



**Annual
Report**

2016

Prepared by the
California Sex Offender Management Board (CASOMB)



and the
**State Authorized Risk Assessment Tools for Sex Offenders
Review Committee (SARATSO)**



Table of Contents

	pg
Executive Summary	i
List of Board Members	viii
Annual Report Sections	
1. Overview of California Sex Offender Management	1
2. Tiered Sex Offender Registry System in California	3
A. Overview	3
B. Proposed Legislation	5
C. Sex Offender Recidivism Rates	6
3. CASOMB Research Project: Probation Numbers	7
A. Overview	7
B. Research Project	8
C. Probation Based Practices and Containment Model Compliance	8
D. Sex Offenders and Post Release Community Supervision	10
E. CASOMB Research Project: Other Findings	11
4. California Department of Corrections and Rehabilitation	13
A. Overview	13
B. Parole and the Sex Offender Management Program	13
C. Parole and Implementation of Containment Model	14
D. In-Prison Sex Offender Pilot Treatment Program	15
5. Residency Restriction Laws and Ordinances in Local Jurisdictions	17
6. Victim Advocacy	20
A. Overview	21
B. Training	21
C. CASOMB Advocacy	22
7. Education Efforts	23
8. Certification of Sex Offender Treatment Programs and Providers	24
9. SARATSO (State Authorized Risk Assessment Tools for Sex Offenders)	26
A. Overview	26
B. Updates	26
C. Probation, Parole, and Treatment Programs	27
10. Relevant Research	31
A. Overview	31
B. California Department of Justice	31
C. Joint Research by SARATSO and California Department of Justice	32
D. Public Policy Institute of California	34
11. Future Projects and Areas of Focus	36
A. Overview	36
B. CASOMB and Juveniles Who Have Sexually Offended	37
C. Civil Commitment as Sexually Violent Predators – SVP Program	38

Table of Contents: Continued

Appendix

A. Data on Registered Sex Offenders in California -----	42
B. Registered Sex Offenders by County -----	43

Executive Summary

Overview of Sex Offender Management in California

In 2006, legislation was enacted to create the California Sex Offender Management Board. The vision of the California Sex Offender Management Board (CASOMB) is to decrease sexual victimization and increase community safety. CASOMB's vision is accomplished by addressing issues, concerns and problems related to community management of adult sex offenders by identifying and developing recommendations to improve policies and practices. A number of changes have taken place with respect to sex offender management laws, policies, and practices in California. While there is still work to be done, most of these changes have resulted in adoption and implementation of more effective approaches to sex offender management.

At its inception, CASOMB members agreed to be guided by evidence-based practices and proven effective policies in carrying out its duties and making policy recommendations to the Legislature. Through CASOMB's efforts and commitment to a safer California and more effective approach to managing sex offenders in our communities, policymakers have become more aware of and responsive to the growing body of knowledge based on scientific research. This awareness has influenced and informed the development of new policies replacing the uninformed, emotion-driven responses that once supported previously enacted laws.

The CASOMB annual report contains initiatives, projects and updates that were the focus of the monthly meetings in 2016, which are briefly summarized below. Following the introduction, the issues related to tiered registration and probation management of sex offenders are seen as the most important among the eleven topics at this time.

Section 1. Overview of California Sex Offender Management. Reflecting on major developments related to the state's management policies and practices for sex offenders living in California communities, significant progress has been made and specifies areas deserving particular attention. These include, but are not limited to, efforts to shift to a tiered registration system, further reduction at the local level of residency restrictions, the

universal implementation of the risk assessment system, offender participation in Containment Model Therapeutic Treatment, increased certification of treatment providers and treatment programs. Further, CASOMB is looking at future projects designed to advance public safety and reduce victimization.

Section 2. Tiered Sex Offender Registry System in California. CASOMB's highest priority for 2017 is advocating for the substantial change in California law by the State's adoption of a tiered registration system. The state now has over 97,000 registered sex offenders. Close to 75,000 of them live in California communities. Most of the others are in custody. These numbers have continued to increase and the rate of growth has also been increasing. CASOMB is co-sponsoring a bill with the Los Angeles County District Attorney's Office, the Alameda County District Attorney's Office and the California Coalition Against Sexual Assault (CalCASA) to replace the state's "Universal Lifetime" registration policy and laws, which have been in place since 1947, with a tiered registration system. The three tiers include lifetime registration, registration for 20 years, and registration for 10 years, depending on the crime, risk assessment and other relevant factors. All sex offenders under the 20 and 10 year registration requirement must apply to the Court for release from registration. The proposed change in the law would allow law enforcement, with their limited resources, to focus on those sex offenders who pose the higher risk of reoffending.

Section 3. CASOMB Research Project: Probation Numbers. Supported by a one-time grant from the Speaker of the Assembly, CASOMB has planned, designed, and guided a significant research effort to determine for the first time how many registered sex offenders are under the supervision of California's 58 County Probation Departments. A great deal of additional information was gathered regarding how successful counties have been in supervising those individuals under the Containment Model. The research, so far, reveals that approximately 4,800 sex offenders are supervised by a County Probation Officer or the County's Probation Department. The research has revealed disparate practices among counties. Furthermore, research indicates that the Containment Model is not being implemented as intended in a number of locations. While most Probation Departments appear to be striving to meet the mandates of state law, the lack of resources may be

thwarting those efforts. CASOMB has also uncovered an oversight of not including those sex offenders who are released from State Prison and supervised by the County's Probation Department under the Post Release Community Supervision (PRCS) program and therefore, the sex offender management of and participation in Containment Model Therapy are essentially non-existent.

Section 4. CDCR Parole Supervision of Sex Offenders. The California Department of Corrections and Rehabilitation (CDCR), Division of Adult Parole Operations (DAPO) is responsible for the supervision of registered sex offender parolees and does so under its Sex Offender Management Program (SOMP). DAPO contracts with a large number of CASOMB-certified community-based sex offender treatment programs to provide specialized treatment, polygraph and other needed services to ensure implementation of the Containment Model as required by state law. SOMP manages this complex system quite successfully. DAPO continues to increase its data collection and analysis capabilities for the sex offender parole population.

After many years of recommendations, in the past year CDCR has launched a pilot in-prison sex offender treatment program. This program provides an evidence-based cognitive behavioral treatment program for inmates who are at above-average or well-above average risk of committing a new sexual offense. The program is currently able to serve 80 individuals at any single time. The average duration of treatment (conducted five days a week for up to three hours per day) is eight months. The first cohort completed the program in December 2016.

Section 5. Residency Restriction Laws and Ordinances in Local Jurisdictions. CASOMB has reviewed all research and data on the issue of the effectiveness of residency restrictions on sex offenders to keep communities safer. For a number of years, CASOMB has advised that the imposition of residency restrictions has the opposite effect from that which was intended. Residency restriction policies increase the risk of reoffending and do not make communities safer. Nearly two years ago, the California Supreme Court decided two cases directly related to the residency restrictions prescribed by Jessica's Law. The Supreme Court declared such restrictions unconstitutional, at least as applied in the San

Diego case before it. Following the decision, state authorities decided to refrain from imposing such restrictions. However, a number of local jurisdictions continue to retain blanket ordinances related to where registered sex offenders may live. CASOMB recommends against all current and future use of blanket residency restrictions by local jurisdictions.

Section 6. Victim Advocacy. CASOMB's mandate is to guide the state toward sex offender management policies and practices which reduce sexual victimization and safeguard communities. A victim-centered perspective underlies all of CASOMB's efforts. Rape Crisis Victim Advocates and Victim-Witness Assistance Advocates possess expertise in working with and advocating for those who have experienced sexual violence. As such, they are uniquely qualified to help inform local policies, inform day-to-day management of offenders, and offer professional training and community education. CASOMB has noted previously and continues to be concerned that the State General Fund contributes only \$45,000 to sexual violence programs serving victims.

Funding for these vital victim services is critical; survivors of sexual assault need resources such as therapeutic intervention, housing relocation, medical treatment and more. With the uncertainty of the federally funded programs, it is incumbent on California's leaders to ensure the fair, effective and critical resources for sexual assault survivors. CASOMB urges the Governor and the Budget Committees of the Legislature to not only retain current funding levels but to provide an increase for these programs for survivors of sexual assault.

Section 7. Education Efforts. The creation, implementation and acceptance of evidence-based practices for the management of sex offenders requires that policymakers and community members have a clear understanding of the realities of this often-misunderstood terrain. Misinformation and myths about sex offenders and how they can most effectively be managed must be addressed through thoughtful educational efforts. In 2016, CASOMB, in partnership with CalCASA and the Alameda County District Attorney's Office, focused on the development of written and video materials for use in a Public Awareness Campaign designed to educate the general public about sex offenders. The public awareness campaign includes areas such as the diversity of sex offenders, the processes of

monitoring and understanding the realities about individuals who have committed sexual offenses. A five minute educational video which features sex offender treatment providers, criminal justice professionals, victim advocates and victims is now available at www.CASOMB.org.

Section 8. Certification of Sex Offender Programs and Providers. Through the leadership and advocacy of CASOMB, since July 1, 2012, California law requires all sex offenders, following release from incarceration or upon conviction, to participate in a certified Containment Model Therapeutic Treatment Program, administered by a certified sex offender treatment provider. (See Penal Code §§ 290.09, 1203.067, 3008, and 9003; Chelsea’s Law, AB 1844 (2010). As authorized under California law, CASOMB continues to establish certification standards and process certification applications for the Containment Model Treatment Programs and Providers who provide specialized sex offender treatment services to registrants referred through Parole and Probation.

As of December 2016, there are 496 certified providers working in 149 certified programs. Thirty-eight (38) California counties currently have a certified program while the remaining twenty (20) counties do not have a local resource. While the law is silent on the authority to audit existing programs and providers, CASOMB feels compelled to ensure programs and providers are in compliance with the Containment Model components. Additional funds are needed in order for CASOMB to request and support in-the-field audits of these certified programs. Public safety is integrally linked to effective therapeutic treatment of sex offenders living in the communities. As such, ensuring compliance with program and provider standards is a high priority for future focus.

Section 9. SARATSO – State Authorized Risk Assessment Tools for Sex Offenders. The SARATSO implementation committee continues to oversee California’s efforts to assess the risk level for reoffending of all individuals under Parole or Probation supervision. Recent research has demonstrated that state’s static risk assessment system is effective and reliable in predicting sexual recidivism, effectively discriminating among those who are at high risk of reoffending and those who are at a much lower risk. Although parolees had a somewhat higher risk level in the aggregate than did probationers, only about 4% of



parolees committed a new sexual offense after release compared to 6% of probationers. The system for assessing the dynamic risk for those on Probation is severely handicapped because there are no resources for many sex offenders under supervision of the County Probation Department to participate in treatment programs where such scoring is conducted. SARATSO continues to train many professionals around the state in the use of the risk instruments and in the effective implementation of the Containment Model of treatment.

