

A photograph of the California State Capitol building, showing its iconic dome and classical architecture. The image is partially obscured by a large, curved blue graphic element that sweeps across the page from the top left towards the bottom right.

AB 1849: HIGH-RISK SEX OFFENDERS ON CONTINUOUS ELECTRONIC MONITORING

CALENDAR YEARS 2015-2016

JULY 2017



INTRODUCTION

Assembly Bill (AB) 1849 (Stats. 2006, Ch. 886) mandates the assessment of certain registered sex offenders in the State of California using the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO). In 2008, the STATIC-99 was chosen as the assessment tool to be used in assessing adult males. Additionally, AB 1849 mandates that all offenders meeting high-risk criteria¹ be continuously electronically monitored (CEM) while on probation.

Beginning in 2009, California Penal Code section 1202.8 (see Appendix Item A) required the Board of State and Community Corrections (BSCC) to report on statistics relative to the effectiveness of the continuous electronic monitoring of high-risk sex offenders on probation. This report includes the costs counties incurred in monitoring high-risk sex offenders as well as the recidivism information of those persons who have been monitored.

METHODOLOGY

This final report covers reporting period 2015-2016. The information contained in this report is reflective of data gathered from all 58 counties. Each probation department submitted data to the BSCC for all high-risk adult and juvenile sex offenders who were being continuously electronically monitored each calendar year. Instructions and a summary of all measures are included as Appendix Item B. Individual offender information, re-offense event information, as well as cost information used for this report include:

Category	Measure
Individual Information	<ul style="list-style-type: none">• Beginning and end dates of each offender's CEM term.• Total initial CEM term length (in days)• Total length of actual CEM term (in days)• Reason for the end of CEM term:<ul style="list-style-type: none">○ Term expired○ Term is still active○ Individual is deceased○ Health-related issue○ Violation○ Other (i.e. court ordered)• SARATSO scores:<ul style="list-style-type: none">○ Adult: Static-99○ Juvenile: JSORRAT-II

¹ A STATIC-99 score of 6 or higher for adults and a JSORRAT-II score of 8 or higher for juveniles.

Category	Measure
Event Information	<ul style="list-style-type: none"> • Re-offense date • Disposition date • Whether the re-offense was a probation violation and/or a sex offense
Cost Information	<ul style="list-style-type: none"> • Total costs incurred • Cost per offender • Expense type: <ul style="list-style-type: none"> ○ County owned ○ Leased by county ○ Contracted out by county ○ Offender paid

Data were compiled for all counties and combined into a single dataset for analyses. Individual information was matched with event information to create the recidivism variables included in this report. Additionally, cost information received from all counties was compiled in a similar manner to examine costs incurred between 2015 and 2016.

SUMMARY OF DATA

Between 2015 and 2016, 32 of the 58 counties (55 percent) reported monitoring high-risk sex offenders on CEM. All adults reported were male, with the exception of one female. No juveniles meeting high-risk criteria were noted for this reporting period.

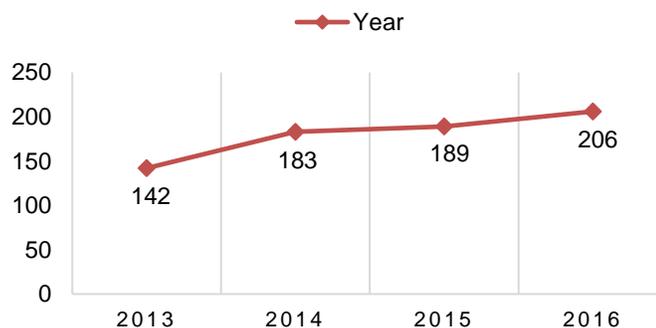
Sex Offenders

A total of 395 high-risk sex offenders on CEM were reported by counties between 2015 and 2016; this number includes sex offenders who began a new term as well as those continuing their initial term (see Table 1). As indicated in Figure 1, the number of probationers on CEM has continued to increase each year, with a total of 206 probationers on CEM reported in 2016—a 71 percent increase from 2013.

Figure 1: CEM Participants 2013-2016

Table 1. CEM Offenders by Year

Report Year	Number of Offenders
2015	189
2016	206



Age

The average age of sex offenders on CEM was 41-years, with a low of 21-years of age to a high of 84-years of age. Again, no juvenile sex offenders meeting high-risk criteria were reported between 2015 and 2016, which is reflected in the age range.

