



Annual Report | 2017

California Sex Offender Management Board (CASOMB)

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The California Sex Offender Management Board (CASOMB) is a multi-disciplinary state Board. The vision of CASOMB is to decrease sexual victimization and increase community safety. The Board's vision is accomplished by addressing issues, concerns and problems related to community management of adult sex offenders by identifying and developing recommendations to improve policies and practices. CASOMB was created in 2006 when Governor Arnold Schwarzenegger signed Assembly Bill 1015. From the beginning, CASOMB members agreed that our commitment, our recommendations and our policy developments would be evidence-based and data driven. Over the last ten years since its inception, CASOMB has identified ways to make the community safer. The board has succeeded in making policymakers more aware and responsive to scientific research-based knowledge. Through CASOMB's efforts, an effective therapeutic model was developed, commonly referred to as the "Containment Model." As a result, California has embraced the risk principle of sex offender management and has adopted validated risk assessment tools for sex offenders. The Containment Model is now state law. Further, CASOMB has commissioned research in several areas, yielding more comprehensive data. As well, CASOMB led to the monumental legislation reorganization of the 73 year old Sex Offender Registration System.

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

1. Janet Neeley

Deputy Attorney General
Representing the Office of the Attorney
General

2. Vacant

Representing the Department of Corrections
and Rehabilitation

3. Brenda Crowding

Assistant Deputy Director
Representing the Division of Adult Parole
Operations

4. Honorable Judge Brett Morgan

Judge, San Joaquin County
Representing California State Judges

5. Deirdre D’Orazio

Consulting Psychologist
Representing the Department of State
Hospitals

6. Vacant

Representing Law Enforcement with
Investigative Experience

7. Lauren Rauch

Detective, Los Angeles Police Department
Representing Law Enforcement with
Registration and Notification

8. Fernando Giraldo

Chief Probation Officer, Santa Cruz County
Representing Chiefs of Probation

10. Michelle Steinberger

Division Manager, Ventura County Probation
Representing Probation Officers

11. Vacant

Representing Criminal Defense Attorneys

12. Monica Nino

County Administrator, San Joaquin County
Representing County Chief Executive Officers

13. John Moreno

City Manager, City of Paramount
Representing City Managers

14. Tom Tobin

CASOMB Vice-Chair
Licensed Psychologist
Representing California Coalition on Sexual
Offending

15. Gerry Blasingame

Licensed Marriage & Family Therapist
Representing the California Coalition on
Sexual Offending

16. Sandra Henriquez

Chief Executive Officer, CALCASA
Representing Experts in Sexual Assault Victim
Advocacy

17. Vacant

Representing Experts in Sexual Assault Victim
Advocacy

9. Nancy O’Malley

CASOMB Chair
Alameda County District Attorney
Representing Prosecuting Attorneys

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Executive Summary

Annual Report, 2017

CASOMB finished the year, 2017, with the introduction of new initiatives, the identification of new focus areas and monumental success in the legislative arena. The Report provides greater detail in each area, including the year's accomplishments of CASOMB.

Legislation: One of the highest priorities of CASOMB in 2017 was to sponsor legislation that changed the legal system of lifetime registration for all convicted sex offenders. SB 421, later renumbered to SB 384 was authored by Senator Scott Weiner. The legislation, as written, restructures the sex offender registration system from lifetime registration of all convicted sex offenders to a tiered registration system that is dependent on crime, criminal background and risk level of the sex offender. As written, mandatory sex offender registration will fall under one of three tiers as adopted: 10 year registration, 20 year registration and lifetime registration.

Penal Code Section 290 et seq., had been enacted in 1944 and had relatively minor changes to it over the 73 years. The restructuring of the law is good policy, it will enhance public safety and protect against future victimization due to law enforcement monitoring those who pose the greatest risk of reoffending.

CASOMB worked on the language of the proposed legislation, in partnership with the Los Angeles and Alameda County District Attorney's Offices, for a number of years. In 2016, CASOMB embarked on a community and allied professionals outreach and education on the tenets of the proposed legislation as well as the research that supported the

legislation. The co-sponsors of the bill included CASOMB, the Los Angeles District Attorney's Office, the Alameda County District Attorney's Office, Equality California and the California Coalition Against Sexual Assault. CASOMB amassed a large, diverse body of support, including law enforcement, California district attorneys, victim advocates, the ACLU and sex offender reform advocates to name just a few.

The legislation will be operative on July 1, 2021 to allow for a smooth and comprehensive procedural implementation.

Research and Sex Offender Risk Assessment: California is one of many states that utilizes a validated risk assessment tool to determine risk levels of sex offenders who are released back to communities following serving a sentence. There are three types of risk assessment instruments used in California: static, dynamic, and violence prediction. State law requires all convicted sex offenders to undergo risk assessments and further requires those professionals who both administer the assessment tool and those who score and interpret the results.

