



Annual Report | 2018

California Sex Offender Management Board (CASOMB)

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

1. Janet Neeley

Deputy Attorney General
Representing Office of the Attorney General

2. Brenda Crowding

Assistant Deputy Director
Representing the Department of Corrections
and Rehabilitation

3. Jamal Rowe

Parole Administrator
Representing the Division of Adult Parole
Operations

4. Brett Morgan

Judge, San Joaquin County
Representing California State Judges

5. Deirdre D’Orazio

Consulting Psychologist
Representing the Department of State
Hospitals

6. Scott Alford

Sergeant, Placer County Sheriff’s
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. Ellen Coleman

Public Defender, Los Angeles County
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. Chris Bennett

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. Tina Rodriguez

Representing Experts in Sexual Assault Victim
Advocacy

9. Nancy E. O’Malley

CASOMB Chair
District Attorney, Alameda County
Representing Prosecuting Attorneys

Table of Contents

Executive Summary-----	1
1. Juveniles Who Offend Sexually -----	4
2. Containment Model Effectiveness & Accountability-----	6
3. SVP -----	8
4. Provider Agency and Treatment Provider Certification-----	10
5. Polygraph-----	12
6. Research-----	13
7. Education & Media-----	15
8. The SARATSO Review Committee -----	17

Appendices

A. Data on Registered Sex Offenders in California -----	23
B. Registered Sex Offenders by County -----	24

Executive Summary

Annual Report, 2018

The California Sex Offender Management Board (CASOMB) is a multi-disciplinary state Board under Penal Code Section 9001. Then Governor Arnold Schwarzenegger signed Assembly Bill 1015 on September 20, 2006, which created CASOMB.

The vision of CASOMB is to decrease sexual victimization and increase community safety. This is accomplished by addressing issues, concerns and problems related to management of adult sex offenders and by developing data driven recommendations to improve policies and practices. Over the last twelve years, CASOMB has identified ways to provide stronger safeguards and support for convicted sex offenders to re-enter our communities.

CASOMB finished the year 2018, with the introduction of new initiatives and areas of focus. The Report provides detail in these areas and highlights this year's accomplishments.

Juveniles Who Offend Sexually: The role of CASOMB expanded in 2017 through the enactment of Senate Bill 384. The purview of CASOMB now includes addressing issues, concerns and problems related to the community management of juveniles who have offended sexually. In order to accommodate the expansion area of CASOMB, the Board has advocated for a legislative change to Penal Code Section 9001 to add two new Board positions with expertise in the area of juvenile sexual offending.

Containment Model Effectiveness & Accountability: A collaborative approach to sex offender management, known as the Containment Model took effect in California beginning July 1, 2012. A 2017 report commissioned by CASOMB, "Adults on Probation Supervision in California for a Sexual Offense: Final Report to the Sex Offender Management Board" by Danielle Harris, Ph.D. and Edith Kinney, Ph.D., contains several recommendations for probation relating to staffing, training, supervision, collaboration with treatment partners and the need to identify a funding source for treatment of probation-based sexual offenders. As a follow-up to the report, the Board examines the extent to which the Containment Model

has been implemented and identify what is needed to ensure full implementation across all 58 counties.

Sexually Violent Predator (SVP): The Sexually Violent Predator Law otherwise known as SVP, codifies the state's efforts to treat and manage its highest risk sex offenders through civil commitment.

The Board has undertaken the task of increasing an understanding of SVP and the laws under which SVPs are managed and **will make** needed recommendations regarding key features of the SVP Law and its continued implementation.

Provider Agency and Treatment Provider Certification: California Law requires all convicted sex offenders to participate in a certified Containment Model Treatment Program administered by a certified Sex Offender Treatment Provider. CASOMB staff reviews and certifies qualified programs and treatment providers. In April 2018, CASOMB released guidelines to clarify when an individual has successfully completed treatment. The Board has determined that best practices must include accountability reviews. In addition to recommendations made by the Board, a request for funding is included in this year's report so CASOMB staff can audit certified treatment providers and programs.

Polygraph: Polygraph is an integral component of the Containment Model. Internship hours and standards for polygraph examiners, a model policy for subject suitability for polygraph testing, and education of stakeholders in the sex offender management field were the major polygraph related issues the Board addressed in 2018. The Board adopted the American Polygraph Association's model policy for polygraph testing. The policy provides guidance, including recognition that some offenders are not suitable subjects for polygraph examinations.

