

## City of Brisbane Agenda Report

TO: Honorable Mayor and City Council

FROM: Lisa Macias, Chief of Police

DATE: September 13, 2010

SUBJECT: Response to 2009/2010 Grand Jury Report Sex Offender Law Enforcement in San Mateo County

**PURPOSE:**

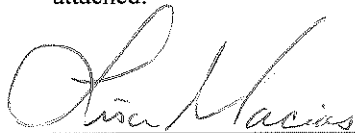
The 2009-2010 San Mateo County Civil Grand Jury (Grand Jury) filed a report on July 14, 2010 which contained findings, conclusions and recommendations that pertain to the City of Brisbane regarding Sex Offenders Law Enforcement procedures in San Mateo County.

**RECOMMENDATION:**

We were asked to respond to these findings, conclusions and recommendations as they pertain to the City of Brisbane and have the City Council approve the attached recommendation. Some of the findings and recommendations are directed at other agencies and do not pertain to Brisbane responsibilities and are noted in this report.

**BACKGROUND:**

The Grand Jury reviewed whether there is adequate investigation, coordination, and enforcement of sexual offenses by San Mateo County law enforcement agencies. The 2009-2010 Grand Jury interviewed several officials and employees from various San Mateo County agencies and read numerous articles and publications regarding sex offenders. Additionally, they sent out surveys to all San Mateo County cities' police chiefs and Sheriff to solicit their policies, procedures, and possible recommendations regarding the monitoring of sexual predators in their jurisdictions. Their findings, conclusions and recommendations are attached.



Lisa Macias, Chief of Police



Clayton Holstine, City Manager

CITY OF BRISBANE  
POLICE DEPARTMENT

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ELIZABETH MACIAS  
CHIEF OF POLICE

August 30, 2010

Honorable Clifford Cretan  
Judge of the Superior Court  
Hall of Justice  
400 County Center, 2<sup>nd</sup> floor  
Redwood City, CA 94063

Re: Response to Sex Offender Law Enforcement in San Mateo County Grand Jury Report

Dear Judge Cretan:

We are in receipt of the Grand Jury's final report entitled, "*Sex Offender Law Enforcement in San Mateo County*," Pursuant to your July 14, 2010, request for response, the YOUR CITY City Council held a public meeting on September 20, 2010 and approved this response. The City of YOUR CITY responds to the Grand Jury's findings, conclusions and recommendations as follows:

**Findings:**

**Sexual Abuse and Assault Against Children**

1. Of sex offenses in San Mateo County 76% are committed against children.

*Response: Respondent agrees with the finding. These statistics and conclusions were provided by the San Mateo County Probation Department.*

2. When convicted sex offenders are not under consistent and intensive supervision (e.g., face-to-face contact with law enforcement, at both scheduled and random times.), they re-offend at the same (or higher) severity levels and frequency as compared with sex offenders not under such supervision.

*Response: Respondent agrees with the finding. These statistics and conclusions were provided by the San Mateo County Probation Department. Local law enforcement continues to conduct face to face registrations with sex offenders and*

*enforcement continues to conduct face to face registrations with sex offenders and conducts unannounced compliance checks at offender's residences. It is most unfortunate that state law now allows sex offenders to register as transient with no responsibility to give any address. We have seen a rise in the amount of sex offenders registering as transients which is allowed under the law. Even though this allows local law enforcement to have monthly contact with the sex offender, the fact they register as transient makes the follow-up or ability to conduct unannounced visits of their "residence" very difficult.*

3. The percentage of children taken for examination of possible sexual abuse and assault to the San Mateo Medical Center's Keller Center by Sheriff's deputies declined in 2008-2009 by about ½ from 2004-2007 levels.

***Response:*** *This finding was directed towards the San Mateo County Sheriff's Office.*

### **Use of the Internet by Sexual Predators**

1. Sexual predators are increasingly using the internet to attract young children. In 2006, 250 minors per month received an online sexual solicitation in San Mateo County according to a Sheriff's Office estimate. With the explosion of social networking and internet-based communications during the last 3 years, current estimated could be several times higher.

***Response:*** *Respondent agrees with the finding.*

2. The Sheriff's Office maintains a sergeant and detective that oversee on-line sexual predators a few hours each week. Local police departments have neither the specialized resources nor the personnel to pursue on-line predators.

***Response:*** *Respondent agrees with this finding. While, local police departments aggressively use investigative resources when complaints are received from their community regarding on-line sexual predators, most departments lack the resources or personnel to proactively pursue on-line predators.*

*However, since these predators can live anywhere in the world, local departments must rely on Federal Agencies and/or local Task Forces to conduct proactive enforcement on-line. For example, the Federal Bureau of Investigations (FBI), US Immigrations Custom Enforcement (ICE), US Postal Inspectors and the San Jose Police Department have specific task forces dedicated to proactively seeking out online predators. On a local level, many departments participate in the Silicon Valley Internet Crimes Against Children (ICAC) task force which has responsibility for proactively investigating on-line predators in the nine bay area counties. Most recently in July, ICAC made 11 arrests staffed by several Detectives from San Mateo County agencies. Other arrests have taken place throughout San Mateo County all year long. These task forces conduct their own proactive investigations as well as provide assistance to a law enforcement agency upon request.*

3. While sophisticated tools are available to identify violators of child pornography laws, Sheriff's Office personnel stated that County resources are insufficient to pursue investigation of these criminals in a timely manner.

**Response:** Respondent agrees with this finding. While, local police departments aggressively use investigative resources when complaints are received from their community regarding on-line sexual predators, most departments lack the resources or personnel to proactively pursue on-line predators.

## **Sexual Offender Registration**

1. County funding available to monitor sexual offenders is declining.

**Response:** Respondent agrees with the finding.

2. While the number of Megan's Law registrants who have been convicted of sexual abuse and assault against children grew from 2004-2009, the number of Megan's Law registration violations prosecuted by the DA stayed about constant during this period.

**Response:** Respondent is unable to respond to this finding. First, it is unclear whether the grand jury is stating that individuals have reoffended AFTER becoming Megan's Law registrants, or whether the claim is simply that the number of registrants has accumulated over the years. Regardless of the grand jury's contention, there do not appear to be statistics in the report which support either of these claims.

*If the grand jury is presuming that the number of sex registrants is increasing BECAUSE the number of convicted sex offenders is increasing cumulatively, this presumption doesn't necessarily follow. In 2006, the law changed in California regarding the necessity for certain types of sex offenders to register per 290 Penal Code. In the case of People v. Hofscheier (2006) 37 Cal.4<sup>th</sup> 1185, the California Supreme Court ruled that persons convicted of certain "statutory" sex offenses cannot be mandated to register as sex offenders. Therefore, even if the number of persons convicted of sex offenses against children has remained steady over the past several years, the number of registered sex offenders would not have paralleled that trend.*

3. Sex offender registrants pursuant to Section 290 of the California Penal Code are required to register at the San Mateo County Sheriff's Office. The Sheriff's Office is only open for sex offender registration on Tuesdays and Thursdays between the hours of 8:00 AM and 12:00 PM. By contrast, the Santa Clara County Sheriff's Office is open 24 hours per day, 7 days per week, and 52 weeks a year for sex offenders to register.

*Response: This finding was directed towards the San Mateo County Sheriff's Office.*

## **Law Enforcement**

1. The most effective preventative measure against sexual offenders is making regularly scheduled and random contact, plus ongoing observation.

*Response: Respondent agrees with the finding. However, we also agree the GPS monitoring of all sex offenders is increasingly becoming the most effective monitoring strategy. The legality of GPS monitoring of sexual offenders not on Parole or Probation, is yet to be settled in the Courts.*

2. Due to the economy as well as State budget reductions, the San Mateo County Board of Supervisors has had to reduce all department budgets, including law enforcement.

*Response: Respondent agrees with the finding.*

3. Sex offenders re-offend at a rate of 50% or more. In the past, the Sheriff's Office and all local law enforcement agencies actively monitored San Mateo County's offenders. Due to budget cuts, this activity has diminished and dedicated sex unit personnel have been rolled into general investigations.

