

**PROBATION DEPARTMENT
ADULT MANUAL**

Chapter No. 3113	Page 1
Issue Date: 06/30/08 (Directive)	
Revised 12/17/19	

**Notes and
References**

RISK ASSESSMENT TOOL FOR MALE SEX OFFENDERS

I. Felony Investigation Cases

Pursuant to §1203(b)(2)(C) PC, if a person is convicted of a sex offense that requires him to register as a sex offender pursuant to Sections 290 to 290.023 PC, inclusive, or if the probation report recommends that registration be ordered at sentencing pursuant to Section 290.006, the probation officer’s report shall include the results of the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO) administered pursuant to Sections 290.04 to 290.06, inclusive, if applicable.

II. Misdemeanor Investigation Cases

In the case of misdemeanants, “if the person was convicted of an offense that requires him or her to register as a sex offender pursuant to Sections 290 PC to 290.023, inclusive, or if the probation officer recommends that the court, at sentencing, order the offender to register as a sex offender pursuant to 290.006, the court shall refer the matter to the probation officer for the purpose of obtaining a report on the results of the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO) administered pursuant to Sections 290.04 to 290.06, inclusive, if applicable, which the court shall consider.”

The Static-99R report shall be submitted to the Court in the Probation Memorandum format (Pro-106) within 30 days of the case being assigned to the supervision officer.

Pro-106

III. Supervision Cases

Pursuant to §290.06(6) PC, “each probation department shall, prior to sentencing, assess every eligible person as defined in Section 290.06(c) whether or not a report is prepared pursuant to Section 1203”.

IV. Eligible Persons

“Eligible person” as referenced above refers to an adult male who was convicted of an offense that requires him to register as a sex offender pursuant to the Sex Offender Registration Act and who is eligible for assessment, pursuant to the official Coding Rules designated for use with the risk assessment instrument by

**PROBATION DEPARTMENT
ADULT MANUAL**

Chapter No. 3113	Page 2
Issue Date: 06/30/08 (Directive)	
Revised: 12/17/19	

Risk Assessment Tool for Male Sex Offenders (Continued)

**Notes and
References**

the author of any risk assessment instrument (SARATSO) selected by the SARATSO Review Committee.

V. **Ineligible Persons**

Assessments do not need to be conducted on referrals for §290 PC registrants who are not currently on probation, have remained offense free for ten (10) years and who are being convicted of a new non-sex offense, or if the new offense is solely for failure to register under Penal Code Section 290.

Coding rules of the STATIC-99R also preclude coding on certain cases in which:

- the only offense is for: prostitution/pandering (excluding minor victim), child porn with no identifiable victim, pimping, or public toileting
- the offense is statutory rape which involves a consenting victim of similar age (three years age difference or less) and no coercion or force is present.
- the offense is perpetrated by a female

VI. **Assessment Instrument – STATIC-99R**

A. **STATIC-99R**

The State SARATSO Committee has chosen the risk assessment instrument for adult males. The STATIC-99R is an instrument based on ten static factors which are predictive of sexual recidivism rates. There is no authorized instrument currently available for female sex offenders. Effective **April 24, 2017**, the STATIC-99R Coding Rules were revised (www.static99.org) to state that assessors are to **use the age of the offender at the time of release on the index sex offense to determine the score on the age factor. All new STATIC-99R assessments are to utilize this updated coding rule. If the offender is in custody for the index offense, the age at the time of the assessment is used.**

**PROBATION DEPARTMENT
ADULT MANUAL**

Chapter No. 3113	Page 3
Issue Date: 06/30/08 (Directive)	
Revised: 12/17/19	

Risk Assessment Tool for Male Sex Offenders (Continued)

**Notes and
References**

B. Authorized Assessors

Pursuant to 290.05(d) PC, the SARATSO may be performed for purposes authorized by statute only by individuals who have completed the Probation Department or state authorized training course. The SARATSO Committee maintains a list of all probation, parole and Department of Mental Health (DMH) personnel who have been trained and are certified to perform risk assessments, along with the date of training.

