

Adults on Probation Supervision in California for a Sexual Offense

Report to the California Sex Offender Management Board

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EXECUTIVE SUMMARY

This report, *Adults on Probation Supervision in California for a Sexual Offense*, summarizes the findings of a yearlong study (2015-2016) examining the number and management of individuals convicted of registrable sex offenses and currently under county supervision in each of California's 58 counties. The report presents quantitative and qualitative data from a survey of probation departments and interviews with nearly 100 probation staff regarding sex offender caseloads in probation departments across the state.

The survey, administered to probation departments in each of California's counties between February and July 2016, provides a snapshot of sex offender caseloads in each California county, as well as the demographics of this population and the different forms of supervision to which they are subject. A total of 4,841 individuals were reported to be under the supervision of California county probation departments for a sexual offense. This number includes 3,927 people on formal probation, 181 individuals under mandatory supervision, and 733 on Post Release Community Supervision (PRCS). A further 1,211 individuals were on probation solely for "failing to register," constituting 20% of the counties' total reported number of probation-supervised sex offenders in the state. Consistent with sex offender samples in other jurisdictions, the majority of the sample identified as male (96.6%). Like the statewide population in California, the sample was considerably ethnically diverse; however, while Whites constituted 39.7% of counties' reported sex offender caseloads, some groups, particularly African Americans (13.39%), are overrepresented in the sample as compared to California's overall population distribution.

Using survey and interview data, the report also provides information regarding the county-level implementation of the Containment Model approach for the supervision and treatment of sex offenders. Qualitative survey responses from probation officers and staff describe the challenges, successes, and limitations in the supervision and treatment of this population. Additional findings and information garnered from interviews help contextualize survey responses with first-hand accounts of the implementation of the Containment Model. The report then describes county-level data collection regarding probation-supervised sex offenders. The report concludes with a summary of study findings and core themes from survey and interview data with probation officers. Finally, the report presents recommendations from practitioners in the field on how to best direct resources, data-collection, and policymaking efforts towards evidence-based supervision and treatment for persons convicted of registrable sex offenses in California.

RECOMMENDATIONS

Recommendation 1	Identify funding resources and incentives to facilitate standardized, streamlined, and comprehensive data collection and reporting practices
Recommendation 2	Limit sex offender supervision caseloads to 40 individuals per officer
Recommendation 3	Provide additional, ongoing, and advanced specialized training for sex offender supervision, including training in monitoring internet technology, searches of hard drives, smartphones, etc.
Recommendation 4	Expand CASOMB's research to develop evidence-based policies for juveniles and youth on supervision for sexual offenses
Recommendation 5	Provide support for in-custody treatment and reentry programs for people convicted of sexual offenses, particularly individuals to be released on PRCS
Recommendation 6	Standardize oversight of treatment providers and polygraph examiners
Recommendation 7	Provide incentives for providers to offer additional treatment options and services, particularly in rural areas in all counties, and funding to support treatment for indigent, unemployed, and low-income individuals on probation for a sex offense

I. Introduction

California was the first state to develop a sex offender registry in 1947, and is one of a minority of states requiring lifetime registration for many individuals convicted of sexual offenses. Recent estimates suggest the raw number who meet these criteria is approximately 100,000 people, making California's registry the largest in the nation.

Some individuals convicted of registrable sex offenses are currently incarcerated in federal or state prisons or local jails. However, most registered sex offenders in California are living in the community. In 2008, CASOMB reported that approximately 25% of registered sex offenders were under correctional supervision by state parole agents or county probation officials. In 2010, CASOMB estimated that of the 68,000 sex offenders in California's communities, 6,700 were on parole from state prisons and approximately 10,000 sex offenders were on county probation, typically for a term of 3-5 years. It was acknowledged that this number was an estimate since actual counts were not available.

County supervision of individuals convicted of sexual offenses may take a variety of forms: formal probation, Post-Release Community Supervision (PRCS), mandatory supervision, pre-AB109 community supervision, or pre-trial supervision. Individuals may be subject to more than one type of supervision simultaneously. For example, an individual classified under PRCS may also be designated a mandatory supervision or a formal probation case for different offenses. Individuals who have completed probation for a sex offense may return to county probation supervision, for example, by failing to comply with registration requirements. These internal and often overlapping classifications – along with the continually shifting population of individuals under different forms of correctional control – complicate efforts to establish even a baseline count of sex offenders under probationary supervision in California's counties.

While a single, centrally-administered state agency such as the California Department of Corrections and Rehabilitation (CDCR) can readily access information regarding persons convicted of registrable sex offenses that are currently incarcerated in state prison or on parole following a prison term, little is known about sex offenders being supervised by probation departments at the county level. Beyond the information provided in various CASOMB reports, there appear to be no existing studies of sex offender supervision and management at the county level in California. Academic literature, state agency reports, and policy research reveal little regarding the local supervision of individuals supervised for a sex offense by California

probation departments. Indeed, CASOMB has lamented these knowledge gaps in their reports since the Board's inception. For example:

Information on each county's practices is not available at this time. Many counties do not have specialized sex offender caseloads, many specialized caseloads are too large, sex offender training must be sought from outside, and most counties do not utilize the polygraph exam as part of the containment model. Each county probation department appears to have different resources and methods for supervising sex offenders. One uniform model throughout the state would be the most evidence-based method of ensuring that the containment model was practiced in a consistent manner (CASOMB 2008, 13).

CASOMB's 2015 Annual Report similarly underscored the need to "remedy the unacceptable gaps in what is known about sex offenders in California," particularly regarding the supervision of sex offenders at the county level.

This study represents the first step in examining the county-level supervision of sex offenders across California and the front-line implementation of the Containment Model. The following report helps to identify and organize "what is known and unknown about sex offenders and sex offender management practices in California" (CASOMB 2015). Such information regarding individuals under probation supervision for a sexual offense is important to developing policies and practices that facilitate community reintegration and promote long-term desistance from criminal activity, successful reentry, and effective supervision to improve public safety.

Drawing on a survey of probation departments in each of California's 58 counties and interviews with probation officers and data analysts in over 40 counties, this study examines the numbers of individuals under probationary supervision for a sexual offense and the implementation of the "Containment Model" across the state. The Containment Model is a "victim-centered approach to policy and practice, supervision (State Parole or County Probation), specialized treatment provided by certified mental health professionals, and polygraph evaluations provided by certified polygraph examiners," with collaboration between these partners aimed to "contain" the sex offender and reduce the risk of recidivism (CASOMB 2014, p. 6). Beginning July 1, 2012, the containment approach for individuals on parole and formal probation supervision became mandatory under California law per Assembly Bill 1844, the Chelsea King Child Predator Prevention Act of 2010 (See Penal Code §§ 290.09, 1203.067, 3008, and 9003).

This report depicts significant progress in implementing the Containment Model across California since CASOMB's 2008 report. Over the past several years, counties across the state have devoted attention and resources to developing sex offender-specific probation systems and supervision practices. However, interviews with containment team members in counties across

the state of California also revealed a continued lack of uniformity in implementation of the Containment Model, particularly regarding gaps in the availability and accessibility of treatment. These issues are examined in the following sections.

Section II describes the methods used to collect data, the sources of those data, and the quantitative and qualitative analytical approaches used, including a statewide survey and interviews with probation personnel. Section III analyzes the findings of the study including quantitative results from 58 county surveys. This information includes the number of individuals reported to be on various forms of probation supervision for a registrable sex offense, as well as their demographic information and descriptive statistics. We contextualize these findings in Section IV with data from qualitative responses to the survey and interviews with a variety of probation department personnel. The report identifies key recurrent themes that emerged from respondents' narrative answers and in interviews. It is important to note that, observations and quotations from individual interviewees reflect their own experiences working in the field of sex offender supervision, and should not be interpreted as representative of the views of all California probation personnel or of formal Probation Department policies. Despite this caveat, the analysis of survey data, narrative survey responses, and interviews with probation department staff provide considerable depth and detail regarding the implementation of specialized supervision, treatment, and polygraph examinations.

Our mixed-methods approach helped to identify both successes and challenges involved in the county-level supervision and management of individuals on probation for a sex offense. We identified several factors that limit offenders' access to quality treatment and thus lead to uneven implementation of the Containment Model across California. Section V addresses data collection and management practices at the county level and describes the inevitable limitations of an exploratory study of this scope. Section VI highlights key findings and recommendations for future steps to implement evidence-based policies that promote effective supervision, management, and successful treatment of persons under probationary supervision for registrable sex offenses.

II. Methods

Although state law requires that some sex offenders be supervised under the Containment Model, probation departments in California's 58 counties appear to have a range of different systems to meet this requirement and to manage the supervision, treatment, monitoring, and

reentry of sex offenders in the community. The broad range of processes and organizational structures that exist in California's 58 counties, and the uneven distribution of resources and data collection capacities among those counties, necessitated that we adopt a county-by-county approach to assessing the probationary supervision and management practices utilized throughout the state.

In accordance with CASOMB's instruction, the research team focused primarily on adults under the supervision of California county probation departments for sex offenses, including the following subgroups:

- (1) individuals under the supervision of county probation departments for a sexual offense;
- (2) individuals on probation for a nonsexual offense who are required to register for a prior sexual offense;
- (3) individuals on Post-Release Community Supervision (PRCS); and
- (4) adults on probation for a sexual offense that occurred while they were juveniles.

The location, breadth, and availability of information regarding county supervision of individuals on probation for a registrable sexual offense in California was largely unknown at the outset of this study. After consulting with several researchers, practitioners, and probation officers, the research team identified an outreach strategy to contact and obtain information from probation chiefs and their designated representatives in each county. The research team subsequently contacted several professional associations¹ and attended a range of local, regional, and international meetings² to engage researchers, practitioners, and experts in the field. This allowed us to further refine the research design to most effectively involve probation personnel and measure the on-the-ground implementation of sex offender policies in California.

Participants

From this outreach, we identified specific contacts in 50 counties involved in the supervision of sex offenders on probation, as well as Information Technology personnel and data analysts. Researchers "cold-called" the remaining eight jurisdictions to identify the individual(s)

¹ Chief Probation Officers of California (CPOC); California Association of Probation Services Administrators (CAPSA); Association for Criminal Justice Research – California (ACJR); California Coalition on Sexual Offending (CCOSO); Colorado Sex Offender Management Board (CSOMB); East Bay Community Law Center (EBCLC); Impact Justice; Public Policy Institute of California (PPIC).

² Chief Probation Officers of California (CPOC); California Probation Research Network (CA-PRN); Association for Criminal Justice Research – California (ACJR); California Coalition on Sexual Offending (CCOSO); Academy of Criminal Justice Sciences (ACJS); Association for the Treatment of Sexual Abusers (ATSA); American Society of Criminology (ASC); Sex Offense Policy Research Working Group (SOPR:WG); Sex Offender Supervision Officer Bootcamp (SOSO).

responsible for supervising sex offenders in their county and to distribute the survey. Most counties responded to requests for information from email outreach or responded to phone messages. We ultimately contacted probation staff in each of California's 58 counties and subsequently interviewed almost 100 individuals from 41 counties. The individuals interviewed for the study held a range of positions including: chief probation officer, supervising probation officer, probation officer, information technology management analyst, data analyst, and quality control analyst. Interviews were conducted both in person and via telephone. Interviews were conducted on condition of anonymity so quotations drawn from interview participants are attributed to the position or job title of the speaker only. The research team interviewed a range of participants working in northern and southern, rural and urban counties across the state, but only a generalized description of each county is provided to ensure their location remains confidential. Again, we reiterate that the views expressed in the report below are those of individual participants and should not be taken to reflect or represent the probation departments in other counties or indeed the perspectives of other individuals.

