

Year End Report

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California Sex Offender Management Board (CASOMB)



and the
State Authorized Risk Assessment Tools for Sex
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Executive Summary

In this annual report to the Legislature, the California Sex Offender Management Board (CASOMB) and the State Authorized Risk Assessment Tool for Sex Offenders (SARATSO) Committee again identify evidence-based solutions to some of the major issues facing the state in the area of sex offender management.

Observations and Recommendations for 2016

1. TIERED REGISTRATION

CASOMB Recommendation: **Change California’s System for Tracking Individuals who have been Convicted of a Registerable Sex Offense from Universal Lifetime Registration for All to a “Tiered” Registry**

CASOMB’s number one recommendation to improve effective containment and tracking of sex offenders in California continues to be to restructure the sex offender registry into three risk-based tiers. The CASOMB proposal would eliminate lifetime registration for designated lower risk offenders who cooperate and remain offense-free for ten to twenty years. This approach would allow law enforcement to concentrate its efforts on those higher risk offenders who are, by comparison, much more likely to commit another sex offense.

2. RESIDENCE RESTRICTIONS AND EXCLUSION ZONES

CASOMB Recommendation: **Use a Case-by-Case, Research-Based Approach to Residence Restrictions and Exclusion Zones**

The Board believes that the authorization of state parole and county probation departments to restrict where specific individuals under their authority may live is a much better policy than blanket, one-size-fits all residence restrictions or exclusion zones. Supervising agencies are currently authorized to make and enforce such determinations as long as there is a significant connection between the crime of conviction and the restriction. There is no research or empirical evidence demonstrating that blanket exclusion zones that apply to all sex offenders are effective in protecting the public. Local policies restricting where

sex offenders can live (residence restrictions) or even be present (exclusion zones) appear to have unintended effects which actually decrease public safety. Since no research demonstrates that such policies are effective in protecting communities CASOMB strongly advocates against allowing such policies to be set and implemented at the state level on these issues. CASOMB strongly recommends that these types of policies not be allowed to be determined at the local level.

3. RISK ASSESSMENT OF SEX OFFENDERS

CASOMB Recommendation: **Continue to Support and Fund Sex Offender Risk Assessment in California to Increase Score Accuracy and Support Cost-Effective Policies**

National experts praised California's sex offender risk assessment scheme in 2015, noting that new research found remarkably high levels of predictive accuracy for California risk scores. California's "**results were among the best of all studies conducted on the [Static-99] scale, or any other risk scale.**" This was attributed to the rigorous SARATSO training requirements in California, which require substantial training to certify scorers on the risk assessment instruments and re-training every two years. Currently, however, the Legislature does not provide funding to SARATSO for personnel to audit score submissions.

Research needs to continue in order to improve the effective use of risk assessment efforts and support sex offender management policies and practices based on scientific knowledge. The California Department of Justice (DOJ) and the SARATSO Review Committee have partnered for the past several years, without additional funding, to provide data for experts in the field of sex offender recidivism to analyze sexual re-offense rates in California. The studies review the effectiveness of the Static-99 to assess risk in California. Funding of additional staff positions for DOJ and SARATSO is necessary to continue this vital work.

4. KNOWLEDGE GAPS ABOUT CALIFORNIA'S SEX OFFENDER POPULATIONS

***CASOMB Recommendation:* Remedy the Unacceptable Gaps in What Is Known About Sex Offenders in California by Funding California Research Relating to Sex Offender Management and Risk Assessment**

Knowledge about the sex offender population provides a crucial foundation for developing effective management policies, yet there are significant gaps in California's knowledge regarding the state's sex offenders. There is, for example, no statewide database containing information about how many sex offenders are on county probation and how many sex offenders are supervised under the Post Release Community Supervision (PRCS) status created by California's Public Safety Realignment. The needed database should also provide information regarding which offenders are receiving mandated sex offender-specific treatment in certified programs along with risk assessments and polygraph examinations. The state does not know how many sex offenders on county probation are actually being supervised under the Containment Model or the reasons why this is not happening even when legally required. Most observers believe that this is a widespread problem and that the biggest impediment to following the law is created by the inability of many individual offenders to pay. **The state currently funds Containment programs only for parolee sex offenders, even though many high-risk sex offenders are supervised by county probation.**

5. COLLABORATION BETWEEN VICTIM ADVOCATES AND SEX OFFENDER MANAGEMENT PROFESSIONALS

***CASOMB Recommendation:* Provide Funding to Support and Strengthen Partnerships Between Victim Advocates and Sex Offender Management Professionals**

There is a need for an increased commitment from the state in order to fund partnerships between victim advocates and sex offender management professionals. Yet there is no fiscal support which would enable victim advocates to bring a survivor perspective to managing sex offender in the Containment Model. Currently, the state General Fund

contributes a total of only \$45,000 to sexual violence programs for survivors, yet there are over 2 million Californians who are survivors of rape and 8 million who are survivors of other forms of sexual violence. The California Coalition Against Sexual Assault (CALCASA), which is represented on the CASOMB Board, notes the need to ensure that: (1) victims have access to treatment and support services; (2) each community has access to sexual violence prevention education; and (3) victim advocates can participate in cross-training and local sex offender management “Containment Model” systems.

6. USE OF POLYGRAPH IN THE CONTAINMENT MODEL

CASOMB Recommendation: **Informed Use of the Polygraph in the Sex Offender Containment Model Is Necessary To Monitor Registrants on Supervision**

In December of 2015, a new CASOMB report on pending legal challenges and proper use of polygraph examinations as a key component of the Containment Model was posted at www.casomb.org, under Reports. CASOMB and SARATSO will continue in 2016 to train probation officers and treatment providers about the Containment Model, including use of the polygraph and Fifth Amendment waiver, thanks to grant funding provided through California DOJ. Under its Sex Offender Management Program (SOMP), the California Department of Corrections and Rehabilitation (CDCR) provides monthly in-house training for parole agents about sex offender Containment Model principles and best practices.



