong family support service to assist families of adults and juveniles who have been convicted of sexual offending. Family members are helped to understand the dynamics of sexual offending and develop strategies for coping with their own issues related to having a family member who has committed a sexual offense. This program also

This program also utilizes the polygraph to assure treatment participants are compliant with the rules of the treatment program and conditions of their probation. Two polygraph examiners who are specialized and certified in providing polygraph examinations to offenders provide services to this program.

The Capital District CSOM will be sponsoring the next Alliance/NYSATSA Conference in 2008. We are already planning and looking forward to an exciting and informative program next year!

Special thanks to Sharon Doane and her colleagues from Dutchess County for the well planned, informative and successful conference of 2007.

The Editor

### OJJDP Guide Helps Children Whose Brother or Sister Has Been Abducted

The [Office of Juvenile Justice and Delinquency Prevention](#) (OJJDP) announces the availability of "[What About Me? Coping With the Abduction of a Brother or Sister.](#)"

Written by siblings of abducted children, this guide contains information to help children of all ages when their brother or sister has been kidnapped. Written in child-friendly language, it is divided into such sections as: home, family, law enforcement, the media, school and work, and holidays and anniversaries. In addition, the guide contains activity pages for children of all ages, including those who are too young to read. It provides such children with insights into what they might expect to feel following the abduction, related events that may ensue, and steps that they may take to cope with their feelings.

Resources:

"What About Me? Coping With the Abduction of a Brother or Sister" (NCJ 217714) is available online at

<http://ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=239397>.

## NYSATSA and Alliance Position Paper

Continued from page 2

“The members of New York State Association for the Treatment of Sexual Abusers strongly support the option of Intensive Supervision, and applaud the Governor and legislature for providing the resources to strengthen the supervision agencies. Similarly, we have learned from the experiences of many other states that the option of sentencing sex offenders to much longer periods of supervision is a very effective strategy for reducing re-offenses by those offenders for whom the propensity to re-offend is a chronic, even life-long disability. As we have learned from the State of Texas, intensive supervision and longer periods of supervision are highly effective strategies for improving community safety, as well as containing cost. We support the aspects of this Act that provide the option of longer periods of supervision and intensive supervision.

“Finally, the creation of the Office for Sex Offender Management offers perhaps the most significant strategy for enhancing community safety, by ensuring that the wide variety of state agencies can work in concert. By implementing best practices models, and ensuring interagency collaboration, the Office for Sex Offender Management will have far-reaching positive effects. Using the strategies developed, for example, by the Colorado State Board for Sex Offender Management, practices around the state can be evaluated and improved.

“In summary, the New York State Association for the Treatment of Sex Offenders is strongly in support of the Sex Offender Management and Treatment Act.

Respectfully Submitted by:

The Board of Directors, New York State Alliance of Sex Offender Treatment Providers

And

The Board of Directors, New York State Chapter, Association for the Treatment of Sexual Abusers.

There is no easy answer to this issue, except to provide both a degree of privacy regarding this information, as well as to have it be considered by the expert evaluators, who will note that such voluntarily provided data is an act of good faith and sometimes a characteristic of genuine rehabilitation. During the implementation of this Act, further consideration must be given concerning the privacy of information elicited during the course of sex offender treatment.

“Because of the high cost of civil commitment, it would be advisable for the State to give further exploration to ensuring that a specialized sex offender evaluation and risk assessment be conducted on every convicted sex offender prior to sentencing. For those sex offenders who appear to be potential candidates for civil commitment proceedings in the future, the Court can institute a longer sentence, thereby reducing the long-term cost by using the correctional system rather than mental health resources.

“The members of the New York State Association for the Treatment of Sexual Abusers strongly support the provision of sex offender treatment within the facilities of the Department of Correctional Services. We note that such specialized sex offender treatment programs often require at least two years, and that some sex offenders should be able to have their duration in treatment extended beyond the two-year mark.

“A majority of sex offenders receive their treatment in the community, usually as a Condition of Probation. Some of these sex offenders fail to access specialized sex offender treatment services, despite Court mandate, because they do not have the ability to pay for their own treatment. Strategies should be clarified during the implementation of this Act to ensure that specialized sex offender treatment is provided to all the sex offenders in the community who genuinely require this service. Perhaps this could be implemented through funding to the local Probation Departments, to provide a partial subsidy in order to ensure that treatment is provided to all who require this service.

# Notes from the President

## New York State Association for the Treatment of Sexual Abusers and Alliance of Sex Offender Service Providers

This edition of the Alliance has a guest writer contributing to the President's Column. Richard Kueger, MD is Vice President of the Board of Directors for NYSATSA and he has contributed the following letter to the readers of this newsletter.

- Editor

Dear Colleague:

As many of you know, members of the NYSATSA and Alliance have been working closely with the NYS Legislature and Governor regarding pending legislation related to Civil Commitment of Sex Offenders.