Survey Design and Administration

Armed with rich but preliminary qualitative information from interviews and outreach efforts, we developed an interactive survey using Qualtrics software. The survey construction was an iterative process, involving a series of reviews with probation staff and the CASOMB Research Committee. This approach ensured that definitions of the different forms of supervision of sex offenders were as consistent as possible across jurisdictions and that specific variables of interest were properly identified and consistently available. A copy of the survey is provided as an appendix. The survey was twice subject to minor revisions to refine questions during the data collection phase, and edited in real time to revise the survey without disruption. All 58 counties submitted a survey, constituting a 100% response rate. The quantitative data collected from the Qualtrics survey were then exported to Excel and some additional analysis was conducted using Statistical Package for the Social Sciences (SPSS).

Survey questions aimed to capture the different, sometimes overlapping, forms of supervision of sex offenders at the local level, and the diverse terminology employed by probation officers to describe them. Pilot interviews with probation officers indicated that departments adopted different strategies to supervise individuals who were, for example, 290 registrants who were currently on probation for a non-sexual offense, than to supervise

registrants on probation solely for “failure to register.” One of the primary challenges at the outset of this study was reaching a consensus regarding the terminology used to describe the local or county supervision that exists across California and to usefully describe those kinds of supervision. Interviews with probation officers and supervisors in different counties revealed that there were several terms used for probation supervision of sex offenders across counties.³ We also discovered several different interpretations of the same label and associated supervisory expectations between counties, and sometimes within counties by officers and representatives at different levels in the chain of command. Researching county-level supervision of sex offenders was further complicated by the many ways that “sex offender” and “sex offense” are defined and operationalized in practice.⁴ Differences in terminology in the supervision of sex offenders across the state are also influenced by different county practices regarding plea agreements, sentencing, court-ordered terms of supervision, and probation screening practices. Our goal was to reconcile the language used by officers and practitioners to identify the categories of sex offender supervision at the local level. The research team highlights these issues to alert readers to the complexity of this sample, this caseload, and more broadly, the intersecting legislative and operational mandates that shape the supervision and reintegration of this population in California counties. The present study focuses on individuals convicted of registrable sex offenses who are currently under formal probation supervision or Post-Release Community Supervision (PRCS) in California. The following analysis does not account for individuals ordered to “informal” or “court probation” for a sex offense. Based on the research team’s preliminary interviews and outreach work, the statewide survey of county probation departments specifically asked each county for counts of probationers in the following categories:

³ Most often, “mandatory supervision” and “formal probation” tended to be used interchangeably by many probation officers, and entail similar restrictions and terms of supervision. Further, a number of probation departments reported emphatically that sex offenders in their jurisdiction *never* received mandatory supervision, while others reported that they *typically* received mandatory supervision. Respondents also reported a range of practices for individuals who had committed sex offenses and were on informal or court probation, such as “conditional sentence probation”, “summary probation”, and “revocable release,” which are not supervised by probation departments. The different practices and terminology employed in counties across the state also reflects different prosecutorial, judicial, corrections, and probation screening practices.

⁴ For example, in some jurisdictions, “sex offenders” and “290’s” are labels that are used interchangeably, regardless of the individual’s registration status. Some individuals convicted of a sexual offense, sentenced to probation, and placed on specialized sex offender caseloads are required to attend sex offender specific treatment but were *not* required by the court to register. Other jurisdictions indicated that they systematically review plea agreements to screen for cases with potential sex offenses or offenses that might have been sexually motivated and then transfer such cases to specialized sex offender supervision caseloads.

Survey Categories: Probation Supervision for a Registrable Sex Offense
Individuals under any kind of supervision for a 290 registrable sexual offense
290 registrants currently under any kind of supervision for a non-sexual offense
290 registrants currently under any kind of supervision solely for “failure to register”
Only on Mandatory Supervision for a sexual offense
Only on Formal Probation for a sexual offense
Only on Post Release Community Supervision (PRCS) for a sexual offense
Individuals identified in more than one of the above categories

We received substantial detail from almost all the probation departments in the state regarding their sex offender caseloads. However, there were some response options in some specific question categories where we are unable to report data from every county because a number of counties did not routinely collect such information. For example, for the gender variable, only a few counties included “transgender” as a response option; other counties did not collect data or report on certain race/ethnic categories, such as “Mixed Race.” Where counties reported data that appeared to be in error, for example, reporting an overwhelming number of female versus male sex offenders, the research team contacted the county to determine if corrections to the data were necessary. In some cases, multiple follow-ups were required to finalize survey submissions from some larger counties with multiple point persons, some mid-sized counties where large caseloads were managed by only one or two individuals, and rural counties with no dedicated data analysts.

There were also some situations in which the manual labor involved in isolating various pieces of information would have been unreasonably taxing. We specify below when these gaps and data limitations occur. Given these reporting and data collection limitations, the exploratory nature of this study, and the continually changing population of individuals on probation, the findings presented here should be interpreted as best estimates based on counties’ reported data. Fortunately, given the large number of counties in California and the considerable number of individuals who could cooperate, these missing data do not constitute a fatal limitation of the study. In light of these limitations, we simply present the closest approximation we can. As we

reaffirm in the conclusion below, this issue underscores the importance of all counties routinely collecting standardized data as well as the potential benefit to all counties of using similar or interoperable Case Management Systems (CMS).

III. Individuals under County Supervision for a Registrable Sex Offense in California

The survey of California's 58 county probation departments, administered from February – June 2016, queried probation officers and staff in each California county to report data on the composition and administration of California's probation-supervised sex offender population. This section of the report describes our findings regarding the overall number of individuals under county supervision for a registrable sex offense, and their basic demographic characteristics. First, we consider the number of offenders under probation supervision across the state, and the different kinds of supervision to which they are subject. Second, we present the age, race, and gender identity of these individuals. Counties are anonymized in the report, but we provide summary level descriptive information about county respondents (e.g., a "large rural county") in the analysis of findings from county surveys and interviews.

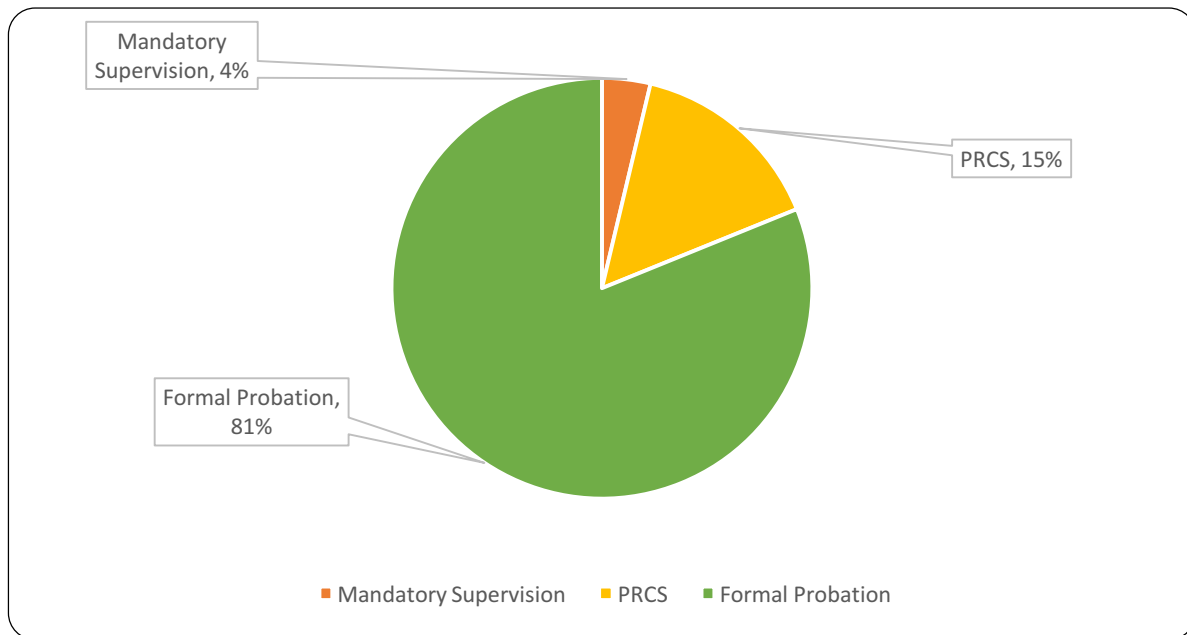
Forms of Supervision

1. Formal Probation, Post Release Community Supervision (PRCS), and Mandatory Supervision

A total of 4,841 individuals were reported to be under the supervision of California county probation departments for a sexual offense in 2016. This is necessarily a snapshot as the number of individuals supervised for a sexual offense varies as individuals go on or off county probation caseloads. As such, the study reflects an estimate of the total number of these individuals during the data collection period (February – June 2016). County surveys reflected a variety of forms of supervision for this population, including Formal Probation Supervision, Post Release Community Supervision (PRCS), and Mandatory Supervision.

The distribution of supervision types for sex offenders on probation is presented in Figure 1 below. The majority of the sample (81.1%; $n = 3,927$) were sentenced to Formal Probation.

Figure 1. Type of County Supervision – Aggregate



Only fifteen percent (15%) of sex offenders on probation were on Post Release Community Supervision (PRCS). Individuals on PRCS are determined to be non-high risk and have been released from the California Department of Corrections and Rehabilitation. This population was formerly supervised by state parole, but supervision has shifted to county probation under California’s 2011 Public Safety Realignment. The 733 people on PRCS were not evenly distributed throughout the counties: they were reported in only 42 jurisdictions. In two of those counties, all of their probationers were on PRCS. This was clearly atypical. In the remaining 39 counties, probationers on PRCS accounted for a mean of 15.75% of the total sex offender probation caseload (Range: 2.9% - 50%).

As enacted through California Assembly bills 109 and 117, realignment has also allowed “split sentencing” in certain cases, allowing judges to impose a sentence of incarceration in jail followed by a term of probation supervision known as “Mandatory Supervision.” Only 11 counties reported having any individuals on Mandatory Supervision for a sexual offense. This practice accounted for a total of 181 individuals. It should be noted, however, that a single county reported 146 individuals on such a sentence. This county was an outlier, with the number of people on mandatory supervision in the remaining counties ranging from just one to five

individuals. This variance likely reflects different counties' responses to realignment and sentencing practices for sex offenses in different counties.

2. PC 290 Registrants on Probation for a Non-Sexual Offense

A total of 982 individuals were identified as being 290 Registrants but who were currently under probationary supervision for a non-sexual offense. These individuals resided in 40 counties and mostly accounted for small proportions of reported caseloads in each county. There were two outliers: a southern county which reported that 39.1% of its 290 Registrants were currently serving probationary sentences for nonsexual offenses and a metropolitan county further north in which 24% of its 290 Registrants were currently on probation for a nonsexual crime. Interviews with probation officers in different counties revealed a considerable range of supervision practices for these cases. For example, in some counties they were managed as if their current nonsexual offense was sexually motivated, in other counties, such individuals may be placed on the general adult probation caseload.

Further, some probation officers explained how their experience supervising registrants has informed the way they supervise individuals on probation for offenses that are *not* registrable. In several counties, probation officers explained how their experience with sex offender supervision has influenced vetting and assignment of probation cases, causing them to exercise particular scrutiny in cases involving any sex-related offenses where defendants “pled down” to lesser charges plus treatment in order to avoid or limit lifetime registration requirements. Many probation officers explained that they screened for cases where defendants were initially charged with a PC 290 offense, and either assigned them to specialized sex offender units or to probation officers with specific experience in supervising sex offenders.

3. Probation Supervision for Failure to Register

California's Sex Offender Registration Act, Penal Code sections 290 et seq. requires individuals living in California who have been convicted of certain sex offenses to register with law enforcement in the city or county where they live. Registration must be updated annually within five working days of the registrant's birthday, and upon moving to a new address. Individuals convicted of failing to comply with registry requirements under California Penal Code 290 may be incarcerated or returned to probation supervision. Probation departments

from 50 counties reported a total of 1,211 individuals currently under probation supervision exclusively for “failing to register” as a sex offender.⁵ This represented a fifth (20%) of the total number of probation-supervised sex offenders in the state.