CASOMB Data on Registered Sex Offenders in California

Sex Offender REGISTRATION IN COMMUNITY	Registered	Listed on Megan's Law Website
	January 2008	67,710
January 2015	74,956	58,296
December 2015	74,018	57,440

Sex Offenders IN CUSTODY	In State Prisons	In County Jails	In Civil Commitment (SVP)	In Other State Hospitals
	January 2008	22,474	Unknown	655
January 2015	22,225	Unknown	895	Unknown
December 2015	22,417	Unknown	886	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
January 2015	6,148	Unknown	Unknown	Unknown	15
December 2015	8,208	Unknown	Unknown	Unknown	12

*Utilizing a grant from Legislature, CASOMB has begun research efforts to gather this important data.

1. Tiered Registration

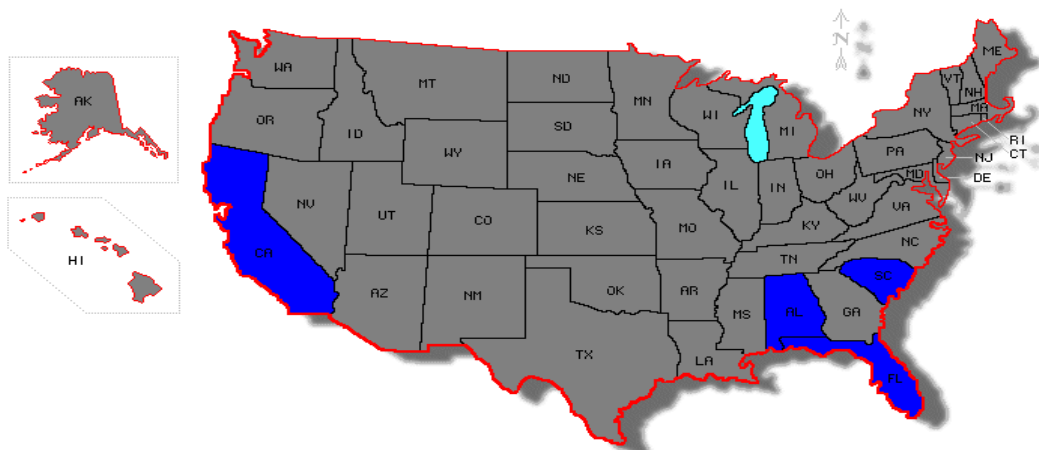
CASOMB RECOMMENDATION: Change California’s system for tracking individuals who have been convicted of a registerable sex offense from universal lifetime registration for all to a “tiered” registry.

The implementation of Tiered Registration remains CASOMB’s number one priority and recommendation to the Legislature. Currently California requires every individual convicted of most sex offenses to register for life. After reviewing the relevant research and surveying registration practices across the United States, CASOMB concluded that public safety and sex offender management would be better served in California if the state took action to modify its sex offender registration policies. California’s current laws and policies have been in place since 1947 - a period of nearly 70 years.

The time has come to move California to a “tiered” registration system, similar to those used in 46 other states. (Only Florida, South Carolina, Alabama and California currently have “universal lifetime” registration systems.)

United States Sex Offender Registration

- - Tiered Registry
- - Universal Registry



Source: dlymaps.net (c)

CASOMB previously published an extensive background publication on this issue. It is available at www.casomb.org. (Reports: 2014 Reports - **Tiering Background Paper** - April 2014.) In its other Reports, CASOMB has repeatedly recommended such a change.

The basics of CASOMB's proposal for "tiered" registration involve creating three levels of registration requirements, each with its own duration of registration – lifetime, twenty years, or ten years.

- **Tier 3** – This highest level requires lifetime registration for individuals who have committed specified crimes, multiple crimes or who have been assessed to be at high risk of committing a new sex crime.
- **Tier 2** - The middle level requires twenty (20) years of registration based on the nature of the crime or the risk level.
- **Tier 1** - The lowest level requires ten years of registration for those whose crimes were less serious or who are assessed to be a low risk to reoffend with a new sex offense.

Lower risk registrants in the two lower tiers- if they have remained compliant with registration requirements - would automatically drop off the registry if they reach the ten or

The conclusions reached by the Sex Offender Management, Assessment and Planning Initiative Task Group convened by the United States Department of Justice's SMART Office include the following statement about the importance of evidence in determining effective policies:

"Despite the intuitive value of using science to guide decision-making, laws and policies designed to combat sexual offending are often introduced or enacted in the absence of empirical support.

"However, there is little question that both public safety and the efficient use of public resources would be enhanced if sex offender management strategies were based on evidence of effectiveness rather than other factors."

(US Department of Justice website: <http://www.smart.gov/SOMAPI/pfv.html>)

twenty year benchmark without committing a new sex crime or violent offense.

Tiering would enable law enforcement to use the registry more effectively to identify higher risk offenders and to focus on those who most need to be monitored. This is in accord with the “Risk Principle” which states that those at higher risk should receive greater attention, but that there is little or no benefit from continuing to invest resources to monitor those who are at lower risk to reoffend. Tiering would achieve considerable fiscal savings by discontinuing the monitoring of those thousands of registrants who pose a negligible threat to community safety after 10 or 20 years.

CASOMB believes that shifting California to a tiered registry should be the Legislature’s highest priority in the area of sex offender management because of the potential for increased community safety and improved management of sex offenders in California.

CASOMB is convinced that public safety demands that we shift our resources to more intense tracking of those who pose a significant risk of creating new victims and to other effective approaches to sex offender management.

