

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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NOTES FROM THE PRESIDENT

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

Dear Colleague:

During the past year, we have seen a number of new training initiatives that have provided clinical and management professionals access to many experts in the field of assessment, treatment and the management of sex offenders. The New York State Office of Sex Offender Management recently completed a series of trainings around New York State which was provided by Judith Becker, Ph.D. We would like to take the opportunity to thank Luke Martland and the staff at the Office of Sex Offender Management for their efforts to increase the knowledge and skill base of professionals working with sex offenders.

Last month the OSOM distributed of the “*Treatment Provider Guidelines for Professionals Who Treat Adult Sex Offenders*”. The Guidelines were developed to provide the courts, law enforcement, supervision agencies, and treatment providers with standards to help determine which providers are best qualified to treat sex offenders. The Guidelines were sent to the following agencies: New York State Probation and Parole, the Attorney’s General’s Office, the supervising Judge of State’s sex offender courts, the State Departments of Corrections and Mental health, and treatment providers throughout New York State. The members of the NYSATSA and Alliance received copies via e-mail and a full description of the Guidelines are included in this newsletter. The Guidelines will be added to the OSOM’s web site and we will be asking our web site consultant to add it to our web site @ nysatsa.com or nysasosp.com.

As you know, there presently is no New York State licensing or certification procedure for treatment providers who work with sex offenders. It is important that this treatment be provided by qualified professionals with sufficient training and experience. These guidelines were developed by the Office of Sex Offender Management, with input from Board members of the New York State Chapter of the Association for the Treatment of Sexual Abusers (ATSA), the Alliance for Sex Offender Service Providers. Input was also provided from a number of state agencies, organizations and mental health professionals. The guidelines are intended to provide widely accepted standards concerning the qualifications of treatment providers who work with adult sex offenders.

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NEWSLETTER SUBMISSIONS

Comments, Inquiries, and Articles can be sent to:

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Or by email to:
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General inquiries can be made to:
WWW.NYSATSA.COM

Notes From the President

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A draft of the Guidelines were distributed at last conference and feedback provided by the participants was included in the final version of the Guidelines that were recently distributed. It is important to remember that the Guidelines are not binding and are not a formal licensing or credentialing procedure. They are only intended to establish the minimum (not maximum) standards for education, experience, and other areas; and are not intended to limit the discretion of courts or agencies if there is a limited number of providers in certain areas of the State. Rather, the Guidelines are intended to provide information as to the minimum qualifications that may be relevant in determining whether providers are qualified to treat adult sex offenders or not.

When reviewing the Guidelines, please note that they are divided into three levels. The **Provisional Provider Status** is intended for individuals with a bachelor's degree, and who have less than 500 hours of experience working with sex offenders. This level is intended for students pursuing higher degrees who meet state-wide standards to work in facilities. The **Associate Provider Status** requires an advanced degree, and greater experience working with sex offenders, including at least 250 hours of face-to-face clinical experience. The **Clinical / Full Provider Status** requires 2,000 hours experience in treating adult sex offenders.

It is hoped that as these Guidelines are distributed and reviewed, the practical implementation of them will be discussed and shared with the OSOM. We would also appreciate any feedback you might have. We can be reached at klau@fordham.edu or rich-hamill@aol.com

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North Carolina Supreme Court Upholds Sex Offender Park Ban

In a Court ruling dated June 12, 2008, the Supreme Court of North Carolina upheld the ban on sex offenders in public parks imposed by the town of Woodfin. This was an affirmation of an earlier Court of Appeals decision that was challenged with the assistance of the ACLU. On 19 April 2005, the Town of Woodfin (named Defendant in the case) enacted Woodfin Town Ordinance Section 130.03. The ordinance, prohibited registered sex offenders, such as the plaintiff in this case, from knowingly entering any "public park owned, operated, or maintained" by the Town of Woodfin. The plaintiff asserted that this ordinance is unconstitutional as violates the due process right to intrastate travel. The Court disagreed, and therefore affirmed the decision of the Court of Appeals.

The Court found that "A town ordinance prohibiting registered sex offenders from entering its parks was rationally related to the legitimate government interest of protecting park visitors from becoming victims of sexual crimes, and was constitutional. Furthermore, plaintiff's asserted liberty interest is not encapsulated by the right to intrastate travel, and the right to freely use the town's parks is not a fundamental right."

