



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

CALENDAR YEARS 2011-2014

JULY 2016



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. Reporting continues every two years through 2017.

CURRENT REPORT

The current report includes two reporting periods: 2011-2012 and 2013-2014. These two reporting periods are combined into one four-year report covering years 2011 through 2014. Information included is reflective of data gathered from all 58 counties.

METHODOLOGY

Each probation department submitted data to the BSCC for all high-risk adult and juvenile sex offenders that were being continuously electronically monitored each calendar year. Instructions and a summary of all measures is 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)

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

Category	Measure
	<ul style="list-style-type: none"> SARATSO scores: <ul style="list-style-type: none"> Adult: Static-99 Juvenile: JSORRAT-II
Event Information	<ul style="list-style-type: none"> Re-offense date Disposition date Whether the re-offense was a probation violation, new conviction, 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 in order 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 2011 and 2014.

SUMMARY OF DATA

Between 2011 and 2014, 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.

Offenders

A total of 557 high-risk sex offenders on CEM were reported by counties between 2011 and 2014 (see Table 1). As indicated in Figure 1, year 2012 saw a slight drop with 107 probationers on CEM; however, this number has continued to increase with a total of 183 probationers on CEM reported in 2014—a 71 percent increase from 2012.

**Figure 1: CEM Participants
2011-2014**

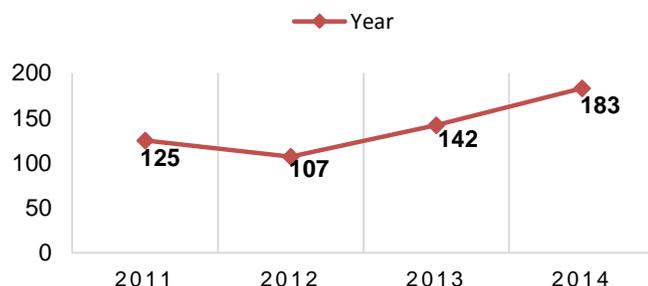


Table 1. CEM Offenders by Year

Report Year	Number of Offenders
2011	125
2012	107
2013	142
2014	183
Total	557

Age

The average age of offenders on CEM was 43-years, with a range of 20-years of age to a high of 83-years of age. Again, no juveniles meeting high-risk criteria were reported between 2011 and 2014, which is reflected in the age range.

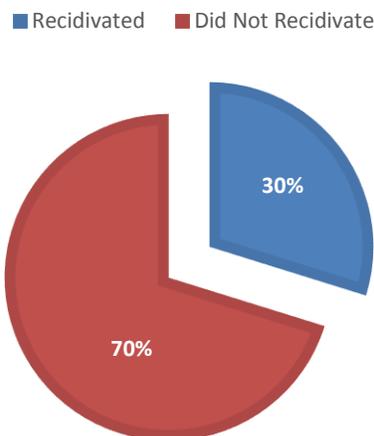
Length of Stay

The average length at which offenders were on CEM was 2.5 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

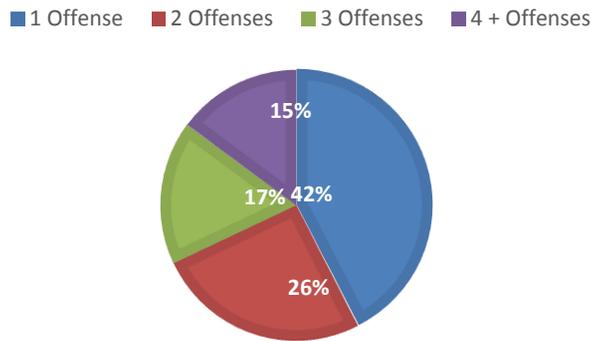
For the purposes of this report, *recidivism* is defined as a new offense that is committed by an offender during his or her initial probation term. Of the 557 high-risk sex offenders on CEM, 166, or 30 percent of offenders recidivated during their initial term (see Figure 2). A total of 384 re-offense events were reported between 2011 and 2014. The overwhelming majority of these events were indicated as being probation violations (90 percent), with 26 percent of these offenses being reported as a new offense. Of the 384 re-offense events reported, 33 (8.6 percent) were considered *sex offenses*.

