

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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ANNOUNCING: NYSATSA & NYSASOSP Thirteenth Annual Conference

**Saratoga Springs Will Again Host Annual
Conference, June 10—12, 2009**

Continuation of 3 Day Format Due to Success of Expanded Training in 2008.

Our 14th Annual Conference promises to offer three days of exciting, state-of-the-art training to professionals from all the disciplines involved in sex offender management. Expanded now to three days, with the inclusion of a day of intensive full-day pre-conference workshops, the conference offers opportunities for people entering the field and to seasoned professionals. The NYSASOSP and NYSATSA are partnering with the NYS Office for Sex Offender Management provide everyone with excellent opportunities to develop new skills and insights. Our theme this year, *Sex Offender Management and Treatment in Financially Challenging Times* addresses the entire continuum of sex offender services from sessions pertaining to Sex Offender Courts, through evaluation and treatment strategies, supervision strategies and the impact of newer laws upon our abilities to successfully provide these services.

A primary goal of our conference is to provide a state-of-the-art perspective on the many important changes occurring in New York State, and on the strategies being used successfully across the country to make communities safer. Luke Martland (Director of NY State Office of Sex Offender Management) will moderate a panel of jurists to identify and discuss the guiding principles and best practices of the NY State Sex Offense Court Model and a later presentation entitled "Scenarios from Sex Offense Courts." There will be presentations regarding how the Sex Offender Management Act has impacted institutional treatment as well as its effect on Community Supervision and Treatment. **Robert McGrath**, one of the pioneers of sex offender research, assessment and treatment, will focus on the use and scoring of the "Sex Offender Needs and Progress Scale," currently in use in our prison and civil commitment programs. Editor of the ATSA Forum, **Robin J. Wilson**, (a frequent and well liked presenter at past conferences) will be with us again to teach about "Innovation and Lessons Learned in the Treatment of Sexual Abusers." We will also have distinguished speakers from Canada, other states, numerous different agencies and locales throughout New York State.

(Continued on Page 5)

Child Protection and Safety Act Ruled Unconstitutional

(The following was submitted by Kenneth Lau, LCSWR, NYSATSA President.)

In the first ruling by a federal appeals court, the U.S. Court of Appeals for the 4th Circuit ruled that sections of the Adam Walsh Child Protection and Safety Act are unconstitutional.

As the court noted, the act "purports to allow the federal government to place in indefinite civil commitment 'sexually dangerous' persons, granting the federal government unprecedented authority over civil commitment--an area long controlled by the states."

The court also noted that the "issue has divided trial courts across the nation."

Here's the heart of the appellate court's decision: "The Constitution does not empower the federal government to confine a person solely because of asserted 'sexual dangerousness' when the Government need not allege (let alone prove) that this 'dangerousness' violates any federal law."

Here's another excerpt from the opinion: "Of course, Congress may establish and run a federal penal system, as necessary and proper to the Article I power (usually the Commerce Clause) relied on to enact federal criminal statutes. And, consistent with its role in maintaining a penal system, the federal government possesses broad powers over persons during their prison sentences. But these powers are far removed from the indefinite civil commitment of persons after the expiration of their prison terms, based solely on possible future actions that the federal government lacks power to regulate directly."

Another excerpt: "Were we to accept the Government's logic, Congress could authorize the civil commitment of a person on a showing that he posed a general risk of any sexually violent conduct, even though not all, or even most, of this potential conduct violated federal law. This argument would convert the federal government's limited power to criminalize narrow forms of sexual violence into the general power to regulate all sexual violence, including acts which violate no criminal statute. Congressional power does not reach so far."

Another excerpt: "Our holding, however, does not require that the Government's legitimate policy concerns go unaddressed. If the federal government has serious concerns about the dangerousness of a person due to be released from federal prison, it can notify state authorities, who may use their well settled police and parens patriae powers to pursue civil commitment under state law."

