



Annual Report | 2019

California Sex Offender Management Board (CASOMB)

In accordance with Penal Code Section 9001, subdivision (b), the membership of the board shall consist of:

- 1. Kerry Ramos**
Deputy Attorney General
Representing Office of the Attorney General
- 2. Brenda Crowding**
CASOMB Co-Chair
Assistant Deputy Director
Representing the Department of Corrections
and Rehabilitation
- 3. Jamal Rowe**
Parole Administrator
Representing the Division of Adult Parole
Operations
- 4. Brett Morgan**
Judge, San Joaquin County
Representing California State Judges
- 5. Deirdre D’Orazio**
Consulting Psychologist
Representing the Department of State
Hospitals
- 6. Scott Alford**
Sergeant, Placer County Sheriff’s
Representing Law Enforcement with
Investigative Experience
- 7. Lauren Rauch**
Detective, Los Angeles Police Department
Representing Law Enforcement with
Registration and Notification
- 8. Nancy E. O’Malley**
CASOMB Chair
District Attorney, Alameda County
Representing Prosecuting Attorneys
- 9. Fernando Giraldo**
Chief Probation Officer, Santa Cruz County
Representing Chiefs of Probation
- 10. Michelle Steinberger**
Division Manager, Ventura County Probation
Representing Probation Officers
- 11. Ellen Coleman**
Public Defender, Los Angeles County
Representing Criminal Defense Attorneys
- 12. Monica Nino**
County Administrator, San Joaquin County
Representing County Chief Executive Officers
- 13. John Moreno**
City Manager, City of Paramount
Representing City Managers
- 14. Chris Bennett**
Licensed Psychologist
Representing California Coalition on Sexual
Offending
- 15. Sandra Henriquez**
Chief Executive Officer, CALCASA
Representing Experts in Sexual Assault Victim
Advocacy
- 16. Tina Rodriguez**
Representing Experts in Sexual Assault Victim
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California Sex Offender Management Board

Executive Summary

Annual Report, 2019



The vision of the California Sex Offender Management Board (CASOMB) is to decrease sexual victimization and increase community safety. This is accomplished by addressing issues, concerns and problems related to management of adult sex offenders and by developing data driven recommendations to improve policies and practices. Over the last thirteen years, CASOMB has identified ways to provide stronger safeguards and support for convicted sex offenders to re-enter our communities.

CASOMB finished the year 2019, with the introduction of new initiatives and areas of focus. The Annual Report provides detail in these areas and highlights this year's accomplishments.

Juveniles Who Offend Sexually

The role of CASOMB expanded in 2017 through the enactment of Senate Bill (SB) 384. The purview of CASOMB now includes addressing issues, concerns and problems related to the community management of juveniles who have offended sexually. CASOMB recommends a legislative change to Penal Code (PC) Section 9003, to clarify CASOMB's role in the management of juveniles who have offended sexually. In order to accommodate the expansion area of CASOMB, the Board has advocated for a legislative change to PC Section 9001(b) to add two new Board positions with expertise in the area of juveniles who have offended sexually.

Commercial Sexual Exploitation of Children

Every day in California men, women and children are trafficked for profit. A comprehensive and collaborative response is necessary to address this issue. Responses should include supportive services for the victim/survivor and appropriate assessment and treatment for the purchaser and trafficker. Due to the limited research on the purchaser and trafficker of commercially sexually exploited children, research in this area should be supported. The Board is in the process of writing recommendations for the assessment and treatment for both purchaser and traffickers, which will take into consideration their unique needs.

Challenges Derived from Implementation of the Sexually Violent Predator Law

The Sexually Violent Predator Law otherwise known as SVP, codifies the state's efforts to treat and manage its highest risk sex offenders through civil commitment. The Board has undertaken the task of increasing an understanding of SVP and the laws under which SVPs are managed and will make recommendations for policy and procedural changes to the Department of State Hospitals (DSH) in four key areas: lengthy detainments for those awaiting SVP commitment hearings; low treatment participation rates; challenges in securing housing for those released to the community; and lack of resources for individuals unconditionally discharged.

Certification of Treatment Providers and Provider Agencies

California Law requires all convicted sex offenders to participate in a certified Containment Model Treatment Program administered by a certified Sex Offender Treatment Provider. CASOMB staff reviews and certifies qualified programs and treatment providers. The Board has determined that best practices must include accountability reviews. In addition to recommendations made by the Board, a request for funding is included in this year's report so CASOMB staff can audit certified treatment providers and programs.

Research

One goal of the Board is to utilize and promote research to recommend evidence-based policies and practices for sexual offense treatment, management and prevention. This past year the Board sponsored one research project on *Homelessness and Transience among Registered Sex Offenders*. The study found that transient registration among California sexual offenders typically means residential instability and presents a pressing public policy and safety issue.

Use of Polygraph in Sex Offender Treatment

Polygraph is an integral component of the Containment Model. The Board is reviewing the implementation of the Risks-Needs-Responsivity Principal in relation to the polygraph examination.

Tiered Registration Update

California is preparing to transition its lifetime sex offender registration requirements to a tier-based registration system, effective January 1, 2021. The California Department of Justice (CA DOJ) is actively recruiting new staff and training key stakeholders.

Report of the State Authorized Risk Assessment Tools for Sex Offenders

Included with the Year End Report of CASOMB is the Year End Report of State Authorized Risk Assessment Tools for Sex Offenders (SARATSO). The SARATSO Committee is a *separate* state committee that is integrally related to and aligned with CASOMB. Nevertheless, each have separate roles and statutory mandates. The SARATSO Committee selects reliable risk instruments for determining the risk of sexual re-offense by a person convicted of a sexual offense. SARATSO retains experts on sex offender risk assessment to teach SARATSO-certified California trainers and scorers. The SARATSO Report focuses on three main areas: the release of a 2019 SARATSO sponsored recidivism study for female sexual offenders in California, training for individuals who score the instruments, and submission of scores to the Department of Justice. SARATSO requests ongoing funding to support research, and increased funding to support remote training initiatives.