*Response: Respondent agrees with the finding.*

4. Consistent and intensive monitoring of convicted sex offenders when released by parole/probation is performed inconsistently throughout San Mateo County. Some city police departments have extensive procedures in place to monitor sex offenders while others perform the minimum required by law.

*Response: Respondent disagrees partially with the findings. While the number and length of policies may vary by department, the procedures for registering sex offenders are established within the guidelines of the California Penal Code and by the State Department of Justice (DOJ). The Sex Offender Registration Field Guide authored by the DOJ clearly states, "The registration of sex offenders is a collaborative effort involving numerous jurisdictions within the state, including the California Departments of Justice, Corrections and Rehabilitation and Mental Health, as well as local law enforcement agencies." The standards set forth for registration procedures set by the DOJ are completely followed by every department within San Mateo County regardless of the fact this is an unfunded state mandate.*

*For each local law enforcement agency to have a separate policy regarding registration of sex offenders above the DOJ requirements is duplicative and could possibly be in conflict with state law. We agree with the Grand Jury that procedures should be consistent among departments and believe the best way to accomplish that goal is to use the DOJ guidelines which are already in place.*

5. There is insufficient sharing and coordination of information about sexual offenders among law enforcement agencies within the County.

**Response:** Respondent disagrees wholly with the findings. We believe coordination, cooperation and sharing among the Sheriff's Office, Probation, District Attorney's Office and local law enforcement agencies within San Mateo County may be the best anywhere in the State of California. These agencies have been working together and sharing information for decades. In San Mateo County, we pride ourselves in our ability to coordinate information quickly and effectively both in person and through the use of our technology. Our communication success starts with the San Mateo County Police Chief's and Sheriff Association, which drives the regional cooperation through many County-wide protocols such as Child Abduction and Children's Sexual Abuse policies.

*In technology, San Mateo County has one of the first law enforcement intranet computer networks in the State, built in 2001 with the specific intent of sharing electronic criminal data to include information on Sex Offenders. Just this year alone, the Sheriff's Office was the lead agency for the Coplink records sharing project that not only shares this data within San Mateo County but will soon connect the Bay Area to the other portions of California. San Mateo County law enforcement is out in front with other statewide sharing projects such as the new Department of Justice California Sex and Arson Registry (CSAR) which went live in August 2010.*

*Our Police Chiefs, Commanders, Detectives, Gang Officers and Child Abuse investigators all meet among themselves every month to share information. On a daily basis, Detectives provide electronic sharing of any sex offender violations via the Critical Reach System, Violent Crime Information Network (VCIN) and Megan's Law Registry.*

*Additionally, San Mateo law enforcement agencies now have real-time access to GPS information for Paroled Sex Offenders, one of the first Counties in the State to receive that training. Once again, San Mateo County leads most law enforcements agencies in using these types of technologies to monitor and coordinate enforcement efforts of high risk offenders.*

6. The Sheriff requested a lieutenant's position from the BOS to oversee the new jail construction. The request was turned down. In order to fund the position, in April 2007 the Sheriff eliminated the sergeant's position for Sexual Habitual Offender Program (SHOP) and sexual offender/predator coordination. As a result, the San Mateo County sex crime unit currently functions with one FTE composed of fractional commitments of four investigators.

**Response:** This finding was directed towards the San Mateo County Sheriff's Office.

7. The Sheriff's Office successfully oversee and coordinated many taskforces in cooperation with San Mateo County cities' police forces: Gang, Drug, Vehicle Theft and White Collar Crime, among them. These taskforces remained in placed because they received funding from either the local, state or federal governments.

*Response: Respondent agrees with this finding.*

8. According to the Sheriff's Office, a joint task force for county-wide, coordinated investigation and enforcement of sexual offenses (similar to SAFE) could be implemented for \$1.55 million with a 50/50 resource-sharing between the Sheriff's Office and cities similar to the funding model used for other joint task forces (e.g., white-collar crime, drugs, gangs).

*Response: This finding was directed towards the San Mateo County Sheriff's Office.*

## **CONCLUSIONS:**

1. The citizens of San Mateo County, especially children, are at a greater risk of being the victims of sexual offenses because some law enforcement agencies (a) no longer vigorously monitor sexual offenders nor investigation sexual predators to the same degree and (b) no longer coordinate such activities on a county-wide bases.

*Response: The law enforcement agencies of San Mateo County disagree with the conclusion that the children of San Mateo County are at greater risk of becoming victims due to insufficient predator monitoring and lack of coordination of countywide activities. Even though the SHOP program is no longer in existence, law enforcement agencies in San Mateo County are working together, nonetheless, to combat predatory activity. Both the San Mateo County Probation Department and the Parole division of the California Department of Corrections and Rehabilitation work with local law enforcements to find and track registered sex offenders. These supervisorial agencies conduct "sweeps" in target cities, appearing unannounced at the homes of sex registrants, and targeting individuals who are not in compliance with their registration obligations. In the month of August 2010, there were two such "sweeps" in the City of East Palo Alto, alone.*

*Additionally, law enforcement officers who investigate child abuse offenses meet on a monthly basis to get training and share information through the San Mateo County Multi-Disciplinary Committee. As part of the San Mateo County Child Sexual Abuse Protocol, and in compliance with the National Children's Alliance, this County has a multi-disciplinary approach to the investigation of child abuse cases. This means that multiple agencies gather at the Keller Center to make sure that a complete investigation is conducted, which will meet the needs of all participating agencies (law enforcement, Youth and Family Services, District Attorney, medical), so that the perpetrator can be brought to justice while minimizing trauma to the child victim. Part of the same multi-disciplinary process involves monthly meetings where*

*representatives from each of these disciplines gather, in addition to representatives from Rape Trauma Services and the Victim's Center, to share information, ideas and investigative techniques. These meetings include trainings from experts in specific fields. As a result, not only are individual officers trained in new techniques and law, but the training promotes uniformity in child abuse investigations throughout the county.*

*All law enforcement agencies contribute financially to employ a child forensic interviewer who is trained to elicit the most complete disclosure from a child victim. Again, this ensures that children from each jurisdiction in the county will be interviewed by a highly trained and professional interviewer.*

*Twice a year, San Mateo County puts on a 2-day Sexual Assault Training aimed specifically at training law enforcement officers and child welfare workers, but which is open to any professional in the county who works within the multi-disciplinary process. The result of this ongoing training is that new officers and child welfare workers are trained on San Mateo County Protocol guidelines and best practices, and victims throughout this County are provided with the same professional service.*

2. Enforcement in San Mateo County has drastically declined during the past 3 ½ years with (a) the January 2007 elimination of county-wide law enforcement coordination through SAFE, (b) the April 2007 elimination of the dedicated four person sexual offender investigations unit in the Sheriff's Office, and (c) the forthcoming elimination of the dedicated sexual offender unit in the County Probation Department.

***Response:*** *Respondent is unable to respond to this conclusion as it is directed towards the San Mateo County Sheriff's and Probation Departments.*

3. The registered sexual offender population and the total sexual abuse crime rate against children in San Mateo County did not decline from 2004-2009. The Grand Jury believes the most likely explanation for the decline in Keller Center examinations in light of the static arrest rate is due to a lack of assigned personnel within the Sheriff's Office.

***Response:*** *This conclusion is directed towards the San Mateo County Sheriff's Office. It should be noted that the number of children brought to the Keller Center countywide reached a peak in 2005. Since that time, there has been a steady decrease countywide, not just in the Sheriff's Office. The number of exams countywide began to increase again in 2008, although the Sheriff's Office remained steady.*

*Medical examinations at the Keller Center are not the only method of investigating child sexual abuse case. Many, and in fact most cases of child abuse are reported months or even years after the abuse has occurred. Unless the abuse is substantial and or extremely recent, often medical exams are not appropriate, since the*



*likelihood of forensic findings is nonexistent. A true measure of the responsiveness of law enforcement agencies to complaints of sexual abuse is the number of children interviewed, rather than the number of exams performed.*

4. While sophisticated tools are available to identify violators of child pornography laws and to catch internet sexual predators, San Mateo County law enforcement resources are insufficient to use these tools to pursue investigation of these criminals in a timely manner. Local police departments do not have the specialized resources or the personnel to pursue the predators who are increasingly using the internet.