I believe that NYSATSA and the Alliance had a significant impact on this legislation through the efforts of its various members. The Legislature had considered such legislation for many years and come close to passing a very flawed version in 2006. The current law reflects many of the policies and suggestions that NYSATSA and the Alliance have been making to the Legislature through the years and recently in the form of media interviews, editorials, direct meetings with lawmakers, commentary on drafts of the law to the Joint Conference Committee (charged with forging a single law from separate versions passed by the Senate and the Assembly) commentary to officials in the Governor's office charged with drafting the law, and the development and presentation of a bibliography and various academic materials to the law's drafters. All involved from NYATSA and the Alliance gave unflinchingly of their time and energy and this law is the better for it.

Much remains to be done. While legislators can pass a law, its actual enactment requires the efforts and ingenuity of many state administrators and agencies.

This law requires the complex orchestration of the New York State Office of Mental Health, Office of Mental Retardation and Developmental Disability, Divisions of Correction, Parole, and Criminal Justice Services, and the Attorney General's Office. Additionally, it will require the development of a whole infrastructure of treatment throughout the state.

Perhaps the greatest challenge will be to develop in a timely way a system of institutional treatment and community based treatment and monitoring that will allow this law to operate without relying on the most expensive modality of continuous confinement, as other states have done. It will also require that means be found to assist with housing, employment, and treatment for sex offenders appropriate for a less restrictive alternative, which is becoming increasingly difficult. It will also require that legal professionals involved be educated on the elements of sex offender treatment and risk assessment.

An excellent feature of this law is the creation of the Office of Sex Offender Management, which will allow for the continual evolution, evaluation, and fine-tuning of this legislation to accommodate circumstances, both foreseen and unforeseen. It should be emphasized that the historical record, both past and recent, provides abundant evidence that such programs are very difficult to successfully enact. The closest that a program has come to some success appears to be Arizona. The actuarial instruments and dangerousness assessment process used in the current law are far from perfect, and it can even be anticipated that some individuals released into the community will reoffend, perhaps dramatically. The challenge will be to, in the long run, reduce sexual violence by making this law work to successfully contain, manage, and treat this high-risk population.

[Continued on Page 6](#)

## Notes from the President

Continued from Page 5

There is virtually no literature which describes or analyzes outcomes from the 30 plus old civil commitment programs that came and went in the first rash of statutes passed from the 1930's through the 80's in the United States, nor from any of the 19 newer civil commitment programs passed in the past two decades. It will be critical to carefully evaluate outcome.

Many other states and countries will look to New York as an example of civil commitment legislation, and it is imperative that all involved make this an exemplary law and system of management and treatment. We, on behalf of the Boards of NYSATSA and the Alliance, ask that all of our members help to make this law a success.

Sincerely,  
Richard Krueger, Vice-President, NYSATSA

### NYS ATSA/NYS Alliance Mission Statement

- To reduce the level of sexual victimization.
- To promote the increase, uniformity, and quality of assessment and treatment services for juvenile and adult sexual offenders.
- To promote the development of a fully integrated continuum of services for sexual offenders.
- To promote legislation on issues and funding for programs impacting sex offenders and survivors.
- To promote offender accountability through restitution, mediation, treatment, supervision and incarceration; and

To promote community safety through the confinement of sex offenders not amenable to community-based treatment services.

## Identity Theft Risk for Mental Health Service Providers

The Department of Veteran's Affairs (VA) has recently notified service providers that "a portable computer hard drive used by an employee of the Birmingham VA Medical Center is missing." According to the announcement from a VA Representative, the VA was "conducting research" on health care for Veterans and used health care provider data it obtained from the Centers for Medicare and Medicaid Services (CMS) for research purposes. This data included personal information of providers, including dates of birth, state license numbers, business addresses, employer identification numbers and the Unique Physician Identification Number (UPIN.) Often times, the Employee Identification Number is the provider's social security number. This personal information was placed on a "portable hard drive" that subsequently turned up "missing."

The VA has sent letters to providers who were listed in this provider directory that is missing. It should be noted that information from this provider directory dates back to 2004. Therefore, if a provider has changed their business address since that time, they may not have received a warning letter about this situation from the VA. It was reported that there were "extensive physical searches and has involved local police and federal investigative resources....however the hard drive remains missing."

If you have provided services to Medicaid/Medicare recipients and/or Veterans in the past and have questions about this issue, the Birmingham VA Medical Center has established a dedicated call center to answer such questions. The Center can be reached toll free at 1-877-894-2600. The Center can also be emailed at [Call.Center2@va.gov](mailto:Call.Center2@va.gov).