Here's how the court's opinion ends: "The power claimed by 4248--forcible, indefinite civil commitment--is among the most severe wielded by any government. The Framers, distrustful of such authority, reposed such broad powers in the states, limiting the national government to specific and enumerated powers. '[T]hat those limits may not be mistaken, or forgotten, the constitution is written.' *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 176 (1803). Section 4248 thus cannot be sustained as an exercise of Congress's authority under the Commerce Clause or any other provision of the Constitution. For these reasons, we affirm the judgment of the district court."

The full court opinion can be viewed at the following link
<http://pacer.ca4.uscourts.gov/opinion.pdf/077671.P.pdf>

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.

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

NOTES FROM THE PRESIDENTS OF NYSATSA and NYASOSP

Greetings! We appreciate the opportunity to share with you some of the exciting news from around the state.

At the top of the list, of course, is our **14th Annual conference on Sex Offender Management**. (See page 5 for more information.) We are focused this year on presenting strategies for investigation, prosecution, treatment, supervision and victim advocacy which can be implemented despite current limitations on resources. We have even reduced the cost of the conference. In our pre-conference, intensive one-day seminars, Bob McGrath is going to focus on the issue of evaluating the progress of a client as he makes his way through the treatment process, and determining when he has completed sex offender treatment. Also for clinicians, Dr. Franca Cortoni of Montreal will be presenting a workshop on how clinicians implement the different treatment models in their provision of treatment; this applied workshop was very well-received at the national ATSA conference last fall. Donna Reback of CSOM and Alison Taylor of Texas are sharing their insights on multi-disciplinary approaches for community-based management of sex offenders and higher-risk civil commitment (SIST) clients, respectively. Finally, we are bringing in former sex offense prosecutor Paul DerOhannesian, to provide his expertise on how clinicians, victim advocates and prosecutors can work together to bring legal matters to successful conclusions.

Our conference provides the opportunity to hear some fascinating plenaries by world-class presenters including Robin Wilson (Florida), Steve Huot (Minnesota), and Sally Thigpen (Georgia). We have selected 28 workshops for presentation, representing the diverse aspects of our field, from specialized sex offender courts, to latest supervision ideas for probation and parole officers, creative assistance from victim advocates and innovative treatment approaches. Despite our having lowered the conference cost for all participants, we managed to keep our Reception. Please come refresh your perspective, enjoy lovely Saratoga, and network with old friends.

In other news from around the State, in January, the Rockland County Supreme Court (*People v. Oberlander*) decided that local communities cannot enact

Rockland County Sex Offender Residency Restrictions Thrown Out by Court

A New York State Supreme Court Judge struck down Rockland County's sex offender residency law in February. Justice William Kelly ruled that New York State law specifically empowers local probation officers to decide where sex offenders may reside without any consideration for borders. Judge Kelly cited a decision in New Jersey that also banned residency boundaries in that state.

The Rockland County Law was passed in 2007. There are approximately 80 similar laws passed throughout the state could be nullified by this precedent setting decision.

The Rockland County law prohibited sex offenders from living, working, or loitering within one thousand feet of a school, day care center, libraries or other facilities that are frequented by minors. Those sex offenders living within those prohibited areas in Rockland County will have their misdemeanor cases dismissed as a result of Judge Kelly's ruling.

The attorney for the defendant in this case stated, "The state law of letting probation officers use their discretion is more effective," Goldstein said. "The county law was an over-reaction with a nebulous 1,000-foot magical line." He said Kelly's decision on the pre-emption issue has implications statewide and could overrule other residency law .

SMART Office Posts Sex Offender Registration Updates

On February 23, 2009, the Office of Justice Programs' Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office posted the latest edition of Sex Offender Registration Law Update series.

The current issue of the Sex Offender Registration Law Update is available at http://www.ojp.usdoj.gov/smart/caselaw/2009_0223.pdf

Sex Offender Registration and Notification: Research Finds Limited Effects in New Jersey

The following article is taken from the U.S. Department of Justice National Institute of Justice Internet site.