***Previously answered in finding number 3 under “Use of Internet by Sexual Predators.”***

5. The relatively low sexual offender recidivism rate achieved by the County Probation Department is at risk due to reprioritized funding that will eliminate its permanent, dedicated sexual offender unit.

***Response: The conclusion is directed towards the San Mateo County Probation Department.***

6. City Police Department practices vary dramatically across the County. Sharing and coordination of information regarding sexual offenders among the law enforcement agencies in the County is insufficient to effectively control sexual offender activity.

***Response: Previously answered in finding number 5 under “Law Enforcement.”***

7. In 2009-2010, if either (a) 1% of the County’s \$80 million contribution to the Sheriff’s Office \$160 million budget or (b) 2% of the State’s Proposition 172 funding for enhanced law enforcement would have been reprioritized, the Sheriff’s Office could have operated a full-time 3-person team dedicated to sexual offender enforcement.

***Response: This conclusion was directed towards the San Mateo County Sheriff’s Office.***

## **RECOMMENDATIONS:**

1. Coordinate City Police Department sex offender policies and practices to reach increased, uniform levels of enforcement throughout the County.

***Response: Respondent believes this recommendation is currently in place. As previously stated, while the number and length of policies may vary by department, the procedures for registering sex offenders are established within the guidelines of the California Penal Code by the California Department of Justice (DOJ). The***

by every department within San Mateo County. We agree with the Grand Jury that the procedures should be consistent and believe the best way to accomplish that goal is to use the DOJ guidelines. The consistency and coordination of this policy will be monitored by the County Police Chief's and Sheriff Association.

2. Reinstate the SAFE Task Force in partnership with the San Mateo County Sheriff's Office by contributing appropriate resources.

***This recommendation will not be implemented as it is beyond our control.*** The San Mateo County Police Chief's and Sheriffs Association found great value in the SAFE Task Force, however that task force was funded and operated by the Department of Justice. DOJ does not intend to reinstate SAFE. Unfortunately all of our local budgets are experiencing severe fiscal constraints and individual agencies would not be able to contribute resources without an identified source of additional funding. The registration and monitoring of sex offenders who are not on probation or parole falls upon local law enforcement as an unfunded State mandate.

3. Develop a county-wide plan to improve the sharing of information regarding the sexual offender law enforcement.

***This recommendation has been implemented.*** There are several initiatives which will contribute to data sharing between agencies that are currently on-line such as Critical Reach, VCIN and Coplink which provide data across our law enforcement intranet. All law enforcement agencies will continue to actively participate with the Department of Corrections and Rehabilitation in GPS monitoring of active paroled sex offenders, and support the Probation Department's efforts to monitor offenders on probation. Additionally, we will actively participate in the new DOJ Sex Offender and Arson Registry as it comes online this year.

Thank you for the opportunity to comment on the recommendations made by the Grand Jury.

Sincerely,



Elizabeth Macias  
Chief of Police



## Superior Court of San Mateo County

Hall of Justice and Records  
400 County Center  
Redwood City, CA 94063-1655

RECEIVED

JUL 16 2010

DEPUTY CITY CLERK

John C. Fitton  
Court Executive Officer  
Clerk & Jury Commissioner

(650) 599-1200  
FAX (650) 363-4698

July 14, 2010

City Council  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

Re: Sex Offender Law Enforcement in San Mateo County

Dear Councilmembers:

The 2009-2010 Grand Jury filed a report on July 14, 2010 which contains findings and recommendations pertaining to your agency. Your agency must submit comments, within 90 days, to the Hon. Clifford V. Cretan. Your agency's response is due no later than October 12, 2010. **Please note that the response should indicate that it was approved by your governing body at a public meeting.**

For all findings, your responding agency shall indicate one of the following:

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

Additionally, as to each Grand Jury recommendation, your responding agency shall report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefore.

Please submit your responses in all of the following ways:

1. Responses to be placed on file with the Clerk of the Court by the Court Executive Office.
  - Prepare original on your agency's letterhead, indicate the date of the public meeting that your governing body approved the response address and mail to Judge Cretan.


Hon. Clifford V. Cretan  
Judge of the Superior Court  
Hall of Justice  
400 County Center; 2nd Floor  
Redwood City, CA 94063-1655.

2. Responses to be placed at the Grand Jury website.
  - Copy response and send by e-mail to: [grandjury@sanmateocourt.org](mailto:grandjury@sanmateocourt.org). (Insert agency name if it is not indicated at the top of your response.)
3. Responses to be placed with the clerk of your agency.
  - File a copy of the response directly with the clerk of your agency. Do not send this copy to the Court.

For up to 45 days after the end of the term, the foreperson and the foreperson's designees are available to clarify the recommendations of the report. To reach the foreperson, please call the Grand Jury Clerk at (650) 599-1200.

If you have any questions regarding these procedures, please do not hesitate to contact Brenda B. Carlson, Chief Deputy County Counsel, at (650) 363-4760.

Very truly yours,



John C. Fitton  
Court Executive Officer

JCF:ck  
Enclosure

cc: Hon. Clifford V. Cretan  
Brenda B. Carlson

Information Copy: City Manager



# Sex Offender Law Enforcement in San Mateo County

## Issue

Are there adequate investigation, coordination, and enforcement of sexual offenses by San Mateo County law enforcement agencies?

## Investigation

The 2009-2010 San Mateo County Civil Grand Jury (Grand Jury) interviewed officials and employees from:

- Santa Clara County Sexual Assault Felony Enforcement Taskforce
- The former San Mateo Sexual Habitual Offender Program Taskforce
- San Mateo County District Attorney's Office
- California State Department of Corrections and Rehabilitation (Parole)
- San Mateo County Probation Department
- San Mateo Sheriff's Office
- San Mateo Medical Center's Keller Center for Family Violence Intervention
- San Mateo County Board of Supervisors

The Grand Jury read numerous articles and publications regarding sex offenders. In addition, the Grand Jury sent surveys to all San Mateo County cities' police chiefs and the Sheriff to solicit their policies, procedures, and possible recommendations regarding the monitoring of sexual predators in their jurisdictions.

## Background

Legislation and enhanced law enforcement of sexual offenders occur in response to tragic crimes committed against children. The 1994 New Jersey rape and murder of 7-year-old Megan Kanka (Sexual Offender Act of 1994, better known as Megan's Law)<sup>1</sup> and the 1981 abduction and murder of 6-year-old Adam Walsh (2006 Adam Walsh Child Protection and Safety Act<sup>2</sup> supplementing Megan's Law) are federal examples. In 2006, Proposition 83 was enacted by 70% of California voters as one of many states' responses to the 2005 Florida rape and murder of 9-year-old Jessica Lunsford (Sexual Predator Punishment and Control Act, better known as Jessica's Law)<sup>3</sup>. During the past year in the Bay Area, the abduction and 18-year victimization of 11-year-old Jaycee Dugard led to state-wide changes in the monitoring of sexual offenders.<sup>4</sup> Also in 2009, the Santa Clara County Sexual Assault Felony Enforcement (SAFE) taskforce

<sup>1</sup> <http://meganslaw.ca.gov/>

<sup>2</sup> [http://www.fd.org/odstb\\_AdamWalsh.htm](http://www.fd.org/odstb_AdamWalsh.htm)

<sup>3</sup> [http://www.cdcr.ca.gov/parole/Sex\\_Offender\\_Facts/docs\\_SOMB/JessicasLawFactSheet\\_110807.pdf](http://www.cdcr.ca.gov/parole/Sex_Offender_Facts/docs_SOMB/JessicasLawFactSheet_110807.pdf)

<sup>4</sup> "Garrido case spurs changes at California Corrections." The Daily Journal, Brooke Donald, Feb 17, 2010.

ended the serial molestation of 12 to 14 year-old girl swimmers. Andrew King, who was convicted in January, 2010 started in the East Bay in 1978 and continued in Washington State and San Jose until he was apprehended in a local jurisdiction that had committed sufficient resources to protect children from sexual predators.<sup>5</sup> The 1996 multiple-stabbing attack of a 9-year-old girl in Redwood City, by a sex offender after he escaped supervision following his release from jail, led the Board of Supervisors (BOS) to establish the Sexual Habitual Offender Program (SHOP) to track San Mateo County's convicted sex offenders.<sup>6</sup> In 2003, the state instituted the coordinated SAFE effort to enhance inter-jurisdictional standards, training, cooperation, and enforcement.

