

C A L I F O R N I A

# HIGH RISK SEX OFFENDER TASK FORCE



**Arnold Schwarzenegger**  
Governor

**Rudy Bermúdez, Co-chair**  
Assembly Member

**Todd Spitzer, Co-chair**  
Assembly Member

**James Tilton**  
Secretary (A), California Department  
of Corrections and Rehabilitation



August 15, 2006

# **California High Risk Sex Offender Task Force**

**Presented to Governor Arnold Schwarzenegger**

**Assembly Member Rudy Bermúdez, Co-chair**

**Assembly Member Todd Spitzer, Co-chair**

**James Tilton, Secretary (A)  
California Department of Corrections and Rehabilitation**

**August 15, 2006**

## California High Risk Sex Offender Task Force

Assembly Member Rudy Bermúdez (D-Norwalk),  
Co-chair

Assembly Member Todd Spitzer (R-Orange),  
Co-chair

James Tilton, Secretary  
California Department of  
Corrections and Rehabilitation

### Members

Jan Scully, District Attorney  
Sacramento County  
California District Attorneys Association

Ed Bonner, Sheriff  
Placer County  
California State Sheriffs Association

Steve Krull, Chief  
Livermore Police Department  
California Police Chiefs Association

Jerry Powers, President  
Chief Probation Officers of California

David Runnels  
Chief Deputy Secretary, Adult Operations  
California Department of  
Corrections and Rehabilitation

Jeff Fagot, Director (A)  
Division of Adult Parole Operations  
California Department of  
Corrections and Rehabilitation

Suzanne Brown-McBride  
Executive Director  
California Coalition Against Sexual Assault

Brenda Crowding-Johnson  
Parole Agent I  
Parole Agents Association of California

Alex Padilla, President  
League of California Cities

Don Horsley, Sheriff  
San Mateo County  
California State Association of Counties

### Associate Members

In addition to the designated members in the Governor's EO, the HRSO Task Force received invaluable input from additional experts on the subject of sex offenders. Below highlights those individuals and their current capacity:

Summer Stephan  
Deputy District Attorney  
Chief, Sex Crimes & Stalking Division  
San Diego District Attorney's Office

Carey Sullivan, Chief  
Woodland Police Department

### Guest Participants

Tom Tobin, Ph.D.  
Public Policy Chair  
California Coalition on Sexual Offending

Jack Wallace,  
Parole Administrator  
California Department of  
Corrections and Rehabilitation

### Task Force Administration

Marvin Speed, Parole Agent III  
California Department of  
Corrections and Rehabilitation

Kathy Prizmich, Parole Service Associate  
California Department of  
Corrections and Rehabilitation

## Table of Contents

Mission Statement	iv
Executive Summary	v
Introduction	1
Background	2
Recommendation 1	7
Recommendation 2	9
Recommendation 3	11
Recommendation 4	12
Recommendation 5	15
Recommendation 6	19
Recommendation 7	20
Recommendation 8	21
Recommendation 9	22
Recommendation 10	23
Appendix	A-1



**The mission of the California High Risk Sex Offender Task Force is to develop recommendations for a statewide system to improve departmental policies related to the placement, supervision and monitoring of high risk sex offenders in local communities, thereby enhancing public safety.**

## Executive Summary

Under California law, all adult prison terms with the exception of death or life without parole, are followed by a statutorily designated period of parole. Parole is a transitional legal status or conditional release from prison where a parolee is supervised by the Division of Adult Parole Operations (hereinafter DAPO). The parolee is required to adhere to all general and special conditions of parole by remaining crime-free to demonstrate adequate adjustment to parole. The purpose of parole is to provide a supervised reintegration of the parolee into society where public safety is not compromised and where the parolee is provided with necessary assistance and opportunities to adjust. Currently, the DAPO supervises approximately 10,000 sex offenders, of which approximately 3,200 have been designated as High Risk Sex Offenders (hereinafter HRSOs). Community placement, treatment and supervision of HRSOs are paramount issues, as HRSOs not properly housed, supervised, monitored, and treated pose a risk to public safety.

Several recently enacted and proposed pieces of legislation, along with a ballot initiative (Proposition 83, "Jessica's Law") currently under consideration, point for the need to continue to be proactive in administering a sex offender management program that complies with applicable laws, rules and regulations; maximizes public safety; is responsive to victims' needs and assists the parolee in transitioning from a prison environment back into the community.

In addition, Governor Schwarzenegger has articulated a zero tolerance policy for non-compliance in mandating effective and efficient management of parole supervision and community placement of HRSOs. Accordingly, Executive Order S-08-06, issued by the Governor on May 15, 2006, created the High Risk Sex Offender Task Force to provide the Secretary of the California Department of Corrections and Rehabilitation (CDCR), the Governor and the Legislature with recommendations for improved departmental policies related to the placement of HRSOs in local communities, thereby ensuring public safety is not compromised.

Following comprehensive discussion of HRSO issues, the task force makes the following recommendations:

1. The State of California should have a uniform definition for an HRSO as follows: An HRSO is a convicted sex offender who has been deemed by the CDCR to pose a higher risk to commit a new sex offense in the community. A PC 290 parolee will be designated as an HRSO for purposes of adult parole based on the score from a validated risk assessment tool(s), and/or the known criminal history, and/or other relevant criteria established by the CDCR.
2. All California adult Penal Code Section 290 (hereinafter PC 290) sex offender registrants under the jurisdiction of the CDCR, including those serving revocation time in local facilities, must be assessed to determine whether based on validated risk assessment tool(s) and/or known criminal history and/or other relevant criteria they should be designated as HRSOs. The assessment shall take place as soon as practical, but no later than 120 days prior to release on parole with continued assessments while on parole.
3. All California inmates required to register as sex offenders who are designated as HRSOs should be required to receive appropriate specialized sex offender treatment as warranted while incarcerated.
4. Notification of Release of HRSOs
  - The Task Force recommends that the CDCR be required to notify victims 90 days prior to the anticipated release of an HRSO in relation to PC 3003(c). Victims should have a minimum of 21 days to challenge the HRSO residential placement in accordance with established CDCR procedures.
  - The CDCR should be required to provide notice of the release and recommended placement of HRSOs at least 60 days before release using mail service as required by law and an additional reliable method

- such as email, fax, or telephone to a list of designated law enforcement recipients.
- Local law enforcement should be required to provide timely and sufficient notice to the receiving communities of the residential placement of HRSOs.
5. The parole supervision of HRSOs should follow the “Containment Model,” which recognizes the risk that sex offenders pose to the community, and thus provides a focus on “containing” offenders in a tight supervision and treatment network with active monitoring and enforcement of rules. This “Containment Model” is formed by four components: The supervision components led by the specialized parole agent and his team; the treatment component directed by a qualified therapist who utilizes an evidence-based approach in conformity with recognized guidelines and standards; the polygraph component to be performed by qualified post-conviction polygrapher(s); and the victim advocacy component focused on what is best for the victim. In addition, all HRSOs should be placed on GPS monitoring (the Task Force recognized the value of more intensive supervision and GPS monitoring for all paroled sex offenders, but acknowledge that it is beyond the scope of Executive Order).
  6. The CDCR and local law enforcement should partner to create a viable program for community education and communication specific to HRSO issues. The CDCR should be required to create a viable program for community education and communication specific to HRSO issues.
  7. The Task Force recommends legislative changes to the Megan’s Law Website to specifically identify HRSOs that are on parole and those that are being monitored by GPS.
  8. The CDCR should be required to assess the fiscal and programmatic impact of the Task Force recommendations within 90 days and work with the Administration and the Legislature to secure funding and/or legislative changes in order to implement recommendations. In the event CDCR cannot meet the timeframe on any recommendation, a public letter must be sent to the Governor explaining the reasons for non-compliance.
  9. The CDCR should be required to establish a permanent Sex Offender Management Board, which will review practices of CDCR regarding the stated goals of the California High Risk Sex Offender Task Force. Stakeholders such as sheriffs and police chiefs, district attorneys, county probation chiefs and line parole officers should have permanent positions on this Board.
  10. The CDCR should be required to continue working with local law enforcement and communities to find appropriate and equitable housing solutions for placement of HRSOs. The Task Force recommends that a committee of appropriate stakeholders such as this Task Force continue to convene to address these critical issues.

Each recommendation is discussed in detail in the body of the report. For expediency and efficiency, approved Task Force recommendations should be enacted administratively where possible and legislatively as necessary.

## Introduction

On May 15, 2006, Governor Arnold Schwarzenegger signed Executive Order S-08-06, directing the Secretary of the CDCR to convene a High Risk Sex Offender Task Force. The purpose of the Task Force is to review current statutory requirements and departmental policies with regard to HRSOs, and to provide recommendations for improvement. The Task Force convened meetings on June 1, 14 and 21; July 14 and 28 and August 10, 2006. The Task Force also convened public sessions on August 7, 8 and 9, 2006 respectively in Sacramento, Fresno and Santa Ana to allow public input on the issues presented to the Task Force.

The focus of the Task Force was limited to a very specific group of sexual offenders comprised of

those under the jurisdiction of the CDCR, both in custody or on parole, and identified as more likely to sexually re-offend. The Task Force did not address the broader category of offenders, including but not limited to those designated as Sexually Violent Predators and those not currently under the jurisdiction of the CDCR.<sup>1</sup> There is hope, however, by the Task Force members that the collaborative efforts outlined in the recommendations become a model for addressing public safety concerns regarding all sex offenders.

To review the Governor's Executive Order, please refer to the Appendix.

---

<sup>1</sup>There are more than 50,000 individuals required to register as sex offenders in the State of California who are not under supervision by any state or local jurisdiction. An additional unknown number of sex offenders are on probation and under supervision by other departments such as the Department of Mental Health (DMH). DMH has responsibility under the law for the treatment and supervision of sexually violent predators.

## Background

On June 1, 2006, the Task Force received background information on the existing DAPO HRSO program from DAPO staff as a context of current CDCR operations. The information was presented to be utilized as a benchmark for areas needing to be addressed.

The information presented in this Background section explains the HRSO program as it existed at the start of the Task Force. It is offered here to place the Task Force recommendations in perspective with where the program stood as of May 2006.

Implementation of the current DAPO sex offender program began with the passage of Chapter 142, Statutes of 2000 (AB 1300, Pacheco) and the enactment of PC 3005. Since that time, the field of sex offender management has continued to evolve and the current HRSO program by current standards is not consistent with nationally recognized best practices for community management of sex offenders. Sex offender management professionals acknowledge that adult sex offender supervision/treatment is a very specialized area that will continue to change as additional research and findings are completed. It is the goal of the DAPO to use the best practices available to determine a sex offender's risk to commit another sex offense and to maintain a program that is supportive of victims and ensures public safety.

In 1990, in an effort to improve the supervision of sex offenders on parole, an HRSO pilot caseload was established in Sacramento County. The caseload design was patterned after supervision efforts in the states of Vermont, Washington and Arizona. The pilot design involved the use of a risk assessment form, relapse prevention classes and recurring law enforcement meetings. The

pilot included a two-parole agent team--male and female--conducting intensive parole supervision on two reduced 40:1 caseloads.

In 1997, the DAPO created a Sex Offender Task Force Committee. The committee defined the term HRSO, established supervision practices and a training curriculum. With program success and a growing public call for better supervision of sex offenders, the pilot was eventually expanded and by 2001 the DAPO had activated 50 caseloads statewide. In 11 population centers around the state, the program has been augmented to include contracted intensive specialized sex offender treatment servicing approximately 250 of the more than 2,000 HRSOs. HRSOs not receiving intensive specialized treatment are mandated to attend the Department's Parole Outpatient Clinic. Most recently, parole supervision was enhanced for many HRSO cases through the use of Global Positioning Satellite (GPS) technology and the reduction in caseload size to 20:1.