CONSIDER: Tiering would achieve considerable fiscal savings by discontinuing the monitoring of those thousands of registrants who pose a negligible threat to community safety after 10 or 20 years.

2. Residence Restrictions and Exclusion Zones

CASOMB RECOMMENDATION: Use a Case-by-Case, Research-Based Approach to Residence Restrictions and Exclusion Zones.

Two different issues with respect to the locations where registrants may live and where they may go are of substantial concern to the Board. There are indications that, during its current session, the Legislature will consider a number of bills related to these issues.

Although California law does not currently impose blanket restrictions on where sex offenders may live (“residence restrictions”) or restrict where they may go (“exclusion zones”), there is reason to believe that the questions about the effectiveness and wisdom of such policies will recur.

Legal Background of Residence Restrictions in California



California Supreme Court Decision: *Blanket Sex Offender Residence Restrictions Held Unconstitutional When Insufficient Affordable Housing Is Available to Registrants*

Proposition 83, also known as Jessica's Law, was enacted on November 7, 2006. Jessica's Law included a residence restriction component that barred specified registered sex offenders from living within 2,000 feet of a school or park where children congregate. (Penal Code, § 3003.5(b).)

However, there was no penalty defined or included in the law. Additionally, the enacted residence restriction was placed in a section of the Penal Code that codified parole restrictions and was therefore generally enforced only with regard to parolees. The restrictions applied to all sex offender parolees regardless of whether their



past crimes had any nexus to their proximity to parks, schools or children. The unintended consequence was a significant increase in the number of transient sex offenders.

This change to the Penal Code created a huge challenge to finding compliant housing for all registered sex offenders under parole supervision and for those on probation when it was applied by local authorities.

On March 2, 2015, the California Supreme Court decided two cases which changed the way California authorities must deal with residence restrictions: *People v. Mosley* (2015) 60 Cal.4th 1044 and *People v. Taylor* (2015) 60 Cal. 4th 1019. In *Mosley*, the defendant had been acquitted of a sex offense, but found guilty of misdemeanor assault. The court ordered him to register as a sex offender based on his sexual motivation for the assault. The defendant argued that the residence restriction was punitive, and that he should have been granted a jury trial to decide on the issue of whether he was required to register. His argument revolved on his claim that residence restrictions constituted a “punishment” and that imposing such a punishment was not within the legitimate purview of the sentencing judge. The court disagreed and said the trial court has the discretion to determine whether sex offender registration should be ordered at sentencing and that registration and its accompanying consequences – including residence restrictions – did not constitute punishment. *Mosley* upheld the constitutional validity of the law on its face.

However, the Court found in another case that the residence restriction law was unconstitutional as applied in a county with insufficient affordable housing located outside the 2,000 foot zone around schools and parks. (*In re Taylor* (2015) 60 Cal. 4th 1019.)



In *Taylor*, the California Supreme Court found that the residence restriction statute enacted in Jessica’s Law was unconstitutional as applied to registrants in San Diego County due to a lack of compliant and affordable housing for sex offenders. San Diego – along with many other counties - lacks sufficient

affordable and actually available rental housing stock in locations farther than 2,000 feet (almost a half mile) from a school or park. Although the decision itself only addressed the situation in San Diego County, clearly the implications of the Taylor decision had findings that needed to be faced statewide.

The California Supreme Court's decision in *In re Taylor* (2015) 60 Cal. 4th 1019, affirmed that such restrictions, as applied in San Diego County, were unconstitutional. The Supreme Court noted that:

Blanket enforcement of the residency restrictions against these parolees has severely restricted their ability to find housing in compliance with the statute, greatly increased the incidence of homelessness among them, and hindered their access to medical treatment, drug and alcohol dependency services, psychological counseling and other rehabilitative social services available to all parolees, while further hampering the efforts of parole authorities and law enforcement officials to monitor, supervise, and rehabilitate them in the interests of public safety. It thus has infringed their liberty and privacy interests, however limited, ***while bearing no rational relationship to advancing the state's legitimate goal of protecting children from sexual predators***, and has violated their basic constitutional right to be free of unreasonable, arbitrary, and oppressive official action.

(*In re Taylor* at p. 1023.) (Emphasis added.)

Following the *Taylor* decision and the follow-up policy determinations made by state agencies to determine the applicability of residence restrictions affecting offenders in other counties, there is no longer a blanket one-size-fits-all residence restriction policy in California. CASOMB welcomed the decision in *Taylor* and continues to recommend that residence restrictions – as well as exclusion zones - be determined on a case-by-case basis, depending on risk factors pertaining to individual sex offenders. The decision requires CDCR and probation to consider whether there is a reason to impose the residence restriction based on factors known about the offense and the offender. (*People v. Lent* (1975) 15 Cal.3d 481, 486.

CONSIDER: There is no scientific research or empirical evidence demonstrating that exclusion zones for sex offenders actually help to protect the public.

CASOMB has, for much of its existence, concluded that the enforcement of blanket residence restrictions against all registrants is not a good policy for California. The Board believes that the authorization of state parole and county probation departments to restrict, on a case-by-case basis, where specific individuals under their authority may live is a much preferable policy. This approach is currently in use and should continue.

The conclusions reached by the Sex Offender Management, Assessment and Planning Initiative Task Group convened by the United States Department of Justice's SMART Office include the following statement about the effectiveness of residence restrictions:

*"Finally, the evidence is fairly clear that residence restrictions are not effective. In fact, **the research suggests that residence restrictions may actually increase offender risk** by undermining offender stability and the ability of the offender to obtain housing, work, and family support. There is nothing to suggest this policy should be used at this time.*

"Restrictions that prevent convicted sex offenders from living near schools, daycare centers, and other places where children congregate have generally had no deterrent effect on sexual reoffending, particularly against children. In fact, studies have revealed that proximity to schools and other places where children congregate had little relation to where offenders met child victims.

