

MSOTA Fall Meeting Friday Oct. 17, 2008
Minutes

- I) The meeting was called to order at 11 AM by President Bob Page who called for brief introductions due to the large number of guests in attendance.
- II) Brief Introductions:
 - a. **Members in attendance:** Lindsay Clodfelter, Sandy Heaton, Shawn Abbott, Charmaine Nicholson, Ginny Watts, Regina Bassolo, Jean Keiley, Barb Bottomly, Don Bell, Blair Hopkins, Fred Lemmons, Mike Scolatti, Sam Griffel, Bob Page, Ron Silvers, Chris Nordstrom, Michael English, Roger Dowty, Mike Sullivan, Anne Harris, Marla North, Gwen Farnsworth
 - b. **Guests:** Michelle Puerner (Missoula P&P mpuerner@mt.gov), Sandra Fairbanks (Missoula P&P sfairbanks@mt.gov), Richard Leffel (psychologist MDC rleffel@mt.gov), Marisa Gibbons (Missoula ISP mgibbons@mt.gov), Tara Hiller taralh10@aol.com, Kristina Besseney (Missoula P&P kbesseney@mt.gov), Jeffrey Scagin,
- III) Reading of minutes from summer meeting
 - a. Minutes were accepted without correction
Bob asked if our guests wanted to put forth their agenda concerns at the beginning of the meeting, they did and the regular agenda was suspended to expedite the concerns of P&P.

Special concerns of the Probation and Parole office.

- Dawn Handa presented concerns from the P and PO offices regarding the CSOM report. P and PO had a meeting earlier this morning to discuss the concern and to take recommendations back to Rick Deady. The report is available on the DOC web site and the MSOTA Yahoo web site.
- Bob Page is already trying to use recommendations to tighten up evaluations.
- Andy Hudak pointed out the executive summary and the report that the report set valuable recommendations that will help MSOTA improve evaluation and treatment. Andy suggested that the MSOTA Committee on Assessment and Committee on Treatment incorporate the recommendations found in the CSOM report into our standards
- Sandy agreed that the external (CSOM) evaluation is valuable because of the expertise and the outsider viewpoint that we can take away and use. She also discussed the uniqueness of the Montana programs and the need to provide a seamless exchange throughout the offender treatment process
- Dawn brought up issue of needed collaboration and cooperation between POs and MSOTA treatment providers.
- Discussion:
 - The differences in geographical locations around the State present

- differences in the relationships between treatment providers and P and PO
- Lindsay had Michael Sherwood, atty., research the HIPPA rules regarding release of confidential information: attorneys may request information, whether or not we have a release, for all of the information that we possess.
 - Ginny, who was involved with AMHCA when HIPPA came about: That if we have the nature of the release written into our forms, we are protected by informed consent
 - Dawn pointed out that we have made great progress in opening the communication channel to protect clients and promote community safety.
 - Sandra H from Msla P and PO quoted her release that she uses that has the option to refuse as well as give permission for release of information,.
 - Marla: that the court order stipulates the release and communication between treatment providers and P and PO
 - Roger: issue of releasing information that we did not generate (pass through)
 - Polygraphers: the American polygraph Association requires that if a person is certified to do sex offender post conviction polygraphs that they have to send a copy of the report immediately to the treatment provider and the probation officer. Some telegraphers do not always send polygraphs to both treatment provider and the PO
 - Pass through is an issue, when we possess reports issued to us, we cannot re-release those we didn't generate, this includes polygraph reports.
 - Clients always maintain the right to rescind a release of information. They do not have to be forced to violate their Fifth Amendment constitutional rights.
 - Lindsay: that MSOTA needs to retain autonomy, that there is a difference between treatment and forensics. Not everybody can be on the same page all of the time. That MSOTA enter into discussion of this issue.
 - Marla that if the court stipulates the releases, this solves problems and that our spring meeting is to coordinate with the Judge's statewide conference and this might help with the stipulation issue
 - Sandra: Judges, and public defenders are not understanding the assessment process. Public Defenders may be therapist shopping until they get what they want. That part of the issue is that when they do therapy shopping and go from one evaluation to the next until they find one that aids in the defense, they don't always tell each of the therapists that assessment has been done by the other.
 - Don Bell: presented to the PD conference last month and helped address the issue of plea bargains being negotiated prior to evaluations.
 - And he pointed out that it can be part of the intake interview or forums to ask the client whether or not they have had prior evaluations or treatment experiences and to list those.
 - Discussion about the ethics of maintaining positions of accountability to each other as clinical members of MSOTA. That when conflicts arise or that we notice that another person has been working on the case that we

are taking on that we should directly consult with that person. And then if the two parties cannot resolve the conflict, then they take it to the ethics committee within MSOTA.