Effective January 1, 2006, as a result of recently-enacted legislation (Chapter 463, Statutes of 2005 (AB 113, Cohn)), all parolees designated as an HRSO released on parole with a conviction for any conviction of PC 288 or 288.5, could not be placed or reside within one-half mile of any public or private school, kindergarten and grades 1 to 12 inclusive.<sup>2</sup>

The DAPO began assessing impact and preparing for implementation of AB 113 in September 2005. Specific AB 113 policies were put in place and implemented. DAPO Regional Administrators were tasked with disseminating the policy and implementation information to field parole agents. In addition, HRSO parole agents with ongoing AB 113 responsibilities were provided timely updates of all implementation issues from

---

<sup>2</sup> PC 288 is the section of the California penal code that makes lewd and lascivious acts on a child under the age of 14 years a felony. PC 288.5 applies to any person who either resides in the same home with a minor child or has recurring access to the child under the age of 14 and engages in three or more acts of substantial sexual conduct over a period of time.

weekly meetings that occurred from the DAPO headquarters with Regional Administrators. the DAPO instituted on-going and multiple in-field reviews of AB 113 compliance; developed specific parole agent positions to act as sex offender housing coordinators; maintained weekly AB 113 compliance reports; assembled a sex offender strategic planning work group and designated an HRSO program manager working out of DAPO headquarters.

The CDCR expanded on this law by adopting policy to apply this housing restriction to include HRSOs who had prior convictions of PC 288 or 288.5 (AB 113 did not apply to felons with prior convictions). In addition, under the CDCR policy, once a parolee is designated as an HRSO, the mileage restrictions remain in effect by policy, even if the parolee was subsequently reclassified to a different supervisory level (e.g. High Control).<sup>3</sup>

It is important to note that not all PC 288/288.5 parolees were designated HRSOs, and accordingly, AB 113 law did not apply in every case. In addition, there are parolees designated as HRSOs that do not have PC 288/288.5 conviction histories where AB 113 also does not apply (for example, an HRSO who was convicted of forcible rape (PC 261)). The following information provides CDCR sex offender statistics (figures current as of May 10, 2006 unless otherwise indicated):

Total number of active adult parolees designated as HRSOs = 2,050<sup>4</sup>

Total number of active adult parolees designated HRSO with PC 288/288.5 convictions = 1,111 (Based on current convictions of PC 288/288.5)

Total number of active adult HRSO parolees that are non-PC 288/288.5 convictions = 939 (e.g., a parolee convicted of rape (PC 261))

Total number of adult HRSO parolees on GPS (as of May 4, 2006) = 403

Total number of adult HRSO parolees that fall under the one-half mile housing restriction = 1,253 (Based on current and past convictions of PC 288/288.5)

In terms of monitoring parolee movement, PC 3004 and PC 3010 authorize the use of electronic monitoring or supervising devices as a condition of parole. As authorized by these statutes, the DAPO is implementing 500 Global Positioning System (GPS) units to monitor and track the movement of HRSO parolees. The number of units will expand to 2,500 within the next two years.

Specialized GPS caseloads provide parole agents with the surveillance technology and time required to monitor and investigate each HRSO parolee's compliance with his or her conditions of parole, as well as increase victim and community protection through the establishment of inclusionary and exclusionary zones. In addition, GPS monitoring can assist in the administrative and judicial evidentiary process in the event of parole violations. These parolees are supervised by HRSO parole agents on a reduced caseload of 20 to 1 based on the increased level of work associated with the technical aspects of the equipment, monitoring, reporting and follow-up. For Fiscal Year (FY) 2006-07, 12.7 parole agent positions have been budgeted to allow for the reduced GPS caseloads.

---

<sup>3</sup> In May 2006, the DAPO implemented use of GPS handheld devices to obtain accurate point to point measurement of distances from parolee residences to restricted areas.

<sup>4</sup> Following the DAPO implementation of Governor Schwarzenegger's Executive Order S-09-06, the number of adult parolees designated as HRSO has increased to over 3,000. Because the designation of HRSO is being done prior to release, a significant number of these HRSOs are currently still incarcerated.

## DAPO HRSO Program Components as of May 2006

In reviewing the information provided below, please note that there were inconsistencies in the implementation of this program in terms of scope, content and actual practice variations from Region to Region and field office to field office.

- Containment Model - DAPO used a limited version of the containment model where the HRSO parolee is placed inside a triangle comprised of the HRSO parole agent, a treatment provider and law enforcement. The collaboration between the parole agent, law enforcement and therapist is used to attempt to contain the level of risk to the public.
  - Screening and Placement - Prior to Executive Order S-09-06, all PC 290 registrant inmates paroling to a district with an HRSO program were referred for HRSO evaluation. The HRSO parole agent used a standard risk assessment tool in conjunction with screening the inmate's criminal history to determine whether to designate the inmate at risk levels of low, moderate, or high (this system has subsequently been revised as will be explained in the body of the recommendations).
  - Prescriptive Parole Planning - Pre-parole planning begins prior to an inmate's release from prison and involves parole staff reviewing the offender's criminal history. Identification of risk factors associated with the commitment offense and/or prior sex crimes, and evaluation of the proposed residence are also reviewed. The staff evaluate the stability and suitability of the offender's support systems in the community and recommends special conditions of parole to prevent high-risk behavior factors.
  - Reduced Caseload and Team Supervision - A reduced caseload of 40 HRSOs per parole agent and a team supervision strategy are used to increase the ability to monitor behavior, detect violations, and intervene in the sexual abuse cycle of offenders. The team approach enables parole agents to conduct effective search, surveillance, and monitoring strategies on a regular basis beyond what is normally possible in a regular parole caseload.
  - Relapse Prevention Education - An education class facilitated by the parole agent team is conducted for most HRSO caseloads on a weekly basis. Classes are intended to help offenders identify their sexually abusive behaviors and assist them to develop internal coping responses and viable support systems to prevent relapse.
  - Intensive Specialized Sex Offender Treatment - Contract providers conduct psychological evaluations and assessments and provide individual and group intensive specialized sex offender treatment to a limited number of sex offenders assigned to an HRSO caseload. Therapists work in conjunction with parole field staff to ensure a systematic approach to the rehabilitation of the offender. Current funding supports treatment for an ongoing caseload of approximately 250 parolees distributed over eleven locations around the state, meeting only a fraction of the need.
  - Law Enforcement Offender Meetings (LEOM) - HRSO parole agents may coordinate and facilitate monthly meetings with local law enforcement and other agencies. The purpose of the LEOM is to develop a close working network of representatives from law enforcement and child protective service agencies who have concerns related to sex offenders and who are willing to work with the parole agents to enhance the agents' supervision efforts. Meetings provide for an exchange of information about the offender and enable local law enforcement to know the parolee, his or her offending history, the parole agent and the special conditions that have been imposed.
- At the time of the initial HRSO program development, the polygraph examination was left out of the program as a result of Administration concerns about cost and the potential legal liability related to the use of a polygraph. Since

the program's inception, the courts have held that a polygraph examination for the purposes of monitoring parole/probation conditions is not a violation of the Fifth Amendment.

Due to staffing issues, several HRSO caseloads are without the partner caseload making relapse prevention unavailable. Additionally, the current program design limits the ability of the parole agent to perform surveillance, provide victim services, locate absconders and participate as a member of law enforcement task forces.

The present contracted treatment programs have a limited number of treatment providers as it is not adequately funded to serve all HRSO parolees. As a result, the vast majority of HRSO parolees either do not receive comprehensive sex offender treatment and risk assessment or spend an unacceptable amount of time on a waiting list to receive the treatment.

As of May 2006, PC 290 registrant inmates paroling to a complex that had a funded HRSO program were referred to an HRSO parole agent for evaluation and risk assessment. The risk assessment tool utilized as of May 2006, although developed by parole agent subject matter experts, was not a scientifically validated risk assessment tool.

There are no statutory provisions requiring the State to locate, re-locate, provide, or pay for temporary or permanent housing of parolees. In general, under PC 3000(a)(1), "It is in the interest of public safety for the state to provide for the supervision of and surveillance of parolees, including the judicious use of revocation actions, and to provide educational, vocational, family and personal counseling as necessary to assist parolees in the transition between imprisonment and discharge." However, to enhance public safety, DAPO has historically assisted parolees with temporary residential placements on the basis that such placements assist with the supervision of the parolee (i.e., DAPO knows where the parolee should be) and provide a more stable platform for parole adjustment to begin.

### **Proposed Ballot Initiatives/Legislation**

The Task Force has not taken a position on the following initiatives and legislation. They are presented for informational purposes as being relevant to the management of sex offenders.

Proposition 83 (known as "Jessica's Law"), which will be on the November 2006 ballot, would provide the following:

- Broadens the definition of certain sex offenses, increases penalties for certain sex offenses, prohibits probation for specified sex offenses involving minors, and extends the parole period for specified sex offenders.
- Eliminate all sentence reduction credits for sex offenders.
- Require GPS devices for all registered sex offenders for the remainder of their life.
- Limit where registered sex offenders may live by barring any person required to register as a sex offender from living within 2,000 feet of any school or park.
- Make more sex offenders eligible for a commitment as a Sexually Violent Predator by reducing from two to one the number of prior victims of sexually violent offenses that qualify an offender for commitment, and by making certain prior offenses eligible for SVP commitment.
- Provides that Sexually Violent Predators may be committed to the DMH for an indeterminate term, rather than the current two-year term, and tolls their parole period to commence after they are released from custody.

Senate Bill 1128 (Alquist) as amended June 22, 2006 would:

- Increase penalties for certain sex offense crimes against children, create new crimes pertaining to sex offenses against children, increase parole periods for persons convicted of specified sex offenses against children, and increase the statute of limitations for specified sex offenses.
- Expand the list of crimes requiring sex offender registration.

- Require state and local agencies to use risk assessment tools to categorize sex offenders as low, moderate, or high risk.
- Require the CDCR to develop a statewide, comprehensive training program designed to insure proper assessment of sex offenders.
- Require the CDCR to establish a pilot program for sex offender treatment.
- Appropriates \$6 million in grants to be provided to county sexual assault felony enforcement teams.
- Provides that Sexually Violent Predators may be committed to the DMH for an indeterminate term, rather than the current two-year term, and tolls their parole period to commence after they are released from custody.

SB 1178 (Speier), as amended on August 7, 2006, would require adult male registered sex offenders to be assessed for risk of re-offense using a speci-

fied assessment methodology. All those who are assessed as posing a moderate-high or high risk of re-offense would be required to be electronically monitored while on probation or parole, except as specified. SB 1178 requires the CDCR by January 1, 2008, to develop a training program for probation and parole officers as well as any others permitted by law to conduct sex offender risk assessments. The bill also requires HRSOs who are released from prison on parole or probation to be fitted with a GPS device.

AB 1015 (Chu and Spitzer), as amended August 7, 2006, would create the 17-member Sex Offender Management Board within State Government. The Board would consist of members appointed by the Governor and the Legislature to be housed within the CDCR. The purpose of the Board would be to address issues, concerns, and problems related to the community management of the State's sex offenders, with a goal of safer communities and reduced victimization.