Management of Juveniles who have Offended Sexually

In order to ensure that CASOMB has the proper authority over juveniles who have offended sexually, the Board is recommending legislative amendments and requesting two new Board positions to include who have expertise working with this population.

Legal Considerations

CASOMB was established in 2006. Until 2017, under the mandate of Assembly Bill (AB) 1015, CASOMB developed guidelines and policies for the assessment, treatment and supervision of adult sex offenders who are required to register under the Sex Offender Registration Act (the Act). In 2010, under AB 1844, commonly referenced as Chelsea's Law, CASOMB was directed to develop certification protocols for adult sex offender treatment programs and providers of services to sex offenders supervised by County Probation departments and the California Department of Corrections and Rehabilitation (CDCR).

Not until 2018, under the Sex Offender Registration Act, SB 384, did CASOMB become responsible for the development of policies for managing juveniles who are required to register. Although SB 384 extended CASOMB's authority to address issues related to juveniles who have committed sexual offenses, CASOMB is concerned that the current statutory language does not give the Board the authority over the majority of these juveniles. Pursuant to PC Section 9000, sex offender is defined as "any person who is required to register as a sex offender under Section 290 of the PC."¹ Even if "Section 290 of the Penal Code" is interpreted to include juvenile adjudications where the juvenile was committed to

the Division of Juvenile Justice (DJJ)² or a non-California equivalent facility, this still covers only a small percentage of juveniles who have offended sexually because the majority of those juveniles are not committed to DJJ.

Additionally, the current statutory language does not address whether juveniles who have committed sexual offenses are required to participate in a sex offender management program. It also does not provide CASOMB with sufficient authority to certify treatment providers who provide juveniles with treatment as part of a sex offender management program. (Pen. Code, § 9003.) Currently, only adults on formal probation or parole are mandated to participate in a sex offender management program. (Pen. Code, §§ 1203.067 and 3008.) Individuals on post release community supervision (PRCS) and mandatory supervision are not required to participate in a sex offender management program unless the court orders it as a term and condition of supervision. As a result of juvenile realignment, juveniles who are released from DJJ are now being supervised by the county rather than parole. Although Welfare and Institutions Code section 1766(a)(1) references release of the juveniles from DJJ to “supervision of probation,” there has been some question as to whether they are considered to be on formal probation or whether it is a form of PRCS.

Management Considerations

CASOMB has begun identifying issues and concerns that arise when engaging in community management and treatment of juveniles who offend sexually, and to determine and define parameters that are evidence-based, developmentally sensitive, trauma informed and consistent with changes in the California Continuum of Care Reform Act³ (CCRA).

There are several issues that distinguish juveniles from adults who offend sexually. Common methods of supervision and treatment used with adult sexual offenders are, for the most part, inappropriate and potentially harmful with juveniles. Specifically, sex offender registration, polygraph testing, and civil commitment are inconsistent with modern research on adolescent development and rehabilitation.

¹ Penal Code Section 290 governs registration for individuals convicted in Superior Court; whereas, Penal Code Section 290.008 governs registration for individuals adjudicated in juvenile court.

² Effective, July 1, 2020, DJJ will be moved from under the California Department of Corrections & Rehabilitation (CDCR) to a new department, Department of Youth Community Restoration (DYCR), under the California Health & Human Services Agency (CHHS). All future references will be to DYCR/DJJ.

³ AB 403, 2015

The Containment Model is used with adults, but is not the best model for juveniles. Juveniles have different community supports. In addition to a supervising probation officer, juveniles continue enrollment in school, and they may be prescribed psychotropic medications as part of their developmental supports. Juveniles may be transitioning into adulthood, but research has shown strong evidence that parental support and access to caring family members reduces risk of continued delinquency. This is a critical element of CCRA, including child and family team meetings and support of family reunification. A Collaborative Model whereby stakeholders communicate regularly and support the broader developmental needs of the juvenile is needed. Notably different from CASOMB requirements for adults who offended, the Board has determined that polygraph examinations should generally not be used in the treatment of adolescents.

As a stage of development, adolescence begins and ends at different ages for different persons. Juveniles who have been adjudicated under the juvenile court jurisdiction are the focus of our policy recommendations. This includes individuals who are released from the DJJ/Department of Youth Community Restoration (DYCR) after reaching age 18 who are supervised by county probation departments.



Neurodevelopmental changes occur rapidly during the adolescent years. The neuroplasticity, or ability of the brain to change based on experience, can be capitalized upon in the treatment process. The underdeveloped brains of juveniles not only make them more amenable to positive growth, but it also makes them vulnerable to excessive self-focus, empathy deficits and poor judgment. Along with many social changes, brain development and maturation does not end upon attaining the age of 18.

There is a large body of research that has identified a strong relationship between trauma, disrupted neurodevelopment and delinquent, risk taking behaviors. For example, a Florida study⁴ found that for each additional adverse childhood experience there is a parallel increase in risk of continued delinquency. Addressing trauma's consequences is one of the pathways to better lives. This is no different for juveniles who offended sexually. Trauma must be addressed so the unfolding neurodevelopment will occur in a healthy and prosocial manner.

⁴ Fox, B. H., Perez, N., Cass, E., Baglivio, M., & Epps, N. (2015). Trauma changes everything: Examining the relationship between adverse childhood experiences and serious, violent and chronic juvenile offenders. *Child Abuse & Neglect*, 46, 163–173. doi:10.1016/j.chiabu.2015.01.011

Finally, the nature of treatment needs for juveniles are different from the needs of adults who have offended sexually. Due to the neuro-developmental and social changes that are normal aspects of adolescence, treatment approaches must be flexible and able to develop parallel to the normal processes. Broader management schemas such as positive youth development and risk, needs, and responsivity principles should be used to organize treatment and management efforts. Research has identified several juvenile focused methodologies which can be integrated within a systematically organized course of treatment. Examples include trauma-focused cognitive-behavioral therapy, dialectical behavior therapy, and aggression replacement training. All treatment must address the juveniles' need of positive reinforcement of prosocial behavior.