SARATSO (State Authorized Risk Assessment Tools For Sex Offenders) sponsored research to determine whether California's risk instruments are actually working to predict who will reoffend sexually. Research affirmed that California is more successful at predicting sexual re-offense, using the Static-99R, than virtually any other jurisdiction, nationally and internationally. This research speaks to the effectiveness of the tool as well as the training and proficiency of those who administer and score the assessment. Further, a separate 2017 published study showed that the longer an offender remains offense-free in the community, with no further convictions, the more the person's risk level declines. The contrary is also true: risk levels increase for those who re-offend.

In 2018, the Research will continue and will focus on recidivism rates of female registered sex offenders in California. Further, in 2018, CASOMB will complete a 10-year update of its parolee recidivism study.

Containment Model and the Role of Polygraph: Several years back, CASOMB and partners created an effective therapeutic model for treating convicted sex offenders referred to as the Containment Model. The Model includes several aspects and participants, including representatives from the fields of specialized mental health treatment, the offender, specially trained parole or probation officers, and post-conviction polygraphers. The Containment Model is considered a “best practice” in managing, *ergo*, containing the offenders’ behavior while in the community.

CASOMB sponsored legislation in 2011 that amended Penal Code Section 290.09 mandating that all registered sex offenders currently supervised by Probation or Parole, or Post Release Community Supervision, be supervised using the Containment Model, beginning July 1, 2012 and mandates that supervision officers must complete a Static 99R training, as addressed in the section of SARATSO.

In 2017, CASOMB gave focus to polygraph and polygraph examiners and their role in the Containment Model programs. CASOMB affirmed that polygraph is a critical tool for managing sex offenders in community. The use of polygraph as part of the Containment Model was litigated in California. In 2017, the California Supreme Court held that offenders must answer all questions during the polygraph exam fully and truthfully. However, since the answers are compelled, they cannot be used against the offender in a subsequent criminal trial. The Court further ruled that failure to answer or answers

revealing new offending or violations can be used to revoke probation and send the offender to prison.

With the Supreme Court's ruling and the litigation leading to the decision, CASOMB created guidelines for polygraph examiners. As part of the certification process for Containment Model treatment, all polygraph examiners must follow the guidelines posted by CASOMB. In 2018, CASOMB will continue to give focus to polygraphers and their important role in sex offender management.

Senate Bill 384 (discussed in "Legislation" Section), permits CASOMB to consider policy recommendations regarding use of polygraph and juvenile sex offenders (discussed in "Juvenile Sex Offenders" Section). These discussions will blend the work of the Polygraph Committee with the Juvenile Committee in 2018.

Adolescents Sex Offenders: CASOMB's mandate is over adult sex offenders. In 2016, CASOMB reviewed and discussed the circumstances of adolescents who sexually offend, including treatment and therapy. The Board recommended that the management of adolescents who sexually offend be integrated into the existing management of CASOMB.

In 2017, CASOMB formed a working committee to address adolescents who sexually offend. Research supports the basic working platform that adolescents who sexually offend differ from adults who sexually offend. As a working principle, CASOMB identifies adolescence as between 13 and 17 years old. Research shows that less than 5 out of 100 adolescent males and 1 out of 100 adolescent females perpetrate acts of sexual abuse. Less than 5% of those adolescents who perpetrate sexual offenses reoffend sexually and only very rarely reoffend during adulthood. However, adolescents are responsible for

approximately one-third of all sex offenses perpetrated against minors. A small, but significant proportion of adults who sexually offend as adults also sexually offended as adolescents.

The work of CASOMB as it pertains to treating and managing adolescent sex offenders will be a focus in 2018. Simply applying processes and treatments used effectively to manage adult sex offenders are not likely appropriate for adolescents who sexually offend. However, research indicates that rehabilitative efforts and therapeutic interventions are more effective, and more cost-effective, than social control strategies for adolescents who have perpetrated sexual offenses.

CASOMB will seek legislation to add a Juvenile expert to the Board and expand the purview of the Board to address this very important area of sex offender management, sex offender rehabilitation and sex offense prevention.

Increased Awareness of Sexual Victimization and Victim's Rights: More than ten years ago, a "Me Too" movement was started by Tamara Burke. Over the last few years, industries, academic institutions and organizations have been scrutinized and criticized for the handling of claims of sexual violence of all forms. 2017 brought unprecedented media coverage and increased dialogue about the issue, its victims, perpetrators and the responsibility of bystanders. The #MeToo campaign adopted the calls for action of Ms. Burke's advocacy and awakened in many victims the recognition of various forms of sexual violence and its continuum: sexual harassment, fondling and sexual assault. Growing awareness and vocal outcries in the entertainment industry served as a catalyst for a group of nearly 200 women – legislators, lobbyists and staff working within the

California legislature to sign onto an LA Times editorial, exposing pervasive harassment in California's Capital.

CASOMB has identified a great need to address and answer the question "what happens after "Me Too"? It is essential that the awareness and outrage of the moment is parlayed into key areas to be addressed, as discussed in this Section of the Report.

