



***Investigating Collaborative Solutions for Housing
High Risk Sex Offenders and Sexually Violent Predators***

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FINAL REPORT

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CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC) ♦ CALIFORNIA DEPARTMENT OF CORRECTIONS & REHABILITATION (CDCR)
CALIFORNIA COALITION AGAINST SEXUAL ASSAULT (CALCASA) ♦ CALIFORNIA APARTMENT ASSOCIATION (CAA)



Dear Colleague:

On behalf of the California Department of Corrections and Rehabilitation (CDCR), I would like to express my appreciation and gratitude for your participation in the California Summit for Safe Communities—a first of its kind in California. Finding appropriate housing for high risk sex offenders (HRSO) and sexually violent predators (SVP) is a nationwide public safety concern, and on March 19, 2007, we took the lead in addressing this very sensitive and controversial issue.

The summit delivered a clear message of commitment among State, county, and city leaders as well as victims' advocates. We must continue to focus on collaboration, solutions, and building the necessary networks locally, regionally, and across State and local jurisdictions to ensure safe communities for California citizens. The placement of HRSOs and SVPs is in fact a community issue, and your willingness to continue to participate is critical.

The creation of the Sex Offender Management Board will be invaluable as we develop "next steps" with the various stakeholder groups on the placement and housing of sex offenders. This Board will fall under the jurisdiction of the CDCR, and the resources to fund the Board are part of Governor Arnold Schwarzenegger's proposed budget, as is funding for the implementation of the HRSO Task Force recommendations, and the implementation of Jessica's Law.

I am confident that we will continue the momentum of moving forward through a cooperative partnership to address public safety issues. Thank you for your dedication.

Sincerely,

JAMES E. TILTON
Secretary
California Department of Corrections and Rehabilitation

Enclosures

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California Summit for Safe Communities: Investigating Collaborative Solutions for Housing High Risk Sex Offenders and Sexually Violent Predators

Summary Document

INTRODUCTION

The management of sex offenders in the community is a nation-wide public safety concern. With California having the largest population of sex offenders in the nation, Governor Arnold Schwarzenegger has taken the lead in addressing this issue. On March 19, 2007, more than 350 state and local officials participated in the first-ever California Summit for Safe Communities to discuss the challenges that communities face regarding the release and placement of High Risk Sex Offenders (HRSOs) and Sexually Violent Predators (SVPs) in the community.

Sex offenders pose unique public safety problems, and are consequently subject to limitations and restrictions on where they can live. The summit was intended to educate the attendees on the sex offender population, build collaboration between state and local governments, develop alternative methods of identifying appropriate housing for sex offenders, and develop procedures that would incorporate opinions of local law enforcement.

Summit participants were asked to identify both gaps and solutions related to HRSO and SVP re-entry, supervision and community notification practices. One of the commitments made during the summit was that this information would be collected and compiled into a summary document and shared with everyone who participated. In an effort to effectively communicate and share ideas with all the attendees, this document includes:

- Background and overview of the summit
- Data from the audience response system
- Frequently asked questions
- Consolidated table exercise information
- Additional resources

BACKGROUND AND OVERVIEW

Assembling a clear strategy to assist communities in the re-entry of the sex offender parole population into the community is a strong priority for state and local officials. Housing, placement, victim notification, and identifying community support services serves as California's leading obstacle in this public policy area. The California Department of Corrections and Rehabilitation (CDCR) and the Department of Mental Health (DMH) are required by law to return offenders to their county of last legal residence, with certain exceptions, including court-ordered limitations based on victims' requests.

CDCR supervises approximately 10,000 parolees from state prison who are sex offenders, of which about 3,200 have been designated high risk. However, those 10,000 parolees represent only approximately ten percent of the sex offenders registered in the state. In addition to parolees from prison, sex offenders also re-enter the community through county probation and jail systems.

On May 15, 2006, Governor Schwarzenegger established the High Risk Sex Offender (HRSO) Task Force through Executive Order S-08-06, 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. The task force was co-chaired by Assemblyman Todd Spitzer (R-Orange) and then-Assemblyman Rudy Bermudez (D-Norwalk) and included representatives from local law enforcement, local government, victims' rights organizations, and the California Department of Corrections and Rehabilitation (CDCR).

On August 15, 2006, the task force issued a report that included 10 recommendations. The Governor ordered these recommendations to be immediately implemented by the CDCR through Executive Order S-15-06. This Executive Order also extended the timeline of the task force and expanded their responsibilities to develop solutions to the placement of sexually violent predators which falls under the jurisdiction of DMH. Some of the 10 recommendations in the report were:

- Clinical evaluation of sex offenders within six months of scheduled completion of their sentences to identify those considered to pose a higher than normal risk to public safety;
- Advance notice to local law enforcement before a sex offender is placed in an area under parole;
- Use of the four-way “containment model” to supervise and restrict sex offenders on parole. That model includes strict supervision by parole agents, the use of Global Positioning Satellite (GPS) systems to monitor the movements of sex offenders, mandatory therapy and the use of polygraph testing during personal visits by parole agents; and,
- Creation of a Sex Offender Management Board comprised of sheriff, police, district attorneys and other experts, to guide CDCR’s policies regarding high risk sex offenders.

The High Risk Sex Offender (HRSO) and Sexually Violent Predator (SVP) Task Force issued a final report and recommendations on December 1, 2006. Although the serious and comprehensive study undertaken by both task forces resulted in dozens of key findings and recommendations, it was quite apparent that no long term solution to sex offender housing would occur without the input and commitment from various local entities. Recommendation #9 of the report called for this commitment to take place through the co-sponsorship of a statewide summit on the placement and housing of HRSOs and SVPS. The recommendation specifically states:

“The Governor, the League of Cities, and the California State Association of Counties (CSAC) should sponsor a statewide summit on the subject of placement and housing of sex offenders, including HRSOs and SVPS. The invitation list should include other material stakeholders on this subject, including, but not limited to, representatives of the State, sheriffs, chiefs of police, probation and parole officers, and park districts. The California Department of Corrections and Rehabilitation (CDCR) and Department of Mental Health (DMH) should collaborate to develop for presentation at the proposed summit, potential transitional housing models that can assist HRSOs and SVPS to successfully re-integrate into the community.”

In mid-December 2006, a summit planning committee was organized. The partners organizing the summit included the CDCR, the League of California Cities, California State Association of Counties, California Health & Human Services Agency, Assembly Member Todd Spitzer’s Office, the California Apartment Association, and the California Coalition Against Sexual Assault (CalCASA). Participants included representatives from cities and counties, local law enforcement, state agencies, mental health, social services, prevention services, and victims’ organizations.

The summit provided an opportunity for these various constituencies to discuss issues and specific concerns about placement of sex offenders in communities, and to develop collaborative solutions regarding HRSO and SVP community reentry. The agenda was designed to balance the feedback of the constituent parties

while keeping up the theme of state and local communication and collaboration. The format was community focused, which will help to develop statewide standards to provide the best public protection.

The morning portion of the event included presentations by local law enforcement, victims' advocates, CDCR, and DMH on:

- HRSO Task Force history, notification of sex offender placement, processes for placement and importance of placement;
- Victim interaction with re-entry of offenders;
- Sex offender management while on parole;
- Sexually violent predators

Governor Schwarzenegger was the luncheon speaker at the summit.

The afternoon portion of the event consisted of table discussions led by panel members to brainstorm and develop recommendations pertaining to placement and housing in the areas of:

- Notification and Release
- Residential Facilities
- State/county/city mechanisms for collaborative placement & parolee supervision

Attendee seating for the summit consisted of a blending of regional stakeholders at each table, which provided a good opportunity for the participants to get a comprehensive view of the issue and thus develop improved coordination between the stakeholders, and better processes for dealing with the population.

There is still much work that remains ahead to put a plan of action in place. In an effort to continue moving forward, summit organizers have collected and responded to the many questions and information brought forth by summit participants. In addition, local government leaders have committed to working on next steps, including developing a template for communication and collaboration among local leaders on this issue.

AUDIENCE RESPONSE SYSTEM

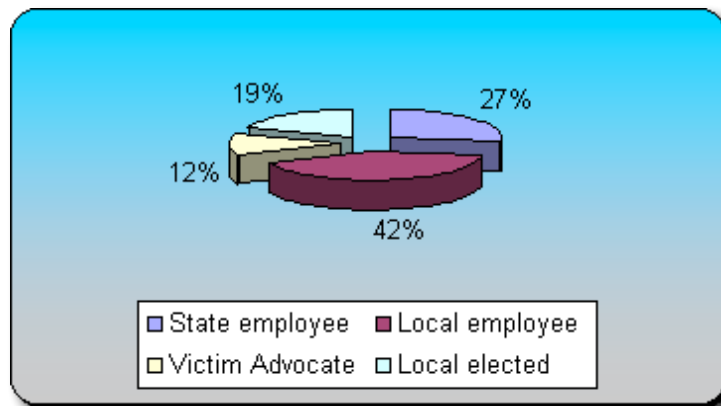
In an effort to ensure that attendee participation was adequately captured, an electronic audience response system was used throughout the course of day that generated immediate feedback and data during the summit. This system allowed participants to answer pre-determined questions during the summit. Results were immediately generated and shared with the attendees via PowerPoint. The results are on the following pages.

Which category best describes you:

Responses

Percent

State employee	76	27.34%
Local employee	115	41.37%
Victim Advocate	34	12.23%
Local elected	53	19.06%
Totals	278	100.00%

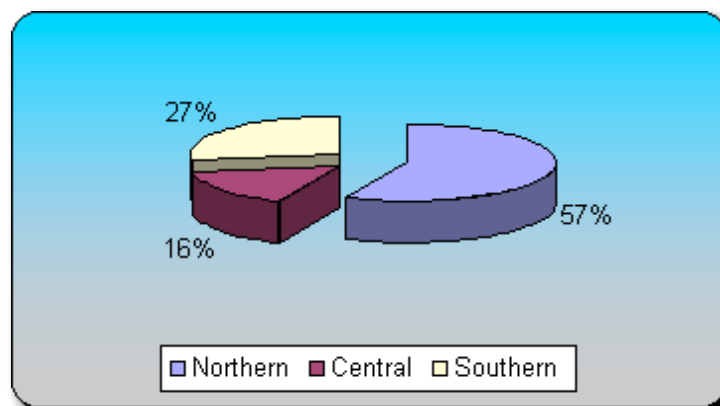


What region of the state are you from:

Responses

Percent

Northern	157	56.68%
Central	44	15.88%
Southern	76	27.44%
Totals	277	100.00%

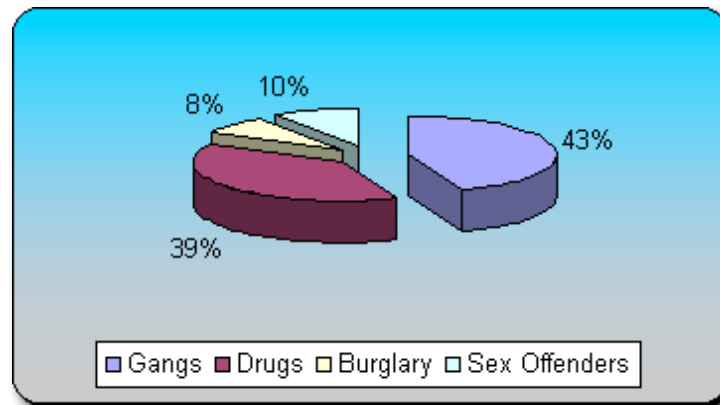


Please rank the public safety risks in your community (1 highest, 4 lowest)

Responses (Highest)

Percent

Gangs	120	44.12%
Drugs	105	38.60%
Burglary	21	7.72%
Sex Offenders	26	9.56%
Totals	272	100.00%