At an individual county level, the number of “failures to register” as a percentage of the total number of probation-supervised sex offenders in each county averaged 17.68%. Again, it is worth noting that this variable was not at all evenly distributed across counties. At one end of the spectrum, 13 counties reported having no one solely under probation supervision for failure to register. At the other end, 20 counties reported that at least one in five (20% or more) probationers in their jurisdiction were under supervision solely for failing to register. One very small county reported that almost all (80%) of its registered sex offenders were on probation solely for failure to register.

We observed considerable variance in the policies adopted by different counties regarding the supervision of individuals on probation for failure to register as required by PC 290. Some counties assigned such cases to the general adult supervision unit, while others were assigned to the specialized sex offender unit. In a few counties, these individuals were required to participate again in targeted sex offender-specific treatment simply for failing to register. Other counties reported that sometimes courts would simply put individuals failing to register on court probation. Some of the challenges probation officers face in supervising this population are discussed below in Section IV.

4. Transience among Registrants

Our results indicated a substantial range in the number of sex offender registrants on probation who were also registered as transient. Only 27 counties reported data on this question, and together, identified a total of 238 individuals on probation who were registered as transient. In some counties, this constituted over one quarter of the county’s sex offender caseload, while in other counties, transient registrants comprised less than 10% of the caseload. Probation

⁵ Survey responses and interviews with probation staff revealed several different challenges with regard to data collection and accessing information about probationers to answer survey questions related to the Megan’s Law sex offender registry, particularly in counties with limited data analysis capacities and/or case management systems. Some probation officers expressed concerns regarding incomplete or partial information on the registry as well as perceived delays in updating it. The limitations that probation departments reported regarding their data collection and case management systems, as well as local reporting practices from law enforcement and individual registrants, suggests that efforts to improve and integrate data collection and reporting at the county level would facilitate efficiency and accuracy in updating and managing registry information.

officers across the state reported that individuals claiming to be homeless were often concentrated in the urban centers in populous, urban counties as well as in more rural counties.

Interviews with probation officers across the state suggested that homelessness and housing instability among sex offenders was of significant concern. Unsurprisingly, this exacerbated the many challenges of supervising individuals on the street. As one probation supervisor in an urban, northern county explained, *“it’s harder to supervise homeless [sex offenders], because in our county, they’re not on GPS monitoring because they’re not high risk.”* Pursuant to Penal Code Section 1202.8, “the county probation officer shall determine the level and type of supervision consistent with the court ordered conditions of probation.” Differences between counties in resources, staffing, and the rates of homelessness influenced the use of GPS for individuals under probation supervision for a sex offense. Some larger urban jurisdictions used GPS extensively to monitor high-risk as well as homeless individuals, in some cases tracking GPS movements to verify that individuals registering as transient were in fact homeless. The costs of GPS monitoring to probation, however, limit its usage; some counties reported that they lacked the funding and staffing necessary for extensive use of GPS monitoring.

The costs and challenges of supervising homeless individuals also meant that some counties developed informal policies to limit county transfers in some cases: *“Do not transfer homeless people out, nor do you accept transfers of homeless sex offenders,”* explained one probation supervisor in a large urban county. This was motivated, in part, to preserve scarce funding that had been received to subsidize treatment for indigent and homeless individuals. Further research is needed to explore the extent of homelessness among sex offenders in the counties that did not report data on this survey question. The strategies that counties use to supervise such individuals is also an area that warrants further study. Finally, questions remain about the impact of residency restrictions on homelessness and transience in sex offenders.

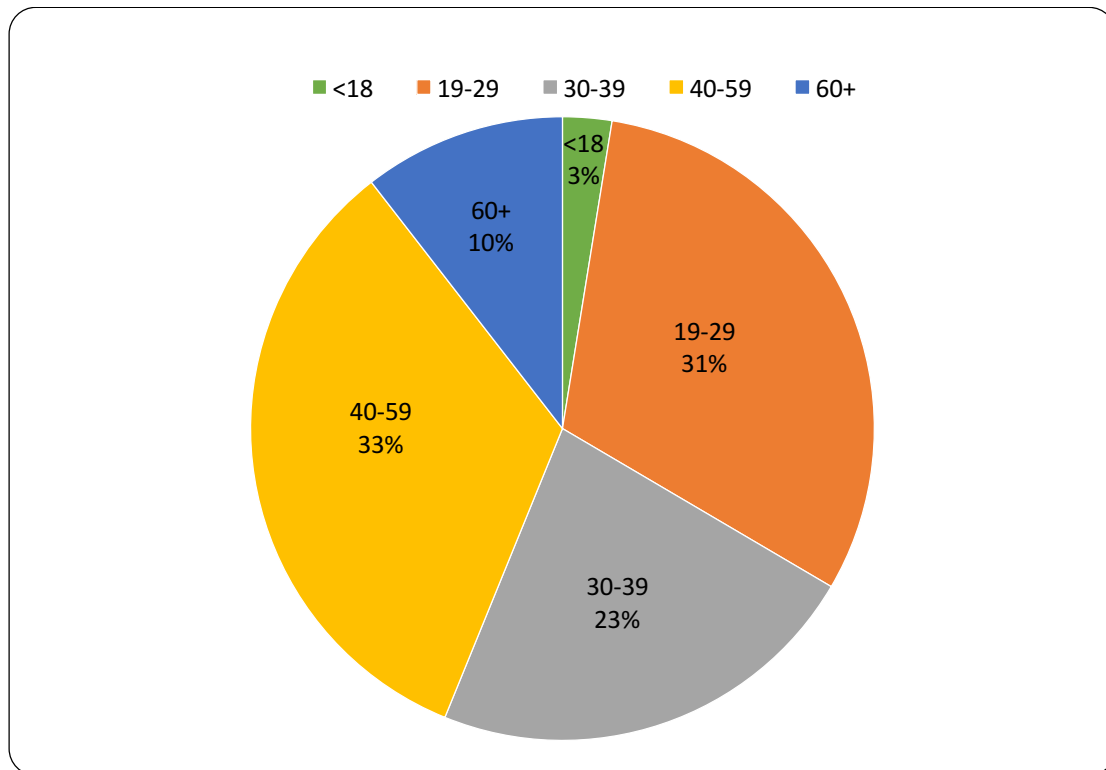
Demographics of Probation-Supervised Sex Offenders

1. Age Distribution

The distribution of probation-supervised sex offenders by age in California is largely consistent with existing research on sex offenders: two-thirds (66%) of those individuals under

probation community supervision in the state are over the age of 30.⁶ These results are illustrated below in Figure 2.

Figure 2. Age Distribution of County-Supervised Sex Offenders in California



Seven counties reported supervising a total of 134 individuals under the age of 18. When asked for the age of their probationers at the time of their most recent index offense, almost half of the states' 58 counties (n = 23) reported that at least one of the individuals on their caseloads had committed a sexual offense as a minor, but was still under active probation supervision as an adult. Many counties that reported no juveniles at the time of the survey also indicated that they had special practices in place to manage juveniles under supervision for sex offenses. For example, in some jurisdictions, there was a dedicated juvenile division that handled such cases.

⁶ Four counties did not provide a breakdown of the ages of the individuals on probation in their jurisdiction. It should also be noted that in a number of smaller counties (n = 10), all of the individuals in their county fell into just one or two age categories (typically between 30 and 59 years).

Regardless of these differences, the aggregate number of youth under supervision for a sexual offense in the state warrants further attention. Such individuals are directly impacted by the laws and policies surrounding the supervision of sexual offenders, and may have specialized treatment needs. Our specific recommendations regarding juveniles under probationary supervision for sexual offenses are discussed in Section VI, below.

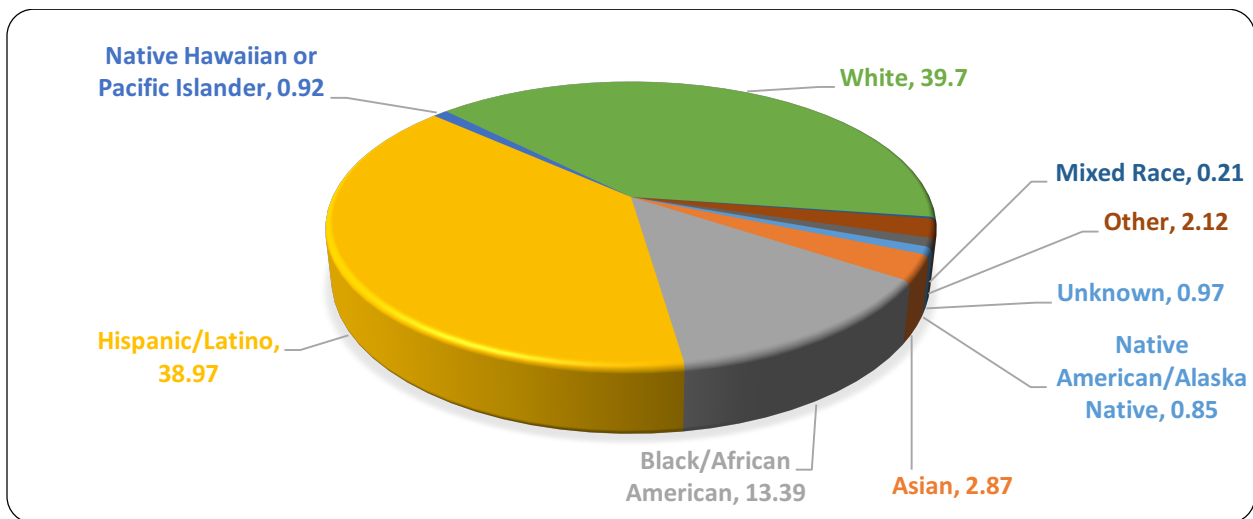
2. Race and Ethnicity

A nine-item categorical variable was created to measure the race/ethnicity of individuals currently under probation supervision for a sexual offense in California. The available options were as follows: (1) Native American/Alaska Native; (2) Asian; (3) Black/African American; (4) Hispanic/Latino; (5) Native Hawaiian/Pacific Islander; (6) White; (7) Mixed Race; (8) Other; and (9) Race/ethnicity unknown. One county did not report data based on race, and ten counties were unable to report the number of Mixed Race offenders because they did not routinely collect data that utilized that response option.⁷

There was considerable ethnic diversity in the sample with people of color making up the majority of individuals under county supervision for sex offenses in California. Overall, survey responses from probation departments revealed that 39.70% of probation-supervised sex offenders were described as White and Hispanic/Latino individuals accounted for 38.97% of this population. County data reflected that 13.39% were African American, and 2.87% were Asian. The remaining individuals were reported, respectively, as Other (2.12%), Native Americans or Alaska Natives (0.85%), Native Hawaiian or Other Pacific Islanders (0.92%), and Mixed Race (0.21%). Figure 3, below, illustrates this information graphically.

⁷ Data limitations with regard to the racial categorization of individuals under probation supervision for a sex offense should be noted in interpreting this study's findings. First, race can be a difficult concept to capture and the variable practices of using "self-reported race" versus "described race" represents a constraint in the data. Second, some counties reported data regarding the race of probation-supervised sex offenders that was inconsistent with their overall caseload counts (particularly when "gender" and "race" categories were compared). This likely reflects some errors in the total class of individuals reported (e.g., including "failure to register" as well as individuals currently on probation for a sex offense, and registrants currently probation for a non-sex offense). Third, the potential for "double counting" is also a concern. For example, a Mixed Race person might be accounted for in multiple categories. Although we formatted the survey with these concerns in mind and created nine mutually exclusive categories, the range of ways that the data were collected and entered into the case management systems of each individual county, meant that the data we requested could not always be extracted from county records consistent with the specific items on our survey. This again underscores the importance of consistency across collection methods. Although the reported data should be interpreted in light of these inconsistencies and limitations, we are still able to draw worthwhile conclusions based on the county data that was reported in the survey.

