

# CALIFORNIA SEX OFFENDER MANAGEMENT BOARD

## Year End Report | 2023



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## Executive Summary

I am delighted to announce the publication of the California Sex Offender Management Board's (CASOMB) 2023 Year End Report, reflecting the collaborative endeavors of the CASOM Board in advancing effective and responsive treatment for individuals who have committed sexual offenses, both as young people and adults, with a steadfast commitment to ensuring the safety of survivors and the community. The CASOMB approaches its legislative mandates by harnessing the strengths of its members, drawing upon their expertise in specialized areas. This is facilitated through several standing committees, each chaired by dedicated subject matter experts and inclusive of a diverse range of CASOMB members representing various sectors of the criminal justice



system, treatment and intervention services, and advocacy groups. These committees address a multitude of critical topics, including research, human trafficking, tiered registration, and more. The ongoing efforts of these committees are aimed at enhancing treatment outcomes and proposing legislative mandates for improved public safety. Grounded in evidence-based practices, incorporating the principles of Risk-Need-Responsivity, and demonstrating adaptability to emerging needs, the committees play a pivotal role in shaping the landscape of sex offender management. None of these accomplishments would be possible without the invaluable support of CASOMB staff, who consistently keep us organized, on track, and maximize our overall effectiveness.

CASOMB's Juvenile Committee addresses challenges in treating youth who have been adjudicated for sex crimes, advocating for legislative changes and certification requirements for providers. The Tiering Committee proposes amendments to California's Sex Offender Tiered Registration, especially in Tier 3, aligning with evidence-informed recommendations. The report on Commercial Sexual Exploitation of Children (CSEC) highlights efforts to combat CSEC and sex trafficking, introducing protocols and calling for research. The Research Committee evaluates the Stable-2007 tool for adult males convicted of sex crimes, emphasizing recommendations for improvement.

The Certification and Complaints Report covers changes and challenges, emphasizing the need for additional investigators. The Polygraph Committee aims to update standards and FAQs for

post-conviction sex offenders. CASOMB's Community Reintegration report explores funding trends and calls for targeted policymaking. The Sexually Violent Predator summary outlines challenges and recommendations for a more efficient program. The State Authorized Risk Assessment Tools for Sex Offenders (SARATSO) role in risk assessment tool selection, training, and juvenile recidivism is detailed. Training initiatives include updates on Static-99R scores and improvements in Level of Services/Case Management Inventory scoring software. The Score Submission and Annual Report Results highlight challenges in tracking offender participation in treatment. Research efforts assess the reliability of Stable-2007 ratings and a juvenile recidivism study using JSORRAT-II. The Child Pornography Offender Risk Tool Pilot Project addresses gaps in risk assessment for certain offenders, with ongoing collaboration to enhance its effectiveness.

This report emphasizes a strategic approach to legislative mandates, leveraging the expertise of committee members across diverse sectors. Key achievements include addressing challenges in juvenile sex offender treatment, proposing amendments to tiered registration, combatting human trafficking, evaluating the Stable-2007 risk assessment tool, managing certifications and complaints, refining polygraph standards, and exploring complexities in community reintegration.

Stakeholders are urged to engage collaboratively and implement the following main recommendations for continuous improvement in California's sex offender management and community safety:

1. The CASOMB supports a change in language to Penal Code (PC) 9000 to expand certification requirements to include those who also provide services to youth, who have been referred by the courts or probation to treatment for a sexual offense.
2. The CASOMB recommends that individuals with a felony conviction for PC 311.11 possession of child pornography shall be placed in Tier 1.
3. The CASOMB recommends individuals convicted for PC 288(c) be placed in Tier 2.
4. The CASOMB recommends individuals convicted for PC 288.2, 288.3, and 288.4 be moved to Tier 1.
5. The SARATSO recommends minor statutory changes that will allow SARATSO to resume its role of selecting risk instruments for youth who have committed a sexual offense.

## CASOMB Year End Report

### Juveniles Who Have Committed a Sexual Offense

Resources and access to treatment services vary by county. Even when treatment is available, there is no statewide standard of care for youth who have offended sexually. Agencies, organizations, and individuals who provide services to this population need standards based on what research shows to be the best approach to assure quality and consistency of services during intake, treatment, residential changes, treatment completion, and family reunification. The Board developed evidence-informed standards and guidelines for a collaborative model of treatment and supervision of youth, supported by the principles of Risk-Need-Responsivity. The CASOMB *“Guidelines for Treating and Supervising Youth who Have Committed a Sexual Offense”* should apply to youth adjudicated for committing a sexual offense and referred to sex offense specific treatment by the court. The intensity of services should be defined by individualized assessments of risk and treatment needs and managed by a case management team.

Assembly Bill 145 was signed in June 2021. The bill expanded the CASOMB to include two new members: an expert in treatment of juveniles who have offended sexually, and the Director of the Office of Youth and Community Restoration. The addition of these Board members was acknowledgement from the legislators that CASOMB’s expertise should be utilized in creating policy for youth who have offended sexually. Based on this, CASOMB created and released in 2022, *“Guidelines for Treating and Supervising Youth who have Committed a Sexual Offense.”* At this time, CASOMB lacks the jurisdiction to implement certification requirements and oversight for treatment providers who serve this population. Penal Code (PC) Section 9000 defines a “sex offender” to mean any person who is required to register under PC Section 290. Most youth are not required to register pursuant to PC Section 290.

***CASOMB supports a change in language to PC 9000 to expand certification requirements to include those who also provide services to youth, who have been referred by the courts or probation to treatment for a sexual offense.***

These standards will form the basis for specialized training for supervising officers and specialized certification standards for treatment providers working with the youth population. The standards and potential certification requirements for providers who work with youth, must be distinct and separate from the Board’s existing certification requirements for treatment professionals who work with adults. Given the necessary resources and jurisdiction, CASOMB will certify and

monitor programs, and treatment providers to assure delivery of services that are sensitive to the youth's needs and provided in a culturally sensitive and trauma informed manner.

To educate the public about adolescent development and youth risk for sexual reoffense an approximately four (4) minute video was created and posted on the CASOMB website. The video is available in both English and Spanish. The CASOMB Juvenile Committee continues to ensure that the public is aware of CASOMB's "Guidelines for Treating and Supervising Youth who Have Committed a Sexual Offense" in all their communications with county and government stakeholders. Board members have presented the Guidelines at various professional conferences.



The Juvenile Committee has the goal of bringing youth who have sexually offended under the umbrella of CASOMB. The Committee wants to achieve the following with this goal:

- A. Oversee the uniform application of treatment for youth across the State.
- B. Assist government and criminal justice stakeholders such as District Attorneys and Judges to have faith in the type of treatment that youth who offend sexually will receive and to prevent youth from being transferred to adult prosecution.
- C. To provide technical assistance to counties based on the best practices published in the guidelines by CASOMB.
- D. To track outcomes and report them to the legislature.

There is not a statewide-centralized database which tracks youthful offenders. The Juvenile Committee has been actively engaged in data mining in California to determine: how many youth are being supervised for having committed a sexual offense; data trends; the number of individuals mandated to register whose only sexual offense was committed when they were a juvenile; the number of individuals who have petitioned to remove the registration requirement; and what kind of treatment support is available in the 58 counties.

Other emerging issues for 2024 the committee would like to tackle include the education of youth and families about the tiered registration law and to work with defenders and counties to ensure youth who have earned the rehabilitative milestone are obtaining relief from registration requirements.

### **Proposed Amendments to Sex Offender Tiered Registration\***

Sexual abuse is a serious public health problem. Long-term social control strategies such as tiered registration<sup>1</sup> were implemented to address the concern for the safety of those involved in sexual abuse. Starting in 1947, California required “universal lifetime” registration for individuals convicted for most sex crimes, and it was established as a crime-solving tool. Since 1947, research has improved our understanding of individuals who have committed a sexual offense and the impact of registration on community safety. In 2007, California responded to these changes by requiring risk assessment of individuals who have committed a sexual offense. Amendments continued in 2012 with mandated treatment and use of a team approach for the treatment and supervision of these individuals.