Researchers for the first time have conducted an independent scientific assessment of the impact of Megan's Law in New Jersey.

Researchers examined the impact of Megan's Law on New Jersey as a whole and each county within the state.

Researchers analyzed and compared data from before and after enactment of Megan's Law in New Jersey. They found that:

- **Sex offense rates in New Jersey have been on a consistent downward trend since 1985.** During this period, rearrests for all violent crime (whether sex crimes or not) also decreased. When the researchers examined the decline in each county and then examined the state as a whole, the resulting statistical analysis showed that the greatest rate of decline for sex offending occurred before 1994 (i.e., before the passage and implementation of Megan's Law) and the least rate of decline occurred after 1995.
- **Passage of Megan's Law did not reduce the number of rearrests for sex offenses,** nor did it have any demonstrable effect on the time between when sex offenders were released from prison and the time they were rearrested for any new offense, such as a drug, theft or sex offense.
- **The majority of sex offenders sentenced in New Jersey are convicted of child molestation and incest.** In more than half of the cases, the victim and offender know each other. Megan's Law did not have an effect on this pattern: The bulk of offenses and reoffenses committed both before and after the law remained child molestation and incest.
- **Megan's Law had no demonstrable effect on the number of victims involved in sexual offenses,** i.e., the data show no reduction in the number of victims.

- **Sex offenders convicted both before and after Megan's Law serve approximately the same amount of time.** Sex offenders convicted after Megan's Law received shorter sentences than those convicted before the law. Sentences were nearly twice as long before the law was passed. But after the law was passed, fewer sexual offenders were paroled largely because of changes in sentencing guidelines.
- **The researchers estimated the cost of implementing the law.** Estimates show that New Jersey spent \$555,565 to implement the law in 1995. In 2006, the estimated cost of implementing the law was approximately \$3.9 million based on data received from 15 of New Jersey's 21 counties.

Researchers studying the impact of registration and notification laws in other states have found similar results. Similar research has been conducted in New York State. An article in the November, 2008 edition of the journal *Psychology, Public Policy and Law*, by Jeffrey Sandler, Naomi Freeman and Kelly Socia, entitled "Does a Watched Pot Boil? A Time Series Analysis of New York State's Sex Offender Registration and Notification Law" addresses this question. The following is the abstract from that article.

Despite the fact that the federal and many state governments have enacted registration and community notification laws as a means to better protect communities from sexual offending, limited empirical research has been conducted to examine the impact of such legislation on public safety. Therefore, utilizing time-series analyses, this study examined differences in sexual offense arrest rates before and after the enactment of New York State's Sex Offender Registration Act. Results provide no support for the effectiveness of registration and community notification laws in reducing sexual offending by: (a) rapists, (b) child molesters, (c) sexual recidivists, or (d) first-time sex offenders. Analyses also showed that over 95% of all sexual offense arrests were committed by first-time sex offenders, casting doubt on the ability of laws that target repeat offenders to meaningfully reduce sexual offending.

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

14th Annual Conference

Wednesday, June 10, 2009

Pre - Conference Seminars

9:00am – 5:00pm

**8:00am – 9:00am Registration & Continental
Breakfast 12:00pm – 1:30pm Lunch (on your own)**

Seminars include the following topics:

SUPERVISION - HOW TO USE A TREATMENT NEEDS AND PROGRESS SCALE *Presenter: Robert J. McGrath, M.A., Clinical Director, Vermont Treatment Program for Sexual Abusers*

II. BUILDING & MAINTAINING LOCAL COLLABORATIVE TEAMS TO EFFECTIVELY MANAGE SEX OFFENDERS IN THE COMMUNITY *Presenter: Donna Reback, MSW, Social Policy Consultant*

