

CALIFORNIA

SEX OFFENDER MANAGEMENT BOARD

Decrease victimization

Increase community safety

CHELSEA'S LAW IMPLEMENTATION

FEBRUARY 2013



Report On Chelsea's Law Implementation

February 2013

Implementation of Legislative Mandates for Sex Offender Management in California

Report Prepared By:

California Sex Offender Management Board (CASOMB) & State Authorized Risk Assessment Tools for Sex Offenders (SARATSO) Review Committee

EXECUTIVE SUMMARY

Part One - Program and Provider Certification

CASOMB was mandated to develop and publish Certification Standards for sex offender treatment programs and providers by July 1, 2011, and, in addition, to put in place a Certification process that assured all treatment professionals who provided services to probationers and parolees met the Certification Standards. Working within a very limited time frame, CASOMB members, staff and consultants worked intensively to create an entire system for program and provider certification. Standards were set, requirements for programs and for individual providers were developed and an implementation system was designed and put into practice. Each legislatively established deadline was met. County, state and federal government entities have begun to make use of the certification information. CASOMB has accomplished everything requested and is pleased to be able to confidently describe "Certification" as a job well done.

Part Two - The Containment Model for Sex Offender Management

To provide assistance with the implementation of the Containment Model statewide – a sex offender management approach required by Chelsea's Law - CASOMB partnered with the Chief Probation Officers of California to sponsor five Containment Model trainings in various locations statewide for probation officers and other appropriate attendees. The original idea of developing and presenting such trainings originated with CASOMB. Implementation was accomplished through the direct efforts of CASOMB Board Members, CASOMB staff and the contributions of volunteer experts. It appears that, through the training process, important communication links are increasing between probation officers, treatment providers, local law enforcement agencies and polygraph examiners. Had these trainings not been held, the concept of "Containment" would have remained a vague and poorly understood buzz word that conveyed little sense of the complex realities involved and had little impact on day-to-day practices. CASOMB views its efforts to date as a very positive contribution to beginning Containment implementation.

Part Three - Dynamic Sexual and Violent Recidivism Risk Assessment

The SARATSO Committee has worked diligently to carry out its mandate to be sure that sex offenders are assessed with well-researched tools designed to identify the risk of future reoffending. Chelsea's Law specified that California sex offenders also be assessed using tools which measure "dynamic" risk factors. The SARATSO Committee was tasked with identifying a dynamic instrument to assess risk of future sexual offending and another to assess risk of violent offending. With the help of expert consultants, the committee thoroughly reviewed all available instruments and made its determinations about which would be most helpful in California. In order to ensure the accuracy of the risk assessment procedures, Chelsea's Law additionally required certified treatment providers to be trained by a SARATSO-approved professional before they are authorized to score dynamic and violence risk tools. Working quickly, the SARATSO Committee located highly qualified trainers and put into action a plan to make trainings available throughout the state. Two groups of California "Super-trainers" have now been trained so that additional trainings can be made available more easily. California's implementation of these instruments is currently well underway.

Report On Chelsea's Law Implementation

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Implementation of Three Recent Legislative Mandates For Sex Offender Management in California

Report Prepared By:

California Sex Offender Management Board (CASOMB)

and

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

Part One –Program and Provider Certification

In the 2010 Legislative Session, AB 1844, known as the Chelsea King Child Predator Prevention Act, passed both houses of the Legislature with bipartisan support. It was signed into law by the Governor on September 17, 2010. The Law made many changes to the California Penal Code.

Of particular importance was the requirement that after July 1, 2012, the terms of probation or parole for all registered sex offenders under probation or parole supervision in the community must include the requirement to participate in and complete an approved sex offender management program, including sex offender-specific treatment and polygraph examinations.

AB 1844 mandated that sex offender treatment programs must be “Certified” in accordance with quality standards developed by the California Sex Offender Management Board (CASOMB) and that the required treatment must be provided by professionals who have been “Certified” as meeting minimum practice standards developed by CASOMB.

CASOMB was required to develop and publish certification standards on its website for sex offender treatment providers by July 1, 2011. CASOMB was also tasked with developing and implementing a certification process that assured that all treatment providers who delivered the mandated services to sex offender probationers and parolees had met the certification standards.