On February 15, 2017, Senator Wiener authored a bill for Tiered Registration for individuals required to register pursuant to Penal Code (PC) Section 290. This legislation created three registration tiers, 10-years, 20-years, and lifetime. The law allows the registrant to petition for removal only after review by law enforcement, district attorney and the court. The Governor approved Senate Bill 384 on October 6, 2017. The proposed bill was influenced by research on risk for sexual reoffense, impact of registration on community safety, as well as the fiscal and resource impact on all of those involved. Those placed in a 10-year, or 20-year term are only eligible to petition for relief from registration if they complete their registration time with no new sexual reoffense.

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<sup>1</sup> Hanson et al., (2019) 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*, 24(1) p. 48-63.

\*(The California Office of the Attorney General’s representative on the CASOMB board was not a part of the Tiered Registration Subcommittee and accordingly abstains from adoption of this section.)



Years were spent by the CASOMB (a multidisciplinary board that includes victim advocates, law enforcement, district attorney, defense attorney, judge, treatment providers, and other key stakeholders) and district attorneys to create a responsible and evidence informed bill. The bill was co-sponsored by Los Angeles District Attorneys, Equality California, and California Coalition Against Sexual Assault (victim advocates) and received no formal opposition. Through the amendment process, several changes were made to the well thought out and written proposal that affected tier placement for certain types of offense behavior. In its original version, it passed through the assembly public safety and senate public safety committees. It was modified as a condition of being released from the assembly appropriations committee. In this gut and amend process, many offense behaviors were moved from tiers 1 and 2 and placed into Tier 3.

In examining Tier 3, the CASOMB recognizes that it requires amending as some of the offenses that were placed in Tier 3 were not research informed decisions. Tier 3 was intended for individuals with lifetime prison sentences, individuals found to meet the criteria under the Sexually Violent Predator Act, Mentally Disordered Offenders with increased risk of reoffense, and individuals with more than one separately tried sexual offense conviction against a minor. The changes recommended by the CASOMB are the first steps in restoring the original intent of the bill.

Risk for recidivism for general criminal offending, as well as sexual offense reoffending, decreases over time for those who are in the community and remain offense free. In the literature, this is referred to as “time offense-free.” Desistance is an important concept to consider and is marked by the absence of offending. In research, this is usually defined as the absence of self-reported or officially recorded criminal behavior for a specific amount of time, such as 10 years. “For sexual offenders, a plausible threshold for desistance is when their risk for a new sexual offense is not different than the risk of a spontaneous sexual offense among individuals who have no prior sexual offense history but who have a history of nonsexual crime . . . A recent review of 11 studies from diverse jurisdictions (n = 543,024) found a rate of spontaneous sexual offenses among nonsexual offenders to be in the 1% to 2% range after 5 years.”<sup>2</sup> Hanson, et al (2019) found that even the highest risk sexual offenders, who have not committed any new offenses (criminal or sexual) for 20 years while in the community, are no more likely to commit a new offense than the general criminal offender.

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<sup>2</sup> Hanson et al., (2019) 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*, 24(1) p. 48-63.

Individuals placed on Tier 3 are required to register for their lifetime with one exception. If the only reason an individual is placed on Tier 3 is due to a well above average Static-99R score (6+), then that individual may petition to no longer register after 20 years.

Research has also been conducted on the impact of registration on community safety and recidivism. Research does not support a link between registration and preventing recidivism or improving community safety. The cost of implementing registration for jurisdictions like Los Angeles County, is staggering. The CASOMB's "*Tiering Background Paper*" released in 2014 highlighted many of these problems.

When considering the desistance of sexual offending after 20 years for individuals who remain offense free and the lack of research supporting the effectiveness of registration, an exit from lifetime registration is recommended. The CASOMB reviews three specific areas in this paper and will continue to examine Tier 3 for additional recommendations in relation to restoring the research informed recommendations put forth in the originally proposed bill.

The CASOMB currently highlights and proposes further action in three areas:

1. PC 311.11 – felony possession of child pornography;
2. PC 288(c)(1) – Lewd and Lascivious acts with a minor age 14/15;
3. PC 288.2 – 288.4

1. PC 311.11 felony possession of child pornography

There are an increasing number of individuals convicted for online sexual offenses, including the possession of Child Sexual Abuse Materials (CSAM). These types of offenses will continue to rise. In California, possession offenses are separate from production and distribution convictions, which are placed under PC 311.3. No changes are proposed for individuals convicted for the production or creation of CSAM. Individuals with felony possessions of CSAM (PC 311.11) are placed on Tier 3 lifetime registration alongside those convicted of production and distribution.

Helmus (2023)<sup>3</sup> published a meta-analysis looking at the recidivism rates of individuals who have viewed CSAM. The research looked at the recidivism rates for individuals with CSAM only offenses (this does not include individuals that participate in the production or creation of CSAM), and those with both CSAM and contact sexual offenses. The recidivism rates for individuals with

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<sup>3</sup> Helmus, L. M. (2023). Recidivism Rates of Men Charged/Convicted for Child Pornography Offences. The Forum Newsletter: ATSA, Vol. 35(2).

CSAM only offenses were lower than those with both CSAM and contact offenses. The estimated 5-year recidivism rates for CSAM only offenders for any for any contact sexual offense is 1.5 percent, and for any CSAM only offense is approximately 5.0 percent. This means that out of 100 individuals with a CSAM only offense, approximately 5 of them would commit a new sexual offense and 95 would not. The majority of the reoffending was for non-contact reoffense. This is considered a low risk of recidivism. As previously explained, Hanson’s research supports a desistance rate of 2 percent.

Prior to the implementation of Tiered Registration in California, individuals convicted for CSAM only offenses could pursue a certificate of rehabilitation after 10 years. The certificate of rehabilitation is a court order that states that someone who was convicted of a felony, has served time in state or local prison and has been rehabilitated. Under the new tiered registration act, individuals convicted of a sexual offense are no longer able to apply for a certificate of rehabilitation.

Based on the low risk for recidivism and historical legal options open to this subset of individuals the following tier designation is recommended for individuals who have a CSAM only conviction.

***The CASOMB recommends that individuals with a felony conviction for PC 311.11 possession of child pornography shall be placed in tier 1.***

2. PC 288(c)(1) – Lewd and Lascivious acts with a minor age 14/15

Individuals with a conviction of PC 288(c) Lewd and Lascivious acts with a minor age 14/15 are placed in Tier 3 – lifetime registration. Individuals with a PC 288(a) – Lewd and Lascivious acts with a minor age 13 or younger are currently placed on Tier 2 – 20 years registration. While a distinction can be made in the professional literature for pedophilic interest based on preferred age or physical development of the victim, risk for recidivism is not impacted by the age of the victim. Other factors such as relationship to the victim, prior criminal history, prior sexual offense history, or age of the offender are relevant.

Placing individuals with a conviction of PC 288(c)(1) on Tier 3 is not consistent with the current legal continuum for sentencing. Individuals convicted under PC 261.5(d) unlawful sexual intercourse, sentencing includes a range of 1 year for misdemeanors, and 2, 3, or 4 years for felonies and does not require registration. Individuals convicted for PC 288(a) – Lewd and Lascivious acts with a minor under the age of 14 are placed in Tier 2. Individuals convicted for PC 288(a) have more severe sentences. The statute states, “they shall be punished by imprisonment in the state prison, by three, six, or eight years.” While those convicted for PC 288(c)(1) “shall be

punished by one, two, or three years, or by imprisonment in a county jail for not more than one year.” PC 667.5 defines Section (a) as a serious offense, which allows for them to stay on probation for 5 years.

The discrepancy can be seen in the table below.