Justice Brady of the Supreme Court wrote: "Protecting children and other visitors to parks owned and operated by Woodfin from sexual attacks is certainly a legitimate government interest. The issue is whether the means by which Woodfin sought to achieve this protection are rationally related to this legitimate interest. Plaintiff asserts that Woodfin's prohibition of all registered sex offenders from entering the parks is brought about by "vague, undifferentiated fears' regarding a particular group." We disagree. Our General Assembly has recognized "that sex offenders often pose a high risk of engaging in sex offenses even after being released from incarceration or commitment and that protection of the public from sex offenders is of paramount governmental interest."

Encourage your colleagues in the field to join NYSATSA 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 www.nysatsa.com

OSOM Outreach and Training Update

By; Jacqui C. Williams, Outreach and Training Director

Between June and September 2008, OSOM sponsored over 30 trainings throughout NYS reaching nearly 2000 people.

In June, 7 regional trainings were held around the state on *Effective Strategies in Your Community: Sex Offender Management* with primary speakers Bob McGrath or David D'Amora. A local victim advocate provided information about their rape crisis program services and a multidisciplinary panel shared information on challenges and successes working across disciplines in their communities.

In July, Pamela Wright provided 4 sessions on *Vicarious Trauma* in the Capital Region for staff of parole, CVB, OSOM/SOR, OPDV and NYSCASA.

August began with *Developments in Risk Assessment Management* with Karl Hanson and David Thornton at the NYSP Academy in Albany. During August, Judith Becker spoke at 4 locations on *Vicarious Trauma* for professionals from Parole, CVB, OSOM/SOR, OPDV and NYSCADV. Mid August to Mid September 11 sessions were held for law enforcement to provide updates to sex offender laws, an overview of the DCJS eJusticeNY system and tips and tools for managing sex offenders. Single session trainings were held for the Sheriff's Association, NYS Association of Chiefs of Police, Prosecutor Summer College and Albany County Bar Association. Materials were made available at the NYSACOP, Survival Skills for Advocates and LETDANYS conferences.

The Provider Directory initiative received a number of surveys from participants at the Becker trainings and work continues on entering data. Information can be requested to be utilized solely for research purposes such as statistical or mapping use or can be authorized to be released to entities such as sex offense courts, supervisory state agencies and other treatment providers.

If you have ideas for additional training topics or speakers to present them or know of sites that can hold 75-100 people, please contact me at jacqui.williams@dcjs.state.ny.us or osom.training@dcjs.state.ny.us.

NY State Division Of Probation and Correctional Alternatives Sends Out Treatment Provider Guidelines for Professionals Who Treat Adult Sexual Offenders

On August 19, 2008, at the request of Luke Martland, the director of the Office of Sex Offender Management, Mr. Robert M. Maccarone, State Director, Division of Probation and Correctional Alternatives, sent out a cover letter and guidelines to all Probation Department Directors in New York State recommending the use of standardized guidelines for professionals who are working with adult sexual offenders in this state. It is noted in Mr. Maccarone's letter to the County Commissioners of Probation that "effective treatment is one of the factors that can help reduce sexual recidivism, and that treatment is an essential part of supervising sex offenders on probation or parole." The importance of having properly trained and qualified professionals who have experience in this area is emphasized. In his letter, Mr. Maccarone wrote, "The attached guidelines were developed to provide the courts, law enforcement, supervision agencies, and treatment providers with standards to help determine which providers are best qualified to treat sex offenders." Mr. Maccarone further points out, "There is no New York State licensing or certification procedure for treatment providers who work with sex offenders. The guidelines are intended to provide widely-accepted standards concerning the qualifications of treatment providers who work with adult sex offenders." These guidelines appear in their entirety in this newsletter on page 4 and 5.