Currently there is no Board member appointed or selected for the expertise related to adolescents who offended sexually. The Board's consensus is that two additional Board appointments be established:

1. An individual representing DYCR/DJJ be appointed. The Committee recommends the appointee have significant experience with the DYCR/DJJ's programming for juveniles who have offended sexually.
2. An additional treatment provider with expertise with juveniles who have offended sexually. This individual must be a California licensed mental health professional. The expansion of the Board's responsibilities increases the workload of individual Board members. An additional treatment provider is needed to balance the workload distribution.

Commercial Sexual Exploitation of Children in California

An estimated 100,000 to 300,000 children and women are trafficked for sex in the United States each year.⁵ Trafficking is one of the fastest growing criminal enterprises, yielding billions of dollars annually. A 2015 study in San Diego identified over 11,000 sex trafficking victims per year in San Diego County. The trafficking, conducted largely by gangs, resulted in over \$800 million dollars of revenue for the traffickers.⁶ The average age a child is coerced into commercial sexual exploitation begins when they are 12 to 14 years of age.⁷ The victims come from urban, suburban and rural areas. Three necessary components of human sex trafficking are the victim, the purchaser and the trafficker, all of which are reviewed in this section. CASOMB focuses on the commercial sexual exploitation of children, because both

⁵ O'Malley, N. (2019). HEAT Instituted Presentation to CASOMB.

⁶ Carpenter, A. & J. Gates (2016). The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County. Report Submitted to the United States Department of Justice.

⁷ O'Malley, N. (2019). HEAT Instituted Presentation to CASOMB.

the trafficker and purchaser of children for sex are required to register as sexual offenders and are required to attend treatment within the context of the Containment Model.

Many studies indicate that youth trafficked sexually, have a prior history of abuse or neglect, with some estimates as high as 93 percent.⁸ Minor victims of human trafficking suffer sexual, and often physical and psychological trauma, at a developmentally critical age. *“When compared to children who have been sexually abused but not exploited, youth who are exploited experience significantly more behavioral issues, substance use, sexualized behavior, higher levels of post-traumatic stress symptoms, are more likely to run away, and have higher truancy rates.”*⁹ Treatment with the trafficked youth can be complicated by the youth’s perception of their situation and the tactics employed by the trafficker to maintain the youth’s compliance. The youth may not feel safe after they are removed from the trafficker and may return to the trafficker.

There is a lack of a collaborative and comprehensive responses by the community, government agencies and non-government agencies. Responses to the commercial sexual exploitation of children should include reformation of policies and procedures to protect victim/survivors, a collaborative and comprehensive response, and safe and stable housing for the victim/survivor.



The Board gathered information and created an infographic webpage, with facts specific to sex trafficking in California, to raise community awareness. The webpage will launch in January of 2020 to coincide with human trafficking day, January 11, 2020.

The purchasers of commercially sexually exploited children can be convicted for registerable sexual offenses. When adults pay to have sex with minors, they are often considered contact sexual offenders, and limited research is available on the psychological factors associated with this specific population. Purchasing minors for sex may be a method of grooming a victim or ensuring compliance with the sexual act. Additional information and research is needed to inform the assessment, treatment and supervision needs of this population.

On November 6, 2012, California voters overwhelmingly passed Proposition 35, also known as the *Californians Against Sexual Exploitation Act*. This proposition specifically targeted

⁸ Basson, D., Langa, J., Acker, K., Katz, S., Desai, N., & Ford, J. (2018). *Psychotherapy for Commercially Sexually Exploited Children: A Guide for Community-Based Behavioral Health Practitioners and Agencies*. Oakland, CA: WestCoast Children’s Clinic.

⁹ Basson, D., Langa, J., Acker, K., Katz, S., Desai, N., & Ford, J. (2018). *Psychotherapy for Commercially Sexually Exploited Children: A Guide for Community-Based Behavioral Health Practitioners and Agencies*. Oakland, CA: WestCoast Children’s Clinic. p. 13

human sex traffickers and included the provision that certain convicted sex traffickers are required to register as sex offenders. There are currently 13 human trafficking offenses in the California PC that require sex offender registration upon conviction, while six other human trafficking offenses do not attach this requirement. This resulting sex offender registration requirement for certain sex traffickers automatically placed them under California's Containment Model while on parole or formal probation.

The Containment Model was established to identify offender-specific treatment and work to prevent recidivism for individuals convicted of offenses committed out of sexual compulsion and/or for sexual gratification. Every sex offender that is required to register per the California PC is also required to participate in the Containment Model while on parole, or formal probation. Sex offenders required to participate in the Containment Model are required to participate in an offender-specific treatment program.

Although sex traffickers are lumped in with other sex offenders in the Containment Model, preliminary research indicates that there are noted distinctions. Sex trafficking is the crime of using force, fraud, or coercion to induce another individual to perform commercial sex.¹⁰ Research provides that sex traffickers may exhibit motivations driven by money and status.¹¹ Additionally, sex traffickers may display high levels of psychopathy¹² and exhibit behaviors that are criminal, aggressive and predatory in nature.¹³

The sex trafficker segment of offenders under the Containment Model has steadily been increasing. Data from CDCR indicated that 1,614 convicted human traffickers were released from state prison between 2009 and 2018.¹⁴ A total of 440 of those released (27.3 percent) were convicted of offenses that require sex offender registration. Over 320 currently incarcerated sex traffickers, who will be required to register, are scheduled to be released in the next ten years.¹⁵ This number does not include criminally charged sex traffickers throughout California that have not had their cases adjudicated and sentences handed down.