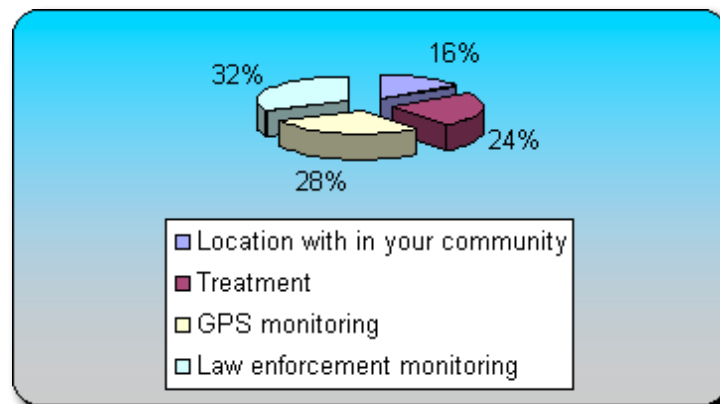


Please rank the factors that would provide the most safety for the public in your community (1 Highest, 4 lowest)

Responses (Highest)

Percent

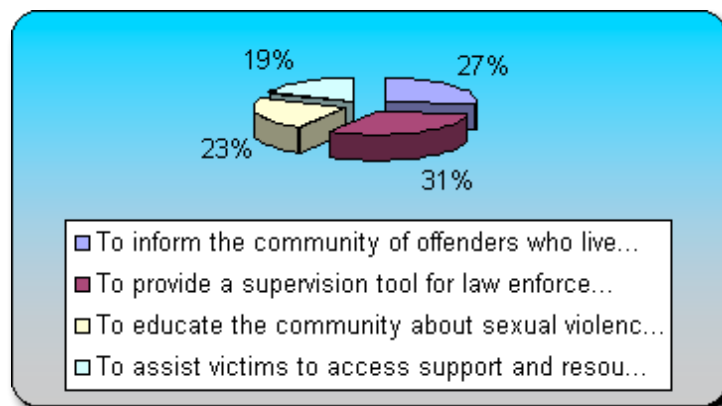
Location with in your community	41	15.77%
Treatment	62	23.85%
GPS monitoring	73	28.08%
Law enforcement monitoring	84	32.31%
Totals	260	100.00%



Please rank the most important potential outcomes of sex offender registration and community notification (1st response most important 4th response least)

*Responses
(Most Important) Percent*

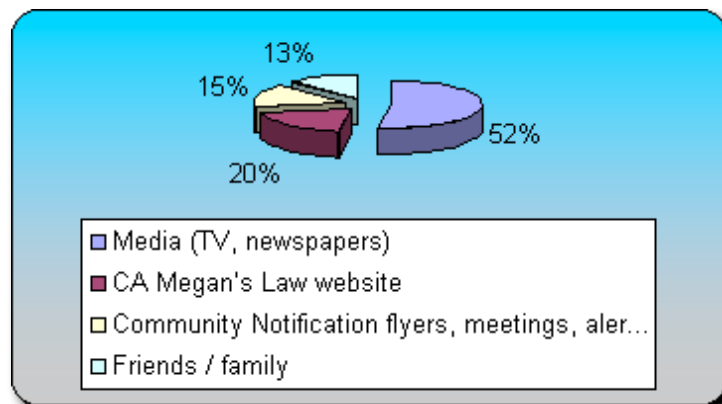
To inform the community of offenders who live.....	152	26.67%
To provide a supervision tool for law enforce.....	182	31.93%
To educate the community about sexual violenc.....	129	22.63%
To assist victims to access support and resou.....	107	18.77%
Totals	570	100.00%



Where do you think the public most likely to receive its information about sexual offenders (choose one)?

Responses Percent

Media (TV, newspapers)	209	52.25%
CA Megan's Law website	80	20%
Community Notification flyers, meetings, aler.....	60	15%
Friends / family	51	12.75%
Totals	400	100.00%

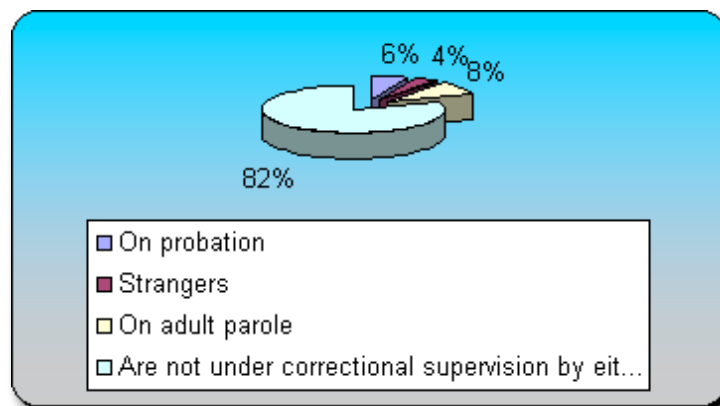


The majority of sex offenders in California are:

Responses

Percent

On probation	16	6.45%
Strangers	11	4.44%
On adult parole	21	8.47%
<i>Are not under correctional supervision by eit...</i>	<i>200</i>	<i>80.65%</i>
Totals	248	100.00%

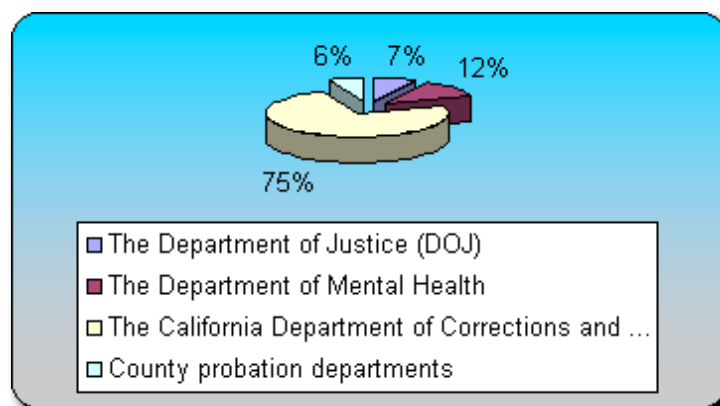


The supervision classification of a high-risk sex offender who is on adult parole is determined by:

Responses

Percent

The Department of Justice (DOJ)	19	7.42%
The Department of Mental Health	31	12.11%
<i>The California Department of Corrections and ...</i>	<i>190</i>	<i>74.22%</i>
County probation departments	16	6.25%
Totals	256	100.00%

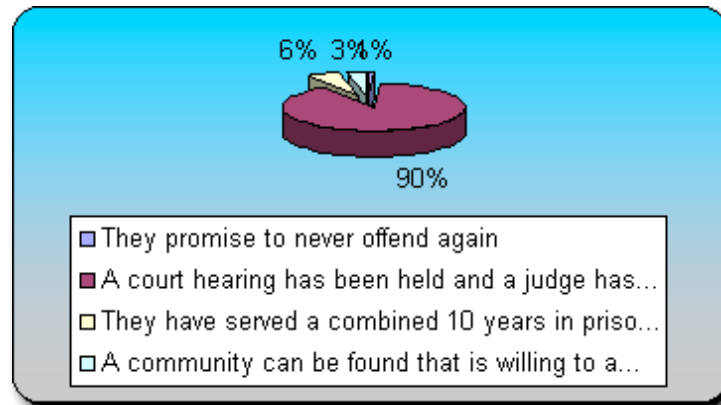


SVP's are released to the community when:

Responses

Percent

They promise to never offend again	3	1.20%
<i>A court hearing has been held and a judge has...</i>	<i>224</i>	<i>89.60%</i>
They have served a combined 10 years in prison...	15	6%
A community can be found that is willing to a...	8	3.20%
Totals	250	100.00%

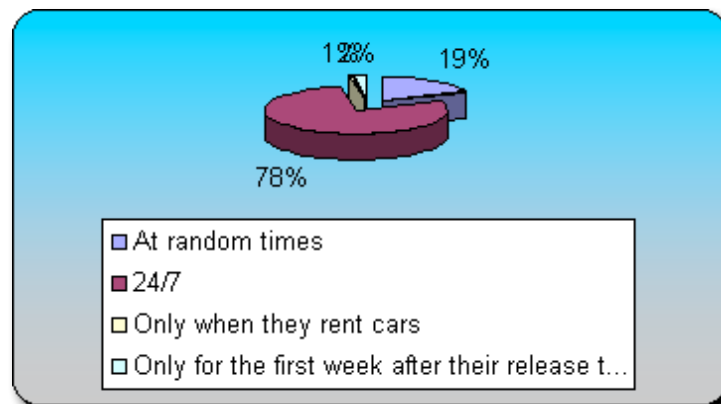


SVP's living in the community are monitored by the Global Positioning System (GPS):

Responses

Percent

At random times	48	18.82%
<i>24/7.....</i>	<i>200</i>	<i>78.43%</i>
Only when they rent cars	2	0.78%
Only for the first week after their release t...	5	1.96%
Totals	255	100.00%



FREQUENTLY ASKED QUESTIONS

Time was allotted during the session to answer attendee questions immediately following the presentations that were given. However, due to time constraints, not all questions were addressed during the summit. Therefore, all questions were collected and distributed to the respective agency/association subject matter experts for response. Those questions have been addressed below:

The following questions answered by the California Coalition Against Sexual Assault (CALCASA)

1. **Given that well over 90% of offenders are known (or close/related) to their victim, and given that the media emphasizes sensationalized stranger assaults (that are so much less likely), isn't Megan's Law completely and dangerously flawed? It will only lead to more panic and simultaneous false sense of security.**

The best data we have nationally indicates that about 80% of offenders are known to their victim. It is true that there is a great deal of sensationalism related to stranger assaults, and as community members we should hold the media accountable when they emphasize stories that are so clearly atypical of the majority of assaults. That, however, doesn't mean that community notification is "dangerously flawed". The Megan's laws and the media are not equivalent entities. Community notification can be an important tool that realistically and rationally identifies a particular offender's risk – and more globally discusses the risk that all offenders pose. In fact, when communities are properly informed they can understand how out of context some media stories are in relationship to the more reliable information they should receive from law enforcement.

2. **When the 12 year old victim set fire to her classmates, was she treated for her victimization or fire setting? In turn when a sexual molest victim commits a sexual offense as a child or adolescent, what do we do? How do we deal with Juvenile sex offenders? Do we offer or consider prevention at this level? Would early treatment reduce adult offenders who need lifetime monitoring?**

There is programming that can be used with sexually aggressive / reactive children, but many do not receive it. Early intervention with these children is important, and often underemphasized. It is an important element of prevention, but one that was outside of the scope of the HRSO / SVP Taskforces which focused on adult offenders.

3. **Have you engaged the teachers associations, including the CA Continuation High School Association? They don't seem to be represented here today.**

Victim advocates have engaged with educators and associations at various levels throughout the state. Youthful offenders were outside of the scope of the taskforce, but are an important focus in other arenas.

4. **Given the fact that 90% of child victims know their offender (and nearly half being a family member) what is being done, or should be done, to empower children to safely report their victimization and/or prevent future victimization?**

We have a long way to go before all children who have been victimized feel safe enough to report and confident enough that they will be believed. Investigation procedures are always improving – multidisciplinary interview centers, Sexual Assault Response Teams and child sexual abuse protocols all help victims come forward but we still have to address the very real concerns and fears of victims as they consider reporting.

5. **If media enlightens the public, who enlightens the media in a positive educational and constructive way? How does media get public info on a timely basis, and accurate?**

Many agencies, like CALCASA, work with the media to provide accurate and contextual information about sexual offenders. Clearly, not all media outlets take advantage of those resources. Media education is a gradual process that is dealt with one reporter and one news story at a time. Media education is most effective when reporters and news outlets have established collaborative relationships over time. That way, it's possible for a reporter to gain skills and information about this issue (it is exceptionally rare for a reporter to only work on crime, let alone sexual assault). Similarly, local agencies also gain skills when they work with reporters and media over time.

6. **How do we engage the community without causing alarm?**

First, acknowledge the real, and well-founded, fear that many community members experience as the result of an offender returning to their community. Community fear also comes from a lack of information, and a feeling of a loss of control. Community members who are well-informed and well-connected to the supervising agencies and law enforcement have the greatest chance of responding to re-entry constructively. Community members also take their cue from leaders. If law enforcement, local elected officials and community leaders can look at members of their community in the eye and say "this is what we've done to prepare, these are the plans we have in place to preserve your safety, this is what you can do if you feel an offender is posing a threat" – there is a much greater possibility of reducing alarm. Like many speakers said at the summit, communities will never be excited to have an offender return – but they can be prepared.