The State eliminated funding for SAFE in San Mateo County at the end of 2006. Rather than San Mateo County filling the gap through budget re-prioritization or grant application, the Sheriff's Office eliminated SHOP and all dedicated, sexual-offense investigators with a 75% reduction in staffing. By contrast, since 1994, Santa Clara County has maintained all of these efforts.

### **A. Sexual Abuse and Assault Against Children**

Children are the segment of our U.S. population with the highest crime victimization rates.

- While some sexual predators are strangers and stalkers, many know the victims as a family friend, neighbor, or a relative or as a volunteer in youth activities.
- One in four girls is sexually abused before the age of 14. One in six boys is sexually abused before the age of 16.<sup>7</sup>
- The median age for reported sexual abuse is nine years old.<sup>8</sup>
- Research shows that reporting of these offenses is very low. One study reported that only one in ten child victims reports the abuse.<sup>9</sup>
- Nearly 70% of child sex offenders have between 1 and 9 victims; at least 20% have 10 to 40 victims.<sup>10</sup>
- The average offender will victimize between 50-150 children before he/she comes to the attention of law enforcement.<sup>11</sup>
- At least 50% of all convicted sexual predators will re-offend.<sup>12</sup>

In San Mateo County, suspected victims of child sexual abuse and assault are taken to The Keller Center for Family Violence Intervention in the San Mateo Medical Center for forensic examination. While the total number of exams conducted at the Keller Center from 2004-2009

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<sup>5</sup> "Former San Jose Coach gets 40 Years for Molesting Young Swimmers." San Jose Mercury News, Linda Goldston, Jan. 29, 2010. "USA Swimming Outlines Plan to Stop Misconduct."

<http://www.nytimes.com/2010/04/21/sports/21swimming.html>

<sup>6</sup> [http://articles.sfgate.com/1996-08-07/news/17782043\\_1\\_megan-s-law-offenders-task-force](http://articles.sfgate.com/1996-08-07/news/17782043_1_megan-s-law-offenders-task-force)

<sup>7</sup> <http://www.jimhopper.com/abstats/>

<sup>8</sup> [http://www.darkness2light.org/KnowAbout/statistics\\_2.asp](http://www.darkness2light.org/KnowAbout/statistics_2.asp)

<sup>9</sup> <http://www.darkness2light.org/7steps/step1.asp>

<sup>10</sup> [http://www.darkness2light.org/KnowAbout/statistics\\_2.asp](http://www.darkness2light.org/KnowAbout/statistics_2.asp)

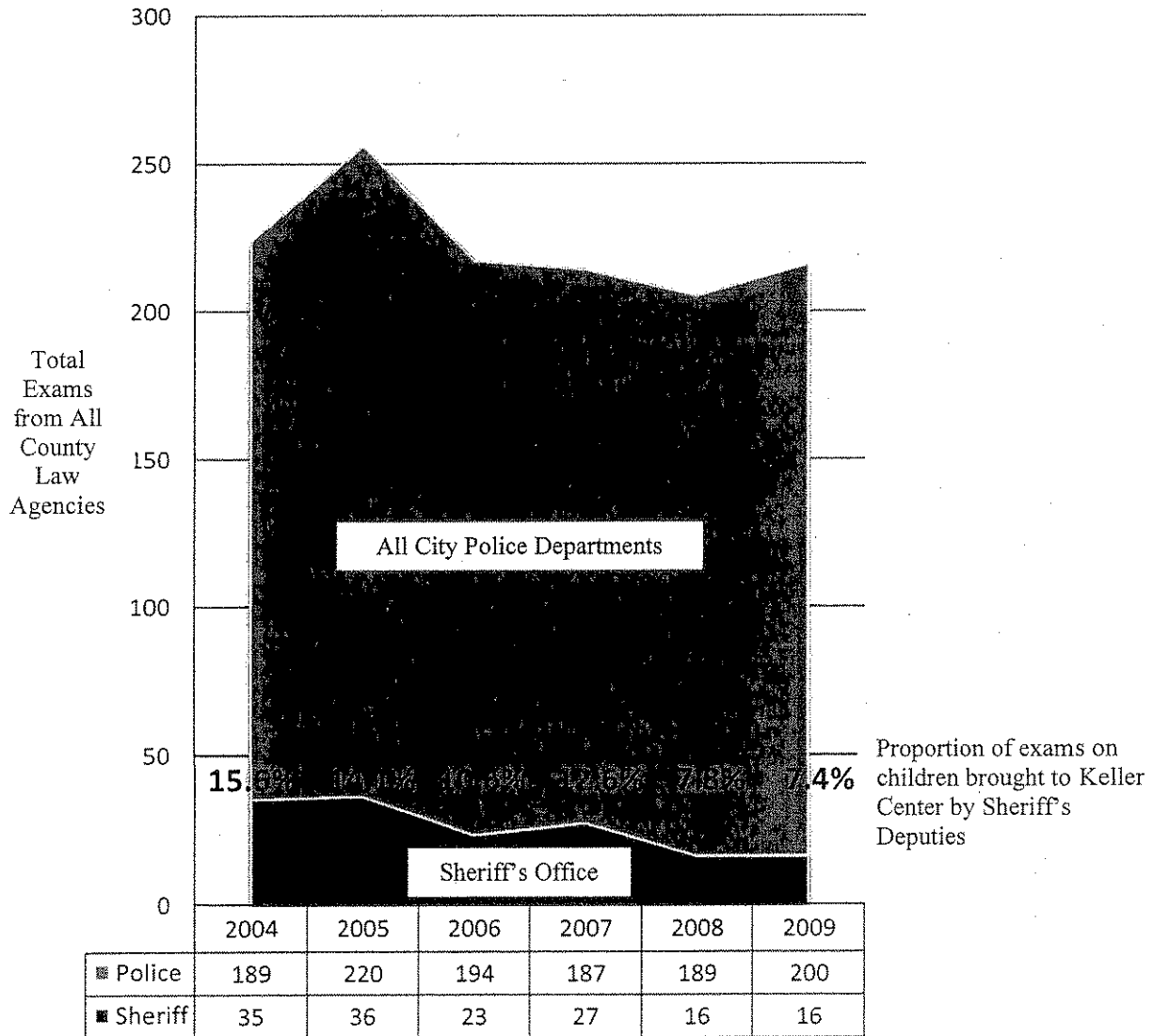
<sup>11</sup> [http://www.sccgov.org/portal/site/sheriff/agencychp?path=/v7/Sheriff.%20Office%20of%20the%20\(ELO\)/Special%20Units/SAFE%20TaskForce](http://www.sccgov.org/portal/site/sheriff/agencychp?path=/v7/Sheriff.%20Office%20of%20the%20(ELO)/Special%20Units/SAFE%20TaskForce)

<sup>12</sup> Prentky, R., Knicht, R.I., and Lee, A. (1977), "Recidivism Rates Among Child Molesters and Rapists: A Methodical Analysis", Law and Human Behavior, vol. 21

that were referred by city police departments remained roughly constant, the number of potential victims taken for exams by Sheriff's Deputies declined more than 50% following budget prioritization changes in 2007 as shown in Chart 1 below:

**Chart 1**

### Children examined for Sexual Abuse & Assault

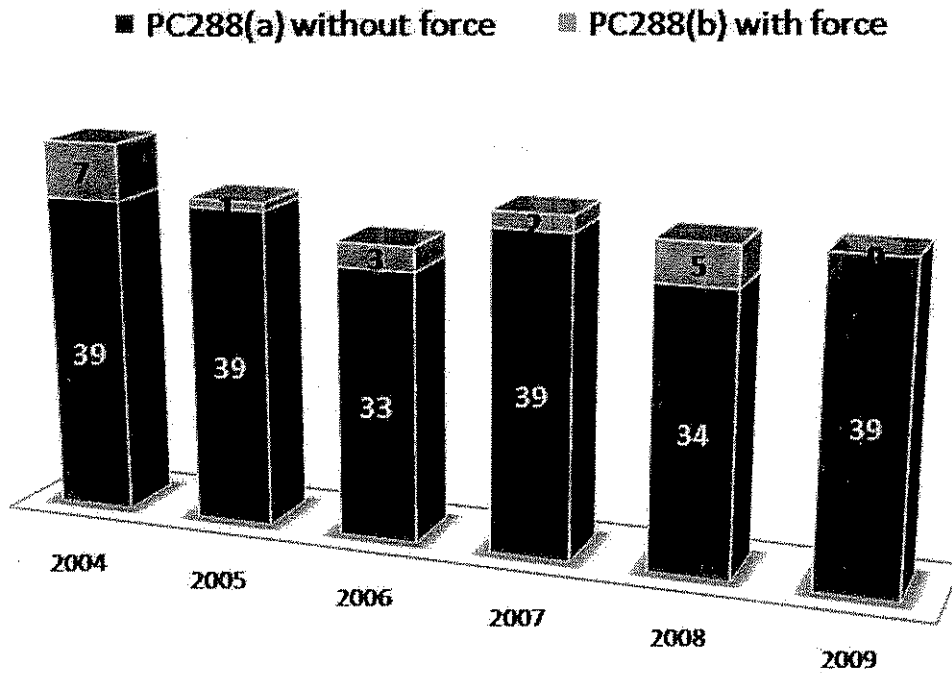


Source: San Mateo Medical Center's Keller Center for Family Violence Intervention

During this same time period, the District Attorney's activities did not show any notable variance in the number of child molesters prosecuted as shown in Chart 2 below:

Chart 2

**Cases Filed By San Mateo County  
PC288 Felony Child Sexual Abuse Cases Filed by DA  
touching a child under 14 with lewd/lascivious intent**



Source: San Mateo County District Attorney's Office

**B. Use of the Internet by Sexual Predators**

Nationally,

- 34% of internet users in the 5<sup>th</sup> to 12<sup>th</sup> grade have received unwanted sexually explicit material via the internet. 13% have received a sexual solicitation while online.<sup>13</sup>
- 14% of teens have actually met a person face-to-face that they have only 'spoken to' over the Internet (9% of 13-15 year olds; 22% of 16-17 year olds).<sup>14</sup>
- Less than 0.3% will report these incidents to a responsible adult or law enforcement.<sup>13</sup>
- 1 in 6 investigations of child pornography possession being charged as child molesters in 2000 and 2006.<sup>13</sup>

<sup>13</sup> *The National Juvenile Online Victimization Study, 2000 & 2006*. Crimes against Children Research Center, Janis Wolak, David Finkelhor & Kimberly J. Mitchell, <http://www.unh.edu/ccrc/internet-crimes/papers.html>

<sup>14</sup> *Teen Internet Safety Survey*. National Center for Missing & Exploited Children and Cox Communications, 2006. <http://www.netsmartz.org/safety/statistics.htm>



The Sheriff's SHOP unit in early 2007 estimated that in San Mateo County: <sup>15</sup>

- 3,000 minors received an online sexual solicitation during 2006.
- 4,300 minors met face to face with a stranger they first met on-line in 2006.
- 3,000 minors have been asked by internet strangers to keep their relationship a secret in addition to having been fooled about the age of the stranger they first met on-line.

While sophisticated tools are available to identify pernicious violators of child pornography laws, it takes extensive training and concentrated use of the tools to effectively catch on-line predators. The San Mateo County Sheriff's Office was an original and still active member of the "Silicon Valley Internet Crimes Against Children" (ICAC) task force established in March 2003.<sup>16</sup>

### C. Sexual Offender Registration

There are 63,000 registered sex offenders in the state of California. Those who have committed crimes such as possession of child pornography, sexual battery, child molestation, rape or indecent exposure are required to register their whereabouts with the local law enforcement agencies after their release from prison, jail, probation, parole or mental hospital. Most offenders must notify the authorities annually, but based on the severity of their crimes, some are required to do so every 90 days.<sup>17</sup> Homeless sex offender parolees must call in every day and meet with their parole officer once a week.<sup>18</sup> Although it is a felony not to keep one's registration up to date, many sex offenders do not. The National Center for Missing and Exploited Children estimates that of the 600,000 registered sex offenders nationally, 100,000 more are legally required to register their whereabouts and haven't done so.<sup>19</sup>

For more than 50 years, California has required sex offenders to register with their local law enforcement agencies. However, information on the whereabouts of these sex offenders was not available to the public until the implementation of the Child Molester Identification Line in July 1995. The information available was further expanded by California's Megan's Law in 1996 (Chapter 908, Stats. of 1996). As of December 2009, 557 registrants in San Mateo County of the total 750 registered sex offenders are subject to disclosure as required by Megan's Law.<sup>20</sup> In San Mateo County 511 sex offenders are required by law to register with the County Sheriff's Office and are then monitored by local city police departments. The other 46 sex offenders live in the unincorporated area of the County and are monitored by the Sheriff's Office. Of the total 557 sex offenders, 40 are in violation because they have not registered or cannot be found.

Table 1, below, lists the total number of registered sexual offenders by city (as reported by 19 city Police Departments in response to a Grand Jury survey). Also listed are the number of Megan's Law registrants and Megan's Law registration violators by city as of December 2009. It

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<sup>15</sup> *Protecting Children Online*. Sergeant Bryan Raffaelli & Detective Jacqueline Chong, presentation to the San Mateo County Board of Supervisors, April 13, 2007.

<sup>16</sup> The ICAC program consists of 59 regional task forces that provide training, networking, and technical assistance for member agencies. <http://www.svicac.org/>

<sup>17</sup> ACLU - <http://www.salon.com/news/feature/2006/12/19/offenders/index.html>

<sup>18</sup> [http://www.cdcr.ca.gov/Parole/Sex\\_Offender\\_Facts/jessicas\\_law.html](http://www.cdcr.ca.gov/Parole/Sex_Offender_Facts/jessicas_law.html)

<sup>19</sup> [http://www.missingkids.com/missingkids/servlet/NewsEventServlet?LanguageCountry=en\\_US&PageId=3081](http://www.missingkids.com/missingkids/servlet/NewsEventServlet?LanguageCountry=en_US&PageId=3081)

<sup>20</sup> Megan's Law website: [www.meganslaw.ca.gov/](http://www.meganslaw.ca.gov/)