	261.5 (d) Unlawful sexual intercourse def. over 21/vic. Under 16	288(a) – Lewd and Lascivious with a minor under 14	288(c)(1) – Lewd and Lascivious with a minor 14/15
<b>Sentencing Guidelines</b>	1 year (misdemeanor) 2, 3, or 4 years (felony)	3, 6, or 8 years state prison	1, 2, or 3 years state prison, or no more than 1 year county jail
<b>Serious felony per PC 667.5</b>	No	Yes	No
<b>Probation Term</b>	1 year for Misdemeanor 2 years for felony	Up to 5 years	1 year for Misdemeanor 2 years for Felony
<b>Tier Level</b>	No registration	2 (20) years	3 (Lifetime)

***The CASOMB recommends that individuals convicted for PC 288(c) be placed in tier 2.***

3. PC 288.2 – 288.4

Individuals who have been convicted for PC 288.2 – sending harmful matter to a minor; PC 288.3 – contacting a minor with the intent to commit a sexual offense, these individuals are often captured through sting operations; and PC 288.4 – contacting a minor with the intent to expose oneself, are currently placed in Tier 3 - lifetime registration. Many individuals who are convicted for PC 288.3 are captured through sting operations in which they do not have contact with a minor but have contact with an undercover officer posing to be a minor. It is very clear that PC 288.2 – 288.4 which involve no actual contact with a minor or no sexual activity, do not belong in Tier 3 when many of the offenses which involve actual contact are in Tier 1 and 2.

***The CASOMB recommends convicted for PC 288.2, 288.3, and 288.4 be moved to tier 1. This is contrasted with individual who had sexual contact with a minor who are placed in tier 2.***

## **Tiered Registration Updates**

As a result of Senate Bill (SB) 384, certain registered sex offenders are now eligible to petition for termination from the duty to register. Pursuant to SB 384, eligible registrants may petition the court in the county of registration. In 2023, the number of registrants who petitioned for termination as well as the number of granted petitions steadily increased.

The Department of Justice (DOJ) reports SB 384 statistics at the CASOMB meetings, including: the number of petitions in progress, the number of granted petitions, the number of petitions that have been dismissed by the court, and then number of petitions denied by the court. The Tiered Registration statistics are based upon information that has been provided to the DOJ by local law enforcement and the courts. The following numbers were reported during CASOMB meetings.

	As of November 15, 2022:	As of November 9, 2023:
Petitions Granted	2,659	5,431
Petitions Denied	53	105
Petitions Dismissed	179	384
Petitions in Progress	1,698	1,481

## **Commercial Sexual Exploitation of Children and Human Sex Trafficking**

For several years the CASOMB has been highlighting needs in the area of children who are commercially sexually exploited (CSE). Continuing these efforts, the CASOMB, was interested in the intersection of the welfare system and CSE children.

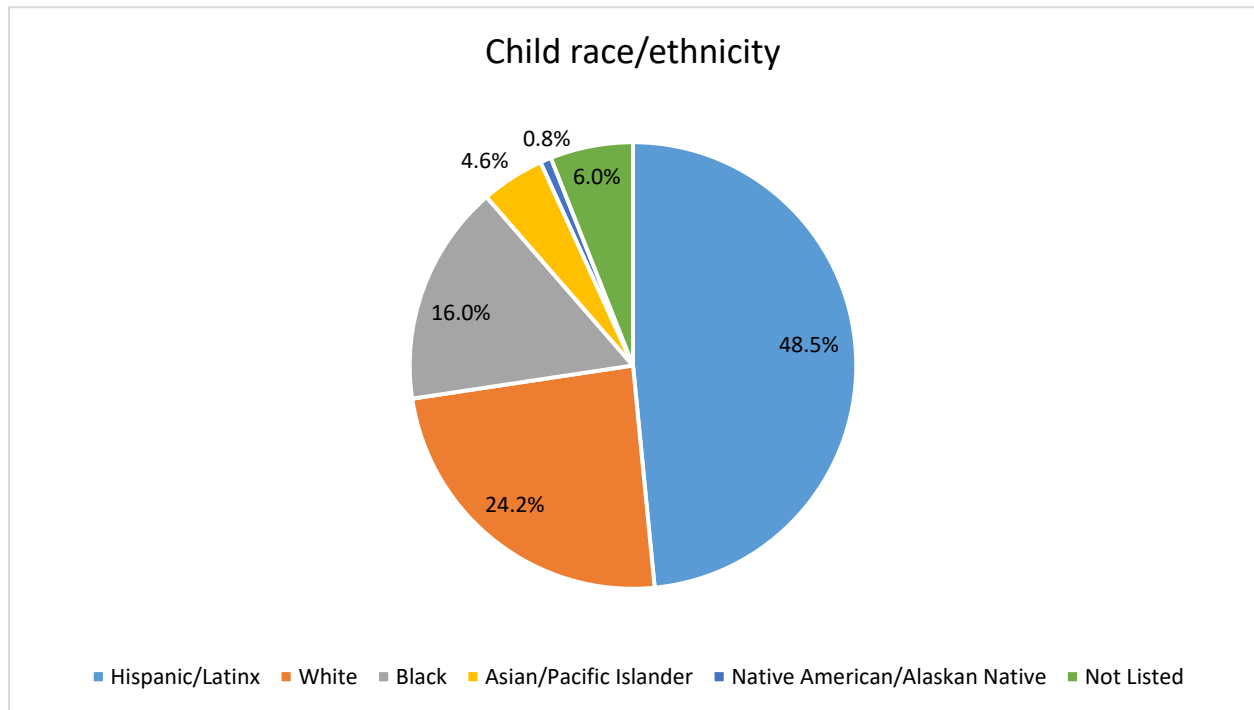
In 2014, California passed Senate Bill (SB) 855, which provided funding, for county child welfare agencies to prevent and intervene on behalf of children who are experiencing or are at risk of experiencing child sexual exploitation.<sup>4</sup> This legislation was in line with a national movement that went from arresting and charging minors for prostitution, to a model of responding to commercially sexually exploited children as victims of child abuse and human trafficking. A

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<sup>4</sup> Hammond, I., Wiegmann, W. Magruder, J. Webster, D. Lery, B. Benatar, S., Chambers, J. Tucker, L.P., Brewsaugh, K., Loveless, A., Norwitt, J. (2023). Evaluating California’s Efforts to Address the Commercial Sexual Exploitation of Children, Urban Institute.

trauma informed approach was embedded in this model. Forty-seven (47) of California’s 58 counties have opted-in to funding through this program.<sup>5</sup>

A statewide administrative database was created to capture this data. In July of 2023, the Urban Institute in collaboration with California Child Welfare Indicators Project, evaluated the implementation of programs in 12 California counties. According to the database, nearly two-thirds of the 70,334 CSE reports made between July 1, 2015, and June 30, 2022, were screened for investigation. Approximately one in four reports were substantiated. Of the cases that were substantiated, “almost 2/3 were identified as female. . . More than 80 percent of eligible young people spoke English as their primary language. The median age of children at the time of initial CSE concern was 12 years.”<sup>6</sup>



One of the challenges identified was serving those that were not formally involved in the child welfare system. Children who lived at home and were categorized as voluntary maintenance created a problem which affected funding streams, ongoing tracking, and case management. The second primary problem identified was the lack of placement for the youth after they have been identified.

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<sup>5</sup> Hammond et al., 2023

<sup>6</sup> Hammond et al., 2023

Interagency collaboration and increased training were seen as areas of success. Education and training were evidenced by the increase in reporting by law enforcement and school personnel.<sup>7</sup> Increased intercountry communication would be beneficial, since CSE is not limited by state or county borders.

The 2023 “study highlight the importance of effective collaboration, training, staffing, data management, and system coordination to better serve and support young people at risk of or experience CSE.”<sup>8</sup>

The CASOMB heard about Los Angeles County’s First Responder Protocol for child victims of CSE. Their report can be found on the Los Angeles County Probation [website](#). The CASOMB created an infographic and tri-fold brochure that can be given out to victims and families highlighting some facts about CSE and resources for those impacted by it.