Section 10. Relevant Research. Over the last year, there has been significant research, including research commissioned by CASOMB, as well as research authored by the Department of Justice, with partners and the Public Policy Institute of California.

Section 11. Future Areas of Focus. CASOMB has identified two areas of focus for 2017: Civil Commitment (“Sexually Violent Predator” – SVP) Program and Juveniles who have Sexually Offended.

Sexually Violent Predators: To date, given other priorities, CASOMB has not focused much attention on legal and procedural issues involving offenders who have been civilly committed to the Department of State Hospitals (DSH) as sexually violent predators. However, the aim of CASOMB is to ensure that state law and policy prioritize focusing state resources on optimizing community safety and preventing sexual recidivism, especially by the highest risk offenders. Only a small proportion of registered sex offenders become involved in the SVP program. Currently the number is 910. Over the past ten years, fewer than seven out of every 1,000 sex offenders reviewed by DSH were ultimately committed as SVPs. Committed individuals may be released to the community after they have engaged in lengthy treatment and are determined to have substantially lowered their risk of reoffending. Since 2003, 36 SVPs have been conditionally released to a contracted program which provides intensive supervision and treatment. The complex, legally intricate and very costly SVP Program continues to pose significant challenges.

Juvenile Sex Offenders: CASOMB has focused on the adult 290 Registrant population. Although CASOMB has had significant success in improving policies and practices related

to the management of adults, the Board is increasingly aware of the need to give similar attention to the juvenile population. CASOMB recommends that the Board's scope be widened and its membership increased to include specialists in juvenile offending so that it can begin to address the different issues related to the management of the juvenile population

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

1. Janet Neeley

Representing the Office of the Attorney General

2. Jay Atkinson

Representing the Department of Corrections and Rehabilitation

3. Brenda Crowding

Representing the Division of Adult Parole Operations

4. Judge Brett Morgan

Representing California State Judges

5. Deirdre D'Orazio, Ph.D.

Representing the Department of State Hospitals

6. Vacant

Representing Law Enforcement with Investigative Experience

7. Lauren Rauch

Representing Law Enforcement with Registration and Notification Responsibilities

8. Fernando Giraldo

Representing Chiefs of Probation

10. Michelle Steinberger

Representing Probation Officers

11. Vacant

Representing Criminal Defense Attorneys

12. Monica Nino

Representing County Chief Executive Officers

13. Vacant

Representing City Managers

14. Tom Tobin, Ph.D.

CASOMB Vice-Chair

Representing California Coalition on Sexual Offending

15. Gerry D. Blasingame, Psy.D.

Representing the California Coalition on Sexual Offending

16. Sandra Henriquez

Representing Experts in Sexual Assault Victim Advocacy

17. Vacant

Representing Experts in Sexual Assault Victim Advocacy

9. Nancy O'Malley

CASOMB Chair

Representing Prosecuting Attorneys

SECTION 1.

Overview of California Sex Offender Management

Before 2006, California had no forum in which the multiple agencies and stakeholders involved in the complex world of sex offender management could come together to share information, identify and address problems, facilitate interagency collaboration, and report on developments in the field. In 2006, legislation was enacted to create the California Sex Offender Management Board (CASOMB).

In 2017, California has a mature, experienced, productive Sex Offender Management Board, implemented and guided by state law. CASOMB has created an interagency forum that demonstrates a collaborative and mutually respectful culture. CASOMB is well known throughout the United States as a model and a source of pertinent and relevant research, data and information. CASOMB has produced reports that have been regularly cited in the publications of other agencies and referenced in legal proceedings. Although the Board is hosted and staffed by CDCR, CASOMB members all serve as unpaid volunteers. Some have served since the Board's inception. Proudly, CASOMB has made significant contributions to the efforts to stop new sexual victimization in California and to provide a more effective way in which sex offenders are managed and served in our communities. There remain state policies and practices regarding sex offender management that are unresolved and/or unaddressed. As CASOMB moves forward, these matters will be part of the Board's future focus.

This Annual Report will address the following matters of consideration and action by CASOMB: **Efforts to change** California law to adopt Tiered Registration; **Ensure that all sex offenders** released from incarceration, irrespective of supervision by CDCR or County Probation, are in compliance with California State law by participating in a Containment Model Treatment Program; **Report and update** on efforts to expand the number of certified providers and certified programs delivering Containment Model Treatment in order to accommodate participation by all sex offenders; **Provide research-based** assessments supporting California's move away from residency restrictions as a means of keeping



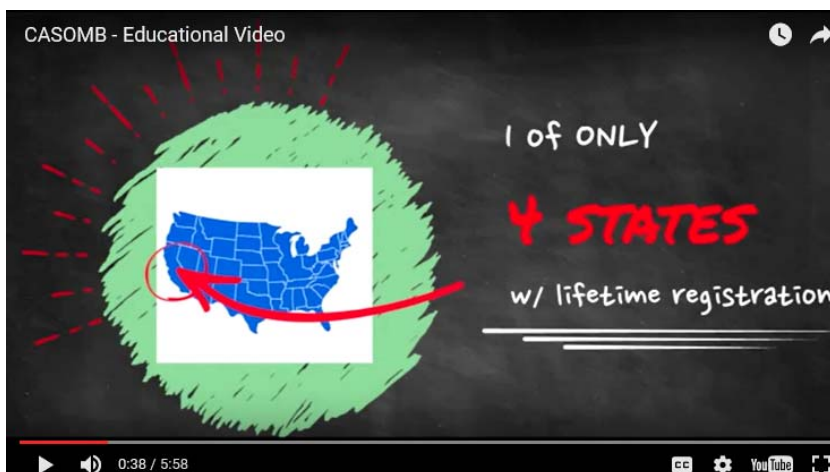
communities safer; **Report and update** regarding California’s ability to identify high risk offenders through enactment of the “State Authorized Risk Assessment Tools for Sex Offenders” (SARATSO) system; **Report and update** CASOMB’s research efforts to gather reliable and supported data regarding the number of sex offenders who fall under the supervision of County Probation Departments; **Report and update** on the efforts of CDCR in its effective management of sex offenders and the implementation by CDCR of a pilot program providing in-prison treatment for sex offenders; **Report and update** on CASOMB’s education efforts; **Report and update** on Victim Services; **Report** on future areas of focus for CASOMB.

Tiered Sex Offender Registration System in California

A. Overview

Since 1947, at the time of its enactment, California requires that all sex offenders convicted of crimes listed in Penal Code Section 290, and those ordered to register by the Court for crimes motivated by sexual assault intent, to register with local law enforcement and some public safety agencies annually. California's law was the first enacted in the United States.

It remains one of four states (South Carolina, Alabama and Florida) that require lifetime registration for all convicted sex offenders, irrespective of their offense, their age or any other factor. California is the most populated state in the



country. As such, California has developed a huge and

Figure: YouTube video commissioned by CASOMB, in partnership with CalCASA. YouTube.com, CASOMB

nearly unmanageable sex offender registry. Adopting a Tiered Registration policy and changing California laws is CASOMB's highest priority. CASOMB recommends that California adopt a Tiered Registration policy that also involves a substantial change in the laws. Tiered Registration for sex offenders will improve effective containment and tracking of sex offenders in California, focusing on the high risk offenders and protecting our communities from further sex offender crimes.

Since 2010, CASOMB has engaged in responsible evaluations of research and data to evaluate the effectiveness and appropriateness of continuing lifetime registration for all sex offenders, which carries huge costs to California and law enforcement that supports a system that is hugely burdensome and ineffective in achieving the goals of sex offender registration. With California's adoption of the validated risk assessment tool, with the

current law that now requires all sex offenders to participate in Containment Model Treatment and with diminishing law enforcement resources at the local level, a major revision to California’s sex offender registration system is appropriate and furthers the goals of keeping California safer.

Not all offenders are the same. Since 2013, through its strategic planning process and in partnership with the Los Angeles and Alameda County District Attorney’s Offices (LADAO and ACDAO respectively) and the California Coalition Against Sexual Assault (CalCASA), CASOMB has engaged in an evidence-based public education campaign to introduce and discuss what can be viewed as a controversial recommendation and policy change.¹

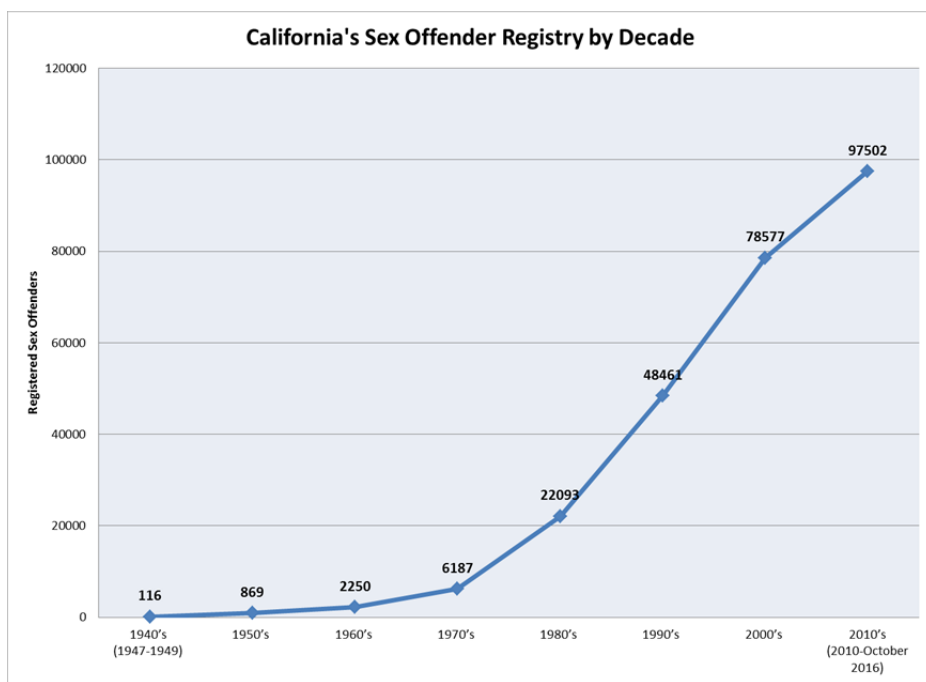


Figure: The data is based on records in the California Sex and Arson Registry (CSAR) as of October 5, 2016. It excludes subjects that are: 1) deported; 2) out of state; 3) terminated or 4) deceased. Registrants who have more than one date of conviction for a registrable sex offense are counted based on the date of their first registrable offense.