7. **Do you think CA will ever make victim notification mandatory, unless a victim requested or "opts out" rather than the current system which puts the burden on the victim to request notification?**

There needs to be a much more exhaustive examination of CDCR's notification process. Clearly, not enough victims are enrolled who could be and that is something that needs to be addressed. There is a delicate balance to preserving a victim's right to be informed and not forcing them to receive information or communication that they may not want (and in fact may be traumatizing). Longer sentences for offenders' means that we need to rethink how we contact and interact with victims to ensure that they are informed in ways that will be helpful.

8. **Local elected officials should and do take the lead in saying "sex offenders cannot live here or here". But how can elected officials take the heat and incur the political vulnerability that will come if they say "yes, sex offenders may live here and here in my community"**

Elected officials and community leaders might take much more 'heat' when a community finds out that they have potentially been put at risk because of a lack of planning for returning offender populations. When communities understand that offenders have to come back to their cities, it is easier to understand how a leader would plan for it. It is a routine part of city / county planning it might also take off the 'sensational edge' – meaning that it might be a topic to be addressed during conversations about other essential facilities or during conversations about zoning. Elected officials, better than most, know that if they don't get ahead of some issues they will become political nightmares; sex offender placement can be one of those issues with tragic consequences.

9. **How do you propose probation depts. build meaningful relationships with victims to have them be apart of the pre-sentencing and supervision process?**

Probation (and parole) has an opportunity to connect with victims (who desire to be contacted) and help them understand what the re-entry process will look like. Often, victims can be incredibly useful resources for parole officers to understand offender behavior and the victim's perspective is a unique one that has likely not been captured in the information available to a supervision officer. Helping a victim understand an offender's conditions of supervision, and what resources are available if a victim feels that they are aware of information about an offender's behavior that may put the community or themselves at risk. These relationships are built slowly, and carefully. What can help is if a probation officer already has a relationship with the local rape crisis program – advocates can be helpful about explaining to victims the role of probation for an offender and your role as part of a supervision team.

The following questions answered by the California Department of Corrections and Rehabilitation (CDCR)

1. **Which part of CDCR does the notifications? What local entity do they notify? (answered at Summit)**

Pursuant to Penal Code 3058.6, written notification must be mailed by CDCR at least 45-days prior to a scheduled release. The notification is mailed to the Sheriff or chief of police, or both, and the district attorney.

2. **Why are we not given verifiable notification about the release of HRSO's and why not 6 months before to give time to locate the appropriate housing? (answered at Summit)**

CDCR provides written verifiable notification as specified under Penal Code 3058.6.

3. **CDCR/DMH: When polygraphs are used how do you deal with "self incrimination" protections? This has been brought up by treatment people and defense attorneys in our area. (answered at Summit)**

Upon future implementation, CDCR will utilize polygraph to verify compliance with conditions of parole. Polygraph will not be utilized in a manner that will violate a defendant's privilege against self-incrimination.

4. **Eight of the top ten counties in number of sex offenders per capita are north of Sacramento and rural. The populations are not just from local offenders but also a large majority have moved there during parole. #1 What are the methodologies regarding per capita placement, if any; #2 What baseline funding is being provided to rural counties; (answered at Summit)**

Pursuant to Penal Code 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.

5. **If treatment is better than treatment, then why hasn't been done in prison where the sex offender is more accessible? Why isn't risk assessment conducted when the sex offender enters prison rather when leaves?**

CDCR is in the process of establishing Sex Offender Treatment within the correctional setting, which will also address sex offender assessment prior to release to parole.

6. **How is it acceptable or responsible to discharge HRSO's without housing to local communities?**

The CDCR may not retain an individual on parole beyond their maximum parole date.

7. **Technology – can we get to “voice print” and “open mice” as tools so that offenders are even more closely watched?**

As the reliability of various technologies improves, CDCR will continue to look into better and more affective methods of parolee tracking.

8. **Do we know how many “female” sex offenders are incarcerated? How many on parole? Those who are under CDCR jurisdiction, what is the housing and supervision process for them?**

While every sex offender under CDCR’s jurisdiction is viewed with the utmost seriousness, the total number of female sex offenders in comparison to the male population is negligible. Housing and supervision for all sex offenders is reviewed by the agent of record and unit supervisor immediately following release to parole.

9. **Why not buy real estate and own our (the State) own housing facilities/motels/apartments, etc.**

The CDCR is not and has no future plans of entering into the Real Estate business. Sex offender housing is and shall remain a community responsibility.

10. **CDCR/Suzanne: What service should CDCR provide to a “foreseeable victim” when CDCR finds it necessary to place an HRSO or SVP near the house of a “foreseeable victim”, pursuant to 3003(b)?**

As part of CDCR’s overall mission, public and victim safety is paramount to our efforts. CDCR will continue to supervise parolees and implement programs to that end.

11. **Why are sex offenders released to parole if they have not completed sex offender management programming?**

Notwithstanding a civil SVP review by the district attorney, inmates must be released to parole upon reaching their effective parole date.

12. **What percentage of sex offenders, in recent years, re-offend with a new sex offense while on parole? What is the percentage for HRSO’s on parole?**

The number of re-offenses for sex offenders is not readily available information.

13. **Static 99, how has it been working in imposing conditions of parole to HRSO?**

All High Risk Sex Offenders are subject to extensive conditions of parole upon release to the community

14. **What housing options are considered (and how) for HRSOs? Or, what is the “best” housing situation for HRSOs?**

All HRSOs are subject to housing restrictions defined by AB113 and Proposition 83. In addition, DAPO has the discretion of placing further restrictions upon the offender in order to enhance public safety.

15. We've learned that there is no such thing as a typical sex offender, we know that only a small proportion of SOs abuse strangers, how are you defining "sex offender" when you say that all sex offenders will be on GPS? Does this apply to the one-time exhibitionist? Does this apply to the 18 year old who had consensual intercourse with his 15 year old girlfriend?

An HRSO is a convicted sex offender who has been deemed by CDCR to pose a higher risk to commit a new sex offense in the community. A Penal Code (PC) Section 290, sex offender registrant on parole will be designated as a HRSO for purposes of adult parole based on the score from a validated risk assessment tool(s), known criminal history, and/or other relevant criteria established by CDCR.

16. How will the use of future implementation of GPS, for parolees, impact workload for parole agents? In other words, will caseloads be manageable?

HRSO caseloads will be managed at a ration of 40:1, while GPS caseloads will be managed at 20:1. These ratios are considered to be very manageable as agreed upon by various stakeholders.

17. Regarding GPS, will the community (Police, elected officials, citizens) have input as to where/what the exclusionary locations will be for each parolee?

As part of our general proposal, the CDCR will work closely with local law enforcement agencies in the area of GPS monitoring. This would include the establishment of exclusionary zones. This information would be critical since the CDCR is not privy to pending community projects that could impact exclusionary zones.

18. What is the current caseload for those who supervise HRSOs? Other 290 parolees? What is the case load when GPS is required? What is the ideal caseload for these types of supervision? How many new agents would be needed? Is the funding in the next budget?

Current HRSO caseloads are supervised at a 40:1 ratio. Current HRSO GPS caseloads are supervised at a 20:1 ratio. "Other 290" cases, or those not classified as an HRSO or on GPS, are placed on varied caseloads. These offenders could be classified as sex strikers or enhanced outpatient participants, and supervised at 40:1. Or these offenders could be placed on a mixed caseload and supervised at 70:1. The current ratios established appear to be appropriate, and the new agents required will be phased, in accordance to the implementation of new GPS contracts and available units. The budget for this process is also phased over the next several years.

19. Is there any data that tells us whether offenders do well living together (support each other) or should be kept apart (contribute to more sex offense)?

No. The Penal Code prohibits sex offenders from residing together unless they are related by blood, marriage or adoption or living in a residential group facility.

20. Why are 63,000 on Megan's Web site even if they are no longer on parole? Does this follow them all their lives?

Megan's law is applicable to designated sex offenders, and is not related to a sex offender's parole status. As long as the designated offender is required to register as a sex offender within California, they will be subject to having their registration information posted on the California Department of Justice Web site.

- 21. Since the 9th circuit has ruled that a sex offender on supervision can refuse to be polygraphed (5th amendment right), has CDCR considered whether waiver of that 5th amendment right should be a condition of parole?**

Polygraph information would not be used to criminally impeach a sex offender, but rather a supervision tool. As such, it would not violate their 5th amendment rights.

- 22. Is there a peer-review and professionally accepted “validated risk assessment tool”?**

A professionally accepted and validated tool used for assessing a sex offender as a High Risk, Moderate Risk or Low Risk is currently being utilized by the California Department of Corrections and Rehabilitation to assess all adult male sex offenders. This tool is called the Static-99.

- 23. What can be done to prevent the concentration of multiple sex offenders in single family homes in violation of 3003.5?**

Multiple sex offenders are not permitted to reside in a single family dwelling, unless they are related by blood, marriage or adoption. The law does exclude a residential facility with six or fewer residents. Approvals of residential facilities are subject to local jurisdictions. This law is also a condition of parole, per policy.

- 24. Not all sex offenders go to prison, they stay in the community under probation supervision. Therefore, shouldn't these recommendations be expanded to cover those local sex offenders and enhance probation's role and resources to prevent additional victims and control the offense pattern before/early?**

The CDCR does not have jurisdiction over county probation; however any effective supervision tools for this population would be supported by the CDCR.

- 25. How do you plan to enforce the 35 mile rule/law when most child sexual abuse victims are victimized by relatives?**

The CDCR has taken the position that if it receives a request from a victim of a qualifying offense, it will impose the restriction in accordance to the law. The fact that the victim was a relative is irrelevant. If the victim does not want contact, and exercises that option afforded to them by law to restrict the parolee's ability to contact the victim by moving them 35 miles, it will be enforced.

- 26. Is there a timeline to try to codify the recommendations of the committee?**

It is the position of the CDCR to implement the recommendations as expeditiously as possible. The CDCR is not in the position to codify the recommendation.

- 27. How many female offenders make up the 85,000 290 registrants? Is there a particular county which has the majority of the HRSO/SVP cases? Have you considered a pilot program to utilize the “containment” model?**

Of the 85,000 registered sex offenders within California, not all are required to have their information posted on the Megan’s Law database. Additionally, searches by gender are not an available tool to the CDCR. However, there are approximately 200 female sex offenders supervised by the Division of Adult Parole Operations. HRSO and SVP cases are traditionally returned to their county of last legal residence, and therefore, the more populous counties would have a higher number of HRSO/SVP cases, though they would be proportionate to the county population. Out of County transfers are monitored by an import/export ratio of plus or minus five percent. The containment model is one of many options considered by the CDCR.

- 28. “Safe & Secure” reminds me of the national theme that pits security against civil liberties. What is being done to ensure that we are truly safer and not just violating constitutional rights in the name of containment and monitoring? i.e. practices that aren’t based on research only tend to isolate and cause offenders to go underground and then we aren’t safer!**

The independent actions taken by the CDCR are designed to promote public safety and support reintegration of the offender back into the community. These methods used are evidence based; research based, or best practices. That said, the recent passage of various laws can cause offenders “to go underground.” It is our goal to promote available options to the parolee and to the communities to limit this reaction.

- 29. Can you print a list of the HRSO Parole Agents w/contact phone numbers and addresses? In L.A. County it is difficult to know who to contact.**

In Los Angeles County, there are currently eight budgeted HRSO caseloads and they are located in the Antelope Valley Unit, Huntington Park, Midtown, Inglewood and San Fernando Valley Units. However, HRSOs will now be supervised by nonspecialized agents. As such, each parole unit may have supervisory responsibility over an HRSO. The simplest means to address a specific question or concern would be to contact DAPO and determine who the agent of record is for the parolee of concern.

- 30. What is ratio of parole agents to HRSO’s?**

There are currently 50 budgeted HRSO cases loads, at a ratio of 40:1.

- 31. Will CDCR limit the basis for its determination of high risk to the assessed risk scores on the STATIC-99 and dynamic risk assessment instruments or will CDCR continue to use non-empirically based factors in its determination of who is high risk?**

At this time, the CDCR will only utilize the STATIC-99 to complete a risk assessment for adult males. Females and juveniles will be assessed by other means. Additionally, an override/underride process has been developed to allow for other considerations to be made after the initial assessment. For example, an HRSO, as determined by the STATIC-99, who is found to be terminally ill and bed-ridden at the time of release can have their designation changed.