In the course of initially implementing the Chelsea’s Law certification requirements in July, 2012, CASOMB reviewed over 400 applications for certification submitted by sex offender treatment providers and programs

On June 30, 2011, in compliance with the mandated deadline, CASOMB posted certification requirements on its website. Previously, following a review of the certification procedures and standards used in other states, solicitation of input from the provider community and lengthy discussions about the best system for California, a CASOMB committee had developed and presented to the full CASOMB Board the proposed standards along with a model for implementation. The goal was for certification to be granted to those programs and individual provider applicants who could demonstrate that they met certain quality control thresholds. In accord with the legislative mandate, separate certification is needed for the “programs” under which these specialized services are to be provided and for the individual providers who actually deliver the services.

By certifying treatment “programs” as required by Chelsea’s Law, CASOMB assures that all legal and ethical standards of treatment are being met and that the delivery of services is consistent with recognized evidence-based and best-practice standards and principles. CASOMB then lists each certified treatment program on the CASOMB website (www.CASOMB.org), which allows probation and parole officials to be certain that, by utilizing only the providers on the list, they will be meeting the dictates of the law. One of the certification requirements for programs is that only certified providers may be used to deliver services.

Certification for treatment providers requires that they meet designated individual standards in the areas of sex offender treatment experience, training and education. Treatment professionals were required to submit applications to CASOMB that detailed their hours of experience in conducting sex offender treatment services, their hours of sex offender professional training and proof of their education and clinical licensure. If the required minimum standards in each of these areas had been met, the treatment provider was issued a CASOMB-approved “Sex Offender Treatment Provider” certificate.

By certifying treatment programs, CASOMB assures that all legal and ethical standards of treatment are being met and that the delivery of services is consistent with recognized evidence-based and best-practice standards and principles.

Beginning on August 1, 2011, treatment programs and treatment providers began applying for CASOMB certification. Each application was examined by CASOMB staff to assure that all requirements for certification had been appropriately met. In cases where questions arose about any aspect of the application, CASOMB staff made direct contact with the applicant to seek further clarification and, in some instances, additional documentation.

To date CASOMB staff has certified 375 treatment professionals and 106 treatment programs.

In 2013 CASOMB will develop audit tools and will begin auditing Programs and individual providers to assure that they are meeting all certification requirements as they deliver services.

ACCOMPLISHMENTS

Within a very limited time frame, CASOMB Members, staff and consultants worked intensively to create an entire system for program and provider certification. Standards were set, requirements for programs and individual providers were developed and an implementation system was designed and put into practice. Each legislatively established deadline was met. Very few complaints about the content and functioning of the certification system were raised by those who were required to meet these new requirements. Statewide, over 100 Programs have been certified and approximately 400 individual providers have attained certified status. County, state and federal government entities have begun to make use of the certification system and related information. CASOMB has accomplished everything requested of it and is pleased to be able to confidently describe “certification” as a job well done.

CONCERNS

The goal of Chelsea’s Law was to be sure that every sex offender on parole or probation would enter and complete a Certified Treatment Program. The question quickly arises as to whether there are sufficient provider and program resources in California to allow that goal to be reached. There are approximately 7,000 sex offenders under the supervision of the California Department of Corrections and Rehabilitation and on active CDCR parole in California. The exact number on county probation has never been successfully determined, despite repeated efforts by CASOMB. The best estimate has been about 10,000. Given the number that need specialized treatment and management services across the state and given the number and distribution of certified Programs and providers, it appears that, at this time, the state lacks adequate resources to provide the needed services to all sex offenders who are required to enter and complete a certified program.

- The lack of resources can be viewed from a geographical perspective and, predictably, counties with largely rural populations and without significant population centers appear the most likely to lack the treatment resources they need. Sex offenders can certainly be expected to travel some distance to find treatment, but there must be reasonable limits on the amount of travel that should be required.
- The shortfall in resources can also be viewed from an economic (“supply and demand”) perspective. The training and experience and other credentials and the unusual personal commitment needed to work intimately with this pariah population in the interest of preventing future sexual victimization combine to set the bar high. If the economic rewards of such a career are not competitive, few new providers will be drawn to enter the field and surmount the hurdles to certification and their associated costs. When only a portion of those sex offenders required to be

in treatment can afford to pay the cost and when government entities are not all willing or able to supplement funding for the indigent, financial incentives to attract new providers so as to develop a full array of treatment resources in California are likely to result in the state continuing to fall short of what is needed.