At its core, the changes in the registration laws would allow law enforcement to focus on sex offenders who are “above average risk to reoffend” according to the validated Risk Assessment Tool, sex offenses committed and other relevant considerations.

Research establishes that those individuals are

more likely to pose a real threat to the community by committing new sex assault crimes. Tiered registration also provides the vehicle for removing from the registration mandate those sex offenders who pose a negligible to no risk of reoffending. The proposed process

¹ See YouTube video commissioned by CASOMB, in partnership with CalCASA. YouTube.com, CASOMB

of evaluating and removing a sex offender from the registration mandate is a thorough, thoughtful and methodical process.

California has more than 97,000 registered sex offenders. According to official records, more than 22,000 people who remain on the registry, first registered between 1947 and 1987. An additional 56,484 sex offenders began registering between 1990 to 2010 with an additional 18,925 sex offenders added to the registry since 2010.

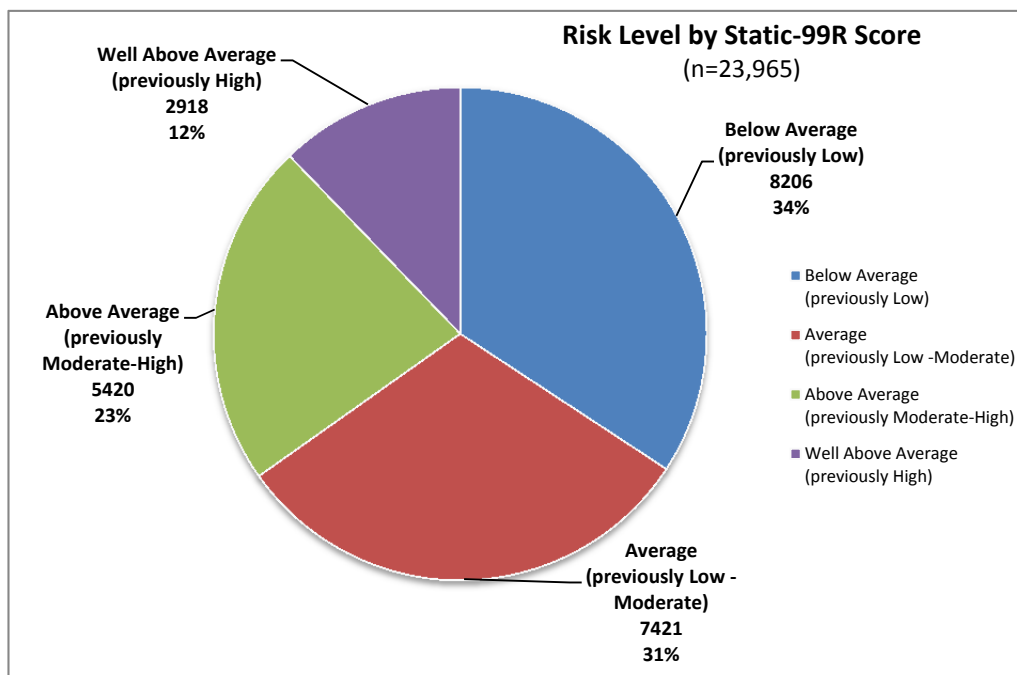
B. The Proposed Legislation

In the legislative year 2017-18, CASOMB, LADAO, ACDAO and CalCASA are co-sponsors of a bill to amend California law and adopt a Tiered Registration policy. The bill creates a three (3) Tiered Registration System. Tier 1 encompasses the lowest risk offenders, mostly misdemeanor offenders and mandates a 10-year registration requirement; Tier 2 requires those offenders who fall within the parameters of Tier 2 to register for 20-years and will encompass a majority of offenders; Tier 3 encompasses the most serious sex offenders and those with the highest risk scores for reoffending, and mandates a lifetime registration. Individuals who engaged in misdemeanor conduct, such as indecent exposure, misdemeanor unlawful sexual intercourse with a minor, or sexually annoying a minor are examples of the type of crimes that fall within Tier 1. All registrants will have to petition a court for removal at the end of their tier period on the registry. If there is a compelling public safety reason why a particular offender should register longer, the district attorney can request that the court not terminate registration.

Offenders who score “well above average risk” to reoffend (formerly referred to as high risk on the risk assessment tool), those who have committed violent or egregious offenses, or have a specified record of repeat offending, will be required to register and will be monitored by law enforcement, for life. Terminating low and lower risk offenders from the registry after 10 or 20 years, depending on the tier, will allow law enforcement to direct its resources to monitor offenders who pose a high and ongoing risk of sexual reoffense. By focusing on those offenders who pose the highest risk enables law enforcement to actually be in the field monitoring the activity of high risk sex offenders. Tiering is in the public’s

interest. Consistent with the majority of states community notification will depend on tier level. The high risk tier (Tier 3) will be posted with full address on the public Megan’s Law web site. The Tier 2 offenders will also be posted online, but with ZIP Codes. Tier 1, the lowest risk tier, will not be posted on the public web site but will be viewable by law enforcement agencies.

C. Sex Offender Recidivism Rates in California



Recidivism rates of low risk sex offenders are consistently low (1%-5%) ten years after release.² Even high risk offenders who have not reoffended after 17 years in the community are at no higher risk to

Figure: Chart shows risk levels of California registrants for sexual reoffense potential, based on Static-99R and Static-99 scores submitted to the Department of Justice from 2007- 2015. (Report to the SARATSO Committee April 2016). The categories referring to above/below average risk levels replaced terminology referring to low/moderate/high risk categories in 2016. (Static-99R revised Coding Rules, www.static99.org)

commit a new sex crime than any other type of offender.³ Now that California has a well-established system for establishing sex offender risk levels, a tiered registry can be based on scientific methods for determining risk.

² Hanson, R. Karl, et al., *High Risk Sex Offenders May Not Be High Risk Forever*, 29 J. of Interpersonal Violence, no. 15, at 2792-2813 (Oct. 2014)

³ Hanson, R. Karl, et al., *id.*

CASOMB Research Project: Probation Numbers, Practices and Other Issues

A. Overview

Under California law, most felony sexual assault crimes carry a sentence of a commitment to the California Department of Corrections and Rehabilitation (CDCR). Upon release, the offender is generally supervised by the Division of Adult Parole Operations (DAPO). However, certain attendant circumstances or certain sexual assault crimes authorize the Court to suspend the State Prison term and place the offender on Probation that may or may not include local jail time. So long as the offender is on Probation, supervision of the offender falls on the County's Probation Department.

Further, with the enactment of the California Realignment Act of 2011 (CRA), some sex offenders may be released from CDCR through the Post Release Community Supervision (PRCS) Act of 2011. The County's Probation Department is responsible for supervising PRCS offenders. Through the enactment of the CRA, some sex offenders may be sentenced to a local prison with mandatory supervision, which is carried out by the County's Probation Department. Lastly, all misdemeanor convicted sex offenders are supervised by the County's Probation Department.

While CASOMB has been able to retrieve data from CDCR/DAPO as to the number of sex offenders under their supervision, it has proven to be more difficult to acquire the same data from California's 58 County Probation Departments.

In keeping within the mandates and commitments of CASOMB, the ability to obtain valid, accurate and reliable data is critical to its evidence-based, research driven policies. Determining the effectiveness of current policies and practices and making recommendations to improve them depends upon having good information as to those offenders who are living in the communities and are supervised by the County's Probation Department.

Further, the absence of reliable and complete information about sex offenders supervised by the County's Probation Department hinders CASOMB's task of ensuring sex offenders are participating in and County Probation Officers are employing, the best practices that advance public safety.

B. The Research Project

CASOMB was fortunate to receive funding through the Assembly Speaker for the purpose of engaging academic researchers, specifically San Jose State University researchers, to focus on the 58 County Probation Departments. Those conducting the interviews remarked on the commitment and dedication of Probation officials working with the sex offender population. For the first time since inception, CASOMB has been able to secure reliable data as to how many registered sex offenders are under the supervision of California's 58 County Probation Departments. The preliminary data shows that collectively, County Probation Departments are responsible for the supervision of approximately 4,800 registered sex offenders who are under "formal" County Probation. There are additional registrants who may be under some other form of County Probation authority, including those classified as PRCS. However, those on "formal" probation make up about 81% of supervised sex offender clients, the PRCS population of Probation supervised sex offenders represent about 15% and the "Other" classifications account for the remaining 4% of the supervised sex offender clients.

With this informative data collection by a team of researchers engaged by CASOMB, it is tentatively clear that California has more than 10,500 registered sex offenders in the community under direct criminal justice system supervision. About 5,770 of these individuals are actively supervised in the community under the authority of CDCR DAPO while approximately 4,800 of them are in "formal" supervision under the authority of one or another of California's 58 County Probation Departments.

C. Probation-based Practices and Containment Model Compliance

Through the aforementioned research, CASOMB was not able to answer critical questions significant to the research that guides offenders to greater success in the communities

where they live. While the research revealed disparate practices among counties, it did not provide vital and accurate data such as what percentage of the approximately 4,800 County Probation supervised offenders are currently, or have ever, participated in a certified Containment Model Treatment Program, or received treatment from a certified provider. Quite the contrary, the research revealed that the Containment Model is not being implemented as intended in a number of locations.

As discussed previously in the Report and in contrast to CDCR's successful implementation of Containment Model Treatment participation, there are considerable variations between the 58 County Probation Departments. The Containment Model is not, at this point, being fully implemented as intended in a number of counties. Not only is participation required by California law, but the Containment Model is one of the strongest sex offender management strategies leading to successful reintegration into the community for sex offenders. Research supports the declaration that participation in the specialized treatment through the Containment Model and supervision both reduce reoffending. As stated above, the likelihood of reoffending is significantly diminished through the adoption of these best practices and provides the pathway for California to achieve its desired goals of increased community safety and reduction of further victimization.

CASOMB has concluded that one of the significant reasons for the difference between CDCR's success and the mixed picture for County Probation Departments has to do with the availability of resources. The specialized Containment Model treatment, polygraphs and risk assessments of which parolees are required to participate are fully funded by the state. By contrast, the picture for registrants on County Probation is generally self-pay or potentially, allocation of Realignment funds. Some counties do provide some supplemental funding for probationers who cannot pay the full cost of treatment. Other counties do not have or have not allocated fiscal resources for this purpose. What the research has revealed is that, while felons are now eligible for Medi-Cal, sex offender treatment is not covered under mental health categories.

The result is that, in most cases, sex offenders on County Probation are expected to pay for their own treatment. All too often, individuals who have been convicted of a sex offense

have lost their previous jobs and careers and find it difficult to regain financial stability at a level which would allow them to pay for their treatment – desirable as the assumption of such a responsibility may be. Treatment agencies and mental health professionals do provide the essential specialized sex offender treatment either *pro bono* or at reduced rate services for those who cannot pay the full costs, providers cannot be expected to shoulder the burden of providing services for all those who cannot pay. While most Probation Departments appear to be striving to meet the mandates of state law, the lack of local resources or state funding may be thwarting those efforts.

