

An Assessment of Current Management Practices of Adult Sex Offenders in California, January 2008

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Sexual victimization continues to bring suffering into the lives of California's children, women and men. Developing effective policies and practices for sex offender management that have the greatest likelihood of decreasing these crimes is the main goal the California Sex Offender Management Board (CASOMB). In October 2006, Governor Schwarzenegger signed legislation that created this board to help with this effort. In the legislation, CASOMB was asked to prepare an initial assessment of the current sex offender management practices in California. The direction and content areas of the report were determined the enabling legislation (chaptered in the California Penal Code Section 9002). CASOMB was charged with assessing current management practices for adult sex offenders (primarily those under direct criminal justice or other supervision), residing in California communities and provide a report to the Legislature and the Governor. Areas of assessment included but were not limited to:

- victim safety and community education,
- number and distribution of sex offenders,
- community supervision,
- sex offender recidivism,
- issues related to the housing of sex offenders, and
- sex offender treatment.

Prior to full implementation of the CASOMB, emerged a number of important policy events related to California's management of the state's sex offenders:

- Two reports with a number of recommendations from the Governor's High Risk Sex Offender and Sexually Violent Predator Task Force,
- An extensive report and recommendations from the California Sex Offender Management Task Force (funded by a grant obtained through the California Department of Corrections and Rehabilitation from the U.S. Department of Justice and administered by Center for Sex Offender Management),
- Passage of Jessica's Law (Proposition 83) in November 2006, which resulted substantial changes to the way sex offenders are managed in California (e.g. residency restrictions, the use of Global Positioning Tracking Systems (GPS) for sex offenders and broadening of the Civil Commitment process to include more offenders),
- Creation of a committee that oversees the selection and implementation of a State Authorized Risk Assessment Tool for Sex Offenders (SARATSO),
- A sex offender housing summit convened by Governor Schwarzenegger to encourage open dialogue between state and local officials with respect to the problems and potential solutions in housing sex offenders appropriately,

Information regarding the aforementioned task force reports and policy documents can be found on the Board's Web site, www.CASOMB.org.

The intent of this initial assessment is to provide a thorough analysis of California's policies and practices, which policies enhance public safety and promote the recovery of those who have been victimized. Based upon this assessment, CASOMB will develop recommendations which it will submit to the Governor and the California State Legislature by January 1, 2010. As the assessment exemplifies, the problems and challenges in regard to sex offender management are extremely complex and certain solutions may have unanticipated and unintended consequences. The systems' complexity is due to the many agencies and systems involved. A fundamental part of CASOMB's efforts is to base policy recommendations on the best possible information, expertise, research, tested approaches and emerging best practices. In some cases, there have been no previous efforts to gather and integrate information; in other cases, the current systems have no mechanisms to collect the information that is needed. This type

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of research and evidenced-based approach to providing recommendations will help policy makers access the important information.

OVERVIEW OF THE SECTIONS OF THE REPORT

Section One: Prevalence of Sexual Assault and Services for Victims

Data at a Glance

- One of six U.S. women and one of thirty-three U.S. men have been victims of a completed or attempted sexual assault.
- Nine out of ten sexual assault victimizations involved a single offender with whom the victim had a prior relationship as a family member, intimate, or acquaintance

Summary of California's Strengths in Victim Assistance

- The state has statutorily mandated training for victim advocates and rape crisis counselors and statutorily defined services for California Victim/Witness Assistance Programs and Rape Crisis Centers.

Summary of California's Gaps in Victim Assistance

- There is a lack of a statewide strategic plan for victim assistance resulting in inadequate planning for victim services and fragmented funding.

Section Two: Numbers and Distribution of Offenders

Data at a Glance

- 67,710 registered sex offenders living in California communities.
- There are currently 22,474 sex offenders currently in custody (in state prison).
- Coalinga State Hospital currently has 655 men under commitment or precommitment as a Sexually Violent Predator (SVP) and Atascadero State Hospital has a total of 63 men committed as SVPs.
- There are 10,425 registered sex offenders on state parole.
- Approximately 70 to 80 percent of all sex offenders are living in the community under no formal supervision.
- With 50 of 58 counties reporting numbers of sex offenders, there are 6,738 sex offenders under county probation.
- There are 243 registered sex offenders on U.S. Federal Probation.

