

CALIFORNIA SEX OFFENDER MANAGEMENT BOARD

PROGRESS REPORT

JANUARY 2009



The Great Seal

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THE CALIFORNIA SEX OFFENDER MANAGEMENT BOARD

In 2006, the California Sex Offender Management Board (CASOMB) was created when Assembly Bill (AB) 1015 was passed by the California State Legislature and signed by Governor Arnold Schwarzenegger. CASOMB is comprised of 17 appointed members representing various agencies that play a critical role in sex offender management. Five of the appointees come from state agencies, eight from local government (county or city) and four from the non-government sector.

Under AB 1015, CASOMB has been charged with providing the Governor and the California State Legislature with an assessment of current sex offender management practices, a progress report on the Board's work and a final report with recommendations. To accomplish these tasks, CASOMB meets monthly as a full Board and has broken up into Committees that meet during the interim period between Board meetings. The work by CASOMB connects with its mission and vision.

Vision

The vision of the CASOMB is to decrease sexual victimization and increase community safety.

Mission

This vision will be accomplished by addressing issues, concerns, and problems related to community management of adult sexual offenders by identifying and developing recommendations to improve policies and practices.

CASOMB's role in state government is to make recommendations, using evidence based practices as examples, to those who do have the authority to set policies and determine practices for the systems that manage sex offenders. CASOMB also serves as a resource for state legislators and other policymakers.

WANT MORE INFORMATION?

Monthly CASOMB meetings are open to the public and time is made available for public comment. CASOMB's web site (www.casomb.org) is the best source for meeting dates, agendas, minutes, and other resources including Board publications as well as national research.

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JANUARY 2009
SACRAMENTO, CALIFORNIA

I. EXECUTIVE SUMMARY AND INTRODUCTION

The California Sex Offender Management Board (CASOMB) is directed by California Penal Code Section 9002, subdivision (H)(2) to provide a progress report to the Governor and the Legislature by January 2009. This Progress Report will detail those areas that are under assessment in preparation for a detailed plan and a series of recommendations in the January 2010 Report of Plan. In order to effectively ensure that CASOMB took a comprehensive approach in their planning process, committees were utilized whose backgrounds spanned the entire California justice system. Committees were developed in the following areas:


- Victim Services
- Investigation, Prosecution, Adjudication and Disposition
- Treatment
- Special Populations
- Re-entry, Housing and Supervision
- Registration and Notification
- Community Education
- Research

Detailed in this report are the specific topic areas that each committee is reviewing and gathering information in preparation for CASOMB's recommendations, which will be detailed in the January 2010 report. Also, there are recommendations listed below that CASOMB views as critical to public safety and therefore are being made in this progress report.

Recommendations:

The California Sex Offender Management Board has used the following two values as a guide when evaluating research, practice and policy related to the management of adult sex offenders.

1. In a time of limited resources the most effective way to maximize public safety is to allocate resources in a manner that ensures that the highest risk populations receive supervision, management and transition resources that are commensurate with their risk.

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2. Public safety is one of the fundamental commitments that state and local governments make to their community. The best way to honor this commitment is to adopt practices which have been demonstrated to be effective.

Keeping these values in mind, and with awareness of the difficult budget situation, the CASOMB makes the following interim recommendations. Additional CASOMB policy recommendations will follow over the course of the coming year.

Maintain Specialized Law Enforcement Resources

Investigation and prosecution of sex crimes requires public safety personnel who have a unique and rigorous set of skills. Specialized law enforcement units and vertical prosecution units are essential to ensuring that sex crimes cases can be properly investigated and prosecuted in a manner that acknowledges the complexity of these cases and the specific needs of sexual assault victims.

Maintaining and/or increasing vertical prosecution is recommended.

Prioritize Containment

The California Sex Offender Management Board has consistently endorsed the Containment Model as the most effective overall method of managing sex offenders and promoting public safety. The Containment Model includes four essential components: law enforcement, victim services, offender treatment and polygraph. Each element of this model is an essential, and irreplaceable, element of this public safety strategy.