Research: One goal of the Board is to utilize and promote research to recommend evidence-based policies and practices for sexual offense treatment, management and prevention. This past year the Board sponsored one research project on Homelessness and Transience Among registered sex offenders. Homelessness and transience among registered sex

offenders in California reflects a significant policy problem and public safety issue that is largely understudied. This research project examines the number and housing situations of individuals who are registering as “transient” in California.

Education & Media: As reported in the 2017 Report, CASOMB, in collaboration with the Alameda County District Attorney’s Office Video Unit, created multi-media materials to increase understanding of sexual offending and registration laws. The materials were then made available to the public, service providers, criminal justice professionals, legislators, and advocates. California State University at Fresno reviewed one of the videos and researchers indicated that this media strategy is promising in creating attitude changes.

Report of the SARATSO Review Committee

(State Authorized Risk Assessment Tools for Sex Offenders)

The SARATSO (State Authorized Risk Assessment Tools for Sex Offenders) Committee is a *separate* state committee that is integrally related to and aligned with CASOMB. Nevertheless, each have separate roles and statutory mandates. The SARATSO Committee selects reliable risk instruments for determining the risk of sexual re-offense by a person convicted of a sexual offense. SARATSO retains experts on sex offender risk assessment to teach SARATSO-certified California trainers and scorers. Experts also provide advice and develop curriculum for the SARATSO Committee. Included with the Year End Report of CASOMB is the Year End Report of SARATSO. The SARATSO Report focuses on three main areas: the release of a 2018 SARATSO sponsored recidivism study that supports California’s use of the Static-99R, funding issues for offenders on county probation who committed a sexual offense, and the California system of state mandated risk assessment.

1. Juveniles Who Offend Sexually

The role of the California Sexual Offender Management Board (hereafter “the Board”) was expanded in 2017 (S.B. 384) to include addressing issues, concerns and problems related to the community management of juveniles who have sexually offended. In response, the Board proposes to implement a statewide response to sexual offending perpetrated by juveniles. Juveniles under the age of 18 who have been adjudicated or convicted for a sexual offense must be managed with sensitivity to their various developmental needs and challenges, distinct from management practices for adults who have offended sexually.

Assuming that two new Board positions with expertise in the area of juvenile sexual offending are allocated, the Board will draft guidelines for supervision and treatment based on evidenced-based best practices and offer advice on key areas of effective interventions with juveniles who offend sexually. Proposed juvenile guidelines will regulate the limited role of the polygraph in supervising juveniles and two legal consequences used with adults: registration and civil commitment. The Board will address to what extent, if any, these consequences are appropriate in the juvenile setting.

The proposed guidelines will address:

- Implementation of an evidence-based statewide system of treatment, supervision, and assessment standards that applies to all juveniles adjudicated or convicted of sexual offenses. This system will be anchored in a Collaborative Model that is supported by the body of research on the Risks-Needs-Responsivity (RNR) principles. Supervision and treatment staff will be trained in this model.
- Development of treatment provider and program certification requirements, policies and procedures for the assessment, treatment, and implementation of the Collaborative Model, that are juvenile specific and developmentally sensitive.
- Implementation of the Collaborative Model and certification standards for treatment providers working with juveniles adjudicated of sexual offenses.

- A ban on the use of polygraph with juveniles. This is absolute for juveniles under the age of 16, with some exceptions with older juveniles.
- Elimination of a registration requirement for juveniles whose sexual offending occurred prior to the age of 18.
- Recommendation for legislative change eliminating eligibility for civil commitment as a Sexually Violent Predator for those whose sexual offending occurred solely during the juvenile years.

In order to develop appropriate recommendations for supervision of juveniles who have sexually offended, the Legislature needs to authorize, via amendment of Penal Code section 9001, the addition of two new Board member positions with expertise in the area of juveniles who have offended sexually. Only with that



expertise can the Board develop juvenile guidelines and establish a system of certification for juvenile sex offender treatment programs. Such a system is necessary to establish evidence-based practices for juvenile treatment supervision and set uniform standards for treatment provider and program qualifications. State of the art interventions delivered by skilled professionals will divert juveniles who offend sexually from adult sexual offending and prevent new victimizations, while also reducing the overall costs associated with adult sexual offending.

