

# The New York State Forum

A Publication of the NYS Chapter of the Association for Treatment of Sexual Abusers and NYS Alliance for Sexual Abuse Prevention, Inc.

## Editors' message:

Welcome to the Spring 2017 Edition of The Forum!

First, and foremost, we would like to apologize for our lack of communication to our membership and the community. We are aware that we have not been communicating to our members as much as expected and are working hard to improve this aspect of our organization. We have been busy behind-the-scenes planning for the annual conference; providing trainings; working in advocacy roles; and enhancing our presence in the field of sex offense prevention, treatment and supervision. This newsletter showcases just some of the Boards' work, and provides information related to the upcoming NYS ATSA/Alliance conference.

This year, our conference will be headlined by Michael Seto, PhD and Meredith Chivers, PhD. Dr. Seto will be discussing online offending behaviors; Dr. Chivers will be presenting on sexual psychophysiology; and David Prescott, LCSW-R will also be discussing the Good Lives Model, pornography use in adolescents with problematic sexual behavior, and motivational interviewing. Additionally, in providing trainings with a specific focus, such as therapist pregnancy and self-care, we hope to offer our attendees with a unique and personally fulfilling experience.

Registration should be open in late April. Please go to [www.nysatsaallianceconference.com](http://www.nysatsaallianceconference.com) and check out the presentations; with the breadth and variety of subjects, there is sure to be one to catch your eye.

In this issue, please find the column, "Spotlight On." In this column, we interview a professional from law-enforcement in efforts to highlight the important role that law enforcement brings to sex offending treatment and management. This edition we are highlighting Supervising US Probation Officer Michele Greer, who oversees the Pre-Sentence Reports for persons convicted of a sex crime in the US SDNY federal jurisdiction.

Also included is a column written by Ken Lau, LCSW, former president of NYS ATSA to share about the 10-year implementation of New York implementing civil commitment.

Larry Menzie, president of the NYS Alliance for Sexual Abuse Prevention, Inc. And Bud Ballinger, president of NYS ATSA also submitted a joint letter about the recent changes and projects underway in both organizations.

Chris Farrell, LCSW-R, one of our newest board members introduces himself and his journey in this field in our column "Clinician's Corner."

We hope to see you at the conference!

Shoshanna Must and Chris Porter

Spring, 2017

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David Wallace, LCSW

**Presidents' Letter**

Greetings,

You will notice some changes in our newsletter that will occur alongside changes and growth in our organizations. First, the newsletter is being produced jointly by the NYS Association for the Treatment of Sexual Abusers (NYS ATSA) and the NYS Alliance for the Prevention of Sexual Abuse (The Alliance). In combining our resources and efforts, we hope to provide consistent updates and information to you. Additionally, the newsletter is accompanied for the first time by the research bulletin of the NYS Office of Mental Health Bureau of Sex Offender Evaluation and Community Treatment (BSOECT). For several years, BSOECT has improved the quality of sex offender treatment and management across the state by investing in regional trainings delivered by national and international experts. They are now sharing the research bulletin with our membership to further develop the expertise of professionals working in treatment and management of individuals with sexual behavior problems. We hope you find the information in this document helpful in your work.

In January 2017 the NYS Alliance of Sexual Offender Service Providers officially changed its name to the NYS Alliance for the Prevention of Sexual Abuse. After years of feedback and discussion among our membership, board and the field it was strongly supported that the organizations name needed to reflect the development of our field and mission. The Alliance has spent the last several years evaluating its mission and how it can best address the changes in the field supporting both the providers and those who are affected by sexual abuse and violence. The Alliance will be applying for 501c3 status over the next year. The Board is excited about future opportunities that will arise once approved.