32. Beyond containment, what can communities do to re-integrate low-risk sex offenders who can become productive members of society?

Communities must take an active role to assist all offenders in their reintegration efforts back into their communities. These efforts would include providing suitable housing opportunities and assistance, employment opportunities where the parolee can earn a living wage, counseling for drug and alcohol addiction, sex offender counseling, along relationship and family counseling. The communities will have “jurisdiction” over these offenders for many more years than the CDCR. It would be in their best interest to accept ownership and responsibility of these offenders as they would any other citizen of their community.

The following questions answered by the California Department of Mental Health (DMH)

1. What percent of SVPs were ill-treated as children (abuse/neglect) and further, of these, what percent were sexually abused? Address prevention.

DMH does not have empirical data on the number of SVPs that were physically or sexually abused or neglected as children. However, there is substantial evidence that suggests a significant portion of SVPs have experienced early abuse. Review of the larger body of literature on the effects of abuse indicates that some of the long term effects of childhood physical and sexual abuse are psychopathy, low self-esteem, substance abuse, eroticization, deficits in understanding sad and angry affect in interpersonal situations, emotional dysregulation, deficits in cognitive processes, impaired interpersonal relationships, aggressive behavior, depression, and anxiety (Rogosch, et al; 1995; Schetky, 1990). Department of Mental Health (DMH) inpatient staff observe many of these symptoms in the SVPs.

Some additional indications of early abuse among SVPs are: records indicating early abuse or placement in foster care at a very young age, diagnosis of Post-Traumatic Stress Disorder (PTSD), enrollment in the Cycle of Abuse or PTSD treatment groups, self-report during treatment or assessment, and clinical observation of trauma related symptoms.

A review of the empirical literature supports that sexual offenders have higher rates of early abuse than non-offenders. Based on methodological issues such as how abuse is defined, the empirical studies indicate the rate of childhood abuse in sexual offenders ranges between 30 percent and 70 percent. In a study comparing male outpatient sexual offenders to non-offenders conducted in 1992, Dr. Deirdre D’Orazio from Coalinga State Hospital (CSH) found that 46 percent of the sexual offenders reported childhood abuse while only 12 percent of the non-offender males reported such abuse.

Because offenders in general have a tendency to lie for personal gain, many opine against assessing for early abuse using offender self-report, based on the theory that offenders who were not abused will report it in order to avoid full responsibility for their own abusive behavior. Therefore, CSH plans to assess this variable in the future through use of polygraph examination.

Because infants’ earliest attachments are critical in the development and expression of emotions, trauma at this developmental stage is often detrimental to future interpersonal relationships. Abusive early attachments deter the development of empathy which facilitates later abusive behavior because the abused person either does not recognize pain cues or is not affected by them. Therefore there is no internal motivation to refrain from abusive behavior. Primary prevention as well as identification and treatment of early abuse victims is considered the single most critical factor necessary to reduce sexual offending behavior.

2. Is this only a male offender program? There is no mention of women.

There is one female SVP at Patton State Hospital (PSH). The programs at Atascadero State Hospital (ASH) and CSH are for male SVPs only.

3. What specific mental health treatments are provided by DMH for SVPs?

The goal of the Sex Offender Commitment Program (SOCP) is to assist SVPs in their goal of preventing relapse of abusive behavior through provision of a well-rounded treatment regimen that targets the unique skills and deficits of each sexual offender. SVPs that refuse the sex offense specific program (phases) are motivated by staff to change maladaptive behavior patterns on an ongoing basis. Although they do not participate in the phases, these SVPs may enroll in various treatment groups and activities, such as substance abuse treatment, anger management, depression management, interpersonal skills, medication therapy, art therapy, music therapy, recreational therapy and educational and vocational skills training.

SVPs who participate in the sex offense specific treatment program are required to attend core phase group therapy sessions twice per week and an assignment specific focus group at least once per week. They meet at least monthly with their therapist for individual therapy to fine tune goals and address obstacles to treatment. They are further required to complete the following groups, at minimum: Sex Education, Human Sexuality, Interpersonal Skills I, Interpersonal Skills II, Depression Management (if indicated), Anger Management (if indicated), Covert Sensitization (for deviant sexual arousal), and Community Living Skills. The Wellness and Recovery Team acts as a support and case management team for the individual and may prescribe other group treatment as indicated.

Toward which mental health diagnosis are the treatments targeted?

The mental health diagnoses of SVPs vary, although every SVP has at least one diagnosis. DMH assesses the diagnosis of every SVP utilizing the Diagnostic and Statistical Manual of Mental Disorders IV-TR. Each SVP has a treatment plan that recommends a daily schedule filled with various treatment activities tailored to reduce the symptoms their diagnosed mental illness that make them at risk for future sexually abusive behavior.

The most common diagnoses are the sexual paraphilias (e.g. pedophilia, paraphilia not otherwise specified, sex with non-consenting females), personality disorders (e.g. antisocial personality disorder, narcissistic personality disorder), and substance related disorders (e.g. polysubstance dependence). Other prevalent but less common diagnoses are cognitive disorders (e.g. borderline mental retardation, learning disorders, Attention Deficit Hyperactivity Disorder), Mood Disorders (e.g. depression, bipolar disorder), and anxiety disorders (e.g. PTSD). Few have psychotic disorders.

What is the evidence base for the effectiveness of each treatment for target diagnosis?

The activities prescribed on the individualized treatment plan represent the standard in the field for addressing the symptoms of mental illness. The treatment activities and modalities are based on data and theory. Their effectiveness depends on the individual's motivation for change, baseline skill set, and the severity of deficits.

What agency is programmatically and fiscally responsible for phase five of treatment?

DMH is responsible for developing, implementing and financially supporting phase five of the SOCP (conditional release to the community).

4. **When SVPs are released, why aren't they on parole? If they had served their sentence without an SVP determination, they would be on parole and wouldn't parole have the tools already in place to supervise SVPs on parole? If parole time served concurrently with civil commitment, wouldn't it be better to have parole start when SVP is released?**

When SVPs have been released from prison they have been placed on a period of parole, usually for three years. To this point, the patients have been spending that entire three year period in the hospital with the parole period running concurrently. Recent legislation signed by the Governor has lengthened the maximum period of parole to 10 years and changed the period of parole so that now it now tolls (i.e. doesn't begin running) through any period of commitment and conditional release under court monitoring. SVPs are civilly committed meaning that they are not inmates. All have served sentences and received parole but because they have been detained as SVPs their parole time is usually exhausted during their hospitalization. The large majority of SVPs who are released from DMH are released unconditionally, with no parole. Since parole provides community supervision and treatment services post release, it would be very useful for SVPs to be under parole upon DMH release.

5. **If DMH gets on positive evaluation on a SVP and sends to a second evaluator, that's legal, but if DMH gets one negative evaluation then the process stops. How is that legal? The law says two evaluators in every case must be appointed.**

Since January 1, DMH has assigned two evaluators on every case as required by statute. Only during the period between late November 2006 through the end of December 2006 were the number of evaluations limited to 1, and only if the first evaluation resulted in a negative outcome. It was necessary to implement this protocol on a temporary basis in response to receiving nearly 1,200 case referrals during this time period, primarily as a result of Proposition 83 (Jessica's Law) passing in November 2006. The 1000-percent increase in workload quickly exhausted the available panel of clinical evaluators. Additionally, many of the referrals received in November and December 2006 were for inmates having a release date the same day or within a few days of DMH receiving the referral. The combined affect of the 1000-percent increase in workload and same day or near same day inmate releases, DMH had to carefully manage evaluator assignments to ensure that all referred inmates had at least one full evaluation before being released to parole.

6. **What is the cost of: 1. the commitment process, 2. per year at (ASH), 3. post release (conditional); 4. other hidden costs – lawsuit defense, etc.**

1) The cost of the commitment process cannot be reasonably determined at this time, as it involves staff at each CDCR institution, CDCR headquarters, Board of Prison Hearings, DMH, district attorney offices and trial courts.

2) The per year cost to house a patient at the ASH is approximately \$147,337.

3) The budgeted per year cost for post release (in DMH's conditional release program) also averages approximately \$140,000 per year.

4) Other hidden costs: continual recommitment evaluations and court hearings.

7. Retention and recruitment of psychologists and psychiatrists to evaluate and treat sexually violent predators has been reported to be impeded by insufficient salaries for these professionals, as well as disparity with salaries for CDCR employed clinicians. In turn, SVP populations at CSH and ASH have reportedly been capped pending providing adequate staff ratios and meeting evaluation timeline requirements is difficult. What efforts are being made to address these issues?

There is no cap on the SVP populations. All individuals committed pursuant to the SVP law (Welfare and Institutions Code Sections 6602 and 6604) are placed at a DMH facility, either ASH or CSH. It is true that recruitment and retention of professional staff is more difficult with the salary disparities created by the recent increases at CDCR. Many professionals have left ASH and CSH for better paying positions at CDCR, and applications for Social Work, Psychology, and Rehabilitation Therapy positions at CSH/ASH are down from several months ago. It is hard to estimate the eventual loss of professionals because there was the common belief among many that DMH salaries would be increased by the Coleman courts to a parity of salaries at CDCR. As a result, many professionals waited until the State issued its decision on proposed salary increases at DMH facilities, which occurred only two weeks ago. DMH recruitment efforts, particularly for out-of-state applicants, continue to be very high, and DMH continues to advertise in all major professional publications and attending national conventions targeting the hard-to-recruit professional classes. On a positive note, the proposed increases for psychiatry and senior psychologist, at a 5 percent level below CDCR, should help to stem the losses of professionals in these classes and improve recruitment. The other professional classes which are due to receive salaries at 18 percent below comparable positions at CDCR will be much more challenging to fill or keep filled.

8. Doesn't it make more sense to have the SVP "live" in the county that has been handling the legal proceedings against the SVP for years instead of having the "county of domicile" handle conditional release proceedings? In other words, delete "county of domicile" in the statute vs. transferring cases and attorneys to another county?

Current law specifies that, upon conditional release, a SVP will be placed into the county of domicile. In general, that means the county in which the individual resided prior to incarceration. This legislation was passed to ensure that SVPs were not placed in areas to which they had no connection and to ensure that the community placement of SVPs did not overburden any particular county.

This does, however, raise issues if the county of commitment is different from the county of domicile since the court in the county of commitment determines when a SVP will be released into the community and under what conditions. The receiving county (i.e. the county of domicile) has no statutorily defined opportunity to address those issues. Current legislation under consideration in the Assembly attempts to remedy that situation.

9. The reading materials for this conference state that Liberty Healthcare cannot share GPS monitoring results with local law enforcement because of "privacy" interests/"legal interests". Isn't this a major downfall in the GPS monitoring system where the community is not as "safe" as believed?

DMH considers community safety as the top priority when SVPs are court ordered into conditional release. At the same time, state law (Welfare and Institutions Code 5328) requires that all information and records obtained in the course of providing services to either voluntary or involuntary recipients of services shall be confidential. The statute goes on to address various exceptions to that general requirement. In balancing these, at times, competing needs, DMH has successfully found solutions so that, in the case of GPS results, law enforcement agencies have received the information they have

needed to perform their law enforcement mission, patient confidentiality has been preserved, and community safety has been protected.

10. How many SVPs are there currently in the State of California? Is the number of SVPs included within the total for HRSOs?

As of March 21, there were 415 patients committed as SVPs and residing in state psychiatric hospitals. There were also an additional 211 patients who were also housed at a state psychiatric hospital and in the process of commitment as SVPs. Finally, there are three individuals currently on conditional release in the community.

Whether these individuals are included within the total for HRSOs would depend on the context. Generally, HRSO is a classification used by the CDCR to designate certain sex offenders under their jurisdiction who meet the specified criteria of that classification. Since SVPs are under the jurisdiction of the DMH generally they are not included in HRSO counts.

11. When a SVP is conditionally released to a community under the supervision of a contractor under DMH, what assurance does the local community have that funding will continue to be provided for supervision?