C. Non-Applicable Cases

Static-99R Narrative Paragraph to be Submitted to The Court When Offender is Ineligible to Be Scored

Current law requires that the risk assessment score on the Static-99R be done for every eligible person (Pen. Code, § 290.06). Although Mr. XX is required to register pursuant to Section 290, et seq., he is not eligible to be scored on the Static-99R under the official coding rules of the Static-99R. According to these rules, the Static-99R is not recommended for use on an individual whose only offenses involve voluntary sexual activity with a similar age peer, offering or soliciting prostitution services, or possessing child pornography when there is no identifiable named victim in the photos. In addition, the Static-99R is only available for males who are currently age of 18 years or older and who committed the eligible offense while at least 17 years old. Consequently, no risk assessment score is provided. His offense does not fit the criteria for those who can be assessed with this risk assessment tool.

**PROBATION DEPARTMENT
ADULT MANUAL**

Chapter No. 3113	Page 4
Issue Date: 06/30/08 (Directive)	
Revised: 12/17/19	

Risk Assessment Tool for Male Sex Offenders (Continued)

**Notes and
References**

D. Required Information

In order to code the STATIC-99R, the following information is necessary:

- Demographics defendant's age at assessment and relationship history
- Criminal history including; prior sex offenses, index non-sexual violence, prior non-sexual violence, prior sentencing occasions, convictions for non-contact sex offenses
- Victim information (law enforcement report, CWS records)

If there is a conflict between facts in two different records, the most reliable record should be used. For example, facts in a preliminary hearing transcript must be used rather than conflicting facts in a police report.

E. Score Reporting

Once the score has been determined, it will be recorded in either the Collateral Information Section of a defendant's Pre-Sentence, Pre-Plea report, or Post Sentence report, or in Memorandum form.

Static-99R Narrative Paragraphs to Submit Risk Static-99R Score to Court Prior to Sentencing

Accurate prediction of the risk of reoffense for male offenders requires use of a risk assessment instrument based on research studies which followed released sex offenders and identified factors associated with those who re-offended. Predictions of which sex offenders will reoffend are improved significantly when validated actuarial instruments are used to estimate risk. An actuarial instrument is a list of risk factors that when present increase the risk of sexual re-offense. Each item is statistically weighted for its contribution to overall risk. The level of risk and probability of sexual re-offense five and ten years after release from custody on the most recent sex offense can be determined, not for the individual, but based on group risk probabilities, depending on the score group the offender falls into. Risk levels fall as long as the person who has sexually offended remains offense-free in the community. The Static-99R is the most widely used such instrument. Many research studies, including those specific to California

**PROBATION DEPARTMENT
ADULT MANUAL**

Chapter No. 3113	Page 5
Issue Date: 06/30/08 (Directive)	
Revised: 12/17/19	

Risk Assessment Tool for Male Sex Offenders (Continued)

**Notes and
References**

offenders, have proven that its predictive accuracy is in the moderate to high range. Older methods of prediction that are not actuarially based (such as unstructured clinical judgment) have poor predictive accuracy that is no better than flipping a coin.

Example: Mr. XX was scored on the Static-99R, which is an actuarial measure of risk for sexual offense recidivism. This instrument has been shown to be a moderate predictor of sexual reoffense potential (in a 2016 recidivism study in California, it accurately predicted risk of reoffense about 77 % of the time). Mr. XX’s score on the Static-99R was, which means his relative risk level, which represents the risk of someone in this score group being charged or convicted of another sexual offense within five years after he is released on probation. Based on the most recent 2015 norms, the estimated risk for this score on the Static-99R is __% over five years (refer to chart on the Static-99R coding form). His risk on release from a prison sentence cannot be calculated until age at release on parole is known, so the risk score stated herein is predictive of risk based on his age on the date of this presentencing report. If Mr. XX has a prior conviction for a registrable sex offense, his risk score was calculated based on his age at release on the most recent registrable sex offense, or his age today if he had no prior registrable sex offense.

