



State of California

## Sex Offender Management Board

1515 S Street, Room 212 North Sacramento, CA 95811

Telephone 916.323.0384 • [www.casomb.org](http://www.casomb.org)

**Robert Coombs**  
CASOMB Chair  
Director of Public Affairs  
California Coalition Against Sexual  
Assault

**Tom Tobin, Ph.D.**,  
CASOMB Vice-Chair  
California Coalition  
on Sexual Offending  
SHARPER FUTURE

**Gerry D. Blasingame, Psy. D.**  
Licensed Marriage  
and Family Therapist  
California Coalition  
on Sexual Offending

**Gary Lieberstein**  
District Attorney/  
Napa County

**Richard DaBell Ph. D.**  
Chief, Forensic Services  
California Department of  
Mental Health

**The Honorable Peter Espinoza**  
Supervising Superior Court Judge,  
Los Angeles County  
Superior Court

**Janet Neeley**  
Deputy Attorney General  
Office of the Attorney General

**Michael D. Johnson**  
County Administrator  
Solano County

**Pamela King**  
San Bernardino  
Public Defender's Office  
Criminal Defense Attorneys

**William Gailey**  
Chairman  
Gailey and Associates

**Nancy O'Malley**  
District Attorney  
Alameda County

**Robert Ambroselli**  
Director  
Division of Adult Parole Operations  
California Department of  
Corrections and Rehabilitation

**Jerry Powers**  
Chief Probation Officer  
Stanislaus County

**Lee Seale**  
Deputy Chief of Staff  
California Department of  
Corrections and Rehabilitation

**Diane Webb**  
Detective  
Sex Offender Program Coordinator  
Los Angeles Police Department

**Angela Thompson**  
Probation Officer  
Los Angeles County Probation

**Gary Larson**  
City Manager  
Los Gatos, CA

Assemblyman Nathan Fletcher  
State Capitol, Room 2111  
Sacramento, CA 95814

Re: Chelsea's Law, A.B. 1844

Dear Assemblyman Fletcher,

The California Sex Offender Management Board (CASOMB) would like to acknowledge the pain and grief of the families of the victims of John Gardner, and offer the following comments on Assembly Bill 1844 in the sincere hope that a bill being sponsored in the name of those victims can be fashioned to create a lasting legacy to honor their memories. This bill has the potential to make a real impact on reducing sexual and violent recidivism in California.

CASOMB issued a report to the Legislature in January 2010 on best practices in sex offender management, with specific recommendations for changes to California law. At the request of Governor Schwarzenegger, we also issued a report on the Gardner case on April 30, 2010. Those reports can be found at [www.casomb.org](http://www.casomb.org). CASOMB has seen the unintended consequences of well-meaning laws intended to protect communities from sex offending, which in some cases have made our people less safe. These comments are offered to help the Legislature avoid making such mistakes in future, and are based on research and evidence about what policies really work.

AB 1844 creates exclusion zones for sex offenders, making it a misdemeanor for a sex offender to enter a park under specified circumstances. These new exclusion zones would overlay existing residency restrictions that already prohibit sex offenders from residing within 2,000 feet of schools or parks. CASOMB, on the other hand, recommends the adoption of more narrowly targeted residency restrictions. The unintended effect of the current residence restriction (Penal Code, § 3003.5) has been to dramatically increase the number of sex offenders registered as transients, which is the most serious issue facing California today in the field of sex offender management. California communities are far less safe when offenders are homeless. CASOMB has noted that research shows that sex offender offenders who live near schools or parks do not have a greater likelihood of re-offending. Therefore, residence restrictions should be limited to offenders who have committed violent sex offenses against children, sexually violent offenders, and repeat sex offenders. The adoption of exclusion zones should only be contemplated in conjunction with this change in the law. It would be counterproductive to public safety to enact an exclusion zone provision without also amending the residence restriction to reduce the number of transient sex offenders in this state.