In May 2016, our 21th annual joint conference was held in Albany NY and provided a top notch experience for over 250 attendees. The conference continues to be the most comprehensive and well attended in NYS focusing on sexual violence. Plans are well underway for next year's conference which will be held June 12<sup>th</sup>-14<sup>th</sup>, 2017 in Albany. The joint conference allows us to enjoy nationally recognized speakers, network with others in the field, see old friends, and make new ones. We hope to see you there for one day, two days, or all three. Details are at our conference website: <http://www.nysatsaallianceconference.com>

In September, both boards met in Syracuse for our annual retreat to plan for the future of the Alliance and NYS ATSA. Board members broke into small groups to identify areas of need and generate action plans to further our organizational goals. The boards are made up of 20 members who give of their time and contribute their own finances to attend these meetings. Board members accomplish great things, but our organizations could achieve even greater heights with your help. We hope our members will consider becoming more involved in our dynamic organizations. Working together we can make NYS safer.

In the fall of last year we were provided yet another reminder of the weight of our work with the tragic developments in the Jacob Wetterling case. Our thoughts remain with the Wetterling family and all those affected by sexual violence as we go about our work in the field of sexual abuse prevention. While cases like Jacob Wetterling are thankfully rare they illustrate in a stark manner the seriousness of our work and strengthen our resolve to continue to advance our work in the prevention, research, management, and treatment of sexual abuse and violence. We invite anyone dedicated to our mission to consider becoming more involved.

Bud Ballinger, Ph.D.

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**Board Member Updates**

Dear Members, as mentioned, we are very regretful of our lack of correspondence related to NYS ATSA/Alliance updates. We have been working hard on behalf of both organizations, but have not communicated as such. Please see below a snapshot of what some of the board members have been doing.

**Larry Menzie, President of the Alliance, and Treasurer of NYS ATSA,** has spent a significant amount of time networking, collaborating, and educating other stakeholders in the commitment to reduce sexual offending. This includes persons from a breadth of fields, including federal judges, legal service agency workers, and supervision officers and children services workers. He has found great benefit in debunking myths related to sexual offending and presenting factual information related to the profiles and statistics of those who sexually offend. He specializes in building partnerships across the legal and social services fields to enhance the prevention and treatment of sexual violence. He continues to work with a pro-bono law firm to obtain a 501c3 (non-profit) status for the Alliance, now that the name has been officially changed. This change will allow the Alliance to seek financial support and provide services and training to those working in and with sexual violence prevention, supervision and treatment.

**Bud Ballinger, President of NYS ATSA** has been revising the NYS ATSA bylaws and assisting the conference committee. He also has been working on changing the committee structure to help the chapter become more efficient while also creating opportunities for members to become more involved.

**Nancy Schmidt, Vice President of NYS Alliance,** is the Deputy Director of Ulster County Probation in Kingston NY. She supervises the Sex Offender Unit at Probation which has specialized supervision officers and a treatment component. She also supervises the Crime Victims Assistance program and works to maintain a victim centered approach in the Sex Offender Unit. She teaches a course on people who commit sexual offenses at Sage Graduate School in Forensic Mental Health. She hopes to generate interest by a new generation of professionals in working with this population. She has worked on the new Alliance bylaws this year and assisted the President in steps to get the organization name changed. She also chairs the Election committee for the Alliance.

**Tim Wisniewski, NYS ATSA board member** has been busy conducting several trainings for the local Parole and Probation agencies. He also plans to conduct a cross state training in motivational interviewing. He also hopes to have this year's conference videotaped and placed on the Internet so people are able to access the workshops and plenaries.

**Richard Krueger, Past President NYS ATSA and present board member,** has helped to publish suggested criteria for ICD-11 diagnoses of sexual disorders, and also of paraphilic disorders. These reports have been 5 years in the making and were done as members of a World Health Organization committee to review these particular disorders.

**David Wallace, a board member of both NYS ATSA and the Alliance,** has been assisting with the development of the 2017 conference, representing NYS ATSA/Alliance on the NYS Partnership for the prevention of Sexual Abuse, representing NYS ATSA/Alliance in a statewide collaborative led by DCJS and various treatment providers including Child Advocacy Centers for the development of a more cohesive network of juvenile specific treatment options for youth and families impacted by sexual abuse, as well as enhancing both organizations partnerships with local and regional affiliates, such as NEARI, MATSA, and PCANY.

