



# Sex Offender Law Enforcement in San Mateo County

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## 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

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<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)

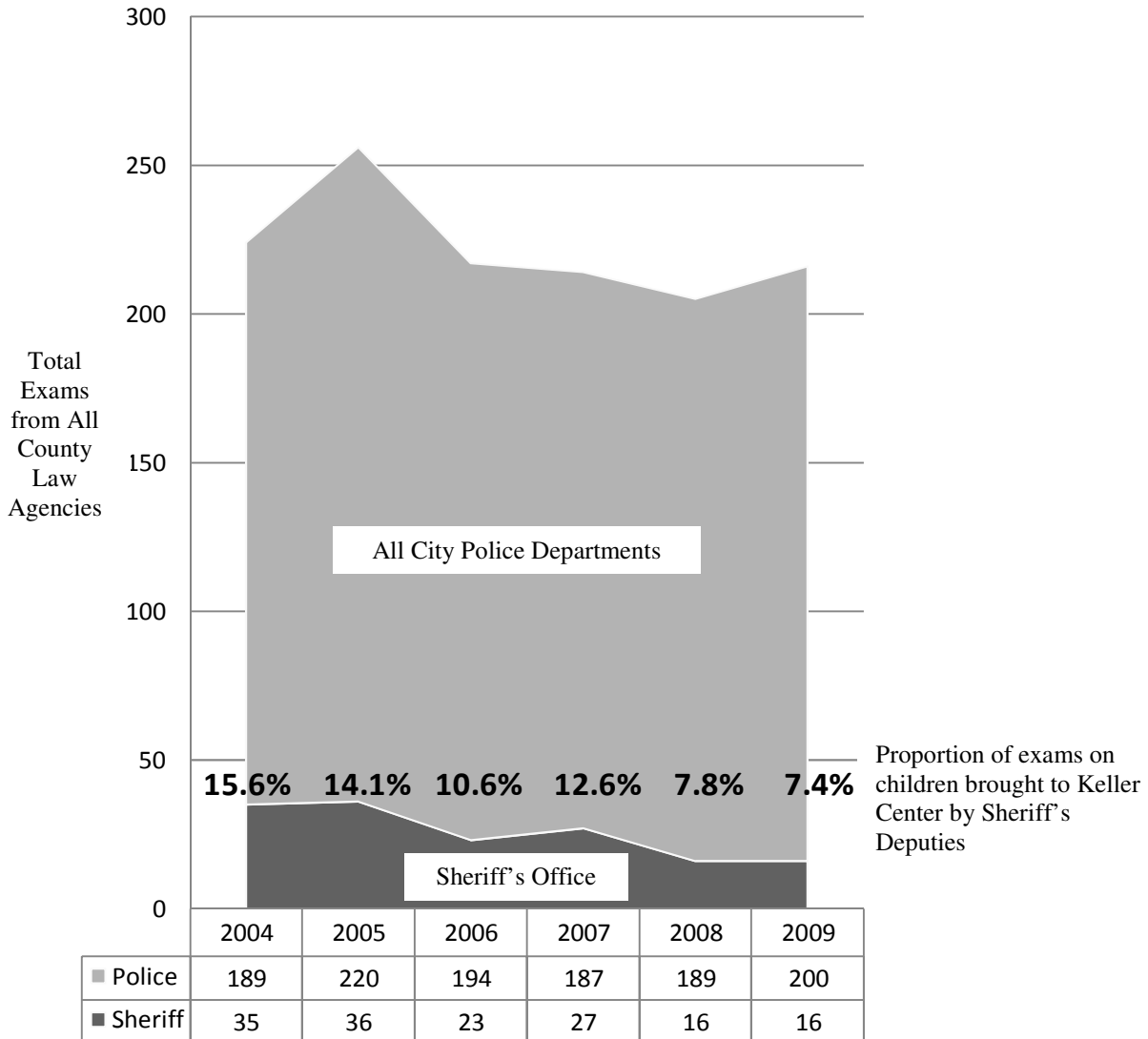
<sup>11</sup> [http://www.sccgov.org/portal/site/sheriff/agencychp?path=/v7/Sheriff,%20Office%20of%20the%20\(ELO\)/Special%20Units/SAFE%20TaskForce](http://www.sccgov.org/portal/site/sheriff/agencychp?path=/v7/Sheriff,%20Office%20of%20the%20(ELO)/Special%20Units/SAFE%20TaskForce)