The Containment Model (with its component parts of law enforcement, victim services, offender treatment and polygraph) should be prioritized for resource and budget allocations over more novel, untested approaches that do not have evidence-based efficacy. Maintaining and/or increasing all elements of the containment model are recommended.

Rethink Residency Restrictions

The vast majority evidence and research conducted to date does not demonstrate a connection between where an offenders lives and recidivism.

Since the expansion of residency restrictions in California in 2006, the availability of suitable housing for sex offenders has plummeted. As a result, the number of sex offenders registering transient has dramatically increased.

The body of literature and research to date indicates that a lack of stable and appropriate housing can contribute to recidivism. In the interest of public safety, the California Department of Corrections and Rehabilitation (CDCR) has been



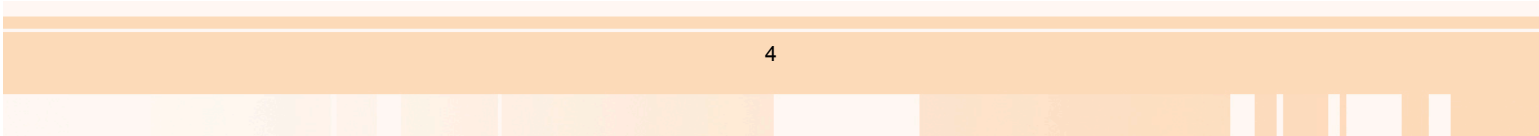
spending millions of dollars in efforts to provide stable housing to sex offenders on parole, and still the number of homeless sex offenders continue to rise. It seems unwise to spend such resources as a consequence of residence restriction policies which have no track record of increasing community safety.

The California Sex Offender Management Board recommends that the California State Legislature, Governor, and local governments reconsider residency restrictions to create an offender housing and supervision solution that balances three essential concerns:

Public safety – Community sex offender management strategies should promote proven public safety strategies. Residency restrictions that preclude or eliminate appropriate offender housing can threaten public safety instead of enhancing it.

Fair Share - Offender populations should, as dictated by statute, return to their county of conviction. No jurisdiction, county or city, should be forced to accommodate a significantly disproportionate number of offenders due to the residency restrictions in adjoining jurisdictions.

Local Control - local governments, in collaboration with state agencies, should collaboratively identify not only areas where offenders should not reside or loiter but also a sufficient number of areas that are suitable and appropriate for offenders to live.



II. HISTORY OF CASOMB

The California Sex Offender Management Board (CASOMB) was established by the California Legislature with Assembly Bill No. 1015 (Chu and Spitzer) during the 2006 legislative session. It was signed into law by Governor Arnold Schwarzenegger on September 20, 2006. The elements and functions of CASOMB are codified in Section 9000 – 9003 of the California Penal Code. CASOMB was placed in the state government structure under the jurisdiction of the California Department of Corrections and Rehabilitation (CDCR).


CDCR submitted a Budget Change Proposal (BCP) for the fiscal year 2006/2007 to fund CASOMB. The approved BCP provided funding for the Board, which began operation on July 1, 2007.

During the six months between its first meeting on June 25, 2007 and the issuance of the Board's first report, "An Assessment of Current Management Practices of Adult Sex Offenders in California," January 2008, much structural progress had transpired. Leadership positions were filled through an election process, an internal committee structure was developed along with protocols and systems, a Vision and Mission statement were agreed upon, staff for CASOMB was hired, and a contract was finalized with California State University, Sacramento (CSUS), to provide research support.

Additionally, CASOMB has provided direction to CDCR (at CDCR's request) on sex offender policy development, has held public hearings across the state to receive feedback from local/county officials and members of the public, has received testimony at the general meetings from Legislators, local law enforcement leaders, special interest groups and relevant state departments, and has met with local officials in Southern California to discuss the issues surrounding the impact of local residence restriction ordinances on public safety.