**Shoshanna Must, NYS ATSA board member,** has been working with national and international colleagues on educating professionals regarding gender-specific issues for professionals when working in the field of sexual offending. She and her colleague, Gretchen Sofocleous, PhD have co-authored a chapter regarding professional pregnancy when providing services to adult males who have sexually offended.

## Spotlight On: Michele Greer, US Supervising Probation Officer

“Spotlight On” is a new column in the ATSA Newsletter that we are proud to offer and which will be featured in each edition. Each segment will feature a Q & A format with a respected professional in the non-treatment community who through their position, either supervises with individuals who have been convicted of a sex offense, or are involved in the investigation of, or defense, prosecution, or adjudication of these individuals.



Michele Greer is a Supervisory U.S. Probation Officer who supervises a team of U.S. probation officers who conduct presentence investigations on individuals who have been convicted of federal crimes in U.S. District Court, Southern District of New York. While recently promoted to this position, prior she was a U.S. Probation Officer Specialist who conducted numerous presentence investigations on individuals who had been convicted of sex crimes in U.S. District Court.

Michele Greer was appointed a U.S. Probation Officer in the SDNY during September 1995, and assigned to the presentence division. She completed her first PSI for a defendant convicted of a sex offense in 2000. In 2001, Ms. Greer was appointed coordinator for this district’s PSI Sex Offender Work Group. Since that time, she has consulted with various districts, mental health professionals, judges and other Court personnel regarding sex offender issues, practices and policies. She was promoted to Senior USPO/Specialist in 2005 and continue to serve as this district’s PSI specialist for sex offender cases.

Over the past 16 years, she has conducted presentence investigations on approximately 200 individuals convicted of federal sex crimes. As a result of her experience and expertise, she has been asked on numerous occasions to make presentations on issues surrounding persons convicted of sex offenses. Over the course of her career, she has made presentations before the SDNY Board of Judges, NYC Bar Association and the SDNY U.S. Attorney’s Office. Additionally, she was interviewed by a U.S. Court of Appeals Judge from the Second Circuit with regard to sex offender special conditions.

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**Q-1. As it applies to your presentence investigation, what is the most important part of the psychosexual evaluation?**

I find the social and sexual history part of the evaluation very helpful. I find that the experts ask questions that probation officer’s do not know to ask, may be prevented from asking, or are too embarrassed to ask. I also rely heavily on the evaluator’s assessment with regard to the defendant’s risk of sexually acting out in the future and the suggested treatment needs that would help in the defendant successfully reintegrating into society following his release from custody and making a satisfactory adjustment to community-based supervision.

**Q-2. How can psychosexual evaluations help your presentence investigations?**

As a probation officer, my job during the course of the presentence investigation is to gather (and then present) information about the defendant and the offense of conviction to assist the Court in arriving at an appropriate sentence for that particular defendant. I have found that a psychosexual evaluation prepared by an expert in the field provides valuable insight into a defendant’s social and sexual background, his/her risk to reoffend and future treatment needs.

**Q-3. How much weight do you give psychosexual evaluations in your assessment of defendants?**

I don’t necessarily give a specific “weight” to a psychosexual evaluation during the course of my investigation or in my ultimate recommendation. Instead, I look to include in the presentence report the information gathered by the evaluator and the results of psychological testing. In many cases, I find the evaluator’s insight regarding the defendant’s criminal behavior, future risk to re-offend and treatment needs invaluable.

**Spotlight On: Michele Greer, US Supervising Probation Officer****Q-4. What psychosexual factors do you consider when making your recommendation?**

I believe that in cases where the offense of conviction is a sex crime, it's all about community protection. A secondary goal is to rehabilitate the defendant. As such, I key in on the defendant's future risk to re-offend and/or act out sexually in the community. I also look to see what treatment options (as well as special conditions of supervision) are available that would assist the defendant in being safely managed in the community.