<sup>12</sup> Prentky, R., Knith, 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

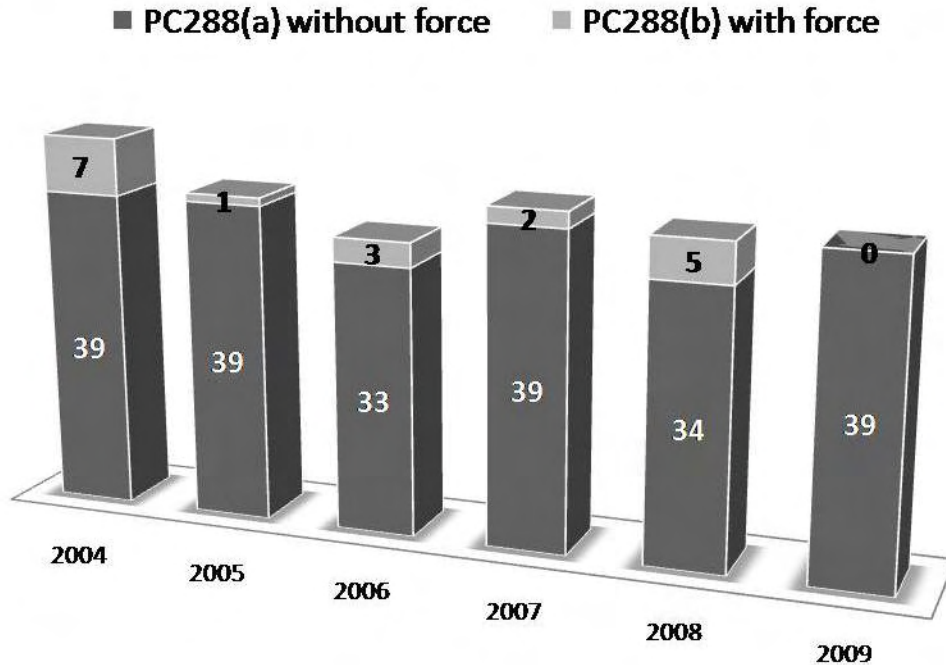


Source: San Mateo Medical Center's Keller Center for Family Violence Intervention

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.netSMART.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/)

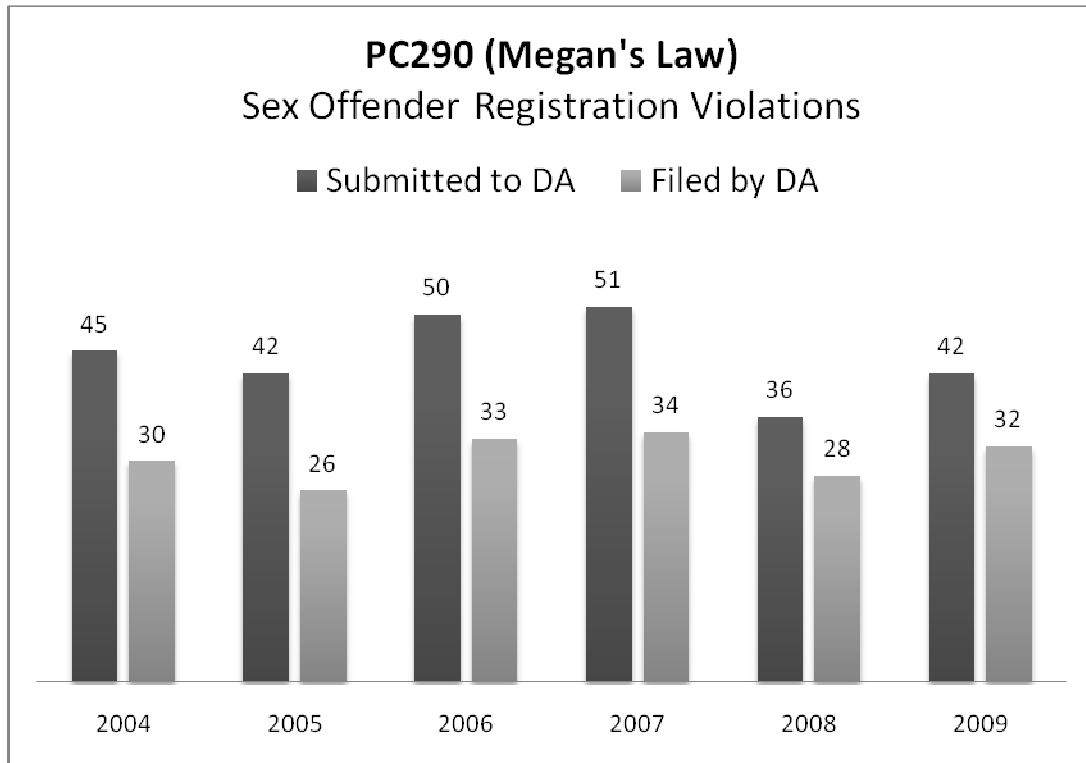
should be noted that some sex offenders are not required to appear on the public site. For instance, Daly City actually has 98 sex offender registrants, while the Megan’s Law website only shows 68, those that have committed high risk offenses as defined in Megan’s Law. Note that sexual offenders who 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**