## Recommendation 1

The State of California should have a uniform definition for an HRSO as follows: An HRSO is a convicted sex offender who has been deemed by the CDCR to pose a higher risk to commit a new sex offense in the community. A PC 290 parolee will be designated as an HRSO for purposes of adult parole based on the score from a validated risk assessment tool(s), and/or the known criminal history, and/or other relevant criteria established by the CDCR.

The need to uniformly define an HRSO for purposes of adult parole is in order to allocate and focus the supervision resources of CDCR on the parolees that pose the higher risk to re-offend while in the community, thereby maximizing community safety. The designation of HRSO means that the sex offender will be supervised and monitored at a specialized and intensive level by DAPO and local law enforcement. In addition, a sex offender not designated as HRSO should be supervised at a higher level as compared to a parolee that is not convicted of a sex crime, or of a serious or violent felony.

More specifically, in designating a PC 290 parolee as HRSO, the following factors either alone or in combination should result in an HRSO designation, unless there is a verifiable and justifiable reason that would not support such a designation:

1. A STATIC-99 score of 4 or above which is an initial indicator of Moderate-High to High risk of sexual re-offense. *(The STATIC-99 is a validated actuarial instrument that uses 10 factors in assigning a numerical score to assess the risk of sexual re-offense for a convicted sex offender. The Task Force recommends the score of 4 and above, as sound policy supports applying more intensive and specialized supervision to those who statistically pose the risk of sexual re-offense in any range of the "High", whether it be "Moderate-High" or "High", with the goal being to maximize public safety by reducing those risks of sexual re-offense through the specialized and intensive parole supervision applied to those parolees.)*
2. An inmate who qualified to be evaluated by Department of Mental Health experts as a Sexually Violent Predator (SVP), who did not meet the Welfare and Institutions Code (W&I) requirements for civil commitment to a state hospital pursuant to W&I 6600, et. seq. *(As the SVP law currently stands, an inmate is evaluated for commitment as an SVP if the inmate has two qualifying felony sex offenses involving two separate victims.)*
3. An inmate with convictions related to two separate victims with at least one of the two victims being a victim of a sex crime. The second can be a victim of a serious (PC 1192.7) or violent felony (PC 667.5) such as a victim of robbery or residential burglary.
4. An inmate who has one felony conviction of a child molestation of a victim under 14 years old, (PC 288, 288.5, and other related sections), that is predatory in nature. *("Predatory" means an act that is directed toward a stranger, a person of casual acquaintance with whom no substantial relationship exists, or an individual with whom a relationship has been established or promoted for the primary purpose of victimization. This definition is found in W&I 6600(e).)*
5. An inmate who has one felony conviction of a forcible sex offense of a victim 14 years of age or older, (such as PC 261(a)(2), 288a(c)(2), and other related sections), that is predatory in nature.
6. An inmate who has a criminal history that did not result in convictions for the previously outlined sex offenses, but clearly indicates that a plea was lesser to dangerous and serious sex crimes. *(Example: the inmate is convicted of simple kidnap, and the criminal record shows that it was a lesser plea to kidnap with intent to molest/rape a child or woman.)*
7. Relevant criteria established by CDCR that supports HRSO designation, even if it does not meet the six criteria outlined above. *(It is important to allow CDCR to establish relevant criteria developed through the experience*

*and training of specialized parole agents and supervisors that allows the HRSO designation for those who do not fall strictly within the six categories outlined above, but should be designated and supervised as an HRSO for the protection of the community.)*

A designation of a parolee as HRSO is made and the information is provided to allow Californians to be empowered by the information to better protect themselves and their families recognizing that “knowledge is power”. This does not mean that a sex offender who is not designated as high risk will not re-offend, nor does it mean that the sex offender designated as high risk will necessarily re-offend. The distinction rests on the need to assess and designate those at a high risk of re-offense in order to provide the level of intensive parole supervision needed.

The DAPO recently implemented the use of a validated sex offender risk assessment tool as recommended by this Task Force to assist in the identification of inmates that should be considered for designation as HRSOs. The STATIC-99 was selected based on expert testimony received by the Task Force and based on court decisions upholding testimony in court regarding the use of STATIC-99. It should be noted that prior to the implementation of this system, parole agents relied on an un-validated tool that carried a 50% error rate. Preliminary analysis shows that the use of STATIC-99 could increase the number of parolees designated as HRSO from approximately 2,000 to more than 3,000. As a result, in addition to the benefit of getting a more accurate and reliable risk assessment, a higher number of sex offenders will receive more intensive and specialized supervision, thus further maximizing public safety.

## Recommendation 2

All California adult PC 290 sex offender registrants under the jurisdiction of the CDCR must be assessed to determine whether based on validated risk assessment tool(s) and/or known criminal history, and/or other relevant criteria, they should be designated as HRSOs. The assessment shall take place as soon as practical, but no later than 120 days prior to release on parole with continued assessments while on parole.

The Task Force spent considerable time discussing issues involving the need for sufficient notification to local law enforcement regarding the placement of HRSOs. Upon the initiation of the Task Force, advance notice of community placement of HRSOs was not occurring because offenders were not being designated as HRSOs prior to their release on parole. In addition, the DAPO only designated HRSOs in field office locations where HRSO case-loads existed. Therefore, parolees destined for locations in the state that did not have HRSO case-loads were not screened for the designation even after paroling to the community.

The CDCR had begun preliminary work to address some of these issues prior to the Executive Order that formed the Task Force. As the Task Force discussion unfolded, Jim Tilton, Acting CDCR Secretary, decided that some of the issues being discussed were too important for public safety to wait for final Task Force recommendations. The Governor concurred and signed Executive Order S-09-06 (see Appendix) on June 16, 2006. The DAPO now has procedures in place to identify HRSOs using a validated assessment tool prior to release on parole.<sup>5</sup>

The process to designate an inmate/parolee as an HRSO begins with the assessment of the inmate/parolee utilizing the STATIC-99, which is a relatively

short actuarial instrument designed to estimate the probability of sexual and violent recidivism among adult males who have already been convicted of at least one sexual offense against a child or non-consenting adult.

The STATIC-99 reviews static or known factors relating to the prisoner/parolee, including but not limited to age, relationship history, prior sex offenses, prior non-sexual violence, victim profiles and prior sentencing dates. The assessment instrument provides an initial indicator that the individual has a probability of re-offending based on a review of the static factors.

The STATIC-99 was designed for use by criminal justice professionals, including probation officers, parole officers, police officers, institutional classification officers, forensic social workers, psychologists and psychiatrists who conduct risk assessments on sexual offenders. It is the most validated and rigorously used sex offender assessment tool in the world, and its implementation by the DAPO will result in a validated method of case classification.

The STATIC-99 is validated for adult males only and should not be used for females or juvenile assessments. Female sex offenders have 0 to 3% re-offense rates and can be identified as HRSOs by prior criminal history. An initial assessment instrument used to assist in designating HRSOs prior to release relies on static or unchanging factors. For example, factors such as prior sexual offenses, prior sentencing dates and nature of victimization will not change. Dynamic factors, such as marital status, deviant sexual preferences and sobriety, to name few, can and do change after a sex offender paroles.

Additional steps in designating an HRSO include a review of relevant factors including a process

---

<sup>5</sup> Effective in June 2006, the CDCR and the DMH staff commenced pre-release assessments on **all** adult PC 290 sex offenders who were scheduled to be released within 90 days of the date of the Executive Order. This interim procedure applied to pre-release cases at institutions. The Department timely completed these assessments and continued to assess inmates up to a year out of anticipated release.

that considers aggravating and mitigating factors, such as health status, time free in the community, completed sex offender treatment, sexual offenses as a juvenile, past violations while under supervised release and failure to complete sex offender treatment.

A final factor involved in the designation process is input based on the knowledge and skill of an experienced HRSO parole agent. Based on a totality of the circumstances presented in the above indicated steps, an HRSO designation is placed on an inmate/parolee that poses a substantial likelihood of re-offending sexually while in the community and all facets of intensive supervision of this specialized caseload will then apply.

As there are multiple factors involved in predicting relapse by sexual offenders (e.g., demographic, criminal history, sexual deviancy, clinical presentation, and treatment), public safety requires that sex offenders routinely be screened on dynamic factors to ensure all HRSOs are properly designated. Accordingly, adult sex offenders on parole should have dynamic factors reviewed periodically to determine whether their status should be upgraded with respect to HRSO designation. This process has been identified and supported by research in conjunction with statistics on re-offending.

Regularly scheduled reviews of PC 290 registrants on adult parole should occur every six months to a year or when deemed necessary by the case carrying parole agent in order to assess dynamic

(non-static) factors. When parolees are in the community and making good faith attempts to adjust, several stressors and dynamic changes may impact their likelihood of remaining in full compliance of their parole conditions. By using a separate validated assessment tool that will take into account these changing conditions, parole agents will know whether to recommend that a parolee, who may not initially have been designated as an HRSO, should subsequently be placed in that category. While all adult parole sex offenders will receive the appropriate level of supervision, the sex offenders that pose the most significant risk to the public will be the parolees that receive the most intensive ongoing supervision and treatment.

As with the initial static assessment process, there are various dynamic assessment tools available for use. Examples would include the Sex Offender Needs Assessment Rating (SONAR), which has been revised and designated at the STABLE 2000; the Structured Risk Assessment (SRA); and the Violence Risk Scale – Sex Offender (VRS-SO). The CDCR should be mandated and funded to use the best available dynamic assessment instrument and regularly review adult parolee PC 290 registrants to determine which individuals should become and or remain designated HRSOs. In addition, as with the STATIC-99, a process to review additional relevant information must be formulated to allow parole agents experience and professional training to be considered in the process of designating HRSOs.

### Recommendation 3

All California inmates required to register as sex offenders that are designated as HRSOs should be required to receive appropriate specialized sex offender treatment as warranted while incarcerated.

In the management and treatment of sex offenders, there will be measurable degrees of progress or lack of progress. Because of the cyclical nature of offense patterns and fluctuating life stresses, a sex offender's level of risk is constantly in flux. Success in the management and treatment of sex offenders cannot be assumed to be permanent. For these reasons, monitoring of risk through treatment must be a continuing process as long as sex offenders are under criminal justice supervision. These offenders must be required to participate in specialized treatment, which focuses on the identification of high-risk situations, behaviors and the development of an appropriate relapse prevention plan.

Dr. Thomas J. Tobin, Public Policy Chair of the California Coalition on Sexual Offending, is a licensed clinical psychologist and the co-founder/CEO of a private sector mental health organization that provides evaluation and treatment services for sex offenders. Dr. Tobin attended Task Force meetings as a guest and specifically addressed the members on the issue of treatment of sex offenders. Dr. Tobin stated that in-custody treat-

ment of sex offenders has merit and that such treatment should begin three to five years prior to release into the community. Conceptually, if treatment is viable, it is inefficient to wait until an inmate is released on parole before beginning a program. If it enhances public safety, intensive and specialized sex offender treatment should begin during incarceration and continue while on supervised release.

The treatment issue involved discussion of treatment while in custody and treatment while on parole. For purposes of this recommendation, the members found that in addition to early identification of HRSOs while incarcerated, treatment should be a part of the in-custody programming for sex offenders. Additional discussion included the concept of amending applicable statutes and regulations to deny in-custody credits to sex offenders who refuse to participate in treatment.

There are many forms of sexual offending and offenders may have more than one pattern of offending behavior and often have multiple victims. The propensity for such behavior is often present long before it is detected. It is the nature of the disorder that sex offenders' behaviors are inherently covert, deceptive, and secretive, and sex offenders often exhibit varying degrees of denial about the facts, severity, and or frequency of their offenses.