**Q-5. How has the Federal Probation system's view and treatment of this specialized population changed throughout your tenure?**

Over the years, and in part as a result of technology, sex offender cases have significantly evolved. When I first started doing these cases, the majority of the cases involved images in magazines and/or individuals who ordered child pornography over the Internet that was mailed to their homes. As chat rooms became more common and individuals believed that they could remain anonymous over the Internet, I began to see individuals looking to engage in explicit sexual chats with minors and/or coerce the minors into meeting them for sexual activity. As the web exploded and file sharing became more popular, I began to see individuals who collected hundreds or in some cases thousands of child pornography images. Around that time, video clips replaced single images as the most popular form of child pornography. Then web cams became popular and sex offenders were able to act out sexually and/or attempt to coerce minors into acting out sexually in live time. Also I saw many cases where the defendants were able to convince minors to take sexually suggestive pictures of themselves, via their cellphone, and send it to the defendant. More recently, I have seen cases where sex offenders gather in private chat rooms and sexually abuse a minor in real time, via a web cam.

Since the Sentencing Reform Act of 1984 became effective on November 1, 1987, radically changing the philosophical model for sentencing offenders in the federal courts, the child pornography guidelines were substantively revised nine times over the next 22 years. In most cases, the sentencing guidelines for sex crimes were increased at the direction of congress. The 2003 Protect Act created a five-year mandatory minimum for defendant's convicted of distributing and receiving child pornography. However, under the Guidelines, these defendants routinely faced sentences of more than 10 years.

In January 2005, the Supreme Court decided that the sentencing Guidelines were no longer mandatory, freeing the judges to impose sentencing outside of the calculated Guidelines range. Nowadays, it is common for judges to impose non-Guideline sentences for individuals convicted of sex offenders. In cases where there is no mandatory minimum, I have seen judges impose non-custodial terms for individuals who, under the calculated Guidelines, are facing significant jail terms. I have found that in many of these cases, the Court looks closely at the psychosexual evaluation.

**Q-6. Based on your experience, what recommendations do you have to help improve the treatment of this population within the federal justice system?**

It is my understanding that once a convicted sex offender enters the BOP, he/she is not immediately given access to specialized sex offender treatment. Furthermore, when a BOP inmate becomes eligible for sex offender treatment, he/she can decline participation in the program. I believe that sex offender treatment in custody is extremely valuable and could assist in the defendant's successful future reintegration into society. Drug offenders have the opportunity to complete a drug treatment program in the BOP that actually reduces their sentence. I would recommend that the BOP institute a similar program for inmates convicted of sex offense which would allow the inmate to reduce his prison term if he/she successfully participates in sex offender treatment while incarcerated.

I also believe that defense counsels should be more open to allowing their clients to participate in a psycho

**Spotlight On: Michele Greer, US Supervising Probation Officer**

sexual evaluation following the guilty plea. I recognize a defendant's Fifth Amendment rights and understand why they may not be fully forthcoming during a psychosexual evaluation conducted prior to the guilty plea. I believe that in order to complete a thorough psychosexual report for sentencing purposes, the evaluators need to be presented with all available information prior to meeting with a defendant. I find the psychosexual evaluations incomplete when the evaluator's rely on the defendant's self-report. This seems to be common practice in cases where psychosexual evaluations are conducted prior to a defendant entering a guilty plea. During the course of an evaluation prepared during the course of a presentence investigation, I make sure that the evaluator has access to the prosecutor, defense attorney, case agent, any prior psychiatric reports/treatment records and computer forensics. I also strongly encourage the evaluators to reach out to the defendant's family.