Figure 2: High-Risk Recidivism 2011-2014 (n=557)



When individual re-offenses are broken down, counties indicate that the majority of new offenses are committed by a smaller percentage of individuals on CEM. Figure 3 indicates that 42 percent of recidivating offenders committed one additional offense during their initial term. By contrast, the remaining 58 percent of recidivating probationers committed two or more additional offenses, with 15 percent committing four or more additional offenses.

Figure 3: Number Of Individual Offenses (n=166)



Costs

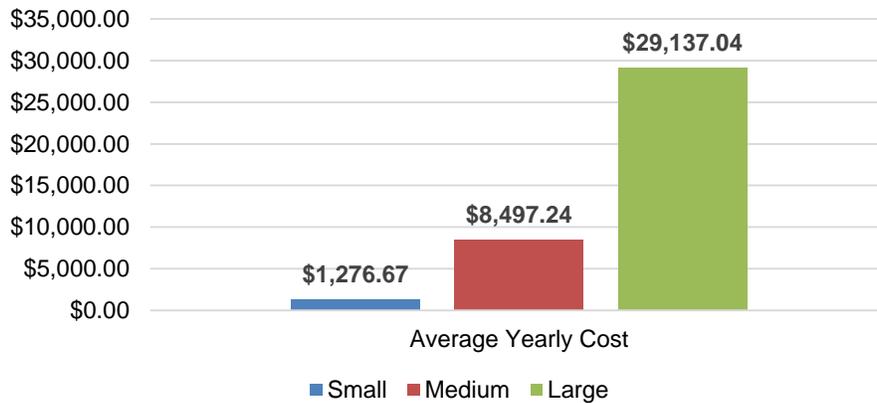
Between 2011 and 2014, a total of \$1,588,153.84 was reported by counties as costs incurred to continuously monitor high-risk sex offenders. Across counties, the average yearly cost was \$28,975.74. As expected, the increase in yearly costs has paralleled the increase in number of high-risk sex offenders on CEM between 2011 and 2014. 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 \$2,753.34.

Figure 4: Total Yearly Costs: 2011-2014



The gap between amounts incurred by counties per year varied greatly between county population sizes². A large amount of the total costs reported by counties were incurred by larger counties, with an average yearly cost of nearly \$30,000. The majority of small counties did not report having any high-risk sex offenders thus resulting in reports of low yearly costs incurred.

**Figure 5: Average Yearly Cost By County Size
2011-2014**



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

(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 Standards Authority all relevant statistics and relevant information regarding 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 Standards Authority shall compile the reports and submit a single report to the Legislature and the Governor every two years through 2017.

(Amended by Stats. 2010, Ch. 328, Sec. 164. Effective January 1, 2011.)

APPENDIX B: Instructions and Measures for Counties Submitting CEM Data



**AB 1849 High Risk Sex Offenders on Continuous Electronic Monitoring (CEM)
Code Book
Board of State and Community Corrections
Facilities Standards and Operations Division**

Introduction:

The Board of State and Community Corrections is required by statute 1202.8PC, to collect from California probation departments, all relevant information regarding the effectiveness of the continuous electronic monitoring of offenders pursuant to California Penal Code 1202.8, subdivision (b). From the commencement date of January 1, 2009 through 2017, reports shall be compiled annually and submitted every two years to the Legislature and the Governor by the BSCC. The report shall include the costs of monitoring and the recidivism rates of those person who have been monitored.

Revised R The objective in distributing a revised template for Continuous Electronic Monitoring of high risk sex offenders, is to ensure that what is captured and reported is measurable, valid and ease to use. The following workbook will describe the definitions for terms and criteria used in the survey instruments.

General Instructions: How to complete the High Risk Sex Offenders-Continuous Electronic Monitoring Survey Forms

- The Continuous Electronic Monitoring Survey runs on a calendar year basis.
- There are three tables containing questions that will be completed and returned annually to the BSCC. The due dates for these forms are: **April 1st, 2015 & April 1st, 2016.**
- Please contact Melynda Gillies at Melynda.Gillies@bscc.ca.gov or 916.323.9704 for instructions regarding submission of these surveys.
- If the reporting county does not have any High Risk Sex Offenders on Continuous Electronic Monitoring, please indicate as such on the accompanying excel workbook tab entitled “County Contact Info.”

