



State of California
Sex Offender Management Board
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FOR IMMEDIATE RELEASE
April 30, 2010

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**Sex Offender Management Board Releases
Report on Gardner Case**

*Recommendations Include the Introduction of Sex Offender Exclusion Zones in
California*

SACRAMENTO: The California Sex Offender Management Board (CASOMB) today delivered to the Governor's Office its review of the case of convicted sex offender John Albert Gardner III, who pled guilty on April 16 to the murders of two teenage girls in the San Diego area.

The review, requested by Governor Arnold Schwarzenegger, examines sex offender laws and practices relating to the parole and post-parole management of Gardner. It also includes suggested changes to help prevent such horrific crimes from occurring in the future.

The Board is calling on lawmakers to examine and update policies impacting the management, treatment and housing of sex offenders. Specifically, the Board recommends that California focus resources on treatment for sex offenders, rethink the effectiveness of residency restrictions, establish sex offender exclusion zones rather than residence restrictions, implement a better tool to assess sexual predators' risk to reoffend, and combine GPS tracking with lifetime supervision for exceptionally high risk offenders.

Gardner was not under parole supervision when he committed his recent crimes. The Board found that it is unlikely that a parole revocation for living near a school would have changed the outcome of the crimes committed by Gardner, who was living in Riverside County at the time of the murders.

Based on its review of the Gardner case, the Board made the following recommendations:

1. Parole should review all violations of parole conditions for possible referral to the Board of Parole Hearings. Since rule breaking by sex offenders may indicate increased risk of sexual re-offense, parole should conduct a thorough review to determine which types of behaviors should result in referrals to the Board of Parole Hearings for an independent review of whether parole should be revoked.

2. Provide state funding to enable parole and probation to use a dynamic risk assessment instrument to be designated by the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO Committee).

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3. **Mandate treatment for designated sex offenders** on parole or probation that would include an empirical assessment of future danger by the approved treatment provider. Research-supported tests for psychopathy and sexual violence potential are both reliable and available at a reasonable cost. These tests could identify individuals with these characteristics prior to release from custody and/or supervision.
4. **Mandate and provide state funding for use of all parts of the Containment Model** in sex offender supervision. The Board has consistently endorsed the Containment Model which includes four essential components: law enforcement, victim services, offender treatment and polygraph.
5. **Tier sex offenders according to risk of re-offense and dangerousness**, to distinguish offenders at higher risk of re-offending and who are more dangerous.
6. **Post all types of risk assessment results** in the California Department of Justice (DOJ) law enforcement online sex offender database.
7. **Provide more resources to local registering law enforcement agencies and Sexual Assault Felony Enforcement (SAFE) teams** for monitoring registered sex offenders.
8. **Give law enforcement agencies access to more information about offenders** on their registrant case loads, and the personnel to review the information provided.
9. **Provide resources for compiling additional information in the state's sex offender registry** about offenders convicted prior to June 1, 2010, when the Facts of Offense Sheet will be sent to the DOJ on every newly convicted sex offender.
10. **Pass a law designating exclusion zones** where specified sex offenders cannot be, and prohibit certain high risk sex offenders from living near schools and parks.
11. **Require 75 year record retention** by registering law enforcement agencies (sheriffs and police departments), probation departments, and the California Department of Corrections and Rehabilitation for records on registered sex offenders.
12. **Amend the Mentally Disordered Offender laws** to refer offenders for commitment when at least two evaluators agree that the person should be committed.
13. **Utilize evidence-based and research supported policies.**

Download the report at: www.CASOMB.org.

Background

The California Sex Offender Management Board (CASOMB) was created in 2006 when Governor Arnold Schwarzenegger signed Assembly Bill 1015. The Board focuses on all aspects of the systems that manage the population of registered sex offenders in California, with particular attention given to those sex offenders living in the community under the direct supervision of the criminal justice system. The CASOMB's role is to make recommendations to those who have the authority to set policies and determine practices for the systems that manage sex offenders.

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