Figure 3. Percentage of Probation-Supervised Sex Offenders in California by Race / Ethnicity



The percentage of individuals under the supervision of county probation departments for a sexual offense who are identified as White is proportional to their representation in California's overall population (39%).⁸ In the aggregate across the state, however, Black/African Americans are overrepresented on probation-supervised sex offender caseloads (13.39%) relative to California's overall population (6.5%). Asians, however, are underrepresented (2.87%) in this sample relative to their representation in California's population distribution (14.7%)

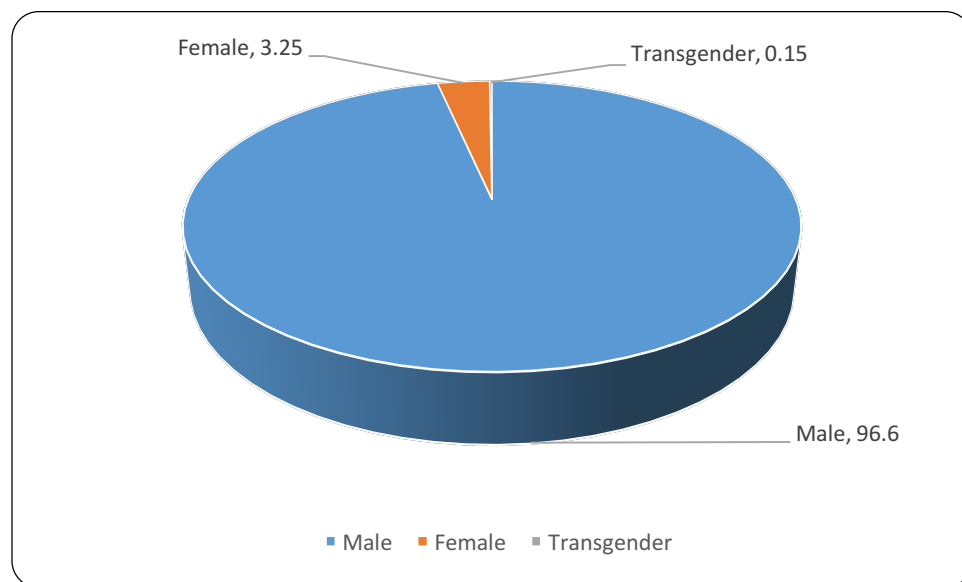
3. Gender Identity

The individuals under probation supervision for a registrable sex offense in California are almost exclusively men. This is unsurprising and largely consistent with extant research on this offending population. Most estimates in the U.S. indicate that upwards of 90% of sex offenders are men. Similarly, in the 55 California counties that collected this information and responded to this question, men accounted for an average of 96.6% of their total supervision caseloads, reflected in Figure 4, below. The percentage of men in each county ranged from 50% (in two outlier counties with only two and four probationers, respectively) to 100% in 19 counties.

⁸ Information about California's population distribution by race/ethnicity is based on U.S. Census Bureau statistics for California for July 1, 2015.

Of the 55 reporting counties, 37 counties reported a total of 189 women under probation supervision for a sex offense. Five counties collectively identified just six transgender individuals; however, 11 counties reported that they did not routinely identify individuals as transgender because they utilized a binary gender variable.⁹ As our understanding of gender identity continues to evolve and transgender individuals are represented in increasing numbers, we recommend that all counties begin collecting this information and developing gender-sensitive programming as a matter of best practice.

Figure 4. Gender Identity: Percentage of Male, Female, and Transgender Individuals Under Probation Supervision for a Registrable Sex Offense



IV. Implementing the Containment Model for the County-Level Supervision of Sex Offenders

The following section provides a review of the dominant themes that emerged from each county's qualitative survey answers and the interviews that were conducted during the data

⁹ These statistics are based on county probation departments' survey responses reporting the gender of individuals on probation-supervision for a sex offense. As some departments did not provide data on this variable, and others reported only partial data, these data should be interpreted in light of these limitations. However, the overall percentage of individuals reported under probation supervision is consistent with the general trends and gender breakdown reflected in other studies of sex offender populations.

collection period. While the exploratory nature of this study did not entail a comprehensive survey of every probation officer in the state, interviews with specific probation personnel across different counties provides important context to help illuminate the survey findings. Although the particular quotes reported below are those of individuals, they are representative of the dominant themes that emerged from interviews as well as in the narrative answers to open-ended survey questions. These data provide a picture of current efforts to implement the Containment Model, including specialized county probation supervision practices for sex offender caseloads, treatment, and polygraph examinations. Each section includes a brief description of the dominant themes, exemplary quotes extracted directly from interviews with key stakeholders, and key challenges and opportunities. In most cases, we have provided both recommendations for practitioner best practices as well as research objectives for future data collection and analysis.

County Probation Supervision Practices

Interviews with front-line probation officers and supervisors reflected widespread familiarity with the Containment Model, risk assessment tools, and polygraph examinations. The clear majority of probation officers interviewed supported the Containment Model, and agreed that specialized treatment as a condition of probation was important in the effective supervision of individuals convicted of sex offenses as compared with adults on probation for other types of crime. However, efforts to implement the Containment Model remain uneven. While survey and interview responses reflected widespread support for the goals of the Containment Model, some counties continue to face challenges in fully implementing the specialized supervision and treatment entailed in it. This variation raises concerns about uniformity in treatment and supervisory practices across the state. The analysis below highlights three key themes that emerged from survey responses as well as interviews with probation staff throughout the state regarding the unique demands of sex offender supervision and the resources required to implement the Containment Model in practice.

- | |
|---|
| 1. Specialized caseloads and the unique demands of supervising sex offenders |
| 2. Need for additional, accessible, specialized training in sex offender supervision |
| 3. Challenges and resource constraints in the county supervision of sex offenders |

1. Specialized Caseloads and the Unique Demands of Supervising Sex Offenders

Supervising officers and probation chiefs reported that they endeavored to limit the size of probation officers' sex offender caseloads, prioritizing resources so that officers could better focus on "high risk" and "high needs" probationers. Most larger counties have created specialized caseloads or developed specific units dedicated to sex offender supervision. However, even in counties that have specialized units, financial challenges can inhibit the integration of the containment approach. One county reported, *"our administration and officers are very pro-active with sex offenders through small caseloads, field supervision, engaging with treatment providers, including the containment model. The challenges are usually financial."*

Sex offender supervision caseloads remain large in some counties, increasingly burdened by those individuals subject to new terms of probation simply for failure to register where these individuals are placed on specialized sex offender caseloads. Summarizing the feelings of many probation officers consulted in this study, one interviewee suggested *"the sex offender caseload should be considered specialized and capped at 40 probationers so supervision and treatment can be intensive."* One Supervisor suggested that the state should set a standardized caseload limit with a maximum of 40 individuals, as some counties currently require individual probation officers to supervise 50 or more sex offenders of various risk levels, making it *"hard to even see these individuals once a month"* and near impossible to complete thorough home searches. Without additional support, interviewees explained that such large caseloads increase the difficulty of ensuring effective, consistent supervision, and add significant stress to the job.

Probation officers working with sex offenders also discussed how California's lifetime registry requirements can impact their work and ability to allocate scarce resources for sex offender caseloads. Overall, twenty percent (20%) of the individuals who had committed a sex offense and were under county probation supervision were currently on probation solely for failure to register. Several interviewees discussed the stigma that registrants face in the community. Some individuals expressed the opinion that the lack of "tiered" information differentiating the risk-level posed by individual registrants can compound the stigma that registrants experience. This, in turn, can create additional challenges for probation officers supervising them. Although the views of individual interviewees may differ from those of their colleagues elsewhere, and cannot be assumed to represent the official view of probation

departments, results from our survey and interviews with probation officers emphasized that those supervising sex offenders spent considerable time addressing probationers' housing issues. Registrants often face difficulties in finding safe and suitable accommodation and employment. Individuals under probation supervision who move frequently and/or register as transient reportedly creates additional demands for probation officers on this caseload, in terms of time required for compliance checks as well as the need additional resources, such as increased GPS hardware and monitoring costs. Further, several interviewees noted that the difficulties of finding and paying for housing as a registrant can delay a probationer's ability to access, pay for, and successfully complete treatment.

Nearly every probation representative interviewed supported adapting California's registry to a "tiered" approach to: better reflect the risk assessments of individual registrants; to more efficiently allocate scarce resources; and to address some of the potential unintended consequences of the registry that influence the supervision, reentry, and public safety challenges involved in this population. For example, some probation staff reported that they suspect some registrants in their county prefer to register as transient to avoid identifying the address(es) where they are staying. While noting that this was a violation for 290 registrants, many probation officials were unsurprised that registrants took this risk, given the barriers to housing that they face and concerns regarding public harassment of those who allow sex offenders to register at their address. Many probation officers supervising sex offenders indicated that their probationers frequently expressed fear that registering a permanent address and having it subsequently posted publicly on the Megan's law website would place them and/or the residence owner at risk of harassment and vigilantism. Registering as transient may allow individuals to avoid the scrutiny of probation officers over their living arrangements, some of which may violate the terms and conditions of their sentence or probation. Some probation officials interviewed for this project explained that these reactions to and unintended consequences of public registry and notification requirements can increase the already difficult task of effectively supervising transient registrants on probation.

2. Specialized Training and Supervision

Interviews and survey responses indicated that most officers supervising sex offenders report having received specialized training. Though counties reported varying levels of access to specialized training for probation officers supervising sex offender caseloads, all of our

respondents emphasized that more specialized, intensive training was necessary. The argument was repeatedly made that increasing the accessibility and availability of training, and ensuring that training addresses issues related to burnout and officer wellness, is critical to equipping probation officers for the challenges of responsibility for supervising sex offenders.

In populous, urban counties, specialized training for the supervision of sex offenders was more often available in-house. Smaller counties and those in more remote parts of the state reported that there was less training available. In practice, specialized and ongoing training was more accessible at annual regional or statewide meetings, such as the conference of the California Coalition on Sexual Offending (CCOSO). The lack of ready access to necessary training was reflected by the example of one individual interviewed who had been hired less than 12 months' prior. This particular officer was solely responsible for approximately 50 high risk sex offenders and as yet had received no specific "sex offender supervision" training.

Advanced training and more frequent training opportunities were consistently recommended by multiple respondents. Several interviewees identified the challenge of finding ongoing professional training programs suitable for administrators and staff working with sex offender caseloads. As one supervisor from a rural northern California county explained: *"Carrying a specialized caseload and dealing with these folks requires a solid knowledge base and advanced training. Finding and sending officers to these trainings, when they occur, can be a challenge. Also, advanced training is few and far between for sex offender supervision."* Some probation officers also reported a need for more technological training to ensure effective searches and monitoring of computer, phone, and social media usage, a point that was also emphasized in training sessions.

Interviews with trainers and probation officers who shared advanced experience with sex offender supervision highlighted the need for supervisors to be attentive to the unique burdens of a sex offender caseload and its impact on probation officers working in these units. Training programs by former probation officers (such as the Sex Offender Supervision Officer (SOSO) Bootcamp) emphasized the importance of learning tools for both active investigation as well as preparing oneself emotionally for the personal challenges of the job.

Some trainers and experienced probation officers also repeatedly identified a "rule of thumb" suggesting that no one should spend more than three years with a sex offender caseload before rotating to a different unit. Staff supervisors explained that some individual probation

officers were “*cut out for the job*,” and could manage the stress and emotional labor involved in working with people convicted of sex offenses. The burden of the caseload stemmed, in part, from working what several probation officers described as a “*litigation caseload*” or “*liability caseload*,” and concerns about the possibility of a “*PR nightmare*” should a convicted sex offender reoffend while under one’s supervision or authority. In addition to more stringent supervisory requirements for probationers whose risk assessments indicated a high risk for sexual recidivism, probation officers described a heightened sense of responsibility when supervising individuals on specialized sex offender caseload. Several interviewees emphasized the gravity and seriousness of their work by referencing examples from recent California cases where convicted sex offenders with previous violations or on active supervision had reoffended. “*You don’t want to have your name listed as the one who was responsible for a ‘Garrido,’*” explained one probation officer, referring to a case where a kidnapped victim was hidden on a registered sex offender’s property for eighteen years, a reality missed during numerous home visits by supervising agents and officers. The case was mentioned during nearly every training for probation officers supervising sex offenders that was observed by the research team, referenced as a cautionary case study to highlight the importance of vigilant supervision and frequent, unanticipated compliance checks.