"Recommendations: SOMAPI forum participants do not recommend expanding the residency restriction policy."

US Department of Justice website: <http://www.smart.gov/SOMAPI/pfv.html> (Emphasis added.)

CASOMB reiterates fact that there is no scientific research or empirical evidence demonstrating that exclusion zones for sex offenders actually help to protect the public. Since local policies restricting where sex offenders can live or travel may have unintended effects injurious to public safety, and since no research demonstrates that such policies are effective in protecting communities, CASOMB strongly advocates against allowing policies to be set at the local level on these issues. A uniform approach to sex offender management by the state has been held to occupy the field of sex offender management, for excellent policy reasons. (See *People v. Nguyen* (2014) 222 Cal.App.4th 1168.) Patchwork laws create confusion and make monitoring sex offenders more difficult.

The International Association for the Treatment of Sexual Abusers (ATSA) has concluded that residence restrictions actually increase the risk of sexual re-offense:

“Research consistently shows that residence restrictions do not reduce sexual reoffending or increase community safety... Therefore, ATSA does not support the use of residence restrictions as a feasible strategy for sex offender management.” The unintended consequences of residence restrictions include transience, homelessness, instability, and other obstacles to community reentry that may actually compromise, rather than promote, public safety. Offenders are often pushed to areas that are more rural (the higher the population density, the more likely neighborhoods include schools, parks, etc.) which often leads to diminished access to specialized treatment and close monitoring by law enforcement professionals, as well as disproportionately clustering offenders in areas with more compliant housing. Employment and housing disruption, as well as separation from supportive and/or dependent family members, can hinder effective treatment and may interfere with the overall goal of reducing recidivism and re-victimization. **Thus, residence restrictions, aimed at improving community safety may inadvertently create an environment in which offenders are at an increased risk to reoffend.**

“Sexual Offender Residence Restrictions,” found online at: <http://www.atsa.com/management-sexual-offenders> (Emphasis added.)

Important New Research on Reoffending by Transient Sex Offenders

Since the goal of sex offender management is to decrease the risk of new sexual crimes by previously convicted offenders, the following new information about the impact of transience on recidivism is of crucial importance. The key question is this: Does transient status – much of which is created by residence restrictions - increase or decrease the rate of recidivism? The California Department of Justice (DOJ) provided a verbal report to CASOMB regarding a 2016 DOJ/SARATSO research study on rates of sexual re-offense in California. (The expected publication date is 2016.) Data shows that about 18% of sexual re-offenses in the probation sex offender group were committed by offenders who were registered as transients at the time of arrest for the new sex offense and that 29% of sexual re-offenses in the parolee sex offender group were committed by offenders who were registered as transients at the time of re-arrest. Yet only about 8% of registered sex offenders in the community are transient. Obviously, *transient status is associated with*

higher recidivism rates. The number of transient sex offenders dramatically increased when blanket residence restrictions were imposed. CASOMB has long recommended state adoption of policies that discourage transiency. The Legislature should reject policies, such as blanket residence restrictions and exclusion zones, which significantly increase homelessness among registered sex offenders.

3. Risk Assessment of Sex Offenders

CASOMB RECOMMENDATION: Continue to Support and Fund Sex Offender Risk Assessment in California – Including Training, Audits, and Research to Increase Score Accuracy and Support Cost-Effective Policies.

The State Authorized Risk Assessment Tool for Sex Offenders Review Committee (SARATSO), working in conjunction with CASOMB, has continued to move California forward in utilizing a risk-based model for sex offender management. California has made

CONSIDER: The most effective approach is to identify each offender's level of risk and devote the greatest amount of resources to managing offenders who are at higher risk to commit a repeat offense.

great progress in utilizing risk assessment to help implement the "Risk Principle" in the state's sex offender management efforts. The Risk Principle says that the most effective approach is to identify each offender's level of risk and then devote the greatest amount of resources to managing those who are at higher risk to commit a repeat offense.

1. Ongoing Training on How to Score Risk of Sexual Reoffending

In 2015, SARATSO continued to provide training to probation officers, parole agents, Department of State Hospital personnel and sex offender treatment providers on how to score the four SARATSO-approved risk assessment instruments:

- **The Static-99R:** This "static" sex offender risk assessment, the most widely used instrument of its kind in the world, measures the risk of sexual re-offense by adult males based on unchanging (historical or "static") risk factors.
- **JSORRAT-II:** This "static" juvenile sex offender risk assessment instrument measures risk of sexual re-offense by male juveniles based on unchanging risk factors.



- **Stable-2007/Acute-2007:** These dynamic risk assessment tools measure (changing) risk factors which are empirically related to risk of re-offense.
- **LS-CMI (Level of Service/Case Management Inventory):** This instrument, the most widely used of its kind in the world, measures the risk of violent re-offending using a combination of static and dynamic risk factors.

SARATSO staff assisted in successfully coordinating 56 statewide trainings on these risk assessment instruments. Staff also provided ongoing guidance and oversight to the hundreds of certified scorers and trainers, an essential component in maintaining consistent scoring standards throughout the state.

2. Recognition of SARATSO’s Efforts and California’s Success

The high quality of SARATSO’s training efforts and quality control measures were recently recognized in an article, *“What Makes a “Good” Risk Assessment? A Note on the Importance of Quality Control”*, authored by Leslie Maaik Helmus, PhD., (Association for the Treatment of Sexual Abusers (ATSA), November 13, 2015). Dr. Helmus compared two states, Texas and California, which mandated the use of the Static-99R but attained significantly different results in the predictive accuracy of the Static-99R.

Example: A Tale of Two States

“Among many states to mandate the use of Static-99/R for imprisoned sex offenders are Texas and California. Texas found low predictive accuracy – [their results](#) were lower than most studies of the scale. In contrast, California [found remarkably high levels of predictive accuracy](#) – their results were among the best of all studies conducted on the scale, or any other risk scale.”