Summary of Strengths related to Sex Offender Number and Distribution in California

- The California Department of Justice (DOJ), responsible for maintaining the sex offender registration database and the Megan's Law Web site, has working systems in place and plans to improve those systems over the next few years.
- The California Department of Corrections and Rehabilitation (CDCR) gathers and maintains key information on the sex offenders under its authority.

Summary of Gaps related to Sex Offender Number and Distribution in California

- No entity in California has assumed or been appointed to provide leadership responsibility for conducting key research on topics related to the management of the state's sex offenders.
- CDCR does not have a system of electronic record keeping (case files) for those under its authority and is unable to provide much flexibility in assembling new sets of data or retrieving information from older records.
- Data collection regarding sex offenders on county probation varies considerably from county to county. Consistency is needed to allow the information to be gathered and analyzed at a statewide level.

Section Three: Sex Offender Recidivism

Data at a Glance

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- 3.55 percent of sex offenders on parole with CDCR had committed new sex offenses by the time the conclusion of their three-year parole period.
- A ten-year follow-up study of 879 sex offenders in the state of Ohio reported that when using sex offense conviction as the outcome measurement, of 34 percent of sex offenders who have re-offended, only 8 percent were re-committed for a new sex crime, plus 3 percent for a technical violation judged to be related to a potential new sex crime, while the other 22 percent re-offended for non-sexual offenses.

Summary of Strengths with Respect to Tracking Sex Offender Recidivism in California

- DOJ and CDCR maintain comprehensive databases on those sex offenders in California who are under their respective jurisdictions. DOJ maintains information on all PC 290 registered sex offenders while CDCR keeps records on prisoners and parolees. The institutional mechanisms and technical resources exist to effectively collect and further analyze information related to the state's registered sex offenders.

Summary of Gaps with Respect to Tracking Sex Offender Recidivism in California

- There is no broadly researched and replicated body of data about the recidivism of California sex offenders that would provide baseline measures to guide policy and evaluate the success of any new efforts to reduce recidivism.
- No information is available at this time regarding sexual recidivism for sex offenders on probation in California.
- Policy makers do not have sufficient resources for obtaining reliable information about recidivism nor do they have ready access to expert assistance in interpreting the complex recidivism data available from multiple sources.
- The operational definition of "sex offender recidivism" used in any future California recidivism studies needs to be standardized to improve the accuracy and comparability of the data.

Section Four: Investigation and Prosecution

Summary of California's Strengths in Investigation and Prosecution of Sex Offenders

Investigation:

- There is statutorily mandated training for Sexual Assault Investigators.
- California has a statutory mandate for convicted sex offenders to submit DNA.
- California has created and utilizes a DNA database.

Prosecution:

- California subscribes to the use of Vertical Prosecution which is the practice of assigning one deputy district attorney or city attorney to a case from its inception once it comes to the District Attorneys' or City Attorneys' Offices through conclusion.
- California has a statutorily mandated Victims Bill of Rights in Penal Code Section 679 et seq.

Summary of California's Gaps in Investigation and Supervision of Sex Offenders

- Lack of funding for Vertical Prosecution, specialized units, and training for prosecutors.
- Only a small number of communities that have developed collaborative teams.

Section Five: Supervision

Data at a Glance

- In 2006, 11,739 "tips" were reported through the public reporting feature of the California Megan's Law website. In 2007, DOJ received 9,902 public referrals.
- DAPO has 51 specialized caseloads for High Risk Sex Offenders (HRSOs), mostly in larger urban areas.

Summary of California's Strengths in Supervision of Sex Offenders

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- Strides are being made in the Division of Adult Parole Operations to adhere to the containment model. Per the Penal Code, a widely recognized risk assessment instrument classifies high risk from lower risk offenders.
- By April 2008, all HRSO parolees will wear active GPS tracking devices. The training program for parole agents who supervise sex offenders wearing active or passive devices appears to be thorough and takes place in three phases.