The Board's full report addressing recommendations for community supervision of juveniles who have offended sexually can be found on the CASOMB web site, under the "Reports" tab.

2. Containment Model Effectiveness & Accountability

A collaborative approach to sex offender management, known as the Containment Model (CM), took effect in California beginning July 1, 2012. This sex offender management program has three required components: supervision (probation officer or parole agent); sex offender-specific treatment and polygraph examinations, using a victim-centered approach. The supervision probation officer or parole agent, treatment provider, and polygraph examiner are the core of the Containment Team, although other team members should participate at times (e.g., the registering law enforcement agency). The role of the Containment Model Effectiveness and Accountability Committee is to determine the extent to which the CM has been implemented and identify what is needed to ensure full implementation across all 58 counties.



The Containment Model Effectiveness and Accountability Committee was formed in January 2018. The committee includes Board members, probation staff and treatment providers and is supported by the Board's staff. The work of the committee is informed by the San Jose State University Report "Adults on Probation Supervision in California for a Sexual Offense: Final Report to the Sex Offender Management Board" by Danielle Harris, Ph.D. and Edith Kinney, Ph.D. (March 2017). This report summarizes the findings of a yearlong study (2015-2016) examining the number and management of individuals convicted of registrable sex offenses and on probation in each of California's 58 counties. The report also provides information regarding the county-level implementation of the CM 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. The report had several recommendations for probation related to staff; training, supervision, collaboration with treatment partners and the need to identify a funding source for treatment of sexual offenders.

The CM committee determined that a survey, with questions specific to implementation of the CM, was the best method to determine the specific gaps and needs Probation Departments have identified in the implementation of the CM. In February 2018, a survey was sent to all California Probation Chiefs with over 40 counties responding. The results of the survey made it clear that more resources, training and collaboration between treatment providers and probation are necessary to ensure the CM is fully implemented.

Key Survey Findings:

- 74% of responding counties report they have implemented the Containment Model.
- 50% of respondents report they still need more training and information.
- 42% of respondents don't have a specialized sex offender unit.
- 54% of respondents say they need more certified treatment providers in their jurisdiction.
- Other key findings in the survey identify a clear need to dedicate funding to pay for treatment services at the county level, and additional funding is needed to offer training for probation officers and treatment providers.

The Board recommends the following:

- Funding to County Probation Departments to cover costs of sex offender treatment, violence and dynamic risk assessment, and polygraph examinations
- Funding to the Board to support Containment Model Training for Probation Officers.
- Funding to the Board to support Containment Model Training for Treatment Providers

3. SVP

“SVP” refers to the Sexually Violent Predator Law (Welf & Inst. Code, § 6600, et seq.) and represents the state’s effort to treat and manage its highest risk sex offenders. As a step toward achieving its goal of reducing the prevalence of sexual abuse in California, the Board agreed to prioritize understanding and making any needed recommendations regarding key features of the SVP Law and its implementation.