¹⁰ <https://polarisproject.org/human-trafficking>

¹¹ Gotch, K. (2016). Preliminary data on a sample of perpetrators of domestic trafficking for sexual exploitation: Suggestions for research and practice. *Journal of Human Trafficking*, (2) 99-109; Hargreves-Cormany, H.A., Paterson, T.D. & Murihad, Y. (2016). A typology of offenders engaging in sex trafficking of juveniles (STJ): Implications for risk assessment. *Aggression and Violent Behavior*, 30, 40-47.

¹² Hargreves-Cormany, H.A. et al (2016); Gotch, K. & St. Denis, C. (2015). Working with perpetrators of sex trafficking: Suggestions for research and practice. *Perspective: California Coalition on Sexual Offending (CCOSO) Quarterly Newsletter*, 14(1), 4-6; Spidel, A., Greaves, C. Cooper, B.S., Herve, H., Hare, R.D., & Yuille, J.C. (2006). The psychopath as Pimp. *The Canadian Journal of Police & Security Services*, 4(4), 193-199.

¹³ Hargreves-Cormany, H.A. et al (2016).

¹⁴ Releases from CDCR From 2009 through 2018 For Offenders with Specified Sex Offenses By Gender and Type of Release, June 12, 2019.

¹⁵ CDCR Count of Unique Specific Sex Offenses per Inmate by Scheduled Release Year and Gender, June 24, 2019.

There were 6,208 parolees that were subject to GPS monitoring as of June 12, 2019.¹⁶ The vast majority of these were sex offenders.¹⁷ Within the next ten years, the sex trafficker segment of offenders under the Containment Model could easily surpass 10 percent of sex offenders being supervised. This growing sex trafficker segment creates a challenge to the effectiveness of the Containment Model, especially for treatment care providers. Current strategies for the treatment of sex offenders may have limited application to the sex trafficker segment. To quote a previously cited study, *“The data also provide preliminary support for the hypothesis that this offender population presents with risk/need factors related to both sexual and domestic violence, as well as general violence and criminality.”*¹⁸ A 2016 San Diego study helped illustrate the significant role that the internet and social media are playing in sex trafficking as provided by victims that were interviewed; *“Consistently interviewees mentioned the way that the selling of sex has moved from the streets predominantly online to sites like backpage.com, mobile brothels whose locations are advertised via Snapchat, social media and text based collaboration, as common examples.”*¹⁹

Careful consideration needs to be given to the sex trafficker segment of offenders under the Containment Model. Treatment providers will need to be versed in the applicability of currently recognized risk assessment tools and wary of placing sex traffickers in any type of group treatment dynamic, especially with other traffickers or purchasers. Supervising parole agents and probation officers should be versed in the tactics of sex traffickers and able to recognize behavior consistent with returning to that life style. Although they are unnamed stakeholders in the Containment Model, law enforcement agencies and prosecutors should work to ensure that all internet and social media aspects of a sex trafficking case are fully illustrated in order to justify the appropriate probation or parole conditions for periods of post release supervision. This will seek to enhance the effectiveness of parole agents and probation officers supervising this population.

Recommendations:

1. Support research on purchasers and traffickers of commercially sexually exploited children.
2. The Board shall write treatment and assessment recommendations for sex traffickers.

¹⁶ CDCR data provided 6/20/2019 at the CASOMB Board Meeting

¹⁷ A small percentage of parolees that are subject to GPS monitoring come from gang caseloads.

¹⁸ Gotch, K. (2016).

¹⁹ Carpenter, A. & Gates, J. (2016). The Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County

Challenges Derived from the Implementation of the Sexually Violent Predator Law

Implemented in 1996, the Sexually Violent Predator Law²⁰ represents the state's effort to treat and manage those sex offenders deemed to present the highest risk to reoffend. The goal of this law is to protect the community and offer treatment to higher risk offenders in order to maximize their success upon release.

CASOMB promotes policies and practices to reduce recidivism, address challenges to effective management of adult sex offenders in California, and promote research supported recommendations to improve policies and practices. In the 2018 Annual Report, the CASOMB set a goal to understand the complex "SVP" law and make recommendations regarding key features of its implementation. CASOMB continues to work on these objectives.

This past year, CASOMB began an examination of California's implementation of its SVP law. Key features were compared to the other 20 states with sexual offender civil commitment laws. The SVP program in California is resource intensive, compared to other criminal justice responses to sexual offenders and it has implementation features that seem to suggest deviation from best practice standards.

CASOMB's membership is diverse but all stakeholders share the goal of reducing the prevalence of sexual recidivism. The DSH is the state agency designated with implementing the SVP law, but successful implementation requires close collaboration between several state agencies including CDCR, Department of Parole, Superior Court Judges, District Attorneys, Public Defenders, law enforcement, treatment providers, polygraphers, victim advocates and a variety of county services. CASOMB's SVP analysis is guided by empirically based best practice standards for effective interventions with sexual offenders.²¹ CASOMB is examining four areas of the SVP law to better understand and make recommendations to improve results: duration of detainee status, treatment participation rate, SVP housing and community placement issues, and community reintegration resources for unconditionally discharged SVP's and detainees.

California is unusual in its number and duration of detainees in its SVP program. Detainee refers to the legal category after the superior court has found a probable cause level of proof, and before SVP commitment beyond a reasonable doubt. Although detainees are referred to as SVPs, legally, they are not SVPs. Indeed, after being detained for potential commitment, many detainees are released, having been determined not to meet SVP criteria beyond a

²⁰ SVP, Welf & Inst. Code, § 6600, et seq.

²¹ Bonta, J. and Andrews D. A. (2010) The Psychology of criminal conduct (5th ed.) Newark, NJ: LexisNexis

reasonable doubt. These individuals often report it is an unfair deprivation of liberty to have been detained, in many cases for more than a decade pending SVP proceedings.