- California's current state of affairs with regard to homelessness and transient status among sex offenders, particularly those under CDCR parole supervision, can be expected to have a significant negative impact on the success of the Containment approach as envisioned and mandated by Chelsea's Law. As CASOMB has repeatedly pointed out in previous reports, approximately one-third of those parolees are known to be homeless. Almost all are so because of the residence restrictions imposed by Jessica's Law (Proposition 83). Treatment providers report that providing effective specialized services to homeless clients is extremely difficult. Many factors arising from their homelessness interfere with their successful attendance at and full engagement in the treatment process. Management and treatment efforts are working toward life stability and pro-social engagement. Residence restrictions have the exact opposite effect. Homeless sex offenders are often psychologically incapable of attending to anything besides their daily survival and are unprepared to engage in the self-reflection and behavioral changes expected in the treatment process. Supervision is a key part of Containment and transient sex offenders are much more difficult to supervise and so leave less time and energy for the collaboration expected under the Containment model. The Board is compelled to once again express its concerns that the homeless status of a significant proportion of sex offenders is working at strong cross purposes with the intent and the effective implementation of Containment as established by Chelsea's Law – and is therefore interfering with efforts to make California's citizens safer from potential sex offender recidivism.

RECOMMENDATIONS

1. As the California Department of Corrections and Rehabilitation gradually implements its plans to enroll all sex offender parolees in treatment through multiple contracts with certified programs, and as the counties move forward with their efforts to have their sex offender probationers enrolled in treatment, a tracking and reporting system needs to be in place to determine actual compliance levels and success in meeting the goals of Chelsea's Law. Through such a system, the match or mismatch between needs and available services can be more accurately tracked. CASOMB is exploring the feasibility of undertaking such a project. Given CASOMB's lack of authority to mandate collection of such information, the needed leadership and assistance may need to be sought elsewhere – possibly from the Board of State and Community Corrections, which seems committed to gathering a broad range of similar information in a sophisticated manner.

2. Unless there is supplemental funding available from California's counties to defray the expenses of sex offender treatment for probationers who cannot pay the full expense, it seems likely that the challenge of having sufficient treatment resources will continue. Although CDCR obtained funding for the mandated treatment programs for high risk sex offenders, no such funding was provided for lower risk parolees, or for any indigent sex offenders on probation case loads.

3. In the spirit of Realignment, counties should allocate resources to preventing any re-offense – sexual, violent and general criminal – from identified sex offenders by following the requirements of Chelsea's Law and ensuring that they enter and complete treatment. (As noted elsewhere in this report, when a sex offender commits a new crime in the future that crime is much more likely to be a nonsexual offense than it is to be a new sex crime. However, under Realignment, a registered sex offender who commits a new felony of any type is ordinarily required to be sentenced to a state prison term, unlike other types of offenders who are sent to county jail. There can be considerable return on investment when appropriate treatment lowers the risk of any type of reoffending. Adequate funding will, in turn, attract qualified professionals to seek certification in order to provide these specialized services.

Part Two – The Containment Model

Chelsea’s Law requires that CDCR develop control and containment programming for all high risk sex offenders. The Containment Model requires that supervising agencies work collaboratively with the treatment professionals who provide the mandated specialized services to sex offenders on county probation or state parole. There is to be, at a minimum, monthly feedback to supervision officers regarding each offender’s progress in treatment and any changes to dynamic risk factors or identified risks to community safety.

Regular communication by the containment team to monitor an offender’s changing risk factors is required.

To provide assistance on the implementation of the Containment Model statewide, CASOMB partnered with the Chief Probation Officers of California to sponsor five statewide Containment Model trainings for probation officers. Additional Containment Model Trainings are scheduled for the first quarter of 2013. Additionally, CASOMB has participated in several Containment Model trainings sponsored by counties or by coalitions of treatment providers.

It appears that, through the training process, important communication links and activities are increasing between probation officers, treatment providers, local law enforcement agencies and polygraph examiners.