**Encourage your colleagues in the field to join NYS ATSA or the NYS Alliance of Sex Offender Service Providers. Membership dues provide for a discount on conference fees and enables individuals to receive this publication. Inquiries can be made to [NYSASOSP@nycap.rr.com](mailto:NYSASOSP@nycap.rr.com)**

## FACT SHEET: The Proposed Guidelines for the Sex Offender Registration and Notification Act (SORNA)

SORNA establishes a comprehensive set of minimum registration and notification standards for sex offenders. Sex offenses qualifying sex offenders for registration include criminal offenses that have an element involving a sexual act or sexual contact with another person, specified offenses against minors, specified federal and military offenses, and attempts and conspiracies to commit any of these crimes (42 USC §16911).

- The SORNA Guidelines provide guidance and assistance to the jurisdictions implementing SORNA. These include the 50 States, the District of Columbia, the principal U.S. territories, and federally recognized Indian Tribes.
- SORNA covers all individuals convicted of a qualifying sex offense, including persons convicted of a qualifying sex offense prior to the enactment of SORNA or prior to a jurisdiction's implementation of SORNA.
- The Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office is responsible for administering SORNA and providing guidance and assistance to jurisdictions working to implement and comply with SORNA.

### Important Dates

- July 27, 2009: Deadline for substantial implementation of SORNA for all registration jurisdictions.
- April 27, 2009: Date for all registration jurisdictions to submit compliance packets establishing substantial compliance to the SMART Office.
- July 27, 2007: Date by which federally recognized tribes must elect to become a SORNA registration jurisdiction or elect to delegate registration and notification functions to the state or states in which the tribal land is located.

### Jurisdiction Implementation and Compliance with SORNA

- Failure to implement SORNA by July 27, 2009, will result in a mandatory 10 percent reduction in Byrne Justice Assistance Grant funding.

- Determining substantial implementation of SORNA by registration jurisdictions is the responsibility of the SMART Office.
- Jurisdictions must make sex offender registration information available to the public and other specified entities. The Guidelines detail what information must be obtained from a sex offender, which entities registry information must be shared with, and what sex offender information must be available on public websites.
- Jurisdictions are free to exceed the minimum standards for registration and notification requirements set forth in SORNA.
- To comply with SORNA, jurisdictions must have a failure-to-register offense requiring a maximum term of imprisonment greater than one year (tribes are excluded from this requirement).

### Offender Compliance with SORNA

- Offenders must initially register in the conviction jurisdiction, and subsequently keep their registration current in each jurisdiction where the sex offender resides, is employed, or is a student.
- Offenders must, no later than three business days after each change of name, residence, employment or student status, appear in person to update required registration information.
- Minimum registration terms are as follows: 15 years for tier I sex offenders; 25 years for tier II sex offenders; and lifetime for tier III sex offenders.

Questions regarding implementation dates, exemptions, extensions and all other questions should be directed to the SMART Office at 202-514-4689 or [getsmart@usdoj.gov](mailto:getsmart@usdoj.gov)

The U.S. Department of Justice has recently released the "proposed guidelines" for the national sex offender registration program. (This new law was discussed in great detail by Alisa Klein at the recent Alliance conference.) The complete PDF document of these guidelines can be found at:

[http://www.ojp.usdoj.gov/smart/pdfs/proposed\\_sornaguidelines.pdf](http://www.ojp.usdoj.gov/smart/pdfs/proposed_sornaguidelines.pdf)

**New York State Alliance of  
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**New York State Association for the  
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**NEARI Training Center An-  
nounces Training**

The New England Adolescent Research Institute will be providing a program entitled "A Collaborative Approach to Treatment with Sexually Aggressive Youth and Their Families. This is a 10 day certificate program scheduled for September 16, 2007—September 28, 2007.

The need for comprehensive sex offense-specific training, clinical supervision, consultation, program evaluation and credentialing have also increased. The *Academic Certificate Program for the Treatment of Youthful Sexual Aggression* is designed to meet this need.

This Certificate Program is committed to creating and providing practical training, consultation and evaluation based upon findings at the leading edge of research and organized through the following assumptions and beliefs:

- Successful community response requires a comprehensive, competency-based continuum of care that includes correctional facilities, residential treatment centers, group homes, alternative living settings, day treatment programs, outpatient and intensive home-based services.
- New research findings and treatment techniques should guide diagnosis and treatment of sexually abusive youth.
- Treatment requires an interdisciplinary approach that integrates the contributions of all affiliated professions and follows guidelines outlined in both the National Task Force Report on Juvenile Sexual Offending and by the Association for the Treatment of Sexual Abusers (ATSA).

**This program is limited to 25 participants.**

**Cost:** \$1,400.00, which includes tuition and all textbooks and materials necessary to complete the course. Please arrange for your own accommodations.

**LOCATIONS**

Western Massachusetts location to be announced.

For information on how to register for this important program, please **contact**

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