## Recommendation 4

### Notification of Release of HRSOs

- The Task Force recommends that CDCR be required to notify victims 90 days prior to the anticipated release of an HRSO in relation to PC 3003(c). Victims should have a minimum of 21 days to challenge the HRSO residential placement in accordance with established CDCR procedures.
- The CDCR should be required to provide notice of the release and recommended placement of HRSOs at least 60 days before release using mail service as required by law and an additional reliable method such as email, fax, or telephone to a list of designated law enforcement recipients.
- Local law enforcement should be required to provide timely and sufficient notice to the receiving communities of the residential placement of HRSOs.

The notification of pending release of HRSOs to local law enforcement is a significant issue that, while not specifically required by law, should have been done by the CDCR to enhance public safety and better prepare receiving communities. A primary concern is for the victims of these sex offenders who are in the communities where these offenders are returning.

Currently, PC 3003(c) authorizes the CDCR to place a parolee in a county other than the last legal residence if it is in the best interest of the public and for the safety of witnesses and victims. In most circumstances, victims are asked to fill out a form by the institution (pursuant to PC 679.03) where they can request release, escape, execution and/or death notification. If the victim does not want the parolee to return to the county where the victim lives, they may make such a request to the CDCR. Victims are also aided by county victim/witness coordinators familiar with current law who can assist victims in asking for parolees to be placed outside of a 35-mile radius of a victim's residence in accordance with the statute. The

Task Force, however, recognized that outreach and assistance to victims must be improved as the current percentage of victims requesting relief under the law is not significant.

The CDCR should be required to provide notice of the release and recommended placement of HRSOs at least 60 days prior to release. Whenever practical, notification should be made 120 days before any anticipated release of an HRSO. The designated entities to be notified should include the district attorney, sheriff, police chief, Department of Justice, and the Sexual Assault Felony Enforcement Team (SAFE), or their designates. The notification should include the fact that the CDCR has designated the inmate as high risk and the relevant assessment and criminal history and background attendant to that assessment. In addition, the CDCR should provide a second notification of the HRSO's actual release within 96 hours of release and placement in the community.

By providing designated law enforcement with advance notice of the release and placement of an HRSO, local law enforcement can provide timely and sufficient notice to the receiving community. Based on local dynamics, law enforcement in the receiving community is in the best position to provide outreach in relation to returning parolees that are designated as high risk. This would include a determination of what form and substance sufficient notice to the community actually means. Although communities will have reasonable levels of anxiety when receiving an HRSO, the concept of having an established and advance law enforcement and parole plan for designation, treatment, residence, monitoring and supervision should provide a level of comfort and security.

The process below articulates existing statutory notice procedures performed by the CDCR that will continue to remain in effect (by contrast, these notices are not specific to the HRSO designation as recommended by the Task Force above):

### While an Offender is Still In Custody

- Pursuant to PC 3058.6, the CDCR is required to notice, in writing, the sheriff, chief of police, or

both, and the district attorney's office, of the release information of any offender serving a term for the conviction of any offense listed in PC 667.5 (Violent Offenses), of the release 45 days prior to their release.

- Pursuant to PC 3058.65, whenever any person confined in the state prison is serving a term for the conviction of child abuse, pursuant to PC 273a, 273ab, 273d, or any sex offense specified as being perpetrated against a minor, the CDCR is required to inform the immediate family member of the parolee who requests notification and shall also inform a county child welfare service agency that requests notification of the release, 45 days prior to the release.
- Pursuant to PC 3058.8, the CDCR is required to notice, in writing, the witnesses, victims and next of kin of the release information of any offender serving a term for the conviction of any offense listed in PC 667.5, 45 days prior to their release. Pursuant to PC 3058.9, whenever a person is confined to state prison serving a term for the conviction of any sex offense perpetrated against a minor, the CDCR is required to inform the sheriff, chief of police or both and the district attorney's office of their release, 45 days prior to the release.
- PC 3060.6 requires that when any parolee is returned to custody or has his or her parole revoked for conduct described in subparagraph (a) of paragraph (2) of subdivision (a) of PC 290, the parole authority is required to report the circumstances that were the basis for the return to custody or revocation of parole to the law enforcement agency and the district attorney that has primary jurisdiction over the community in which the circumstances

occurred and to the CDCR. The Board of Parole Hearings (BPH) currently complies with this requirement by noticing the DAPO, chief of police or county sheriff and the district attorney. The BPH also provides the offenders projected revocation release date. The institution where the parolee is housed subsequently notices similar parties upon re-release of the offender to parole.

#### **Prior to an Offender's Release on Parole**

- Upon receipt of a "pre-parole" file, the agent conducts a risk and needs assessment. In parole districts that have HRSO caseloads, PC 290 cases are screened by an HRSO agent to determine risk level (low, moderate, high). Cases determined to meet the HRSO screening are supervised on a HRSO caseload. All others are classified at the High Control level of supervision. Districts/Parole Units without HRSO caseloads supervise all PC 290 registrants at the High Control level of supervision (or as a Second Striker/Enhanced Outpatient case, if so designated).<sup>6</sup>
- The DAPO assesses conditions of parole appropriate to the offender based on the individual's criminal history. This could include, but not be limited to, restricting contact with specific people, types of people, curfews, areas the offender may travel, and where they may live.

#### **Upon an Offender's Release to Parole**

- The parole agent ensures that the proper notifications noted above have been made by reviewing the notification documents in the field file/central file. If not, the appropriate case records office is notified, who in turn will issue the appropriate notice.

---

<sup>6</sup> On June 16, 2006, Governor Schwarzenegger signed Executive Order S-09-06, which included a direction to provide advance screening and notice for each identified HRSO with a verified, compliant residence to the affected district attorney's office, the sheriff's department of the appropriate county and the police department of the appropriate city. In response, the DAPO issued a directive that advance notification should be implemented immediately as the confirmation of HRSO designations are received. As the initial process is brought on line, the notice times will increase with the goal being a minimum of 45-day advance notice.

- The parole agent ensures the parolee registers within the required time frames with law enforcement, upon moving to another residence, and as required annually.
- The parole agent monitors the parolee's activities to ensure compliance with applicable statutes and parole conditions.
- The parole agent notifies local law enforcement and the district attorney's office when a paroled sex offender moves to another residence and/or is transferred to another parole unit.

## Recommendation 5

The parole supervision of HRSOs should follow the “Containment Model,” which recognizes the risk that sex offenders pose to the community, and thus provides a focus on “containing” offenders in a tight supervision and treatment network with active monitoring and enforcement of rules. This ‘Containment Model’ is formed by four components: The supervision components led by the specialized parole agent and his team; the treatment component directed by a qualified therapist who uses an evidence-based approach in conformity with recognized guidelines and standards; the polygraph component to be performed by qualified post-conviction polygrapher(s); and the victim advocacy component focused on what is best for the victim. In addition, all HRSOs should be placed on GPS monitoring (the Task Force recognized the value of more intensive supervision and GPS monitoring for all paroled sex offenders, but acknowledge that it is beyond the scope of the Executive Order).

The Containment Model is supported by the Center for Sex Offender Management (CSOM) and is based on established research and standards that acknowledge that sex offenders present a danger in our communities, and that while there may not be a cure, this system provides a method of reducing the risk to the community through the interdisciplinary team approach of strict supervision, treatment, accountability, and victim sensitivity.

The “Containment Model” has been identified as the most promising method currently used throughout the United States for community supervision of HRSOs. This model is proactive, coordinated and brings a multidisciplinary approach to the management of sex offenders. The containment approach is a particular method of individual case processing and case management of sex offenders in the criminal justice system and rests on the dual premise that sex offenders are one hundred percent responsible for the damage they inflict on others and that they must constantly and consistently be held accountable for their

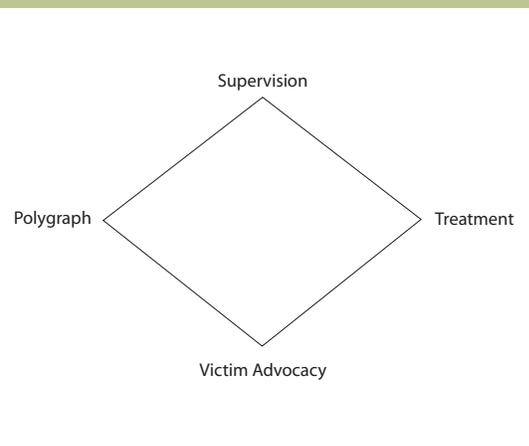
inappropriate thoughts and feelings along with their actions.

In the “Containment Model,” offenders are caught in a tight web of surveillance, monitoring, and treatment by participants including a parole agent, a treatment provider, a polygraph examiner, and a victim advocate.

The supervision of sex offenders designated as high risk must be conducted by parole agents that have received specialized training and education in the proper guidelines and procedures for the supervision and management of those offenders. The training and education should include the proper use of validated risk assessment tools such as: the STATIC-99, the proper analysis of criminal history and background and associated risk factors, the proper implementation of the Containment Model, the proper evaluation of appropriate community based treatment providers, the proper evaluation of information obtained from the polygraph, the formulation of appropriate parole conditions that increase control and reduce the likelihood of future victims such as use of the Internet, association with minors, or use of alcohol/drugs.

In addition, the ratio of designated high risk sex offenders per parole officer should not exceed 20 to 1. These specialized parole officers will work in teams where each team member is familiar with the caseload of their team members so that they

### Containment Model



can provide effective back up and supervision during days off or the mandatory updated training in this area. All parole officers dealing with sex offender parolees will receive specialized training that would qualify them to competently handle the high risk population. This will serve to provide sufficient experts to do the job and also it will allow sex offender parolees at every designated risk level to receive the appropriate supervision and provide the expertise for a parole agent to recognize the potential risk that might elevate their parolee to a higher level.

In terms of supervision, parole agents must have sufficient resources, structure and equipment necessary to meet mission objectives. Comprehensive supervision by a parole agent includes surveillance, searches, parole sweeps, special conditions of parole, drug testing, mandatory programming, collateral contacts, home visits and enhanced supervision to name a few. In addition, the specialized caseloads for HRSOs should include prescriptive parole planning, team supervision, relapse prevention programs, and law enforcement offender meetings. The supervision of sex offenders designated as HRSO must be conducted by parole agents that have received specialized training and education in the proper guidelines and procedures for the supervision and management of those offenders.

GPS represents another individual supervisory tool for use as part of the entire supervisory program. The DAPO should utilize the most technologically advanced continuous electronic monitoring equipment and services with the primary objective of enhancing public safety.

GPS devices utilize signals from orbiting satellites to determine their location with a high degree of accuracy. By placing a GPS receiver on an HRSO parolee, a parole agent receives a tremendous amount of information about parolee activities, allowing him or her to verify compliance with parole conditions such as curfews, and to investigate suspicious patterns of behavior.

The Task Force engaged in discussion of the efficacy of GPS inclusion and exclusion zones as a beneficial enhancement to HRSO parole supervision. The GPS equipment allows the parole agent to receive alerts when a parolee enters a restricted area. The GPS “tracks” or printout of the parolee movement can then be used to locate and arrest the parolee as well as provide administrative or criminal evidence of criminal conduct. Accordingly, the DAPO should also collaborate with local law enforcement and make GPS track access available for their use.

Recognizing that HRSOs require intensive supervision and status as a specialized caseload, the DAPO reduced caseloads for HRSO agents from 60 to 40 parolees per agent. With the addition of GPS technology, parole agents with HRSO caseloads on GPS were further reduced to 20 parolees per agent. While the GPS technology has proven to be an effective enhancement for supervision, it has significantly impacted the workload of GPS agents. The DAPO shall complete a valid and supported workload study to review the caseload and specifications for GPS agents. Supervisory tools can only be effective if parole agents are able to properly supervise their caseloads.