Length of Stay

The average length at which offenders served a term while on CEM during 2015-2016 was 2.6 years. While terms of probation dictated the length an individual would be continuously electronically monitored, the reported median length of scheduled time was three years, and a high of six years. The majority of terms either reflected an offender was still being actively monitored, or that his or her term had ended due to a probation violation, triggering a new term.

Recidivism

For the purposes of this report, *recidivism* is defined as a new offense that is committed by an offender during his or her initial probation term; this report is limited to offenses committed between 2015 and 2016. Of the 395 high-risk sex offenders on CEM between 2015 and 2016, 112, or 28 percent of offenders recidivated during their initial term (see Figure 2). A total of 162 re-offense events were reported between 2015 and 2016. The overwhelming majority of these events were indicated as being probation violations (83 percent). Of the 162 re-offense events reported, 28 (17 percent) were considered sex offenses (see Figure 3).

Figure 2: High-Risk Recidivism 2015-2016 (n=395)

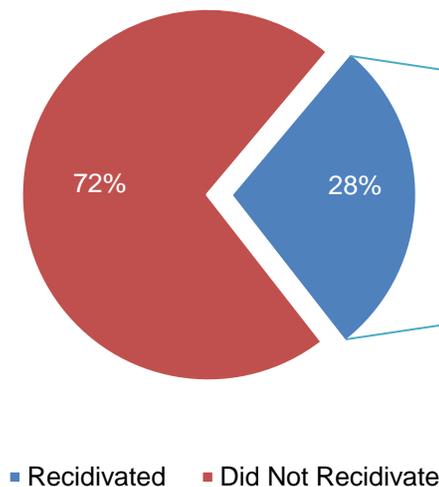
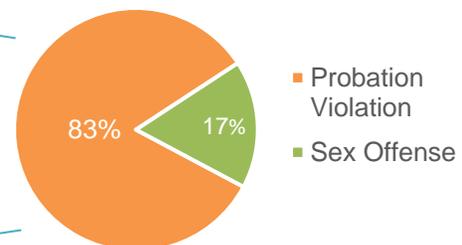
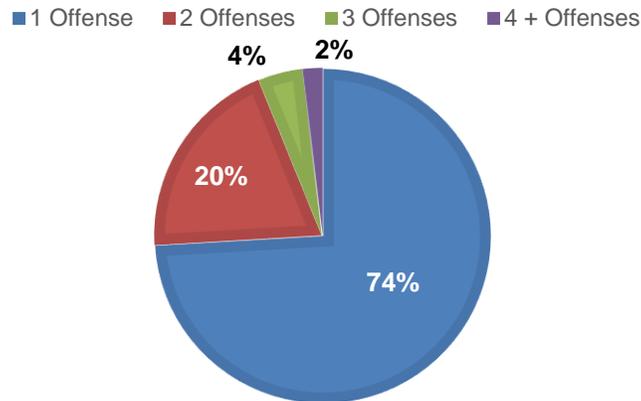


Figure 3: Re-Offense Event by Type (n=162)



When individual re-offenses are broken down, counties continue to indicate that a large number of offenses are committed by a smaller percentage of individuals on CEM. Figure 4 indicates that while 74 percent of recidivating offenders committed one additional offense during their initial term, over a quarter (26 percent) of recidivating offenders committed two or more offenses between 2015 and 2016.

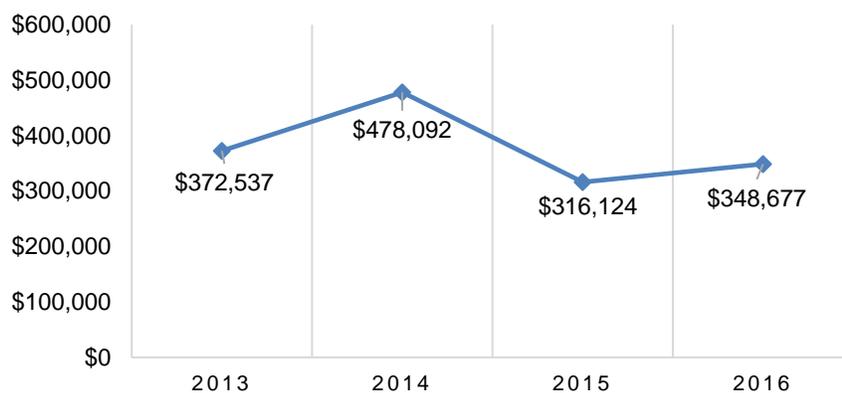
Figure 4: Number Of Individual Re-offense events
2015-2016 (n=162)