Training was identified as a key area for professionals of different disciplines. The training often focuses on the early identification and response to the child who is involved in CSE. Trainings may include information about how the trafficker exploits the victim’s vulnerabilities. There is little training on how to manage the trafficker once they have entered the criminal justice system or how to monitor them for ongoing involvement in CSE.

Training key stakeholders is essential in implementing legislative advancements and best practices for responding to the sex trafficking of children and youth. To be effective, training must be informed by accurate, validated research and evidence-based models. Many gaps remain in the field of human trafficking research, and existing research and evidence-based models may not be readily available to those in the field. Researchers need training to understand the implications and nuances related to the sex trafficking of children and youth so they can help inform data collection efforts and use available data to build a knowledge base that will contribute to the field of effective models.<sup>9</sup>

Human sex traffickers are required to register as a sexual offender in California, and with the recent passing of SB 14 human trafficking is identified as a serious or violent felony. This will impact the placement of some individuals who were previously identified as low risk offenders and placed on Post Release Community Supervision, as those individuals will now remain on parole.

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<sup>7</sup> Hammond et al., 2023

<sup>8</sup> Hammond et al., 2023

<sup>9</sup> National Advisory Committee (2020)

The National Advisory Committee (2020) recommends as part of a public health approach, strategic plans, protocols, and response models which address demand reduction. Demand reduction should include not only criminal justice interventions, but social and educational efforts as well. One component would include “addressing demand for children and youth in all stakeholder trainings.” This includes education about the harm of sex trafficking and sex buying and identifying buyers as exploiters. Another aspect is the education and awareness regarding the demographics of sex buyers and the impact of high-frequency buyers promoting this type of exploitation.<sup>10</sup>

Intervention and prevention are key components of ending this crisis. Early intervention includes identifying and addressing harmful behavior in young men to prevent the escalation of violent behavior. Addressing the root causes of the behavior, including adverse childhood experiences such as trauma and neglect is also necessary.

In order to better understand the root causes and entry of individuals into exploiting, more research is needed that focuses on the exploiter. Research should include an exploration of the exploiters first encounter with the criminal justice system and child welfare systems. Research on the supervision and treatment of exploiters is minimal and should be expanded to provide evidence-informed practices.

As highlighted in previous Year End reports by CASOMB and its 2020 report “*Sex Traffickers and Buyers of Commercially Sexually Exploited Children*,” research is needed in the areas of sex traffickers and buyers. Questions like what is the recidivism rate of sex traffickers? What is a trafficker’s entry into CSE and how can it be prevented? Anecdotal evidence indicates that while on probation or parole sex traffickers will continue to engage in trafficking. What are the best strategies to treat and supervise sex traffickers? How are buyers similar to other individuals who commit a sexual offense? What intervention and prevention strategies can be used to impact demand reduction?

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<sup>10</sup> National Advisory Committee on the Sex Trafficking of Child and Youth in the United States: Best Practices and Recommendations for States: September 2020



## Research

CASOMB promotes empirically supported interventions and educates its stakeholders on current and relevant research about “what works” in managing and preventing sexual reoffense. Among CASOMB’s numerous reports, standards, and projects advising what can be done to maximally reduce the likelihood of sexual reoffense in California, CASOMB conducts and supports research projects. This past year CASOMB in collaboration with SARATSO conducted two research projects, both on the Stable-2007.

California requires its certified treatment providers and programs to use the Stable-2007 risk assessment tool. Scores on this tool are used to identify sexual offending individual’s criminogenic needs (i.e., treatment targets) and aid in assessing risk for sexual reoffense. The Stable-2007 is commonly used for these purposes nationally and internationally, to date no peer reviewed research has assessed its utility in California. In California, the Stable-2007 is administered, scored, and interpreted for all adult males on probation, or parole subjected to mandated sexual offense specific treatment. In 2022, more than 7,000 Stable-2007 scores were submitted to the Department of Justice per California mandates and more than 200 California treatment providers participated in Stable-2007 trainings.



The aim of the research projects was to examine the Stable-2007’s central role in the California requirements. Results will be utilized to refine and enhance CASOMB and SARATSO standards and guidelines and provide information to tool creators and tool consumers. These results contribute to the body of research that evolves sexual offender interventions, thereby enhancing outcomes and reducing the prevalence of sexual reoffense, a mission that is central to the CASOMB.

Specifically, the studies examined features of the utility of the Stable-2007 in mandated community-based treatment in California by assessing:

1. Can the Stable-2007 be scored reliably by trained providers?
2. What is the utility of the Stable-2007 at detecting treatment change in adult male sexual offending individuals?

The CASOMB Research Committee planned and implemented the studies across the last two-years, which included project approval, data collection and analysis. Next steps include: written reports on each study and presenting the research findings to the SARATSO, CASOMB, and Stable-2007 Trainers. Reports will be made available to users and provided to tool developers to improve the tool and its use. These will include recommendations to aid in improving standards and trainings.

As a SARATSO-funded project the Stable-2007 Inter-rater reliability project will be included in the SARATSO research section.

***Can the Stable-2007 detect treatment change in adult males subject to mandated sex offense specific treatment?***

In California, every adult male convicted of a sex offense who is required to register, while on parole or probation, must participate in treatment (PC 290.09(a)(1)) and be assessed for dynamic risk factors (PC 290.09(b)(1)). This study examined the usefulness of the Stable-2007 at detecting change in sexual offending individuals treated in CASOMB certified sexual offense specific treatment programs.

After identifying individual's treatment needs through an initial Stable-2007 assessment, interventions for the criminogenic needs occur throughout the treatment process. Sexual offense treatment participants' improvement is expected to result in lower ratings later in treatment than at the initial rating. This project identified the degree to which change from treatment outset to end of treatment actually occurs. The results of this study provide practical information on the degree that those treated actually change and inform tool user and service delivery improvements.

Specifically, the Stable-2007 score changes in a parolee sample of individuals convicted of sexual offenses that participated in sexual offense specific treatment was assessed. Research questions were: 1) after controlling for Static-99R scores do Stable-2007 scores improve over the course of treatment, 2) what is the average density of criminogenic needs for a representative sample of

California parolees mandated to treatment, 3) what is the factor structure for Stable-2007 scores among California parolees, and 4) is the factor structure of Stable-2007 consistent over time.

Data is provided by California Department of Corrections and Rehabilitation from an existing database of male parolees who began a period of community supervision, between 2017 to 2018. Data includes parolees' location, race, date of birth, Stable-2007 scores, Static-99R scores, parole start and discharge date (if applicable), offense type, and past return to custody dates. The analyses will utilize age at the start of supervision, Stable-2007 scores, and Static-99R scores. The researchers will examine the numbers of Stable-2007 ratings and restrict longitudinal analyses to only those treatment participants who completed between two and four assessments and examine duration from first to last rating. Results focus on the degree that Stable-2007 scores change from initial to last rating, time invariant constructs, and score improvements by Static Risk Level. Recommendations for tool use and development may emerge from this research. Future research will address predictive validity by examining the instrument's diagnostic accuracy at predicting recidivism rates.

### **Certification and Complaints**

An "Addendum to Agency Certification Requirements: Lack of Capacity to Participate in Treatment" was added to the CASOMB's website during September of 2023. The purpose of the addendum is to address treatment completion alternatives for those who cannot currently complete treatment due to mental or medical capacity. The addendum includes steps the treatment provider agency should take when an individual's capacity to participate in treatment is questioned and provides alternative routes for discharge from sex offense treatment. Cognitive impairment such as that resulting from traumatic brain injury, stroke or dementia can negatively impact a person's ability to take in and apply new information, or to participate in a traditional treatment program. Lack of capacity to participate in treatment does not impact an individual's status on probation or parole. They will continue to be supervised on probation or parole, as directed by the court.