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

TREATMENT PROVIDER GUIDELINES FOR PROFESSIONALS WHO TREAT ADULT SEX OFFENDERS

New York State Office of Sex Offender Management Division of Criminal Justice Services (518) 457-5628 1

Clinical / Full Provider Status	Associate Provider Status	Provisional Provider Status	
General Qualifications			
Degree Requirements	Possesses an advanced degree (masters level or higher) from an accredited college or university in a clinical or clinically related field.	Possesses an advanced degree (masters level or higher) from an accredited college or university in a clinical or clinically related field.	Possesses a bachelor's degree in counseling, social work, sociology, criminal justice, psychology, or other related field.
Licensure Requirements	Currently licensed in New York State as a psychiatrist, psychologist, social worker, mental health counselor, psychiatric nurse, or other mental health professional.	Currently licensed in New York State as a psychiatrist, psychologist, social worker, mental health counselor, psychiatric nurse, or other mental health professional; or meets the requirements to practice within a New York State agency operated program.	NA
Standards of Practice	Providers shall adhere to the Association for the Treatment of Sexual Abusers (ATSA) Practice Standards and Guidelines for the evaluation, treatment and management of adult male sexual abusers (2005) as well as the practice standards of their chosen mental health disciplines.	Providers shall adhere to the Association for the Treatment of Sexual Abusers (ATSA) Practice Standards and Guidelines for the evaluation, treatment and management of adult male sexual abusers (2005) as well as the practice standards of their chosen mental health disciplines.	Providers shall adhere to the Association for the Treatment of Sexual Abusers (ATSA) Practice Standards and Guidelines for the evaluation, treatment and management of adult male sexual abusers (2005) as well as the practice standards of their chosen mental health disciplines.
Ethics	Comply with the Code of Ethics of the Association for the Treatment of Sexual Abusers (ATSA).	Comply with the Code of Ethics of the Association for the Treatment of Sexual Abusers (ATSA).	Comply with the Code of Ethics of the Association for the Treatment of Sexual Abusers (ATSA).

TREATMENT PROVIDER GUIDELINES FOR PROFESSIONALS WHO TREAT ADULT SEX OFFENDERS

Cont'd from Page 4

New York State Office of Sex Offender Management Division of Criminal Justice Services (518) 457-5628 2

Clinical / Full Provider Status	Associate Provider Status	Provisional Provider Status	
Criminal Background Check	Anyone convicted of a crime, offense, or violation that relates directly or indirectly to their fitness to provide sex offender treatment is not eligible.	Anyone convicted of a crime, offense, or violation that relates directly or indirectly to their fitness to provide sex offender treatment is not eligible.	Anyone convicted of a crime, offense, or violation that relates directly or indirectly to their fitness to provide sex offender treatment is not eligible.
References	References may be requested.	References may be requested.	References may be requested.
Experience	Within the past 7 years, 2,000 hours of experience in the areas of treatment and evaluation of adults who have committed a sexual offense. This experience should have been under clinical supervision. To maintain this status the practitioner must accumulate at least 400 hours of clinical experience in the areas of sex offender treatment, evaluation, or supervision per year.	Within the past 3 years, 500 hours of experience in the areas of treatment and evaluation of adults who have committed a sexual offense, at least 250 hours of which must be face-to-face clinical treatment. This experience should have been under clinical supervision. To maintain this status the practitioner must accumulate an average of 200 hours of clinical experience in the areas of sex offender treatment, evaluation, or supervision per year over 3 years.	Less than 500 hours of experience in the areas of treatment and evaluation of adults who have committed a sexual offense. This experience should have been under clinical supervision. Provisional providers should accumulate sufficient hours to meet the requirements for an Associate Provider within 3 years.
Training	An average of 30 hours per year of training related to the treatment and evaluation of sex offenders or sex offender management.	A minimum of 40 hours per year of training related to the treatment and evaluation of sex offenders or sex offender management.	A minimum of 40 hours per year of training related to the treatment and evaluation of sex offenders or sex offender management.
Supervisor	None.	Be supervised by someone at the full provider level.	Be supervised by someone at the full or associate provider level.

NEW LAW GOVERNING INTERNET SEX PREDATORS

The Electronic Security and Targeting of Online Predators Act, referred to as “e-STOP,” was signed into law by Governor David A. Paterson on April 28, 2008. This law originated from the New York State Attorney General’s office. The law’s purpose is to strengthen measures to protect children from internet sex predators. The new law requires “that sex offenders register with the Division of Criminal Justice Services (DCJS) no later than 10 calendar days as to any internet account with internet access providers belonging to such offenders and all internet identifiers used by such offenders and any changes of such information.”