<http://sajrt.blogspot.com/2015/11/what-makes-good-risk-assessment-note-on.html>

Dr. Helmus attributed the varying results in part to California’s thorough statewide implementation of training on the Static-99R risk assessment instrument and to an established quality control system. This includes mandatory training for all scorers by

a certified trainer every two years utilizing a standardized SARATSO-approved curriculum.

3. Increasing Compliance with Score Submissions

The California Department of Justice (DOJ) partnered with SARATSO to assess probation departments' submission of risk scores to DOJ in 2015. The county probation departments showed great progress over the preceding year in assessing sex offenders prior to sentencing and submitting the risk scores to DOJ as is now required. Awards were announced in fall 2015 for the best submission rates for a large county (Santa Clara), moderate size county (Fresno) and small county (Amador, Colusa, Glenn, Lake, Mariposa, Monterey, Modoc, San Benito, and Sonoma). Special recognition was given to extraordinary efforts by two counties (Los Angeles, Riverside) to score as many of these offenders as possible. Counties can only score 100% of such offenders if the courts refer all cases to probation – presentencing - for scoring.



4. Practical Use of Risk Scores in Containment of Sex Offenders

The risk scores are made a part of the offender's record in the California Sex Offender Registry maintained by DOJ. The Static-99R scores are provided to the sentencing court to allow informed decision making on probation decisions by the trial courts. Dynamic and violence risk instruments are scored by SARATSO certified scorers in the state's CASOMB-certified specialized treatment programs. Those scores are shared, for case-management purposes, with parole and probation officers and are also submitted to DOJ.

CONSIDER: Static-99R scores are provided to the sentencing court to allow INFORMED DECISION MAKING on probation decisions by the trial courts.

Offender Registry maintained by DOJ. The Static-99R scores are provided to the sentencing court to allow informed decision making on probation decisions by the trial courts. Dynamic and

In May of 2015, at the annual conference of the California Coalition on Sexual Offending (CCOSO - the statewide treatment providers' organization), two members of the SARATSO Committee presented a class for probation officers, parole agents and treatment providers on how to use sex offender risk scores to establish and tailor appropriate terms and conditions of parole or probation and how to include consideration of the scores in case-management decisions within the Containment Model.

5. DOJ/SARATSO Sex Offender Recidivism Study

The California Department of Justice partnered with the SARATSO Committee to conduct an ongoing study on sexual recidivism, which is also a validation study of use of the Static-99R, the state's static risk assessment instrument for sex offenders. The latest data will be analyzed under the direction of the world's foremost expert on sex offender risk assessment, Dr. Karl Hanson, and is expected to be published in 2016. The new five-year study contains recidivism rates on about 1,500 sex offenders who were released on probation and parole in California. In 2017 the SARATSO Committee will publish a 10-year follow-up of the first recidivism study done by DOJ/SARATSO on 475 paroled sex offenders. That study was published in 2014. (Hanson, R.K., et al., *The Field Validity of Static-99/R Sex Offender Risk Assessment Tool in California*, 1 Journal of Threat Assessment and Management, No. 2, 102–117(2014) **Both studies show that the Static-99R is doing a very good job of predicting risk of sexual re-offense among sex offenders in California.** This finding strongly supports the effectiveness of following the "Risk Principle" (focus more intensively on those most likely to reoffend) in the state's management of sex offenders. The research is also providing information which will be useful in advancing and adjusting sex offender management practices and policies in the state.

4. Knowledge Gaps about California's Sex Offender Populations

CASOMB RECOMMENDATION: Remedy the Unacceptable Gaps in What is Known About Sex Offenders in California.

There has never been and currently still is no single repository for the various types of data that, when gathered, can make comprehensive information available to policy makers and those who guide sex offender management practices around the state. The single greatest gap is the lack of data about registered sex offenders on probation. CASOMB's 2015-2016 budget included funding to support research to determine what is known and unknown about sex offenders and sex offender management practices in California. Having dependable data on these issues is imperative to support planning and informed decisions in the service of creating effective policies in California.

This year, as a result of the relatively modest grant of funding, CASOMB took the first step toward establishing such a database and toward developing protocols for independent researchers to access sex offender information in California. CASOMB contracted with San Jose State University's Department of Justice Studies to carry out research that will be a resource for many stakeholders and help guide the Board's policy recommendations for California.

More specifically, the research effort will initially address one particular problem: CASOMB has been unable to identify precisely how many sex offenders on probation are accessing sex offender treatment services under the mandatory Containment Model because **there is no statewide database**. Information is needed in two areas: first, how many sex offenders are on probation? Second, how many of those individuals are in treatment under the Containment Model, as required by state law?

CONSIDER: Complete, dependable data is imperative to support planning and informed decisions when creating effective policies in California.

The research explores why some offenders are not in treatment. Unknown are the number who are **unable to enroll in treatment due to their inability to pay**. It appears likely that the lack of funding for the Containment Model programs for those on probation excludes an unknown number of registered sex offenders from Containment Model supervision and treatment.

In addition, it is likely that, in some locations, even offenders who might have the ability to pay may not be able to participate in the Containment Model treatment and supervision programs because **treatment programs do not currently exist in every county**. Research funded until June 2016 will identify needed information about gaps in treatment and containment efforts. Without further legislative funding for research, it is uncertain whether and how CASOMB might be able to continue this effort.

5. Collaboration between Victim Advocates and Sex Offender Management Professionals

CASOMB RECOMMENDATION: Provide Funding to Support and Strengthen Partnerships Between Victim Advocates and Sex Offender Management Professionals.