While some individuals may start treatment with problems associated with lack of capacity to participate in treatment, for others the problem presents later. The addendum requires an evaluation of the individual's cognitive impairment and must include a medical doctor's diagnosis of the disorder. The corresponding course of treatment will depend on the severity of and potential duration of the cognitive impairment. Potential courses of action might include modified treatment (such as individual only treatment, having a caretaker participate in treatment, or focusing on behavioral or pharmacological options), temporary suspension from treatment, or in the most severe cases a recommendation for discharge from treatment. In the

situations in which discharge is recommended, the supervising agent has the option to request the court remove the requirement to successfully complete treatment from their terms and conditions of probation or parole.

The CASOMB revised its Treatment Provider Certification Requirements during 2021. The revised requirements were posted to the CASOMB website and Provider Agencies were notified of the changes December 21, 2021. The revised Certification Requirement’s went into effect on July 1, 2022. Agencies had until January 1, 2023, to come into full compliance with all the revised requirements.

Prior to the revision of the requirements, treatment providers were placed in one of three treatment provider levels: Apprentice, Associate, or Independent. The new standards maintain three levels, but they have been re-named to Student, Associate, and Independent. The Student level restricts certification for students to one year, which is consistent with graduate school training requirements. The new organization of levels places more emphasis on supervision and oversight of students and associates, and various levels of mentoring through co-facilitation. A higher experience standard for reaching Independent status was also implemented. A minimum of 1,000 hours face-to-face (or telehealth) providing sex offense specific treatment or evaluation must be completed before an individual meets the qualification for Independent status. Only Independent Providers can provide clinical supervision. This ensures that the individual is not practicing outside their scope of expertise when supervising others and serving as directors for a sex offense treatment program.

As of December 31, 2023, CASOMB has a total of 74 certified treatment provider agencies. When comparing end of year numbers from December 31, 2022, to December 31, 2023, the number of CASOMB certified treatment has decreased.

	December 31, 2022:	December 31, 2023:
Independent	215	196
Associate	204	167
Student	63	53
Total All Levels	482	416

Along with this revised Treatment Provider Requirements, the CASOMB staff changed the model for compliance reviews for providers. Several certification requirements are based on attestation by the applicant. The CASOMB staff are selecting individuals that have recently completed the

certification process and request that they provide documentation that supports their attestation. This includes providing training certificates, and letters supporting completed experience hours. A total of 36 compliance reviews were completed in 2023, this included 8 reviews in which the individual did not respond or was no longer CASOMB certified. The compliance reviews continue to highlight areas for improvement. For example, agencies are required to issue certificates for in-house trainings that participants can keep. Some agencies are not issuing certificates or documenting in-house training as required by the CASOMB. The letters of support for experience hours are inconsistent in the information included, and at times relevant information is omitted.

***It is recommended that the CASOMB create a form for verification of experience hours that shall be utilized by all applicants.***

A review of the agency-based in-house trainings has never been conducted. CASOMB has clear guidelines for what counts as in in-house training.

***It is recommended that in-house trainings be added to the agency compliance reviews.***

Agency compliance reviews were not completed in 2023, as the focus was placed on responding to complaints.

### *Complaints*

Penal Code 9003 tasked the CASOMB with creating certification standards for sex offender management professions. The CASOMB Certification Requirements created to satisfy this mandate include a complaints procedure. The goal of the complaint's procedure is to identify individuals or agencies who are not complying with the CASOMB Certification Requirements. The individuals identified as not being in compliance or in good standing, may receive sanctions that include a letter of admonition, mutual agreement, probation, or decertification.

Entering 2023, the CASOMB had three unresolved complaints received in prior years. In 2023 CASOMB saw a significant increase in the number of complaints as it received seven complaints. This is more than doubled the number of complaints received in 2022. The complaints were made by clients of agencies, parole services, and employees of agencies. Some of the complaints contained more than one alleged violation. Five of the complaints alleged inappropriate relationships with clients, including allegations of sexual relationships or dual relationships. Two of complaints alleged that agencies were not complying with treatment plan requirements or

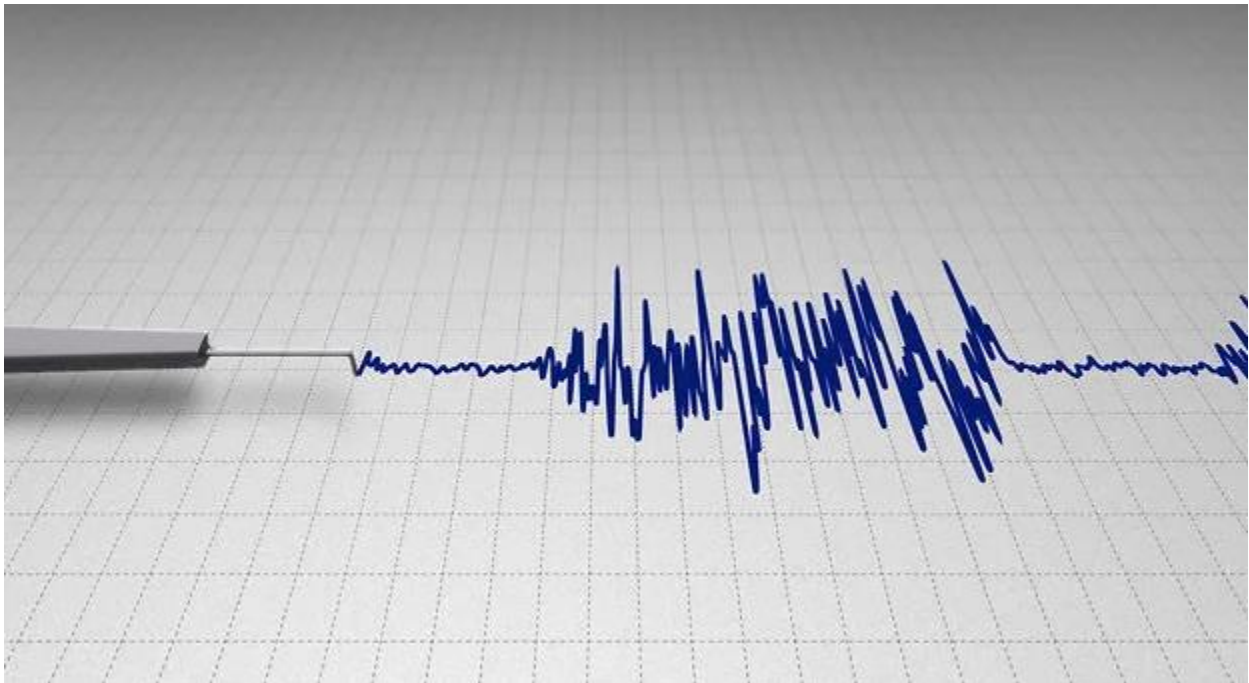
communication with clients about how to achieve treatment completion or moving to maintenance. By the close of 2023, the investigation of four complaints was completed. One agency entered into a mutual agreement with the CASOMB, one provider relinquished their CASOMB certification. Two additional complaints are in the final steps of the complaint process. Three complaints are actively being investigated, and five complaints are in queue to be assigned to an investigator.

The CASOMB has actively been working to resolve the complaints, lack of investigators has been an impediment to the timely resolution of some complaints.

***It is recommended that a pool of investigators be added to the CASOMB's support staff that will allow for the timely processing of investigations upon receipt of the complaint.***

## **Polygraph**

The utilization of polygraph examinations is a part of the containment model. Polygraph testing is considered a treatment tool. Recent projects by the polygraph committee have included guidelines around retention and review of polygraph audio or video recordings.



Polygraph examiners are required by the American Polygraph Association (APA) and the CASOMB to have an audio and visual recording of the entire examination, including pre-test interviews,

instrumentation, and post-test interview. Recordings are not typically reviewed by the containment team. The team is provided a written report, including demographic information, summary of the pre-test interview, list of relevant questions, results, and post-test interview. The report is distributed to the treatment provider or provider agency and the supervising officer. It was determined that polygraph examiners are to maintain the recording. The CASOMB increased the length of time that recording should be kept from three years to a minimum of seven years.

The committee also addressed the process in which other containment team members should review the audio or visual recording when needed. After review, by the treatment provider or supervision officer, the recording is to be securely destroyed so that the data can no longer be accessed. The video or audio recording should not become a permanent document in a client file. The polygraph examination written report is to be maintained in the client file.

