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PRESS RELEASE

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Gobi and Day Announce Release of Report for The Special Commission of Qualified Examiners

BOSTON- **Senator Anne M. Gobi (D-Spencer)** and **Representative Michael S. Day (D-Stoneham)** announced today the release of the report completed by the Special Commission to examine the qualifications and scope of practice of qualified examiners (QEs) in the Commonwealth. The commission was established through an amendment, submitted by Senator Gobi to the Criminal Justice Reform Bill passed last session, and was tasked with reviewing the process which determines whether or not an individual meets the criteria for a Sexually Dangerous Person.

"I appreciate the hard work of the commission members and staff and I learned a great deal from the discussions and their expertise," remarked Senator Gobi. "The meetings resulted in important steps including those to assure that Qualified Examiners in Massachusetts are using best practices, and that as a state we are doing what is necessary to keep our communities safe. There is more to be done and I look forward to continuing to work on this important issue."

"I am grateful for the opportunity to have served with Senator Gobi as co-chair of this Special Commission and I thank all of the members of the Commission for the hard work and expertise they brought to our task," said Representative Day. "Through the cooperative work of all members, we reached broad consensus on the current state of affairs with Qualified Examiners and how the Commonwealth can ensure that we continue to follow scientifically sound and proven best practices in this most important field."

Authorized under Section 226 of Chapter 69 of the Acts of 2018, the 13-member special commission composed of state lawmakers, Baker administration officials, and clinicians with expertise in treating sexually dangerous individuals was empowered with reviewing the educational and experiential requirements of qualified examiners, as well as reviewing clinical standards, practices and risk assessment criteria used by qualified examiners in conducting an assessment of sexually dangerous persons. The special commission was established to:

1. Determine whether the requirements, standards and practices for qualified examiners reflect the current scientific research and best practice evidence in the field;
2. Make recommendations for the revision of current professional requirements, clinical standards, practices and risk assessment criteria; and
3. Make recommendations needed to support effective practices among qualified examiners and to maximally ensure public safety.

The Department of Corrections (DOC) is the agency charged with overseeing and managing QEs, who are defined by law as a licensed physician who is either certified in psychiatry or eligible to be so certified, or a psychologist; provided, however, that the examiner has had two years of experience with diagnosis or treatment of sexually aggressive offenders and is designated by the commissioner of correction. In the course of their study, the commission found that the DOC currently oversees a total of only nineteen QEs, with just six of those performing the vast majority of investigations undertaken on behalf of the Commonwealth. While this number is strikingly low, the commission did not find an instance where a QE was unavailable, though they did note that the limited number leaves these individuals susceptible to fatigue and burnout. Despite this the commission lauded the DOC decision to shift oversight of all Sex Offender Treatment Services from its Program Services Division to its Health Services Division, as well as their increased requirements for QEs that included provisions not necessary under current law, which went into effect July 1, 2018.

Based on their findings, the Special Commission recommended that the DOC update its regulations to include additional requirements for QEs and to ensure that these examiners are always using evidence-based best practices in their evaluations. The commission found that the DOC already imposes far greater qualifications and requirements for QEs than required under statute and is seeking the update to insure consistency and quality among those appointed.

Further, the commission recommended that the DOC employ more extensive data collection practices to track outcomes and recidivism rates for individuals formally designated as sexually dangerous persons, particularly as it relates to individual QEs. While the commission heard extensively about the difficulty of tracking recidivism rates once a sexually dangerous individual is released, the importance of a highly competent performance by QEs in insuring the public safety and confidence is too high not to track the actual outcomes of QE evaluations.

Finally, recognizing the lack of QEs currently available in the Commonwealth, the Special Commission recommended that the DOC work with other stakeholders to increase training and opportunities for individuals pursuing this designation. With the number of individual QEs assigned to cases continuing to shrink, the commission believes that an assessment of the payment and employment model currently in place is necessary, as well as a continued effort to develop and pursue partnerships with higher education institutions to incentives individuals to pursue the work required to become a QE.

For more information, please contact Senator Gobi's office at 617-722-1540.

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