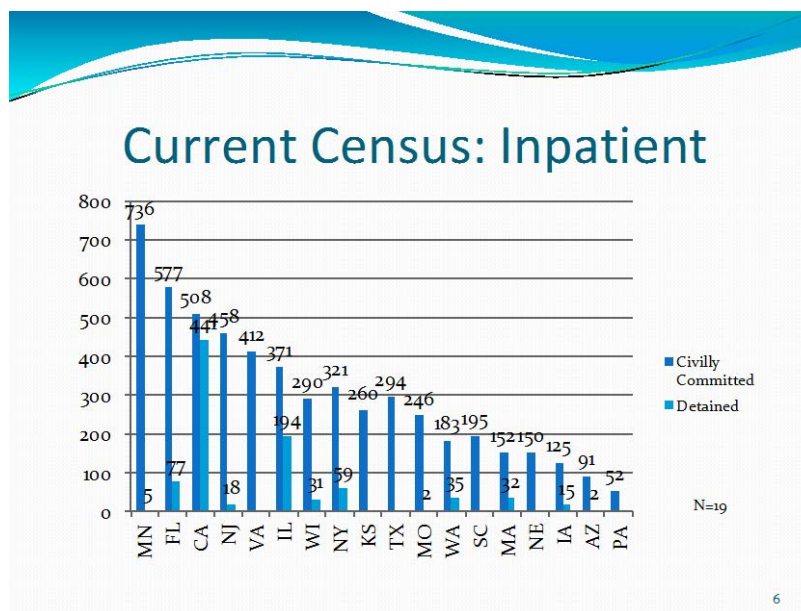


California has nearly 1,000 civilly committed sexual

offenders, called “SVPs”. This is significantly more than any of the twenty-one states with sexual offender civil commitment (SOCC) laws (i.e. 20 states plus Washington, D.C.). The number of CA SVPs is about 15% of the national total. The high number of CA SVPs is due to the high number of detainees. Detainees are legally determined to meet the probable cause legal threshold for being detained for SVP proceedings, but have not yet been determined to meet the full legal threshold for commitment. California has five times more detainees (441) than any other state, with exception of Illinois (194), whose detainee population it more than doubles. Most aberrant is the duration of California’s detainee status. The duration of detainee status in other states is generally less than six months, whereas in California it is typically several years and frequently more than ten years. Detainees often refuse to participate in sexual offense treatment. Detainees that are not civilly committed are unconditionally discharged without community reintegration support or services or sexual offense treatment in the community (i.e., not eligible for the conditional release program, parole, do not have lifetime SVP registration requirement).

Approximately 36% of the SVPs actually participate in sexual offense treatment; this is the lowest treatment rate of all SOCC programs across the nation. In making determinations for

readiness for discharge, unlike in other SOCC programs, currently the courts are not instructed to consider the SVP's progress in treatment. Community notification hearings specific for SVP and legislative restrictions on placement of certain high risk offenders make finding housing



difficult, leading judges to increasingly release SVPs as transient. However, “transient” release costs more than \$650,000 per year per person due to supervision and other transient-specific costs. Further, transient released SVPs are much more likely to fail in the community than those discharged to fixed housing. These financial and safety costs are alarming.

2019 SVP areas of examination:

- 1) The duration of detainee status. This has been described in other reports (i.e. CASOMB Year End Report, 2016; California Coalition on Sexual Offending (CCOSO) paper on CA SVP statute, 2009¹).
- 2) The low treatment participation rate of CA SVPs. This has been described in other reports (e.g. CASOMB EOY Report, 2016; CCOSO CA SVP statute paper, 2009, Schneider et. al, 2017²).
- 3) Housing problems for those SVPs who graduate to provisional discharge through the California Conditional Release Program.
- 4) The lack of community reintegration resources for those unconditionally discharged.

¹ D’Orazio, D., Arkowitz, S., Adams, J., & Maram, W. (2009). The California Sexually Violent Predator statute: history, Description, and Areas of Improvement. San Jose, CA: CCOSO.

² Schneider, J., Jackson, R., Ambroziak, G., D’Orazio, D., Freeman, N., and Hebert, J. (October 15, 2018). SOCCPN Annual Survey of Sex Offender Civil Commitment Programs 2018. Presentation at the annual SOCCPN conference, Vancouver, Canada.

4. Provider Agency and Treatment Provider Certification

The Board certifies treatment providers at three levels: the highest level is an Independent Provider, the mid-level is an Associate Provider and the introductory level is the Apprentice Provider. The Board also requires treatment programs (known as provider agencies) to be certified in order to conduct sex offender specific treatment services. Currently, the Board relies on the integrity of the treatment providers and programs to comply with the Board's requirements, however best practices indicate it would be best to conduct accountability reviews. The Committee is keenly aware that the Board does not have funding to support audits of certified provider agencies and treatment providers. The Committee believes it is a matter of public safety to complete random audits and requests the Legislature allocate funding to the Board staff for this purpose.

The Provider Agency and Treatment Provider Certification Committee requirements require ongoing review and updating. The Certification Committee promotes use of evidence-based practices for program development and service delivery for adults who have been convicted of sexual offenses.

Policy and practice standards are reviewed continually in light of the newest evidence. Throughout 2018 the Certification Committee has considered new research and made necessary amendments to the extant requirements.



In April 2018 the Committee released guidelines and procedures to clarify when an individual has successfully completed treatment. These were developed in collaboration with a work group established by the CCOSO. The guidelines were first vetted by the CCOSO Board of Directors, then amended by the Board's Certification Committee.

