

**STATEMENT FROM THE CALIFORNIA SEX OFFENDER MANAGEMENT BOARD
(CASOMB)**

March 17, 2016

**THE IMPORTANCE AND THE CHALLENGE OF
FINDING SUITABLE LOCATIONS FOR PROGRAMS WHICH
PROVIDE SPECIALIZED SEX OFFENDER TREATMENT SERVICES**

CASOMB has become aware that, in a number of jurisdictions in California, it has proved extremely difficult or even impossible to obtain the necessary local approval to establish and operate a specialty outpatient program which can deliver needed sex offender treatment services. Ordinarily local disapproval is transmitted through an adverse determination issued by the Planning or Zoning Department, although often such decisions actually reflect the input of other local officials.

In the interest of community safety, it is very important that specialized treatment for sex offenders – an intervention now mandated by state law - be available to those who are required to participate. While it is certainly the case that not every potential location is appropriate for a program which delivers outpatient sex offender treatment services, it has come to the attention of CASOMB that in certain jurisdictions efforts to locate such a facility anywhere have been rejected or strongly resisted.

There appears to be a set of fears or concerns in some jurisdictions that allowing the presence of a sex offender treatment program will somehow decrease community safety. In fact, the opposite is true. Such programs seem likely to actually increase community safety because they are effective in reducing sex offense recidivism. The fears are frequently based on a lack of information or on a misguided acceptance of certain erroneous assumptions and myths. By providing the information in this document, CASOMB hopes to encourage decisions based upon the facts rather than – as can happen in the area of sex offender policy – upon unfounded fear, unsupported myths and emotion-based decision making.

Thinking clearly and reasonably about sex offenders can be a real challenge because their crimes stir up anger, very deep fears, and other strong emotional responses. But clear and fact-based thinking is exactly what is needed when determining policies and practices for dealing with this population, since denial will not make them disappear from our communities. For example, the fear that sex offenders are likely to reoffend at any possible opportunity has apparently led some to the conclusion that bringing a number of sex offenders together at a treatment program multiplies that risk and endangers the community where the treatment program is located. The scientific evidence sets forth a very different picture. CASOMB recommends that local officials contributing to these decisions review the important facts about sex offenders and sex offender recidivism which are summarized in the Appendix.

The facts make it clear that refusing to allow the location of a sex offender treatment program anywhere in a community will result in having a community which has chosen to decrease the level of public safety rather than to increase it.

The California Sex Offender Management Board strongly urges all communities to be proactive in finding a location for these essential services in the community and to consider the information provided in this statement and in the accompanying resources. The Board urges that such programs be allowed to locate in an appropriate setting in each California community.

Upon request, additional information on this issue is available from CASOMB.

Appendix

PART ONE: BACKGROUND

The overarching legal context for the concern being addressed here is as follows. California state law requires that every registered sex offender in California who is under formal supervision by the California Department of Corrections and Rehabilitation or by one of the state's 58 adult probation departments enter, participate in, and successfully complete a certified sex offender management (i.e. treatment) program. To ensure quality standards, the legislature has required that these specialized programs be certified by the California Sex Offender Management Board (CASOMB). [Penal Codes **1203.067**. (b) (2); 3008. (d) (2); **9003**. (b). See relevant text of these Penal Code sections below.]

The reason for such requirements is straightforward. California lawmakers have accepted the reality, clearly supported by increasing amounts of research, that the single most effective intervention which will prevent the commission of a new sex crime by an already identified sex offender is well-delivered specialized treatment provided within the context of the "Containment Model." Containment involves teamwork and frequent collaborative communication between the treatment provider and the supervising parole agent or probation officer. Containment Team meetings may include other involved parties.