In 2017, California, through the legislative process, strengthened the rights of sexual assault survivors through the passage of three key laws: Assembly Bill 1312 by Assembly Member Lorena Gonzalez-Fletcher enhancing the Sexual Assault Victims' Bill of Rights; Assembly Bill 41 by Assembly Member David Chiu (sponsored by DA and CASOMB Chair Nancy O'Malley), that builds accountability for law enforcement and crime labs in the process of booking and testing sexual assault examination kits; and Assembly Bill 2499 by Assembly Member Maienschein in 2016, (sponsored by DA and CASOMB Chair Nancy O'Malley) that requires a process by which sexual assault survivors can access their own records regarding testing of sexual assault examination kits.

Executive Director of the California Coalition Against Sexual Assault (CALCASA) Sandra Henriquez is Chair of the Outreach and Education Committee and will lead CASOMB in developing stronger, effective victim outreach and advocacy to ensure that each community in the state has access to sexual violence prevention education. CASOMB will continue to produce and expand its outreach video and public awareness project in partnership with CALCASA and the Alameda County District Attorney's Office

Senate Bill 384

The new less-than-lifetime tiers take into account the fact that most sex offenders are not required for lifetime registration. Misdemeanors are in tier one. Serious and violent offenses are in tiers two or three. The tiers begin to run from the time the offender is released from custody (jail or prison) or when he or she is placed on probation. Violent or sexual reoffending can move the person to a higher tier.

Section 1.

CASOMB Goal Accomplished: Tiering the California Sex Offender Registry – Senate Bill 384

On October 6, 2017, Governor Brown signed into law a more effective sex offender registration system in California. The improved system long envisioned by CASOMB became a reality this year. Impressively, a broad coalition of supporters of this bill came together, which included the California District Attorneys, law enforcement, California cities and counties, victim advocates, and other stakeholders. The California legislature passed Senate Bill 384 that was designed to advance public safety, authored by Senator Wiener. The tiering provisions of the new law go into effect on January 1, 2021. Impressively a broad coalition of sponsors included; CASOMB, the Los Angeles District Attorney, California Coalition Against Sexual Assault (CALCASA), the Alameda District Attorney and Equality California.



SENATOR WIENER

The sponsored bill makes the current registry a more effective law enforcement tool for investigating sex crimes, which is the main reason to have a sex offender registry. However, registration does not deter re-offense. Nor is registration the punishment for the crime itself. Rather,

registration helps solve crimes in which the victim is unable to identify the assailant. This is a small percentage of sex crimes. Usually victims know the offender, who is often a relative, friend or acquaintance, mentor, coach, or teacher.

Another major reason for the bill was that not all persons convicted of sex crimes commit the same type and level of offenses. Under the old law, everyone was required to register for life after one conviction for almost any sexual offense. The law required lifetime registration for minor non-contact offenses even if the person never committed another crime. The bill creates three tiers of registration: 10 years, 20 years and lifetime. For registrants with only a juvenile registration offense, the tier periods are five and 10 years. The new less-than-lifetime tiers take into account the fact that most sex offenders do not require lifetime registration. Misdemeanors are in tier one. Serious and violent offenses are in tiers two or three. The tiers begin to run from the time the offender is released from custody (jail or prison) or when he or she is placed on probation. Violent or sexual reoffending can move the person to a higher tier.

After only a year offense-free in the community post-conviction, low risk offenders are no more likely to commit a new sex offense than any other person convicted of any type of criminal offense.¹ The majority of registrants commit a one-time offense and do not go on to reoffend.² Some in this group are convicted of offenses that involved voluntary (consensual) activity with a minor near their own age. Research shows that those who are in this low risk group are not likely to make the same mistake again. There is no need to track the whereabouts for life, or publish the misdeeds online, for offenders who remain offense free following the completion of the sentence for a one-time offense and

¹ R. Karl Hanson, Andrew J. R. Harris, Elizabeth Letourneau, & David Thornton, *Reductions in risk based on time offense free in the community: Once a sexual offender, not always a sexual offender*, Psychology, Public Policy and Law (May 2017) Advance online publication, <http://dx.doi.org/10.1037/law0000135>.

² See fn. 1; see studies posted on the SARATSO web site, <<http://www.saratso.org/index.cfm?pid=1447>>; see studies posted on the SARATSO web site, <<http://www.saratso.org/index.cfm?pid=1447>>

do not reoffend during the required registration period. The public cannot view information about most tier one offenders on the public Megan’s Law web site but tier one offenders are required to register and are known to law enforcement.

After about eight to nine years offense-free in the community, people who have committed sexual offenses and are assessed as average or above-average risk to reoffend pose no greater risk of committing a new sex offense than any other type of offender.³ For this reason, they



were intended to be in tier one (10-year registration) or tier two (20-year registration). During the bill process, however, amendments to the original draft of the bill moved some of these offenders to the lifetime tier. CASOMB will re-evaluate this as well as other amendments made to the original bill and make future recommendations for modification.