Costs

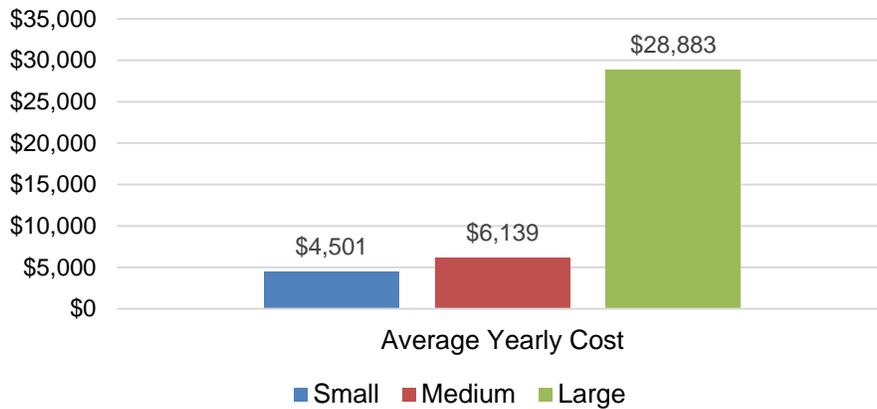
Between 2015 and 2016, a total of \$664,802 was reported by counties as costs incurred to monitor high-risk sex offenders on CEM. Counties incurred an average total yearly cost of \$10,388. In 2015, counties reported a large decrease in the total costs incurred by monitoring high-risk sex offenders on CEM as compared to 2014; however, costs increased slightly in 2016. While the majority of counties indicate that they either leased equipment or contracted out for monitoring services, probationers shared in some of these costs. The average yearly cost each probationer incurred was \$1,029.

Figure 5: Total Yearly Costs: 2015-2016



The gap between amounts incurred by counties per year varied greatly between county population sizes². The majority of the total costs incurred by counties were reported by larger counties, with an average yearly cost of \$28,883. The majority of small counties did not report having any high-risk sex offenders thus resulting in reports of low yearly costs incurred.

Figure 6: Average Yearly Cost By County Size 2015-2016



LIMITATIONS

The information reported above was gathered from individual counties. Counts of probationers on CEM, specific re-offense event information, as well as costs incurred by counties were provided. Every attempt was made to ensure data received from counties was consistent and accurate. Additionally, missing values were excluded from the data set. While doing so eliminated the influence these variables had on overall analyses, caution should be taken in interpreting trends.

² Large: 500,000+; Medium: 100,000-499,999; Small: 99,999 and under

Appendix A: California Penal Code Chapter 1 Section 1202.8

Section 1202.8 of the Penal Code, as amended by Senate Bill No. 1178, is amended to read: 1202.8. (a) Persons placed on probation by a court shall be under the supervision of the county probation officer who shall determine both the level and type of supervision consistent with the court-ordered conditions of probation.

(b) Commencing January 1, 2009, every person who has been assessed with the State Authorized Risk Assessment Tool for Sex Offenders (SARATSO) pursuant to Sections 290.04 to 290.06, inclusive, and who has a SARATSO risk level of high shall be continuously electronically monitored while on probation, unless the court determines that such monitoring is unnecessary for a particular person. The monitoring device used for these purposes shall be identified as one that employs the latest available proven effective monitoring technology. Nothing in this section prohibits probation authorities from using electronic monitoring technology pursuant to any other provision of law.

(c) Within 30 days of a court making an order to provide restitution to a victim or to the Restitution Fund, the probation officer shall establish an account into which any restitution payments that are not deposited into the Restitution Fund shall be deposited.