In partnership with CSUS, CASOMB has developed and published the following papers/documents:

- A. "Homelessness among Registered Sex Offenders in California: The Numbers, the Risks and the Response."
- B. "The Dashboard: Indicators of Sex Offender Management "
- C. "The Adam Walsh Act"



In the coming months, CASOMB will work closely with CSUS on research to study the impact that residence restriction laws and ordinances have had on recidivism and public safety. In a number of ways, the Board will continue to give attention to and gather information about learn about various emerging issues in the area of sex offender management and policy. The Board will also move to provide concrete recommendations to the Legislature and the Governor about critical issues that California faces in the area of sex offender management and public safety.

Under current law, CASOMB is scheduled to “sunset” at the conclusion of their Report of Plan in January 2010. This would mean that there would no longer be a resource for the Governor and the Legislature in terms of evidence based practices and policies for sex offender management.

III. CASOMB FOCUS AREAS

A. VICTIM SERVICES

The effects of sexual assault on a victim have been described as profound (CASOMB Initial Report, January, 2008). Victims can suffer lifelong consequences on both their physical and mental health. The CASOMB Victims Committee is addressing several issues regarding victims and victim services.

1. The California State Office of Emergency Services is preparing a report at the committee's request regarding the funding and services for the Victims/Witness, Sexual Assault, and Children's Branch. This report will cover the fiscal year of 2007-2008.
2. The Victims Committee is in the process of seeking information from the Victims Crime Compensation program as it relates to victims of sex crimes. This information shall include claims sought by, or on behalf of victims of sexual assault.
3. The Victims Committee is currently reviewing research on the use and effectiveness of child advocacy centers. Dr. Susan Hardie and Jan Dunn are assisting with the development of this discussion.
4. The Victims Committee is developing a protocol for completing forensic exams when the victim presents at the hospital but is not prepared to talk with police.
5. The Victims Committee is seeking information, data and research on the incidents of sexual assault crimes against victims with physical and/or cognitive disabilities. They are also looking at available treatment resources and other necessary services for sexual assault victims with disabilities.

B. INVESTIGATION, PROSECUTION, ADJUDICATION AND DISPOSITION

In California, law enforcement has the primary responsibility for the investigation of sexual assault cases. The Office of the District Attorney in each county has the responsibility to determine which offenders will be prosecuted and for what charges. The courts provide a forum for determining whether the accused is guilty and, if found guilty, the court


determines the appropriate punishment. However, significant changes in the law have created sentencing mandates under which courts must abide. These areas require substantial collaboration between agencies and systems and come within the purview of the CASOMB Investigation, Prosecution, Adjudication and Disposition Committee.

At this point, the Committee has focused its attention on the following:

1. Vertical Prosecution – Vertical prosecution is an essential model for prosecuting sex offenders. The issues that arise in the prosecution of sexual assault crimes are legally and factually complicated, requiring a developed expertise on the part of the police, prosecution, probation and Courts. Justice professionals working with sexual assault victims require specialized training in order to reduce or eliminate further trauma to victims/survivors. Continued funding to support vertical prosecution of sexual assault crimes should have a very high priority.
2. Static-99 Training – The Static-99 is a sex offender risk assessment instrument that is used to help determine the risk of recidivism for male adult offenders. It is the only recognized risk assessment tool utilized for this population in California. The committee intends to examine the challenges in training and administering the Static-99 instrument. Also, there are challenges being presented in the court process with the exam itself; the committee would like to look at how to prepare these findings for the most useful presentation in court.
3. Probation Sex Offender Population Figures – The committee would like to develop ways to gather accurate data on the number of sex offenders under probation authority in California counties. The committee is developing recommendations on how these numbers could be collected and utilized.