An additional element of supervision under the “Containment Model” is the use of polygraph examinations. It is recommended that the CDCR incorporate the use of polygraph examinations in conjunction with the treatment phase of the HRSO parole program.

The polygraph examination is a central component of the “Containment Model” and is considered a promising practice in the management of sex offenders. Numerous probation and parole departments nationwide have incorporated the polygraph into their sex offender management programs with remarkable success for holding offenders accountable and reducing public risk. The use of polygraph examinations on sex offenders has been cited as an extremely effective way to obtain detailed information about habits and offending pat-

terns of sexual offenders so they can be effectively supervised and managed in the community.<sup>7</sup> Sexual offenders must be held accountable and polygraph testing is a valid tool to be used in enforcing an expectation of honesty. Polygraph examinations should be conducted by examiners that are qualified under the standards required by the American Polygraph Association.

The polygraph examination has not been used by the CDCR in the past based on legal concerns. However, the courts have held that pursuant to PC 1203.1, "trial courts have broad discretion to impose conditions of probation to foster rehabilitation and reformation of the defendant, to protect the public and the victim and to ensure that justice is done." Specifically, in *People v Miller* (1989) 208 Cal. App.3d 1311, the California Appeals court held that: 1) requiring submission to a polygraph test was not unreasonable; 2) the polygraph was a valuable investigative tool, not withstanding their unreliability for evidentiary purposes; 3) the polygraph condition was imposed not to gather possible evidence, but solely to serve as a catalyst for further investigation; 4) the polygraph condition was not overbroad since the exam was limited to questions relevant to compliance with probation; 5) the condition did not violate defendant's privilege against self-incrimination unless and until defendant invoked the privilege by showing a realistic threat but was nevertheless required to answer a question. This was reaffirmed in the California case, *People v Brown* (2002) 101 Cal app 4th 313,319, where the courts held that if the polygraph examination is used to specifically to look at behaviors related to condition compliance and not "new offenses" the examination as a condition of release is constitutionally legal.

In spite of polygraph use being identified as a best practice for sex offender supervision and the courts upholding their use, the CDCR does not currently require sex offenders to participate in polygraph examinations. In order for the CDCR to

have a credible sex offender management program, the introduction and use of the polygraph examination is vital.

The combination of comprehensive sex offender treatment and carefully structured and monitored behavioral supervision conditions assist many sex offenders as they develop internal controls for their behaviors.

Treatment is a major component of the coordinated effort of the interdisciplinary team under the "Containment Model" of community supervision. Sex offenders present a danger in our communities. When sexual assault occurs there is always a victim. Both the literature and clinical experience suggest that sexual assault can have long lasting effects on the lives of victims and their families.

The DAPO currently provides comprehensive treatment for 250 HRSOs under 12 separate provider contracts. These contracts should be expanded to serve all high and moderate risk sex offender parolees.

Sex offender treatment is a specialized field and quality sex offender therapy is not available in all geographical areas. In locations where the DAPO is unable to secure comprehensive contracted therapy, adult sex offender parolees are required to be seen by Parole Outpatient Clinic (POC) clinicians who have been trained in sex offender treatment consistent with the "Containment Model" treatment standards.

The final prong of the "Containment Model" involves participation of victim's advocates, which traditionally has not been funded. It is common in cases of sex offenses that the victim(s) and the perpetrator come from the same family. In these instances, the familial relationships impact treatment and supervision in a manner that can be complex and require sensitivity.

---

<sup>7</sup>Research Overview: Sex Offender Treatment and Programs – Prepared for the New Mexico Sentencing Commission. October 2003, compiled by researcher S. Colby Phillips.

It is imperative that a comprehensive HRSO management program consider the best interest of victim(s) while maintaining community safety. A victim-oriented philosophy is one of the key components of a successful containment approach. While the victim component is extremely important, it is noted that there have been no fiscal considerations or funding provided to victims of violent crime for this purpose. The State should review as part of this recommendation various funding sources to allow full integration of the victim's component of the "Containment Model" in relation to the monitoring and supervision of high risk sex offenders.

As an additional measure of community safety, the DAPO has conceptually put forward the idea of parole agent participation in existing county Sexual Assault Felony Enforcement (SAFE) teams. Parole agents assigned to SAFE teams will work with local law enforcement jurisdictions and/or existing task forces specifically assigned to monitor sex offenders. They will work with local law enforcement in a coordinated effort to track down, arrest and prosecute sex offenders who jeopardize public safety by trying to stay anonymous through absconding and failing to register.

Additionally, parole agents assigned to SAFE teams will collaborate with existing DAPO regional sex offender housing coordinators and

law enforcement to identify strategic areas where parolees can be housed and safely monitored in their county of last legal residence, consistent with current law (PC 3003(g)).

To reduce further community victimization, parole agents assigned to SAFE teams will work with GPS parole agents to surveil active HRSO parolees who have been determined through polygraph, treatment and/or a collateral source to be at high risk to sexually re-offend. They will conduct compliance searches and assist with the retrieval and recapturing of GPS equipment when a parolee absconds parole supervision.

Parole agents assigned to SAFE teams will work in interagency teams with victim advocacy groups specifically assigned to assist victims of sex crimes with temporary restraining orders, notification and reparation.

Parole agents assigned to SAFE teams will need real time data points on HRSO GPS parolees to assist victims with safety plans and for the purpose of apprehension and surveillance efforts. Additionally, the primary work locations of parole agents assigned to SAFE teams will be in the field, where immediate access to Parole computer data bases (LEADS, GPS) will be essential to their team membership.

## Recommendation 6

The CDCR and local law enforcement should partner to create a viable program for community education and communication specific to HRSO issues.

The release and community placement of HRSOs can generate fear, misunderstanding and a feeling of the community being placed under threat. The public has an expectation they will be informed about the release and relocation of HRSOs.

Community members and public safety is best served by the dissemination of timely, accurate and comprehensive information from law enforcement and criminal justice agencies. In addition, community education creates a framework, which assists community members in understanding the particular risk an individual offender might pose. Education is also an important tool that helps community members understand the resources and strategies, which will promote public safety and include the com-

munity as potential stakeholders in creating effective offender management strategies. Community education can also include information on various aspects of parole supervision, such as GPS and other components of the containment model.

There are a variety of ways that HRSO information can be shared with the community including web sites, notice flyers, door to door visits, and community meetings. Law enforcement agencies in each jurisdiction should make the determination about which mechanism will effectively inform the community about the potential risk that an offender poses, and will assist the community in identifying appropriate precautions and resources.

Community education can also be used to inform the public on pending and recently enacted legislation, as well as information available to the public such as the Megan's Law website. However, it is only through a thoroughly informed public that true community safety can be achieved.

## Recommendation 7

The Task Force recommends legislative changes to the Megan's Law Website to specifically identify HRSOs who are on parole and those that are being monitored by GPS.

The purpose of this recommendation is to better inform the public as to the status of HRSO parolees on the website. This reiterates the empowerment concept from Recommendation #1 that knowledge is power. Communities receiving HRSOs are often fearful and apprehensive. Californians seeking information on the Megan's Law Website are not provided with sufficient information to determine which state or local entity, if any, is accountable for the supervision of the sex offender.

Currently, the registered sex offender database in California is maintained by the California Department of Justice (DOJ) Sex Offender Tracking Program. Individuals convicted of specific sex crimes are required by law to register as sex offenders with local law enforcement.

Sex offenders are notified of their responsibility to register prior to release from custody, mental hospitals or probation. A copy of the notification

is sent to the DOJ and the registration information is forwarded to the DOJ after the individual is released into the community.

Registered sex offenders must update their information annually, within five working days of their birthday. Transient sex offenders must update every 30 days, and sexually violent predators, must update every 90 days. The Sex Offender Tracking Program updates the website on a daily basis and keeps track of the next required update. If a registered sex offender is in violation of the update requirements, the Internet web site will show the registrant as being in violation.

Currently, however, there is no information included within the database that provides the public with information on offenders who have been designated by the CDCR to be HRSOs.

The DOJ notes that PC 290.46 requires the posting of specified information and prohibits the posting of other specified information. Although the DOJ may have discretion to post additional information, the DOJ would request the Task Force to recommend introduction of legislation to change the posted information on the website. The DOJ would have significant resource and workload impact should such changes occur.

## Recommendation 8

The CDCR should be required to assess the fiscal and programmatic impact of the Task Force recommendations within 90 days and work with the Administration and the Legislature to secure funding and/or legislative changes in order to implement recommendations. In the event the CDCR cannot meet the timeframe on any recommendation, a public letter should be sent to the Governor explaining the reasons why the Department cannot comply with the recommendations.

Throughout the several meetings held by the Task Force, it reviewed and discussed numerous suggestions and recommendations designed to provide a more effective, statewide strategy for identification, placement, supervision, monitoring, and treatment of HRSOs. Many of these recommendations were fairly straightforward, common sense approaches, such as earlier identification of HRSOs prior to their parole. In addition, the Task Force believes that many of the recom-

mendations contained in this report may be implemented by the CDCR without additional funding and/or legislative changes.

However, there are several recommendations that the Task Force realizes cannot be accomplished without either a stable funding source or a change in the law. Due to the short period of time the Task Force had to put together these recommendations, it did not attempt to estimate the fiscal costs associated with any individual recommendation, nor did it attempt to draft any necessary changes to law needed to accomplish any recommendation.

Therefore, the Task Force recommends that the CDCR take immediate steps to assess both the fiscal and programmatic implications of the recommendations, and then to work with the Administration and the Legislature to secure funding and/or legislative changes in order to implement the recommendations of the Task Force.

## Recommendation 9

The CDCR should be required to establish a permanent Sex Offender Management Board that will review practices of the CDCR regarding the stated goals of the California High Risk Sex Offender Task Force. Stakeholders such as sheriffs and police chiefs, district attorneys, county probation chiefs and line parole officers should have permanent positions on this Board.

The Task Force has demonstrated the benefits of bringing multi-jurisdictional stakeholders together to address issues of common concern with respect to HRSOs. There is no question that the recommendations from this Task Force will enhance public safety when fully implemented.

The comprehensive management of HRSOs, however, is an area of constant change that will require ongoing oversight and implementation. It is imperative that an oversight body be tasked with continuing the review of statutory requirements and departmental policies in relation to HRSOs to maximize public safety.

Assemblymembers Judy Chu and Todd Spitzer introduced Assembly Bill 1015 to create a Sex Offender Management Board under the CDCR. The bill presents an opportunity to advance public safety by strengthening the supervision of violent sex offenders in order to better protect the public.

Community leaders, law enforcement agencies and concerned residents recognize that inefficient communication between state and county agencies responsible for sex offender management have led to violations of state law. There are many recent examples of sex offender placement issues that have not been consistent with public safety. These situations are not a result of negligence on the part of any department or

agency, but are the result of poor or absent communication within and between departments responsible for handling sex offender placement. California has the unique distinction of being the most populous state in the union that does not have a separate agency designated solely to handle sex offender management. Texas, Colorado, New Mexico, Illinois, Tennessee and Minnesota are just a few states that have such departments. The Office of Domestic Violence and Sex Offender Management Board (SOMB) in Colorado was created by a legislative mandate in 1992 with the charge of developing standards and guidelines for the evaluation, treatment, and behavioral monitoring of sex offenders. Additionally, the Texas Council on Sex Offender Treatment develops and implements policy that provides education concerning effective interventions and management of sex offenders.