<b>City</b>	<b>Registered Offenders (PD reports)</b>	<b>Megan’s Law Registrants (<a href="http://meganslaw.ca.gov">meganslaw.ca.gov</a>)</b>	<b>In Violation of Registration Requirements (subject to Megan’s Law)</b>
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/MN9F1BI81D.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.

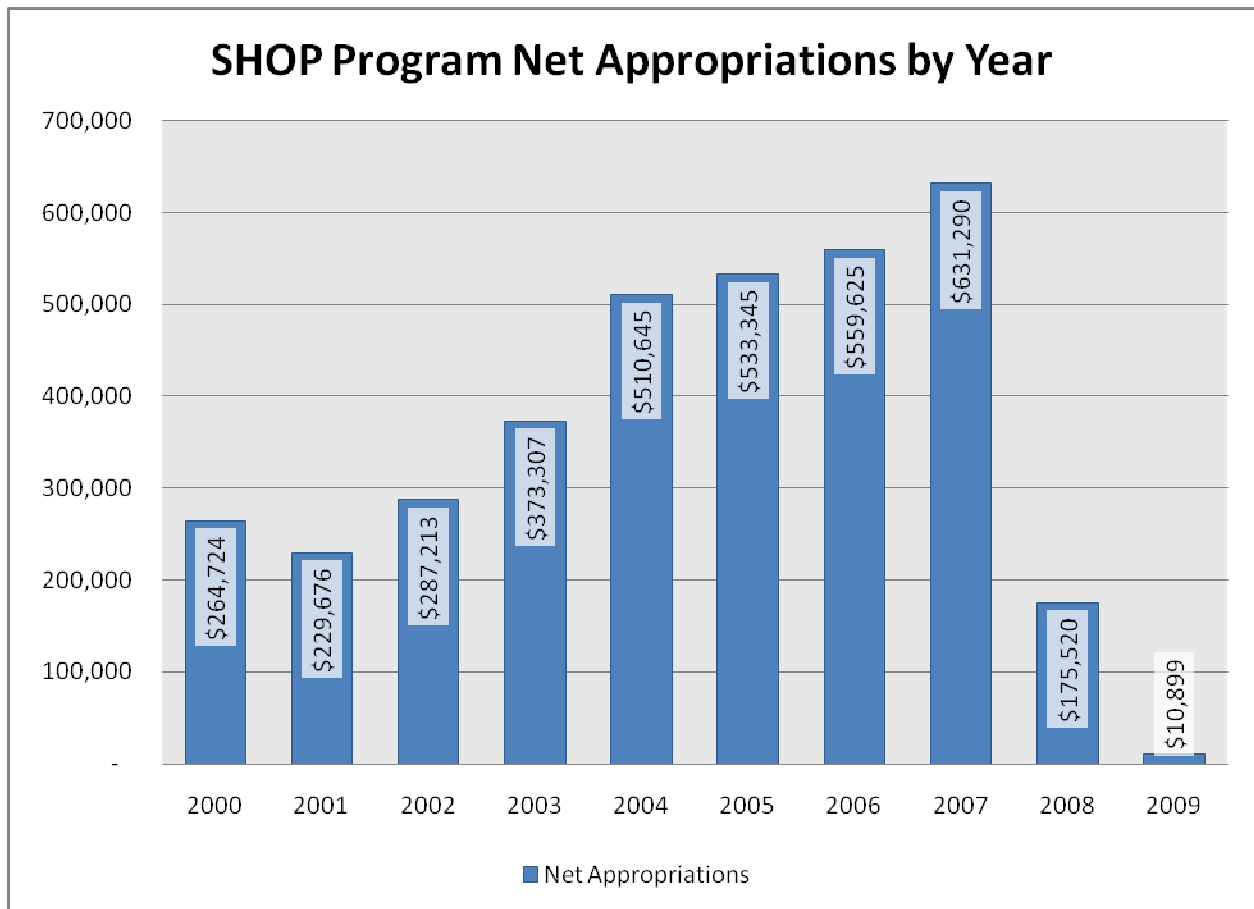
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<sup>25</sup> [http://articles.sfgate.com/1996-08-07/news/17782043\\_1\\_megan-s-law-offenders-task-force](http://articles.sfgate.com/1996-08-07/news/17782043_1_megan-s-law-offenders-task-force)