**Q-7. Since you began investigating the personal backgrounds of this population, have you observed a trend with regards to sentencing in this District and/or throughout the country?**

One of the hardest parts of my job is meeting with the victims of sexual abuse and/or their family members. I have heard heart wrenching stories of the abuse the victims have suffered and the impact the abuse has had on the victim and their families. During the course of my career, and in conjunction with my duties as a probation officer, I have had to view thousands of images and videos of children being sexually abused. Although I have become very clinical when reviewing images, I continue to be disturbed by the material. I had a case recently involving the hands-on abuse of several young girls who were friends of the defendant's daughter. When the agent told me what was depicted in the videos, I declined to watch the videos and ultimately used her description for my report. When I later met with the judge and was asked if I had seen the videos, I responded that I had not and explained that the material in this case was particularly disturbing and once I see something, it cannot be unseen.

Over the years, I have prepared PSIs for many older teens and immature young adult males, who were just having a "good time" surfing the Internet with a file sharing program and did not realize the seriousness of their conduct. I have also met many professional, family oriented middle-aged men who, while sexually bored or suffering a mid-life crisis, downloaded all sorts of pornography from the Internet. After reviewing the psychosexual evaluations and the evaluator's professional opinions in the majority of these cases, it did not appear that these individuals were sexual predators who presented a risk to the community. As such, the significant jail terms contemplated by the Guidelines in those cases seemed harsh and unreasonable. Based on my experience with these cases, and with the assistance of the findings in the psychosexual evaluation, I was able to argue successfully in many cases that the Court should consider a non-custodial sentence. I feel that I have done a good job and take I professional satisfaction when the defendants, who have been given a second chance by the Court, are able to remain law abiding and become contributing members of society.

**April is Sexual Assault and Child Abuse Prevention Month!**

NYS ATSA/Alliance work closely with victim advocacy groups in the prevention of sexual violence. Please go to <http://www.nsvrc.org/> and [preventchildabuseny.org](http://preventchildabuseny.org) to learn more about these organizations' missions.

Prevent Child Abuse NY is hosting their annual conference in May! Go to: [www.preventchildabuseny.org/index.php?CID=138](http://www.preventchildabuseny.org/index.php?CID=138) to learn more about what they are offering and how to register.

**Letter to the Editor****10 Years Later...Civil Commitment in NYS*****Ken Lau, LCSW***

At the end of March, I attended a two day retreat sponsored by the NYS Office of Mental Health (OMH)/Strict and Intensive Supervision and Treatment (SIST). The purpose of the retreat was to bring together the treatment providers from around NYS that had been providing specialized treatment to the sex offenders who had been designated Under Article 10 as offenders in need of civil commitment.

As the President on NYSATSA Board back in 2005, the members of NYS Alliance and NYSATSA were struggling with the concept of Civil Commitment. At the time approximately, 16 states had civil commitment laws and the Supreme Court had ruled in favor of States that were confining sex offenders. At that time, the Boards of both organization published a position paper opposing NYS passing a Civil Commitment Law. The feeling was that the financial costs would be overwhelming and the money could be better allocated for prevention and victim treatment. During that period, a 56 year woman was stabbed to death in the Galleria in White Plains by a registered sex offender. This tragedy, resulted in the governor and the State Legislators supporting the Civil Commitment Bill for NYS. It was clear that NYS would become the next State with a civil commitment law

That year, at the annual Board meeting, both Boards discussed at length possible options and decided to change our strategy from opposing the Civil Commitment Law to one of educating State Legislators that there was another option out there. At that time, no State had a Civil Commitment Law that included had other civil commitment options. The concept of Strict and Intensive Supervision was one the Board discussed at length and a position paper was developed by Richard Hamill and Richard Krueger to promote this concept with the State Legislature. In 2007, NYS passed the Civil Commitment Law and continues to be the only State with the option on community supervision.

At the OMH Retreat, Jeff Sandler, a Research Scientist with the NYS Research Foundation and a former NYSATSA Board member provided interesting preliminary statistics that support the SIST program has been effective. Since the law went over 250 sex offenders have been released on SIST. Without SIST many of these men would have either continued to reside at secure treatment facilities at major increases in costs.