The following three tables (#1. Individual Data, #2. Event (Recidivism) Data and #3. Cost Data) describe three specific Continuous Electronic Monitoring Templates. Provided below are the templates’ field names, descriptions and instructions for formatting the fields. These changes were made to simplify data submission and improve the quality of both data and analysis in the Legislative Report.

Table 1: Individual Data

FIELD NAME	DESCRIPTION & INSTRUCTIONS
Case.No	Numerical assignment of each case in the County; (Listed 1,2,3...)
County	Participating County
Rept.Yr	Calendar Year Reported for AB1849; Listed (YYYY)
Part.ID	Sex Offender Participant ID
CII.No	Criminal Investigation Identification Number; Listed (A#####)
Last.Name	Participant’s Last Name

First.Name	Participant's First Name
DOB	Participant's Date of Birth; Listed (MM/DD/YYYY)
Gender	Participant Gender; Listed (M/F)
CEMBegDate	Date Continuous Electronic Monitoring began; Listed (MM/DD/YYYY)
SchedEndDate	Scheduled end date of Continuous Electronic Monitoring; Listed (MM/DD/YYYY)
Statute	Offense and designated statute; Listed (#### PC)
SchedLOS	Participant's Scheduled Length of Stay; the number of days the offender is scheduled to serve on Continuous Electronic Monitoring; Listed (DDD)
SARATSO.Tool	State Authorized Risk Assessment Tool for Sex Offenders (SARATSO) options: Juvenile Sex Offender Recidivism Risk Assessment Tool (JSORRAT-II) or the Static Sex Offender Risk Assessment Instrument (Static-99) which are used on associated participants; List which tool by their numerical code value which was used to generate the offender's risk assessment. 1= Static-99 OR 2= JSORRAT-II
Tool.Score	Score generated from Tool used, listed above. •Static-99 Tool cutoff score cutoff of 6 or higher is considered "high risk," and is required by law to be CEM while on probation. •JSORRAT Tool cutoff score cutoff of 8 or higher is considered "high risk," and is required by law to be CEM while on probation. List numerical score
CEMEndDate	Actual end date of Continuous Electronic Monitoring. Date may be the same or different than the Scheduled End Date ("SchedEndDate"); Listed (MM/DD/YYYY)
Rsn.CEMEnd	Reason for end date of Continuous Electronic Monitoring: 1 = Expired; probation ended because the terms were completed, or they were transferred to summary probation (off CEM) because they aged out or their risk was lowered after re-administration of Static-99. 2 = Active; active at the time of reporting year 3 = Death 4 = Health Related 5 = Violation; probation was revoked, including revocation upon incarceration for a violation of probation or additional offense. List which numerical code applies to the offender
Notes	Additional relevant information; List as needed

Table 2: Event (Recidivism) Data

FIELD NAME	DESCRIPTION & INSTRUCTIONS
Case.No	Numerical numbering of each case
OffDate	Date of event for which the participant has been charged with a new offense or probation violation; Listed (MM/DD/YYYY)
ProbtnViolation	Was this event a probation violation? List (Yes/No)
New.Conv	Was the participant convicted of a new offense for this event? List (Yes/No)
Disp.Date	If a new conviction, disposition date; otherwise, blank; Listed (MM/DD/YYYY)
Sex.Off	Is the new offense a sex offense? List (Yes/No)

Table 3: Cost Data

FIELD NAME	DESCRIPTION & INSTRUCTIONS
County	Participating County name
Rept.Yr	Calendar Year Reported for AB1849; List (YYYY)
No.of.Part	Number of participants in each county; List total
Tot.Cost	Total cost of reported by County; List (\$)
CostPerPart	Cost per participant during the calendar year. Total Cost divided by Number of Participants (Tot.Cost÷No.of.Part); List (\$)
Expense.Type	Method(s) of CEM that the participating county uses. Owned by County Leased by County Contracted Out by County Offender Paid Indicate “Yes” or “No” for each method that applies to the county.
Notes	Additional relevant information