Goals for 2024 include completing a review of the polygraph Frequently Asked Questions (FAQS) on the CASOMB website. The CASOMB has added several amendments Polygraph Standards in the past few years. The CASOMB should revise and update the Post Conviction Sex Offender Treatment Polygraph Standards to incorporate the amendments into the standards, and to ensure the standards comply with current evidence-informed best practices.

## **Community Reintegration**

The reintegration process is an area outside the expertise of the CASOMB. During the last year the CASOMB added to its knowledge by inviting people familiar with the issues to give instruction. The CASOMB Community Reintegration committee crafted questions and sent out a survey to California county probation departments. Approximately 30 departments responded to the survey. Of the 30 counties who responded, approximately 59 percent reported they provided some funds for sex offense specific treatment for PC 290 registrants. Strategies implemented by counties, includes the use of Assembly Bill 109, Senate Bill 678 or county funding. Respondents indicated that funding was used for those who are indigent or low-income to subsidize treatment. Several counties require the person convicted of a sex crime to pay for all sex offense treatment services. Approximately 53 percent of respondents provide some funding for polygraph examinations required by the containment model. In addition to the above-named funding sources one county also listed JAG grants as a funding source. Approximately 44 percent of respondents stated they provide some funding for housing and education, and approximately 47 percent provide funding for work programs. Multiple counties indicated funding is provided “as needed.” The Community Reintegration committee will focus on identifying the need for and sources of funding for sex offense specific treatment services and polygraph examinations.

## **Sexually Violent Predator**

Across the five state hospitals in California, there are more than 5,500 forensically committed individuals. This number includes about 950 individuals pursuant to the Sexually Violent Predator (SVP) law, all of whom are at the secure state hospital in Coalinga. Additionally, there are currently 17 SVP committed individuals in the community based Conditional Release Program (CONREP), a population that comprises about 3 percent of all CONREP placements across the state, meaning that most individuals placed in CONREP are not SVP committed individuals. There are 20 additional individuals ordered to SVP CONREP pending placement. Since the SVP law was enacted, 55 individuals have been placed in SVP CONREP, which is an increase of 1 since the 2022 CASOMB End of Year Report. Of the total number ever placed in SVP CONREP, about 40 percent have achieved full discharge, meaning they are no longer under the aegis of the SVP law.

The CASOMB has published three papers outlining areas of interest and recommendation in the SVP program, 1) SVP Project: Introduction 2) Duration of SVP Detainee Status, and 3) SVP CONREP Housing and Community Placement Issues.

Since the CASOMB published The Duration of SVP Detainee Status paper, the high number and long duration of detainee status has modestly improved. Currently the percentage of detainees pursuant to the SVP law is 40 percent, down 3 percent since the 2022 CASOMB EOY report and historically exceeding 50 percent. The number of fully committed individuals has increased to 59 percent of the population at DSH pursuant to the SVP law. CASOMB encourages stakeholders in California to review the Detainee paper and engage in collaborative efforts to reduce the duration that individuals are held at the state hospital while undergoing SVP proceedings. As described in the Detainee paper, among other positive impacts, *shortening the duration of detainee status will more expediently release those that do not meet SVP criteria.*

This past year CASOMB completed the paper on SVP CONREP Housing and Community Placement issues. This paper supports the high value of CONREP to California's commitment to community safety and encourages increased CONREP usage and overcoming barriers and delays in placement.

Since the 1996 SVP law enactment through 2022, there have been 1,026 fully committed as SVP (WIC 6604), 287 of whom have been fully discharged from the commitment. In contrast, only 55 SVP committed individuals have been placed in the community through CONREP, 21 of whom have gone on to be fully discharged. The small number of releases through CONREP is contrasted to the much larger number of full discharges with no mandated treatment or supervision (i.e., no CONREP). CONREP is the last step in the DSH Sex Offense Specific Treatment Program (SOTP) and



involves mandated terms and conditions of release, treatment, and comprehensive monitoring and supervision in the community. Those released back to the community from SVP CONREP have much lower recidivism rates than those released without having participated in CONREP.

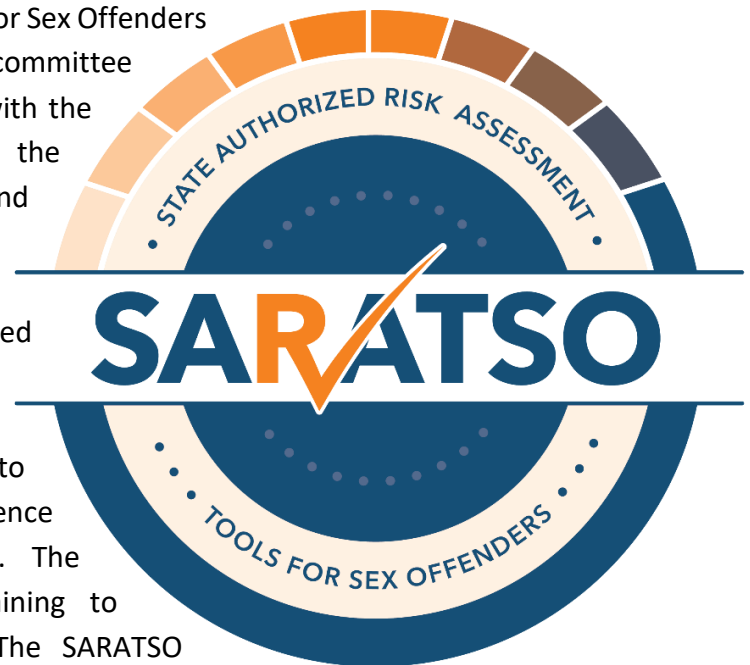
Despite that CONREP is the safest and most effective release pathway for SVP reintegration, it is vastly underutilized. There are barriers to establishing suitable housing and treating SVP individuals in CONREP. The CA SVP law requires community notification and public comment prior to the judicial approval for placement; residency restrictions for those with child victims; placement limitations to the county of domicile unless extraordinary circumstances are found; and it does not require completion of the inpatient treatment program. Further, there is no pre-existing housing inventory, and housing must be found on a case-by-case basis each instance a person is ordered to CONREP. Open courtrooms, community notice, and public comment provisions trigger high levels of media attention and negative community reactance that have resulted in threats and acts of violence against the SVP individuals, judges, attorneys, landlords, and CONREP program staff. Further, the CONREP approval, housing, and placement process is lengthy. Due to these factors and the reality that there is no mandated supervision, treatment, community notice, or public comment provision for those fully discharged from the hospital (i.e., without CONREP), there are low levels of interest in SVP CONREP by SVP individuals. Stakeholders are encouraged to review this paper for analysis and recommendations guided by the Risk, Needs, Responsivity best practice principles. Changes in the implementation of SVP CONREP statutes could facilitate necessary improvements to the system of services that prevent sexual reoffending in California.

## State Authorized Risk Assessment Tools for Sex Offenders

The State Authorized Risk Assessment Tools for Sex Offenders (SARATSO) Committee is a separate state committee that is integral to, related to, and aligned with the CASOMB. However, the SARATSO and the CASOMB have different statutory roles and mandates.

In 2006, the SARATSO Committee was tasked with selecting reliable instruments for determining the risk of sexual reoffense for PC 290 registrants. In 2012, this expanded to include instruments that estimate risk of violence and dynamic risk for sexual recidivism. The Committee is tasked with providing training to SARATSO-certified trainers in California. The SARATSO

Committee retains experts at the top of the sex offender risk assessment field who provide advice on training and curriculum development. The SARATSO Committee continues to advocate for funding for research and training tools.