The law further states that it “Authorizes DCJS to release upon request to an authorized internet entity, internet identifiers maintained in the Sex Offender Registry” and “when imposing a sentence of probation upon a person convicted of an offense for which registration as a sex offender is required pursuant to Correction Law §168-a(2) or (3) that in addition to any conditions required under Penal Law §65.10(2),(3), (4), (4-a), and (5), the court may require that the defendant comply with a reasonable limitation on his or her use of the internet that the court determines to be necessary or appropriate to ameliorate the conduct which gave rise to the offense or to protect public safety. However, this new provision establishes that “the court shall not prohibit such sentenced offender from using the internet in connection with education, lawful employment or search for lawful employment.”

As a result of this new law, registered sex offenders in New York State were sent the following letter from NYS Division of Criminal Justice Services, Sex Offender Registry: “This letter is to notify you that your registration obligations have changed due to the recent enactment of the Electronic Security and Targeting of Online Predators Act. Effective immediately, you are required to register with the Division of Criminal Justice Services (DCJS) any internet accounts with internet service providers belonging to you and any e-mail addresses and screen names used by you for the purposes of chat, instant messaging, or social networking. If you change any of the above internet information, you are required to notify DCJS no later than 10 days after such change.”

LAW TARGETING CHILD PORNOGRAPHY IS UPHeld BY SUPREME COURT

Several news outlets reported on or about May 20, 2008 that the United States Supreme Court upheld a 2003 statute that was subsequently overturned by the US Court of Appeals in a 7—2 ruling. The ruling states that “Congress passed the pandering and solicitation provision at issue, 18 U. S. C. §2252A(a)(3)(B). Respondent Williams pleaded guilty to this offense and others, but reserved the right to challenge his pandering conviction's constitutionality. The District Court rejected his challenge, but the Eleventh Circuit reversed, finding the statute both overbroad under the First Amendment and impermissibly vague under the Due Process Clause.”

In *United States v. Williams*, (Argued October 30, 2007--Decided May 19, 2008) the Court Held that: “Section 2252A(a)(3)(B) is not overbroad under the First Amendment.” Justice Antonin Scalia, who authored the Court’s opinion, wrote, “It targets not the underlying material, but the collateral speech introducing such material into the child-pornography distribution network. Its definition of material or purported material that may not be pandered or solicited precisely tracks the material held constitutionally proscribable in *New York v. Ferber*, [458 U. S. 747](#), and *Miller v. California*, [413 U. S. 15](#): obscene material depicting (actual or virtual) children engaged in sexually explicit conduct, and any other material depicting actual children engaged in sexually explicit conduct. The statute's important features include: (1) a scienter requirement; (2) operative verbs that are reasonably read to penalize speech that accompanies or seeks to induce a child pornography transfer from one person to another; (3) a phrase--"in a manner that reflects the belief," *ibid* --that has both the subjective component that the defendant must actually have held the "belief" that the material or purported material was child pornography, and the objective component that the statement or action must manifest that belief; (4) a phrase--"in a manner ... that is intended to cause another to believe," *ibid* --that has only the subjective element that the defendant must "intend" that the listener believe the material to be child pornography; and (5) a "sexually explicit conduct" definition that is very similar to that in the New York statute upheld in *Ferber*. Pp. 6-11.”

See page 8 for conclusion

Justice Policy Institute Reports States' Costs for Implementing SORNA

Editor's Note: The following text has been taken directly from the Justice Policy Institute article entitled, "What will it cost states to comply with the Sex Offender Registration and Notification Act?" The complete article can be accessed at the following web site: http://www.justicepolicy.org/images/upload/08-08_FAC_SORNACosts_JJ.pdf

"The Sex Offender Registration and Notification Act (SORNA)¹, which mandates a national registry of people convicted of sex offenses and expands the type of offenses for which a person must register, applies to both adults and children. By July 2009, all states must comply with SORNA or risk losing 10 percent of the state's allocated Byrne Grant money, which states generally use to enforce drug laws and support law enforcement. In the last two years, some states have extensively analyzed the financial costs of complying with SORNA. These states have found that implementing SORNA in their state is far more costly than the penalties for not being in compliance. JPI's analysis finds that in all 50 states, the first-year costs of implementing SORNA outweigh the cost of losing 10 percent of the state's Byrne Grant. Most of the resources available to states would be devoted to the administrative maintenance of the registry and notification, rather than targeting known serious offenders. Registries and notification have not been proven to protect communities from sexual offenses, and may even distract from more effective approaches. Given the enormous fiscal costs of implementing SORNA, coupled with the lack of evidence that registries and notification make communities safer, states should think carefully before committing to comply with SORNA.