Tier three offenders include those who were adjudicated as sexually violent predators, those “well above average” risk to reoffend (i.e., are scored higher than 6 on the state-authorized static risk assessment instrument, the Static-99R), offenders who commit a second violent offense, and other offenders who were designated by the Legislature to be in tier three. These offenders must register for life.

³ See fn. 1.

Only about 10% of offenders who have been assessed in California are scored as “well above average” risk to reoffend.

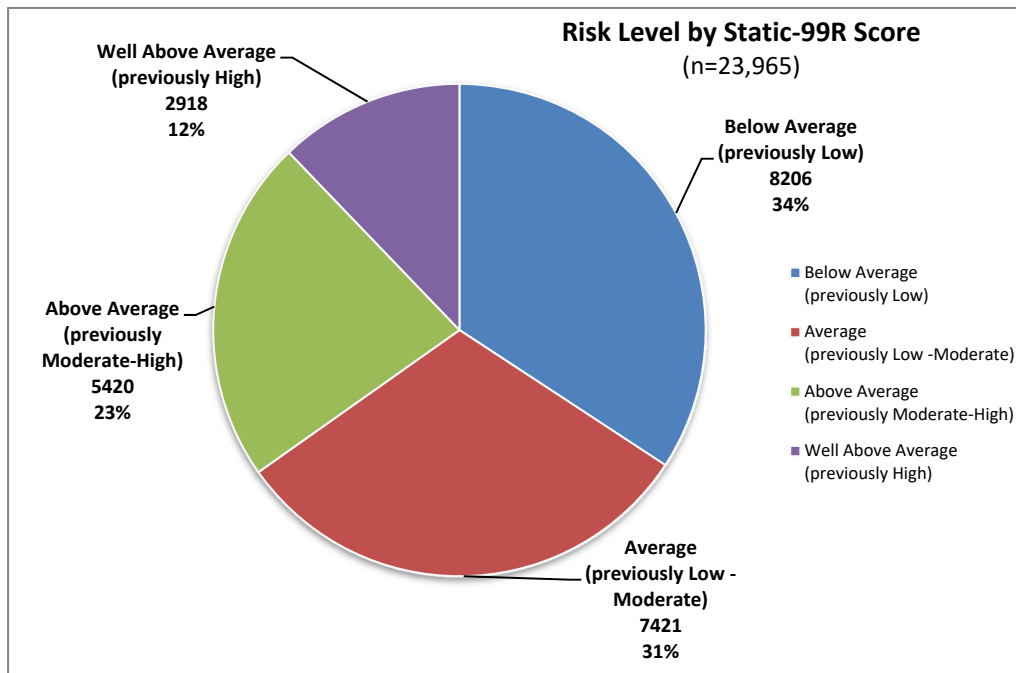


Figure: Chart shows risk levels of California registrants for sexual **re-offense** potential, based on Static-99R and Static-99 scores submitted to the Department of Justice from 2007- 2015. (Report to the SARATSO Committee April 2016). The categories referring to above/below average risk levels replaced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

Offenders who are placed in tier three solely because of their high assessed risk level can petition a court for removal after remaining offense-free in the community for 20 years, and removal is in the court’s discretion. All other offenders remain in tier three for life. Tier two and tier three offenders will be displayed on the Megan’s Law web site. The original bill provided that only tier three offenders would have their home addresses displayed online. Public safety is best served when offenders are employed and have stable housing (i.e., are not homeless).⁴ This is not always achievable when offenders are posted online. Landlords may be afraid to rent to people with this history. Employers may worry about loss of business or retribution if it becomes known they are employing someone who has sexually offended in the past.

⁴ *Homelessness Among California’s Registered Sex Offenders*, www.casomb.org under Reports, Aug. 2011.

Registrants who have completed tiers one or two can petition the court for removal from the registry beginning in July 2021. Local law enforcement agencies will determine if the person meets the requirements for removal. District Attorneys are given the option of requesting a court hearing to challenge the termination if the person is not eligible for removal or if they believe it would significantly enhance public safety for the person to remain on the registry. If removal is denied after a hearing, the court sets a time period of one to five years after which an offender can re-petition for removal.

Section 2.

Sex Offender Risk Assessment: An Organized System of Determining Risk Level That is Working in California

Many states use risk assessments to determine risk levels of offenders who are being sentenced and then supervised in the community. California currently uses three types of risk assessment instruments: static, dynamic and violence prediction. Research identifies factors associated with people who are at higher risk. That information is used to make risk predictions, based on group norms.

Some risk instruments identify areas in their lives which offenders must address in treatment to succeed in the community. Treatment providers address these identified risk areas using a method called risk/needs/responsivity (RNR).

- **Static Risk.** Static risk instruments predict risk level based on relatively unchanging criminal history factors, such as the number of times an offender has been sentenced in court, or whether the victim of the sexual offense was a stranger. The factors used are ones that research has identified as most strongly related to sexual reoffending. California currently uses the Static-99R to predict adult male risk of sexual re-offense, and the JSORRAT-II to predict risk of sexual re-offense for juveniles.