C. TREATMENT

Sex offender treatment is a key component of the “Containment Model” for effective sex offender management. (CASOMB Initial Report, January 2008). In order to ensure the dependable quality of sex offender treatment offered in California, the CASOMB Treatment Committee has worked on the development of a sex offender treatment provider credentialing criteria. Presently, four counties in California have formally moved toward provider credentialing criteria with past funding support from the Center for Sex Offender Management (CSOM), a component of the U.S. Department of Justice. Additionally, a number of other states already have or are currently moving toward provider credentialing criteria



for all clinicians working with a sex offender population. CASOMB believes that public safety and decreased victimization would be served by establishing minimum requirements for sex offender treatment providers who work in either the public or private sectors in the State of California. The Committee is developing protocols and recommendations regarding minimum qualifications for sex offender treatment providers, these minimum practice requirements may include:

1. Current licensure as a mental health provider in the State of California.
2. A specified number of hours of treatment experience in the previous three years.
3. A specified number of hours of approved continuing education in specified areas during the previous three years and a specified number of hours per year ongoing.
4. Interns or psychological assistants, etc. would be eligible to work under a licensed provider who meets the specified criteria.
5. Practitioners who have yet to obtain a master's degree but are working under the license of an appropriate professional may be utilized in entry level positions
6. Annual documentation of continuing education hours will be required to maintain provider approval.

The creating of formal proposed language for provider credentialing using existing model documents from the San Francisco Sex Offender Management Alliance, the Oregon Sex Offender Treatment Board, and the Ohio Department of Corrections and Rehabilitation has begun. These established protocols offer well-considered guidance upon which to model credentialing language. The Committee will assess how these regulations interface with current state agency policies and personnel procedures.

D. SPECIAL POPULATIONS

The CASOMB Special Population Committee is currently examining the management of Penal Code section 290 registrants subject to civil commitment as Sexually Violent Predators (SVP), Mentally Disordered Offenders (MDO), Not Guilty by Reason of Insanity offenders (NGI) and Developmentally Disordered offenders (DD), typically housed in state institutions under the auspices of the Department of Mental Health or the Department of Developmental Services. The objective of this committee is to assure the state that people with special needs are being

appropriately identified and appropriately treated prior to entering community settings. The Committee is assessing:

- A. The referral and commitment process;
 - B. The treatment curriculum, participation levels, duration, and completion rates; as well as
 - C. The transition strategies and liaison activities between institutions and community entities.
- E. RE-ENTRY, HOUSING AND SUPERVISION

Re-entry and housing

Re-entry is a crucial time for PC290 registrants to access social support and find housing in the community. These elements are important in finding and sustaining viable employment and in reducing the risk of recidivism. Because the highest rates of recidivism occur early in the reentry period, the success of reintegration efforts is directly connected with public safety. The CASOMB Re-entry, Housing and Supervision Committee is addressing several issues regarding registered sex offenders and re-entry concerns.

1. The Committee is evaluating the effects of current laws on the ability of registered sex offenders to find suitable and stable housing in a location that is also acceptable for the community and addressing how to effectively work with the community and the pressing issue of identifying appropriate housing for sex offenders.
2. The Committee is also addressing the growing trend of sex offenders registering as homeless/transient. Based on data presented by the California Department of Justice and the California Department of Corrections and Rehabilitation (CDCR), these populations are rising at an alarming rate.
3. Finally, the Committee is focusing on the cost of housing sex offenders in the community. The salient question being examined is how many more sex offenders will be homeless and what will be the effect if certain agencies stop subsidizing sex offender housing?

Community supervision

Approximately one quarter of all registered sex offenders in the community are on formal supervision, under the authority of either county probation or state parole. (CASOMB Initial Report, January, 2008). Probation officers


who supervise PC290 registrants through the 58 counties and Parole Agents who supervise PC290 registrants through CDCR are important parts of the Containment Model of sex offender management (CASOMB Initial Report, January 2008). The CASOMB Re-entry, Housing and Supervision Committee is examining a growing concern about local sex offender residency and loitering ordinances. Numerous ordinances have been passed by both cities and counties (five counties and thirty-three cities to date). CASOMB members have carefully tracked this information in a chart (included in the CASOMB document: "Homelessness among Registered Sex Offenders in California: the Numbers, the Risks, and the Response") this year.