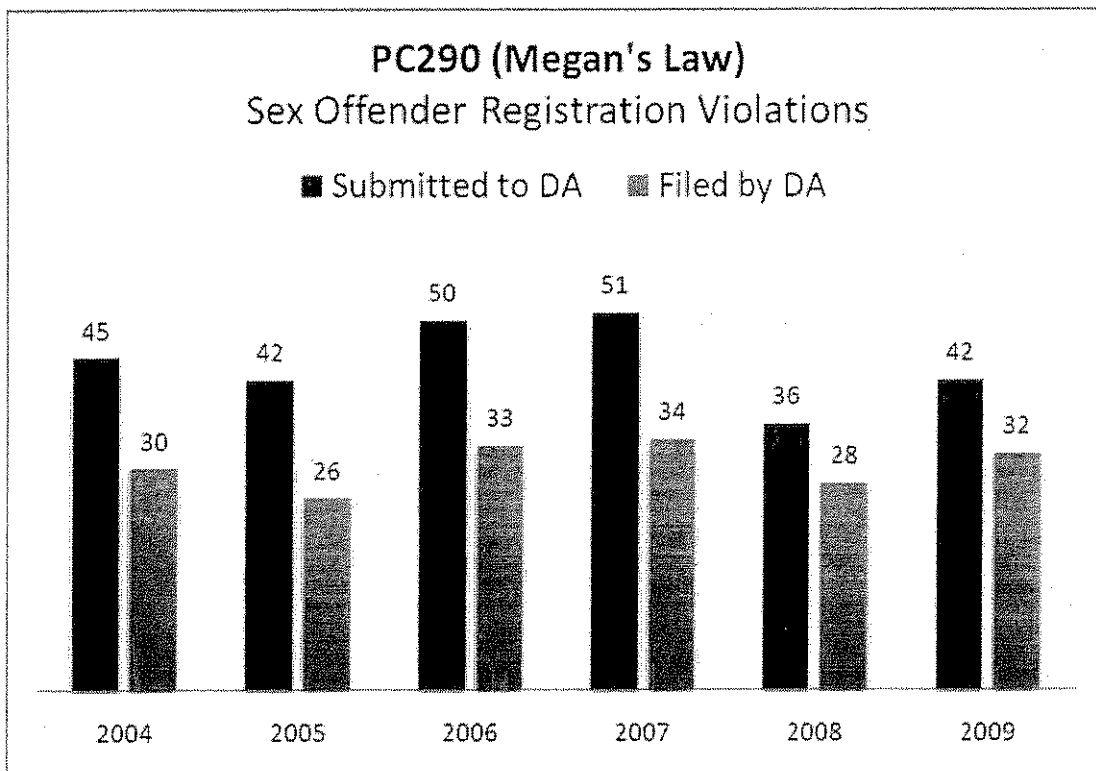
should be noted that some sex offenders are not required to appear on the public site. For instance, Daly City actually has 98 sex offender registrants, while the Megan's Law website only shows 68, those that have committed high risk offenses as defined in Megan's Law. Note that sexual offenders who are transient and those who live in some unincorporated areas of the County are not included in portions of the following Table:

**Table 1 Sexual Offender Population by City**

City	Registered Offenders (PD reports)	Megan's Law Registrants ( <a href="http://meganslaw.ca.gov">meganslaw.ca.gov</a> )	In Violation of Registration Requirements (subject to Megan's Law)
Atherton	3		
Belmont	30	19	1
Brisbane	2	1	
Broadmoor	7		
Burlingame	15	8	2
Colma	2		
Daly City	98	68	5
East Palo Alto	97	25	3
El Granada		1	
Foster City	10	7	1
Half Moon Bay	10	10	3
Hillsborough	0		
Menlo Park	32	23	2
Millbrae	17	6	
Montara		2	
Moss Beach		3	1
Pacifica	45	24	
Pescadero		2	1
Portola Valley		1	
Redwood City	142	104	11
San Bruno	37	21	2
San Carlos	14	8	
San Mateo	57	39	
S. San Francisco	132	67	7
Woodside		3	1
<b>TOTAL</b>	<b>750</b>	<b>439</b>	<b>39</b>

Chart 3 shows that the number of sex offender registration violations submitted to and prosecuted by the District Attorney has not changed significantly from 2004-2009.

**Chart 3**



Source: San Mateo County District Attorney's Office

#### **D. Law Enforcement**

A senior County law enforcement official has characterized sexual offenders as the most dangerous criminals other than mass murders. As found during our interviews, law enforcement personnel consider sexual predators among the smartest criminals. It is understood by all in the field that predatory behavior is resistant to permanent rehabilitation. At least 50% of all convicted sexual offenders will re-offend.<sup>12</sup> The consensus among law enforcement officers is that the most effective preventative measure against sexual offenders is making regularly scheduled and random contact, plus ongoing observation.

While sex offenders are on probation they are monitored by the San Mateo County's Probation Department. The State Department of Corrections and Rehabilitation monitors sex offenders on parole from prisons for major sex crimes. Once offenders complete the terms of probation or parole, the responsibility for monitoring is transferred to local police departments.

The County Probation Department's Sex Crimes Unit was proactive and implemented many innovations. After an offender was convicted, he/she was interviewed to get information about his/her modus operandi, relatives, favorite hangouts, etc. This information is vital for law

enforcement officials after the offender is released from custody. Another innovative approach was registering undocumented sex offenders before they were released from jail. Previously, US Immigration and Customs Enforcement agents (ICE) would deport the offenders before they registered as per Megan's Law. If they returned to the United States, there was no method of tracking them.

Of the 196 sex offenders currently on probation in San Mateo County, 76% committed crimes against children, including 49 who were convicted of having sex with a minor under the age of 14. Sex offenders have an historic recidivism rate of 60% or more. Up to now, the San Mateo County Probation Department reports lower recidivism rates than the national average because of continuing, rigorous training and officer contact with probationers. The County Probation Department faces a \$9.1 million annual reduction in budget from 2008-2011. In the future, the Probation Department will no longer be able to fund a dedicated sex crimes unit and the personnel will be folded into general enforcement.

In 2006, Californians approved Proposition 83, referred to as Jessica's Law. The provisions of the law were to ensure that sex offenders could not reside within 2000 feet of a school or park and to mandate Global Positioning Supervision (GPS) for life.<sup>21</sup> California leads the nation in tracking sex offenders with GPS technology. California has more than 6,600 sex offenders equipped with GPS including all active sex offender parolees in the county.<sup>22</sup> The State's Department of Corrections and Rehabilitation took the ballot initiative a step farther by attaching GPS units to those sex offenders convicted prior to the 2006 measure.<sup>23</sup> The California State Department of Corrections and Rehabilitation is tasked with monitoring all the State's sexual offenders' GPS units.

Jessica's Law is not enforced anywhere in California once the sex offender completes probation or parole. The Law was not funded to provide GPS technology to the local law enforcement agencies after the three or five year parole and/or probation was completed. The cost varies from \$4,380 to \$9,500 per year for a 24/7 monitoring service.<sup>24</sup> Additionally, the Law did not provide penalties associated with not wearing a GPS monitor once sex offenders complete probation or parole.

The Grand Jury surveyed all San Mateo County cities' police departments as to their success in monitoring sex offenders and educating their communities to recognize predatory behavior. Written responses were received from all 19 police chiefs and the Sheriff. In many cases law enforcement practices changed significantly compared to those employed during the 2003-2007 period when there was county-wide coordination through participation in SAFE. In the absence of a county-wide plan, lacking internet investigation expertise, and shrinking resources, each city devised its own approach. Today, law enforcement practices vary widely among cities as reflected in the range of written responses to the Grand Jury questionnaire (illustrated in Table 2.)

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<sup>21</sup> [http://www.cdcr.ca.gov/Parole/Sex\\_Offender\\_Facts/Jessicas\\_Law.html#stats](http://www.cdcr.ca.gov/Parole/Sex_Offender_Facts/Jessicas_Law.html#stats)

<sup>22</sup> [http://www.cdcr.ca.gov/Parole/Sex\\_Offender](http://www.cdcr.ca.gov/Parole/Sex_Offender)

<sup>23</sup> [www.csmonitor.com/USA/2009/1106/p02s04-usgn.html](http://www.csmonitor.com/USA/2009/1106/p02s04-usgn.html)

<sup>24</sup> <http://gpsmonitoring.com/blog/?p=762> and "State to expand tracking of parolees with GPS": <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/01/24/MN9F1B181D.DTL>

**Table 2**

**Sexual Offender Monitoring Practices in  
San Mateo County Cities**

Question	Meets Legal Requirements	Exceeds Legal Requirements
1. In addition to legally mandated registrations, what steps does your agency take to ensure that those individuals required to register remain in compliance with their obligations?	"Nothing else is done by our agency beyond the legally mandated periodic registration of convicted sexual offenders"	"Periodic compliance checks at the registered residence of the suspect to confirm they are, in fact, living at the registered residence."
2. What rules and mechanisms do you employ if the presence of a particular registered sex offender requires more widespread information dissemination?	"No procedures in place. Must exercise extreme caution in disseminating information because of exposure to lawsuits."	"The Dept has numerous venues of communications including city's website, email alert system, telephone call tree to all households, monthly newsletter and monthly public meetings. Used when a 'violent sexual predator' was released from State mental hospital."
3. When large gatherings with children will be present does your department screen employees and restrict their contact with children as appropriate?	"No"	"Yes, the (department) conducts proactive criminal background checks on all personnel who work for carnival companies and individuals who are applying for commercial solicitor permits to work within and/or conduct business within our community."
4. When sexual registrants are on active parole or probation, what interaction or joint efforts with San Mateo County Probation and State Parole does your agency participate in?	"None since the liaison program was eliminated due to lack of funding."	"PD works with State Parole and San Mateo County Probation in a continuous effort to assure registrants' compliance. PD is in constant contact with (State) Parole Agents from the Daly City and Redwood City Parole Offices to identify Jessica's Law RSO's as they enter and/or exit our jurisdiction."
5. If a sexual registrant that is your agency's responsibility moves either elsewhere in California or out of state, do your officers make an attempt to follow-up with the law enforcement agency(ies) that will have jurisdiction over the registrant to insure the whereabouts of the individual remain known and trackable?	"PD does not routinely follow-up with the new jurisdiction."	"Police Department contacts the agency where the individual has moved to confirm they have registered. We will then generate a new report with a new case number and document that the 290 (Megan's Law) registrant has moved to another city. Our department will work together with the other jurisdiction to share any necessary information should the 290 registrant fail or be late in his/her registration requirements."