All counties reported utilizing risk assessment tools and corresponding specialized supervision for sex offender caseloads. However, some survey responses and interviews with probation officers reflected concerns regarding the risks to public safety as well as potential liability should sex offenders under probationary supervision reoffend. For example, one county survey response reported that even in individual cases where risk assessments may predict that “*the statistical probability of a sex offender committing a new sex offense is low, our agency has decided that the exposure and liability is too high to terminate this population early.*” Further, the nature of some counties – for example, geographically large, rural, or remote counties – can make the intensive supervision required for sex offenders more resource-intensive by increasing the time, cost, and logistical support necessary for home checks. Even in rural counties with few resources, “*many policy and supervision decisions must be made within the lens of liability and exposure to the department.*” Ensuring that probation departments have the resources necessary to limit the size of specialized sex offender caseloads and to provide frequent and advanced

specialized training is critical to promoting the effective supervision and management of this population, and to ensure statewide implementation of the Containment Model in practice.

3. Challenges and Resource Constraints in the County Supervision of Sex Offenders

Interviewees and survey responses consistently reported that additional resources are required to mitigate the unique burdens of sex offender supervision. Several probation officers and supervisors stressed the need to limit caseloads, to ensure that probation officers can self-select to work on sex offender caseloads, and to develop strategies to address staff turnover issues due to the stress and emotional toll of the caseload.

Interviews with probation department staff in counties throughout California revealed high staff turnover in units responsible for the supervision of sex offenders. Probation officers shared stories regarding the challenges of their work, explaining that people had “different limits” in terms of the sorts of cases they could deal with, and the length of time they would be able to work on a sex offender caseload.

Some urban counties and especially those with sufficient resources have developed specialized units to manage sex offender caseloads. In most counties with specialized units, officers rotated through the unit over periods ranging from two to five years, depending on staffing capacities. As expected, those who had been assigned to a sex offender or PRCS caseload against their will were less successful, more stressed, and quit more quickly, across the board.¹⁰

In some small counties, the sex offender supervision caseload went to the person who “drew the short straw” but, without exception, the assignment carried an elevated sense of responsibility compared to other caseloads. Officers that we interviewed in other counties reported that they had difficulty maintaining enough probation officers on staff to provide adequate staffing for their sex offender caseload. Sometimes, the stress of the job and low compensation created retention problems, increasing already high staff turnover and, in turn, training costs for new personnel.

The unique stress of supervising a sex offender caseload also impacted probation officers outside the workplace. Several probation officers we interviewed also described how their experiences working with sex offenders shaped their private and family lives. In interviews,

¹⁰ In some larger counties with a larger population of sex offenders on probation, supervisors would only give the caseload to officers who requested to serve on the unit. Still, the majority of county probation administrators that we interviewed seemed adamant that the caseload should only be shouldered by choice, and in many counties, it was.

some probation officers with experience supervising sex offenders explained that they were more vigilant about watching for suspicious people or sex offenders in the community; that their children called them “*paranoid*,” and that it was often “*hard not to take work home with you*.”

The stress of supervising a sex offender caseload and reports of burnout and turnover can create severe staffing problems that could, in turn, result in gaps in supervision, an issue that should be explored in future research. The themes of officer wellness and secondary traumatization were emphasized in study interviews as well as at training sessions providing practical tips to probation officers supervising sex offender caseloads. One mid-sized urban county reported, “*Our staff need up-to-date training on how to supervise (via office/home visits, and searches) this population; as well as wellness training on how to handle the stress of the information (photos, victims, high risk caseloads) they encounter.*”

Given the limited and sporadic nature of training opportunities, retaining probation officers with specialized training and expertise in sex-offender specific supervision will continue to be critical to the sustainable, statewide implementation of the Containment Model. Smaller caseloads, providing breaks in between rotations in specialized sex offender units, and providing support for officer wellness trainings and resources were identified as key ways to retain experienced officers, and to help them cope with the uniquely stressful and sometimes traumatizing nature of working on sex offender caseloads.

Staff turnover also impacted implementation of the Containment Model. The lack of access to training in many counties means that staff turnover can result in a person without specialized training being assigned to supervise a sex offender caseload. Further, although some county probation officials indicated that they “*collaborate well with community partners*,” others reported that the “*ever changing staff in the different jurisdictions and vacancies in the different agencies presents a lack of continuity*” that can hinder the effective and consistent operation of the Containment Model across the state.

Sex Offender-Specific Treatment

California law requires that registered sex offenders under criminal justice supervision must receive sex offender-specific treatment while on probation. The 2010 Chelsea King Child Predator Prevention Act (AB 1844) mandated the “Containment Model” for handling registered

sex offenders, including the provision of specialized treatment by certified mental health professionals.¹¹

Most probation officers that we interviewed seem to have developed useful working relationships with the treatment providers in their county. Some probation officials reported visiting programs often, and some county Containment Model teams told us that they have monthly meetings. Communication and coordination between treatment providers and probation personnel was viewed as enhancing the work of both. In a few counties, some probation officers reported that they occasionally attended group therapy sessions for sex offenders under their authority. This approach was viewed as efficient in terms of completing compliance checks for multiple offenders, but one that may blur the unique roles of treatment providers and that of probation officials. Another probation officer noted that: *“Having the treatment provider come to our department to discuss offender treatment and progress is a great way to supervise offenders.”* Probation staff interviewed underscored the value of multiple, connected forms of supervision and support to promote success on probation and in the community.

Our interviews with probation officers who were implementing the new mandates of the Containment Model revealed substantial variation in the cost, availability, comprehensiveness, and individualization of sex offender treatment. The requirement that programs be certified was frequently applauded and has evidently led to some necessary and positive changes, but there is room for improvement. While this study does not constitute a comprehensive survey of all probation officers addressing sex offender caseloads, one of the strongest themes to emerge from interviews with probation officers was concern regarding the limited oversight of county treatment programs and providers, and a perceived lack of *“benchmarks”* to track treatment progress.

Overall, survey findings show there are a relatively small number of treatment programs that have representation in multiple sites across the state. There are also a number of counties with a single, individual treatment provider, oftentimes serving as the sole provider for several surrounding counties, particularly in rural areas. The results from our interviews helped to identify several practical obstacles that stand in the way of these treatment goals being achieved on the ground. We have arranged them into the following themes and address each one in turn.

¹¹ Under Chelsea’s Law, individuals on PRCS and mandatory supervision are not required to participate in treatment as part of the Containment Model, though it may be ordered by the court.

1. Lack of access to treatment (funding, location, language)
2. Lack of clarity regarding benchmarks and milestones for treatment progress
3. Lack of further specialized services such as residential treatment, accessible shelters, and substance abuse counselling

1. Factors Contributing to Lack of Access to Treatment

Cost and Lack of Sustainable Funding to Support Sex-Offender Treatment

Nearly every interviewee and probation department surveyed indicated that a lack of dedicated, sustainable funding to support or subsidize sex offender-specific treatment inhibits the implementation of the treatment mandated by the Containment Model. Individuals supervised by probation departments for a sexual offense in California are typically required to fund their own participation in treatment. However, in the overwhelming majority of California counties, no financial support is offered to fulfill mandatory treatment, and many counties lack sufficient resources to subsidize such treatment for low-income or indigent individuals under their supervision.

The variability of costs for treatment across the state also complicates individuals' access to mandated treatment. Costs for treatment are significantly higher in some counties than in others. One mid-sized county in Northern California reported that the cost of treatment for an individual in their county is *"approximately \$7,500 - \$10,000 for three years. It is broken down as follows: \$300 intake, \$50 per group for two years (ongoing fee of \$50 per week), \$50+ for one-on-one counseling for one year, \$350 - \$400 each for... [a penile plethysmograph]."* Certified treatment providers utilized by a mid-sized county near a large metropolitan area reported that probationers pay for their own treatment, and are expected to pay \$750 for intake, \$120 - 180 per session for individual therapy, and \$50 - 60 for group therapy. Probation officials reported a wide range of costs for mandatory assessment, treatment, and polygraphs, summarized in Figure 5, below. This variability means that depending on where they live, individuals with similar offense histories, risk levels, and therapeutic needs may be required to pay vastly different sums to meet similar probation requirements and successfully complete treatment.

Figure 5. Range of Cost Reported by County Probation Departments for Required Sex Offender Treatment and Polygraph Examinations in California Counties

Treatment Component	Minimum Reported Cost	Maximum Reported Cost
Intake Assessment	\$250	\$750
Individual Session	\$85	\$180
Group Session	\$25	\$60
Polygraph Examinations	\$180	\$400

While some individuals on probation can pay for their own treatment, interviewees repeatedly raised the problem that indigent and low-income individuals commonly cannot afford the fees and costs involved, even at the lowest cost programs. As one officer from a rural county explained:

“[The Penal Code] states that persons placed on probation for an offense that requires registration pursuant to sections 290 to 290.023 shall participate in a Sex Offender Treatment program. While the legislature mandated that these offenders be required to participate in treatment they did so with the caveat that offenders shall not be denied probation because of an inability to pay. Therefore, indigent offenders are mandated to participate in treatment but there is no remedy to get them into treatment. The state should have also mandated the county mental health providers to establish and maintain a sex offender treatment program. **If the state wants to continue to mandate treatment—which they should—they need to set up a funding source** [emphasis added]. Currently some larger departments use money from AB109 to assist with treatment. [In my opinion], [t]his is not what this money was intended for and the supervising agencies need a better remedy.”

A few counties reported that they had received grants or had realignment funds allocated to their Probation Department, helping to supplement and/or cover the cost of treatment for sex offenders who could not afford it. Other counties reported that they successfully negotiated sliding scales for both group and individual treatment; the lowest cost treatment reported (\$25 per hour for a group session) was available in large urban areas with several CASOMB-certified providers. Still other probation officers described attempts to increase options for treatment through

providers willing to offer sliding scales and payment plans, but this is not an option available in all counties and some providers go unpaid or underpaid.

While some probation officers emphasized that requiring individuals to pay for their own treatment helps ensure they are “*invested in the process*,” most of the individuals that we met felt that the difficulties many probationers confronted in paying for intake and assessment fees, treatment sessions, and multiple polygraph examinations (discussed below) inhibited effective supervision under the Containment Model. Requiring individuals to pay for treatment and supervision without support can, as one probation officer from a mid-sized county put it, “*be a challenge for indigent clients or clients transitioning out of longer term incarceration*,” such as individuals on PRCS. In one large Northern California county, probationers deemed indigent by the court are ordered to receive sex offender counseling without cost; however, because private practitioners are not obliged to provide free services, many poor probationers are unable to access treatment which, in turn, “*creates supervision challenges*.” In many cases, probationers who cannot raise funds for treatment must find a way to get a job and save money before beginning treatment. However, in other counties, people who could not find employment to pay for treatment were violated, terminated from probation and returned to custody. Still others remained on probation—in technical violation—for months before beginning treatment.

Without a sustainable source of funding for counties to subsidize or pay for treatment or a funding stream from the state to assist indigent clients to facilitate timely participation in treatment programs, the treatment element of the Containment Model continues to demonstrate the existence of a large gap between state mandate as set forth in Chelsea’s Law and real-world local practice.