Sex Offender

Risk Assessment

California currently uses three types of risk assessment instruments: static, dynamic and violence prediction. Research identifies factors associated with people who are at higher risk. That information is used to make risk predictions, based on group norms.

- **Dynamic Risk.** Dynamic risk instruments predict risk level based on changing criminogenic needs of the offender, as opposed to fixed (static) factors in the criminal history. Areas of assessment include factors such as deviant sexual interests, hostility toward women, emotional identification with children, and capacity for relationship stability. California currently uses the STABLE-2007 and ACUTE-2007.
- **Violence risk.** California currently uses an instrument to predict risk of future violence that works for both sexual and nonsexual violence. (Level of Service/Case Management Inventory – LS/CMI). The LS/CMI measures central criminogenic needs, including anti-social attitudes, family relationships, substance abuse, and anti-social companions. Unlike the other risk instruments, the LS/CMI is valid on both male and female offenders. Most risk instruments were not developed to assess female sex offenders.



California has a unique system that has been shown to be very effective. State law requires intensive and ongoing training of all scorers on the SARATSO⁵ risk assessment instruments. State corrections and probation personnel score the static risk instruments. Treatment providers are mental health professionals who must be certified by CASOMB as scorers on the dynamic and violence risk assessment instruments. Scorers must take a one to two-day training on the instrument they will score, and pass a test to be certified. All scorers take a re-certification class every two years. This system is aimed at making sure everyone is scoring accurately and consistently. Accurate scoring is essential to accurate risk prediction.

⁵ SARATSO is an acronym for state-authorized risk assessment tools for sex offenders.

The SARATSO Committee has sponsored research to determine whether California’s risk instruments are continuing to accurately predict who will reoffend sexually. The SARATSO Committee is exploring the possibility of a research study in California in 2018 that would analyze juvenile recidivism rates and cross-validate the use of the state’s juvenile risk assessment instrument, the JSORRAT-II.

In 2017, data was compiled for research on recidivism rates of female registered sex offenders in California. A report on that research by the risk assessment experts analyzing the data is expected in 2018. A 10-year update of the parolee recidivism study is also due in 2018. Much of this research was accomplished thanks to support by the California Department of Justice of the SARATSO Committee’s efforts to ensure that the instruments we use work for a California population.



The studies validating use of the Static-99R in California involved both parolees and probationers. Results of the studies⁶, released in 2014 and 2016, show that California is more successful at predicting sexual re-offense, using the Static-99R, than virtually any other jurisdiction, nationally and internationally.

Why is using a risk assessment instrument so much more accurate than unstructured clinical judgment? Research shows that the prediction of an “expert,” who does not use a risk instrument to inform judgment, is little better than chance (51% accurate). Predictive accuracy on the Static-99R is generally about 69-75%, but California achieved a 78-82% accuracy record.

⁶ A link to the studies can be found at <www.saratso.org> under Resources.



Probation officers and parole agents use the risk predictions to inform the intensity of the offenders they supervise, who were convicted of sexually offending, while they are on formal probation or parole. For example, those assessed as having “well above average” risk, formerly known as high risk, must wear an ankle monitor that uses global positioning system (GPS) technology while on probation.⁷ Supervising officers/agents may place stricter terms and conditions on higher risk offenders and use more intensive supervision strategies. Assessments are also used by treatment programs to direct sex offender-specific treatment.

Many offenders can learn through treatment to manage sexual offending behaviors and decrease their risk of re-offense. Such behavioral management should not, however, be considered a "cure." Successful treatment cannot permanently eliminate the risk that sex offenders may repeat their offenses. Risk changes over time. Risk assessment is ongoing during the probation and parole periods. A serious change will trigger use of the ACUTE-2007. The ACUTE-2007 is a dynamic tool used to assess ongoing changes in risk level to identify the need for rapid response by supervising officers and treatment providers.

All relevant agencies must cooperate in planning treatment and containment strategies for those who have sexually offended, who should not be in the community without comprehensive treatment, supervision, and behavioral monitoring. For this reason, California law requires monthly (or more frequent) communication between the treatment provider and supervising officer/agent. Many jurisdictions in California have monthly Containment team meetings to discuss issues and progress of offenders under

⁷ All sex offenders on parole are required by law to wear a GPS device, regardless of risk level.

supervision. CASOMB provides yearly training for probation officers on the Containment Model approach.

One way to achieve effective treatment, and reduce reoffending, is to require all treatment provider agencies to use a proven, evidence-based approach. CASOMB oversees all treatment provider agencies which work with

persons on probation or parole who have sexually offended. The provider agencies themselves, as well as each treatment provider in the agencies, must be certified to do sex offender-specific treatment. Certified provider agencies must follow written Sex Offender Treatment Certification Requirements (www.casomb.org, under Certification). Provider agencies must meet training requirements for each level (Apprentice, Associate and Independent Practitioner).

SARATSO has experts who advise the committee on the latest research in this evolving area. In 2017, a definitive study was published showing that the longer an offender remains offense-free (with no further convictions) in the community, the more a person's risk level declines.⁸ Conversely, when the person is re-convicted of any type of re-offense, his or her risk level rises.