The Certification Committee also assists the Board's staff in problem solving regarding unique or unforeseen issues and situations that arise from new applicant situations as well as questions from probation officers and treatment providers across the State.

The Board recommends the following:

- Funding for Board staff to audit certified treatment providers and certified provider agencies

5. Polygraph

Internship hours and standards for polygraph examiners, a model policy for subject suitability for polygraph testing, and education of stakeholders in the sex offender management field—these were the major issues the Board’s Polygraph Committee worked on in 2018.



The California Association of Polygraph Examiners (CAPE) was revised and approved new standards in 2018 for polygraph examiners doing post-conviction sex offender testing. The standards include stricter requirements for intern supervision hours before certification as an examiner. Once final, the Board will

decide whether to adopt the CAPE standards.

The Board adopted the American Polygraph Association’s model policy on suitability for polygraph testing. The policy explains that some offenders are not suitable subjects for polygraph examinations, e.g., offenders who are developmentally disabled, psychotic, suicidal or have dementia. A person must be able to sit calmly and quietly follow directions during a polygraph examination.

The Board maintains a list of frequently asked questions about polygraph examinations on the Board’s web site. The FAQs are intended to educate stakeholders and the public about the use of polygraph in the Containment Model. Several new FAQs were added in 2018 and can be viewed on the CASOMB web site under the “Containment Model/Polygraph” tab.

6. Research

The goal of the Board is to utilize and promote research to recommend evidence-based policies and practices for sexual offense treatment, management and prevention. This past year the Board sponsored one research project on homelessness and transience among registered sex offenders.

Homelessness and transience among registered sex offenders (RSOs) in California reflects a significant policy problem and public safety issue that is largely understudied. This research project examines the number and housing situations of individuals who are registering as “transient” in California. The study includes efforts to identify the scale of out-of-doors homelessness among transient RSOs, housing issues, and other possible reasons for registering as transient among sex offenders in California. The study utilizes a mixed methods design to evaluate the scope of transient status and actual homelessness among transient registrants in California. The study will also look at the strategies different jurisdictions have developed to supervise transient RSOs in the community.



First, a statewide survey of parole operations and county probation departments supervising transient registrants collect quantitative data regarding the number, demographics, and assessed risk-levels of transient RSOs. The survey also solicits feedback to qualitative questions regarding the reasons why individuals register as transient and the strategies and resources required to supervise this population.

Second, a statewide survey of homeless shelters assesses the availability, location, and type of housing options accessible to RSOs in each of California's 58 counties. Third, telephone interviews with treatment providers, program directors and administrators to qualitatively assess the meaning and problems associated with "transient" registration for sex offenders. The study aims to update the Board's previous research reports (2008, 2011) examining the impact of state and local residence restrictions for RSOs, and why changes to Jessica's Law eliminating across the board residence restrictions has not impacted the number of transient RSO's. The study will also identify how different jurisdictions are addressing homelessness and transient-registration status among sex offenders in California communities.

7. Education & Media

The increased attention on sexual offending in the year of #MeToo identified the need for discussions on prevention, how to prevent sexual abuse all together and how to prevent it from recurring once an individual has already offended. The video and print educational resources created by the Board in 2017 became valuable tools to help increase understanding for the general public, service providers, criminal justice professionals, legislators, advocates surrounding individuals who have caused sexual harm, the impact on communities and public safety.

The Board's video has been viewed over 3,000 times. The video and print educational resources are available at casomb.org. Educational materials utilize facts to dispel myths surrounding individuals who cause sexual harm:



- Individuals who commit sexual crimes are an extremely diverse group. They are not all alike, they differ in age, gender, socioeconomic status and other characteristics.
- They have very different levels of risk for committing future sexual crimes.
- Risk assessment, rather than “one size fits all” approaches, is key to allocating resources to effectively manage sex offenders in the community.
- The vast majority of those committing new sexual offenses are not registrants.
- Most sex offenses in California are committed by first-time offenders, not by people who have already been convicted.
- Despite widespread beliefs, most individuals convicted of sexual crimes do not continue committing sexual crimes after they have been caught and punished the first time. It is not true that all of those who have caused sexual harm will reoffend.
- Barriers to obtaining housing, jobs and the ability for those who have caused sexual harm to create positive relationships with people, may actually make us less safe as a community.