Location of Treatment Providers

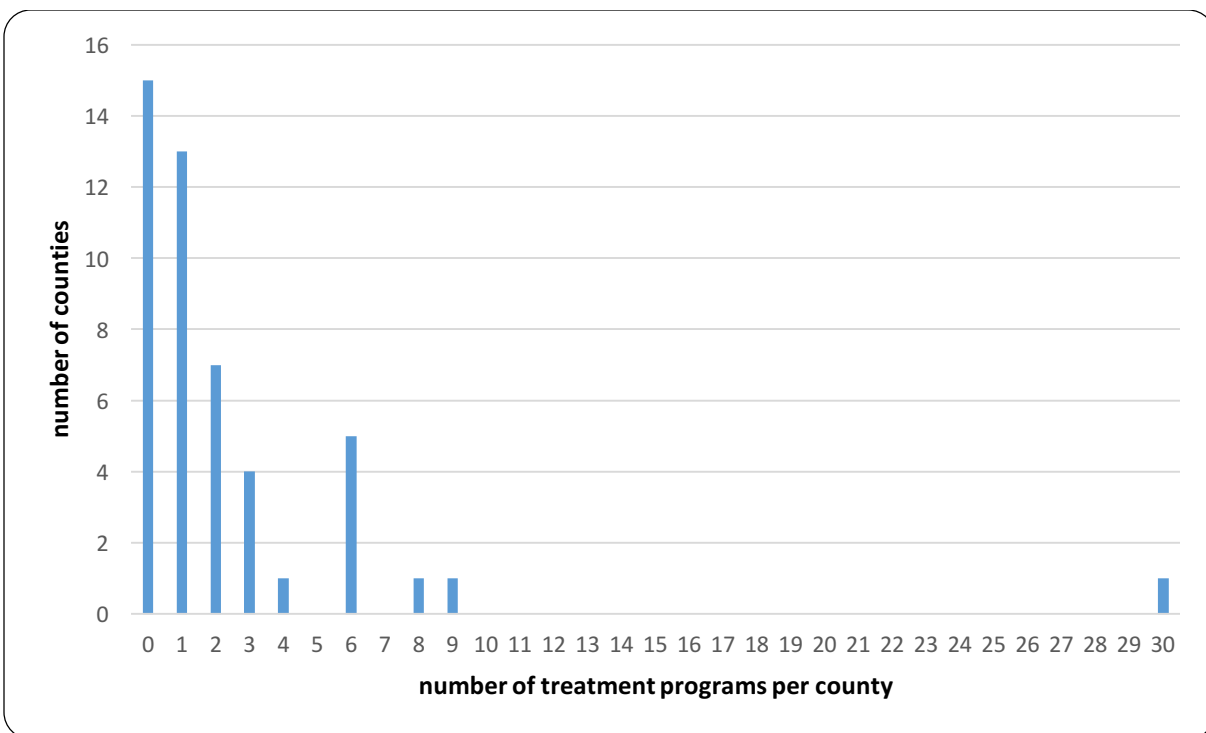
In addition to funding to support broader access to affordable treatment, it is likely that in some locations, even those individuals who may have the ability to pay might still not be able to participate in the Containment Model treatment and supervision programs because treatment providers are not currently available in every California county. Counties may refer sex offenders only to CASOMB-certified treatment programs, but survey responses and interviews with probation officials and treatment providers indicated that access to treatment is uneven

across the state. As can be seen from these results, 10 counties did not provide a response to this survey question.

County probation surveys reported a broad range in the number of treatment programs (and providers) that were available in each jurisdiction (from 0 to 30). Figure 6 below presents the raw number of treatment providers that are available in each county. As can be seen from the Figure, there were typically only a few treatment providers per county.

In 13 counties, there was only one available agency providing certified treatment, and these often served surrounding counties as well. As expected, the 15 counties that reported having no certified treatment provider at all were all rural and relatively small jurisdictions; sex offenders in these counties must travel long distances to attend treatment. This is a key finding regarding barriers to effective, uniform implementation of the Containment Model across California's counties.

Figure 6. Number of Treatment Programs per County ($n = 48$)



Although probation officials across multiple jurisdictions endorsed the importance of sex offender-specific treatment, in some counties there are no treatment providers available, and options in nearby counties are often limited, inaccessible, or also nonexistent – particularly for offenders who speak languages other than English. Consequently, many sex offenders are unable to access treatment to comply with the terms of their probation, and counties are unable to fully comply with the mandates of the Containment Model. These issues are discussed in more detail in Section IV, below.

Survey responses revealed that limited access to affordable transportation can inhibit access to treatment. This theme was reiterated in interviews with probation officers, particularly those in rural counties in the state. In some areas, probationers must travel to other counties for treatment meetings, but there is often little to no reliable public transportation to and from treatment outside urban areas.¹² Driving to treatment sessions can take hours and transport-related difficulties frequently arose as a significant hurdle for probationers attempting to comply with treatment requirements. In one county, *“offenders have to drive an average of one hour and 45 minutes one way without traffic to attend their weekly courses. The next closest provider is in [a different] county and is over two hours one way.”* For probationers in a rural, less populated county, the nearest provider is over five hours away. While there is comparatively little demand for services in some counties, the lack of access to treatment providers or alternatives (e.g., monitored tele-/video-conferences for remote group or individual sessions) inhibits the uniform implementation of the Containment Model across all California counties. It also makes it difficult to comply with the terms of probation and increases the likelihood that individuals will fail to complete treatment. As the survey response from a probation officer from one rural county with no provider explained, *“we need treatment providers in [our county] since most offenders have little [to] no jobs [or] money. Most are without transportation and driving out of the county is a serious hardship. This equals an elevated risk of failure to complete counseling.”*

¹² One probation officer from a rural county explained that transportation was a tremendous difficulty for individuals on probation for sex offenses in their county, as the nearest treatment provider was over two hours away. Most of the individuals on the county’s current sex offender caseload attended irregularly, at best. The only probationer who regularly attended treatment was a developmentally disabled man who was there because his parents made sure to drive him every week. The lack of affordable, accessible treatment programs creates significant barriers to effective and productive engagement with treatment professionals.

Probation officials in multiple rural counties throughout California similarly explained that a lack of transportation for out-of-county treatment is burdensome and costly, increasing supervisory difficulties while creating barriers to the successful completion of treatment programming. Some counties created workarounds at considerable expense to the department and/or county, but these were neither uniform nor sustainable. One rural county in the north reported that probation department staff *“had to physically drive the probationer [to treatment] two times per month which was very costly due to having the additional cost of paying for [a] transport officer and wear and tear on county vehicle. Most offenders do not have adequate transportation to make the 300 mile round trip, especially during the winter months.”* Another county with no available certified programs that provided treatment for sex offenders reported that their probation officers had created an *ad hoc* workaround, and was *“able to provide transportation and paid treatment in a felony conviction if needed.”* These efforts to ensure probationers comply with treatment requirements, while admirable, are not sustainable without further dedicated funding and support.

One of the dominant themes that emerged in county survey responses and interviews with probation officers in counties of all sizes concerned the lack of available state resources to fund treatment for sex offenders. Probation officers identified lack of funding as a significant challenge in the effective supervision of their sex offender caseload and the implementation of the Containment Model. Lack of resources for timely, affordable access to treatment means that some individuals convicted of sex offenses who are reentering the community are not receiving mandated treatment. This problem is particularly evident in rural counties.

The concentration of providers in urban areas and more populated counties revealed other access issues. According to one probation officer, the biggest challenge in supervising sex offenders under the Containment Model in rural counties is *“Access. People have to travel out of county to attend treatment, and transportation can be an issue. Having a provider in the county would be beneficial.”* Another probation officer from a rural county in Northern California explained that: *“There is only one provider of sex offender treatment in our county, which actually serves clients from several surrounding counties as well.”* Finally, one probation official interviewed in an urban center in a predominately rural part of the state suggested that *“additional providers of acceptable sex offender treatment could ease access to treatment for offenders that reside in other nearby counties.”* It remains unclear how the reliance of many

counties on a nearby jurisdiction for access to treatment providers impacts the availability and quality of treatment.

Lack of Access to Treatment in Languages other than English

In addition to cost and location, probation officers in some counties reported that they were unable to locate treatment programs in languages other than English. The dearth of treatment options available for sex offenders whose first language is not English is a marked problem, particularly in rural areas or counties with no or few providers. This effectively places many probationers in violation of their probation sentence due to no fault of their own. It is unclear whether Spanish-speaking individuals and other non-English speakers on probation can access the treatment necessary to successfully complete probation as mandated by the state. In fact, individuals speaking languages other than English only appear to have potential access to treatment in their mother tongue in large urban counties. The need for multilingual, culturally competent treatment services is pressing, particularly in counties in and around metropolitan areas.

2. Lack of Clarity Regarding Benchmarks and Milestones for Treatment Progress

County surveys indicated that the treatment programs they referred their probationers to were certified by the state, but almost without exception probation officials expressed a variety of other concerns about the quality of the services that they provided. The questions that were typically raised related to oversight, the requisite length of treatment, benchmarks or milestones to mark progress, and “*what goes on behind closed doors.*” The main concerns expressed related to the quality and comprehensiveness of treatment programs and a lack of clarity regarding treatment milestones.

Interviews with probation officials and key stakeholders reveal that there is a considerable range in the quality and comprehensiveness of sex offender-specific treatment across California. It seems that participants in some programs receive workbooks and lengthy homework assignments and their group sessions last for hours. There are others where a group of guarded men (some of whom have language barriers) reportedly pay to sit silently in a room for an hour without interacting.

Several probation officers supervising sex offenders indicated that in their experience, there appeared to be few indicators to know if a probationer is advancing in their treatment program and that it is hard to tell if or when they have completed treatment benchmarks, therefore making it impossible to assess their progress. Even in cases where probation officers and treatment providers work together, some of the probation officers we interviewed reported frustration when their clients ask them when they will be done with treatment and the probation officer has no way to know. Some officers expressed the sentiment that because it is not clear how long people would have to be in treatment, the lack of clear metrics for successful completion of treatment can work to limit the tools and graduated sanctions probation officers can utilize to supervise sex offenders and promote compliance with treatment programs.

The indeterminate nature of therapy requirements and the lack of a legal definition or shared understanding among Containment Model Team members of what constitutes “successful” completion of treatment undermines the uniformity and efficacy of the implementation of the Containment Model in California. Consequently, individuals who have committed similar sex offenses with similar risk assessment profiles may be subject to radically different treatment requirements in different counties. The probation officials interviewed for this study in counties throughout the state reiterated a common suggestion regarding the need for *“clearer treatment guidelines, measurable goals for participation and completion.”* Reports from probation officers in this study may inform CASOMB’s continued efforts to identify best practices in treatment, benchmarks for progress, and treatment completion considerations to facilitate effective collaboration between probation officers and treatment providers and to promote more uniform implementation of the containment approach.

3. Other Treatment Needs: Lack of Available Social Services and Substance Abuse Treatment for Sex Offenders

Treatment providers and probation officers that were interviewed indicated that the lack of individualized treatment can sometime undermine the effectiveness of the Containment Model for want of additional social services. For example, one particular probation officer explained, *“Not all sex offenders are created equal,”* and *“they don’t all need the same thing in treatment.”* Interviews with probation officers who demonstrated considerable experience with the supervision of this population revealed that although group treatment “works” for some sex offenders who *“get it, after a while,”* mandatory treatment often seemed to have little meaning

for or impact on others, particularly those with mental illness or developmental disabilities. This observation underscores the importance of developing more individualized programs that can cater to the myriad of personal characteristics that occur among individuals convicted of registrable sex offenses.

Counties across the state also reported a pressing need for residential treatment facilities for registrants with mental health, behavioral health, and substance abuse issues. The lack of services and treatment programming for individuals on probation for a sex offense who also struggle with addiction or substance abuse was a common theme raised in surveys and interviews as a challenge for officers on a sex offender caseload. This problem was particularly pronounced in rural areas and small communities, where limited services were available through local churches, but sex offenders were often excluded. A mid-sized coastal County reported that probation departments face challenges in finding substance abuse treatment providers for sex offenders, particularly “Sober Living Homes” or residential treatment programs for sex offenders with substance issues, as few affordable housing placements accept registrants. Local ordinances and zoning restrictions also inhibited siting services for registrants in some counties.