ACCOMPLISHMENTS

CASOMB and SARATSO have invested considerable energy in providing trainings across the state in order to assist local agencies and personnel to understand the new Containment Model vision regarding effective sex offender management practices that has recently been put in place through Chelsea’s Law. The idea of developing and presenting such trainings originated with CASOMB. Implementation was accomplished through the direct efforts of SARATSO Committee members, CASOMB members, CASOMB/SARATSO staff and the contributed expertise of many other presenters – all supported by the California Chief Probation Officers Association. Approximately 400 individuals throughout the state attended the trainings and many returned to their agencies and passed the information on to others. Had these trainings not been held, the concept of “Containment” would probably have remained a vague and poorly understood buzz-word which conveyed little sense of the complex realities involved and practical actions required.

CONCERNS

- Cultures at both probation and parole levels have, traditionally, not been particularly ready to embrace engaging in collaborative efforts with community partners, whose perspective is often not valued. For Containment to be successfully implemented, such cultures need to change. Cultures do not change quickly or easily. A few trainings are a good beginning, but the research on change within organizations emphasizes that unmistakable and continual buy-in and support from leadership will be needed before the collaboration essential for true Containment will be fully implemented.
- The diversity of California's 58 counties results in a lack of uniformity in implementing best practices. There are large differences in cultures, traditions, resources and readiness for change. Training will be helpful in achieving the Containment goal in some counties, less so in others.
- Implementing the Containment Model for any individual sex offender is impossible unless the individual is actually engaged in treatment. As noted above, many sex offenders on probation have insufficient funds to pay for treatment. Providers can offer some fee mitigation, but not nearly enough to resolve the issue. When the offender is not in treatment, the effectiveness of the model is simply not present and community safety is compromised.
- State Parole administrators and Agents were not well represented among those who participated in the Containment trainings described above. Apparently this was due to administrative and financial considerations – specifically, that the costs for these trainings for Probation Officers were covered by available training funds but the same was not true for Parole Agents. CDCR's Parole Division, on the other hand, is reportedly conducting their own intensive trainings for supervising Parole Agents who oversee the work of Agents who directly supervise sex offender caseloads. CASOMB and SARATSO have not been involved in planning or providing those trainings. It is hoped that those trainings are consistent with the trainings described here.

RECOMMENDATIONS

1. Guided by the recognition that new ways of working – such as the Containment Model mandated by Chelsea's Law – are seldom implemented quickly and easily, those in leadership positions in county Probation Departments and CDCR's Parole Division will need to commit to long-term efforts to create the needed cultural shifts within their agencies to ensure success. After decades of rejection of the value of rehabilitative efforts

in the correctional system, a huge body of research has begun to move the pendulum in a different direction – toward recognition that evidence-based practices do, indeed, reduce recidivism risk. California’s Realignment efforts face cultural resistance within some criminal justice agencies similar to that faced by the effort to implement the Containment Model for effective sex offender management.

2. CASOMB itself will need to provide leadership and solid information about the implementation of the Containment Model, along with ongoing training opportunities at multiple levels.
3. The problem of indigent sex offenders who cannot pay for their treatment will need to be addressed and resolved if Containment is ever to be fully implemented in California, as mandated by Chelsea’s Law. There is reason to think that CDCR will put in place structures to be certain that all sex offenders on parole will receive treatment. The more pressing issue is, and will probably continue to be, the funding obstacles for those on county probation status.

Part Three – Assessment of Dynamic Risk

The State Authorized Risk Assessment Tools for Sex Offenders (SARATSO) Review Committee (the legislatively created state committee tasked with overseeing risk assessment of sex offenders) has, since 2006, worked diligently to carry out its mandate to be sure that California sex offenders are assessed with well-researched tools designed to identify the offender’s risk of future reoffending.

California law already specifically mandated the use of a research-supported risk assessment instrument that measures risk of sexual re-offending by looking at “static” risk factors - the **Static-99R**. Static factors are characteristics of the individual that generally do not change. They are historical factors. Many of them are readily available in the offender's criminal history records, such as how many and what types of prior offenses were committed or whether the victim was a stranger.

Chelsea’s Law specified that California sex offenders also be assessed using tools which measure “dynamic” risk factors. Dynamic risk factors are characteristics of the individual offender that have been shown by research to be associated with re-offense risk and that, unlike static factors, can change over time. Examples of dynamic factors are drug use, mental health issues, erroneous beliefs about sexual behaviors, criminal thinking patterns and similar areas of concern. Certain dynamic risk assessment tools were developed to predict sexual recidivism. Other dynamic instruments predict future violence - of any type. Combining dynamic risk factor scores with static risk factor scores increases the overall accuracy of risk assessment to a considerable extent.