The video created by the Board was shown to be an effective tool in a study by California State University, Fresno graduate student Eric Galeana. The purpose of his study was to survey public attitude toward lifetime sexual offender registration and examine the effects of the Board's educational video on attitude changes. The Board's educational video provides information on the impact of lifetime registration on community safety and dispels myths about individuals who offend sexually. Results of the study indicated that viewing the Board's video influenced significant attitude changes, causing survey respondents to favor of modifying California's sexual offender registration system.

The Board's mission includes exploring ways to decrease victimization as well as including victim-focused policies in sex offender treatment and management.

8. Report of the SARATSO Review Committee (State Authorized Risk Assessment Tools for Sex Offenders)



The SARATSO (State Authorized Risk Assessment Tools for Sex Offenders) Committee is a separate state committee that works together with the California Sex Offender Management Board on many issues. Nevertheless, each have separate roles and statutory mandates. The SARATSO Committee selects reliable risk instruments for determining the risk of sexual reoffense by a person convicted of a sexual offense. SARATSO retains experts on sex offender risk assessment who are at the top of their field to teach SARATSO-certified California trainers and scorers. Experts also provide advice and develop curriculum for the SARATSO Committee.

SARATSO's Research on Sexual Recidivism Shows Risk Assessment Accurately Predicts Reoffending by California's Diverse Population

It is important to know that the selected risk instruments are accurately predicting risk of reoffense by the culturally and ethnically diverse population of offenders living in California. To that end, the SARATSO Committee has sponsored several California-specific recidivism and validation studies on these instruments. (Research can be found on the SARATSO web site under the "Resources" tab). All studies to date have validated the predictive accuracy of SARATSO's choice of instruments.

The latest SARATSO-sponsored recidivism study of California sexual offenders, released in 2018, continues to support California's use of the Static-99R static risk instrument to predict risk. The tool demonstrated good predictive accuracy in assessing which offenders were likely to reoffend. The 2018 study tracked subsequent crimes committed by paroled sex offenders in California for 10 years after their release from prison.

The 2018 recidivism study was a follow-up to the 2014 SARATSO five-year study. The five-year study followed 475 parolees for five years after their release from prison in 2006-2007. These were some of the earliest offenders in California to be scored on the Static-99R. The overall parolee sexual recidivism rate of this group after 10 years was 10.4% - up from the

6.2% recidivism rate found after five years. The 10-year sexual recidivism rate was in line with rates observed in other jurisdictions (New Jersey, North Dakota, Canada, Sweden). The risk of a repeat offense went down the longer the offender was out in the community without having reoffended. The actual risk levels of those who had not reoffended 10 years after release were lower than their Static-99R scores might indicate. (Research can be found on the SARATSO web site under the “Resources” tab).

Two other SARATSO-sponsored recidivism studies are in progress. One will assess the use of the JSORRAT-II (juvenile risk instrument) with a California population, as well as determine recidivism rates of juveniles released from CDCR’s Division of Juvenile Justice over the past 10 years. The second is a recidivism study of all registered female sex offenders in California. Results are due in 2019.

Despite Evidence That Sex Offender-Specific Treatment Is Effective, Many High Risk Offenders on Probation Do Not Get Treatment Due to Lack of Funding

State-mandated treatment programs, like those in the Containment Model treatment contracts administered by CDCR, must be certified by the Board and follow an evidence-based curriculum. Despite evidence that the right type of treatment works, state-funded treatment is only available to offenders on parole. Offenders on probation for sexual offenses must pay for their own treatment, risk assessments and polygraph exams—which many offenders cannot afford.

As a result, high risk offenders on probation may not get any treatment, polygraph exams or risk assessments - even though there are just as many high risk sex offenders on probation or community supervision in California as there are on parole. (Report can be found on the CASOMB website under the “Reports” tab). A SARATSO study in 2016 found that sex offenders on probation are sexually reoffending at significantly higher rates than such

offenders on parole supervision.³ Some offenders on formal probation cannot afford to participate in the Containment Model treatment programs.