In other words, the research studies show that treatment within a collaborative model is effective while other approaches which have been thought by some to be effective practices have not been supported as actually effective in reducing recidivism. In actual application, these include registration, community notification, residence restrictions, Global Positioning monitoring and tracking, exclusion zones, traditional supervision alone, longer prison terms or other strategies believed to deter future crimes. [An excellent recent review of these approaches and their comparative effectiveness can be found at the following United States Department of Justice website: <http://smart.gov/SOMAPI/index.html>]

PART TWO: SOME IMPORTANT RESEARCH-SUPPORTED REALITIES

Rather than building policies on a set of mistaken but widely-accepted beliefs, it is crucial to understand the actual realities based upon scientific research.

1. About 95% of sex offenses are committed by individuals who have not previously been identified as a sex offender as the result of having been convicted of a prior sex offense.
2. In over 90% of sex offenses against children, the victim already knows the perpetrator. So-called “stranger danger” is the basis of considerable fear and the source of emotional thinking, but stranger assault is much lower by far than is often thought.
3. The actual recidivism risk of registered sex offenders is generally low. Although a comparatively small number of offenders do have higher re-offense rates, registered sex offenders overall have a low rate of reoffending. One recent large study found a recidivism rate of 5.3%. The re-offense rate is the lowest of any crime category (except murder) and research shows that the rate and the risk continue to decrease every month and year that the offender remains offense-free in the community.
4. Research on where sex offenses take place demonstrates that by far the majority of offenses (about 75%) take place in the home of the victim or the offender. The danger of sex offenses occurring in some “public place” is comparatively low. Research on where sex offenders meet their victims shows that only 1% met in a park and 2.3% at a school. (In many of these situations, the offender was actually a teacher or staff member.) So-called “stranger danger” is not at all the typical scenario and the image of a sex offender lurking in the bushes is simply not in accord with what the research has found.
5. Despite the overall low re-offense rates, significant concern about the re-offense risk for identified sex offenders is - rightly - based on an awareness of the serious lifelong emotional damage that can be done to the victims of such crimes, whether children or adults. Any effective way in which the already low risk can be further reduced is seen as valuable and worth supporting because of the long-lasting damage such crimes cause not because the re-offense risk is so high. The belief that “they all reoffend” is simply not true.
6. Every registered sex offender under parole or probation supervision and engaged in a certified sex offender treatment program is under intense scrutiny. Even those who might be tempted to engage in new offending behavior would be extremely unlikely to engage in such behavior while they are under such substantial monitoring. They know they would be quickly identified were they to engage in unacceptable behavior in, around, or in connection with their treatment program because they would be quickly identified. Thus participation in the program would actually serve as a deterrent to such reoffending behavior.

* A great deal of additional background information can be found at the following websites:
www.CSOM.org - the website for the national Center for Sex Offender Management
www.ATSA.com - the website of the Association for the Treatment of Sexual Abusers
www.CASOMB.org – the website of the California Sex Offender Management Board
www.CCOSO.org - the website of the California Coalition On Sexual Offending
<http://smart.gov/SOMAPI/index.html> - a Report reviewing recent research and published by the United States Department of Justice’s SMART Office

PART THREE: RELEVANT SECTIONS OF THE CALIFORNIA PENAL CODE

1203.067. (b) (2) Persons placed on formal probation on or after July 1, 2012, shall successfully complete a sex offender management program, following the standards developed pursuant to Section 9003, as a condition of release from probation. The length of the period in the program shall be not less than one year, up to the entire period of probation, as determined by the certified sex offender management professional in consultation with the probation officer and as approved by the court.

3008. (d) (2) Persons placed on parole on or after July 1, 2012, shall successfully complete a sex offender management program, following the standards developed pursuant to Section 9003, as a condition of parole. The length of the period in the program shall be not less than one year, up to the entire period of parole, as determined by the certified sex offender management professional in consultation with the parole officer and as approved by the court.

9003. (b) On or before July 1, 2011, the board [CASOMB] shall develop and update standards for certification of sex offender management programs, which shall include treatment, as specified, and dynamic and future violence risk assessments pursuant to Section 290.09. The standards shall be published on the board's Internet Web site.
(Note that “management program” in the above Penal Code sections is understood to convey the same meaning as “treatment program.”)