⁸ See fn. 1.

In the following chart,⁹ a Level I offender is someone with a very low risk of sexual re-offense, as measured by the Static-99R; a Level II offender is below average risk; a Level III offender is average risk; a Level IVa offender is above average risk; and a Level IVb offender is well above average risk. There is no Level V because in the uniform language of risk assessment Level V means virtually certain to happen, which in the field of predicting future criminal behavior is impossible to predict with absolute certainty.

Decline in Risk Level Based on Initial Static-99R Score and Years Sexual Offense Free in the Community.¹⁰

		Years Sexual Offense Free in the Community																					
		0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
STATIC-99R Scores	-3	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
	-2	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
	-1	II	II	II	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
	0	II	II	II	II	II	II	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
	1	III	III	III	II	II	II	II	II	I	I	I	I	I	I	I	I	I	I	I	I	I	I
	2	III	III	III	III	III	III	II	II	II	II	II	I	I	I	I	I	I	I	I	I	I	I
	3	III	III	III	III	III	III	III	III	II	II	II	II	II	I	I	I	I	I	I	I	I	I
	4	IVa	IVa	IVa	III	III	III	III	III	III	III	III	III	II	II	II	II	II	I	I	I	I	I
	5	IVa	IVa	IVa	IVa	IVa	IVa	III	III	III	III	III	III	III	III	II	II	II	II	II	I	I	I
	6	IVb	IVb	IVb	IVa	IVa	IVa	IVa	IVa	III	III	III	III	III	III	III	III	III	II	II	II	II	I
	7	IVb	IVb	IVb	IVb	IVb	IVb	IVa	IVa	IVa	IVa	IVa	III	III	III	III	III	III	III	III	II	II	II
8	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVa	IVa	IVa	IVa	IVa	III	III	III	III	III	III	III	III	III	
9	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVa	IVa	IVa	IVa	IVa	III	III	III	III	III	
10	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVa	IVa	IVa	IVa	IVa	III	III	III	

It is the mission of the SARATSO Committee to educate all stakeholders in the sex offender management field about important advances in knowledge about the behavior of those who have sexually offended. Therein lies the way to improved community safety.

⁹ See fn.1.

¹⁰ See fn.1. The color scheme for the graph from fn.1 ranges from blue, which represents the transition from very low risk to red, which represents well above average risk.

Section 3.

Polygraph and Its Role in the Containment Model

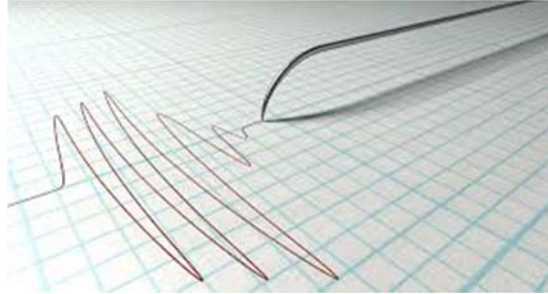
Polygraph is an important tool in the Containment Model programs. For example, the polygraph examiner, treatment provider and supervising officer (the Containment team) review the results of ongoing polygraph maintenance examinations to determine whether an offender is in compliance with terms and conditions of supervision. In 2017, the California Supreme Court held that offenders must answer all questions during the polygraph exam fully and truthfully. However, since the answers are compelled, they cannot be used against the offender in a subsequent criminal trial. (*People v. Garcia* (2017) 2 Cal.5th 792). Failure to answer, or answers revealing new offending or violations, can be used to revoke probation and send an offender to prison. It cannot be used against an offender in a later criminal trial.

CASOMB provides model informed consent forms on its web site to be used to advise offenders that statements made during polygraph exams cannot be used against them in later criminal proceedings (see www.casomb.org, under Certification). The forms also advise about ways that statements could be used, such as in future sexually violent predator proceedings.

Polygraph and the Containment Model

Polygraph is an important tool in the Containment Model programs. The Containment team reviews the results of ongoing polygraph maintenance examinations to help determine whether an offender is in compliance with terms and conditions of supervision. However, since the answers are compelled, they cannot be used against the offender in a subsequent criminal trial.

CASOMB requires all polygraph examiners who do post-conviction sex offender testing to follow the guidelines posted by CASOMB. These are derived from the standards of the American Polygraph Association.



Garcia held that offenders in the Containment Model must waive the psychotherapist-patient privilege as a condition of probation or parole. The Containment team must exchange relevant information about the offender's risk level and progress in treatment. This sometimes includes information disclosed in therapy. Information exchanged facilitates the team's understanding of the challenges the offender presents. It also allows the team to measure the effectiveness of the treatment program and monitoring program.

Senate Bill 384 (2017) now permits CASOMB to consider policy recommendations regarding juveniles who have sexually offended. The CASOMB Polygraph Committee is studying the issue of whether using polygraph with juvenile offenders is appropriate or research-based.

Section 4.