<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.



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**  
 County Manager's Office



**DATE:** September 23, 2010  
**BOARD MEETING DATE:** October 5, 2010  
**SPECIAL NOTICE/HEARING:** None  
**VOTE REQUIRED:** Majority

**TO:** Honorable Board of Supervisors  
**FROM:** David S. Boesch, County Manager   
**SUBJECT:** 2009-10 Grand Jury Response to Report Titled Sex Offender Law Enforcement in San Mateo County

**RECOMMENDATION:**

Adopt recommended responses to the 2009-10 Grand Jury report: Sex Offender Law Enforcement in San Mateo County.

**BACKGROUND / DISCUSSION:**

The County is mandated to respond to the Grand Jury within 90 days from the date that reports are filed with the County Clerk and Elected Officials are mandated to respond within 60 days. To that end, attached is the County's response to the Sex Offender Law Enforcement in San Mateo County report issued on July 14, 2010.

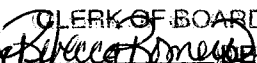
Acceptance of this report contributes to the Shared Vision 2025 outcome of a Collaborative Community by ensuring that all Grand Jury findings and recommendations are thoroughly reviewed by the appropriate County departments and that, when appropriate, process improvements are made to improve the quality and efficiency of services provided to the public and other agencies.

**FISCAL IMPACT:**

There is no Net County Cost associated with accepting this report.

**APPROVED BY**  
**BOARD OF SUPERVISORS**

**OCT 05 2010**

CLERK OF BOARD  
 BY  DEPUTY

## **Sex Offender Law Enforcement in San Mateo County**

### **Findings:**

Staff is in general agreement with the Sheriff's Office responses to the Grand Jury's findings (attachment A for reference) with the following additional comments.

The County has made significant cuts to operating departments over the past three years, including law enforcement, to address a \$150 million structural budget deficit.

In the last round of reductions, the cuts to the Sheriff's Office and the District Attorney's Office were proportionally smaller (5%) than the cuts to other operating departments (10-20%). Consequently, general purpose revenue allocations to public safety increased from 47% to 52% in FY 2010-11.

It should be noted that the Board of Supervisors has funding authority over the Sheriff's budget, however, as an elected official, the Sheriff has the authority to allocate discretionary funding to programs he feels are in the best interest of public safety.