As noted in question 9, DMH considers community safety as the top priority when SVPs are court ordered into conditional release. DMH is steadfastly resolute in its commitment to no new victims. DMH has, and will continue to, fund a conditional release program to provide state of the art treatment and supervision services to SVPs conditionally released to the community. The specifics of those services are specified in the Terms and Conditions of Release which are approved by the court at the time of an individual's release. Any changes to those Terms and Conditions must also be approved by the court.

12. For SVP offenders that refuse to participate in treatment (68 percent), what is in store for their future? What plan is there to deal with these individuals?

Based on recent legislative changes that include progress in treatment as a factor to consider when judicially assessing whether an SVP will be released, we anticipate an increase in treatment participants. While some exception is always possible, those who refuse treatment will be evaluated as unable to be safely and effectively treated in the community. DMH's opinion is that every SVP should enroll and complete the five phased sex offense specific treatment program before being considered for community reintegration. All non-phase participants are motivated by hospital staff toward this goal on an ongoing basis.

13. The judges are not "releasing" SVPs rather the DMH "experts" are reversing their opinions about whether the individual still qualifies as an SVP. Why is this point not acknowledged?

DMH "experts" formulate their opinion independently based on their knowledge of the law, clinical diagnosis and experience when performing initial and update SVP evaluations. DMH does not influence or otherwise dictate the outcome of any SVP evaluation.

14. Do you think that it would be helpful if DMH would provide a program which simulated Phase One and Phase Two of the SVP treatment program while the inmate is incarcerated? Would you consider that a benefit, as the majority of these inmates (SVP identified) refuse to participate when sent to a state hospital? Maybe if we started earlier it would help them learn that they are ill and need help.

Yes. Treatment that occurs as close as possible to the date of the offense will yield better results as by the time the sexual offender is a SVP, many years, even decades have lapsed since their most recent sexual offense. It would be ideal if the treatment began while incarcerated at the CDCR. Many SVPs refuse treatment by the time they get to DMH reporting they asked for it in CDCR and were denied and have since lost motivation. They express disdain about being refused treatment at one juncture (CDCR), then strongly encouraged to get involved in treatment at another juncture (DMH). This mixed message seems to undermine the importance of treatment.

The following questions answered by California local law enforcement (Police and Sheriff)

1. Many counties have auto theft task forces funded by a \$1 DMV fee, but lack any funding for a sex offender task force. What consideration has been given to effectively fund law enforcement monitoring?

This is a major issue that still needs to be addressed. Several counties and/ or regions currently have multi-agency Sexual Assault Felony Enforcement (SAFE) task forces, i.e., San Diego, Santa Clara, and Tri-Valley. These task forces, however, are generally funded through local resources or partially funded through grants. A long term, statewide funding source has not yet been identified. This will become even more critical post Jessica's law, since the initiative placed many high risk sexual offenders on lifetime GPS monitoring. Currently, no state agency has jurisdiction over these individuals after they are released from parole, or no longer subject to a civil commitment and under care of DMH. Thus, this presumes that monitoring GPS data will be a local responsibility. Members of the legislature are aware of this issue, and it will undoubtedly be subject for discussion by the recently established Sexual Offender Management Board (SOMB).

2. For offenders that have no stipulated release restrictions, what additional tools, laws or conditions do you see necessary for law enforcement to arrest or restrict the behavior of HRSO?

Narrowly constructed statutes that restrict specific behavior of high risk sex offenders, such as loitering in or near schools, playgrounds, or other places children congregate would be helpful.

3. Which agency will have responsibility for administering the polygraph?

The polygraph would be used while HRSOs and SVPs are under the jurisdiction of the CDCR, or DMH. Therefore those agencies would be responsible for administering the polygraph. There is no provision to compel polygraphs once the HRSO or SVP is no longer under the jurisdiction of one of these agencies.

4. **The presentation emphasized importance of community supervision and role of law enforcement. But aren't those much more difficult w/the residency restrictions just implemented in CA?**

The residency restrictions recently implemented can complicate the monitoring sex offenders. The restrictions do limit residency near certain locations. In many cases the restrictions have the effect of pushing HRSOs and SVPs into less populated or rural areas. While this may appear to improve public safety in populated areas it denies two very well documented facts:

- a. Less populated and rural areas generally have less law enforcement and other resources to monitor HRSOs and SVPs. Fewer resources would likely reduce oversight of these offenders and may provide greater opportunity for them to engage in pre-offense behavior. It also makes it more difficult for the offender to access treatment resources which may reduce the risk of re-offending.
- b. HRSOs and SVPs are mobile. These offenders do have access to vehicles and/ or public transportation and thus can easily travel to target areas. Since the restrictions place the offenders outside these areas, the community and local law enforcement are less likely to be aware of the threat they pose and may not have the information to pro-actively monitor the offender's conduct.

5. **Do we have an estimate of sex offenders from other states residing in California that are not registered? What efforts have been made toward a national sex offender registry?**

Pending DOJ feedback regarding the number of sex offenders from other states. Currently, there is a national sex offender registry database known as the Dru Sjodin National Sex Offender Public Web site. For more information on the database, please visit: <http://www.nsopr.gov/>.

6. **Many seniors have a "lifeline" system so that emergency services and loved ones can be alerted. Is this an option for monitoring HRSOs (used with GPS)? Work with Motorola or Nokia?**

Technology currently offers many valuable tools to help monitor sex offenders. Undoubtedly technology advancements will provide more tools and better tools in the future. However, it is important to note that the effectiveness of these technology tools is only as good as the people monitoring the data. The technologies, even new ones, by themselves are unlikely to provide the level of public safety that we expect.

7. **Is there any hope of educating the public that all sex offenders are not the same and pose different risks?**

The recent task forces, and the HRSO/SVP Summit were good first steps in the process of educating the public. It is possible to better educate the public about the actual risk posed by these individuals, but it will require pro-active education, rather than re-active information. In this way the public can be prepared to deal with the risk posed by these offenders much in the same way we prepare them to protect themselves from other risks.

8. **How are "community networks" constituted? Is the public invited to participate? If so, how?**

What constitutes "Community Networks" is a wide open and may vary from community to community. The concept is to use whatever network might currently exist in your own community and build upon them to enhance protection from HRSOs and SVPs. While some agencies may have better networks than others, all communities have them in some form. It is only necessary that the local agency identify what exists in their community, develop or expand their relationships with these networks, and recruit members of these networks to assist in protecting the community from sexual offenders.

The following questions answered by Assembly Member Todd Spitzer

1. What are the Legislative bill numbers and who are the authors?

The bills that have been introduced as a result of the High Risk Sex Offender Task Force include:

AB 1172 (Runner)- relating to notification provisions

AB 1176 (Spitzer)- relating to court jurisdiction of an SVP

AB 1235 (Fuller)- adds additional information to Megan's Law

AB 1348 (Spitzer)- requires "active participation" of an SVP prior to the conditional release

AB 1509 (Spitzer)- allows a victim of an SVP to object to the placement with 35 miles of the victim's residence

SB 172 (Alquist)- was originally going to reenact the three provisions of SB 1128 chaptered out by Jessica's Law. The author is still uncertain what will go into this bill. Keep watch.

SB 864 (Cogdill)- Keeps a SVP victim's information confidential.

Fact sheets for each are included with exception of SB 172 which is still a spot bill.

2. Has the Judiciary been involved in the Task Forces or in the meeting today? How much has the Judiciary been engaged in the issues?

The Judicial Council was notified of the Summit and had four representatives at the Summit. While the Judicial Council did not have an appointment to the Task Force, all legislative recommendations that involved the judiciary were discussed with the Judicial Council to ensure that there were no concerns. Since it is the role of the judiciary to interpret and not make laws, the role of the judiciary has been limited.

3. With all the problems finding housing for SVPs or monitoring SVPs why not just leave them in?

I support longer sentences for SVPs. The laws allow SVPs to remain civilly committed in order to keep the worst sex offenders away from our communities. In order to keep the worst of the sex offenders off the streets for a prolonged period of time, Legislatures across the nation started classifying the worst sex offenders as SVPs. When a person is convicted of a sex offense, the criminal is sentenced to prison. Once the sex offender has completed the sentence the courts can declare the sex offender a SVP. The SVP has to meet certain criteria, including being convicted of a sexually violent offense for which he received a determinate sentence and who has a diagnosed mental disorder that makes the person a future danger to the health and safety of others in that it is likely that he will engage in sexually violent criminal behavior. This determination allows for a civil (not criminal) commitment for the placement and treatment of sexually violent offenders in a secure mental health facility following their release from prison. Prior to the legislation that created the classification for SVP, there was no legal authority to detain sexually violent offenders who have completed their prison sentence. The purpose of the SVP legislation, enacted in 1996, was to do exactly what you support and that is keeping SVPs away from our communities. Currently, there are approximately 554 SVPs at Coalinga and Atascadero State Hospitals. A total of five SVPs have been court ordered into community placement and are awaiting placement. Six SVPs have been placed into the community on conditional release, two have been revoked and one is in the process of being revoked. There has only been one SVP to be unconditionally released by the court after one year of out-patient treatment. The Constitutionality of this law has been upheld because of the treatment

provided and the ability based on findings of a Superior Court Judge, for SVPs to be released once they have been deemed to complete in-patient treatment.

4. **It is clear that long-term parole is an extremely effective tool in reducing recidivism. Senate Bill 1128 expanded the length of parole from five years to ten years for a number of violent/serious sexual assault felonies. However, Jessica's Law significantly reduced the types of crimes that would result in the ten year parole period. The HRSO Task Force recommends a legislative fix to restore the specifics from SB 1128. How can we help to develop such legislation?**

There were three main provisions that were inadvertently chaptered out of SB 1128 by the passage of Jessica's Law. The first provision had to do with the tolling of parole for SVPs. SB 1128 calls for the tolling of parole while a person is awaiting trial for a determination that the person is a SVP. Jessica's Law only tolled a person's parole once the person has been civilly committed. SB 1128 also added language that stated: "The committed person's failure to engage in treatment shall be considered evidence that his or her condition has not changed, for purposes of a court proceeding held pursuant to this section, and a jury shall be so instructed. Completion of treatment programs shall be a condition of release." Jessica's Law did not include this language and should be introduced to restore the SB 1128 language. The final provision that should be included was the expanded length of parole supervision that SB 1128 contained for specified violent felonies and certain sex offenders. SB 1128 lengthened parole from five years to ten years. Jessica's Law made this change only for persons convicted under the One Strike and habitual sex offender statutes.

As pointed out in the question, the Task Force recommended that these three provisions be introduced in legislation. Since Senator Alquist was the author of SB 1128, it seemed a natural fit for her to carry this legislation. Senator Alquist has introduced SB 172 this year, but at this point it is only spot language and while it is the author's intent to carry clean-up legislation regarding SB 1128, it is uncertain at this point what the exact language of her bill will include. I would encourage people interested in this issue to contact Senator Alquist's office and urge her to include this language in SB 172. If, for some reason, this language is not included in her legislation, I will commit to carry legislation next year to accomplish this goal.

5. **Everyone agrees that local law enforcement should be the first to know- when media knows/reports it's too late. Why can't locals have jurisdiction of group homes and enforcement by local or county officials? Need corrected legislation. It has become a "business" of turning neighborhoods into "investment" opportunities.**

As a former County Supervisor, I have the same concerns with group homes that you have expressed. When group homes house sex offenders, it can threaten the quality of life for the residents in surrounding houses and place an undo burden on cities, facilities and resources. While I understand the need for these facilities, the lack of oversight, notification, and local control is troubling and must be addressed. The California Community Care Facilities Act governs the licensing and operation of community care and residential facilities. These residential facilities include family homes and group care facilities.

If you have suggestions on legislative remedies for group homes, please speak with your Assemblyman or Senator. Unfortunately, given the political make-up of the Legislature, a solution in the future is not promising. There have been many attempts to regulate group homes more closely or to allow local communities more input on the issue, but almost every effort has met defeat in the Legislature. Here is a list of just a few of more recent proposals.

SB 381 (Oller) 2004

SB 381 would restrict the kinds of juvenile offenders eligible for placement in “group home” facilities in residential neighborhoods. It would explicitly prohibit the placement of a juvenile offender in a group home in a residential neighborhood if that offender has been declared a ward of the court due to the commission of a murder or any sex crime that would require registration as a sex offender. Current law allows all juvenile offenders to be placed in group homes in residential neighborhoods. This bill was killed in the Senate Public Safety Committee.