Victim Advocates and Containment

A core tenet of the Containment Model is the principle that the management of those who have committed sexual offenses should be based on a victim-centered approach. California, like other states, is challenged with how to effectively integrate victim advocacy into the Containment Model. Through CASOMB and other forums, California has been exploring where the goals of those working with victims intersect with those of the professionals who work directly with offenders.



A clear area of intersection is that both groups share the goal of prevention. Victim advocates work to help those who have been victimized to heal but they also focus on changing societal norms and attitudes that foster environments in which sexual violence occurs. Treatment providers focus on holding individual sex offenders responsible for the harm they have caused and assisting them in recognizing and redirecting inappropriate thoughts and feelings that form the basis for their perpetration. **Both groups therefore share the goal of *preventing sexual violence perpetrated by previously identified offenders.***

Building partnerships between these two groups would be beneficial in preventing sexual violence in California. This year, proactive efforts to build bridges between treatment providers and community-based advocates (rape crisis centers) have begun to break down silos between the two groups. In 2015, 138 probation officers were trained in the Containment Model. A portion of those trainings was conducted by representatives from the

California Coalition Against Sexual Assault (CALCASA) and focused on the importance of working with victim advocates. Additionally, CALCASA hosted the National Sexual Assault Conference in 2015 and offered multiple workshops about the role of victim advocacy within treatment for sex offenders. Conference attendees were primarily comprised of victim advocates, making the workshop content essential to developing a better understanding among each group.

There is a need for an increased commitment from the state in order to fund partnerships between victim advocates and sex offender management professionals. Currently, the state General Fund contributes a total of 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 minimal funding provided by the state, victim service/rape crisis center programs are already extremely stretched in their ability to treat those impacted by sexual violence. In order to improve coordination and prevention efforts in the state, there is a need for:

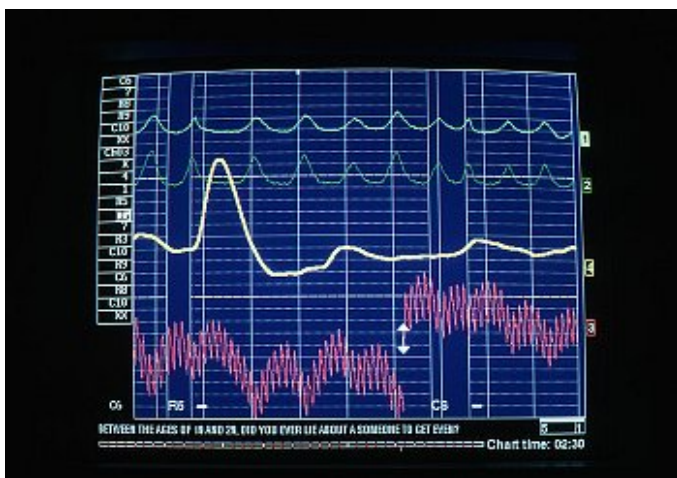
1. Increased funding to ensure that victims have access to treatment and support services
2. Increased funding to ensure the each community in the state has access to sexual violence prevention education
3. Increased funding to enable victim advocates to substantially participate in cross-training and local sex offender management systems
4. Resources to fund multidisciplinary teams at the statewide policy level

The required approach requires acknowledgment of the need for the availability of treatment services for victims, as well as better integration of victim needs in sex offender management policies and practices. 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 directions.

6. Use of Polygraph in the Containment Model

CASOMB RECOMMENDATION: Informed Use of the Polygraph in the Sex Offender Containment Model Is Necessary To Monitor Registrants on Supervision.

In December of 2015, a new CASOMB report on pending legal challenges and proper use of polygraph examinations as a key component of the Containment Model was posted at www.casomb.org, under Reports.



Current law requires use of polygraph examinations and waiver of the Fifth Amendment privilege for purposes of Containment Model supervision and sex offender-specific treatment for registered individuals on probation and parole. (Penal Code, §§ 1203.067, subd. (b); 3008, subd.(d).) This requirement could change after the California Supreme

Court reviews the constitutionality of these laws in pending cases. The lead case is *People v. Friday* (S218288.) For now, the law is still in effect.

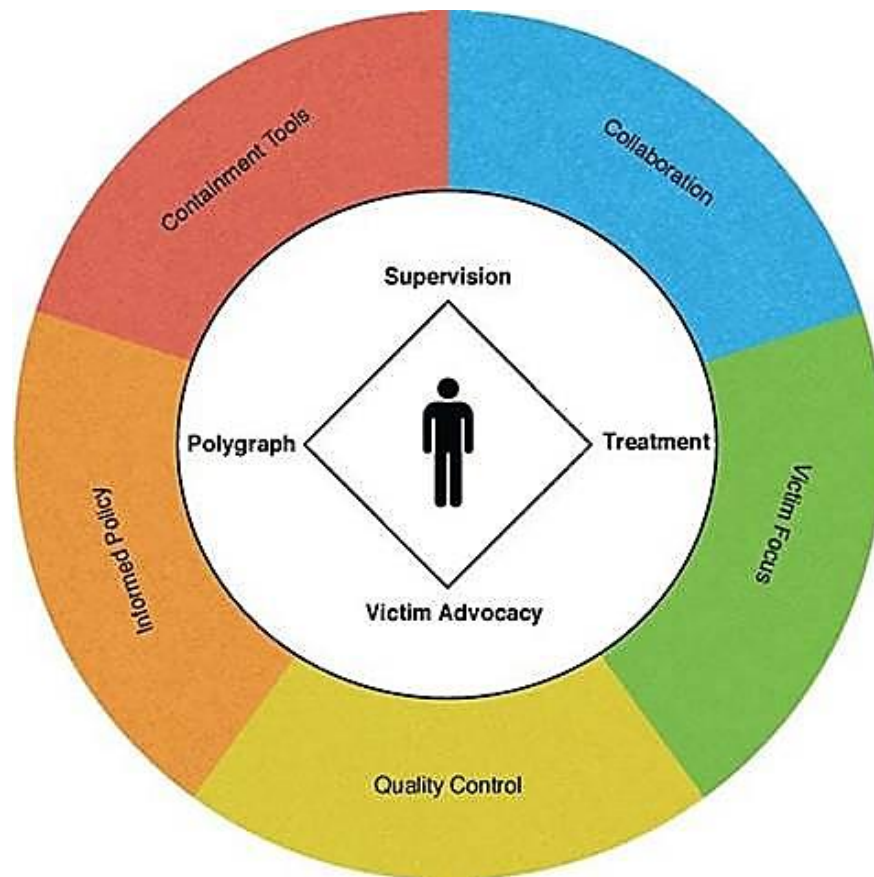
There is a conflict among the appellate court opinions that now must be resolved by the high court regarding whether the Fifth Amendment waiver component of the Containment Model is constitutional. CASOMB's report provides guidance about how to proceed until the issues are decided by the court.