Risk factors which are not measured by the Static-99R can raise or lower risk. These include categories of risk such as sexual interests, relational style, self-management and attitudes toward sexual offending. A sex offender in a mandated treatment program will be assessed by a certified treatment provider using dynamic and violence risk assessment instruments designated by the SARATSO (state authorized risk assessment tools for sex offenders) Committee. The combined risk will be used to determine appropriate levels of supervision and treatment.

<u>Score</u>	<u>Label for Risk Category</u>	
-3 to -2:	Level I	Very low risk
-1 to 0:	Level II	Below average risk
1 to 3:	Level III	Average risk
4 to 5:	Level IVa	Above average risk
6+: Level IVb		Well above average risk

**PROBATION DEPARTMENT
ADULT MANUAL**

Chapter No. 3113	Page 6
Issue Date: 06/30/08 (Directive)	
Revised: 12/17/19	

Risk Assessment Tool for Male Sex Offenders (Continued)

**Notes and
References**

F. **Monitoring**

Pursuant to 1202.8(b) PC, “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 (score of 6 or above) shall be continuously electronically monitored via Global Position System (GPS) while on probation, unless the court determines that such monitoring is unnecessary for a particular person.”

G. **Facts of Offense Sheet**

1. Pursuant to 1203e (a) PC, “commencing June 1, 2010, the probation department shall compile a Facts of Offense Sheet for every person convicted of an offense that requires him or her to register as a sex offender pursuant to Section 290 PC who is referred to the department pursuant to Section 1203 PC. The Facts of Offense Sheet shall contain the following information concerning the offender:
 - Name
 - CII number
 - Criminal history, including all arrests and convictions for any registerable sex offense or any violent offense
 - Circumstances of the offense for which the registration is required, including, but not limited to, weapons used and victim pattern
 - Results of the STATIC-99R, if required
2. The Facts of Offense Sheet shall be included in the probation officer’s report and the probation officer shall email a copy of the Facts of Offense Sheet to the Department of Justice Sex Offender Tracking Program within **30 days of the person’s sex offense conviction**, and it shall be made part of the registered sex offender’s file maintained by the Sex Offender Tracking Program. The Facts of Offense Sheet shall thereafter be made available to law enforcement by the Department of Justice Internet Web site maintained pursuant to Section 290.46 PC, and shall be accessible only to law enforcement.”

**PROBATION DEPARTMENT
ADULT MANUAL**

Chapter No. 3113	Page 7
Issue Date: 06/30/08 (Directive)	
Revised: 12/17/19	

Risk Assessment Tool for Male Sex Offenders (Continued)

**Notes and
References**

3. Commencing January 2010, the Department shall institute use of the Facts of Offense Sheet (Pro-700) for all new sex offender cases. A Facts of Offense sheet (FOS) shall be completed on every eligible victim. Additional sheets (Pro-700-A) shall be completed for each identified victim. The Deputy Probation Officer (DPO) assigned to the investigation will complete the FOS and email it to the Department of Justice in PDF format. Submission of the FOS to the DOJ will be noted with an IMPACT event entry with a copy of the returned receipt from DOJ.
4. Commencing June 1, 2010, Probation must complete a Facts of Offense Sheet (FOS) on every sex offender who will be required to register, pre-sentencing, and send it to DOJ. If the offender is not eligible for coding on the Static99R, the FOS should still be completed with the facts of the offense and sent to DOJ. The Administrative Office Professional assigned to the DPO will fax the FOS to the DOJ. Submission of the FOS to the DOJ will be noted with an IMPACT event entry and noted on the Pro-27 in the file. The fax transmission record should be retained as proof of submission to the DOJ. Note: If the offender is a female, a FOS will still be completed; however, there will be no Static-99R score, as the Static- 99R is only completed for male offenders.
5. The FOS will not be sent if it has not been confirmed that the offender plead to a charge in which scoring is required.
6. The DPOs assigned to the Sex Offender supervision caseloads will be responsible for completing the Static-99R and FOS for any misdemeanor cases with registrable offenses. The DPO will provide the Static-99R score to the court via a Probation Memorandum report.

Pro-700
Pro-700a

Pro-27