Separate departments such as these are essential in ensuring both the safety of those on parole as well as the residents around the homes in which parolees are placed. The departments listed above work to ensure that sex offenders are provided with treatment when necessary, but more importantly, these departments monitor sex offender placement and behavior. The creation of a similar department in California is imperative to maintain the safety of families and quality of life for residents of this state.

Convicted sex offenders and their placement in our residential communities will always remain a key concern for residents, community activists, law enforcement officials and policy makers. We must be diligent in our obligation to protect communities and our children from this constant threat. The aforementioned failures in communication between agencies demonstrate the absolute need for the California Sex Offender Management Board.

## Recommendation 10

The CDCR should be required to continue working with local law enforcement and local government to find appropriate and equitable housing solutions for placement of HRSOs. The Task Force recommends that a committee of appropriate stakeholders, such as this Task Force, continue to convene to address these critical issues.

The critical issue of housing for HRSOs was one of the main factors leading to the formation of the Task Force. The Task Force acknowledges the significance of issues surrounding housing of HRSOs and engaged in several discussions and developed critical foundational recommendations, however, no viable long-term solutions were identified in the 90 days available prior to the dissolution of the Task Force in accordance with the Executive Order.

The CDCR acknowledges that comprehensive communication with local law enforcement on HRSO placement issues has been lacking in the past. In addition, locating housing that complies with the law and multitude of local ordinances in city areas is becoming virtually impossible.

Further research and consultation with appropriate stakeholders is required in order for workable solutions to be identified. Although the Task Force has addressed some of the issues that have exacerbated community placement of HRSOs, such as identification and notice, the problems are so extremely complex that finding solutions to this problem in 90 days was not enough time. Therefore, the Task Force recommends that this committee continue to convene to further address this issue.

Currently, there are more than 100,000 individuals living in California who are required to register as a sex offender. Over 9,000 of these offenders are currently on active adult parole. Of those, over 2,000 have been designated as HRSOs.<sup>8</sup>

In accordance with the PC 3003, an inmate who is released on parole shall be returned to the county that was the last legal residence of the inmate prior to his or her incarceration. There are specific identifiable exceptions to this statute relating to areas such as victims issues. There were considerable discussions within the Task Force of recommending that these placements occur in the city of last legal residence where viable in order to further goals of equitable distribution.

Although it is the inmate who bears the primary responsibility for locating his/her residence, both state and local government have a role in ensuring that HRSOs are housed in accordance with the law. At the same time, California cities and counties understand the serious concerns and ramifications of sex offender residential placement. Paramount of these concerns is the safety of children and maintaining the appropriate distance between the offenders and children, which includes parks, schools, residential areas and pathways regularly frequented by minors. As a result, many cities have recently begun to pass local ordinances that prohibit the presence of sex offenders in their community. These ordinances are making it increasingly difficult for the CDCR to locate suitable housing and placement of HRSOs, and are also leading to an inequity in housing HRSOs statewide.

The lack of a stable residence for an HRSO places the community at risk. Homeless sex offenders cannot be effectively tracked and monitored by parole agents and local law enforcement. Communities and victims are unaware of their location and presence, which adds to the uncertainty that offenders are being supervised

The Task Force has begun to build a road map to accomplish the objective of compliant HRSO housing that maximizes public safety. On Friday, July 28th, Co-Chair Spitzer, Member Padilla (also

---

<sup>8</sup> There are over 3,000 individuals currently identified by the DAPO as HRSO, however, based on identification of these individuals prior to release, a significant number of them remain incarcerated at the present time.

serving as chair of the League Executive Board), Acting Director Fagot and Agent Speed held a one hour briefing with the League of California Cities Executive Board regarding partnership issues pertaining to sex offender placement. This was the first time the League had ever discussed the issue. After much discussion and expression of concerns, it was agreed that the League would hold a workshop of the subject matter at its September meeting in San Diego.

Recommendations have been made to identify HRSOs appropriately and provide sufficient notice to local law enforcement, victims and the community. Additional recommendations have been made relating to monitoring and supervision of HRSO parolees, community education, providing a definition of an adult parole HRSO and the providing of sex offender treatment.

Consistent and fair standards for housing HRSOs will not only aid in their placement, supervision, treatment, and monitoring—it will also provide victims and communities with confidence that both state and local law enforcement are working together in a collaborative fashion in order to insure public safety.

The Task Force has advocated for the formation of a permanent Sex Offender Management Board

and continued research and discussion specifically on placement issues. The multidisciplinary make-up of the members of the Task Force has been extraordinarily beneficial to the process. The progress that has been made is of great value in terms of public safety however there is much work to be done.

**Once reconvened, the Task Force will consider and make recommendations covering the following areas:**

- Relationship between State and local communities and how to partner in order to provide an effective housing strategy for HRSOs, while at the same time interacting with various affected stakeholders;
- Best practices for housing HRSOs, which includes a review of how other States have grappled with community placement issues;
- Appropriate and equitable distribution of HRSOs, and how placing them in their city of last legal residence may help to balance the effect on any one community; and
- How the use of transitional housing may be able to provide an effective means of providing hard-to-place offenders within the community, which will limit the chances of an HRSO becoming homeless.

## Other Issues

The Task Force identified additional sex offender-related issues that were not within the bounds of the Executive Order. These issues are inclusive of concepts that could be the responsibility of the Sex Offender Management Board, should the Governor sign AB 1015.

For example, the task force discussed proposing statutory changes including proposing lifetime parole for all PC 288 and PC 288.5 child molesters. The impetus for this change is based on studies that show that child molesters continue to recidivate despite factors such as age. The Board of Parole Hearings could hear considerations for discharge from parole based partially on length of time crime free.

An additional area for Board follow-up involves an update of the CDCR Department Operations Manual (DOM). The DAPO has developed a list of DOM and Title 15 sections that fall under the purview of adult parole operations. The DAPO continues to diligently work towards updating changes in the Department Operations Manual, Chapter 8, Parole Operations, and the California Code of Regulations, Title 15, Division

3. The DAPO's Policy and Procedures Unit is responsible for the development of policy, modifications/updates to the DOM, and incorporating regulatory revisions to Title 15, relative to parole operations. The Regulation and Policy Management Branch is responsible for the administrative processing and promulgation of updates to the DOM and Title 15 for the entire California Department of Corrections and Rehabilitation. However, both entities have historically experienced resource issues, which make it difficult to maintain both the DOM and Title 15, particularly within this rapidly changing political environment, and given the operational impact of constant modifications and/or enactment of new statutes.

The DOM sections relative to parole have not been updated in their entirety since 1989 and Title 15 parole sections have not been updated since 1991 (Subchapter 6, Parole). The Division continues to operate via operational policy memorandums, as opposed to updated DOM sections and regulatory changes. The risk is the potential to end up with underground regulations as opposed to properly codified procedures.



## Appendix

Letter from Governor Arnold Schwarzenegger _____	A-2
Executive Order S-08-06 _____	A-3
Letter from California Department of Corrections and Rehabilitation (CDCR) Secretary (A) James E. Tilton _____	A-3
Executive Order S-09-06 _____	A-4
Letter from Attorney General Bill Lockyer _____	A-5
Assembly Member Rudy Bermúdez Biography _____	A-9
Assembly Member Todd Spitzer Biography _____	A-12
CDCR Secretary James Tilton Biography _____	A-13



GOVERNOR ARNOLD SCHWARZENEGGER

Dear High Risk Sex Offender Task Force Members,

Ensuring public safety is a fundamental responsibility of our government. The proper placement of paroled sex offenders is a crucial aspect of this responsibility, and it is an essential component of any effort to safeguard California's children and families.

As members of the newly created High Risk Sex Offender Task Force, you are charged with the important task of reviewing the Department of Corrections and Rehabilitation's policies relating to the placement and monitoring of paroled sex offenders. This is a tall order, as these policies can seriously impact the lives and safety of the citizens of this state. That is why I am proud that all of you have come together to improve the current system and better protect California.

No one may ever know how many horrible crimes your recommendations will prevent, but I assure you that the noble mission you are undertaking is a great service to the children and families of California. Thank you for participating in this historic effort, and I wish you the best as you strive to make our state a safer and happier place to live and thrive.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Schwarzenegger".

Arnold Schwarzenegger

STATE CAPITOL · SACRAMENTO, CALIFORNIA 95814 · (916) 445-2841



EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA  
EXECUTIVE ORDER S-09-06  
by the  
Governor of the State of California

WHEREAS, it is the primary role of government to ensure the public safety; and  
WHEREAS, the California Department of Corrections and Rehabilitation, upon release of an inmate to parole, is required by law to return the offender to his/her county of last legal residence, with certain exceptions, pursuant to Penal Code section 3003(a); and  
WHEREAS, high risk sex offenders are among those being paroled to our local communities; and  
WHEREAS, last year I signed legislation so that, as of January 1, 2006, pursuant to Penal Code section 3003, the placement or residence of certain high risk sex offenders is prohibited within one-half mile of any private or public K-12 school and the placement or residence of sex offenders is prohibited within one-quarter mile of any private or public K-8 school; and  
WHEREAS, on May 15, 2006, I issued Executive Order S-8-06 directing the Secretary of the California Department of Corrections and Rehabilitation to create a High Risk Sex Offender Task Force to make recommendations for improving departmental policies related to the placement of high risk sex offenders in local communities; and  
WHEREAS, identifying high risk sex offenders before they are released from a state correctional institution to parole is critical to ensure the public's safety is not compromised; and  
WHEREAS, the current practice of releasing sex offenders who have completed their sentence to the custody of parole officers for determination of those that are considered high risk jeopardizes the public safety by not giving parole officers and local law enforcement officials adequate time to protect the public before placing high risk parolees in the community; and  
WHEREAS, verifying that the high risk sex offender's intended residence complies with state law for high risk sex offenders before they are released to parole is critical to ensure the public's safety is not compromised.  
NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California do hereby issue this Order to become effective immediately:

1. Based on suggestions from the High Risk Sex Offender Task Force, and with the full support of the High Risk Sex Offender Task Force, the Secretary of the California Department of Corrections and Rehabilitation shall immediately implement procedures to take the following actions before the release to parole of any sex offender incarcerated in a state correctional institution: (a) conduct an assessment to determine whether the sex offender is deemed to pose a high risk to the public of committing violent sex crimes (high risk sex offender); and (b) require the verification of a residence that is compliant with state law.
2. On an immediate, interim basis, the Secretary of the California Department of Corrections and Rehabilitation, with the assistance of the Director of the Department of Mental Health, shall coordinate the placement of necessary personnel at the state correctional institutions to implement a pre-release assessment procedure to identify whether the sex offender is a high risk sex offender, with the goal of conducting a pre-release assessment for over 1400 sex offenders scheduled to be released from State correctional institutions in the next 90 days. It is expected that these assessments will be completed within 30 days of this Executive Order.
3. The Secretary of the California Department of Corrections and Rehabilitation shall immediately develop and implement an interim procedure to ensure that verification of a high risk sex offender's intended residence that is compliant with state law occurs before the release to parole of any identified high risk sex offender.
4. The Secretary of the California Department of Corrections and Rehabilitation, in consultation with the High Risk Sex Offender Task Force created by Executive Order S-08-06, shall develop and implement a permanent pre-release assessment procedure to identify high risk sex offenders and a pre-release residence verification procedure for identified high risk sex offenders, with the intent to provide at least 45 days notice to the affected District Attorney's Office, the Sheriff's Department of the appropriate county and the Police Department of the appropriate city of the upcoming release of a high risk sex offender.
5. Until the implementation of the pre-release assessment and pre-release residence verification procedures described in the above paragraph, the Secretary of the California Department of Corrections and Rehabilitation shall provide advance notice for each identified high risk sex offender with a verified, compliant residence to the affected District Attorney's Office, the Sheriff's Department of the appropriate county and the Police Department of the appropriate city.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that wide-spread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have here unto set my hand and caused the Great Seal of the State of California to be affixed this the sixteenth day of June 2006.