Adolescents Who Sexually Offend Differ From Adults

The problem of sexual offending behaviors by adolescents (youth ages 13 through 17) is complex and more different than similar to that of adult sexual offenders. Less than five out of 100 adolescent males and one out of 100 adolescent females perpetrate acts of sexual abuse. Further, less than 5% of these adolescents who perpetrate sexual offenses reoffend sexually and rarely reoffend during adulthood. Yet adolescents are responsible for about one-third of all sexual offenses perpetrated against minors, and a small but significant proportion of persistent adult sexual offenders start their sexual offending during their teenage years (or even younger). Public policies about adolescent sexual offending must be well thought out, balancing the seriousness of the public safety impact of adolescent sexual offending, the low likelihood of sexual re-offense, and the developmental needs and tasks of adolescence.

Experts strongly caution against treating adolescent sexual offenders as simply smaller versions of adult sexual offenders because doing so can lead to misguided and ineffective public policies (e.g., ATSA, 2017; CCOSO, 2013). This is because adolescence as a human

Adolescent Sexual Offenders

Experts strongly caution against treating adolescent sexual offenders as simply smaller versions of adult sexual offenders because doing so can lead to misguided and ineffective public policies (e.g., ATSA, 2017; CCOSO, 2013). Research indicates that rehabilitative efforts and therapeutic interventions are more effective, and more cost-effective, than social control strategies for adolescents who have perpetrated sexual offenses.

developmental period is characterized by relatively rapid biological, emotional, cognitive, and social growth. The brain does not fully mature until about age 25 and the underdeveloped adolescent brain makes them more prone to impulsivity and all forms of risk taking behaviors and less influenced by long term consequences than adults.

Research indicates that rehabilitative efforts and therapeutic interventions are more effective, and more cost-effective, than social control strategies for adolescents who have perpetrated sexual offenses. Criminal justice sanctions applied in isolation, without interventions that focus on prosocial development, are not effective. For example, registration, public notification, and lengthy incarceration, with adolescents who sexually offend are ineffective strategies for reducing already low recidivism rates for this group.



Moreover, these and other policies frequently used with adult sexual offenders have significant collateral effects that can produce more harm than good.

Employing many of the common adult offender policies and practices with adolescents will obstruct healthy adolescent development. For example disrupting positive peer relationships and activities, school and work opportunities, leads to stigmatization, harassment, rejection, social alienation, and home instability. An adolescent self-concept is uniquely vulnerable to social feedback, so these negative collateral impacts may actually increase adolescent risk. There is no one size fits all explanation for the problem, nor solution, for adolescent sexual offending. A collaborative, rather than containment, approach among treatment providers, criminal justice agents, the adolescents and their existing support system are necessary to inform interventions.

Section 5.

Increased Awareness of Sexual Victimization and Victim's Rights

Sexual violence exists on a continuum that includes various forms of sexual harassment, fondling and rape. In recent years, various institutions including the workplace, the agriculture and labor industry, massage parlors and brothels, the military, college campuses and the faith community have been scrutinized for their handling of incidents of sexual abuse. 2017 brought unprecedented media coverage and increased dialogue about the issue, its victims, perpetrators and the responsibility of bystanders.

The widespread accounts of a culture of sexual abuse within the entertainment industry helped to spark a decade old movement, "Me Too," in which survivors of sexual abuse break their silence and sense of



TARANA BURKE, CREATED THE "ME TOO" CAMPAIGN IN 2007

isolation, reject the shame associated with their abuse and place the responsibility where it belongs, on those who have caused them sexual harm. Awareness of what happens in Hollywood served as the catalyst for a group of nearly 200 women; legislators, lobbyist and staff working within the California legislature, to sign onto an LA Times editorial, exposing pervasive

Sexual Victimization and Victim's Rights

Hundreds of thousands of survivors of sexual assault across every sector and walk of society who have previously felt marginalized or been advised not to come forward, who may have remained silent out of fear or concern that their careers would be destroyed, took to social media with #MeToo.

harassment in California's capitol. These women have risked public exposure of private trauma and potential retaliation in order to demand change through a statement of 'enough'. Hundreds of thousands of survivors of sexual assault across every sector and walk of society who have previously felt marginalized or been advised not to come forward, who may have remained silent out of fear or concern that their careers would be destroyed, took to social media with "#MeToo". For many, this was the first time they have spoken about their experiences of sexual assault.

"#TimesUp", a branch of "#MeToo", is a legal defense



fund for women who don't have the means to pursue legal action for their experiences of sexual assault, harassment, or inequality in the workplace. The use of social media and a simple hash tag elevated the profile of sexual violence in a way that has never occurred before.

An important question that needs to be answered is what happens after "#MeToo"? It is essential that the awareness and outrage of the moment is parlayed into several key areas:

- Strengthening the rights of sexual assault survivors.
- Focusing on preventing sexual violence by changing the culture that creates environments which foster or enable sexual abuse across sectors and industries.
- Educating bystanders who are in a position to expose, support survivors, and take action when they see sexual abuse occurring.