III. MAKING SENSE OF TREATMENT MODELS FOR SEXUAL OFFENDERS *Presenter: Franca Cortoni, Ph.D., C. Psych., School of Criminology, Universite de Montreal*

IV. TEXAS OUTPATIENT CIVIL COMMITMENT PROGRAM *Presenter: Allison Taylor, Executive Director, Texas Council on Sex Offender Treatment*

V. BEST PRACTICES IN THE INVESTIGATION, PRESENTATION AND PROSECUTION OF SEX OFFENSES *Presenter: Paul DerOhannesian, DerOhannesian & DerOhannesian, Attorneys and Counselors at Law*

Thursday, June 11, 2009

9:00am – 10:30am WORKSHOPS – SESSION 1

1. Developing a Community Education Program Regarding Sex Offenses
2. The Orthodox Jewish Sexual Offender: Evaluation, Treatment & Management
3. Reintegration of Sex Offenders into the Community
4. Social Accountability in Therapeutic Discourse With Sexual Offenders
5. Understanding Treatment Models for Sexual Offenders: A Framework

10:45am – 12:15pm WORKSHOPS – SESSION 2

6. Effectiveness of Sex Offender Public Policies: Are They Making Communities Safer?
7. Adventure - Based Learning: Theory & Application in Treating Sexually Abusive Youth
8. Sex Offender Management & Treatment Act: Impact on Institutional Treatment
9. SIST Working Meeting (*This session is only open to current SIST Community Based Treatment Providers and SIST Parole Officers*)

12:15pm – 1:15pm AWARDS LUNCHEON

1:30pm – 2:15pm KEYNOTE ADDRESS: WHAT'S UP, DOC? INNOVATIONS & LESSONS LEARNED IN THE TREATMENT OF SEXUAL ABUSERS

Presenter: Robin J. Wilson, Ph.D., ABPP (Editor of the ATSA Forum and ex - officio member of the ATSA Board of Directors)

2:15pm – 3:15pm PANEL PRESENTATION: NYS SEX OFFENSE COURT MODEL: GUIDING PRINCIPLES & BEST PRACTICES *Moderator: Luke Martland (Director of New York State Office of Sex Offender Management)*

3:30pm – 5:00pm WORKSHOPS – SESSION 3

10. Scenarios from Sex Offense Courts
11. Article 10's Impact on Community Supervision and Treatment
12. Dynamic Supervision of Sexual Abusers - Part 1* *Presenter: Robin J. Wilson, Ph.D., ABPP (Editor of the ATSA Forum and ex - officio member of the ATSA Board of Directors)*
13. Juvenile Sex Offenders: Strategies in Prosecution and Community Disposition – New York City

5:30pm – 7:30pm WELCOME RECEPTION

Friday, June 12, 2009

Do not miss the full day of Friday's presentations.

For the rest of the workshops and complete details, please visit www.nysatsa.com for more information and registration application.

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Meet Your NYSATSA and NYSASOSP Board of Directors

Editor's Note: During the March 2009 meeting of the boards of directors for NYSATSA and NYSASOSP decided that we would randomly pick a board member to do a biography on. The editor randomly picked two names for this newsletter. This will continue in future editions of the newsletter. We also decided to include the bio for our newest Board Member.

Naomi Freeman, PhD

Naomi J. Freeman received a Ph.D. in criminal justice from the University at Albany and a M.A. in forensic psychology from Castleton State College. Her principal research interests include the effectiveness of registration and community notification laws, sex offender risk factors, and female sex offenders. Her publications have appeared in numerous journals including *Criminal Justice and Behavior* and *Sexual Abuse: A Journal of Research and Treatment*. She currently serves as the Director of the Sex Offender Risk Assessment and Record Review unit for the New York State Office of Mental Health.