In response to specific questions about SAFE, 16 out of 19 police chiefs felt that reestablishing the SAFE taskforce would be a great benefit to their communities. There was general agreement that a county-wide approach would be the most effective way to address sex crimes, including the monitoring of registered sex offenders.

In FY 1996-1997 following the brutal attack in Redwood City on a 9-year old girl by a previous sex offender, the Sheriff's Office, in conjunction with the Board of Supervisors and with active support/participation from the District Attorney's Office and Probation Department, established the Sexual Habitual Offender Program (SHOP) in order to monitor sex offenders.<sup>25</sup> It was originally funded through forfeitures and fingerprinting fees. This dedicated sex crimes unit worked in cooperation with the San Mateo County Probation Department to register and track sex offenders throughout San Mateo County. In FY 1998-1999, SHOP was formally funded through Proposition 172 (½-cent sales tax to 'enhance law enforcement') and Supplemental Law Enforcement Services Funds (SLESF) (AB3299 funds generated through vehicle license fees). As found in Board of Supervisors (BOS) records from 2001, the Sheriff used to make annual requests of the BOS to specifically designate SLESF for funding SHOP.<sup>26</sup> With the reduction in state sales tax revenue and SLESF funds, the County now treats these funds as general law enforcement contributions, and the Sheriff can no longer request the BOS to designate a specific funding source for sexual offender tracking and enforcement.

From 2003-2007 the SHOP unit was staffed with a sergeant, three detectives and two ICE agents. In addition to the unit's regular duties, the Sheriff signed a Memorandum of Understanding (MOU) with the Silicon Valley ICAC unit to provide equipment and personnel to monitor child pornography and child exploitation on the Internet. The SHOP sex crimes unit handled 300 San Mateo County sex offender cases per year.

The San Mateo County SAFE taskforce consisted of members from the Sheriff's Office, County Probation Department, Daly City, and South San Francisco Police Departments, which all had signed an MOU committing resources to the Taskforce. The SAFE program's purpose was to have various law enforcement agencies conduct "sweeps" in specific areas to visit the residences of sex offenders to ensure they were in compliance with regulations. Often Foster City and Redwood City Police Departments would join in the "sweeps". The taskforce completed six "sweeps" before the California Department of Justice disbanded the program in San Mateo County.

Due to the lack of State funding for the SAFE taskforce, the Sheriff's Office Sex Crimes Unit and the Probation Department Sex Crimes Unit took up the slack. In 2005 the Sheriff's Office contract to provide investigative services to the East Palo Alto Police Department expired. Two detectives were assigned from that unit to San Mateo County Sheriff's Sex Crimes Unit. The Sex Crimes Unit then became a team consisting of a sergeant and three deputies. Staffing for sexual offender investigation, enforcement, and coordination of city police efforts was then one full-time sergeant and three full-time detectives in the Sheriff's Office plus two days a week participation from ICE and County Probation personnel.

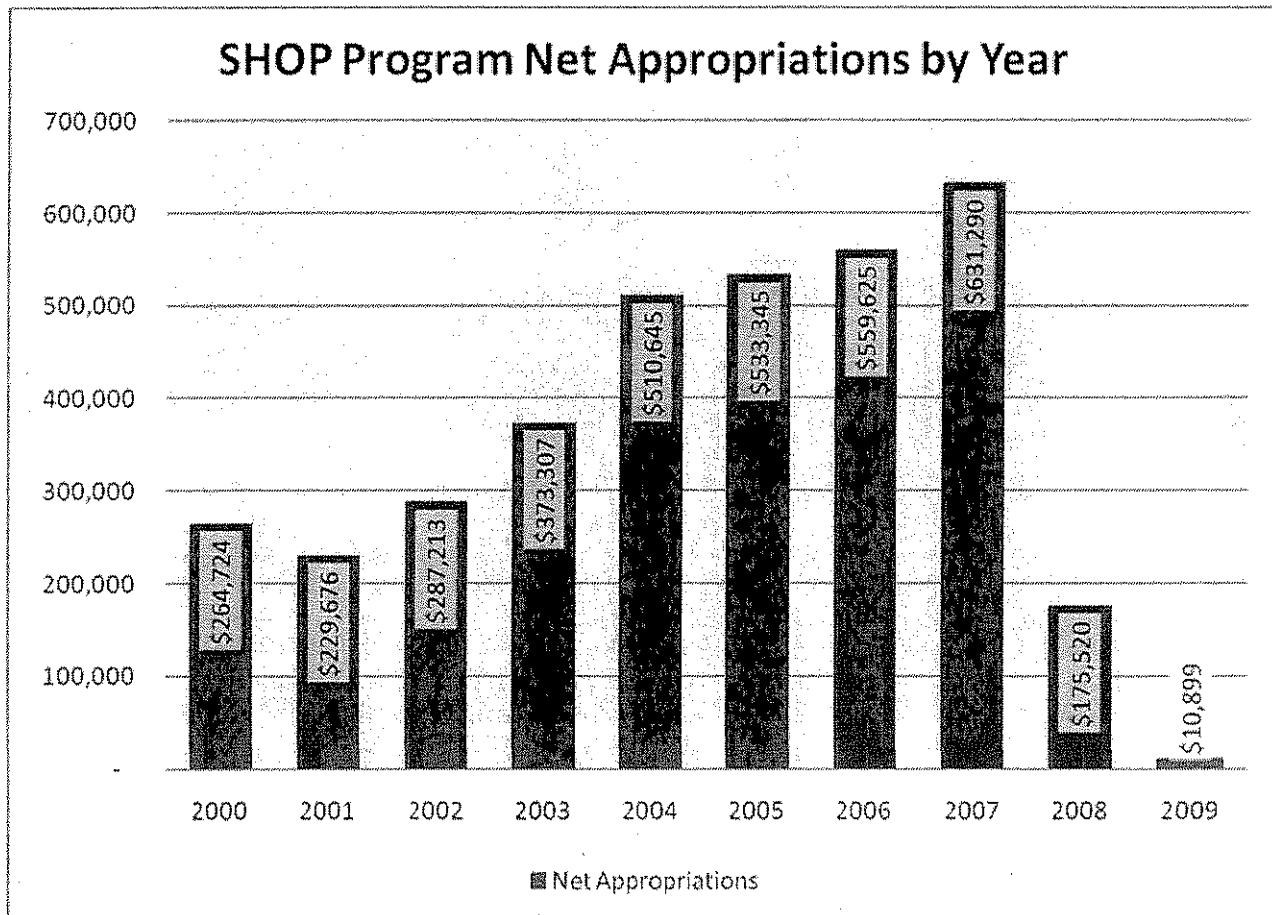
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<sup>25</sup> [http://articles.sfgate.com/1996-08-07/news/17782043\\_1\\_megan-s-law-offenders-task-force](http://articles.sfgate.com/1996-08-07/news/17782043_1_megan-s-law-offenders-task-force)

<sup>26</sup> Interdepartmental Memo: Sheriff Don Horsley to Board of Supervisors, April 3, 2001 for hearing April 24, 2001.