AB 1948 (Aghazarian) 2004

When a minor who has committed a criminal offense is placed in a group home outside the ward’s county of residence, AB 1948 would require the person in charge of the group home to notify the municipal police department of the county where the home is located within 10 days of receiving the placement. Current law provides that prior to placing a ward in a group home outside the ward’s county of residents, the probation or parole officer shall send written notice of the placement to the probation officer of the county in which the group home is located. Current law also provides that the Department of Social Services shall provide quarterly, upon request, to each county and city, a roster of all group homes located in the county which provide services to wards. This bill was signed into law.

AB 2548 (S Horton) 2004

AB 2548 would require the State Department of Alcohol and Drug Programs to notify, in writing, the planning authority in the county in which the facility will be located at least 45 days prior to approving any application for a new alcohol or drug treatment facility. After receiving notice, the county would be required to schedule a meeting to provide an opportunity for public comment for the purposes of facilitating greater understanding between residents and owners of the facility. The county would also be required to provide notice by publication in a newspaper of general circulation once a week for two weeks. Current law does not require any notification to the county, the city, or the public when an application for a license for an alcohol and drug treatment facility is granted. This bill failed in Assembly Human Services Committee.

AB 3097 (Runner) 2004

AB 3097 would prohibit any person convicted of any violation requiring them to register as sex offenders from residing in any domicile or residence with any other person convicted of any violation requiring that person to register as a sex offender. This bill would also prohibit any person convicted of an offense requiring registration as a sex offender from residing within 10 miles of any school, childcare facility, park, playground, or other location where children are known to gather. The bill would also require the owner or operator of any group home intended to house convicted sex offenders to notify the governing body of the local community prior to the housing facility being purchased or otherwise acquired in order to address local concerns. Existing law prohibits persons placed on parole for conviction of certain sex offenses from residing within 1/4 mile of any public or private school. This bill failed in the Assembly Public Safety Committee.

AB 808 (LaSuer) 2005

AB 808 prohibits a person convicted of a felony from owning, operating, managing or being employed within a group home. This bill failed in the Assembly Public Safety Committee.

AB 660 (Villines) 2006

AB 660 stated the Legislature's intent to increase local oversight of group homes that house 6 or fewer individuals. This bill was never referred to a policy committee.

AB 3005 (Emmerson) 2006

AB 3005 would permit a city or county to submit to the Director of Social Services documentation regarding the proposed location of residential care facilities with 6 or fewer residents. In addition, this bill allows the director to suggest that the applicant find an alternate location for the facility if he finds the submitted information compelling. This bill was held in the Assembly Appropriations Committee.

AB 3306 (Emmerson) 2006

This bill would require the State Department of Alcohol and drug programs to maintain on its Internet Web site a searchable database of the location of each alcoholism or drug abuse recovery or treatment facility that is licensed by the department. It would require the database to be open to the public, and to be searchable by ZIP Code. This bill was referred to the Assembly Health Committee, but never had a hearing.

AB 370 (Adams) 2007

This bill would remove the exclusion of a residential facility which serves 6 or fewer persons from the definition of a single family dwelling and would, instead, allow a county or city to include a residential facility which serves 6 or fewer persons within the local definition of a single family dwelling. This bill would also allow a county or city to prohibit a person released on parole, after having served a term of imprisonment in state prison for any offense for which registration as a sex offender is required, from residing, during the period of parole, in any single family dwelling with any other person also on parole, unless those persons are legally related by blood, marriage, or adoption. This bill has been referred to the Assembly Public Safety Committee and Human Services Committee, but has not had a hearing yet.

AB 411 (Emmerson) 2007

AB 411 permits a city or county to submit to the Department of Social Services additional evidence regarding the placement of a proposed residential care facility designed for six or fewer residents. This bill passed the Assembly Human Services Committee and is to be heard next in the Assembly Appropriations Committee.

AB 327 (Horton) 2007

AB 327 would require the Department of Social Services, along with the State Department of Alcohol and Drug Programs, the Department of Corrections and Rehabilitation, the State Department of Mental Health, and other appropriate state and local agencies, to establish and maintain a statewide computerized database that includes, among other things, all community care facilities. This bill has been referred to the Assembly Health Committee, but has not had a hearing yet.

6. **Why are SVPs and a portion of HRSOs not confined to prison for life? It feels like we are having the wrong discussion. Why is it acceptable (or necessary) to release these offenders back to our communities?**

A SVP or HRSO is determined after the person has committed a crime and has been assessed on their likeliness to re-offend or based upon the seriousness of their crime. SVPs, for the most part, do spend the rest of their life away from our communities. In 1996, the Legislature passed a SVP bill that calls for the civil commitment of a person once they have served their criminal sentence. When a person is convicted of a sex offense, the criminal is sentenced to prison. Once the sex offender has completed the sentence and meets certain criteria, including being convicted of a sexually violent offense for which he or she received a determinate sentence and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior, the courts can declare the sex offender is a SVP. This determination allows for a civil (not criminal) commitment for the placement and treatment of sexually violent offenders in a secure mental health facility following their release from prison. Prior to the legislation that created the classification for SVP, there was no legal authority to detain sexually violent offenders who have completed their prison sentence. The purpose of the SVP legislation, enacted in 1996, was to do exactly what you support and that is keeping SVPs away from our communities.

With regards to HRSOs being released back into the community, Republicans in the Legislature have supported stiffer penalties for sex offenses, but the bills have been defeated by Legislators that believe it is more important to protect the rights of criminals than victims. Those of us that attended the Summit would most likely support increased penalties for sex crimes. But given the political reality that sex offenders are already in our communities and that those sex offenders in prison will most likely be released into our communities, it is necessary for state government, local government and law enforcement to work together to manage the sex offender population.

7. **As an elected official, what are some specific “30-second soundbites”, talking points that can be provided to community members to emphasize the importance of known placement of SVPs and HRSOs?**

“While the thought of having a SVP placed in our community is scary, the attention and information on the whereabouts of SVPs is impossible to ignore. Because of the vigilance of people to stay informed and educated, it is possible to keep our children safe from a SVP.”

“If you have concerns about the behavior of a sex offender, you should report the behavior to your local police department. Many times, sex offenders have conditions on their probation such as no contact with children. If the offender violates these terms they may be in violation of their probation and arrested.”

TABLE EXERCISE INFORMATION

First Table Exerciseⁱ

Question: What practices can be implemented to ensure effective notification and release of sex offenders while minimizing the challenges to housing?

General Thoughts and Commentsⁱⁱ:

“Community Education will minimize the difficulty with housing and the predicaments faced by landlords, DMH, CDCR and Parole departments.”

“Every county should form a sex offender management council / board and incorporate housing into the work plan.” (6)

“Resources are a challenge what we need is \$\$ for staffing at the state and local level and support for resources and community agency involvement.”

“We need to make this happen together.”

“We need to talk about this at the CA League of Cities.”

Issue:	Potential Solutions:
Community Education: how do you engage community leaders?	<ul style="list-style-type: none">• Create standard / model materials for city council / local government presentations (and train the trainer) to assist with pre-release planning.• Convene a group of experts and responsible professionals who can provide information and can offer expertise around offender management issues• Engage a span of community leaders: faith communities, teachers, and community orgs.
Community Notification: occurs by “Crisis”	<ul style="list-style-type: none">• Local communication plan should be developed before it is needed• Re-entry planning should begin 6 months ahead of release, local notification at 90 – 120 days• Need more lead time for notice and a protocol for information dissemination• Use existing mechanisms like neighborhood watch• Make notification appropriate to offenders and the community – some localities (such as San Diego) use broad notification, others (such as Pasadena) notify less and focus resources on monitoring

Issue:	Potential Solutions:
<p>NIMBY / fear response by the community</p>	<ul style="list-style-type: none"> • Ongoing public education on topics such as: types of offenders, monitoring / supervision, treatment, community resources, offender and victim rights, warning signs / what to look for • Do education whether or not there is an eminent release – proactive • Help community members understand how they can be a part of the solution
<p>Community Education: how to you engage the community and manage community concern</p>	<ul style="list-style-type: none"> • MODEL: San Diego Sex Offender Management Council • Create a community education team that can attend a variety of local events (churches, cultural fairs, etc.) and share information • Proactive community meetings • Financial commitment from the state to help allay public skepticism • Technology and training and support for local agencies providing information • Create model educational resources for local community use • Identify stakeholders early • Community needs accurate information related to prevention and victim protection • Notify beyond simple zip codes • Make language culturally / linguistically appropriate • “Wrap around” services • Transparent process • Start 180 days out with education • Include “California Laws” information • Look to law enforcement for accurate information and leadership • Make sure you include victim service providers • Teamwork! No finger pointing. • Have this issue as a routine topic at meetings of the League of California Cities • Consider using broader public education media and vehicles such as public service announcements, billboards and awareness campaigns • Eliminate laws that charge fines for disclosing the address of known sex offenders

Issue:	Potential Solutions:
<p>Lack of Coordination / information sharing between agencies</p>	<ul style="list-style-type: none"> • MODEL: SAFE (Sexual Assault Felony Enforcement) Teams that bring disciplines together on this issue • Need a model protocol for creating a local management board • Collaborate, collaborate • Single initial points of contact • Notification /education protocol • Formal acknowledgement system help minimize potential lost communication • Include local elected officials, city manager, city attorney (etc.) • Use multiple channels of communication • Create, or have a 3rd party create, offender information package templates that include: notification letter, cheat sheet, offender background info • Expand LEADS system to include appropriate notification for advocates, district attorneys mental health and housing officials • Dedicate full-time staff to notification / supervision duties • Create / update contact lists and point people for each jurisdiction • Remember to include I.T. people to assist with information gathering technologies, internet technologies, etc.
<p>Community Education: how do you create a consistent, culturally competent message</p>	<ul style="list-style-type: none"> • Establish a standard notification system across the state. During the development of this process include cultural leaders who can assist with developing appropriate messaging that will increase every community's access to information and resources. • Make sure resources are culturally / linguistically appropriate
<p>High Risk Sex Offenders (HRSO) have less resources to find housing than Sexually Violent Predators (SVP)</p>	<ul style="list-style-type: none"> • Coordination and assistance from local housing authorities

Issue:	Potential Solutions:
Lack of planning for prospective housing (5)	<ul style="list-style-type: none"> • City managers and office of planning work with city and county / associations • Pre-identify appropriate locations for housing • Group homes should be regulated and consideration should be given to allow counties and cities to determine where a group home will be placed. There should be discretionary land use / business permit or conditional use permit authority for local governments. • Mandate (legislate) planning / zoning • If you are going to rent to 5-6 sex offenders you should have to live with them. • The process for identifying exclusionary zones (and potentially appropriate placements) should be coordinated like efforts around communicable diseases and HIV housing • Work with local housing providers to address safety concerns and assist them with protecting other tenants
Vigilantism	<ul style="list-style-type: none"> • Community education • Prosecute / enforce penalties for vigilantes • Consider offender safety in re-entry plan
Challenge in finding appropriate housing	<ul style="list-style-type: none"> • Consider re-habing / renting modified hotel lodging • Work with law enforcement • Appropriate state agency funding to provide regional housing CTR's for HRSO's and SVP's • Work with housing providers • Tax incentives • Be more specific about which offenders are inappropriate for which locations (not all pose the same risk to the same populations) • MODEL: use parole multi-resident service center as a model for initial post-release housing coupled with GPS. Let local governments choose the location
Working with / managing media	<ul style="list-style-type: none"> • Pro-active communication with press / media outlets • Minimize the potential for 'surprise' by ensuring that local agencies are notified well in advance of a release • Model media kit with talking points, data, statutory references • Transparent communication process • Make sure that the media has a consistent stream of information, that way it will seem less 'sensational' • Provide specific information about offenders, but also contextualize it with broader information about offending patterns.