Kenneth Lau, LCSWR

Kenneth J. Lau is a licensed certified social worker who has been employed at Children FIRST, Fordham University as program director for the past seventeen years. In addition, he has been employed part time at Westchester Jewish Community Center, Treatment Center for Trauma and Abuse as the Coordinator of sex offender services for over twenty years. In June, 2008, he was the recipient of the Rohmer Award at WJCS which recognizes excellence in "Outstanding Professional Accomplishments". He is also on the training faculty for the New York State Children's Justice Task Force Forensic Best Practice Training. Mr. Lau has been training caseworkers, mental health workers, law enforcement personnel and attorneys throughout New York State on issues related to child sexual abuse for over twenty-five years. He teaches classes at Fordham related to interpersonal trauma and the Identification and Reporting Child Abuse that is required for mandated reporters to be licensed in NYS. He is the author of a recently published book entitled, *Mandated reporting of Child Abuse and Neglect, A Practical Guide for Social Workers*. Mr. Lau has been accepted as an expert in the area of child

and criminal courts in New York State.

Mr. Lau coordinated the sex abuse investigations in Nassau County for over six years. In that capacity, he worked closely with child protective services, law enforcement, district attorney office and other members of the Nassau County MDT.

In his clinical practice, both at a local mental health clinic and in his private practice, Mr. Lau is responsible for the ongoing evaluation and treatment of adults and youthful offenders in Westchester County. In addition, he serves as a consultant to other educators, caseworkers, law enforcement personnel and mental health care providers on the investigation and treatment of victims of sexual abuse and their families.

Mr. Lau background includes over 15 years work in the child welfare system in both foster care and preventive services in New York State. His duties included eight years as director of a foster boarding home program and preventive service programs at child welfare agencies in the Bronx. He was the initial chairperson of the Bronx Child Abuse Task Force and for two years was board president of the New York Federation on Child Abuse and in May, 2005 he was elected President of the New York State Association for the Treatment of Sexual Abusers (NYSATSA).

Larry Menzie, LMSW/CEAP

Larry Menzie received his Masters Degree in 1994 from Columbia University. He has been in the field of social work since 1990 working with a variety of underserved populations. From 1994-97 he was a Team Leader at the largest Single Room Occupancy program in NYC. From 1997 to 2008 he was a Parole Officer with the New York State Division of Parole. As a Parole Officer Mr. Menzie covered various precincts and supervised a specialized case load of substance abusers. He has also served as the primary Employee Assistance Program Coordinator covering the Downstate area. While a Parole Officer Mr. Menzie also worked as a Social Worker in the Emergency Room of Elmhurst Hospital providing a variety of services. As a trained Critical Incident Responder (CIRT) he provided mental health (Cont'd on Page 7)

Treatment Provider Survey

Every few years, the Safer Society Foundation, Inc. conducts a survey of sexual abuser treatment providers, including residential and community programs for male and female adults, adolescents and children. The ensuing report is a snapshot of the state of the field, and identifies trends in assessment and treatment of sexual abusers. Safer Society is preparing for their next survey -- this one to be conducted online.

Safer Society is asking all treatment providers to consider participating in their survey, and is hoping you will pass along this message to treatment providers you may have contact with.

Because a third party is administering the survey, those willing to participate need to "opt-in" prior to actually taking the survey.

To opt-in, please go to this link: <http://www.safersociety.org/surveyform.php>

Remember, this link does NOT take you to the survey itself, just to a small form where you can indicate your willingness to participate and provide your name, agency, state and e-mail address. A few weeks after opting in, you will receive an e-mail from the company Safer Society has contracted with to conduct the survey. This e-mail will include a link to the survey site and a unique access code. It will take between 15 and 30 minutes to complete the survey.

NEITHER SAFER SOCIETY NOR THE SURVEY COMPANY WILL USE YOUR CONTACT INFORMATION FOR ANY OTHER PURPOSE THAN TO CONDUCT THE SURVEY.

Safer Society will have results of the survey at ATSA's national conference in the fall, and the final report will be available for free download as a PDF at the Safer Society web site later this year.