There is already evidence that sex offender-specific treatment works to reduce reoffending. A 2017 report by the California Department of Corrections & Rehabilitation found a 16-17% reduction in recidivism by parolees who completed the mandatory sex offender treatment program. (CDCR, Annual Evaluation of Contracted Sex Offender Treatment Programs, online at < <https://sites.cdcr.ca.gov/research/wp-content/uploads/sites/9/2018/04/Fiscal-Year-2016-17-Evaluation.pdf>).

Other studies have shown that treatment based on the Risk/Needs/Responsivity principle, which is the type of treatment mandated by the Board, can cut recidivism rates in half. (Hanson, R.K., et al., *The principles of effective correctional treatment also apply to sexual offenders: A meta-analysis*, 36 *Crim. Justice & Behav.* 865-891 (2009); Losel, F. & Schmucker, M., *The effects of sexual offender treatment on recidivism: an international meta-analysis of sound quality evaluations*, 11 *J. of Experimental Criminology* (Aug. 2015) [treatment results in statistically significant reduction in recidivism].)

With the implementation of the new tiered registry in 2021, one factor courts must consider in determining whether to remove a registrant from the sex offender registry after completion of a 10 or 20-year tier is successful completion of a Containment Model treatment program. Offenders who are denied access to treatment due to indigency will be at an unfair disadvantage. (Pen. Code, § 290.5, eff. 1-1-21.)

^{3 3} Lee, S., et al., *The Predictive Validity of Static-99R for Sexual Offenders in California: 2016 Update*, at p. 10 [2.1% of California parolee sex offenders reoffended sexually within 5 years of release, while 4.3% of California sex offenders on probation supervision reoffended sexually within 5 years of release during the same time period], online at <http://saratso.org/pdf/ThePredictiveValidity_of_Static_99R_forSexualOffenders_inCalifornia_2016v1.pdf>.

The cost of funding for treatment, risk assessments and polygraph exams for higher risk offenders on probation or community supervision would be modest. There are about 5,000 offenders on probation or community supervision but only 1/3 of that number are above average or well above average (high) risk to reoffend. The average cost of yearly treatment would be about \$3,000, and risk assessments and polygraph exams another \$2,000 annually, on average. Reducing the number of victims, on the other hand, is priceless.

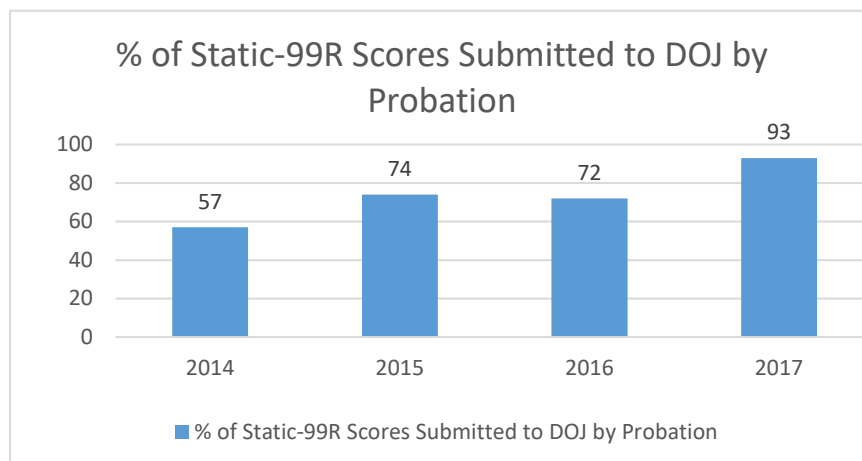
The California System of State Mandated Risk Assessment



The California Department of Justice records all the SARATSO risk assessment scores. These are available to law enforcement, probation and parole in the sex offender registration database (California Sex and Arson Registry). Some scores are available to the public on the DOJ Megan's Law web site as well: (1) Static-99R scores are posted for offenders who are listed on the web site with full residence address, and (2) if there is an elevated risk score for future violence, that is also posted for offenders in this group. (Pen. Code, § 290.46(b).)

In 2017, California probation departments, along with the California Department of Corrections and Rehabilitation (CDCR) and the Department of State Hospitals (DSH) achieved a 93% submission rate to DOJ on the Static-99R. That means that of all the registered sex offenders convicted in California that year, 93% of them were scored. This was a major achievement that required cooperation among probation/parole/DSH, the courts and DOJ. Congratulations to all is in order. The scores help determine who gets probation, who goes on parole versus community supervision, who has to wear a GPS during supervision, types and intensity of treatment programs and supervision terms and conditions.