CASOMB and SARATSO will continue in 2016 to train probation officers and treatment providers about the Containment Model, including the mandatory use of the polygraph and Fifth Amendment waivers, thanks to grant funding provided through California DOJ. Under its Sex Offender Management Program (SOMP), the California Department of Corrections and Rehabilitation (CDCR) provides monthly in-house training for parole agents about sex offender Containment Model principles and best practices.

7. Containment Model Training

CASOMB RECOMMENDATION: Continue to provide annual training for supervision officers on all aspects of the Containment Model.

In 2015 CASOMB and SARATSO provided two free two-day trainings about the Containment Model in northern and southern California. These were attended by probation officers with sex offender caseloads, thanks to funding provided from the U.S. Department of Justice via a grant to the California Department of Justice's Sex Offender Registry. The training covered best practices in sex offender management, risk assessment and supervision.



8. Certification of Sex Offender Treatment Programs and Providers

CASOMB RECOMMENDATION: Fund treatment within the Containment Model for all registered sex offenders and explore incentives to locate programs in under-served areas.

As directed by state law, CASOMB has implemented a certification process for programs and for individual providers who deliver specialized sex offender treatment. CASOMB's Certification Committee continues to attempt to strike a balance so that the state's demand for additional certified providers can be addressed while maintaining adequate minimum requirements for meaningful certification. In December 2015, there were 140 certified treatment programs and 465 certified treatment providers. There are at least 30 polygraph examiners who are identified as meeting the required training standards for post-conviction sex offender testing (PCSOT) as defined by CASOMB. There are currently 140 certified treatment programs in 35 counties.

The number of certified programs has grown slightly although the number of treatment providers working in those programs has actually decreased. The availability of needed services remains a significant concern. CASOMB is aware that there is not an easy answer for encouraging additional mental health professionals to specialize in sex offender treatment. Working with this challenging population is not for everyone.

A number of barriers exist when it comes to ensuring that California has the capacity to provide appropriate treatment to the many registrants who are required by state law to complete a treatment program. One barrier is related to program availability in small counties. The state's less populated and rural areas have fewer registered sex offenders who need to be referred to treatment programs. However, with low numbers of referrals, the cost-effectiveness of establishing local programs in those more remote settings may be prohibitive. A second barrier is the lack of funding for the Containment Model (treatment, risk assessments and polygraph examinations) for most of the registered sex offenders who are on probation. Those individuals are required to pay for the required services without aid

from the state. With no supplemental funding and offenders unable to pay for services (or unable to fund the full cost of such services), programs are struggling to pay professional wages that would entice potential treatment providers, especially in rural areas.

9. CASOMB/SARATSO Budget and Staff

CASOMB RECOMMENDATION: Add staff positions to CASOMB/SARATSO to enable oversight of risk assessment score submissions and to ensure treatment programs comply with certification standards.

The members of CASOMB and of the SARATSO Review Committee are not reimbursed for their time and services. Although many serve as part of the responsibilities of their other government positions, some CASOMB members contribute their own time to the Board's efforts.

The CASOMB-SARATSO Budget primarily goes toward staffing costs. In 2015, a Budget Change Proposal (BCP) was submitted to the state's Department of Finance (DOF) requesting on-going funding for the previously approved limited term position. The BCP is currently in the review process. The approval of the BCP would allow CASOMB and SARATSO to hire existing limited term staff on a permanent basis. An adequate complement of staff would enable CASOMB and SARATSO to fully comply with the mandates set forth in Penal Code sections 290.03-290.09. Staff are needed who will have administrative responsibility to ensure risk scores are properly submitted and utilized, and to ensure that certified treatment programs receive the necessary oversight to ensure compliance with state laws. It is not possible, given current funding, for CASOMB to monitor and audit the state's certified sex offender treatment programs.

CONSIDER: It is not possible, given current funding, for CASOMB to monitor and audit the state's certified sex offender treatment programs

It should be noted that the Board's Coordinator and staff manager, Parole Administrator Brenda Crowding, accepted a promotion within CDCR and left her position after two years of outstanding service to CASOMB and SARATSO. She has been replaced by Parole Administrator Alma Underwood, who is fully committed to learning the complexities of her new role.

10. California Department of Corrections and Rehabilitation’s Sex Offender Management Program

CASOMB RECOMMENDATION: Continue to develop and implement a “best practices” curriculum to be presented and shared with parole agent field staff throughout the State of California.

The California Department of Corrections and Rehabilitation (CDCR), Division of Adult Parole Operations (DAPO) is responsible for the supervision and management of approximately 9,000 registered sex offenders on parole in California. Many of these are high-risk individuals who require substantial monitoring.