Arnold Schwarzenegger

A handwritten signature of Arnold Schwarzenegger in black ink.  
Governor of California



June 1, 2006

Dear Colleague:

Thank you for participating in the California High Risk Sex Offender Task Force. The impact of residential placement of sex offenders in our communities is of paramount importance.

Your input and cooperation in working as a collaborative group to define, review and recommend solutions is critical to successful completion of the task force objectives.

While final recommendations are due to the Governor and the Legislature by August 15, 2006, it is our desire to complete a draft report within 60 days to allow public comment, feedback and any necessary amendment of the initial draft report.

Community placement of High Risk Sex Offenders is in fact a community issue and your willingness to participate in this discussion is of great value.

I look forward to establishing and maintaining a cooperative partnership on all sex offender issues of mutual concern. Thank you again for your dedication to public safety.

JAMES E. TILTON  
Secretary (A)



EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA  
EXECUTIVE ORDER S-08-06  
by the  
Governor of the State of California

WHEREAS, it is the primary role of government to ensure the public safety; and  
WHEREAS, the California Department of Corrections and Rehabilitation, upon release of an inmate to parole, is required by law to return the offender to his/her county of last legal residence, with certain exceptions, pursuant to Penal Code Section 3003(a); and  
WHEREAS, the Department of Corrections and Rehabilitation is required by law to notify local law enforcement, district attorneys, specified witnesses and victims of crime 45 days prior to the release of a sex offender, pursuant to Penal Code Sections 3058.6 and 3058.8; and  
WHEREAS, as of January 1, 2006, pursuant to Penal Code Section 3003(g)(2), high risk sex offenders are prohibited from living within one-half mile of any private or public K-12 school; and  
WHEREAS, Penal Code Section 3003(g)(1) prohibits placement of sex offenders within one-quarter mile of any private or public K-8 school; and  
WHEREAS, prior to the placement of a high risk sex offender, the Department of Corrections and Rehabilitation must consider proximity to the victim, day care facilities, schools, and/or parks; and  
WHEREAS, state law requires certain sex offenders to register with local law enforcement within five days of placement, change of address, or homelessness and registered sex offenders must update registration at least annually within five days of their birth date; and  
WHEREAS, Megan's Law is an important public safety tool that requires the information of certain sex offenders' conviction, physical description, and home address to be listed and available to the general public. Since 2005, this information is available via the Internet; and  
WHEREAS, a comprehensive and consistent placement and supervision policy should be developed with input among all entities responsible for public safety within each community, including but not limited to police chiefs, sheriffs, district attorneys, parole agents, probation officers, and local and state officials.  
NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California do hereby issue this Order to become effective immediately:

1. The Secretary of the California Department of Corrections and Rehabilitations shall create a High Risk Sex Offender Task Force to review the current statutory requirements and departmental policies on notification, placement, monitoring, and enforcement of parole policies with regard to high risk sex offenders and provide recommendations to improve each.
2. The High Risk Sex Offender Task Force membership shall include:
  - a. Two representatives from the California State Legislature, who will serve as co-chairs
  - b. California District Attorneys Association, president or his/her designee
  - c. California State Sheriffs Association, president or his/her designee
  - d. California Police Chiefs Association, president or his/her designee
  - e. Chief Probation Officers of California, president or his/her designee
  - f. League of California Cities, president or his/her designee
  - g. California State Association of Counties, president or his/her designee
  - h. Secretary of the California Department of Corrections and Rehabilitation, or his designee
  - i. Director of the Division of Adult Parole Operations, Department of Corrections and Rehabilitation, or his designee
  - j. Representative of victims of violent crimes
  - k. Other representatives to be determined by the Secretary of the Department of Corrections and Rehabilitation
3. The High Risk Sex Offender Task Force shall provide the Secretary of the Department of Corrections and Rehabilitation, as well as the Governor and Legislature, with recommendations to improve departmental polices related to the placement of high risk sex offenders in local communities thereby ensuring public safety is not compromised. The High Risk Sex Offender Task Force shall submit its recommendations no later than August 15, 2006, in the following four areas:
  - a. Notification to local law enforcement and officials prior to release from a state correctional institution;
  - b. Placement planning for paroled sex offenders that is compliant with state law, and consistent with public safety;
  - c. Monitoring and supervision of high risk sex offenders; and
  - d. Enforcement of all parole requirements and special conditions of parole.
4. The High Risk Sex Offender Task Force shall be disbanded once recommendations are delivered.

IN WITNESS WHEREOF I have here unto set my hand and caused the Great Seal of the State of California to be affixed this the fifteenth day of May 2006.

Arnold Schwarzenegger

A handwritten signature of Arnold Schwarzenegger in black ink.

Governor of California

**BILL LOCKYER**  
*Attorney General*

*State of California*  
**DEPARTMENT OF JUSTICE**



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550

Public: AREA CODE/PUBLIC NUMBER  
Telephone: (916) 324-5477  
Facsimile: (916) 322-2630  
E-Mail: [janet.gard@doj.ca.gov](mailto:janet.gard@doj.ca.gov)

June 19, 2006

Members, California High Risk Sex Offender Task Force  
c/o Jim Tilton, Secretary  
California Department of Corrections and Rehabilitation  
1515 S Street, Suite 502 South  
Sacramento, CA 95814

Re: Issues Discussed at the June 14, 2006 Task Force Meeting

Dear Members of the Task Force:

At the request of the Attorney General, I have been attending the Task Force meetings. This letter is in response to two issues discussed at the June 14 meeting: notification to law enforcement of the release of sex offenders; and the possibility of posting additional information of the Megan's Law internet web site.

Notification to Law Enforcement of Release

At the June 14 meeting, there was significant discussion about the need for notification to the law enforcement community when a high-risk sex offender is released from custody. Two days later, the Governor issued an executive order directing, among other things, the development of a procedure to provide "at least 45 days notice to the affected District Attorney's Office, the Sheriff's Department of the appropriate county and the Police Department of the appropriate city of the upcoming release of a high risk sex offender." We request that the Department of Justice (DOJ) be included in this notification plan.

The 1994 Sexual Predator Act (Penal Code §13885.1 et seq.) authorizes the California Attorney General to maintain a statewide force of Sexual Predator Apprehension Teams (SPAT) within the California Bureau of Investigation (CBI) to focus investigative efforts on habitual sex offenders. The law provides that the SPAT teams will perform the following activities:

- Coordinate state and local investigative resources to apprehend sexual habitual offenders and persons required to register under Penal Code §290 who violate the law or conditions of probation or parole.
- Target and monitor chronic repeat violent sex offenders to prevent the commission of additional sexual offenses.
- Develop profiles in unsolved sexual assault cases.

SPAT teams located in the San Diego, Riverside, Los Angeles, Fresno, San Francisco, and Sacramento regions have statewide jurisdiction in the investigation of sex offenders, particularly those identified as higher risk to the communities. The SPAT teams spend a large percentage of their time and resources assisting local agencies with monitoring habitual sexual offenders, investigating crimes involving multiple victims, and assisting in the investigation of serial and unsolved sexual assaults.

A common request from local agencies to the CBI SPAT teams has been for assistance in monitoring those sex offenders formally classified within Megan's Law as high risk, and those offenders classified as Sexually Violent Predators (SVPs). SPAT teams have been called upon to offer training and expertise in monitoring these offenders; to assist with multi-jurisdiction coordination and pro-active investigation of the offenders; and to provide, or help provide, community notification regarding the location of a sex offender.

The requests for assistance are routinely received from the Chief of Police or Sheriff of a jurisdiction who is anticipating release of a sex offender into his or her community. The services offered by the CBI SPAT teams have been welcomed by the local agency executive staff as they often feel that the release of the offender into their community is made without adequate notice, it may be the first or only release of its kind into their jurisdiction, and the SPAT team members are familiar with the laws governing sex offenders in the community.

The service provided by the CBI SPAT teams varies. It may include, but is not limited to, surveillance monitoring; intermittent monitoring; parole or probation contacts and searches, investigation of offender activities; consultation with mental health professionals, prosecuting attorneys, parole and probation officers, and local law enforcement agency officers and staff; and the coordination of all involved agencies and personnel. Services provided by CBI SPAT teams at the request of a local agency varies by region, based on resources available in the region and statewide. Depending upon the classification of the released offender, coordination of resources and agencies oftentimes becomes a very sensitive project subject to many protocols and may involve many obstacles. As the offender is required to register with the local agency having jurisdiction of the residence, the efforts and resources available to one agency may not be adequate to protect our global communities, within the county, the region and the state. Coordination must involve the local police agency or agencies, the Sheriff's Office, the parole or probation agency, the District Attorney's Office, oftentimes mental health personnel, and should include notification or participation by the California Department of Justice (DOJ).

Based upon prior experience and the initial creation and purpose of the SPAT teams, we request that the CBI SPAT teams be included in the notification process utilized by the California Department of Corrections and Rehabilitation (CDCR) or probation departments when an

elevated risk offender is scheduled to be released into our communities. This notification can be accomplished through one point of contact with DOJ in either the Sex Offender Tracking Program or the CBI. At the current time, if the offender is an SVP, the Department of Mental Health may notify the DOJ, Sex Offender Tracking Program of an impending release. However, if the offender is released with a lesser classification, either from prison, county jail or the courts, the local SPAT team, as well as the local agency may not know the offender is in the community until the moment the offender enters the local agency department to register as a sex offender. This system relies on the offender, a criminal, to come into a police agency voluntarily and willingly. As we know, this does not always happen.

Providing the opportunity for all aspects of the law enforcement community to prepare and work together in developing plans for the release of an offender allows for appropriate division of responsibility and adequate time to plan for necessary resources. In a time when many agencies are suffering loss in personnel and budget restraints, it is necessary to work as a team to provide the safest community environment possible.

#### GPS Status on Megan's Law

At the June 14 hearing, Assembly Member Spitzer asked whether it would be possible to note on the Megan's Law internet web site, which is maintained by the Department of Justice, that an offender is being tracked by GPS. This raises both legal and implementation issues.

Penal Code section 290.46 requires DOJ to post on the Megan's Law web site specified information and prohibits it from posting other specified information. Except as specifically prohibited, it gives DOJ discretion to post "any other information that the Department deems relevant?" Arguably, DOJ could post, without specific statutory authority, information that an offender is a high risk sex offender parolee who is being tracked by GPS. However, because making this information publicly available is a sensitive policy decision, we believe it is one best made by the Legislature. Thus, we would ask the Task Force to introduce legislation if it desires that we post this information on the web site.

If this information is to be posted, CDCR would need to notify DOJ both when an offender went on parole with GPS tracking and when he went off GPS tracking. DOJ would have to make five system changes to our databases, and our preliminary estimate is that this would take between six and nine months, at a cost of approximately \$250,000. In addition, we estimate the diversion of personnel to this project would delay the current renovation of the Violent Crime Information Network, which is the backbone of the sex offender registration system and the Megan's Law database, by several months.

Members, California High Risk Sex Offender Task Force  
June 19, 2006  
Page 4

If you have questions or would like additional information, please contact me at [janet.giard@doj.ca.gov](mailto:janet.giard@doj.ca.gov) or (916) 324-5284.