- Bob pointed out that he wanted issues such as these to be on the agenda for the retreat so that we can work these out in a more extended meeting.
- Sandra PO in MSLA has a standing court order to be able to release all of their information to treatment providers. Pre-sentence investigations usually contain all of the information from the NCIC for example. The pre-sentence investigations that Pos are allowed to release to treatment providers include more criminal information than the NCIC report. When in doubt. Sandra encouraged treatment providers doing treatment or assessment to contact the probation office because they will release information that defense attorneys often are reluctant to release.
- Marla: Eval standards should recommend that when evaluations are written the phrase, “according to the information provided,” to indicate that we may not have received all of the relevant information pertaining to a case. A second suggestion was made that a phrase that indicates that as further information is provided recommendations or risk levels may be changed.

IV) Officer reports

a. President

Encouragement to set up email for each member

Bob’s prime objective during the coming year is to revitalize MSOTA to become all we can be.

b. Vice President: Andy Hudak

- i. Andy was attending a whitefish school board meeting concerning random drug testing when he noticed that sex offender policy was also on their agenda. See discussion below.

c. Treasurer

Checking \$5,196.61

Savings \$1,581.01

d. Secretary: Minutes were available on the Yahoo Group web site three days after the summer meeting. Anne will endeavor to keep posting them in a timely fashion.

V) Committee Meetings/Reports

a. Ethics did not meet

b. Legislative did not meet

c. Membership:

- i. Day of amnesty was proposed: If people need a leave of absence people need to notify membership committee ahead of time that they are missing meetings or they will have inactive status. Dues are still required when on educational or medical leave
- ii. That the slate starts and the annual meeting to mark the attendance for the year.
- iii. Motion was made by Jean
 - 1. Effective in 2009 the attendance will be tracked and a penalty will be assessed as provided for in the by-laws; except for a leave of absence as also provided for in the by-laws.
 - a. Currently absent members are exempt from penalty until the beginning of the 2009 corporate year.
 - 2. Discussion was heartily pursued on this topic and the motion did not come to a vote and was deferred to the annual meeting for discussion.
- iv. New applicant from Pueblo CO, wants to be qualified before he arrives here. Discussion concerned that participation in MSOTA process is an important part of qualification.
- v. Another psychologist is moving from AZ.

d. Education

Marla, trying to use our people to do a two day workshop on risk assessment, and treatment, open to public. May include sexual abuse issues and a proposed date of mid-June. Location may be Helena or possibly Lewistown.

e. DD standards

Fred and Rich are working on Provider qualifications
 Charmaine is working on treatment goals and guidelines
 Anne is working on assessment protocols and will blend the various sections together.
 Lindsay had issue with Rich participating on a committee until he becomes an Associate member, Rich agreed to become a member by next week.

f. Annual retreat

Location possibilities: Chico Hotsprings is being researched as a location.
 Date moved 1st week of May,
 Three nights, Thursday, Friday, and option to stay on Saturday
 Agenda and CEUs are in development.

Costs may be partially defrayed by MSOTA general funds.

VI) Old Business

- a. Condition of website:
 - i. Shawn found the name of our internet service provider, and Anne is researching access.
- b. Revitalization of MSOTA/discussion: throughout the meeting the membership present discussed both the frustrations of membership and the emerging needs of the present and future members. It is hoped that this discussion will continue at the retreat.

VII) New Business

- a. Andy to summarize his work with the state school board
 - i. Blair Hopkins, Kevin Wyse are approached to be on legislative committee to address
 - ii. Montana school board association has issued a boilerplate policy about sex offenders in the neighborhood of a school to have administrators identify them and ask them to move. Sandra said that a judge can order a Tier III offender to not be within 1,500 feet of a school, playground or park.
 - iii. Andy approached the Whitefish school board about developing a policy that would require the offender to have a safety plan.
 - iv. Sandy said Shockley may introduce separation of Status offenders, and possibility of mailing notices to everyone within an offender's zip code.
 - v. Discussion of the politics of working on sex offender treatment and how legislators face negative politics if they propose alternatives to things like the Walsh act.
 - vi. Andy encourages all members to contact their legislators to educate them on offender risks and treatment. He also shared the very aggressive negative attacks that the Right assaulted Linda _____ (a rep from Billings) with.

VIII) Next meeting time and location

- a. The winter meeting will be January 16, 2009 in Bozeman/Belgrade area. The suggestion was made to use the American Indian building on the MSU campus but was not finalized at the end of the meeting.

IX) Adjournment 2:30