**Looking to become a SIST provider?** NYS Office of Mental Health (OMH) is looking for community treatment providers to work with sex offenders court-ordered to Strict and Intensive Supervision and Treatment (SIST) under NYS civil management statute. OMH provides great opportunities to attend training, case and program consultation, networking opportunities with other providers, and much more! If you are interested in providing sex offender treatment for sex offenders ordered to SIST, please connect with Noel Thomas (Director, Strict and Intensive Supervision Treatment) at 518-549-5064 or Noel.C.Thomas@omh.ny.gov.

## Clinician's Corner: Chris Farrell, LCSW-R

In 2001 I was the Director of homeless shelter for teenagers in Rosendale, New York and maintaining a small private practice in Kingston. One day my friend Ann Mundt, who was a psychologist at Ulster County Mental Health stopped by and asked me if I would be interested in doing some part-time forensic assessments on convicted sex offenders. Of course my first response was “do what?” I was entirely unfamiliar with the population of sex offenders and my only related experience was working with a number of sex offense victims at the Shelter and in my private practice. In my naïve state I said: “sounds interesting, who do I talk to?” She put me in touch with Nancy Schmidt at Ulster County Probation and thus began the long strange journey!



Nancy hired me to do risk assessments and co-lead several groups. The psychologist who was conducting groups at the time, Claude Schleuderer, took me under his wing, gave me a ton of reading materials and had me sit in on groups with him for several months. Shortly after beginning this work I attended my first NYATSA conference and I attended an intense two-week training with Joanne Schladale. Fortunately I was a quick study and came with 15 years of Clinical Social Work experience under my belt. I am not sure if the 15 years was a help or a hindrance. I had to put some of what I learned into a whole different compartment of my brain and learn many new approaches. Thankfully there was a supportive team at the probation department and Claude and Nancy indoctrinated me sufficiently. After several years in this part-time position and another part-time position with Ulster County Mental Health, Nancy asked me whether I would be interested in being the Clinical Supervisor in the sex offender unit at Ulster County Probation. By that point I knew it would be a good fit and I was actually enjoying working with people who had been convicted of sex offenses. Most of my Social Work colleagues either told me I was crazy or just said “yuck”. Interestingly enough I was getting more calls from my colleagues to consult on this weird guy they were seeing who was doing \_\_\_\_\_ (fill in the deviant behavior).

The position has evolved over the years. I still do risk assessments and run groups. I do some community outreach I work with the local CPS workers who are trying to figure out if Mr. X who committed a sex offense 15 years ago is a current danger to the children in his household. I work with our local DSS agency assessing some youth with sexual behavioral problems.

Each year I take two MSW students from some of the local universities and provide an internship experience which for most of them is interesting and enlightening. When I reflect on my earliest experiences in the field of social work I recall my first job out of undergraduate was through the Jesuit Volunteer Corp. One of their mottos was “ruined for life”. When I think of that motto I think it aptly applies to the intern experience for many, as it challenges conventional thinking about what Social Work is.

I enjoy my work as clinical social worker specializing in sex offender treatment. I am amazed at the transformation that some of these men and women make rebuilding their lives. It is remarkable to see an immature early 20's young man lacking many of the basic life skills get to 25 and have a job, go to school, live independently and develop meaningful relationships. On the other hand it is disheartening to see a young man who is given an opportunity by the courts to have his sentence reduced if he just follow their probation conditions for a year continue to smoke pot and make no steps toward improving his situation. I would have to say that is the most difficult part of the job to see someone with great potential throw away his life.

Recently one of the Probation Officers I work with said “you should be a Quaker”, which I took as a compliment. I think what she was noting was my strong belief in restorative justice. In my time on the NYS ATSA Board I hope that I can bring that belief and foster the continued great work that NYS ATSA is doing to promote the dignity and belief that the people we work with can change and move beyond their sex offense and not let it define them.