Containment Model treatment is a key factor in stopping a sex offender from reoffending. The research shows strong, positive outcomes for those who do participate in the Containment Model treatment. CASOMB will continue to focus on County Probation Departments, their initiatives to ensure compliance with California law and successful reentry into the community by sex offenders over whom they have supervision authority.

D. Sex Offenders on Post Release Community Supervision (PRCS)

The CASOMB research project calls attention to a little-recognized issue which may prevent a substantial number of sex offenders under County Probation authority from being managed under the Containment Model. The language of the current law requires that sex offenders under “formal” County Probation supervision be managed in accord with the Containment Model, which mandates that they be referred to, participate in, and complete a CASOMB certified treatment program.

However, the real world situation is that sex offenders managed by County Probation departments may have some other classification in lieu of “formal” supervision. They may be designated as falling under the “Post Release Community Supervision” (PRCS) status, a classification not specifically referred to in Chelsea’s Law since Chelsea’s Law predated the creation of that designation at the time of California’s Criminal Justice Realignment restructuring. These individuals have been remanded to and, after serving their sentences, have been released from state prison. However, because of the nature of their offenses as

classified under Realignment, these offenders were referred to County Probation departments rather than to state parole.

Little is known about the risk level of many of these PRCS sex offenders, since there is no requirement that SARATSO risk instruments be utilized with them. CASOMB continues to be concerned that these sex offenders are not being managed in accord with best practices, specifically use of the Containment Model. It should be noted that some counties do attempt to manage their PRCS sex offender population in accord with Chelsea's Law requirements. However, PRCS sex offender's maximum supervision term (one year) is too short to allow adequate specialized treatment. CASOMB believes that the exclusion of PRCS-designated sex offenders from the requirements of the Containment Model was an unintended consequence of the historical development of Criminal Justice Realignment; an unintended consequence which should now be corrected.

E. The CASOMB Research Project: Other Findings

The CASOMB Research Committee has continued oversight of the Board's contracted research team at San Jose State University. The research team has completed the first draft of their report, and is currently making revisions and clarifications. As discussed previously, the preliminary findings were presented to CASOMB in November 2016. The forthcoming report is the first of its kind providing current data regarding approximately 4,800 registered sex offenders who are under probation supervision of California's 58 counties. The data includes age, race and ethnicity distributions as well as information regarding treatment accessibility across the State. The research team will also offer recommendations for the Research Committee and the Board's consideration in policy recommendations and decisions.

The Research Committee and CASOMB continue to be concerned that there is currently no centralized repository of data or structured system and process for data collection that makes information available regarding registered sexual offenders in California's 58 counties.

The Research Committee has identified several barriers to accomplishing such an informative central repository of data that could otherwise better inform California's legislative policy.

- The California Department of Justice (DOJ) has data on all sex offender registrants across the state. However, this information is not readily available for CASOMB research purposes.
- The 58 County Probation Departments have no uniform method of data collection on sex offenders under their supervision. This makes it improbable that any research could be completed.
- There are 149 CASOMB certified programs serving thousands of sex offenders under Parole and Probation supervision. There is no uniform method of data collection on sex offenders under supervision. This also makes it improbable that any research could be completed at a statewide level.
- These data barriers limit law enforcement professionals who come into contact with registrants who move across city and county lines.
- These data barriers also limit CASOMB's ability to investigate and fully understand the impacts of state and federal laws and policies.

The CASOMB study conducted by San Jose State University researchers involved interviewing a large number of County Probation officers and administrators. The researchers concluded from these interviews that, in a considerable percentage of counties, the full implementation of the Containment Model – especially with regard to specialized treatment – fell short of what state law requires. In a number of counties, many sex offenders under formal probation supervision were not participating in treatment and were not being managed under the Containment Model.

California Department of Corrections and Rehabilitation (CDCR)

A. Overview

Under CDCR, the Division of Adult Parole Operations (DAPO) has the responsibility for supervising and monitoring those sex offenders who have been committed to CDCR and are now released back into the community. DAPO established the Sex Offender Management Program (SOMP) in 2014 in accordance with the requirements set forth in Chelsea's Law (Pen. Code, § 3008) and Parole Agents continued to manage all sex offender parolees under SOMP.



B. Parole and the Sex Offender Management Program

Since the implementation of the SOMP, DAPO has placed great emphasis on increasing the number of offenders participating in sex offender treatment, as well as assuring the correct dosage of treatment is being applied. DAPO's Sex Offender Unit has developed monthly audit tools designed to monitor both aspects and has seen a consistent increase in the number of offenders being treated.

During recent years, DAPO has worked closely with CDCR's Office of Research to improve data collection used to evaluate the effectiveness of sex offender specific treatment. As a statutory requirement, the Office of Research publishes an annual report to the California Legislature with a focus on recidivism reduction tied to the treatment. As DAPO's data collection has continued to improve, the annual reports have become more robust providing valuable insight into the importance and effectiveness of the treatment.⁴

⁴ The most recent report can be found at: http://www.cdcr.ca.gov/Adult_Research_Branch/Research_Documents/FY-2014-15-Annual-Evaluation-of-the-Sex-Offender-Treatment-Program.pdf

Although the current data collection process is manual, DAPO hopes in future years the development of the Automated Reentry Management System (ARMS) will allow for even greater data reporting.



Impressively, DAPO has established goals on which to work. In the coming years, DAPO intends to develop policies regarding earned discharge for those offenders who are

meeting treatment goals and making progress. DAPO plans to develop continuing education curriculum for specialized agents that supports their efforts by keeping up with the current trends and best practices in managing sex offenders. DAPO also plans to implement new approaches for auditing program fidelity. A strong audit process will have a carry-over effect of meeting the needs and goals of CASOMB in maintaining the integrity of all certified programs and certified providers.

CDCR has made a concentrated effort to develop a comprehensive strategy for the treatment and containment of sex offender parolees. CDCR recognizes that collaboration between all stakeholders, including its ongoing relationship with CASOMB, is vital to successful management of sex offenders. CDCR's approach should be commended for the effective approach to this community safety effort and can serve as a model for the work of the Probation Officers throughout the State.

C. Parole and the Implementation of the Containment Model

CDCR is a single statewide agency which allows it to maintain a centralized data collection system of those sex offenders who are being supervised by DAPO. As such, key information about the management of paroled sex offenders is regularly gathered and is consistently presented to CASOMB. Treatment and polygraph services for paroled sex



offenders are provided through the 31 contracts CDCR currently holds with a number of CASOMB certified programs throughout California.

As noted in previous CASOMB reports, DAPO has been notably successful in supervising their parolees in accord with the law and recommended best practices. DAPO has been particularly successful in ensuring supervised sex offenders are participating in a certified Containment Model Treatment Program. Managing such a large and complex system and ensuring that all the parts work as intended is a considerable and ongoing challenge. CASOMB commends CDCR and DAPO for their efforts and their proven success in sex offender management. As noted in Section 10, the reduction in sex offender recidivism for parolees gives preliminary evidence that CDCR's approach is working as intended to reduce sexual victimization and make California's communities safer.

D. In-Prison Sex Offender Pilot Treatment Program

In 2016, CDCR, Division of Adult Institutions (DAI) implemented an in-custody sex offender treatment program. The Cognitive Behavioral Interventions for Sex Offenders (CBI-SO) Pilot Program is housed at the California Substance Abuse Treatment Facility (SATF) in Corcoran. The program is designed to apply cognitive behavioral treatment to address specific criminogenic needs of offenders required to register pursuant to Penal Code Section 290. The focus of the program is to increase public safety by reducing criminal behavior and recidivism.

The pilot program is operating under the authority of Penal Code Section 5058.1. In 2015, the pilot received approval from the Office of Administrative Law (OAL) with the program's implementation occurring in April 2016. The program is facilitated by Division of Rehabilitative Programs (DRP) Clinical Social Workers (CSW) and is currently operating at the maximum of 80 offenders, at SATF. The first cohort of participants completed the program in December 2016.

All program participants are assigned to either full-time or part-time treatment assignments based on their individualized treatment and rehabilitative plans and case factor needs. An

on-going evaluation will be completed by CDCR's Office of Research, to determine the effectiveness of the program. Program components will be delivered up to three hours per day, five days per week, with the average duration of the program being eight months.



The program includes CBI-SO group treatment, complimentary group treatment (content is not directly related to sex offending, but addresses other criminogenic needs, that if not met may put a person at a higher risk for reoffending) and individual treatment sessions.

The assessment tools incorporated into the program are the **Stable-2007**, used in the initial assessment and reassessment purposes to measure the progress of program participants/inmates and to establish a base line to demonstrate the effectiveness of the CBI-SO program as well as the **Level of Service/Case Management Inventory**, which is used to predict the risk of violent reoffending.

In order to be included in the CBI-SO pilot program, participants must have a **Static-99R** score of at least four or higher (i.e., the offender must be above average risk or well above average risk to reoffend). DAPO is collaborating with DAI to gain "in reach" to the prison program participants to educate participants about post release treatment requirements and to assist with a seamless continuum of services between the institution and the community.

Section 5.

Residency Restriction Laws and Ordinances in Local Jurisdictions

As discussed in past reports, CASOMB has conducted extensive review of literature, consulted experts and convened numerous public hearings and/or received public testimony. CASOMB has been firm in its position that residency restrictions, restrictions as to where sex offenders can live, do **not** keep communities safer. Further, with the imposition of residency restrictions through Jessica's Law, CASOMB's monthly data report saw an increase in the number of registering sex offenders who became homeless and register as "transient." That increase has consistently remained high. The lack of stable housing is recognized as one factor that contributes to reoffending or criminal recidivism.

Almost two years have passed since the California Supreme Court decided two cases directly related to the residency restrictions prescribed by Jessica's Law. These cases were *People v. Mosley* (2015) 60 Cal. 4th 1044 and *In re Taylor* (2015) 60 Cal. 4th 1019. In *Mosley*, the court determined residency restrictions do not constitute punishment, so a jury trial is not required prior to imposing sex offender registration. In *Taylor*, the court upheld the lower courts' findings that the residency restriction law was unconstitutional as applied in San Diego County, due to insufficient affordable housing located outside the defined 2,000 foot zone around schools and parks.

In *Taylor*, the Supreme Court specifically noted a number of consequences that directly resulted from blanket enforcement of the residency restrictions against these parolees. These consequences included increased homelessness and hindering access to rehabilitative social services available to other parolees. Perhaps the most serious consequence noted by the Court was that the residency restrictions hampered the efforts of law enforcement to monitor, supervise and rehabilitate in the interest of public safety.



