

Sex Offender Management Board Policy
Juvenile Standards Variance Process
05-23-06

Problem Statement: The Sex Offender Management Board (SOMB) has determined that the full implementation of the *Standards and Guidelines for the Evaluation, Assessment, Treatment, and Supervision of Juveniles Who Have Committed Sexual Offenses* will occur on July 1, 2006. However, the SOMB recognizes the existence of potential implementation difficulties and the need to create a procedure to address *Juvenile Standards* compliance barriers.

Action Plan: Potential *Juvenile Standards* compliance issues may occur across two distinctly different domains:

- I. Multidisciplinary Team (MDT) Case-Specific Compliance Issues
- II. Systemic, Non-Case Specific Compliance Issues

In terms of MDT Case-Specific Compliance Issues, the *Juvenile Standards* currently address such a contingency:

- A. Standard 2.200 – Recommendations regarding intervention shall be based on a juvenile’s level of risk and needs rather than on resources currently or locally available. When resources are less than optimal this information shall be documented and an alternative recommendation must be made.
- B. Standard 3.140 – When the multidisciplinary team determines that a specific type of intervention is contraindicated, the issue(s) shall be documented and alternative interventions shall be listed.
- C. Standard 5.140 – The multidisciplinary team shall demonstrate the following operational norms:
 - i. 5.140 C – Team members are committed to the team approach and settle among themselves conflicts and differences of opinion that might make them less effective in presenting a unified response.
 - ii. 5.140 D – Team members shall seek assistance through supervision with conflicts or alignment issues that occur.

Discussion Point: Supervising officers/agents may at times be placed in the position of taking a case back to court or the parole board for a ruling on a specific issue that could not be resolved by the multidisciplinary team. The multidisciplinary team should be mindful of the level of decision-making that would require court or parole board intervention and seek remedy only after inner-team solutions have been deemed unattainable by the team members... Multidisciplinary team members may provide reports to the court/ parole board as a team with dissenting opinions in the absence of team consensus to recommend modification or revocation of probation or parole. Copies of such reports should be forwarded to the pertinent multidisciplinary team members.

- D. Standard 5.141 – The supervising officer/agent shall include dissenting opinions of the multidisciplinary team members in such reports.

Based upon a pre-existing mechanism to address MDT Case-Specific Compliance Issues, the SOMB does not need to establish any additional policies related to this area, and should

not usurp the authority of the court or parole board as the ultimate authority on decision-making regarding a specific juvenile who has committed a sexual offense.

In terms of Systemic Non-Case Specific Compliance Issues, the SOMB anticipated the need for variance from the existing *Juvenile Standards* and has previously approved a process by which this contingency might be addressed:

- A. Guiding Principle #9 – Treatment, management and supervision decisions should be guided by empirical findings when research is available.
 - i. At this time, there is limited empirical data specific to juvenile sexual offending. It is expected that additional research is forthcoming which may change these Guiding Principles and *Standards*. In the absence of research, decisions should be made cautiously and in accordance with best practices to minimize unintended consequences.
- B. April 2005 SOMB Meeting
 - i. A motion to approve the *Request for Standards Variance* form with revised changes was unanimously approved with the friendly amendment that the form will not be made available until the SOMB has approved the revised form.
 - ii. The SOMB approved the *Request for Standards Variance* form at the May 2006 Board meeting.
- C. The Standards Variance Process, as currently specified in the form, indicates the following review process after submission of the *Request for Standards Variance* form:
 - i. SOMB Staff Review
 - ii. SOMB Review