Ohio determined that the cost of implementing new software to create a registry would approach a half million dollars in the first year.² The total estimated cost for complying with SORNA exceeds the Byrne funds Ohio would lose if it did not comply.

- Installing and implementing software alone would cost \$475,000 in the first year. The software would then cost \$85,000 annually thereafter for maintenance.
- Certification of treatment programs based on new standards and providing a description of a person on the registry to the state's Bureau of Criminal Identification and Investigation would cost another \$100,000 annually.

- Ohio also lists other factors that would increase the cost of implementing SORNA, including salaries and benefits for new personnel, new court and administration costs, and costs to counties and municipalities. These costs are in addition to the \$475,000 needed for software, but have not yet been quantified by the state.

- If Ohio chose not to implement SORNA, the state would lose approximately \$622,000 annually from its Byrne funds. However, the total estimated cost of software, certification of treatment programs, salaries, and benefits for new personnel would exceed the lost Byrne funds.

Virginia determined that the first year of compliance with the registry aspect of SORNA would cost more than \$12 million.³

- The first year of implementing SORNA would cost the Commonwealth of Virginia \$12,497,000.
- The yearly annual cost of SORNA would be \$8,887,000. Adjusted with a 3.5 percent yearly inflation rate,⁴ Virginia would be paying more than \$10 million by 2014.
- If Virginia chose to comply with SORNA, the state would spend \$12,097,000 more than it would if it chose not to implement SORNA and forfeit 10 percent of its yearly Byrne grant, a loss totaling approximately \$400,000.

As evidenced by these summaries, states can expect to incur significant costs as they attempt to comply with SORNA. States should consider all possible areas in which increased expenditures will occur.

- New personnel
- Software, including installation and maintenance
- Additional jail and prison space
- Court and administrative costs
- Law enforcement costs
- Legislative costs related to adopting, and crafting state law

1 SORNA is Title 1 of the Adam Walsh Act.

2 Ohio Legislative Service Commission Fiscal Note & Local Impact Statement (Columbus, OH: Ohio Legislative Service Commission, 2007) <http://www.lsc.state.oh.us>

3 Virginia Department of Planning and Budget 2008 *Fiscal Impact Statement* (Richmond, VA: Department of Planning and Budget, 2008).

**New York State Alliance of
Sex Offender Service Providers**

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U.S. Supreme Court

(Cont'd from page 6.)

The Court concludes its reversal of the Appeals Court by stating, "Child pornography harms and debases the most defenseless of our citizens. Both the State and Federal Governments have sought to suppress it for many years, only to find it proliferating through the new medium of the Internet. This Court held unconstitutional Congress's previous attempt to meet this new threat, and Congress responded with a carefully crafted attempt to eliminate the First Amendment problems we identified. As far as the provision at issue in this case is concerned, that effort (by Congress) was successful."

**ATSA's 27th Annual
Conference**

**Teamwork in Trying Times:
Improving Our Response to
Sexual Abuse**

October 22 – 25, 2008
Atlanta, Georgia

The 27th Annual Research and Treatment Conference sponsored by the Association for the Treatment of Sexual Abusers will be held at the Hyatt Regency Atlanta in Atlanta, Georgia, October 22 – 25, 2008.

To download a Conference Registration Brochure got to

<http://www.atsa.com/>

REMINDER:

The NYSATSA and NYSASOSP Conference for 2009 will be held in scenic Niagara Falls, New York.

Keep early May blocked off for this event. Please also begin to consider if you would like to present at this conference. We will be sending out a call for presenters in the next newsletter and/or early January, 2009.

Also, keep an eye on our website at www.nysatsa.com