While noting increased homelessness as a consequence of residency restrictions, the Supreme Court may not have fully realized the negative impact of homelessness among the sex offender population in regard to recidivism.

A recent study emphasized the danger of increased homelessness in regard to sexual reoffense among California's sex offender population on supervised release. Data indicated that 19.2% of sexual reoffenses in the probation group and 32.7% of sexual reoffenses in the parolee group were committed by offenders who were registered as transients at the time of arrest for the new sex offense. These numbers indicate that homelessness is a significant factor in the risk of reoffense, since only about 6% of registered sex offenders in the community are transient.

Although the *Taylor* decision was specific to the housing situation in San Diego County, the rationale was not. Many other California counties and municipalities lack sufficient affordable housing that is outside the 2,000 foot limit, making application of the law in those areas unconstitutional as well. While some municipalities repealed their ordinances in response to *Taylor*, others have been slow to recognize the importance and implications of the *Taylor* decision. Due to their residency restrictions, thirteen California municipalities were sued by the Alliance for Constitutional Sex Offender Laws following the *Taylor* decision. Five of the municipalities repealed their ordinances, three revised their ordinances and one permanently stayed enforcement of their ordinance. Three others are going forward with the litigation, but in two cases courts have temporarily stayed enforcement of the challenged ordinances. In one case, a repeal of, or revision to, the ordinance is being negotiated.

CASOMB reiterates that the enforcement of blanket residency restrictions against all registrants is counterproductive to effective sex offender management and reduces public safety related to registrants on supervised release. Residency restrictions remain an applicable tool for registrants on supervised release when



their criminal history has a nexus to schools, parks, or other specified locations, and their risk level warrants special restrictions.

Section 6.

Victim Advocacy

A. Overview

In California, there are more than 85 funded Rape Crisis Centers serving victim-survivors of sexual assault. California Evidence Code Section 1035 defines and guides Rape Crisis Counselors. There is an expansion of rape crisis services through the development of rape crisis services throughout the institutions of higher learning, particularly across the University of California campuses. California has licensed thousands of therapists who have developed a specialty in addressing sexual assault. Virtually every county in California has a Victim-Witness Assistance Program, a majority of which are part of the District Attorney's Office, who provide support and resources to victim survivors who are participating in the criminal justice process. Notably, California is host to several Family Justice Centers (FJC). Some of the FJCs co-locate rape crisis and domestic violence counselors along with a multitude of other service providers to address the trauma attendant to a sexual assault.

Victim advocates work with sexual assault survivors on their path to recovery and healing. They also work within communities to change the social norms that foster sexual abuse. At the same time, treatment providers work with those who have offended to prevent reoffense. The work of both groups intersect with the shared goal of preventing sexual violence and it makes sense that they cross-train one another and create partnerships that keep victims' needs at the forefront.

B. Training

The 2016 Statewide Conference hosted by the CalCASA, offered a workshop track entitled *Building Bridges Between Victim Advocacy and Sex Offender Management*. This track looked at areas of connection and opportunities to create partnerships between those working with individuals who have caused sexual harm and rape crisis efforts with a victim-centered lens. The workshops were facilitated by members of CASOMB, including representatives from the Attorney General's Office, treatment providers and victim advocates. The sessions were well attended and the information was well received. A

common question that has surfaced is how to resource the participation of rape crisis advocates within the Containment Model. The workshops also discussed the common goal of the prevention of sexual violence.

C. CASOMB Advocacy

Several Members of the Board have been working to create and strengthen relationships between those who treat sex offenders who have caused harm to the victim-survivor, with rape crisis victim advocates. To this end, representatives from these two groups have engaged in efforts to provide cross-training and open up the lines of communication.

Rape crisis victim advocates possess expertise in working with and advocating on behalf of those who have experienced sexual violence. As such, they are uniquely qualified to help inform local policies, inform day-to-day management of offenders, and offer professional training and community education.

Rape crisis advocates recognize their role in the healing of victims is critical. However, the State General Fund contributes only \$45,000 to sexual violence programs. The National Intimate Partner and Sexual Violence Survey (NISVS) conducted by the Centers for Disease Control and Prevention (CDC) shows that in California there are over 2 million people who are survivors of rape and 8 million survivors of other forms of sexual violence (not including rape). Due to the small amount of funding provided by the State, victim services /rape crisis center programs cannot meet the needs of all survivors in the state.

CASOMB has identified critical needs for the effective, humane and caring engagement and treatment of those impacted so severely as a result of the sexual assault. CASOMB is committed to improving coordination and prevention efforts in the State. It is imperative that there are available treatment services for victims, such as trained forensic examiners if the survivor seeks medical or forensic services following a sexual assault. Further, the adoption of Sexual Assault Response Teams (SART) in every county will provide a collaborative and comprehensive response to survivors.

Strengthened communication and coordination between victim advocates and those working in sex offender management will contribute to victim-centered approaches to treatment, prevention and policy development.

Funding is always an issue. To that end, there is a need for increased funding to ensure that each community in the state has access to sexual violence prevention education. Victim advocacy and survivor healing is most impacted by the existence of multi-disciplinary teams who can discuss, create and advocate for policies at the state-level, followed by funding for cross-training and local sex offender management systems.

The vision and mandate of CASOMB is to decrease sexual victimization and increase community safety. Funding and strong policy is necessary to effectively and successfully carry out its mission. Including a stronger platform for considering and addressing the needs of victims and ensuring no further victimization remains at the forefront of CASOMB's attention.

Section 7.

Education Efforts



In 2016, CASOMB gave tremendous focus on the development of written and video materials for use in educating the general public about sex offenders, the realities under which they live and their return to

communities. The CASOMB Education Committee, led by Sandra Henriquez, Executive Director of CalCASA, and in partnership with the Alameda County District Attorney's Office, designed and created a multi-media and multi-medium Public Awareness Campaign. The tools include a five minute educational video which features sex offender treatment providers, criminal justice professionals, victim advocates and victims. The video was completed and made available through CASOMB's website. The video and other educational materials will be shared with others to ensure widespread availability. An educational brochure and pamphlet were also written and will be completed and disseminated in early 2017.

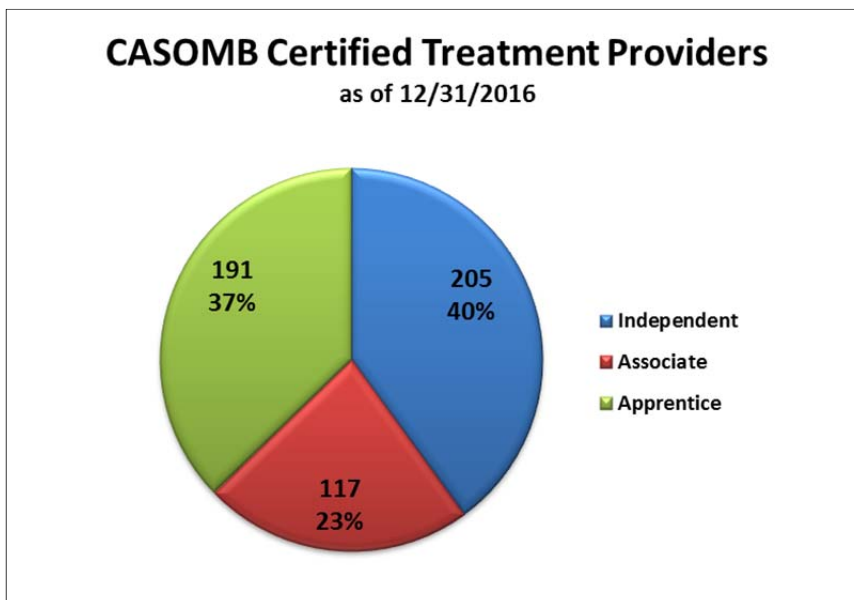
The Board engaged in public messaging regarding Tiered Registration. Board member Janet Neeley presented to several professional law enforcement and prosecutor groups. CASOMB Chair, Nancy E. O'Malley, Alameda County District Attorney (DA), and its Vice-Chair, Tom Tobin, Ph.D, as well as various other members, spent the year speaking to professional and community groups. The media was invited to CASOMB monthly meetings. DA O'Malley and Dr. Tobin were the primary spokespersons to the media, both televised and print, as well as radio. These were all efforts to educate the public, professionals and decision-makers about effective sex offender management in California and keeping California safe.

CASOMB will continue to be engaged in community education throughout 2017.

Section 8. Certification of Sex Offender Programs and Providers: An Update

The CASOMB Certification Committee, staffed by employees of CDCR, has held ongoing conference calls to troubleshoot application complications. The Committee also continues updating and revising Program Certification Requirements and Provider Certification Requirements documents which are posted on the CASOMB web site. The Certification Committee and CASOMB continue to have two primary concerns. First, there are not enough treatment resources in California. Second, the CASOMB budget does not include allocations for staff persons to complete audits of the extant programs and providers.

As of December 31, 2016, there were 513 CASOMB certified treatment providers working in 149 certified programs. Certified program sites exist in 38 counties, leaving 20 counties without a local resource. The Committee is currently developing the criteria for completion of treatment and



has identified several barriers to participation in the Containment Model, specifically as it relates to treatment and polygraph examinations.

The first barrier has been discussed previously. Many sex offenders under probation supervision are unable to afford the costs of treatment and polygraph examinations, and are being excused from participation in the Containment Model.

Many sex offenders are released into PRCS and supervised for only short periods of time. These individuals are most often not required to participate in the Containment Model due

to their short length of supervision and because the PRCs designation was not in existence at the time of the Containment Model mandate, and therefore, not included. Some sex offenders live a substantial distance from a certified program, making travel and participation a hardship. While California has a diverse demographic, there is a shortage of bilingual and culturally competent treatment providers statewide.

The Board will continue reviewing these issues on its monthly agenda and seek solutions for addressing the lack of participation in Containment Model therapy by all sex offenders. CDCR staff is responsible for reviewing, approving and renewing certification for programs and professionals. As noted in an earlier discussion, there are no resources, in terms of staffing or funding, to conduct audits of existing programs and providers. This limits the ability to ensure compliance in the program structure and the offender's participation. CASOMB will continue to work with CDCR, who are planning for an Audit Program in the future, and to evaluate opportunities for funding to complete this vital task.

Section 9.