California's detainees are nearly half its SVP population and this is the highest number of detainees among the 21 civil commitment programs in the United States.²² The length of time that detainees are involuntary held in California is significantly higher than the other states with sex offender civil commitment programs. Detainees are held at the state hospital for an average of six years and one out of four current detainees has been held at Coalinga State Hospital greater than ten years.²³ Detainees may delay proceedings as a legal strategy to avoid being committed as an SVP. Treatment disclosures and assessment results can be used against the detainee in the commitment proceeding, and the detainee will be released if found not likely to reoffend. Detainees are more likely to achieve not being committed if they withhold risk related information. Thus, pending commitment proceedings may discourage detainees from sincerely participating in treatment. Further, detainees are not eligible to complete the DSH Sexual Offense Treatment Program (SOTP). Additionally, compared to committed SVPs, most detainees do not have parole time upon release and are not subject to lifetime registration as an SVP.

The majority of individuals committed as SVPs in California do not participate in sexual offense specific treatment (i.e. the SOTP). Less than 40 percent of CA SVPs participate in the SOTP, whereas the national average treatment participation rate is 90 percent.²⁴ Arising out of research indicating treatment must be applied to higher dosages for higher risk sexual offenders, it is commonly accepted that high-risk sexual offenders need to participate in treatment that addresses the risk factors that led to their offending in order to prevent re-offense.²⁵ Thus, the lack of SVP treatment participation for a significant portion of this higher risk group is a serious concern.

The SVP Sex Offender Treatment Program has four inpatient modules that are completed in sequence, followed by gradual supervised community reintegration through the SVP Conditional Release Program (SVP CONREP). To date 46 SVPs have achieved CONREP²⁶ and

²² Schneider, J., Jackson, R., Ambroziak, G., D'Orazio, D., Freeman, N., and Hebert, J. (October 24 2017). SOCCPN Annual Survey of Sex Offender Civil Commitment Programs 2017. Presentation at the annual SOCCPN conference, Kansas City, Missouri.

²³ D'Orazio, D. (March 21, 2019). California in Context: Sexual Offender Civil Commitment Across the Country. Presentation at CASOMB Meeting. Sacramento, CA.

²⁴ Schneider, J., Jackson, R., Ambroziak, G., D'Orazio, D., Freeman, N., and Hebert, J. (October 15, 2018). SOCCPN Annual Survey of Sex Offender Civil Commitment Programs 2018. Presentation at the annual SOCCPN conference, Vancouver, Canada

²⁵ Hanson, R.K., Bourgon, G., Helmus, L. & Hodgson, S. (2009). The principles of effective correctional treatment also apply to sexual offenders: A meta-analysis. *Criminal Justice and Behavior*, 36, 865-891.

this is about 5 percent of the total number of SVPs. SVP CONREP is a less restrictive alternative to inpatient psychiatric hospitalization that requires court order. The person remains committed as an SVP but resides in the community under intensive supervision and treatment conditions that are reduced as he safely reintegrates into the community. Although CONREP is designed to be the final treatment step prior to unconditional release, the court has the discretion to order CONREP when the SVP has not completed the inpatient modules and to order unconditional release without CONREP participation.

No SVP on CONREP has committed a new contact sex offense. The SVP CONREP arrest rate is 6 percent for any type of arrest, whereas the arrest for non-CONREP release is 43 percent.²⁷ From a public safety perspective CONREP provides the highest level of supervision and treatment compared to all outpatient services for sexual offenders in California. There are significant challenges to implementing CONREP. These include legal requirements such as community notification hearings, residency restrictions related to Jessica's Law implementation and returning clients to the county from which the commitment was made, and not requiring individuals legally determined likely to sexually reoffend, to complete the inpatient treatment program. There are significant barriers to finding suitable housing for those designated as SVPs in CONREP. These challenges have led to costly transient releases with significant funds spent on housing holds on vacant residences.²⁸

Unconditional discharge is unsupported by State resources for community integration for many held under the SVP Act. Over the past 20 years, roughly 25 percent of the nearly 1,000 fully committed SVPs have been released from the state hospital, with only a small portion first having participated in CONREP, the state's most intensive transitional program for sexual offenders. Many individuals committed pursuant to the SVP law are unconditionally released from the state hospital without participating in the sexual offense treatment program, and without sufficient community reintegration services or participation in the CONREP program. Additionally, about 200 detainees have been unconditionally released. When a detainee is released they do not have the support of CONREP, and parole supervision is rare. They are released without resources that could provide stability and community safety, such as mental health service, sex offender treatment, housing, and employment or education resources.

²⁶ D'Orazio, D. (March 21, 2019). California in Context: Sexual Offender Civil Commitment Across the Country. Presentation at CASOMB Meeting. Sacramento, CA.

²⁷ D'Orazio, Azizian, and Olver, 11/8/19. Recidivism and Other Outcomes Among Sexual Offenders Committed as Sexually Violent Predators in California (powerpoint slides, ATSA 38th Annual Research and Treatment Conference).

²⁸ Kinney, Edith. (2019). Homelessness and Transient Registered Sex Offenders In California: A Research Report for the CASOMB

Certification of Treatment Providers and Provider Agencies

Increased staffing patterns would allow for increased review of compliance with CASOMB certification requirements.

CASOMB certifies treatment providers and treatment provider agencies who deliver therapeutic services to 290 registrants on parole or formal probation. CASOMB began issuing certificates in July of 2012. Both providers and agencies must re-certify with CASOMB every two years. As of November 2019, there were 604 treatment providers certified by CASOMB and 166 treatment locations in California. Thirty-nine counties have certified agencies, with larger urban counties having more providers than smaller rural counties.

In January of 2019, CASOMB released revised versions of its Treatment Provider Certification Requirements and Treatment Provider Agency Certification Requirements. The revised Treatment Provider Certification Requirements increased the experience hours needed to become certified. The Treatment Provider Agency Requirements were updated to reflect current best practices in the field. In January of 2019, CASOMB changed to an online application process. The improved online application process has allowed for increased and automatic notification that certification is pending expiration, and has increased accuracy of application review.