In order to ensure the accuracy of the risk assessment procedures, Chelsea's Law additionally requires certified treatment providers to be trained by a SARATSO-approved expert before they are authorized to score dynamic and violence risk tools. The risk scores obtained through these assessments are shared with the Containment Team and also sent to the California Department of Justice (DOJ) for inclusion in the sex offender registry. The risk-score portion of the registry is available to local law enforcement agencies that are responsible for registration and monitoring of registered sex offenders. It is not available to the general public. Knowing the risk level of any particular offender can assist with effective management and thereby improve community safety. Research now clearly shows that offender classification based upon sophisticated risk assessment is much more accurate and effective than is an approach that classifies sex offenders based upon the types of crimes of which they were convicted.

Chelsea's law requires new evidence-based assessment tools to assess risk of future sexual offenses and future violent offenses.

The SARATSO Committee was tasked with identifying a dynamic instrument to assess risk of future sexual offending and another to assess risk of violent offending. The instruments had to meet specified criteria for reliability and validity. With the help of expert consultants, the committee reviewed all the available instruments, sought further information through interviews with the developers of the most promising instruments and then made determinations about which instruments would be most helpful in California.

The instrument chosen to measure dynamic risk factors for sexual recidivism is the **Structured Risk Assessment - Forensic Version (SRA-FV)**. This risk assessment instrument has been both validated and cross validated on an adult forensic sex offender population. It examines long-term personality vulnerabilities and other changeable characteristics to determine risk of sexual re-offense. It has been designed to be used in conjunction with the **STATIC-99R**. Research shows that risk prediction is improved when both instruments are combined using empirically-derived formulas.

The risk assessment instrument chosen to predict future violence of any type is the **Level of Service/Case Management Inventory (LS/CMI)**. This instrument is supported by extensive research findings and is one of the most widely recognized instruments in the world for measuring risk of criminal re-offense. It identifies a broad range of criminogenic factors that have been shown to elevate risk of criminal recidivism in adult and adolescent males and females. It also measures risk of violent re-offense. Although this tool was primarily developed to be used on all types of offenders, research has shown that it has excellent predictive power when used to assess sex offenders.

The LS/CMI is a valuable tool for developing management strategies designed to protect the community since when sex offenders in California (and elsewhere) commit a new crime, it is far more likely to be a non-sexual offense than a new sex offense.

After SARATSO selected the dynamic risk assessment instruments, the next challenge was to implement their use across the state. In accord with Chelsea' Law, the instruments were to be administered and scored in the framework of the certified treatment programs and so the clinical professionals who worked in those programs had to be trained to administer the new instruments and score them accurately. To accomplish this, the Committee identified and brought in experts to train as many California treatment providers as possible. In addition, the SARATSO Committee arranged for more extensive training for a small group of selected California "Supertrainers" for each instrument who could then go on to train additional practitioners. This training effort is an ongoing responsibility of SARATSO and it is anticipated that trainings and refresher trainings will continue, though at a slowing rate when the majority of providers have become trained. SARATSO maintains master lists of the approved providers.

ACCOMPLISHMENTS

Working quickly, with constant awareness of the tight timeframe put in place by Chelsea's Law, the SARATSO Committee identified the best instruments to meet the law's requirements, entered into use agreements with the authors and publishers, located highly qualified trainers and put into action a plan to make trainings available throughout the state. Two groups of California Supertrainers have now been trained so that additional trainings can be made available more easily. At this time, the SARATSO Committee has successfully arranged training for 420 practitioners throughout California and has put in place 82 Supertrainers who will offer additional trainings in various settings. Dynamic risk assessment, as mandated by Chelsea's Law, is now being used to assess California sex offenders who are on probation or parole. The SARATSO Review Committee has successfully responded to the expectations regarding implementing a system to achieve meaningful risk assessment of California sex offenders.