State Authorized Risk Assessment Tool for Sex Offenders (SARATSO) Review Committee

A. Overview

The term SARATSO refers to evidence-based, state authorized risk assessment tools used for evaluating sex offenders. State law established the SARATSO (State Authorized Risk Assessment Tool for Sex Offenders) Review Committee, to consider the selection of the risk assessment tools for California. Research shows that the most accurate way of predicting whether a sex offender will reoffend is by utilizing a validated risk assessment instrument. The SARATSO Review Committee is led by Janet Neeley representing the Department of Justice (DOJ), Office of the Attorney General, and includes a representative from CDCR and the Department of State Hospitals (DSH).

B. Updates

1. New Risk Category Labels for

Static-99R: New names have been announced for the risk categories on the Static-99R: Very Low Risk, Category I, scores -3, -2; Below Average Risk, Category II, scores -1, 0; Average Risk, Category III, scores 1, 2, 3; Above Average Risk, Category IV-a, scores 4,5; Well Above Average Risk, Category IV-b, scores 6 and above.

Category	Name	Static-99R Scores
I	Very Low Risk	-3, -2
II	Below Average Risk	-1, 0
III	Average Risk	1, 2, 3
IVa	Above Average Risk	4, 5
IVb	Well Above Average Risk	6 or more

2. California Risk Assessments Effectively Predict Risk of Sexual Reoffending

For the past 10 years California has used an evidence-based system of empirical risk assessment for sex offenders. A study of paroled sex offenders in California, published in 2014, showed that static risk assessment does extremely well in predicting sexual recidivism. High risk offenders were much more likely to commit a new sex offense than low risk offenders: 29% of high risk offenders on parole sexually reoffended over a five year

period, compared to 1-2% of the low risk sex offenders on parole. (Hanson, R.K., et al., 1 Journal of Threat Assessment and Management, No. 2, 102–117 (2014).)

A 2016 recidivism study of California sex offenders compared offenders released on Probation and Parole. The study found that California's risk assessment system is a valid and effective way of predicting risk of sexual reoffense for both groups⁵. Researchers used criminal record information from the DOJ to review the records of over 1,500 California sex offenders who were released on Parole or Probation in the community in 2009. Based on a five year follow-up period, the Static-99R score accurately predicted which offenders would commit a new sex offense 75% of the time. As expected, sex offenders paroled from state prisons had higher Static-99R scores than probation offenders. However, as mentioned previously, the average rate of sexual reoffense was higher for those offenders being supervised by Probation than those offenders supervised by Parole. About 4% of parole offenders committed a new sex offense within five years after release from custody, compared to 6% of probation offenders. Further study is warranted to determine the reasons for this anomaly.

The 2016 study validated the continued use of the Static-99R as the state's static risk assessment instrument. Since non-white ethnic groups constitute 62% of California's population (U.S. Census Bureau, 2015), it is vital that the Static-99R effectively predict recidivism across all ethnic groups. The 2016 study confirmed the Static-99R is predictive of reoffense for all ethnic groups in California, showing that it works well on an ethnically diverse population.

C. Probation, Parole and Treatment Programs Have Stepped Up Assessment Efforts

1. Risk Assessment Prior to Sentencing

In California, the County Probation Department is tasked with conducting risk assessments on all adult sex offenders prior to sentencing by administering the Static-99R to determine

⁵ Lee, S., *The Predictive Validity of Static-99R for Sexual Offenders in California: 2016 Update*, online at www.saratso.org

risk level. Probation then submits the scores to DOJ. The SARATSO Committee issues a report once a year on score submission rates.

Once a defendant is convicted of a sexual assault crime, either by trial or plea, the Court refers the matter to the County Probation Department for a report prior to sentencing. It is incumbent on the Court and Criminal Justice Professionals (District Attorney or Defense Attorney) to ensure that all referrals are made to the County's Probation Department. Absent the referral, there can be no risk assessment or Static-99R score. There are occasions when the Court fails to make the referral, especially in misdemeanor cases. The result is that offenders are sentenced without the Court ever knowing those offenders' risk levels. Many of those who are not referred by courts for risk assessment are being released straight back to the community, sometimes on unsupervised (informal) probation.

Probation Departments have done an excellent job in prioritizing these cases to assess every sex offender the Courts refer. In particular, larger counties with high score submission rates (over 70%) in 2015 included Alameda, Fresno, Los Angeles, Riverside, San Francisco, and Santa Clara. Moderate and smaller counties with submission rates over 70% included Amador, Butte, Colusa, Imperial, Kern, Kings, Lake, Madera, Marin, Mariposa, Mendocino, Merced, Mono, Monterey, Nevada, Placer, San Bernardino, San Joaquin, San Mateo, Santa Barbara, Solano, Sonoma, Sutter, Tuolumne, Ventura, and Yolo. The average submission rate was 74%.

2. Assessment During Probation or Parole

Treatment programs that provide sex offender-specific treatment assess the offender's dynamic (changing) risk factors using the STABLE-2007 risk instrument. Dynamic risk factors include social influences (peers, associates),

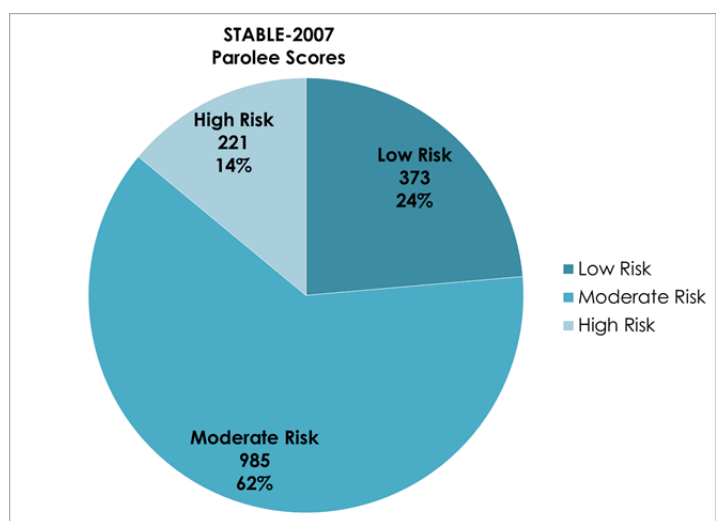
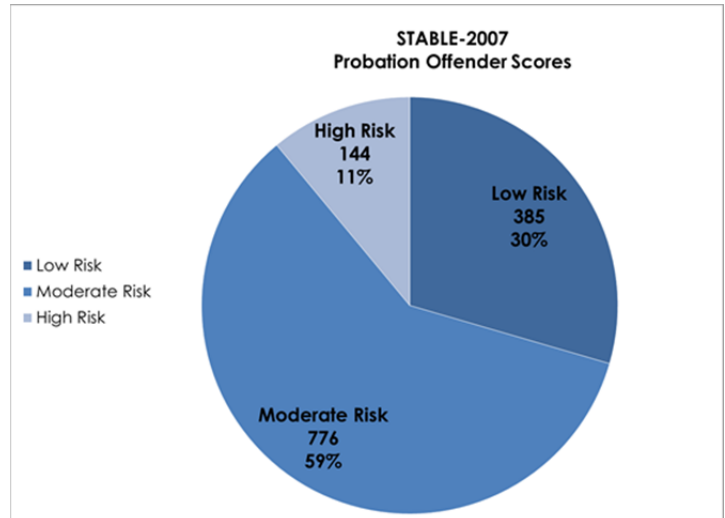


Figure: Chart shows dynamic risk levels of California registrants on Parole based on the STABLE-2007 scores submitted to the Department of Justice from 2007- 2015. (Report to the SARATSO Committee April 2016).

emotional identification with children, relationship stability, hostility towards women, social rejection, impulsivity and lack of concern for others. Treatment programs also assess offenders' potential for future violence using the Level of Service/Case Management Instrument (LS/CMI). The 2015 Score Submission report that was completed



by SARATSO and DOJ indicates that in 2015, DOJ received 1,579 dynamic risk

Figure: Chart shows dynamic risk levels of California registrants on Probation based on the STABLE-2007 scores submitted to the Department of Justice from 2007-2015. (Report to the SARATSO Committee April 2016).

scores on parolee offenders in treatment programs and 1,305 dynamic risk scores on probation offenders. A higher percentage of parolee sex offenders were assessed as high risk using the dynamic risk instrument than probation offenders.

Treatment programs submitted 3,543 violence risk scores (LS/CMI) to DOJ in 2015. A breakdown of parolee versus probation offenders was not available for this instrument. All offenders on the public Megan's Law web site (www.meganslaw.ca.gov) who are high risk for violence have their elevated risk level displayed online.

Probation Departments, Parole and certified Treatment Programs have made extraordinary strides in providing accurate and reliable risk assessments of sex offenders. The SARATSO Committee acknowledges the dedicated professionals in the state who work so hard to make this system work. Knowing risk level is important for law enforcement and supervision officers monitoring sex offenders in the community, for treatment professionals who are dealing with them in their programs, and for the public, who can view the static risk level and whether an offender is high risk for violence for all offenders posted on the DOJ Megan's Law web site.

3. Sex Offenders on Post Release Community Supervision (PRCS)

California enacted the Post Release Community Supervision Act of 2011, and enacted Penal Code Section 3450 which created a new category of supervision for felons who have been sentenced to CDCR and served their sentence in State Prison. Those individuals, some of whom are sex offenders, are now supervised by the County Probation Departments and are classified under “Post Release Community Supervision” (PRCS).

As discussed previously, current law requires that all convicted sex offenders under “formal” County Probation supervision be managed in accord with the Containment Model. The law mandates that sex offenders be referred to, participate in and complete a CASOMB-certified treatment program.

As discussed previously, PRCS is not specifically referred to in Chelsea’s Law, the law that established the requirements of management of sex offenders in the community. As such, little is known about the risk level of many of these PRCS sex offenders, since there is no requirement that SARATSO risk instruments be utilized with them. CASOMB continues to be concerned that these sex offenders are not being managed in accord with best practices, specifically use of the Containment Model. It should be noted that some counties do attempt to manage their PRCS sex offender population in accord with Chelsea’s Law requirements.

However, pursuant to Penal Code Section 3451, PRCS sex offenders can be released from supervision after as little as six (6) months but in any event, they must be released from supervision by three (3) years. Research dictates that one (1) year may be too short to allow adequate specialized treatment. The exclusion of PRCS designated sex offenders from the requirements of the Containment Model is considered an oversight that requires a legislative fix.

Section 10.

Relevant Research

A. Overview

In addition to the commissioned research to the San Jose State University research team, CASOMB reviewed, conducted and participated in several research projects. Below is a summary to those that became significant to the work of CASOMB.