With the addition of a consulting psychologist to CASOMB's staff, CASOMB developed procedures for compliance reviews and updated the complaints process. In July of 2019, CASOMB began compliance reviews of certified treatment providers, and in early 2020 will expand compliance reviews to include agencies. Two percent of treatment providers participated in a compliance review in 2019. A limited number of compliance reviews can be conducted with CASOMB's current staffing pattern. CASOMB's complaints procedure was updated and a complaint form was posted on the CASOMB website to increase public access to the form. This new process allows CASOMB to respond to complaints in a conscientious and thorough manner.

CASOMB released its first Quarterly Newsletter in September of 2019. The Quarterly Newsletter is available on the CASOMB and SARATSO websites. It provides updates on policy and procedure changes and general information for key stakeholders.

Research: Homelessness and Transient Status among Registered Sex Offenders in California

Transient registration among California sexual offenders typically means residential instability and presents a pressing public policy and public safety issue.

Homelessness and problems associated with transient registered sexual offenders in California are significant barriers to effective community reintegration of Californians convicted of sexual offenses. Despite that blanket mandatory residence restrictions for sexual offenders were determined unconstitutional in California,²⁹ the current number of transient registered sexual offenders remains the same. These issues prompted CASOMB to commission a research study in 2018: *Homelessness and Transient Status among Registered Sex Offenders in California*.

CASOMB commissioned Dr. Edith Kinney of San Jose State University to research the prevalence and meaning of transient sexual offender registration in California. The research study used a mixed methods design including surveying representatives from State parole, county probation, DSH, and treatment providers who work with registered sexual offenders in California. Notably, however, it did not include data from the transient registrants themselves.

Some key laws and practices implemented to prevent sexual re-offense across the country have not resulted in the desired effects and have collaterally caused negative outcomes, specifically related to housing. Research shows that laws requiring sex offender registration, notification, and residence restrictions significantly increased the difficulty of finding compliant, affordable housing for registered sex offenders. Lack of housing contributes to lifestyle instability, loss of connection to families and prosocial ties, and creates or aggravates risk factors for recidivism. Residential instability is significantly associated with increased likelihood of arrest and absconding from supervision. Further, the research does not provide any evidence that residential proximity to schools or parks is significantly related to sexual reoffending. A summary of over a decade of research evaluating the impacts of residence restrictions and homelessness among sex offenders concluded that displacement interrupts family support and access to treatment services, and often relocates offenders to high crime areas where drugs, prostitution, and vulnerable families are prevalent. As such, housing instability is a dynamic risk factor that can destabilize former sex offenders, interrupt protective factors, and increase the risk of recidivism.

²⁹ *In re Taylor* (2015) 60 Cal. 4th 1019

The report provides a snapshot of the situation of transient and homeless sex offenders in California in the fall of 2018. As of October 2018, there were 6,659 sex offenders in the community registered as transient, approximately 8.5 percent of the total 77,451 individuals on California's sex offender registry residing in the community. Overall, transient individuals account for approximately 20 percent of the 15 SVPs on CONREP, 20 percent of sex offender parolees, and 17 percent of registrants supervised at the county level by California Probation Departments.

The study is dense with valuable information and suggestions regarding the problem of transient registered sexual offenders in California. Key main findings include the following:

1. Longitudinal data on transient registrants shows that after Jessica's Law was passed in 2006, creating "*predator free zones*" and strict residence restrictions, the rate of sex offenders registering as transient skyrocketed and the rate has not decreased as expected. In a little over a year, from November 2006 to December 2007, the number of sex offender parolees registered as transient increased from 88 to 718, nearly 19 percent of all sex offenders on parole.
2. Transients have more frequent registration requirements. Transients must register every 30 days, whereas registrants with a fixed residence must register annually. Transient individuals are much more likely than fixed residence registrants to fail to register.
3. The conditions of transience and homelessness facilitate risk factors, disrupt protective factors and create barriers to effective community supervision, treatment, stopping reoffending, and a successful reentry process.
4. Homeless individuals with sex offending histories are routinely prohibited from the vast majority of shelters and services for homeless individuals in California.
5. To be most effective, residence restrictions should be individually tailored for registrants based on offense history and targeted to address specific risk factors.
6. Not only are transient releases of SVPs incredibly costly for the state, they result in higher failure rates compared to fixed placements. This undermines the conditions for success for the state's highest risk sex offenders.
7. According to the probation officers and other professionals who work with registrants, the stigma of registering an address that will be placed on the Megan's Law public notification website sometimes drives the motivation to register as transient.

Use of Polygraph in Sex Offender Treatment

The Board adopted the American Polygraph Association Model Standards in 2015, and formalized the use when it published the “Post-Conviction Sex Offender Polygraph Standards” January of 2017. CASOMB continues to review the use of the polygraph to monitor sex offenders in the community, and educate key stakeholders about its use. The Board recommends following the “Risks-Needs-Responsivity” (RNR) model, an evidenced-based guiding principles that informs the supervision level and treatment dosage of individuals who offend sexually. This model should be emphasized more with the use of the polygraph. This includes reviewing timeframes for administering the polygraph examination.

A survey was sent to CASOMB certified provider agencies about their familiarity of the Board’s polygraph standards. Ten percent of the respondents were not familiar with CASOMB’s Standard’s for Polygraph Examiners, and 20 percent of the respondents had never reviewed CASOMB’s Standards for Polygraph Examiners. The responses have assisted in planning for educational efforts about post-conviction sex offender testing. Polygraph standards will be reviewed during trainings on the implementation of the Containment Model for both treatment providers and supervision officers.



Additionally, the committee has begun to reexamine the Board’s standards and is recommending increased focus of the RNR principles with use of the polygraph. This would allow for an individualized approach to the use of the polygraph, rather than a one size fits all model, thus allowing for greater consideration of the individual’s level of risk, criminogenic needs, and individualized responsivity concerns.