"The Safer Society surveys have a long history of informing the field, and are cited richly throughout the sexual abuse research literature." - David Prescott (writing about our 2002 survey)

Presidents' Notes (cont'd from Page 1)

sex offender residency restrictions in that only the State has the power to enact such legislation. Readers need only to review recent studies on this issue (e.g., Residential Proximity and Sex Offender Proximity, April 2007, from the Minnesota Department of Corrections) to develop a good understanding of why these residency laws are not effective in making communities safer, and even appear to undermine community safety and increase the number of sex offenses (see position paper of the Iowa County Attorneys Association).

JOBS! The NYSASOSP is working on an innovative project with NYS Department of Labor, NYSDPCA and the Albany County Probation Department to redesign a nationally accepted job training program, "Ready, Set, Work!" in order to meet the unique employment needs of sex offenders. We are re-tooling this model, which is used throughout New York (and the U.S.), to include components for finding a job, addressing the sex offense issue in interviews, dealing with co-worker inquiries and/or harassment, and job development. We are all optimistic that this new program will result in more sex offenders acquiring better job skills and finding/maintaining employment. That's the news! See you in Saratoga!

Dr. Richard Hamill, Ph.D. , President, NYSASOSP

Kenneth J. Lau, LCSW, President, NYSATSA

Larry Menzie (Cont'd from Page 6)

Services to the FDNY during 9-11. In 2003 he co-founded Queens Center for Change located in Jackson Heights. Mr. Menzie assisted the NYC Department of Probation in redeveloping their approach to the supervision of sexual offenders and assisted in the development of a specialized Sex Offender Court Part in Queens County. Mr. Menzie is also Certified Employee Assistance Professional (CEAP). Mr. Menzie has lectured on a variety of topics at trainings, conferences and on Radio. He currently serves as a Director of Queens Center for Change.

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

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**New York State Association for the
Treatment of Sexual Offenders**

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**DETAILED CONFERENCE
INFORMATION**

Please visit www.nysatsa.com for more in - depth information on each of the pre - conference seminars, keynotes, panels and individual workshops, including descriptions, learning objectives and information about the presenters.

CONFERENCE LOCATION

The Holiday Inn, 232 Broadway, Saratoga Springs, NY 12866 is easily accessed by I - 87 Exit 14. Go right off the exit 2 miles on Route 9P. Turn left at T intersection, hotel is 2 blocks on the right.

Detailed Directions may be obtained at the Holiday Inn's website: www.ichotelsgroup.com/h/d/hi/1/en/hotel/SGANY transportation.

**OVERNIGHT
ACCOMMODATIONS**

For overnight accommodations, please call the Holiday Inn at (518) 584 - 4550. A block of rooms has been reserved for conference attendees at the rate of \$139.00 (plus tax) a night for a single or double occupancy. When making your reservation, please indicate that you are attending the New York Association for the Treatment of Sexual Abusers conference in order to obtain this special rate. Discounted room rates are available until Friday, May 15, 2009. After this date, reservation requests will be taken on a space and room availability basis.

Nearby Hotels: The Inn at Saratoga, 231 Broadway, Saratoga Springs, NY (800 - 274 - 3573); and the Hilton Garden Inn, 125 South Broadway, Saratoga Springs, NY (518 - 587 - 1500)

**QUESTIONS/ADDITIONAL
INFORMATION**

Please contact Janalee Orfanides, NYSATSA/NYSASOSP Conference Planner, via email at Janalee@stny.rr.com or via telephone at 607 - 962 - 3148 (Wednesdays or Fridays).

**NOT A MEMBER OF NYSATSA
OR THE ALLIANCE?**

Your \$35 membership fee covers your annual Alliance membership. NYSATSA members (must be a member of national ATSA for state chapter membership) – your annual NY-SASOSP membership is included in your NYSATSA membership. Join now and register for the conference at member rates. If you wish to join, please be sure to include a separate check for membership and return it with your conference registration.