In general, the County supports the Sheriff's approach of cutting discretionary state programs where no state funding is provided.

### **Recommendations:**

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

**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.**

**Response:** Agree in part. The County is working with the Probation Department, as with other departments, to develop a sustainable level of service and achieve a balanced budget as part of the County's five-year structural budget deficit elimination plan. Efforts include assessing current services across all operating departments to determine core, mandated programs and identify non-essential services as well as mandated services provided in excess of minimum service levels (overmatch).

In addition, the County is developing a revised methodology in how it allocates general purpose revenues to operating departments. Once the new methodology is determined the County will work with the Probation Department, as well with other operating departments, to adjust service levels in line with available resources.

# **ATTACHMENT A**

*Michael B.*  
ALL SUPS RECD



COUNTY OF SAN MATEO  
**Office of the Sheriff**

GREG MUNKS  
SHERIFF

CARLOS G. BOLANOS  
UNDERSHERIFF

TRISHA L. SANCHEZ  
ASSISTANT SHERIFF

400 COUNTY CENTER ◦ REDWOOD CITY ◦ CALIFORNIA 94063-1662 ◦ TELEPHONE (650) 599-1664 ◦ [www.smcsheriff.com](http://www.smcsheriff.com)

ADDRESS ALL COMMUNICATIONS TO THE SHERIFF

September 10, 2010

Honorable Clifford V. Cretan  
Judge of the Superior Court  
Hall of Justice  
400 County Center, 2<sup>nd</sup> floor  
Redwood City, CA 94063-1655

Dear Judge Cretan:

Please find attached the Sheriff's Office response to the Civil Grand Jury report of July 12, 2010, titled "Sex Offender Law Enforcement in San Mateo County." Thank you for the opportunity to provide this information with the hope that it informs and clarifies the Grand Jury inquiry from the Sheriff's Office perspective.

As always, we look forward to working with the Grand Jury on all matters pertaining to the efficient and effective operation of the Sheriff's Office.

Very truly yours,

Greg Munks  
Sheriff

# GRAND JURY RESPONSE

## 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, both at 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.*

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 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 that 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 1/2 from 2004-2007 levels.*

The Sheriff's Office agrees that there was a drop in the number of children brought to the Keller Center for exams from 2007 to 2008. However, the Sheriff's Office believes that this drop is the result of an aberration as opposed to a trend. (See response to Conclusion #3)

### 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.*

Respondent agrees with the finding and the statistics provided by the National Center for Missing and Exploited Children and the Office of Juvenile Delinquency Prevention.

- 2. The Sheriff's Office maintains a sergeant and a 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.*

We agree with the first part of the finding in terms of a Sheriff's sergeant and detective overseeing on-line predators a few hours each week. We do not agree with the second part of the finding. Local agencies are varied in their capabilities and staffing resources. Some do have both the technological and personnel resources to pursue on-line predators while others do not. 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 Investigation (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 effectuated by six 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 any 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. The Sheriff's Office and local police departments aggressively use investigative resources when complaints are received from their community regarding on-line sexual predators. However, 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 this finding. While we agree that the funding available is declining (monies supporting the monitoring of sexual offenders was principally funded via the Adam Walsh Grant and the state's vehicle registration fees), the Sheriff's Office continues to monitor and investigate "290" registrants.



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 civil grand jury is stating that individuals have re-offended 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 does not 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: Respondent agrees with the finding but would suggest that the comparison between San Mateo County and Santa Clara County is unsuitable or problematic. San Mateo County has a population of 718,000 with 792 registered sex offenders whereas Santa Clara County has a population of 1,784,000 with 3,507 registered sex offenders. The number of sex offenders in Santa Clara County may warrant 24/7 registration, however, the task is handled by records clerks and is simply a baseline conformance with the law. Sex offenders that register with the San Mateo County Sheriff's Office are not simply registered as required by law. They are also extensively interviewed by a detective. This process yields important information about the sex offender which is being used to create a database that may enable local agencies to identify sexual assault suspects through their physical description and M.O. We are in full compliance with the requirements of the law by conducting Tuesday and Thursday registrations and interviews.