In 2017, California strengthened the rights of sexual assault survivors through the passage of two key laws:

- Assembly Bill 1312 (Gonzalez-Fletcher) (Sexual Assault Victims Rights) was signed into law and will increase protections for survivors during the DNA rape kit collection process, including having advocates of same or opposite gender present, having information on a card available to survivors, no cost post contraception and preventing destruction of DNA rape kits for at least 20 years.
- Assembly Bill 41 (Chiu) (DNA Evidence) requires law enforcement agencies to track all newly collected rape kits, and requires annual reporting of tracking data. This bill would require an informational profile be created for each DNA rape kit within 120 days. This bill follows legislation passed in 2016, Assembly Bill 2499, that requires a working group to be founded by July 1, 2018 that will create a process by which survivors will have access to information regarding their sexual assault evidence kits for their own reference.

A third bill, Senate Bill 169 (Jackson and De Leon) (Education: Sex



Equity) sought to codify protections for sexual assault survivors on college campuses. Senate Bill 169 was vetoed by Governor Brown citing concerns over due process for the accused and the need for additional time to assess the impact of the affirmative consent law signed into law in 2014. If signed, the bill would have codified the United States Department of Justice/Office of Civil Rights' 2011 Dear Colleague Letter in state law. The Dear Colleague Letter increased transparency of student conduct proceedings in sexual assaults, clarified requirements for notice, and required use of the "preponderance of the evidence" standard in campus disciplinary decisions. Supporters of Senate Bill 169 plan to conduct the necessary surveys with the hope of reintroducing a bill which is needed to preserve protections in California, which are currently under threat at the federal level.

The daily news and social media coverage surrounding sexual assault and harassment in numerous industries has created a spike in calls to 24-hour sexual assault hotlines throughout the



WWW.CALCASA.ORG/AGENCIES/

state. Sexual assault survivors and their partners in need of confidential support can seek assistance through the California rape crisis safety-net. Survivor resources can be located at the website for the California Coalition Against Sexual Assault (CALCASA).

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Appendix A

Data on Registered Sex Offenders in California

Sex Offender Registration In Community	Registered	Listed on Megan's Law Website
January 2008	67,710	Unknown
December 2017	79,285	55,261

Sex Offenders In Custody	In State Prisons	In County Jails	In Civil Commitment (SVP)	In Other State Hospitals
January 2008	22,474	Unknown	655	Unknown
December 2017	22,522	Unknown	896	Unknown

Sex Offenders On Community Supervision	On State Parole	On County Probation*	On Post - Release County Supervision	On Federal Probation	On Conditional Release (SVP)
January 2008	8,019	Unknown	N/A	243	Unknown
December 2017	9,141	Unknown	Unknown	Unknown	16

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

Appendix B

Registered Sex Offenders by County

COUNTY	Estimated Population as of January, 2017	Active Sex Offender Registrants in the Community	COUNTY	Estimated Population as of January, 2017	Active Sex Offender Registrants in the Community
Alameda	1,645,359	2,555	Orange	3,194,024	3,518
Alpine	1,151	2	Placer	382,837	572
Amador	38,382	104	Plumas	19,819	55
Butte	226,404	886	Riverside	2,384,783	4,321
Calaveras	45,168	123	Sacramento	1,514,770	9,845
Colusa	22,043	44	San Benito	56,854	154
Contra Costa	1,139,513	1,504	San Bernardino	2,160,256	4,877
Del Norte	27,124	168	San Diego	3,316,192	4,410
El Dorado	185,062	367	San Francisco	874,228	1,228
Fresno	995,975	2,461	San Joaquin	746,868	1,967
Glenn	28,731	84	San Luis Obispo	280,101	504
Humboldt	136,953	486	San Mateo	770,203	807
Imperial	188,334	275	Santa Barbara	450,663	710
Inyo	18,619	54	Santa Clara	1,938,180	3,581
Kern	895,112	3,087	Santa Cruz	276,603	434
Kings	149,537	470	Shasta	178,605	860
Lake	64,945	339	Sierra	3,207	8
Lassen	30,918	139	Siskiyou	44,688	237
Los Angeles	10,241,278	17,450	Solano	436,023	998
Madera	156,492	488	Sonoma	505,120	886
Marin	263,604	186	Stanislaus	548,057	1,465
Mariposa	18,148	72	Sutter	96,956	296
Mendocino	89,134	273	Tehama	63,995	321
Merced	274,665	839	Trinity	13,628	80
Modoc	9,580	59	Tulare	471,842	1,255
Mono	13,713	16	Tuolumne	54,707	178
Monterey	442,365	756	Ventura	857,386	1,223
Napa	142,408	216	Yolo	218,896	405
Nevada	98,828	204	Yuba	74,577	383
			Total:	39,523,613	79,285

State of California, Department of Finance, E-1 Population Estimates for Cities, Counties, and the State with Annual Percentage Change – January 1, 2016 and 2017. Sacramento, California, May 2017.
Active Sex Offender Registrants by County made available by the California Department of Justice as of January 22, 2018.



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