CONCERNS

- As is to be expected, at this point not all sex offenders on parole or probation have been assessed using the new instruments. Although there are other obstacles to full implementation, such a massive undertaking will undoubtedly simply require more time to be fully operational.
- Only those offenders who enter a formal "Management Program" can be expected to receive the required dynamic and violence risk assessments. Thus those who cannot pay for such programs or for the costs associated with these assessments or who are not within a reasonable distance of a program will not be assessed utilizing these risk instruments. Unless the funding challenge is resolved, it is likely to remain one of the major obstacles to full implementation.
- Effective and accurate dynamic and violence risk assessments depend, to a considerable extent, upon the access the evaluator has to background information. Early indications suggest that in a significant number of cases the desired background documents are, for one reason or another, not being made available to evaluators. A section of Chelsea's Law has already removed all legal barriers to the transfer of such documents.
- One notable waste of state resources is the fact that evaluations conducted for Civil Commitment (Sexually Violent Predator – SVP) are seldom, if ever, made available to the treatment professionals conducting the SARATSO risk assessments, even though they contain extensive information, are conducted at considerable cost

to the state and are usually conducted on the more serious sex offenders, for whom having more complete information is very important.

RECOMMENDATIONS

1. Strategies need to be identified to address the financial obstacles that prohibit sex offenders on probation from participating in the certified treatment programs where the risk assessments must be conducted. Such strategies are likely to differ from county to county, but effective solutions developed by any particular county should be made known to authorities in other counties.
2. It will be important to actually identify the concrete obstacles to providing risk assessors with the necessary historical criminal justice documents needed to score the risk instruments accurately. Then solutions should be found to the systemic and organizational-culture impediments to the provision of such information.
3. CASOMB has previously recommended a new system for assigning registered sex offenders to “tiers” based on assessed risk rather than on a crime-of-commitment classification system – such as California now uses. The new availability of dynamic risk assessment information should prompt another review of the most effective and most cost-effective approaches to registration. CASOMB has noted before that lifetime registration for very low risk offenders may not make good fiscal or public policy sense. Higher risk offenders, once they are identified using actuarial risk instruments, should be allocated the greatest proportion of attention and the longest lasting attention by those who monitor registrants. Such a strategy conforms to the “Risk Principal”, which recommends that the most resources should be devoted to those who present the highest risk. By not adopting the Adam Walsh Act, which uses an offense-based classification system – an approach now discredited by research as inaccurate – California has positioned itself to move forward with a risk-based tiering system. The state’s leaders should take the next step toward that desirable goal.

APPENDIX 1

The Sections of Chelsea's Law That Pertain to This Report:

**Chelsea King Child Predator Prevention Act of 2010 (Enrolled and sent to Governor on 9-7-10)*

AB1844 LANGUAGE
SEC. 13. Section 290.09 is added to the Penal Code, to read:
290.09. On or before July 2012, the SARATSO dynamic tool and the SARATSO future violence tool, as set forth in Section 290.04, shall be administered as follows:
(a) (1) Every sex offender required to register pursuant to Sections 290 to 290.023, inclusive, shall, while on parole or formal supervised probation, participate in an approved sex offender management program, pursuant to Sections 1203.067 and 3008.
(2) The sex offender management program shall meet the certification requirements developed by the California Sex Offender Management Board pursuant to Section 9003. Probation departments and the Department of Corrections and Rehabilitation shall enter into contracts with certified sex offender management professionals to provide those programs. Probation departments and the Department of Corrections and Rehabilitation shall not employ or contract with, and shall not allow a sex offender to employ or contract with, any individual or entity to provide sex offender evaluation or treatment services pursuant to this section unless the sex offender evaluation or treatment services to be provided by the individual or entity conforms with the standards developed pursuant to Section 9003.
(b) (1) The sex offender management professionals certified by the California Sex Offender Management Board in accordance with Section 9003 who enter into the contracts for sex offender management programs with any probation department and the Department of Corrections and Rehabilitation, pursuant to Section 290.09, shall assess each registered sex offender on formal supervised probation or parole using the SARATSO dynamic tool, when a dynamic risk factor changes, and shall do a final dynamic assessment within six months of the offender's release from supervision. The management professional shall also assess the sex offenders in the program with the SARATSO future violence tool.
(2) The certified sex offender management professional shall, as soon as possible but not later than 30 days after the assessment, provide the person's score on the SARATSO dynamic tool and the future violence tool to the person's parole agent or probation officer. Within five working days of receipt of the score, the parole or probation officer shall send the score to the Department of Justice, and the score shall be accessible to law enforcement through the Department of Justice's Internet Web site for the California Sex and Arson Registry (CSAR).
(c) The certified sex offender management professional shall communicate with the offender's probation officer or parole agent on a regular basis, but at least once a month, about the offender's progress in the program and dynamic risk assessment issues, and shall share pertinent information with the certified polygraph examiner as required.
(d) The SARATSO Training Committee shall provide annual training on the SARATSO dynamic tool and the SARATSO future violence tool. Certified sex offender management professionals shall attend this training once to obtain authorization to perform the assessments, and thereafter attend training updates as required by the SARATSO Training Committee. If a sex offender management professional is certified pursuant to Section 9003 to conduct an approved sex offender management program prior to attending SARATSO training on the dynamic and violent risk assessment tools, he or she shall present to the SARATSO Training Committee proof of training on these tools from a risk assessment expert approved by the SARATSO Training Committee.
SEC. 17. Section 1203.067 of P. Code is amended to read:
1203.067. (a) Notwithstanding any other law, before probation may be granted to any person convicted of a felony specified in Section 261, 262, 264.1, 286, 288, 288a, 288.5, or 289, who is eligible for probation, the court shall do all of the following:
(1) Order the defendant evaluated pursuant to Section 1203.03, or similar evaluation by the county probation department.
(2) Conduct a hearing at the time of sentencing to determine if probation of the defendant would pose a threat to the