### Juvenile Recidivism

Prior to the California Juvenile Justice realignment, the SARATSO had selected the Juvenile Sex Offense Recidivism Risk Assessment Tool – II (JSORRAT-II) to assess risk of sexual reoffense for juveniles. Welfare and Institution Code (WIC) 706 states that the SARATSO only be scored for juveniles transferred to the Department of Juvenile Justice (DJJ). The juvenile justice realignment closed the DJJ and had the unintentional effect of eliminating SARATSO mandated scoring for juveniles. This leaves a gap of providing the courts with a juvenile’s potential risk for reoffense, during the adjudication process. Changing the language in WIC 706 to a minor “who has been adjudicated for a sexual offense” would amend this oversight and restore SARATSO’s ability to select and train probation officers in scoring of the selected SARATSO for this population.

***The SARATSO recommends minor statutory changes that will allow SARATSO to resume its role of selecting risk instruments for youth who have committed a sexual offense.***

## **Training**

The SARATSO Review Committee selected the Static-99R for adult males to predict risk of sexual reoffense; the Stable-2007/Acute-2007 to assess dynamic risk factors related to sexual reoffense for adult males; and the Level of Services/Case Management Inventory (LS/CMI) for assessing violence potential. All scorers and trainers must pass an initial training and then be recertified every two years on the instrument(s) they use. Many departments and agencies rotate staff through different positions or hire new staff, which necessitates ongoing training. In addition to providing training on how to score the instruments, SARATSO also certifies trainers.



In 2023, SARATSO hosted 25 trainings. SARATSO certified trainers conducted 60 agency-hosted trainings in 2023, compared to 74 trainings in 2022. The trainings certified 372 individuals on the Static-99R, 203 on the LS/CMI, and 226 on the Stable-2007/Acute-2007.

SARATSO also hosts Containment Model Trainings, which provide an overview of applying the containment model, and the evidenced-based practice of the Risks-Needs-Responsivity principals to sexual offender management and treatment. During 2023, SARATSO hosted one live training to supervising officers and agents. The trainings accommodated approximately 40 individuals. To increase the number of individuals trained the SARATSO should increase the number of trainings provided annually, utilize virtual training, and on-demand training modules.

## **Score Submission and Annual Report Results**

The SARATSO risk instrument scores must be submitted to the Department of Justice (DOJ). DOJ shares the submission rates with the SARATSO Review Committee annually. In 2023, the score submission rate for the Static-99R was ninety-six percent (96 percent) for county probation departments. Through an effort of ongoing communication, training and accountability, probation departments' awareness and compliance with this mandate has consistently been high over the past few years.

Score submission for the dynamic (Stable-2007) and violence (LS/CMI) risk instruments are more difficult to track due to the constantly fluctuating numbers of offenders participating in sex offender treatment in the community. SARATSO requests data from county probation and state parole to help track the number of dynamic and violence risk assessments that should be completed. SARATSO received data from 52 out of 58 county probation departments and parole for the 2022 year. SARATSO requested the total number of registered sex offenders on probation or parole at any time during the 2022 year, and a point in time count of the total number of registered sex offenders in treatment as of December 31, 2022. As of December 31, 2022, the counties who participated reported that of the 4,301 individuals under supervision, 1,757 were enrolled in treatment. Meaning, 41 percent of those supervised by probation were in treatment, while 59 percent, were reported as not attending sex offense specific treatment. Of those not participating in treatment the following reasons were provided: 24 percent were not court ordered; 18 percent were terminated; 10 percent had completed treatment; 11 percent had absconded; 7 percent were in custody; and other various reasons were provided. It was noted that less than 2 percent were not participating in treatment because they were identified as indigent or unable to pay.

Regarding state parole, there were a total of 7,416 register persons convicted of a sex crime under supervision during 2022. As of December 31, 2022, 6,326 were enrolled in treatment. Reasons for not attending include parolee at large status, medical or mental health need, and various reasons similar to those reported for probation.

The software used to enter LS/CMI scores was upgraded in June of 2022. SARATSO staff has been working to transition treatment providers to a new software program for scoring the LS/CMI and Stable-2007. The transition took place on June 1, 2022. There were five live trainings with approximately two hundred treatment providers who attended. After multiple live trainings, on demand trainings, and written instructions the transition appears to have been smooth with minimal identified issues.

When comparing the SARATSO Annual Tracking form and DOJ Preliminary Report- the number of Stable submissions were significantly less than expected based on the number of individuals enrolled in treatment. Out of the 1,757 possible submissions, only 632, or 36 percent, of all expected Stable scores were received. While this number is still significantly lower than expected, it is much higher than the 2021 reporting period where only 7 percent of expected Stable scores were received. DOJ received 6,620 Stable-2007 scores for parolees.

Due to the implementation of the GEARS platform, SARATSO was able to track which agencies submitted scores *for both the LS/CMI and Stable between June 1, 2022 – December 31, 2022*. In 2022, CASOMB had approximately 78 certified agencies. Of the 78 agencies, 50 agencies utilized GEARS to submit LS/CMI reports, while only 41 agencies utilized the system to submit Stable scores. Approximately 28 agencies did not submit LS/CMI scores via GEARS in 2022, while over 30 agencies did not submit Stable score via GEARS in 2022. In light of this information, SARATSO will be sending out score submission letters to agencies. Depending on the response to the score submission letters, SARATSO may implement compliance reviews or audits to ensure compliance with PC 290.09 and SARATSO policy.

The LS/CMI scores were unable to be identified as probation or parole for part of the year, therefore the probation and parole numbers are combined for this section. According to the SARATSO Annual Report, 8,003 individuals were participating in treatment as of December 31, 2022, this count provides a rough estimate of the number of scores that should be submitted to DOJ. It will not be a full estimate as it will not include individuals who participated in treatment earlier in the year but were no longer participating. DOJ received 8,146 LS/CMI score submissions for 2022. This may include multiple scores for some individuals. This reflects a fairly high compliance with submitting LS/CMI scores to DOJ.

## **Research**

*Stable-2007 Inter-rater Reliability: Can the Stable-2007 be scored reliably by trained providers?*

To assure user competency, SARATSO guidelines require successful completion of a full STABLE/ACUTE-2007 training (14 hours) and recertification trainings (5 hours) every two years using standardized training materials. This frequency and standardization training method is designed to yield reliable ratings. The standardized training was approved by one of the tool's primary authors. Ideally, different raters independently assessing the same case using the same information arrive at the same score.

This study tested the rater reliability of those trained by California's Certified Stable-2007 trainers using the standardized training materials for California SARATSO certified trainings. The trained raters score the Stable-2007 on a single case. Typically, inter-rater reliability studies utilize written fictional vignettes or file information only for real cases. By utilizing a videorecording of a real interview of an adult male mandated to sexual offense treatment this study simulated scoring in the field. All raters received exactly the same information when rating the case. Raters attended the standardized Stable-2007 Recertification training, after which they watched the video-recorded interview, reviewed a supplemental file packet, and scored the Stable-2007 on the case. Scoring the case was the final requirement of attending the training, in order to motivate conscientiousness of raters. Training participants had the ability to opt-out of the study.

The subjects that rated the case were 54 California certified tool users broken down as 7 Stable-2007 trainers and 47 treatment providers. Demographic information, total score and individual item scores for the 47 treatment providers was compared utilizing descriptive statistics and percentage agreement. About 60 percent of these raters (subjects) were male. Raters were ethnically diverse but predominantly Caucasian (49 percent), followed by African American (17 percent), and Hispanic (11 percent). Most were highly experienced with the tool, more than half the sample had completed more than 100 ratings and all had completed prior trainings.

The degree to which the subjects scored the items similarly to each other (i.e., within the rater pool) was examined. Most (81.6 percent) of the raters arrived at the same score for all items, and on only one item, Sex Drive Preoccupation, did less than 70 percent of raters agree. The item scores that raters disagreed most often were Sex Drive Preoccupation followed by Poor Problem Solving.

Totals scores on the tool can range from zero to 26. The rater reliability for total scores was examined. The standard deviation for total scores among the subject pool was two meaning that most ratings were +/- 2 points. On the tool, total scores are categorized in three levels of need: low, moderate, and high. For most (89 percent) of ratings, total scores fell into the same category. In 11 percent of the ratings, differences in total scores led to a different need level, notably high need.