Summary of California's Gaps in Supervision of Sex Offenders

- The Division of Adult Parole Operations does not utilize polygraph examiners, which does not allow full utilization of the containment model.
- Each county probation department appears to have different resources and methods for supervising sex offenders. One uniform model throughout the state would be the most evidence-based method of ensuring that the containment model was practiced in a consistent manner.

Section 6: Housing

Data at a Glance

- As of December 9, 2007, 3,884 parolees subject to Jessica's Law were under the supervision of a parole agent in California communities.
- 3,166 of this population reside in compliant housing, while 718 have declared themselves transient. This is a four-fold increase from one year ago.
- There is not a statewide agency or entity charged with gathering comprehensive statistics related to the probation or post-supervision population from all 58 counties.

Summary of Strengths related to Housing of Sex Offenders in California:

- Jessica's Law (Proposition 83) housing restrictions are enforced by CDCR to the full extent provided by statute.
- Public support for residency restrictions is strong.
- Most of the affected parolees have found compliant housing.

Summary of Gaps related to Housing of Sex Offenders in California:

- The number of offenders that are Jessica's Law-compliant in the community equates to approximately half of the law's population released since implementation.
- Offenders registering as "transient" may have other options than being homeless. The offender may stay sporadically in an exclusion zone while on transient status, performing functions normally associated with a residence. The law limits "where they live", not "where they go."
- Jessica's Law does not identify who is responsible for enforcing residency restrictions after the sex offender's parole or probation time is up and provides no funding. Also, Jessica's Law does not impose a penalty for violators of residency restrictions released from probation or parole.

Section 7: Treatment

Data at a Glance

- A state survey conducted in the year 2000 found that 39 of the 50 states provided sex offender treatment within their prisons. California is one of the few that does not provide treatment services.
- 31 of the 50 counties responded to a California probation survey stating they had sex offender treatment services available in their county.

Summary of Strengths of Sex Offender Treatment in California

- 22 of 50 California counties indicated that they had enough treatment providers to treat sex offenders on probation.
- San Diego, Orange and San Francisco counties have CSOM funded and based containment models as well as guidelines for treatment providers. Shasta County has a promising model without the benefit of a grant.
- CDCR is currently in the process for implementing sex offender treatment services for up to 2,700 HRSO parolees.

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- The Sex Offender Commitment Program (SOCP) through the California Department of Mental Health for civilly committed sexually violent predators is based on evidence-based practices and is the only publicly funded treatment services for adults in state institutions.

Summary of Gaps in Sex Offender Treatment in California

- No sex offender treatment is available for the over 23,000 sex offenders incarcerated in state institutions.
- There are currently no guidelines in California for treatment providers who work with sex offenders other than to be licensed by the state or to be supervised by a licensed clinician.
- State hospitals provide treatment to all civilly committed sex offenders but only 20 to 30 percent participate in this treatment program.
- Most HRSOs on parole in California are not provided offender-specific treatment.
- There is no data evaluating the effectiveness of most treatment providers or sex offender programs currently providing treatment to parolees and probationers in California. Therefore, there is no way to measure whether the programs that are currently utilized are in accordance with evidence-based sex offender treatment programming.

Section Eight: Registration, Notification and Post-Supervision Management of Sex Offenders

Summary of Strengths in registration and notification:

- Most offenders are in compliance with registration requirements.
- Efforts to enforce registration requirements have increased.

Summary of Gaps in registration and notification:

- There is no law requiring law enforcement agencies to verify the offender's registered address. Law enforcement agencies that currently have registration verification and enforcement teams are generally unfunded and are pulled together from existing, limited resources.
- There is a large percentage (18 percent) of sex offenders not complying with registration requirements.
- There is no required time line for entry of registration data by local law enforcement into the state's sex offender registration database.

CASOMB collaborated with the Division of Criminal Justice at California State University, Sacramento regarding the information provided in the report. By studying evidence-based sex offender management practices and gathering information with regard to what California is currently doing to either conform to evidence-based practice or to diverge from such practice, the CASOMB is taking a first major step toward its mandated goal: *"...address any issues, concerns, and problems related to the community management of adult sex offenders...to achieve safer communities by reducing victimization."*