B. California Department of Justice Research



A recent study sponsored by the California Department of Justice (DOJ) [*The Predictive Validity Of Static-99R For Sexual Offenders In California: 2016 Update*; Seung Lee, 2016 – available at www.saratso.org] revealed that individuals under the supervision of DAPO demonstrated five-year recidivism rates that were lower than the overall international norm rates for offenders at similar risk levels. Although the research itself did not test and cannot support

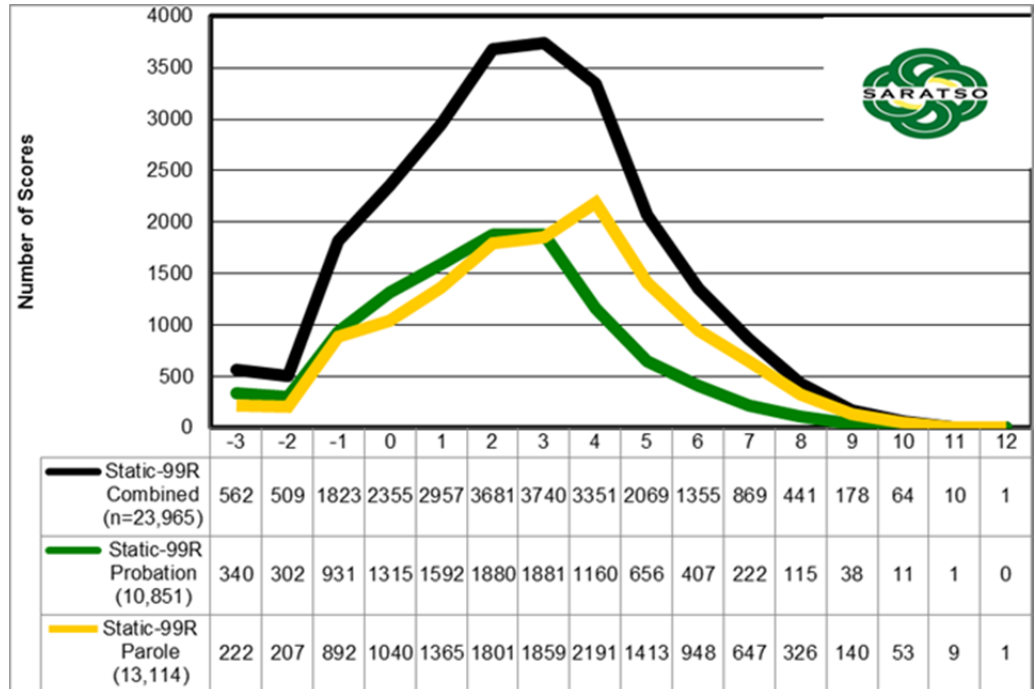
the following conclusion, it is not unreasonable to speculate that the lower recidivism rate was due to DAPO's management approaches and the implementation of specialized treatment for a large number of the high risk offenders.

DOJ research findings add more information. California is now required by law to conduct risk assessments on each registered sex offender under criminal justice supervision in the community using a highly-regarded and extensively-researched instrument to determine the likelihood that a particular sex offender will commit another sexual offense in the future.

Scores on this instrument (Static-99R) are gathered by DOJ staff. Training on the administration and use of this risk assessment tool is managed by the SARATSO Committee. It was anticipated by some that the scores for parolees would be higher for reoffending than for probationers. The assumption was that paroled sex offenders were more dangerous and more likely to reoffend than probationers. However, the research from DOJ has shown that the reoffense risk profiles for the parole population and for the

probation population are unexpectedly similar. Overall, the two groups are almost equally likely to reoffend. Parolees have only slightly higher scores, on average. It also follows

that those on probation are in need of interventions which will reduce the risk of reoffending and that those interventions should be no less intensive than those



provided to parolees.

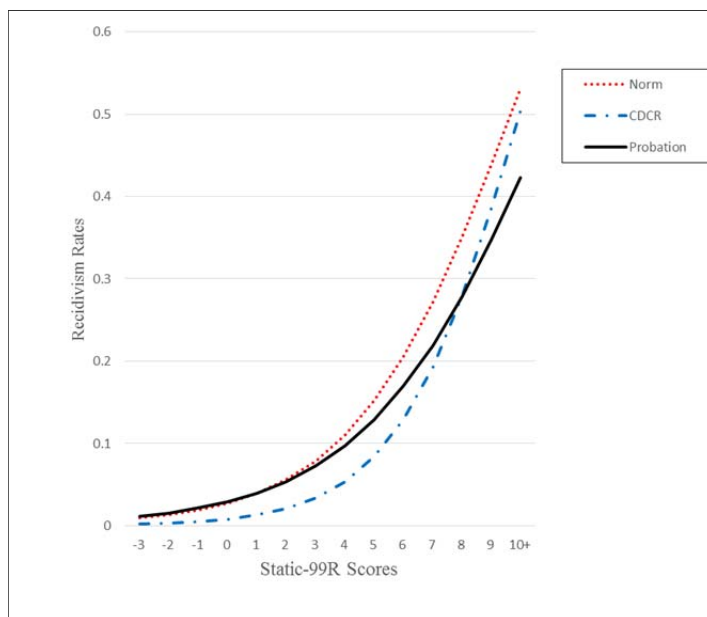
Figure: Chart shows Static-99R/Static-99 Risk Scores for California registrants submitted to the Department of Justice from 2007- 2015. (Report to the SARATSO Committee April 2016).

Contrary to the DOJ findings were seen with recent California data, which changes the outcomes significantly. With the introduction of new data, research tends to indicate that those sex offenders supervised under County Probation recidivate at a higher rate than those supervised by State Parole. “As expected, sex offenders paroled from state prisons had higher Static-99R scores than probation offenders. An unexpected finding, however, was that the average rate of sexual reoffense was higher for probation offenders than parolees. About 4% of parolees committed a new sex offense within five years after release from custody, compared to 6% of probation offenders.” (cf. SARATSO section of this 2016 Year-End Report) Although the percentage appears small, it represents a significant number of new victimizations which might have been prevented.

C. Joint Research by SARATSO/California Department of Justice

A recent study sponsored by the SARATSO Committee, which partnered with the California Department of Justice (DOJ) to do the study, [*The Predictive Validity Of Static-99R For*

Sexual Offenders In California: 2016 Update; Seung Lee, 2016 – available at www.saratso.org], revealed that parolees had five-year sexual recidivism rates that were lower than the overall international norm rates for sex offenders at similar risk levels. It is possible, although the study did not address the causes that the lower recidivism rate of parolees was due to CDCR implementation of specialized treatment for a large number of the high risk offenders. The cohort studied were those released in 2009-2010 and at that time – prior to the enactment and implementation of Chelsea’s Law – treatment slots had been made available to some but not to all sex offenders on parole and use of the full Containment Model was not yet mandated.



While CDCR parolees are being managed under the Containment Model and are receiving specialized treatment, it appears that only a portion of those supervised by County Probation Departments are being managed in the same way. As noted elsewhere, this situation differs from county to county. This means that CDCR parolees are being assessed for risk of sexual and other reoffending using static and dynamic risk instruments, while these instruments are not being uniformly used to assess offenders on County Probation.

Dynamic and future violence risk instruments are scored by treatment providers during the treatment program, and cannot be scored if an individual is not in specialized treatment. In the absence of risk information, supervision and intervention geared to reoffense risk classification is not possible. It may be that Probation supervision caseload levels are not low enough to allow effective supervision, management, and full Containment Team participation. Some probation departments do not have enough staff to designate smaller specialized sex offender caseloads.

The research demonstrates that offenders on Probation are almost equally likely to reoffend, and that parolees have only slightly higher risk levels than Probation offenders. It follows that Probation offenders are equally in need of supervision and treatment under the Containment Model. Preliminary indications are that the Containment Model has been successful in reducing expected sexual recidivism rates with the parolee population, and is further evidence that such resources should be made available for offenders being managed by Probation.

D. Public Policy Institute of California Report

In September 2016, the Public Policy Institute of California (PPIC) published a report titled: *California's Historic Corrections Reforms*. [www.ppic.org] According to the PPIC report, "Offenders released from state prison who are supervised by County Probation (i.e., those classified as PRCS) have higher recidivism rates than those supervised by state parole." This data does not refer specifically to sex offenders. PRCS sex offenders are not considered to be under "formal" probation department supervision and therefore are not managed in accord with the requirements of Chelsea's Law (Containment Model).

The report notes that sex offenders made up 9.5% of those released from state prison, that sex offenders accounted for 18.8% of those on CDCR parole, and that 3.3% of those offenders of all types released from prison were transferred to and supervised at the county level and were designated as "Post Release Community Supervision" (PRCS). The report does not indicate how many of those are sex offenders.

Additionally, the PPIC report compares recidivism in counties which were deemed to "prioritize reentry" as compared to counties which gave more emphasis to "enforcement." The availability of data restricted the findings to those released from state prison to County Probation supervision (PRCS) and so conclusions were not able to be drawn about those under "formal" County Probation Supervision. **The analysis cautiously concludes that felony reconviction rates were substantially lower in the counties that prioritized reentry and rehabilitative programming.** "Compared to the mean reconviction rates for all offenders included in this analysis, the one year reconviction rate for reentry-focused

counties was 28% lower, and the two year reconviction rate was 18% lower.” (Page 21)
Later, the report cautions that “... the current analysis is suggestive of better outcomes in reentry-focused counties, but not conclusive.” (Page 21)

The same study provides evidence that counties which have directed fiscal resources toward rehabilitative programming have reduced recidivism rates more successfully than counties which have allocated funds more toward punitive measures including incarceration. On page 26, the report states: “The lack of overall improvement in recidivism points toward the need for more effective reentry programs.”

Future Projects and Areas of Focus

A. Overview

CASOMB's statutory purview involves only **adult** sex offenders. However, over the course of 2016, more interest is given to juveniles who have sexually offended. The issue has relevance to the work undertaken by CASOMB, though it is not clear as to the extent of the complex dynamic of a juvenile who sexually assaults.

Additionally, CASOMB has not focused much attention on legal and procedural issues involving offenders who have been civilly committed to the Department of State Hospitals (DSH) as sexually violent predators. However, the aim of CASOMB is to ensure that state law and policy prioritization focuses the limited state resources on optimizing community safety and preventing sexual recidivism, especially by the highest risk offenders. Only a small proportion of registered sex offenders become involved in the SVP program. Currently the number is 910. Over the past ten years, fewer than seven out of every 1,000 sex offenders reviewed by DSH were ultimately committed as SVPs. Committed individuals may be released to the community after they have engaged in lengthy treatment and are determined to have substantially lowered their risk of reoffending. Since 2003, 36 SVPs have been conditionally released to a contracted program which provides intensive supervision and treatment. The complex, legally intricate and very costly SVP program continues to pose a large number of significant challenges.