Issue:	Potential Solutions:
Lack of policy / laws that require local communities to take responsibility for the offenders from their jurisdiction	<ul style="list-style-type: none"> Expand laws that require offenders to return to where they were from
Improve registration process	<ul style="list-style-type: none"> Have offenders “pre-register” before release instead of waiting until they arrive in communities Keep registration information up to date (photos, criminal history, supervision info)
Not all the parties that should be notified are notified.	<ul style="list-style-type: none"> Include schools, park and recreation districts Maybe create a local website
Information about housing needs not typically included in notification information	<ul style="list-style-type: none"> Include information about appropriate housing mechanisms and how it relates to improved supervision and community safety Explain how housing needs might be unique to a particular offender or offense type.
There seems like too much discretion for how and when to notify	<ul style="list-style-type: none"> Liability for failure to notify / inaccurate notification
There are a lack of qualified staff (notification personnel, sex offender evaluators, supervision staff)	<ul style="list-style-type: none"> More training / support
The community doesn’t “trust” that they are being accurately informed	<ul style="list-style-type: none"> Consistent delivery of message by a collaborative taskforce
Communities feel “dumped on” and that they are taking more than their fair share of offenders	<ul style="list-style-type: none"> Actively enforce equitable distribution policies
Release date is not identified soon enough – Static 99 not conducted early enough to effectively connect with communities and victims	<ul style="list-style-type: none"> Begin process 1 year prior to release
Data collection is inconsistent and not shared	<ul style="list-style-type: none"> Standardize data so that it is accessible around the state

Issue:	Potential Solutions:
Victim notification program enrollment not offered often enough and some victims don't understand the benefit of the program	<ul style="list-style-type: none"> • Create an "opt out" process versus the current "opt-in" process • Share information about identified victims with advocacy organizations to they can potentially inform the victim of a potential parole placement (while ensuring the confidentiality of victim information) • Improve technologies that will allow for better victim access to information about their offenders (both CDCR and DMH) • Create a website
Information about offenders are inconsistently released during notification	<ul style="list-style-type: none"> • Create model of standard guideline for information that can be released (codify with legislation) • Grant immunity for information release
Local jurisdictions create "parks", "schools", etc. in order to avoid placement	<ul style="list-style-type: none"> • Jurisdictions should be required to identify appropriate locations
Actual offender release occurs at odd hours which undermines community planning	<ul style="list-style-type: none"> • Release only during business hours / during the workweek.
Communities don't know what works and what is effective	<ul style="list-style-type: none"> • Identify best / promising practices • Evaluate • Evaluate current practice, including the change enacted by "Jessica's Law"
Megan's Law Website not always accurate	<ul style="list-style-type: none"> • Ensure accurate information and timely updating • Sanction 'for-profit' services that distribute inaccurate information
"35 mile rule" (when victims object to placement) may impede housing	<ul style="list-style-type: none"> • Longer planning process can help identify options • Allows for counties / cities to "swap" offenders (not more than their share)
Offenders lack support in the community to be successful	<ul style="list-style-type: none"> • Ensure that there are supportive resources in addition to supervision resource • Need a support system • Coordinate social services / mental health to help support upon re-entry
PC 290 Registration is over inclusive	<ul style="list-style-type: none"> • Create a separate registry of less dangerous offenders who would not be subject to Megan's Law.
No clear definition of risk	<ul style="list-style-type: none"> • Improve information on Megan's Law • Improve educational materials

Issue:	Potential Solutions:
Not enough infrastructure to meaningfully change behavior	<ul style="list-style-type: none"> • Increase supervision time • Increase treatment resources • Increase resources to the community
Local governments don't have enough resources to effectively supervise sex offender probationers	<ul style="list-style-type: none"> • More resources • Training
Current placement policies don't adhere to PC 3003 (b)	<ul style="list-style-type: none"> • Transfer criteria for release to counties other than last legal residence
GPS violations (when supervise by parole) are not immediately known by local law enforcement	<ul style="list-style-type: none"> • Improve communication to make violations immediately known to the 'beat cop on the street'

Second Table Exerciseⁱⁱⁱ

Question: What standards should be established to address the issues of Residential Facilities?

Issue:	Potential Solutions:
<p>Over concentration of residential facilities and local agencies unaware of location of state-licensed residential facilities</p>	<ul style="list-style-type: none"> • Listing of all residential facilities for community information. • Establish “safe zones” away from schools and have the same standards in affluent as well as impoverished communities. • Facilities with sex offenders should be placed in non-residential areas such as light industrial areas but in area with parole services available. • State provide a list of all active licensed facilities within that jurisdiction. • Standard distance between two facilities. • Require city/county set aside space in low/mid/high economic areas in line with sex offender population. • Communities to meet to decide where to put facilities. • Zoning ordinances – industrial zoning, residential zoning, “sex offender” zoning. • Allow city/county to act as the regulatory body for facilities. • Registry of leases to act as the source of proof of breach of contract actions: evidence that residents not living as a “family.” • Need to mandate certain number of facilities based on population in general, of commercial use permits for parolee housing. • Allow communities to zone certain percentage of available housing for adult only and/or adult male only housing in light industrial areas to be used for most serious offenders. • Local rather than state oversight of residential housing including enforcement of densities (6 PC 290 registrants) and number of locations per zip code.
<p>No fully functional pre-placement programs for parolees (parole plans all before they are released)</p>	<ul style="list-style-type: none"> • Conditions of parole to residential multi-services centers with parole agent on premises (law enforcement oversight, employment and training services, treatment, curfews, qualified/trained staff to recognize patterns of the offenders). • Adapt Parole Supervised Residential Multi-Service Centers as a model for housing and placement of sex offenders.

Issue:	Potential Solutions:
<p>No coordinated housing program (at the county level)</p>	<ul style="list-style-type: none"> • Establish a pilot program with state funding to which will provide 24 hour supervision, treatment, vocational services to sex offenders. • Build in each county a sex offender treatment facility where the released HRSOs will live and receive sex offender treatment. They can even help build the facility in an isolated area (Denver, Colorado as an example where there has been greater compliance with on premises monitoring) – case management on site. • Build a facility on closed military bases or prison grounds – need staff and treatment on site. • Residential housing facilities are required to provide area transportation (public transportation) to multi-service centers (treatment). • Progressive levels of treatment leading to graduation from program.
<p>Community fear and lack of knowledge prevents establishment of housing</p>	<ul style="list-style-type: none"> • Work on intensive community education, laws, pros and cons, local participation - establish multi-disciplinary team or task force to educate community on sex offender re-entry. • Public education materials that are multi-disciplinary and culturally competent. • Create hotline for community members to call with concerns and flag addresses at local dispatch center. • Cities/counties/law enforcement able to maintain an accurate facility inventory factored into computer aided dispatch system (911). • Establish monitoring function at local level to develop trust with the community that the sex offenders are being treated and watched. • League/CSAC make sure locals know current state law and where legislation needs to be pushed. • Require business license and education campaign for the public.
<p>Housing restrictions apply to all PC 290 registrants, regardless of offender's threat to the community and severity of offense</p>	<ul style="list-style-type: none"> • Create separate, less significant registrants based on severity of crime committed (i.e. underage sex w/ minors, offender who committed crime as teenager, young adult 30 years prior). Reserve PC 290 registration to only the most serious offense. • Create mechanism to exclude some offenders when they become physically incapable (due to age, illness, disabilities, etc) of re-offending. This allows for better concentration of resources for offenders who need maximum supervision and housing restrictions.

Issue:	Potential Solutions:
No distinct levels of offenders	<ul style="list-style-type: none"> • Assess the risk of offenders and disseminate appropriate information. • More access to offense information and history of offender.
Unregulated homes: no responsible person and city unaware of its existence, lack of control over residents, lack of monitoring and treatment at the facilities	<ul style="list-style-type: none"> • On-site responsible party (owner or primary renter). • Public presence: have contracted probation or parole personnel to regularly monitor the operation and hold operator accountable. • Cooperation with real estate industry. • Clarify the law – put responsibility on owners. • Fees with permit to house sex offenders. • Must have some form of incentive for property owners . • License facilities with tenant requirements - require facility managers to meet with local authorities for compliance.
Define working definition for “sober living home” because this has been a self-serving label to hide the use of single family residence	<ul style="list-style-type: none"> • Clarify the law.
No funding stream	<ul style="list-style-type: none"> • Sin tax (porn tax) to fund homes. • Funding and staff for facilities/programs. • Grants to develop transitional housing (city/state owned in block grants).
No licensing category for 290s	<ul style="list-style-type: none"> • Minimum occupancy: 6 or less and require license. • Change codes with restrictions (H&S 1562(a)) to allow placement in licensed, supervised facilities. • Enforce PC 3003.5 with rewrite 2 or more PC 290, on full licensees. • Establish a licensing agency to meet needs of these facilities. • Establish statewide standards for licensing sober living and parolee placement. • Legislation for this type of housing for sex offenders. • Change state law on licensing of state-licensed residential facilities to allow local jurisdiction input and participation. • Require business license and education campaign for the public. • Identify those facilities in local jurisdictions and confirm compliance.

Issue:	Potential Solutions:
Notification issues	<ul style="list-style-type: none"> • At time license application is received by state, state transmits application to planning agency of local jurisdiction for comments on proposed facility operation; state notification to local jurisdiction of final action taken on license application; provide local jurisdiction with legal standing to appeal license decision to higher state authority.
Cities/counties tactically building parks/schools in a way that excludes entire city/county for placement of sex offenders under Jessica's Law	<ul style="list-style-type: none"> • Prohibit local jurisdictions from getting around these placements with zoning regulations. • Locate facilities near commercial services without the need for transit • Modular housing, FEMAs.
Communication between state and local entities	<ul style="list-style-type: none"> • Establish local task forces or workgroups which will consist of representatives from law enforcement, parole, victims, community to increase the communication among locals. • Each county shall have a sex offender task force for local re-entry management of sex offenders. • Require licensing agencies to notify local authorities of their existence and who to contact for complaints.
Lack of standards for homes and no model for appropriate housing	<ul style="list-style-type: none"> • Develop a few regional pilot houses to test a good model. • Need statistics on whether it is better to house sex offenders together and closely monitored versus housed individually to preclude networking pedophiles. • Regular use of polygraph testing. • Require use of containment model in residential facilities. • State mandate to place residential facilities proportional to the population in each county paid – paid for by the state; located and managed by the counties. The county decides where to put it – the state pays for it. Every county must provide its share. • Sex Offender Management Board • State level licensing/audit/regulations – inspection and administrative oversight.

Third Table Exercise

Question: What recommendations do you have for the placement and housing of HRSOs and SVPs in the community?

Issue:	Potential Solutions:
Finding appropriate housing in general	<ul style="list-style-type: none"> • Liability protection for private landlords and possible incentives such as a tax break. • Incentives for local government to develop long term/ short term housing for sex offenders. • Placement should be geographically/ GPS friendly. • Work with local SRO/hotel/motel merchants. • Establish licensed board and care/group home facilities that provide 24 hour supervision, treatment and vocational training. • Meet and confer (six months prior to anticipated release) between state and local agency. Notification should be expanded to include education and conditions of parole, supervision etc. (to lessen community fear). Require local community public hearing 3 months prior to anticipated release. Should be attended by CDCR, DMH and local law enforcement. • Create private-public partnerships to include city and county input on location. City/county fiscal support for treatment. Private partnerships for housing. • Consider family placement for HRSO's and SVP's who complete treatment programs. • Local law enforcement need a database of available apartments/housing. • Review halfway house model of the 1970's and 1980's and connect them to day reporting programs. • Avoid saturation of housing by placing limits on placements, not just per residence but also per complex (i.e. certain number of unit per every 100 apartments). • Housing needs to be sustainable and should be coupled with services for offender, such as treatment and job skill development. • State mandate coupled with state funding for housing in each county. • County and state should purchase housing that meet criteria standards for supervision SV1128 and proximity requirements. Have home monitored. • Need centralized facility unless family members can house offenders. • Use Community Care Licensing guidelines to develop housing models. • Section 8 model housing.