The bill also creates lifetime supervision for designated sex offenders. However, neither lifetime nor less-than-lifetime supervision can be effective without implementation of the Containment Model during probation or parole. Most sex offenders, no matter how long their prison terms, will be released back into the community, yet California does not have

Assemblyman Nathan Fletcher

Page 2

an effective system for monitoring sex offenders once released. To address this, CASOMB has recommended adoption of the Containment Model, which requires sex offender-specific management programs to be provided to all sex offenders on probation or parole, by approved sex offender management professionals. These programs would include ongoing dynamic risk assessments and assessments of the risk of future violence. The professionals would be required to work closely with supervision officers and polygraph examiners. These components of the Containment Model are absent in California today, except for supervision. Without the adoption of the full model, sex offenders will continue to pose a greater risk after release, with less chance of being flagged and closely monitored in appropriate cases.

CASOMB also has recommended that funding be continued and expanded for SAFE teams to assist in monitoring sex offenders in the community. This is especially needed to assist law enforcement in managing the 70-75% of registered sex offenders who are no longer on supervision caseloads. In its January 2010 report, CASOMB also recommended more resources for victims, as part of a comprehensive sex offender management model. A bill honoring victims should provide resources to victims who survive sexual assault. California needs a stable and sufficient funding mechanism to provide those services for victims.

Not all sex offenders pose the same risk over their lifetimes. In light of the state's fiscal situation, California needs to be smart about allocating our state's scarce resources. Sex offenders should be tiered according to risk level and dangerousness, as is done in most states. Tiering was discussed in the CASOMB January report at pp. 54-55. Tiering would help law enforcement concentrate its resources on sex offenders in the community who are at higher risk for sexual or violent re-offending. Similarly, CASOMB has recommended lifetime supervision for higher risk, violent and recidivistic sex offenders. CASOMB would be happy to work with you in defining the use of lifetime supervision in this context.

We all agree that California should do everything in its power to prevent another victim from suffering at the hands of a convicted sex offender. Tragic cases highlight the need for systemic changes that promote collaboration between agencies and the community at large. CASOMB's reports in 2010 are a blueprint for such change. We urge you to consider including provisions in A.B. 1844 that will help prevent victimization by released sex offenders in the future.

Sincerely,

The members of the California Sex Offender Management Board

cc: Arnold Schwarzenegger, Governor of the State of California  
Abel Maldonado, Lieutenant Governor of the State of California  
Senator Darrell Steinberg, President Pro Tempore of the California Senate  
Assembly Member John Perez, Speaker of the California State Assembly  
Senator Christine Kehoe, Chair, Senate Appropriations Committee  
Senator Mark Leno, Chair, Senate Public Safety Committee  
Alison Anderson, Chief Counsel, Senate Public Safety Committee  
Assembly Member Joel Anderson  
Assembly Member Marty Block  
Assembly Member Martin Garrick

Assemblyman Nathan Fletcher  
Page 3

cc: Assembly Member Danny Gilmore  
Assembly Member Jim Nielsen  
Assembly Member Mary Salas  
Senator Dennis Hollingsworth  
Senator Mark Wyland  
Assembly Member Juan Arambula  
Assembly Member Sam Blakeslee  
Assembly Member Anna Caballero  
Assembly Member Paul Cook  
Assembly Member Joe Coto  
Assembly Member Chuck DeVore  
Assembly Member Paul Fong  
Assembly Member Gene Fuller  
Assembly Member Ted Gaines  
Assembly Member Cathleen Galgiani  
Assembly Member Curt Hagman  
Assembly Member Jerry Hill  
Assembly Member Alyson Huber  
Assembly Member Kevin Jeffries  
Assembly Member Jeff Miller  
Assembly Member Brian Nestande  
Assembly Member Anthony Portantino  
Assembly Member Norma Torres  
Assembly Member Alberto Torrico  
Assembly Member Van Tran  
Senator Lou Correa  
Senator Dave Cox  
Senator Jeff Denham  
Senator Tom Harman  
Senator Maldonado  
Senator George Runner