During 2015, DAPO continued to supervise all of its sex offender parolees under the **Sex Offender Management Program (SOMP)** which had been initially implemented in 2014. The SOMP incorporates many recommendations made by CASOMB and meets statutory requirements outlined in Chelsea’s Law (Pen. Code, § 3008).



As a component of its comprehensive sex offender parolee Containment Model, CDCR continues to place an emphasis on sex offender treatment services and has developed 33 contracts with CASOMB-certified sex offender treatment programs throughout the state.

CONSIDER: CDCR has seen a steady increase in the number of offenders being treated, as well as the number of services offered to each offender. In managing this broad network of programs, CDCR has developed improved tracking mechanisms to monitor treatment participation and provide oversight of contracted sex offender treatment providers. As a result of these efforts, CDCR has seen a steady increase in the number of offenders being treated, as well



as the number of services offered to each offender. As expected under the Containment Model, parole agents meet regularly with treatment providers to review information and conduct joint planning about optimal management of each

parolee.

In coming years CDCR's goals for SOMP include, but are not limited to:

- Evaluation of the CDCR Sex Offender Management Program (SOMP) program fidelity
- Development of a "best practices" curriculum to be presented and shared with parole agent field staff throughout the State of California

CDCR recognizes the benefit of a collaborative approach to sex offender management. CDCR's blend of internal supervision approaches paired with its partnerships with community-based experts and stakeholders appears to be a comprehensive and effective community safety effort.

Appendix A

State Sex Offender Data

State Sex Offender Data

COUNTY	Estimated County Population as of January 2015*	SEX REGISTRANTS IN COMMUNITY	ABSCONDED	TOTAL**	Number of Sex Offenders on Parole***	Number of Sex Offender Treatment Programs****
ALAMEDA	1,594,569	2,443	71	2,514	349	8
ALPINE	1,121	3	0	3	0	0
AMADOR	36,312	87	0	87	11	0
BUTTE	224,323	856	8	864	102	4
CALAVERAS	45,668	104	5	109	11	1
COLUSA	21,715	46	1	47	6	0
CONTRA COSTA	1,102,871	1,394	49	1,443	141	3
DEL NORTE	28,031	148	5	153	12	0
EL DORADO	184,917	336	2	338	31	1
FRESNO	972,297	2,242	55	2,297	451	2
GLENN	28,728	84	0	84	10	2
HUMBOLDT	134,398	464	2	466	37	1
IMPERIAL	183,429	226	16	242	10	1
INYO	18,574	43	4	47	2	0
KERN	874,264	2,218	93	2,311	314	2
KINGS	149,721	377	12	389	68	0
LAKE	64,918	312	4	316	39	0
LASSEN	32,092	100	6	106	10	0
LOS ANGELES	10,136,559	14,604	1244	15,848	1,986	27
MADERA	155,878	392	8	400	39	1
MARIN	258,972	163	4	167	23	1
MARIPOSA	17,791	76	0	76	4	0
MENDOCINO	88,863	260	12	272	33	0
MERCED	266,134	742	9	751	83	1
MODOC	9,399	53	0	53	5	0
MONO	14,695	13	0	13	0	0
MONTEREY	425,413	703	31	734	94	2
NAPA	140,362	195	1	196	17	2
NEVADA	98,193	193	4	197	11	0
ORANGE	3,147,655	2,943	231	3,174	409	10
PLACER	369,454	544	12	556	54	0
PLUMAS	19,560	58	1	59	3	0
RIVERSIDE	2,308,441	3,844	94	3,938	485	6
SACRAMENTO	1,470,912	4,000	139	4,139	447	9
SAN BENITO	58,344	124	4	128	13	0

State Sex Offender Data

COUNTY	Estimated County Population as of January 2015*	SEX REGISTRANTS IN COMMUNITY	ABSCONDED	TOTAL**	Number of Sex Offenders on Parole***	Number of Sex Offender Treatment Programs****
SAN BERNARDINO	2,104,291	4,479	90	4,569	639	6
SAN DIEGO	3,227,496	4,198	75	4,273	559	12
SAN FRANCISCO	845,602	1,060	94	1,154	85	5
SAN JOAQUIN	719,511	1,716	90	1,806	194	3
SAN LUIS OBISPO	274,293	436	5	441	109	1
SAN MATEO	753,123	710	56	766	95	3
SANTA BARBARA	437,643	636	29	665	85	3
SANTA CLARA	1,889,638	3,338	183	3,521	378	5
SANTA CRUZ	271,646	448	18	466	42	1
SHASTA	178,673	822	12	834	105	6
SIERRA	3,105	7	0	7	0	0
SISKIYOU	45,119	233	7	240	10	0
SOLANO	429,552	936	17	953	88	3
SONOMA	496,253	832	32	864	80	2
STANISLAUS	532,297	1,403	35	1,438	112	2
SUTTER	95,948	258	7	265	29	0
TEHAMA	64,323	277	8	285	21	1
TRINITY	13,571	74	2	76	2	0
TULARE	462,189	1,158	14	1,172	142	2
TUOLUMNE	54,337	167	5	172	10	0
VENTURA	848,073	1,102	59	1,161	126	4
YOLO	209,393	365	13	378	45	1
YUBA	74,076	368	15	383	53	1
TOTAL	38,714,725	65,413	2993	68,406	8,319	145

*State of California, Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2014 and 2015. Sacramento, California, May 2015.

** These numbers account for active registrants (physical/transient) in the community and those with "absconded/whereabouts unknown" within each given county (Total=68,406). There is a discrepancy from the Public Megan (PM) "In Community" stat (73,730) because PM accounts for those registrants who have been released from incarceration and never registered, and those registrants who completed a Notification (controlling) and never truly registered with an LEA (total difference of 5,324), therefore not accounted for within a particular county.

*** Sex offenders active on parole as of November 30, 2015.

**** Certified CASOMB Treatment Programs as of December 31, 2015