Issue:	Potential Solutions:
<p>Finding appropriate housing in general (cont.)</p>	<ul style="list-style-type: none"> • Standardized housing regulations. • Compliance with PC 3003, limiting the number of 290 parolees living in same single family residence. • Define levels of placement for HRSO's; not all will require same level of monitoring or same type of placement. • Establish "law enforcement" office at facility to enhance communication. • It is a mistake to place SVP's in their county of domicile vs. county of commitment. The county of commitment is more knowledgeable about the SVP. Recommend not dividing prosecutors, law enforcement efforts and resources between two counties; dividing resources weakens the safety of the community. • Transitional housing setting to include work furlough program. • Use private vendors to oversee residence. • Use CDCR for law enforcement custody coverage. • Have Sex Offender Management Board (SOMB) create and monitor models for HRSO housing. • All county plans must include HRSO housing zone or area. • Put HRSO's near services, jobs transportation (light industrial – but not in residential areas or near kids.) • Need county probation and private law enforcement entity to oversee transitional housing. • Need to educate the community about housing and plan proactively. • Counties and cities need authority to work together to find areas suited to these offenders. Both state and counties need to offer resources. • After housing is developed, parole and probation need authority to inspect and regulate the number of folks living there.
<p>Housing Development / Zoning Restrictions</p>	<ul style="list-style-type: none"> • Create a tax incentive for businesses and landlords to open and operate halfway houses. • Have own facility to regulate. • Transitional license facilities. • Work furlough house. • Use youth authority model for housing sex offenders. • Local task forces teams to investigate and pre-plan locations for sex offenders. • Planning Department. Build relationships with city manager and city council. • Contact other organizations that have successfully utilized the "CONREP" model....could this be used for sex offender population?

Issue:	Potential Solutions:
<p>Lack Of Resources For Communities And Offenders</p>	<ul style="list-style-type: none"> • Provide access to services and employment while implementing strict curfews and ensuring accountability. • There should be local SOMB's and/or SAFE teams. • A percentage of the DMH budget is mandated to go towards "prevention" of self abuse. Victim advocate suggests that DMH give money to DCFS for counseling victims of sex abuse. • Counties and parole need to identify need and resources available. Develop and expand SAFE teams and regionalize, including DA investigations and advocates.
<p>Lack of Community Engagement / Education and Awareness</p>	<ul style="list-style-type: none"> • Conduct town halls providing information to citizens and set up meetings with community leaders. Communities need comprehensive notification to prepare for offenders. • All stakeholders need to get involved and discuss topic, not just when an offender is being released but on an ongoing basis. Those involved to include: chamber of commerce, school superintendents, church leaders, city council, sheriff, police, parole, probation, DA, realtors, neighborhood associations, PTA, sports associations etc. • Need to inform communities of their rights. • Create a transparent system where local authorities and politicians operate together and openly plan for risk management. • Need to educate the community and differentiate between the types of offenders. Megan's Law website does not provide public with enough information on offender for public to differentiate between offenders. Differentiation will also provide for correct allocation of resources. • Frame issue to the public in a manner so that they realize offenders are coming into the community. • Use faith based and community based organizations. • Better outreach from broader base of state and local experts. For example, victim advocates, law enforcement, parole, elected officials. • Conduct regular community meetings.

Issue:	Potential Solutions:
Collaboration / Community Partnerships	<ul style="list-style-type: none"> • Profile meetings for HRSO's are currently in place. Monthly meeting are currently funded – go to CDCR website for examples of currently funded community collaboration meetings. • Earlier meetings before parole can be modified so that community, law enforcement and providers can have meetings 90 days before release. • Work with groups already in existence that are working on different aspects of issue such as non-profit organizations. • PACT meetings • Create community panels for parolees to be held accountable (i.e. Neighborhood Accountability Boards). • Law Enforcement Like Profile Meetings • Work with parole dept., SAFE Teams, probation dept. to ensure communication • Create a SVP/HRSO local task force to proactively deal with issues. Should include: DA, law enforcement, parole, probation, housing association, victim advocates, Liberty Healthcare. • Establish MOU's for communities to ensure collaboration. • Develop more city/county collaborative committees for regular meetings with stakeholders.
Media/Government Inflammation Issue	<ul style="list-style-type: none"> • Need to provide public with accurate information and assure them that all parties are working to ensure public safety and putting safeguards in place to protect the community
Lack of Consistent Local Government Involvement In a Manner That Allows For Long-Term Planning for Re-entry and Housing	<ul style="list-style-type: none"> • Lack of Consistent Local Government Involvement In a Manner That Allows For Long-Term Planning for Re-entry and Housing
Jessica's Law	<ul style="list-style-type: none"> • Identify areas where sex offenders can be housed. • Identify if zoning laws need to be changed. • Explore abandoned military bases. • Explore group housing concept (highly supervised). • Explore "transitional" housing concept – step down process
Lack of Leadership On Issue	<ul style="list-style-type: none"> • Continue an ongoing state agency that is accountable to enact the recommendations (i.e. SOMCE?). • Leaders at conference need to continue dialogue. • Need consistency across the state in how to deal with SVP's and HRSO's.

Issue:	Potential Solutions:
Management of Offenders	<ul style="list-style-type: none"> • Look at each HRSO and SVP and review his habits, practices, work hours and monitor. • Monitor critical clientele – work on focusing efforts on most volatile client base. Use profile meeting. • Identify sex offenders who have successfully passed parole and identify what worked with them. Use those former parolees as mentors for SVP's and HRSO's. • Increase number of parole officers and law enforcement dedicated to placement, housing and monitoring. • Revisit PC 290 registration requirements. Are all crimes included worthy of the resources necessary for supervising them under current restrictions? Or should lesser sex crimes be subjected to a lesser registration? If limited, would allow greater concentration of resources on most serious threats to communities. • Explore expanded use of chemical control/ chemical castration in voluntary HRSO's and SVP's.
Cultural Shift in Treatment (previously punitive, now moving towards a rehabilitation model)	<ul style="list-style-type: none"> • Local communities should pilot versions of state (CDCR) programs such as multi-service facilities. There is state money to do that. • Facility similar to re-entry facilities – on-site service provision such as job training, literacy, counseling, anger management etc.
Treatment During and After Incarceration.	<ul style="list-style-type: none"> • Immunity agreements or incentives etc to get cooperation/buy-in • Have complete phase for certain period of time. • Legitimate and paid for follow-up with meds.
Transition from Custody To/Off Parole/Probation	<ul style="list-style-type: none"> • Require phases of supervision requiring treatment and specific goals. • Don't allow release without supervision – don't run out of time. • Re-entry training, step-down approach into transitional housing. • Provide for traditional supervision and treatment in a transitional setting prior to re-integration into regular housing.
Determinate Sentencing	<ul style="list-style-type: none"> • Re-institute indeterminate sentencing

Issue:	Potential Solutions:
7057 on Probation	<ul style="list-style-type: none"> • Listen to local parole officers • Create community buy-in by identifying key stakeholders to take ownership of sex offender management. • Mandated protocols for operation of housing with accountability to local law enforcement and housing authority. • Elect someone in local community to bring stakeholders together • Community and public education

ⁱ Summit participants were asked to identify both gaps and solutions related to High Risk Sex Offender and Sexually Violent Predator re-entry, supervision and community notification practices. Tables were multidisciplinary and roughly regionally distributed.

ⁱⁱⁱ Summit participants were asked to identify both gaps and solutions related to High Risk Sex Offender and Sexually Violent Predator re-entry, supervision and community notification practices. Tables were multidisciplinary and roughly regionally distributed.


Appendix A:
CAOAC MEMORANDUM



County Administrative Officers Association of California

March 19, 2007

TO: Elizabeth Howard, Legislative Representative, California State
Association of Counties

FROM:  C. Brent Wallace, Executive Director, County Administrators
Association of California

SUBJECT: CALIFORNIA SUMMIT FOR SAFE COMMUNITIES – MARCH
19, 2007, Sacramento

RE: Comments for Panel Number Two – Collaboration
for Placement and Supervision

Due to the time constraints placed upon panel members and the nature of the summit there was insufficient time to include all of the comments that I intended to present with regard to the panel on Collaboration for Placement and Supervision. I would respectfully request that these comments be forwarded to the summit staff to add to the record.

All of those that attended the summit recognize that there is a specific problem that needs to be managed and managed well. Managed to effectively protect victim's rights and to protect the community at large. The most effective method of managing this difficult, complex group of offenders will be to work collaboratively.

The question seems to be "How will a city and county and all of the related groups – law enforcement, mental health, victim advocacy, and others – need to be involved and changed to be effective in managing this problem?" How do cities and counties view this problem and what are the implications of the problem for them?

Education. First, there has not been sufficient education on the subject with local elected bodies.

- There are few City Councils and Board's of Supervisors that understand this issue in sufficient detail.
- Most cities and counties do not have understanding of the issue at an operational level. Law enforcement is the exception to understanding the problem, but I would suggest that the problem has not been examined with Law Enforcement and the legislative bodies.
- More in-depth education is mandatory for a comprehensive understanding of issues to assist in developing and implementing problem solving strategies.

Operational Issues. Second, if the complexity of the issues are understood at the operational level, it is with the understanding that the cities and counties do not have the capacity in mental health, victim advocacy, law enforcement and so forth to provide a high level of assistance to the State Dept. of Mental Health and Dept. of Corrections and Rehabilitation.

- All cities and counties are not the same. They do not have the same resources and to effectively manage this problem there must be flexibility and resources built into the process of management.
- There must be some recognition that law enforcement, mental health and victim's rights groups do not currently have sufficient resources to complete the work without the addition of managing HRSO and SVP's.
- There is a system of laws and court decisions that try to rationalize a system of monitoring these parolees.
- The goal for this session is to seek recommendations for placement and housing. Rather than focusing on the laws and court decisions, each local area should consider how it could customize a design to assist the State agencies with managing this group of people.
 - As an example, the cities and counties (including all the potentially impacted groups) could pre-determine what areas are unacceptable for housing and provide this notification to the state agencies.
 - The local agencies could submit their own plan as to how assistance would be provided to the state in finding suitable housing and conducting suitable monitoring.
 - One size does not fit all, but all must participate in a meaningful manner to achieve proper placement and supervision.

If I may, what I would suggest is that a comprehensive statement be cooperatively developed between state and local agencies – with a preamble statement, recognizing the complexity of the problem, and including several priority statements or goals and objectives, that will be resolved through a cooperative approach to placing and supervising this group of parolees.

I am personally very appreciative of the efforts of the Governor's Office and Assemblyman Spitzer and each of the State agencies for taking this approach for seeking collaboration to try and solve a very difficult, complex problem.

Appendix B:
ADDITIONAL RESOURCES

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- Resources from the national Center for Sex Offender Management:
<http://www.csom.org/pubs/pubs.html>

Specifically:

- Community Notification and Education (link and binder)
 - Glossary of terms used in the management of sexual offenders (link / binder)
 - Myths and Facts about offenders (link)
 - An Overview of Sex Offender Management (link / binder)
 - Community Supervision of the Sex Offender: an overview of promising practices (link / binder)
 - The Collaborative approach to SOM (link / binder)
 - Public opinion and the CJS building support for SOM (binder / link)
 - Managing sex offenders in the community a guide to policymakers (this is a HUGE document but great – at least a link)
 - Research on sex offenders (link)
 - Engaging Victim Advocates and other providers in SOM practices (link / binder)
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- UC Irvine report on GPS and High Risk Sex Offenders
http://ucicorrections.seweb.uci.edu/pdf/WorkingPaper5106_B.pdf (link)
 - The National Alliance Against Sexual Violence position statement on the Community Management of Sexual Offenders
<http://www.naesv.org/Polycypapers/Community%20Management%20of%20Convicted%20Sex%20Offenders.htm> (link)
 - Community Management of Sexual Offenders with Developmental Disabilities Gerry Blasingame California Coalition on Sexual Offending <http://ccoso.org/newsletter/CommunityManagement.pdf>
 - Ten things you should know about sex offenders and treatment – Association for the Treatment of Sexual Abusers (atsa.com) <http://www.atsa.com/ppTenThings.html> (link)
 - The Impact of Residency restrictions on Sex Offenders and Correctional Management Practices: A Literature Review. --
By Marcus Nieto and Professor David Jung, Hastings Law School (CRB-06-008 , August 2006)
<http://www.library.ca.gov/crb/06/08/06-008.pdf> (Link)
 - Community Treatment and Supervision of Sex Offenders: How It's Done Across the Country and in California -- *By Marcus Nieto (CRB-04-012 , December 2004)* <http://www.library.ca.gov/crb/04/12/04-012.pdf> (Link)