1. The Committee is considering questions about how cities will enforce local ordinances, and if enforced, who will track the various ordinances being passed so that both county probation agencies and the state's Division of Adult Parole Operations of CDCR will be made aware of the restrictions.

F. REGISTRATION AND NOTIFICATION

Registration and notification play a significant role in sex offender management. The CASOMB Registration and Notification Committee is currently developing a survey to determine the level of enforcement by registering law enforcement agencies. It is also reviewing the structure of the Sexual Assault Felony Enforcement (SAFE) Teams in California and is conducting research on using risk assessment as a basis for possible changes to the registration laws.

1. Recidivism Study - CASOMB is in the process of developing a study which would follow groups of sex offenders who are on probation or parole and correlating risk scores over a several year period.
2. The Committee is currently developing a survey to determine the level of enforcement by registering law enforcement agencies.
3. The Committee is reviewing the structure of the SAFE Teams in California.
4. The research by this committee showed that California is unique in requiring lifetime registration for all sex offenses requiring registration, even those which are considered less serious or which were committed by offenders who are at low risk to reoffend. More accurate up-to-date research shows that such offenders are at much lower risk to reoffend than was previously thought. Because California has had lifetime registration since 1947, there and many



offenders registering who have committed lower risk offenses many years ago who have not reoffended. In order to focus scarce law enforcement resources on monitoring offenders who pose a higher risk of reoffending, the committee is studying a recommendation that the duration of registration be linked to both risk assessment and the seriousness of the offense. Courts could consider these factors, as well as others indicating rehabilitation or lack thereof, in determining whether to end the registration duty earlier than life for lower risk offenders. Removing low risk offenders from the registry after a sufficient period of time would give law enforcement the ability to do more than simply register offenders at the station. It could free resources to allow for more in-field compliance work focused on higher risk offenders

G. COMMUNITY EDUCATION


The goals and tasks of Community Education were originally placed under the purview of the Victims Committee. Due to the distinct and important nature of the work that needs to be accomplished in community education, it has been elevated to become its own distinct committee.

H. RESEARCH

Research efforts were primarily focused in three distinct areas: 1) housing and residency restrictions; 2) statewide indicators of sex offender management; and 3) the correlation between sex offender legislation and sex offender transience and recidivism rates. The research team in conjunction with (or under the direction of) the Board has produced two significant white papers and one ongoing large-scale empirical research project.

The initial focus was on researching and producing a paper describing current indicators of sex offender management entitled, “The Dashboard: Indicators of Sex Offender Management.” The Dashboard is a tool that provides measures using easy-to-understand graphics of multiple indicators of sex offender management statewide in California. With key indicators presented for each management area, decision makers can identify where there is a system weakness, a risk, a need, and/or strength. California is now one of the few states using this sort of measurement tool.

Additionally, the Research group produced a position paper on the state of housing and residency restrictions affecting sex offenders upon re-entry titled, “Homelessness among Registered Sex Offenders in California: the Numbers, the Risks, and the Response.” This paper provides a complete review of literature on the history and current status of residency restrictions, a description of how housing affects the risk of re-offending,



and the innovative practices that other states have employed to address issues of housing sex offenders.

The Research group has also designed an empirical study to examine the effects of the enforcement of Proposition 83 on the population of paroled sex offenders as well as the differential deterrent effect on those who offend against children versus those who offend against adults. This study also fills a gap in the understanding of the effect of sex offender legislation on repeat offenders. Its primary aim is to examine the relationship between sex offender parolees who committed another sex offense while on parole and the policies and procedures in place to manage these offenders. Given the importance of tracking sex offenders and managing their post incarceration progress, there is urgency in having a clear understanding of how policy is affecting community safety. In exploring the relationship between characteristics of repeat sex offenders and the policies and procedures of sex offender management, the study aims to evaluate the efficacy of recent policy changes concerning sex offender management.