<p>victim. The victim shall be notified of the hearing by the prosecuting attorney and given an opportunity to address the court.</p>
<p>(3) Order any psychiatrist or psychologist appointed pursuant to Section 288.1 to include a consideration of the threat to the victim and the defendant's potential for positive response to treatment in making his or her report to the court. Nothing in this section shall be construed to require the court to order an examination of the victim.</p>
<p>(b) On or after July 1, 2012, the terms of probation for persons placed on formal supervised probation for an offense that requires registration pursuant to Sections 290 to 290.023, inclusive, shall include all of the following:</p>
<p>(1) Persons placed on formal supervised probation <u>prior to July 1, 2012</u>, shall participate in an approved sex offender management program, following the standards developed pursuant to Section 9003, for a period of not less than one year or the remaining term of probation if it is less than one year. The length of the period in the program is to be determined by the certified sex offender management professional in consultation with the probation officer and as approved by the court.</p>
<p>(2) Persons placed on formal supervised probation <u>on or after July 1, 2012</u>, shall successfully complete a sex offender management program, following the standards developed pursuant to Section 9003, as a condition of release from probation. The length of the period in the program shall be not less than one year, up to the entire period of probation, as determined by the certified sex offender management professional in consultation with the probation officer and as approved by the court.</p>
<p>(3) Waiver of any privilege against self-incrimination and participation in polygraph examinations, which shall be part of the sex offender management program.</p>
<p>(4) Waiver of any psychotherapist-patient privilege to enable communication between the sex offender management professional and supervising probation officer, pursuant to Section 290.09.</p>
<p>(c) Any defendant ordered to be placed in an approved sex offender management program pursuant to subdivision (b) shall be responsible for paying the expense of his or her participation in the program as determined by the court. The court shall take into consideration the ability of the defendant to pay, and no defendant shall be denied probation because of his or her inability to pay.</p>
<p>SEC. 21. Section 3008 of the Penal Code is amended to read:</p>
<p>3008. (a) The Department of Corrections and Rehabilitation shall ensure that all parolees under active supervision who are deemed to pose a high risk to the public of committing sex crimes, as determined by the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO), as set forth in Sections 290.04 to 290.06, inclusive, are placed on intensive and specialized parole supervision and are required to report frequently to designated parole officers. The department may place any other parolee convicted of an offense that requires him or her to register as a sex offender pursuant to Section 290 who is on active supervision on intensive and specialized supervision and require him or her to report frequently to designated parole officers.</p>
<p>(b) The department shall develop and, at the discretion of the secretary, and subject to an appropriation of the necessary funds, may implement a plan for the implementation of relapse prevention treatment programs, and the provision of other services deemed necessary by the department, in conjunction with intensive and specialized parole supervision, to reduce the recidivism of sex offenders.</p>
<p>(c) The department shall develop control and containment programming for sex offenders who have been deemed to pose a high risk to the public of committing a sex crime, as determined by the SARATSO, and shall require participation in appropriate programming as a condition of parole.</p>
<p>(d) On or after July 1, 2012, the parole conditions of a person released on parole for an offense that requires registration pursuant to Sections 290 to 290.023, inclusive, shall include all of the following:</p>
<p>(1) Persons placed on parole <u>prior to July 1, 2012</u>, shall participate in an approved sex offender management program, following the standards developed pursuant to Section 9003, for a period of not less than one year or the remaining term of parole if it is less than one year. The length of the period in the program is to be determined by the certified sex offender management professional in consultation with the parole officer and as approved by the court.</p>
<p>(2) Persons placed on parole <u>on or after July 1, 2012</u>, shall successfully complete a sex offender management program, following the standards developed pursuant to Section 9003, as a condition of parole. The length of the period in the program shall be not less than one year, up to the entire period of parole, as determined by the certified sex offender management professional in consultation with the parole officer and as approved by the court.</p>
<p>(3) Waiver of any privilege against self-incrimination and participation in polygraph examinations, which shall be part of the sex offender management program.</p>