The Board is continuing to amend guidelines for the suitability of post-conviction polygraph examinations that clarify current guidelines for the mentally ill and developmentally disabled and provide new guidance for the use of the polygraph with juveniles who sexually offend. In line with the Board’s recommendations, polygraph examinations should not be conducted on individuals under the age of 16, and its use should be limited for individuals ages 16-17.

Recommendations:

1. Educate key stakeholders about CASOMB’s Polygraph Standards.
2. Increase the use of the RNR principal in the use of polygraph examinations.

Tiered Registration Update

California has the oldest and largest sex offender registry in the United States and there are currently over 147,000 individuals in California's sex offender registry. Senate Bill (SB) 384, signed into law on October 7, 2017, will

Tier One:	10 years
Tier Two:	20 Years
Tier Three:	Lifetime

transition California from a lifetime sex offender registration schema to a tier-based registration schema effective January 1, 2021. Under the new tier-based registration schema, registrants will be required to register for ten years, twenty years, or life.³⁰

Pursuant to SB 384, individuals who meet specified requirements will be able to petition for termination from the California sex offender registry beginning on July 1, 2021.



Since its enactment, the CA DOJ has been preparing for the implementation of this new law. In March of 2019, CA DOJ received approval from the California Department of Technology for all four Stage Gates of the Project Approval Lifecycle. In July of 2019, CA DOJ received funding for Fiscal Years two through four of the project. This funding allowed CA DOJ to hire 63 new positions in 2019 (in addition to 25 new positions that were hired in 2018). The new positions are assisting with technology updates, statewide training, and tiering registrants.

CA DOJ has made several technology enhancements to its systems in order to support tiering and petitioning data as well as to assist criminal justice business partners in implementing SB 384. CA DOJ has collaborated with key stakeholders from criminal justice agencies statewide to identify and develop policies, procedures, technology recommendations and training curricula designed to prepare agencies impacted by SB 384. This includes conducting quarterly key stakeholder working group meetings. As part of its training development and implementation plan, CA DOJ has been working closely with a pilot county to develop training curricula. In 2019, CA DOJ has also finalized a statewide training implementation plan and will begin conducting training for criminal justice business partners in 2020.

Data on registered sex offenders in California is included in Appendix A. The data includes information on individuals convicted for a sexual offense. A breakdown of the number of registered sex offenders, by county, is included.

State Authorization Risk Assessment Tools for Sex Offenders Review Committee

The SARATSO Committee is a *separate* state committee that is integrally related to and aligned with CASOMB. Nevertheless, each have separate roles and statutory mandates. The SARATSO Committee was established in California in 2006 to select reliable risk instruments for determining the risk of sexual re-offense by a person convicted of a sexual offense. The Committee retains experts on sex offender risk assessment who are at the top of their field to train SARATSO-certified California trainers, provide advice and develop curriculum.



Research

Research is a core method for assessing the validity of the risk instruments selected for use in California. Research should be a part of SARATSO's mandate to ensure the ongoing validity and reliability of risk instruments used with individuals in California. Which will provide CA DOJ the statutory authority to release offender criminal history data.

A SARATSO-sponsored recidivism study is in progress on the Juvenile Sex Offender Recidivism Risk Assessment Tool-II (JSORRAT-II). The JSORRAT-II, has been validated in Utah and Iowa, and is the actuarial tool selected by SARATSO to assess sex offense recidivism of juveniles who have offended sexually. The study will analyze the validity of the JSORRAT-II on a California population. The study will determine recidivism rates of juveniles released from CDCR's DJJ over the past 10 years.

Currently, there are no validated risk instruments for female sexual offenders. Research on female sexual offenders indicate there is a difference in the factors associated with sexual offending for males and females, and in the overall recidivism rate.³¹ The recidivism rate for female sexual offenders is low, approximately 1-3 percent.

In 2019, SARATSO released a recidivism study of registered female sexual offenders in California.³² This study included 1,699 female sexual offenders who were required to register in California from 1950 through 2016. Individuals with prostitution sexual offenses only were not included in the study. Of the 1,699 females, 77 of the females or approximately 4.5 percent of the sample reoffended sexually. The study noted a distinct pattern of declining

³¹ Cortoni, F., Hanson, R. K. & Coache, M.-E. (2010). The recidivism rates of female sexual offenders are low: A meta-analysis. *Sexual Abuse: A Journal of Research and Treatment*, 22(4), 387-401.

³² Epperson, D., N. Fullmer, & A. Phenix (2019). Female Sex Offender Recidivism: An Empirical Analysis of Registered Female Sex Offenders in California.

recidivism rates by decade, which is similar to an overall decline in sexual recidivism rates for males. Approximately 3.6 percent of the women who were initially convicted for a sexual offense between 2000 and 2009 were convicted for a new sexual offense.

Creating a risk instrument tool for female sexual offenders is difficult because the base rate of those that re-offend is too low to determine differences that are predictive of reoffending sexually. Other studies have proposed a number of factors that may be associated with recidivism for female sexual offending including; mental illness, substance abuse, physical and sexual victimization, prior convictions with children, prior misdemeanor convictions, increased age of the female, diverse sexually deviant behavior, and antisocial lifestyle. The current study had a sufficient number of recidivists to conduct much needed research on promising factors associated with recidivism of sexual reoffending.

Training

The SARATSO Review Committee selected the Static-99R for adults and JSORRAT-II for juveniles to predict risk of sexual re-offense; the STABLE-2007/ACUTE-2007 to assess dynamic risk factors related to sexual re-offense; and the Level of Services/Case Management Inventory for assessing violence potential. All scorers and trainers must be recertified every two years on the instrument(s) they have been certified to use. Many departments and agencies rotate staff through different positions and new scorers and trainers are added throughout the year. New training classes are limited to 20 participants per instructor. SARTSO hosts training for both scorers and trainers, who can train scorers within their agency, on all of the risk instruments. In 2019, SARATSO hosted 22 trainings. SARATSO certified trainers conducted 44 trainings.

