



FACT SHEET

Date: July 12, 2011

Report: 2010-116

The California State Auditor released the following report today:

Sex Offender Commitment Program

*Streamlining the Process for Identifying Potential Sexually Violent Predators
Would Reduce Unnecessary or Duplicative Work*

BACKGROUND

Sex offenders who are identified and designated, through the Sex Offender Commitment Program (program), as sexually violent predators (SVPs)—those that represent the highest risk to public safety due to mental disorders—may be committed by the courts to a state hospital for treatment rather than released from prison. The program consists of various key players. The Department of Corrections and Rehabilitation (Corrections) and its Board of Parole Hearings (Parole Board) review certain sex offenders scheduled for release or parole to determine whether the offenders meet the criteria for SVPs as defined by law. If Corrections and its Parole Board determine an offender meets the criteria, the law requires that they refer the offender to the Department of Mental Health (Mental Health). Mental Health assesses potential SVPs using administrative reviews, clinical screenings, and evaluations to determine whether to recommend an offender to the designated county counsel, who files a petition to commit the offender if the counsel agrees with the recommendation.

KEY FINDINGS

During our review of the program, we noted the following:

- Current inefficiencies in the program's process of evaluating potential SVPs are partly due to Corrections' interpretation of state law and were compounded by Jessica's Law—a proposition approved by voters in 2006.
 - ✓ Corrections refers all offenders convicted of sexually violent offenses to Mental Health rather than assessing whether offenders' crimes were predatory and if the offenders meet other criteria before referring them as potential SVPs. Of the nearly 31,500 referrals Corrections made over a five-year period, less than 2 percent were ultimately recommended to designated counsel for commitment.
 - ✓ Jessica's Law added more crimes to the list of sexually violent offenses and reduced the number of victims required for SVP designation, resulting in many more offenders becoming potentially eligible for commitment under the program—the number of Corrections' referrals to Mental Health ballooned from 1,850 in 2006 to 8,871 in 2007.
- Corrections does not consider whether Mental Health determined that an offender did not meet the criteria to be an SVP based on a prior referral and thus, re-refers the offender to Mental Health. Of the offenders Corrections referred between 2005 and 2010, 45 percent were referred at least twice and 8 percent of those were referred between five and 12 times.
- During a three-year period, Corrections failed to refer many offenders to Mental Health at least six months before their scheduled release as required by law—in one case, the referral came one day before the scheduled release.
- Because it has made limited progress in hiring and training more staff, Mental Health has used between 46 and 77 contractors each year to perform its evaluations and clinical screenings and has not reported to the Legislature about its efforts to hire state employees as evaluators or the effect of Jessica's Law.

KEY RECOMMENDATIONS

We make several recommendations aimed at eliminating duplicative effort and increasing program efficiency including that Corrections not make unnecessary referrals to Mental Health and that jointly, Corrections and Mental Health revise the screening instrument used to refer offenders to Mental Health. Further, we recommend that Corrections promptly make referrals to allow Mental Health sufficient time to complete screenings and evaluations. We also recommend that Mental Health continue its efforts to obtain enough qualified staff to perform evaluations and report its progress to the Legislature.