(d) Beginning January 1, 2009, and every two years thereafter, each probation department shall report to the Corrections Standard Authority all relevant statistics and relevant information regarding on the effectiveness of continuous electronic monitoring of offenders pursuant to subdivision (b). The report shall include the costs of monitoring and the recidivism rates of those persons who have been monitored. The Corrections Standard Authority shall compile the reports and submit a single report to the Legislature and the Governor every two years through 2017.

APPENDIX B: Instructions and Measures for Counties Submitting CEM Data

Introduction: The Board of State and Community Corrections (BSCC) is required by statute 1202.8 PC, to collect all relevant information regarding the effectiveness of the continuous electronic monitoring of offenders pursuant to California Penal Code 1202.8, sub division (b), from all California probation departments. Collection of these data commenced on January 1, 2009, and is to continue through the end of calendar year 2016. Data is to be submitted yearly to the BSCC and a report shall be submitted to the Legislature and the Governor relative to the costs of monitoring and recidivism of those persons who have been continuously electronically monitored.

ONLY report information for individuals in your county that meet the following criteria:

- 1) Are on Probation **AND**
- 2) Are on Continuous Electronic Monitoring (CEM) **AND**
- 3) Scored a 6 or higher on the STATIC-99 or an 8 or higher on the JSORRAT-II

If your county does not have any individuals on CEM that meet these criteria, please enter zero, the year of report, and county name in tab 4 and submit without any other data.

General Instructions:

- The CEM survey runs on a calendar year basis.
- Tabs are organized as such:
 - **County Contact:** please complete contact information prior to submitting this workbook to BSCC
 - **Tab 2:** provides a codebook of how data should be entered and returned to BSCC for analyses; please do not deviate from this format as analysis will not be possible and *forms will be returned for correction*. Should you have questions regarding how data should be entered, please contact Marcus Galeste at marcus.galeste@bscc.ca.gov or (916)341-7325.
 - **Tab 3:** an example of how data should be entered and submitted to BSCC can be found here.
 - **Tab 4:** data entry begins here; if your county had high-risk individuals on CEM that met the criteria above, you will enter individual identification information as well as subsequent recidivism data (if relevant).
 - **Tab 5:** cost information relative to both costs incurred by the County as well as the participant will be entered here.

CEM Codebook

The following is a codebook of how data should be entered and returned to BSCC for analyses; please do not deviate from this format as analysis will not be possible and forms will be returned for correction. Should you have questions regarding how data should be entered, please contact Marcus Galeste at marcus.galeste@bscc.ca.gov or (916)341-7325.

Tab 3: Individual Data

Field Name	Description and Instructions	Data Entry Format
Rept.Yr	Year of report	
CEM.Cnt	Number of CEM participants for report year	Total number for year
County	Name of reporting county	
Case.No	Numerical assignment of each case in the County	Start with 1 and continue to list (i.e. 1, 2, 3, 4...)
Reoff.No	Numerical assignment of individual re-offense	Start with 1 and continue under same case number if individual re-offended during term (see tab 3)
LN	Participant's Last Name	
FN	Participants First Name	
DOB	Participant's Date of Birth	(MM/DD/YYYY)
Gender	Participant's gender	0 = female, 1 = male
CEM.Srt	Date initial term began	(MM/DD/YYYY)
CEM.End	Date initial term was scheduled to end	(MM/DD/YYYY)
CEM.Actual	Date term actually ended	(MM/DD/YYYY)
Term.Status	Status of participant's CEM term	1 = initial term complete; 2 = continued term; 3 = violation 4 = health-related; 5 = death; 6 = other,
SARATSO Used	SARATSO Tool Used	1 = Static-99; 2 = JSORRAT-II; 3 = Other, specify
SARATSO Score	SARATSO Tool Score	
NewOff.Date	Date of re-offense	(MM/DD/YYYY)
Prob.Viol	Was the new offense was a probation violation?	0 = no; 1 = yes
Sex.Off	Was the new offense a sex offense?	0 = no; 1 = yes

Tab 4: Cost Data

Field Name	Description and Instructions	Data Entry Format
Rept.Yr	Year of report	
County	Name of County reporting	
Tot.Cost	Total cost incurred by County	Enter dollar amount incurred for the year of report
CostPerPart	Total cost incurred by participant	Enter dollar amount; enter zero if participant does not incur any costs
Exp.Type	Method of CEM used by reporting County	1 = owned by county; 2 = leased by county; 3 = contracted out by county