SARATSO trainers provide training to probation officers, parole agents, DSH psychologist, and treatment providers in the community. Probation officers, parole agents, and psychologists receive training on the static risk instruments, the Static-99R and the JSORRAT-II. These evaluations are often conducted early in the legal process or shortly before release from custody settings. The treatment providers are trained to score the dynamic and future violence risk instruments, the STABLE-2007/ACUTE-2007 and the LS/CMI, after the offender is released into the community. In order for the Risks-Needs-Responsivity principle to effectively be implemented, cross training is needed for these key stakeholders. Probation officers and parole agents who supervise individuals who sexually offend in the community should be trained on the interpretation of dynamic and future violence risk instruments and how the scores can inform both supervision practices and treatment. Likewise, treatment providers should be trained on the interpretation of the static risk instruments, and how it should inform dose and intensity of treatment and supervision.

CASOMB and SARATSO co-host a training on the Containment Model for supervising agents. This training is held annually and can host up to 80 individuals. This is an appropriate format for cross training supervising agents on the interpretation of dynamic and future violence risk instruments. It is insufficient in reaching the number of officers and agents who need this training. It is recommended that SARATSO procure funding for additional training methods including, both live and on-demand, online trainings in order to meet the needs of those in the field who cannot attend in-person trainings.

Score Submission

The SARATSO risk instrument scores must be submitted to the DOJ. DOJ shares the submission rates with the SARATSO Review Committee annually. In 2018, the score submission rate for the Static-99R was 95 percent for county probation departments. Through an effort of ongoing communication, training and accountability, probation departments' awareness and compliance with this mandate has consistently increased each year. Score submission for the dynamic (STABLE-2007) and future violence (LS/CMI) risk instruments are more difficult to track due to the constantly fluctuating numbers of offenders participating in sex offender treatment in the community. Increased communication and training with the key stakeholders, including parole, county probation departments, and CASOMB certified provider agencies, will improve the ability to accurately track this information.

Recommendations:

1. Mandate research as a part of SARATSO's mission to ensure the ongoing validity and reliability of the risk instruments used in California.
2. Increase SARATSO's funding budget to allow for remote training options that will increase the number of professional trained, and improve the implementation of research supported practices.
3. Request information from state parole, county probation departments and treatment providers to improve the score submission rates for the STABLE-2007 and LS/CMI.
4. Cross-train supervising agents on the interpretation of dynamic risk instrument (STABLE-2007) and future violence risk instrument (LS/CMI) to inform the Risks-Needs-Responsivity model.

Appendix A

Data on Registered Sex Offenders in California

Sex Offender Registration In Community	Registered	Listed on Megan's Law Website
January 2008	67,710	Unknown
December 2019	78,944	57,264*

Sex Offenders In Custody	In State Prisons	In County Jails	In Civil Commitment (SVP)	In Other State Hospitals
January 2008	22,474	Unknown	655	Unknown
December 2019	22,276	Unknown	954**	Unknown

Sex Offenders On Community Supervision	On State Parole	On County Probation	On Post - Release County Supervision	On Federal Probation	On Conditional Release (SVP)
January 2008	8,019	Unknown	N/A	243	Unknown
December 2019	10,565	Unknown	Unknown	Unknown	156**

* Numbers as of January 28, 2020 from Megan's Law website.

** Numbers reported as of November 15, 2019

Not all sex offenders who have committed a sexual offense have been detected.

Appendix B

Data on Registered Sex Offenders by County

COUNTY	Estimated Population	Active Sex Offender Registrants in the Community	COUNTY	Estimated Population	Active Sex Offender Registrants in the Community
Alameda	1,669,301	2,338	Orange	3,222,498	3,037
Alpine	1,162	2	Placer	396,691	578
Amador	38,294	96	Plumas	19,779	60
Butte	226,466	778	Riverside	2,440,124	4,239
Calaveras	45,117	127	Sacramento	1,546,174	4,028
Colusa	22,117	50	San Benito	62,296	139
Contra Costa	1,155,879	1,407	San Bernardino	2,192,203	4,732
Del Norte	27,401	158	San Diego	3,351,786	4,433
El Dorado	191,848	367	San Francisco	883,869	1,093
Fresno	1,018,241	2,500	San Joaquin	770,385	1,848
Glenn	29,132	83	San Luis Obispo	280,393	490
Humboldt	135,333	450	San Mateo	774,485	714
Imperial	190,266	264	Santa Barbara	454,593	692

Inyo	18,593	47	Santa Clara	1,954,286	3,247
Kern	916,464	2,152	Santa Cruz	274,871	412
Kings	153,710	397	Shasta	178,773	817
Lake	65,071	322	Sierra	3,213	11
Lassen	30,150	100	Siskiyou	44,584	231
Los Angeles	10,253,716	14,919	Solano	441,307	964
Madera	159,536	435	Sonoma	500,675	824
Marin	262,879	155	Stanislaus	558,972	1,367
Mariposa	18,068	73	Sutter	97,490	305
Mendocino	89,009	274	Tehama	64,387	339
Merced	282,928	775	Trinity	13,688	72
Modoc	9,602	56	Tulare	479,112	1,221
Mono	13,616	17	Tuolumne	54,590	163
Monterey	445,414	695	Ventura	856,598	1,123
Napa	140,779	196	Yolo	222,581	381
Nevada	98,904	196	Yuba	77,916	380
			Total:	39,927,315	67,369

State of California, Department of Finance, E-1 Population Estimates for Cities, Counties, and the State with Annual Percentage Change – January 1, 2018 and 2019. Sacramento, California, May 2019

Active Sex Offender Registrants by County made available by the California Department of Justice as of January 1, 2020



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