In 2007 the Sheriff's Office discovered that the two assigned detectives were not funded. They were then eliminated from the budget. Further, in April 2007 to fund the Jail Planning Lieutenant; the Sheriff combined the duties of the SHOP sergeant with the general crimes sergeant. Therefore, in April 2007, the Sheriff's Office eliminated funding for the dedicated sexual offense enforcement unit within the investigations division resulting in case coverage of one sergeant (25% time), one detective (50% time) and two other detectives (25% total time). This represents a 75% reduction from four dedicated Full-Time-Equivalents (FTEs) to one FTE shared among four persons, as well as the elimination of county-wide coordination among cities. The Sheriff's Office budget approved by the BOS shows the following appropriations for SHOP:

**Chart 4**



Source: San Mateo County Sheriff's Office Budget documents

In addition to general crimes and absorption of the Sexual Habitual Offender's Program, the one FTE Sheriff's Sex Crimes Unit continues to work all sex crimes in as a timely manner as they can while investigating other crimes.

The Sheriff's Office indicated to the Grand Jury that they would be open to reestablishing a full-time SAFE/SHOP task force with three dedicated FTEs (a Detective Sergeant and two Detectives). Their draft budget for such an effort is approximately \$930,000 in yearly Sheriff's

personnel costs. This can be compared to the present Sheriff's Office budget of approximately \$160 million, though only \$10-15 million is truly discretionary, according to the Sheriff's Office.

## **Findings**

### **Sexual Abuse and Assault Against Children**

1. Of sex offenses in San Mateo County 76% are committed against children.<sup>27</sup>
2. When convicted sex offenders are not under consistent and intensive supervision (e.g., face-to-face contact with law enforcement, at both scheduled and random times.)<sup>28</sup>, they re-offend at the same (or higher) severity levels and frequency as compared with sex offenders not under such supervision.
3. The percentage of children taken for examination of possible sexual abuse and assault to the San Mateo Medical Center's Keller Center by Sheriff's deputies declined in 2008-2009 by about 1/2 from 2004-2007 levels.

### **Use of the Internet by Sexual Predators**

1. Sexual predators are increasingly using the internet to attract young children. In 2006, 250 minors per month received an online sexual solicitation in San Mateo County according to a Sheriff's Office estimate. With the explosion of social networking and internet-based communications during the last 3 years, current estimates could be several times higher.
2. The Sheriff's Office maintains a sergeant and detective that oversee on-line sexual predators a few hours each week. Local police departments have neither the specialized resources nor the personnel to pursue on-line predators.
3. While sophisticated tools are available to identify violators of child pornography laws, Sheriff's Office personnel stated that County resources are insufficient to pursue investigation of these criminals in a timely manner.

### **Sexual Offender Registration**

1. County funding available to monitor sexual offenders is declining.
2. While the number of Megan's Law registrants who have been convicted of sexual abuse and assault against children grew from 2004-2009, the number of Megan's Law registration violations prosecuted by the DA stayed about constant during this period.
3. Sex offender registrants pursuant to Section 290 of the California Penal Code are required to register at the San Mateo County Sheriff's Office. The Sheriff's Office is only open for sex offender registration on Tuesdays and Thursdays between the hours of 8:00 AM and 12:00 PM. By contrast, the Santa Clara County Sheriff's Office is open 24 hours per day, 7 days per week, and 52 weeks a year for sex offenders to register.

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<sup>27</sup> Per San Mateo County Probation Department

<sup>28</sup> Per San Mateo County Probation Department statistics



## Law Enforcement

1. The most effective preventative measure against sexual offenders is making regularly scheduled and random contact, plus ongoing observation.
2. Due to the economy as well as State budget reductions, the San Mateo County Board of Supervisors has had to reduce all department budgets, including law enforcement.
3. Sex offenders re-offend at a rate of 50% or more. In the past, the Sheriff's Office and all local law enforcement agencies actively monitored San Mateo County's offenders. Due to budget cuts, this activity has diminished and dedicated sex unit personnel have been rolled into general investigations.
4. Consistent and intensive monitoring of convicted sex offenders when released from parole/probation is performed inconsistently throughout San Mateo County. Some city police departments have extensive procedures in place to monitor sex offenders while others perform the minimum required by law.
5. There is insufficient sharing and coordination of information about sexual offenders among the law enforcement agencies within the County.
6. The Sheriff requested a lieutenant's position from the BOS to oversee the new jail construction. The request was turned down. In order to fund the position, in April 2007 the Sheriff eliminated the sergeant's position for Sexual Habitual Offender Program (SHOP) and sexual offender/predator coordination. As a result, the San Mateo County sex crimes unit currently functions with one FTE composed of fractional commitments of four investigators.
7. The Sheriff's Office successfully oversees and coordinates many taskforces in cooperation with San Mateo County cities' police forces: Gang, Drug, Vehicle Theft and White Collar Crime, among them. These taskforces remained in place because they received funding from either the local, state or federal governments.
8. According to the Sheriff's Office, a joint task force for county-wide, coordinated investigation and enforcement of sexual offenses (similar to SAFE) could be implemented for \$1.55 million with 50/50 resource-sharing between the Sheriff's Office and cities similar to the funding model used for other joint task forces (e.g., white-collar crime, drugs, gangs).

## Conclusions

1. The citizens of San Mateo County, especially children, are at a greater risk of being the victims of sexual offenses because some law enforcement agencies (a) no longer vigorously monitor sexual offenders nor investigate sexual predators to the same degree and (b) no longer coordinate such activities on a county-wide basis.
2. Enforcement in San Mateo County has drastically declined during the past 3 ½ years with (a) the January 2007 elimination of county-wide law enforcement coordination through SAFE, (b) the April 2007 elimination of the dedicated four person sexual offender investigations unit in the Sheriff's Office, and (c) the forthcoming elimination of the dedicated sexual offender unit in the County Probation Department.
3. The registered sexual offender population and the total sexual abuse crime rate against children in San Mateo County did not decline from 2004-2009. The Grand Jury believes

the most likely explanation for the decline in Keller Center examinations in light of the static arrest rate is due to a lack of assigned personnel within the Sheriff's Office.

4. While sophisticated tools are available to identify violators of child pornography laws and to catch internet sexual predators. San Mateo County law enforcement resources are insufficient to use these tools to pursue investigation of these criminals in a timely manner. Local police departments do not have the specialized resources or the personnel to pursue the predators who are increasingly using the internet.
5. The relatively low sexual offender recidivism rate achieved by the County Probation Department is at risk due to reprioritized funding that will eliminate its permanent, dedicated sexual offender unit.
6. City Police Department practices vary dramatically across the County. Sharing and coordination of information regarding sexual offenders among the law enforcement agencies in the County is insufficient to effectively control sexual offender activity.
7. In 2009-2010, if either (a) 1% of the County's \$80 million contribution to the Sheriff's Office's \$160 million budget or (b) 2% of the State's Proposition 172 funding for enhanced law enforcement would have been reprioritized, the Sheriff's Office could have operated a full-time, 3-person team dedicated to sexual offender enforcement.

## **Recommendations**

The 2009-2010 San Mateo County Civil Grand Jury recommends to the San Mateo County Board of Supervisors and to the San Mateo County Sheriff that they:

1. Reinstate the SAFE Task Force. Based upon other task force formulas, the Sheriff's Office and the combined cities would each contribute 50%.
2. Regardless of funding, the Sheriff's Office should reinstate its permanent, dedicated three to four person sexual offender investigation unit, including all SHOP activities.
3. Prioritize funding within the County Probation Department to keep sexual offender recidivism at a relatively low level by re-establishing a permanent, dedicated sexual offender unit.

The 2009-2010 San Mateo County Civil Grand Jury recommends to the City Councils of San Mateo County that they work through the San Mateo County Police Chiefs' Association to:

1. Coordinate City Police Department sex offender policies and practices to reach increased, uniform levels of enforcement throughout the County.
2. Reinstate the SAFE Task Force in partnership with the San Mateo County Sheriff's Office by contributing appropriate resources.
3. Develop a county-wide plan to improve the sharing of information regarding sexual offender law enforcement.