In conclusion, the results of this Stable-2007 rater reliability study show high levels of rater reliability. This means that reasonable levels of quality are assured that those assessed by SARATSO certified providers are getting consistent ratings irrespective of who is conducting the rating. However, results should be interpreted with caution as only a small portion of California raters were assessed (47 of several hundred certified raters in California) using a single case. Results provide confidence in the California tool training model. Results suggest several areas of

improvement for both the tool and its training including the need for coding manual and training revisions for certain items and scoring concepts. Sex Drive Preoccupation, General Social Rejection, and Poor Problem-Solving coding rules and training materials should be improved. Clarification on assessing how much weight should be given to change made during the course of treatment or how long change should be sustained before a score is decreased is needed. There is a need for more peer-reviewed research on the inter-rater reliability of the Stable-2007 and for a Frequently Asked Scoring Questions Document be created.

### *Juvenile Recidivism Project*

A SARATSO-sponsored recidivism study is in progress on the JSORRAT-II. The JSORRAT-II has been validated in Utah and Iowa, and is the actuarial tool selected by SARATSO to assess sex offense recidivism of juvenile males who have offended sexually. The study will analyze the validity of the JSORRAT-II on a California population. The study will determine recidivism rates of juvenile males released from California Department of Corrections and Rehabilitation's Department of Juvenile Justice over a 10 year-period. Over 700 files have been reviewed for inclusion in the study.

### **Child Pornography Offender Risk Tool Pilot Program**

SARATSO statute mandates the SARATSO Review Committee select actuarial instruments for California. The Static-99R has been selected as the actuarial instrument in California. The instrument is not normed on several populations, including individuals have been convicted of possession or possession/distribution only offenses for child sexual abuse images. The review committee has actively been monitoring the research for any risk assessment tools that can fill this gap. One promising tool the Child Pornography Offender Risk Tool (CPORT) was cross validated with the results of the cross validation completed in 2022. The test developers presented to the SARATSO Committee on December 8, 2022.

The CPORT is a seven-item scale that requires criminal history and police reports to score. It does not require an interview with the individual being scored. While the tool has been cross validated, some of the cross-validation samples, validated versions based on only 5 or 6 of the items being scored. Specifically, item 6 requires an estimated percentage of the gender of the children in the child sexual abuse images and item 7 requires an estimated percentage of the gender of children in erotica-based materials. Additionally, the CPORT does not currently offer a cut score to determine which offenders are considered high risk.

The SARATSO review committee decided to implement a pilot program in California. It solicited

county probation departments for volunteers. From the volunteers four counties (Kern, Orange, Solano, and San Diego) who reported the highest number of CSAM offenses coming through the department were chosen to participate, along with the California Department of Corrections and Rehabilitation (CDCR). The program began with a training, by the test developers on the scoring of the CPORT. The program was officially launched in May of 2023. Scorers have been meeting quarterly to review any scoring questions and identify any barriers to scoring the tool.

The pilot program is intended to provide information about scoring (both ease of scoring and if the available documentation includes the information needed to score). A mid-point review was conducted to ascertain barriers and potential solutions to barriers. A distinction is made between county probation and CDCR as access to documents may have been different for the two departments.

Through October 31, 2023, the four county probation departments have scored 11 cases and CDCR has attempted to score 17 cases. The following information has been collected regarding the cases. 4 of CDCR's 17 cases could not be scored, because the most recent offense was not a sexual offense and 1 case could not be scored due to lack of documentation. No problems were identified in scoring items 1-4 for either county or CDCR. Item 5 "Indication of pedophilic or hebephilic interests" could not be consistently rated. This item is based on police interview of the suspect and admissions to sexual interest in minors. Police reports did not always include this information. An alternative to this disclosure being made during the interview is indication of sexual interest based on scoring the Correlates of Admission of Sexual Interest in Children (CASIC scale). Scorers also found this to be difficult to score, as information needed to score this item was not included in the police report. Items 6 "More boy than girl content in child pornography material" also could not be consistently scored. Many police reports included a sample description of the type of CSAM discovered, usually only a few of the hundreds of files were described and files described were typically based on what meets statutory definitions associated with severity of offense and sentencing structures. Item 7 "Ratio of boy to girl content in nudity and other child content" was often completely omitted from police reports. It was not clear if the individual had this type of content or if the information was not included in the forensic analysis because it does not impact the outcome of the case.

SARATSO review committee members met with a California Internet Crimes Against Children (ICAC) investigations officer to collect additional information. SARATSO review committee members are in the process of drafting a letter for ICAC, meeting with additional ICAC representatives, and other key stakeholders involved in the investigations of internet crimes, to ascertain if the needed information can be added to the police investigation reports.



SARASTO Review Committee members are also in contact with test developers to work with California in defining risk categories for the CPORT. It is recommended that recidivism research on CPORT be conducted in California by the SARASTO Committee. At the conclusion of the Pilot Program a final report will be completed and provided to the SARASTO Review Committee, so that a decision about the use of the CPORT in California can be made.

**Appendix A**

**Data on Registered Sex Offenders in California**

<b>Sex Offender Registration In Community</b>	<b>Registered</b>
November 2022	<b>79,315*</b>
December 2023	<b>76,666</b>

<b>Sex Offenders In Custody</b>	<b>In State Prisons</b>	<b>In Civil Commitment (SVP)</b>
December 2022	<b>20,009</b>	<b>952</b>
December 2023	<b>20,165</b>	<b>951</b>

<b>Sex Offenders On Community Supervision</b>	<b>On State Parole</b>	<b>On Conditional Release (SVP)</b>
December 2022	<b>11,225</b>	<b>21</b>
December 2023	<b>11,314</b>	<b>17</b>

Numbers reported as of January 1, 2024

\* Numbers reported as of December 1, 2023

Not all sex offenders who have committed a sexual offense have been detected

## Appendix B

### Data on 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	1,636,194	2,190	Orange	3,137,164	2,780
Alpine	1,184	3	Placer	410,305	558
Amador	39,837	97	Plumas	18,996	53
Butte	205,592	790	Riverside	2,439,234	4,256
Calaveras	44,890	111	Sacramento	1,572,453	3,960
Colusa	21,771	48	San Benito	65,666	131
Contra Costa	1,147,653	1,300	San Bernardino	2,182,056	4,476
Del Norte	26,599	132	San Diego	3,269,755	3,928
El Dorado	189,006	357	San Francisco	831,703	1,061
Fresno	1,011,499	2,550	San Joaquin	786,145	1,876
Glenn	28,636	80	San Luis Obispo	278,348	429
Humboldt	134,047	385	San Mateo	737,644	706
Imperial	179,476	255	Santa Barbara	440,557	654

Inyo	18,896	45	Santa Clara	1,886,079	3,179
Kern	907,476	1,874	Santa Cruz	262,051	379
Kings	151,018	423	Shasta	179,436	747
Lake	66,800	293	Sierra	3,193	11
Lassen	28,275	97	Siskiyou	43,548	213
Los Angeles	9,761,210	14,229	Solano	443,749	948
Madera	158,148	435	Sonoma	478,174	708
Marin	252,959	142	Stanislaus	545,939	1,312
Mariposa	16,935	72	Sutter	98,952	280
Mendocino	89,164	246	Tehama	64,271	305
Merced	285,337	730	Trinity	15,939	67
Modoc	8,527	63	Tulare	475,064	1,130
Mono	13,156	15	Tuolumne	54,590	161
Monterey	430,368	684	Ventura	825,653	962
Napa	134,637	160	Yolo	220,880	365
Nevada	100,720	165	Yuba	82,677	346
			<b>Total:</b>	<b>38,940,231</b>	<b>63,952</b>

State of California, Department of Finance, E-1 Population Estimates for Cities, Counties, and the State with Annual percentage January 1, 2022, and 2023 Sacramento, California, May 2023

Active Sex Offender Registrants by County made available by the California Department of Justice as of December 31, 2023



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