B. CASOMB and Juveniles Who Have Sexually Offended

CASOMB's mandate is to communicate with multiple stakeholders to address statewide issues and concerns relating to the community management of adult sex offenders by identifying and developing recommendations to improve policies and practices. The goal is to reduce future sexual victimization and improve safety within our communities. However, there is one area that remains outside the scope of CASOMB's oversight; juveniles who sexually offend.

There have been great strides in the management of adult sex offenders since the inception of CASOMB, while juvenile sex offenders remain the overlooked population within our communities. In 2016, there were 1,645 juveniles on the sex offender registry in California, representing juveniles who have been committed to the Department of Juvenile Justice (DJJ, previously California Youth Authority) and are either still in custody or have been released into the community. This number represents a small percentage of the total number of juveniles who have sexually offended and does not include those who are under Probation supervision in the communities.

The total number of juvenile sex offenders under Probation supervision is unknown because there currently is no single statewide probation database that collects that information. The counties have been impacted over the last decade by a series of laws affecting the cost and placement of youth at DJJ. These changes to the law resulted in more juveniles released to Probation supervision, even though many counties do not have the facilities for, nor a statutory mandate to provide, the evidence-based sex offender-specific treatment program available at DJJ.

The juvenile justice system is designed to rehabilitate juvenile offenders through evidence based treatment and interventions, hold them accountable for their actions, using the least restrictive means to maintain public safety. The management of juvenile sex offenders varies among the counties across the state. Only those juveniles who are committed to DJJ are required to register pursuant to Penal Code Section 290. Lifetime registration for juveniles may impede their rehabilitation efforts, thus affecting decisions made in juvenile court.

Recently, an appellate court found it was an abuse of discretion for a juvenile court to commit a juvenile to DJJ rather than to a local facility, because incarceration at DJJ would hinder the juvenile's future placement options upon release, due to the duty to register as a sex offender that would automatically apply. (*In re Calvin S.* (2016) 5 Cal. App. 5th 522). Housing remains a difficult issue for juveniles who sexually offend, because there may be terms and conditions of parole that limit where registered sex offenders on parole can live, and because landlords may be reluctant to rent to registrants.

Most juvenile sex offenders are not required to register and management of this population does not fall under CASOMB's statutory mandate. As a result, there are no legislative standards for juvenile sex offender specific therapy, certification for juvenile sex offender programs or therapists, or the use of the Containment Model for juveniles. CASOMB believes that the management of juvenile sex offenders and juvenile registration laws need to be addressed at the state level.

C. Civil Commitment as “Sexually Violent Predators” – SVP Program

To date, CASOMB has not focused on legal and procedural issues involving offenders who have been civilly committed to the Department of State Hospitals (DSH) as sexually violent predators. However, the aim of CASOMB is to ensure that state law and policy prioritization of state resources on the highest risk offenders. SVPs represent the state's effort to treat and manage its highest risk sex offenders.

DSH is tasked with implementing the Sexually Violent Predator Act (SVP, WIC6600 et seq.), a civil commitment created in 1996 to target an extremely dangerous subset of sexually violent offenders who present a substantial likelihood for further sexually violent criminal behavior due to mental disorder. Inmates are committed as SVPs to the DSH by the Superior Court as the result of a multi-step evaluation process that begins during the last six months of the inmate's sentence to CDCR. The SVP population is serviced at Coalinga State Hospital (CSH). The single female SVP is committed to Patton State Hospital.

In 2016 (January to November), 2,123 cases were referred from CDCR (Part A screen); 38% (798) of which the DSH clinical case review (Part B) referred on for full evaluation. Among those completed evaluations (594), 5.2% (31) were referred to the DA as meeting SVP criteria. The trial outcome of whether these individuals will be committed as SVPs is not yet known.

There have been two substantive changes to the SVP law: the 2006 Jessica's Law and the Sex Offender Punishment and Control Act and the Realignment Act of 2011. The number

of evaluations conducted yearly by DSH more than tripled after the 2006 law change requiring one qualifying offense (two qualifying offenses were previously required), and the number found to meet the SVP criteria by DSH doctors also increased modestly since the passage of the 2006 Sex Offender Punishment and Control Act, from 3.7% to 5.9%.

However, the impact of the 2011 Realignment Legislation reduced the number of cases evaluated for SVP by nearly 50% due to diverting offenders from state prisons to county jails where SVP evaluations do not occur (i.e. 2019 in the year prior to Realignment and 741 in the year after Realignment). Overall, only a very small portion of those sexual offenders referred for SVP evaluation are ultimately committed as SVPs. For the past ten years, less than seven out of every 1,000 sex offenders reviewed by DSH were ultimately committed as SVPs, only seven (.7%).

Currently, there are 910 men committed pursuant to the SVP Act, however 48% of those are being detained having only met probable cause (Welfare and Institution Code 6600 et seq.) for SVP. The number of detained but not committed offenders has increased significantly over the past ten years, and it is not uncommon for the duration of detainee status to exceed ten years. Detainees are not eligible for conditional release, meaning they are not supervised (conditionally released) after release from the state hospital but instead are unconditionally discharged. Many detainees refuse to disclose and therapeutically process their sexual offending problems in their years at the state hospital because of pending commitment hearings, often on the advice of their attorneys. 282 SVPs will have parole time left upon discharge from the commitment and as such they will be subject the auspices of CASOMB and SARATSO.

Committed SVPs are detained and treated until they no longer meet the definition of an SVP or can be safely and effectively managed in the community through the state operated Conditional Release Program (CONREP), currently contracted by Liberty Healthcare. Currently, 36% of the men committed to DSH pursuant to the SVP Act participate in the voluntary treatment program. The in-patient cost to the state per SVP is approximately \$200,000 per year and the CONREP cost for each individual SVP while on conditional

release is approximately \$310,000 per year. CONREP placement is intended to expedite the eventual release from commitment through transitional care.

SVP CONREP is a comprehensive community based treatment and supervision program that assists the SVP in safely transitioning back to the community. CONREP SVP follows a Containment Model paradigm where a team of professionals comprised of the CASOMB certified treatment providers, polygrapher, case manager, DSH liaison, legal representative, security officer, and victim advocate assist in case decision making. Each offender is highly supervised, including active Global Position Satellite monitoring.

Since the first placement in 1998, there have been 38 SVPs in CONREP. Almost a third of this group has since been awarded unconditional release and another third are currently in CONREP. The remaining third have either been revoked for further in-patient treatment or deceased. Currently, there are additionally six SVPs who have been awarded conditional release under CONREP but continue to be detained at CSH due to lack of local housing for them. Impressively, none of the CONREP-placed SVPs have been detected for new sexual offending. The rate of new sexual offending for the several hundred SVPs who were unconditionally released since the enactment of the law in 1996 is not known.

In March 2015, the California State Auditor released an audit of the DSH Sex Offender Commitment Program, which focused almost entirely on the evaluation process that results in commitment or release of SVPs. The report concluded that the DSH can increase the consistency of its evaluation of sex offenders by improving its assessment protocol and training. The DSH has since implemented numerous changes in its training and quality review services for evaluators. The audit also recommended the Legislature change state law to allow DSH to stop an evaluation once the evaluator determines that one of the three criteria are not met. To date, no legislation has been introduced to address this recommendation.

There are several notable areas of challenge for the implementation of the SVP Act:

1. The high number of detainees at CSH. Detainees are not eligible for CONREP and are dis-incentivized from sincere treatment engagement at the hospital due to pending commitment legal proceedings.
2. DSH does not have a means of tracking recidivism for SVPs after they are unconditionally released.
3. The SVP statute does not allow CSH to provide an opinion about readiness for conditional release to the court. The SVP must petition the court for release.
4. Because the SVP statute requires community notification hearings and Jessica's Law compliant housing, finding suitable CONREP housing is a significant barrier to placement in the community of those who actually do complete the in-patient treatment program.
5. By statute, SVP evaluation occurs only for individuals in the custody of CDCR, and who are serving a determinate prison sentence or whose parole has been revoked. Since the 2011 Realignment Legislation, the number of parolees revoked and in custody of CDCR has reduced significantly. Thus, no SVP evaluation is being conducted for this population who prior to 2011 would be assessed for SVP. The Realignment Legislation has led to significant reductions in the total number referred to DSH for evaluation. The impact of this SVP evaluation gap in detecting the state's highest risk sexual offender is not known.

Appendix A

CASOMB Data on Registered Sex Offenders in California

Sex Offender REGISTRATION IN COMMUNITY	Registered	Listed on Megan's Law Website
	January 2008	67,710
December 2016	75,218	51,170

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 2016	22,560	Unknown	910	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 2016	8,720	Unknown	Unknown	Unknown	14

*Utilizing a grant from Legislature, CASOMB is completing research efforts to present this important data.

Appendix B Registered Sex Offenders by County

COUNTY	Estimated County Population as of January 2016*	Sex Registrants in Community**	COUNTY	Estimated County Population as of January 2016*	Sex Registrants in Community**
Alameda	1,627,865	1,709	Orange	3,183,011	2,217
Alpine	1,166	1	Placer	373,796	345
Amador	37,707	55	Plumas	19,879	40
Butte	224,601	595	Riverside	2,347,828	2,920
Calaveras	45,207	85	Sacramento	1,495,297	3,678
Colusa	21,948	29	San Benito	56,648	101
Contra Costa	1,123,429	1,018	San Bernardino	2,139,570	3,496
Del Norte	26,811	111	San Diego	3,288,612	2,967
El Dorado	183,750	212	San Francisco	866,583	838
Fresno	984,541	1,802	San Joaquin	733,383	1,359
Glenn	28,668	48	San Luis Obispo	277,977	347
Humboldt	135,116	324	San Mateo	766,041	562
Imperial	185,831	181	Santa Barbara	446,717	480
Inyo	18,650	29	Santa Clara	1,927,888	2,560
Kern	886,507	1,798	Santa Cruz	275,902	306
Kings	150,373	292	Shasta	178,592	610
Lake	64,306	256	Sierra	3,203	6
Lassen	30,780	84	Siskiyou	44,739	157
Los Angeles	10,241,335	12,400	Solano	431,498	670
Madera	155,349	332	Sonoma	501,959	571
Marin	262,274	86	Stanislaus	540,214	958
Mariposa	18,159	53	Sutter	97,308	202
Mendocino	88,378	191	Tehama	63,934	198
Merced	271,579	589	Trinity	13,667	51
Modoc	9,638	47	Tulare	466,339	860
Mono	13,721	9	Tuolumne	54,900	123
Monterey	437,178	541	Ventura	856,508	850
Napa	142,028	140	Yolo	214,555	280
Nevada	98,095	132	Yuba	74,345	269
			TOTAL	39,255,883	51,170
<small>*State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2015 and 2016. Sacramento, California, May 2016. ** Registrants living in the community, by county, as of December 9, 2016, California Sex and Arson Registry.</small>					