(4) Waiver of any psychotherapist-patient privilege to enable communication between the sex offender management professional and supervising parole officer, pursuant to Section 290.09.

(e) Any defendant ordered to be placed in an approved sex offender management treatment program pursuant to subdivision (d) shall be responsible for paying the expense of his or her participation in the program as determined by the court. The court shall take into consideration the ability of the defendant to pay, and no defendant shall be denied discharge onto parole because of his or her inability to pay.

SEC. 22. Section 3053.8 is added to the Penal Code, to read:

3053.8. (a) Notwithstanding any other provision of law, when a person is released on parole after having served a term of imprisonment for any of the offenses specified in subdivision (b) in which one or more of the victims was under 14 years of age, and for which registration is required pursuant to the Sex Offender Registration Act, it shall be a condition of parole that the person may not, during his or her period of parole, enter any park where children regularly gather without the express permission of his or her parole agent.

(b) Subdivision (a) shall apply to persons released on parole after having served a term of imprisonment for an offense specified in Section 261, 262, 264.1, 269, 286, 288a, paragraph (1) of subdivision (b) of Section 288, 288.5, 288.7, 289, subdivision (c) of Section 667.51, subdivision (j), (k), or (l) of Section 667.61, or 667.71.

SEC. 23. Section 9003 is added to the Penal Code, to read:

9003. (a) On or before July 1, 2011, the board shall develop and update standards for certification of sex offender management professionals. All those professionals who enter into contracts with a probation department or the Department of Corrections and Rehabilitation to provide sex offender management programs and risk assessments, pursuant to Section 290.09, shall be certified by the board according to these standards. The standards shall be published on the board's Internet Web site. Professionals may apply to the board for certification on or after August 1, 2011.

(1) (A) The board shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of all sex offender management applicants, as defined by subdivision (a), for the purposes of obtaining information as to the existence and content of a record of state or federal convictions and state or federal arrests and also information as to the existence and content of a record of state arrests or federal arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance pending trial or appeal.

(B) When received, the Department of Justice shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information received pursuant to this section. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and compile and disseminate a response to the board.

(C) The Department of Justice shall provide a state and federal response to the board pursuant to paragraph (1) of subdivision (l) of Section 11105.

(D) The board shall request from the Department of Justice subsequent arrest notification service, as provided pursuant to Section 11105.2 of the Penal Code, for persons described in subdivision (a).

(2) The board shall require any person who applies for certification under this section to submit information relevant to the applicant's fitness to provide sex offender management services.

(3) The board shall assess a fee to the applicant not to exceed one hundred eighty dollars (\$180) per application. The board shall pay a fee to the Department of Justice sufficient to cover the cost of processing the criminal background request specified in this section.

(b) On or before July 1, 2011, the board shall develop and update standards for certification of sex offender management programs, which shall include treatment, as specified, and dynamic and future violence risk assessments pursuant to Section 290.09. The standards shall be published on the board's Internet Web site. All those programs shall include polygraph examinations by a certified polygraph examiner, which shall be conducted as needed during the period that the offender is in the sex offender management program. Only certified sex offender management professionals whose programs meet the standards set by the board are eligible to enter into contracts with probation and parole to provide sex offender management programs pursuant to Section 290.09.

(c) On or before July 1, 2011, the board shall develop and update standards for certification of polygraph examiners. The standards shall be published on the board's Internet Web site.