This graph shows Static-99R score submission rates since SARATSO began keeping track in 2014:



There are three different types of risk assessment tools:

- 1) the Static-99R for adults and JSORRAT-II for juveniles (unchanging/static risk factors predicting risk of sexual reoffense);
- 2) STABLE-2007/ACUTE-2007 (dynamic risk factors predicting risk of sexual reoffense);
- 3) Level of Service/Case Management Inventory (static and dynamic factors predicting violence potential).

The instruments are scored based on factors in the criminal history and life of the offender that have been proven by numerous studies to predict future risk of sexual offending.

The fact that the instruments are strongly predictive is also a testament to the high standards SARATSO scorers must meet. All scorers on each instrument (probation, parole, treatment providers and Department of State Hospitals personnel) must take an initial eight or 12-hour SARATSO class in order to become certified to score the tool. They are required to do their initial assessments under the supervision of a trained scorer. Scorers must be re-certified by attending a refresher class on the instrument every two years. In 2018, the Committee sponsored 16 classes on the four SARATSO risk instruments.

SARATSO recommends the following:

- Fund sex offense treatment, risk assessment and polygraph examinations for the approximately 1,600 offenders on probation or community supervision who are high risk

(above average or well above average risk) in order to prevent future victimization. To invest them in participating, require these offenders to pay a small portion of the cost.

- Provide support for evidence-based research that is California-specific, including funding to permit continued research sponsored by the SARATSO Committee on sex offender recidivism, fidelity in scoring and treatment effectiveness.

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 2018	77,738	56,123*

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 2018	22,379	Unknown	953**	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 2018	9,886	Unknown	Unknown	Unknown	17**

* Numbers as of January 28, 2019 from Megan's Law website.

** Numbers reported as of November 15, 2018

Appendix B

Registered Sex Offenders by County

COUNTY	Estimated Population	Active Sex Offender Registrants in the Community	COUNTY	Estimated Population	Active Sex Offender Registrants in the Community
Alameda	1,660,202	2,387	Orange	3,221,103	3,034
Alpine	1,154	3	Placer	389,532	578
Amador	38,094	98	Plumas	19,773	57
Butte	227,621	828	Riverside	2,415,955	4,109
Calaveras	45,157	121	Sacramento	1,529,501	3,985
Colusa	22,098	51	San Benito	57,088	147
Contra Costa	1,149,363	1,418	San Bernardino	2,174,938	4,685
Del Norte	27,221	158	San Diego	3,337,456	4,326
El Dorado	188,399	382	San Francisco	883,963	1,076
Fresno	1,007,229	2,434	San Joaquin	758,744	1,806
Glenn	28,796	81	San Luis Obispo	280,101	471
Humboldt	136,002	463	San Mateo	774,155	695
Imperial	190,624	254	Santa Barbara	453,457	682
Inyo	18,577	53	Santa Clara	1,956,598	3,273
Kern	905,801	2,269	Santa Cruz	276,864	402
Kings	151,662	387	Shasta	178,271	807
Lake	65,081	324	Sierra	3,207	9
Lassen	30,911	110	Siskiyou	44,612	225
Los Angeles	10,283,729	14,859	Solano	439,793	944
Madera	158,894	407	Sonoma	503,332	800
Marin	263,886	154	Stanislaus	555,624	1,384
Mariposa	18,129	74	Sutter	97,238	304
Mendocino	89,299	269	Tehama	64,039	322
Merced	279,977	764	Trinity	13,635	81
Modoc	9,612	52	Tulare	475,834	1,203
Mono	13,822	17	Tuolumne	54,740	162
Monterey	443,281	676	Ventura	859,073	1,112
Napa	141,294	203	Yolo	221,270	386
Nevada	99,155	206	Yuba	74,727	364
			Total:	39,809,693	66,931

State of California, Department of Finance, E-1 Population Estimates for Cities, Counties, and the State with Annual Percentage Change – January 1, 2017 and 2018. Sacramento, California, May 2018.

Active Sex Offender Registrants by County made available by the California Department of Justice as of January 1, 2019.



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