Probation officers throughout the state reported that the lack of social services, residential treatment, and drug and alcohol abuse services accessible to sex offenders creates challenges in case supervision and nearly insurmountable barriers to reentry. For example, one respondent from a mid-sized central California county explained, *“Finding alternative or additional treatment, transitional/supported housing programs, and employment opportunities for registrants is difficult due to stigma, liability, and constraints on where offenders, thus services, can be located during probation. For the same reasons, many registrants are transient, which necessitates more intensive supervision than the person’s risk level would otherwise require.”* These limits on the availability and accessibility of further specialized services, in turn, make probationary supervision even costlier and much more resource-intensive as sex offenders struggle to successfully reenter their communities and live offense-free lives.

Polygraph Practices in the Containment Model

In addition to treatment, Chelsea’s Law also requires polygraph testing for all sex offenders on parole or probation as a core component of the Containment Model. Reports from probation officers and treatment providers in California reflect inconsistent implementation of

polygraph practices in the Containment Model across the state. As with treatment, the primary themes raised the cost and availability of polygraph examinations.

The required number and frequency of polygraphs administered to individuals on probation for a sex offense varied significantly across counties, as did the costs of polygraphs. County survey responses reported that the cost of a single polygraph ranges from \$180 - 400. Some counties required sex offenders to pay for multiple polygraphs throughout their probation sentence, while others receive only one or two polygraph examinations during their supervision. While some counties pay at least part of the bill, others require sex offenders to pay for multiple polygraphs at significant cost (upwards of \$350 - \$400 per examination in some counties).

The cost of polygraph examinations is considerable, and probation officers complained that there is a lack of consistent pricing for treatment and polygraphs. Polygraphs also prove problematic in terms of the resource-impact on different counties – some can afford to contract with polygraph services, while other counties must rely on one or two polygraphists. One county survey cited as a challenge the “*lack of certified [polygraphists] available to comply with model treatment.*” The limited ability of rural, relatively unpopulated communities to bargain for contracts or volume discounting makes cost-intensive polygraph procedures particularly onerous for many counties in California. The for-profit model is therefore problematic in terms of the resource-impact on different counties, as well as the wide variance in costs required of probationers to successfully complete treatment and probation requirements. The small number of polygraph providers and the use of no-bid contracts in some areas may create conflicts of interest, or at least the appearance thereof.

Some officers expressed different views regarding the reliability of polygraphs, but noted in interviews that the availability of polygraphs served as a powerful tool that could be leveraged to induce compliance with probation terms and treatment requirements. One officer suggested that it may be “*beneficial to incorporate computer voice stress analysis in place of the old polygraph.*” Most probation officers that we interviewed indicated that they felt the polygraph is a helpful tool in promoting compliance and advanced a collaborative approach to supervision and treatment.¹³ However, some probation officers also reported that they requested additional

¹³ Some probation officers were reportedly unclear on the protocol for addressing or responding to potential additional victims revealed in polygraph examinations.

training and legal updates regarding best practices for the use of polygraph examinations in the Containment Model.

V. Data Collection and Management

Our research revealed a wide range in the abilities of individuals in different counties to access, query, and extract information about sex offenders under their supervision. Given the differential availability of resources and other factors affecting implementation of the Containment Model, this is unsurprising. Nonetheless, it does limit the specificity and the accuracy of the data that we received and therefore, ultimately hinders our ability to present a precise picture of who is on probation, for which offenses, and under what circumstances.

The following section explores the limitations of extant tools and techniques for data collection at a practical level but also in light of proposed research for the future. A range of opportunities exist, but considerable hurdles must be overcome before a useful, centralized repository of statewide data would be feasible. This section considers data management in the form of case management systems and data collection (by both practitioners and researchers). This section also summarizes the problematic process of collecting data on county practices, which is a necessary first step in implementing existing law effectively and identifying any needed reforms. Finally, we identify areas in which the lack of data collection abilities may inhibit evidence-based work.

Case Management Systems

The majority of California probation departments maintain records on probationers in a computerized Case Management System (CMS). However, each county's CMS varied greatly in sophistication and reporting capabilities.¹⁴ Some larger urban counties had developed CMSs in-house, and engaged in a variety of data collection efforts regarding sex offenders on probation in addition to the reporting that they were required to deliver to various state agencies. Often, the probation departments in larger counties, especially in urban areas, had dedicated information technology and data analysis personnel. These counties were able to generate a wealth of data

¹⁴ By way of illustrating the broad range of CMSs utilized by probation departments in California, the following list includes the specific platforms that were mentioned during interviews: Automon, CaseloadPRO Case Management, Jalan Case Management, Caseload Explorer, CE Management, Justware, Smart Probation, JAMS, and Northpointe Correctional Offender Management Profiling for Alternative Sanctions (COMPAS).

regarding their sex offender caseloads and had been collecting data successfully for several years.

In other counties, however, respondents reported to us that they drew from paper or card files or basic database or spreadsheet programs such as Access or Excel. The majority of California probation departments that we visited utilized a CMS that had limited data points and/or limited reporting capabilities. Many departments' CMS were fairly undeveloped with a minimal number of fields to track information about probationers, and were not set up to allow for specific search queries. For example, some individuals with registrable sex offenses were neither identified nor "flagged" in the CMS, nor were risk assessment scores (such as the Static-99R) available or integrated in most existing systems.¹⁵ Thus, the majority of counties indicated that staff had to manually check each probationer's case file to answer the questions presented by our survey and to identify Static99R scores and other risk assessment information.¹⁶

Only a small number of interviewees indicated they had access to and regularly used the California Sex and Arson Registry (CSAR). CSAR contains valuable information for probation officers with sex offender caseloads, and although some probation staff were aware of its existence, several interviewees were not. One survey respondent suggested that probation officers could improve supervision of sex offenders by reviewing or having access to additional information about individual profiles such as more details, questions, and answers of risk assessments *"in order to better track progress/escalation."* The challenges of maintaining and updating databases is dependent in large part on accurate, timely, and consistent provision of information regarding risk assessments, law enforcement data, and registrants' self-reported information from each county. Findings from interviews with probation officers and data analysts underscore the importance of enhancing data collection and reporting capacities at the local level to facilitate this process.

¹⁵ Another county's survey noted that their database allowed probation officers to run reports for charges, file flags (such as a 290 registration), and successful completion of treatment, but this was a rarity.

¹⁶ One county had developed its own in-house data system, and includes registration-specific data collected on 290PC registrants including the court case number, last date registered, whether registration is needed on another case, and probation comments/notes. However, Static 99 assessments are housed in a different system, limiting data extraction and analysis; moreover, some individuals on sex offender caseloads had no Static 99 score because they had "non-scoreable" offenses.

Data Collection, Reporting, and Analysis by Counties

Our results revealed a broad range of knowledge, technical skill, and available support to enable the collection, reporting, or analysis of data at the county level. Our results indicated that most counties did not routinely or formally analyze the data they collect regarding convicted sex offenders under their supervision. In fact, only three counties reported having analyzed any actual data regarding sex offenders under their authority. As expected, these departments were among those who had dedicated information technology departments and employed specialized data analysts.

As an officer in one mid-sized county summarized: *“some of the computer systems in place as part of our local criminal justice systems are antiquated, but functional. Accessing data collected can be labor-intensive and time-consuming. Access to this data can also require the support of the county Information Services Department, which has limited resources that are needed by every other county department.”* Indeed, during this study, several counties reported that they were in the process of transitioning to a new CMS, or updating existing systems in response to CMS or IT updates in other parts of the system, such as courts.

Some counties had regular data reporting practices, while others indicated that they generated state-mandated reports on an *ad hoc* basis. Some counties maintained separate spreadsheets to track submission of required reporting documents (such as actuarial risk assessments completed by treatment providers) as well as information regarding entering and completing treatment for those currently on probation. Several county probation personnel expressed familiarity with the State Authorized Risk Assessment Tool for Sex Offenders (SARATSO). Some counties used CSAR to answer our survey questions pertaining to 290 registrants on probation, but most county representatives performed individualized searches of the Megan’s Law sex offender registry website to identify registry-related information regarding individuals on probation caseloads.

The lack of baseline information, regularized reporting, and standardized database identifiers for sex offenders on probation creates significant barriers to any systematic and statewide data collection. Creating and providing counties with a free or low-cost standardized metric or reporting rubric that covers all state-mandated reporting categories would improve data collection and analysis, and provide more reliable data for longitudinal analyses of officially reported recidivism, as well as evidence-based supervision and treatment policies. Modeling

such a program on counties that have implemented best practices for data collection and analysis would also help to provide more reliable data for evidence-based supervision and treatment policies.

Our results revealed a substantial technological gap between rural and county probation departments. Individuals we interviewed in rural counties reported having particularly inadequate resources and systems to satisfy state reporting requirements. Providing these counties with basic reporting and case management systems modeled on counties with best practices for data collection and analysis would help improve the quality of state-mandated data collection and reporting. Although several counties had some data on individual sex offenders on probation, many were not able to readily track their risk assessment scores or treatment progress.

The lack of interoperability between the computer systems of courts, law enforcement, and probation departments can inhibit comprehensive data collection regarding the criminal justice processing of people convicted of sex offenses. It can also hinder effective communication and seamless supervision, both within the county and between jurisdictions. Many counties reported a considerable range in the extent to which their databases can or do communicate with each other. A few counties were transitioning to new Case Management Systems, but developing interoperability with neighboring counties and advanced data collection capacity was rarely expressed as a priority. Further, and contrary to our expectations, probation officers expressed little desire for better inter-county communication. Most interviewees certainly acknowledged their need to inform their counterparts in other counties of an individual moving out of their jurisdiction and into a new one, but interviewees listed a litany of obstacles and limitations when researchers suggested developing cross-county and county level-state level interoperability between different case management and reporting systems.

Taken together, these results suggest that seamless and streamlined communication and data collection between counties and state agencies addressing sex offending are unlikely to be achieved in the near future. The broad array of case management systems utilized in different counties and the range of individual policies and procedures to fulfill state-mandated reporting requirements in each county indicate that standardized, sustained data reporting useful to researchers is a long way off. Additional training and resources for data collection efforts would improve efforts to evaluate the implementation of the containment approach to the treatment and supervision of sex offenders across the state.

Study Limitations

This study identifies the basic “lay of the land” regarding the county-level probationary supervision of sex offenders in California. Variation in counties’ data collection capacities impacts the precision and comprehensiveness of the conclusions we draw in this report. Also, it bears repeating that the views expressed by interviewees are those of the specific professionals we spoke with and should not be taken as representative of all probation officers, or their agencies or departments. We provide some examples below to illustrate the kinds of discrepancies or inconsistencies that we have uncovered during this study.

Some counties were unable to provide complete answers to each question on the survey. In addition, differences in case management systems can also impact the sorts of data that probation officers can readily access about individuals under their supervision. Some counties, for example, reported information on men, women, and transgender people, while other counties did not record data for all three categories. Others had differences in the recording and reporting of race. The nine-item variable (described earlier in Section II) was designed to allow for such response options as: “Mixed Race”, “other”, and “unknown.” Once we received the results from each county, however, it was clear that there were some inconsistencies in the way those data were entered. For example, when comparing the total number of probationers in each county for gender versus race, the total for race sometimes exceeded the number that was quoted for gender. These inconsistencies may be due to several factors, including whether such data is self-reported, or whether individuals are “double counted” (for example, someone who is observed to be “Mixed Race” might have been counted as both African American and White).

Importantly, however, we maintain that these constraints do not constitute a fatal limitation of the study and that the recommendations of the report remain valid. Given the challenges and limitations involved in collecting data from individual counties with differentially allocated resources, this report provides an impression of the population of interest and findings regarding sex offender caseloads and supervision at the county level. No study is without limitations, and we have noted a number of ways they can be remedied for future data collection. Even in light of these constraints, what we present in this report is the closest approximation to date of the number of individuals who are under probationary supervision for a sexual offense in the state of California, and the different forms of supervision to which they are subject.