Sincerely,



JANET GIARD  
Special Assistant Attorney General

For BILL LOCKYER  
Attorney General

## Assembly Member Rudy Bermúdez

### Biography

For more than 20 years, Assembly Member Rudy Bermúdez has served the people of California by promoting public safety, improving education, and championing the rights of working men and women.

A law enforcement officer by profession, Bermúdez was first elected to represent the 56th district in the California State Assembly in November 2002. Located in the heart of southern California, the 56th district includes portions of Los Angeles and Orange Counties, as well as the cities and communities of Artesia, Buena Park, Cerritos, Hawaiian Gardens, Lakewood, Los Nietos, Norwalk, Santa Fe Springs, South Whittier, Whittier and West Whittier. The district includes the popular destination points of **Knott's Berry Farm** in the city of Buena Park and **Little India** in the city of Artesia.



Assembly Member Bermúdez, in his second term in office as a legislator, has the unique honor of serving as chair of Budget Sub-Committee #4 on State Administration. He also serves on the Assembly committees on Aging, Governmental Organization, and Water, Parks, and Wildlife.

### Legislative Achievements

Assembly Member Bermúdez has made an immediate impact in the legislature by tackling tough issues and standing up for not only our community, but all Californians. Bermúdez has received many leadership and legislator of the year awards for his work on a whole range of issues affecting California.

### A Commitment to Public Safety

As a father and former law enforcement officer, public safety is an issue of monumental importance to the Assembly member.

In his first term in office, Assembly member Bermúdez authored and secured passage of legislation (AB 236) that ensured the most egregious sexual predators would never be able to practice

medicine in California, keeping residents of the Golden State safe from harm and enabling them to put faith and trust in their doctors. Bermúdez has also fought hard to increase the distances from which sexual predators are allowed to live from schools.

In the aftermath of the terrorist attacks on September 11, 2001, Bermúdez authored and secured passage of legislation (AB 1153) that outlawed the use of counterfeit firefighter badges and employee identification. This ensures that these items will not fall into the wrong hands and can never be used to gain unauthorized access to sensitive sites and facilities.

Bermúdez has been awarded many honors for his commitment to public safety and for his support and appreciation of the brave men and women who keep our communities safe. In 2003, his first year in the Assembly, Bermúdez was named Legislator of the Year by the California Police Activities League and was honored with the prestigious "Street Sweeper" award by the California Correctional Peace Officers Association (CCPOA). In 2004, Bermúdez was honored with the California State Fire Fighters Association legislator of the year award. Most recently Bermúdez was honored with the 2005 LA County Probation Officers Union Legislative Leadership Award, the 2005 Crime Victims United of California Legislator of the Year Award, and the 2006 State Coalition of Probation Organizations Legislator of the Year Award.

### A Commitment to Education

Mr. Bermúdez is the proud author of AB 2407 which has allowed school districts to begin implementation of full-day kindergarten, so that every child in California can receive the education he/she deserves. He has also been a strong supporter of universal preschool and of lowering college tuition fees.

Recognizing his strong commitment to public education and his successes in the legislature, the California State University System and the Faculty Association of the California Community Colleges

both named Assembly Member Bermúdez as their 2003 Legislator of the Year.

#### **A Commitment to Jobs and Economic Growth**

Assemblymember Bermúdez recognizes the need for a strong and economically prosperous California that generates an abundance of high paying jobs. The American Electronics Association named Bermúdez their 2004 High Tech Legislator of the Year for his efforts to bring high tech jobs and technology to California . The Assemblymember has also championed and defended the rights of California 's small business owners. For example, in 2003, Bermúdez authored AB 282 to protect the practice of "hair threading" and prevent small cosmetology salons from being unfairly fined for performing this ancient practice.

For his commitment to upgrading our transportation infrastructure to create jobs and ensure the safe, fast, and continual flow of people and goods Bermúdez received the 2003 Legislator of the Year award from the Professional Engineers in California Government. Most recently, the Assemblymember was named the 2005 Legislator of the Year by the California Attractions and Parks Association for helping to maintain California 's vibrant tourism industry.

#### **A Commitment to our Community**

Assemblymember Bermúdez has also been very active in issues critical to his district. He continues to fight for increased funding for home-to-school transportation, led efforts to increase business and commerce in the city of Artesia , and fought for the City of Whittier 's right to the property formerly occupied by the Nelles School for Boys.

For his hard work on behalf of our community, Bermúdez received the 2004 Federation of Indo-American Associations of Southern California Man of the Year Award.

#### **Dedicated to Public Service**

Mr. Bermúdez first entered public service in 1991 when he was elected as a board member on the Norwalk-La Mirada Board of Education.

As a board member, Bermúdez fought for additional funding and systemic changes to improve student achievement. He worked to cut wasteful spending and promote fiscal accountability. Because of his efforts, the school district maintained one of the healthiest budgets in Los Angeles County , with a fiscal reserve of over 10%, more than three times the state's required reserve. He and his colleagues achieved this goal while opening three new schools, reducing class sizes, introducing new educational programs, strengthening classroom student achievement, improving security on school campuses, and providing salary increases and benefit enhancements of over 28% to district employees.

The issue of ethics has been the Assembly Member's hallmark as an elected official. He championed a strict anti-nepotism policy, a code of ethics for school board members, and procedures to discipline members who breached the code of ethics.

In 1999 Mr. Bermúdez was elected to the city council of Norwalk , the fifteenth largest city in Los Angeles County . In his election to the city council, he received the most votes of any candidate, including incumbents. As a City Council Member, he worked to attract new businesses and retain existing ones, promote strong fiscal policies, eliminate the utility user tax and encourage development to strengthen the city's economy. He strengthened law enforcement by enacting community-based policing and helped to enhance senior and youth community services. In 2001, the Norwalk City Employees Association, International Association of Machinists and Aerospace Workers, IAM District 777 honored Assembly Member Bermúdez with their inaugural "Excellence in Organizing" Award. Later that year, the Los Angeles County Democratic Party named him as their "Franklin D. Roosevelt Democratic Man of the Year."

#### **Personal**

Assembly Member Bermúdez graduated from the University of California at Los Angeles (UCLA) in 1983, with a bachelor's degree in sociology.

He received a master's degree in public administration from California State University at Long Beach, where he also received a graduate certificate in employee/employer relations, human services and personnel.

Assembly Member Bermúdez and his wife, Nancy, are homeowners in Norwalk and have two sons, Rudy and Nicolas. Prior to being elected to the Assembly, he was a parole agent with more than 20 years of experience with the Department of Corrections and California Youth Authority. He is a member of the California Correctional Peace Officers Association (CCPOA) and is also a member of the Norwalk Knights of Columbus, and the Parent Teacher Association.

#### **Legislative Awards and Honors**

- 1) 2003 Faculty Association of the California Community Colleges Legislator of the Year
- 2) 2003 Professional Engineers in California Government Legislator of the Year
- 3) 2003 California Police Activities League Legislator of the Year
- 4) 2003 "Street Sweeper" award by the California Correctional Peace Officers Association (CCPOA)
- 5) 2004 Certificate of Appreciation from Automotive Services Councils of California
- 6) 2004 California Chiropractic Association Legislator of the Year
- 7) 2004 California State University Legislator of the Year
- 8) 2004 Federation of Indo-American Associations of Southern California Man of the Year
- 9) 2004 American Electronics Association High Tech Legislator of the Year
- 10) 2004 California Chiropractors Association Legislator of the Year
- 11) 2004 California State Firefighters Association Co-legislator of the Year
- 12) 2005 Boy Scouts of America You Make A Difference Award
- 13) 2005 LA County Probation Officers Union Legislative Leadership Award
- 14) 2005 Crime Victims United of California Legislator of the Year
- 15) 2005 Indian American Heritage Foundation India Heritage Leadership Award
- 16) 2005 California Attractions and Parks Association Legislator of the Year
- 17) 2005 Professional Engineers in California Government, Los Angeles Section Recognition of Public Service
- 18) 2005 Golden State Gaming Association, Assembly Member of the Year
- 19) 2006 State Coalition of Probation Organizations, Legislature of the Year

## Assembly Member Todd Spitzer

### Biography

Assembly Member Todd Spitzer was elected to the State Legislature in 2002 to represent the 71<sup>st</sup> Assembly District. He currently serves as a member of the committees on Public Safety and Human Services and on the leadership team of Assembly Republican Leader Kevin McCarthy.



As part of his commitment to public safety, Assembly Member Spitzer was a leading force behind Proposition 69, the DNA Fingerprint Initiative, and the defeat of Proposition 66, which would have significantly weakened California's 3 Strikes Law. For his efforts, Assembly Member Spitzer was named the 2005 "Legislator of the Year" by Crime Victims United. In September 2004, Governor Schwarzenegger signed Assembly Member Spitzer's landmark legislation putting Megan's Law on the Internet. For his work on this measure, the California Sexual Assault Investigators named Spitzer their Legislator of the Year. Additionally, Assembly Member Spitzer serves as an Honorary Board Member to the Doris Tate Crime Victims Bureau.

In 2003, Assembly Member Spitzer was the recipient of the Orange County Council of the Boy Scouts of America's Visionary Award, which

honors a person who exemplifies the attributes of the Scout Oath, the Law and has demonstrated leadership and philanthropy in the Hispanic and Latino communities of Orange County.

Prior to his election to the State Assembly, Assembly Member Spitzer served on the Orange County Board of Supervisors beginning with his election in November of 1996 and was re-elected in March of 2000. Prior to joining the Board of Supervisors, Assembly Member Spitzer was an elected Trustee of the Brea-Olinda Unified School District from 1992-1996. From 1990-1996, he served as a Deputy District Attorney in the Orange County District Attorney's Office, receiving the Outstanding Prosecutor Award in 1992. Before serving as a Deputy District Attorney, Assembly Member Spitzer taught English at Roosevelt High School in East Los Angeles.

Assembly Member Spitzer served, for a decade, as a Reserve Police Officer for the Los Angeles Police Department's Hollenbeck Division. In 1999, he was named the Reserve Officer of the Year by both the Division and the Central Bureau.

Assembly Member Spitzer earned his Bachelor's Degree from the University of California at Los Angeles, a Master's in Public Policy from Cal Berkeley, and a Juris Doctorate from UC Hastings. He, his wife Jamie, son Justin, and daughter Lauren make their home in Orange County.

## **CDCR Secretary (A) James Tilton**

### **Biography**

James E. Tilton was named Secretary (A) of the California Department of Corrections and Rehabilitation (CDCR) on April 20, 2006. He previously had served as a program budget manager for the Department of Finance (DOF) since 2003, responsible for the CDCR, State and Consumer Services Agency, Criminal Justice, Labor and General Government.



Tilton began his career in public service in 1976 as a budget analyst for DOF. From 1980 until 1985, he served as Director of Expenditure Forecasting for the Commission on State Finance. He joined the California Department of Corrections

(CDC) in 1985, serving as its Deputy Director for Administrative Services until 1998, where he was responsible for peace officer selection, personnel, training, budget, offender information, and environmental health and safety. While at CDC, he served as chair of the Correctional Peace Officer Standards and Training Commission (CPOST).

In 1998, Tilton was named Assistant Program Budget Manager for the Capital Outlay Unit and Executive Secretary to the State Public Works Board for the Finance Department, a position he held until 2003. He was promoted in 2003 to Program Budget Manager for that department, a position he held until being named CDCR Acting Secretary.

Tilton earned a Bachelor of Science degree from Sacramento State University.