VI. Conclusion

This report summarizes the findings of a survey of California county probation departments responsible for supervising individuals who are on probation in California for a registrable sexual offense. The study provides a count of the number of individuals convicted of a sexual offense and placed on probation in each of California's 58 counties reported between February and July, 2016. A total of 4,841 individuals were under the supervision of California county probation departments for a sexual offense, 81% of whom were on formal probation. In addition to providing descriptive statistics and a quantitative overview of this population, the study reports qualitative data from the survey and interviews with many individuals involved in the probation-supervision of sex offenders from multiple sites across the state. The findings reveal both successes and challenges in the implementation of the Containment Model to supervise, manage, and treat sex offenders at the county level.

Our primary finding was the diversity of county sex offender supervision practices. As county probation departments throughout the state attempt to implement the Containment Model, they are faced with increasing responsibilities, new "unfunded mandates," and few resources dedicated to meet the unique demands of supervising sex offenders in California. While the availability of resources varies from county to county, all counties reported that their ability to effectively implement the Containment Model was constrained by what they believed to be insufficient resources. Legislative funding for all aspects of the Containment Model is urgently needed to ensure that counties can comply with state mandates, and to ensure that individuals on probation for a sexual offense can access appropriate treatment to pursue an offense-free life and successfully return to their community.

The recommendations below represent a synthesis of suggestions made by survey respondents and those individuals who responded to our requests for interviews who were involved in the management of sex offenders in California at various levels from multiple counties. Although we often heard that counties and individuals need more money, more time, and more resources, we have identified in Figure 7 those specific areas for improvement emphasized by probation officials and interviewees at multiple sites.

Figure 7. Recommendations

Recommendation 1	Identify funding resources and incentives to facilitate standardized, streamlined, and comprehensive data collection and reporting practices
Recommendation 2	Limit sex offender supervision caseloads to 40 individuals per officer
Recommendation 3	Provide additional, ongoing, and advanced specialized training for sex offender supervision, including training in monitoring internet technology, searches of hard drives, smartphones, etc.
Recommendation 4	Expand CASOMB's research to develop evidence-based policies for juveniles and youth on supervision for sexual offenses
Recommendation 5	Provide support for in-custody treatment and reentry programs for people convicted of sexual offenses, particularly individuals to be released on PRCS
Recommendation 6	Standardize oversight of treatment providers and polygraph examiners
Recommendation 7	Provide incentives for providers to offer additional treatment options and services, particularly in rural areas in all counties, and funding to support treatment for indigent, unemployed, and low-income individuals on probation for a sex offense

Future Directions for Research and Reform

The survey and interview data collected identify several areas of opportunity for future research. A broader, comprehensive survey of probation officers supervising sex offenders would help identify challenges, successes, and best practices in the implementation of the containment approach across California's diverse counties. For future data collection efforts and longitudinal studies regarding county supervision of sex offenders in California, we recommend that the population of interest be expanded to include *all* individuals supervised by county probation divisions. Several counties reported juveniles as well as adults as currently on probation for sex offenses, and there is little uniformity in the supervision practices for youth on probation or individuals who committed their offense as minors. For example, some counties occasionally shift juveniles adjudicated for a sexual offense from juvenile probation to adult caseloads, even in cases where juveniles do not have to register. Further research regarding this population is needed to fully understand how youth move through county-level court and corrections processes for cases involving sex offenses, and the most effective programs to provide needed services to promote offense-free lives. We recommend that juveniles under probationary supervision for sexual offenses be identified as a population of interest by CASOMB.

Additionally, we recommend that county and statewide data collection efforts include a non-binary gender variable. As social understandings of gender identity continue to evolve and transgender individuals are represented in increasing numbers, such data could better inform the development of gender-sensitive programming as a matter of best practice. Similarly, we recommend providing guidelines to counties to standardize practices regarding the reporting of race/ethnicity categories.

A further population of interest might be other stakeholders of the Containment Model. Although this population was beyond the scope of the present study, future researchers might wish to administer surveys to other relevant professionals including treatment providers, polygraphers, victim advocates, legal personnel, and offenders themselves.

This study represents a first step in ascertaining the county-level supervision of sex offenders, and the research team identified several areas where additional research is needed to inform policy and practice in the supervision and treatment of these individuals. We conclude that the most pressing concerns include but are not limited to the following:

- Understanding the nature and extent of homeless and transient individuals on probation, including how they might best be supervised in the community, and the impact of residence restrictions on registrants;
- Examining the extent to which probation and other law enforcement agencies utilize Global Positioning System (GPS) Units for their sex offender caseload and evaluating their utility (particularly with respect to homelessness); and
- Exploring the communication within and between different probation departments across different jurisdictions in the state.

Respectfully Submitted to the California Sex Offender Management Board,

Danielle Arlanda Harris, PhD
Griffith University

Edith C. M. Kinney, PhD, JD
San José State University

Appendix A

Survey Instrument

Supervision of Registered Sex Offenders in California Counties

Thank you very much for taking the time to complete this brief survey regarding the supervision of registered sex offenders in California counties. We understand that gathering some of the data requested may require you to consult with probation personnel responsible for data-entry or information technology. If providing this information in another format (e.g., sharing files by email or in a phone conversation) would improve the data you can provide, please let us know. We also understand that some answers may depend on the ways that each county collects and categorizes this information. That's okay! Please feel free to elaborate on your answers in the text boxes provided. We are primarily interested in the ways probation departments record information about registered sex offenders and their supervision, and what details are important to probation officers in terms of how registered sex offenders might best be supervised in the community. If you have any questions or comments (about the categories in the following questions, or about any aspect of the project) please do not hesitate to contact the research team via email: Danielle.Harris@sjsu.edu; Edith.Kinney@sjsu.edu

(1) Name of County

NOTE: This information will be used for internal purposes to keep track of responses only; identifying information will not be included in our final report. All information will be presented as aggregate level data and no counties will be identifiable.

(2) Contact Information for Data Entry and/or Data Analysis

Contact 1 Name
 Contact 1 Email
 Contact 1 Phone
 Contact 2 Name
 Contact 2 Email
 Contact 2 Phone
 Additional contact person
 Probation Office Address

(3) This question asks about the individuals in your county who are under supervision for a sexual offense.

- ☐ How many people are currently under any kind of supervision in your county for a 290 registrable sexual offense?
- ☐ How many people in your county are 290 registrants but are currently on any kind of supervision for a non-sexual offense?
- ☐ How many people in your county are 290 registrants who are currently on any kind of supervision solely for "failure to register"?
- ☐ How many people are only on Post Release Community Supervision (PRCS) [PC 3450 et seq] for a sexual offense?
- ☐ How many people are only on Mandatory Supervision for a sexual offense?
- ☐ How many people are only on Formal Probation for a sexual offense?
- ☐ How many people fit into more than one of the above categories? (describe in Q4 below)

Identify Source of Information for Counts Listed Above
 Date Information Collected

(4) Please use the text box below to clarify your responses to Question 3 above.

For example, does your county have additional or different supervision categories? (If so, please describe them.) If you supervise individuals who fall into two or more categories (for example, someone who is on PRCS and Probation, perhaps for different offenses), please provide a count and description of such cases.

(5) Identify the number of male, female, and transgender individuals on supervision/probation for a sexual offense in your jurisdiction.

- ☐ Male
- ☐ Female
- ☐ Transgender

Identify Source of Information for Counts Listed Above

Date Information Collected

(6) Identify the number of adults on supervision/probation for a sexual offense in your jurisdiction for each of the following categories of race / ethnicity

- ☐ American Indian or Alaska Native
- ☐ Asian
- ☐ Black or African American
- ☐ Hispanic or Latino
- ☐ Native Hawaiian or Other Pacific Islander
- ☐ White
- ☐ Mixed Race
- ☐ Other
- ☐ Race/ethnicity unknown

Identify Source of Information for Counts Listed Above

Date Information Collected

(7) Age at index (most recent sexual conviction): Identify the number of individuals currently on supervision/probation for a sex offense in each age range.

- ☐ Under 18
- ☐ 19-29
- ☐ 30-39
- ☐ 40-59
- ☐ 60+

Identify source of information for the above counts

Date Information Collected

(8) If you cannot provide counts for Question 7, or if you need to clarify the data provided, feel free to provide additional information here:

(9) Current age: Identify the number of individuals currently on supervision/probation for a sex offense in each age range.

- ☐ Under 18
- ☐ 19-29
- ☐ 30-39
- ☐ 40-59
- ☐ 60+

Identify source of information for the above counts

Date Information Collected

(10) If you cannot provide counts for Question 9, or if you need to clarify the data provided, feel free to provide additional information here:

(11) Of the people on supervision in your county identified in the questions above, how many are required to be on the Megan's Law Internet Sex Offender Registry in each of the categories listed below?

- ☐ Home Address
- ☐ Conditional Home Address
- ☐ Zip Code
- ☐ Undisclosed / Excluded
- ☐ Transient
- ☐ Absconded
- ☐ In violation
- ☐ Incarcerated
- ☐ Deported
- ☐ Unknown

Identify source of information for the above counts

Date Information Collected

(12) If you cannot provide counts for the categories in Question 11, or if you need to clarify the data provided, feel free to provide additional information here:

(13) Identify the number of people under supervision for a sexual offense in your county by their risk scores as assessed by the Static-99R, including those currently under supervision for failing to register

- ☐ High Risk (6+)
- ☐ Moderate-High Risk (4-5)
- ☐ Low-Moderate Risk (2-3)
- ☐ Low Risk (-3 through 1)

Identify source of information for the above counts

Date Information Collected

(14) Identify the number of people on supervision for sexual offenses for *each offense type* as per the California Penal Code. If an individual has convictions in more than one category, please include all convictions. To be clear, this question is asking for total number of convictions in your county, meaning that some individuals may be counted more than once.

- ☐ 207
- ☐ 209
- ☐ 220
- ☐ 243.4
- ☐ 261

- ☐ 262
- ☐ 264.1
- ☐ 266
- ☐ 266h
- ☐ 266i
- ☐ 266j
- ☐ 267
- ☐ 269
- ☐ 285
- ☐ 286
- ☐ 288
- ☐ 288a
- ☐ 288.3
- ☐ 288.4
- ☐ 288.5
- ☐ 288.7
- ☐ 289
- ☐ 290(1)
- ☐ 311.1
- ☐ 311.2
- ☐ 311.3
- ☐ 311.4
- ☐ 311.10
- ☐ 311.11
- ☐ 314(1)
- ☐ 314(2)
- ☐ 647.6
- ☐ 653f(c)
- ☐ Currently on probation for a non-sex offense

Identify source for above counts

Date Information Collected

(15) If you cannot provide counts for the categories of supervision above in Question 14, or if you need to clarify the data provided, feel free to provide additional information here:

(16) Enter the number of 290 Registrants currently under supervision in your county who are...

- ☐ Currently participating in sex offender treatment
- ☐ Currently participating in sex offender treatment for failing to register
- ☐ Have successfully completed sex offender treatment
- ☐ Need sex offender treatment, but do not have access to a certified treatment provider
- ☐ Attend additional treatment meetings, such as AA or NA

Identify source for above counts

Date Information Collected

(17) If you cannot provide counts for the categories of supervision above in Question 16, or if you need to clarify the data provided, feel free to provide additional information here:

(18) List all the sex offender treatment providers in your county below (please also note which ones are state certified):

(19) What is the cost of sex offender treatment in your County (to the county, and to the individual on probation)? Does your County provide financial support to fulfill court-ordered treatment and/or supervision requirements?

(20) Describe any challenges regarding access, funding, or resource support for sex offender treatment in your county. In your opinion, what is necessary to address these challenges?

(21) Does your County collect and analyze information regarding 290 Registrants? If so, how and what data are collected? What would make this data easier to collect in the future?

(22) What feedback do you have with regard to the successes and challenges of Counties, Probation Administrators, and Officers in the treatment and supervision of 290 Registrants?

(23) Upload any files, data spreadsheets, or other information that helps provide context for the information provided in this survey. You may also email files or additional information, or follow up with researchers, by contacting Dr. Danielle Harris at <Danielle.Harris@sjsu.edu> and/or Dr. Edith Kinney at <edith.kinney@sjsu.edu>



Adults on Probation Supervision in California for a Sexual Offense