## 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 contend that the global positioning system (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 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.*

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 that 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 it 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 partially with the findings. What metric is used to determine "insufficiency?" There certainly is sharing that takes place among agencies. Could sharing be improved? Certainly. Is it insufficient? That is a conclusion without any apparent justification. We believe coordination, cooperation and sharing among the Sheriff's Office, the probation department, 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 capabilities and resources. 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 other regions in 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 crimes unit currently functions with one FTE composed of fractional commitments of four investigators.*

Response: Respondent disagrees partially with the findings. It is true that the Sheriff requested a lieutenant's position from the Board of Supervisors to oversee a replacement jail planning unit and that the request was denied. We consider the SHOP unit to have been absorbed into our Detective Bureau. Sexual investigations continue to be conducted by a sergeant, one full time detective and three other detectives in the Sheriff's Detective Bureau.

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

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

## **Conclusions**

- 1. The citizens of San Mateo County, especially children, are at a greater risk of being 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.*

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 duties have been absorbed into the Sheriff's Detective Bureau, 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 target 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's Office, Health Department), 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 two-day Sexual Assault Training Workshop 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 the same professional service.

The above are but a few examples of how the numerous agencies in San Mateo County are working together to keep our children safe.

- 2. Enforcement in San Mateo County has drastically declined during the past 3½ 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 agrees that we no longer have the ability to pro-actively investigate sexual offenders the way we did prior to April 2007. The funding

since April 2007 has declined on every level; federal, state, county and the private sector. This has not only been the case in San Mateo County but has occurred nationwide. We are being forced to do more with less. In spite of this, all of the law enforcement agencies in San Mateo County are doing their utmost to provide law enforcement services to the people of San Mateo County.

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 lack of assigned personnel within the Sheriff's Office.*

As previously stated, it is the belief of the Sheriff's Office that the decline in sexual assault examinations at the Keller Center from 2007 to 2008 represents an aberration rather than a trend. First, 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. However, according to recent statistics from the Keller Center, in the first six months of 2010, the Sheriff's Office brought more children to the Keller Center than any other law enforcement agency in San Mateo County.

Second, medical examinations at the Keller Center are not the only method of investigating child sexual abuse cases. 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, medical exams may not be appropriate, since the likelihood of forensic findings is nonexistent. A better 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 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 at 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: The conclusion is directed to the city police departments.

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.*

The FY09-10 budget was \$161,839,774 with \$80,566,650 being Net County Cost. Net County Cost is the amount of funds contributed by the County for our budget. All other funds are generated by department grants, contracts, and other revenue sources included Prop 172. The amount of Net County Cost that was discretionary during FY09-10 was approximately \$9,414,520. The amount of Net County Cost for Mandated programs was approximately \$71,152,130. The programs considered to be discretionary are as follows:

- Terrorism Response \$212,513
  - GIU \$1,209,343
  - Street Crimes Task Force \$474,770
  - SWAT & Hostage Negotiations \$191,146
  - Technical Services Unit \$1,772,911
  - Cargo Theft Task Force \$67,331
  - Sheriff Work Program \$654,692
  - EMP \$505,711
  - Court Holding Cells \$1,125,442
  - Countywide Security \$153,573
  - Juvenile Diversion \$61,980
  - Marine Patrol & Rescue \$48,433
  - Health Security \$33,623
  - ROR \$1,366,035
  - Community & School Policing \$1,278,645
  - Crisis Management Unit \$215,045 (cut in FY10-11)
- TOTAL: \$9,371,193**

All other programs/divisions/units not listed above are considered to be mandatory.

## 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's Office 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%.*

Response: Respondent disagrees. The SAFE Task Force was a State of California Department of Justice entity that was neither funded nor staffed by Sheriff's Office personnel.

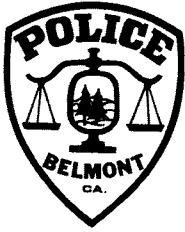
2. *Regardless of the funding, the Sheriff's Office should reinstate its permanent, dedicated three to four person sexual offender investigation unit, including all SHOP activities.*

Response: Respondent disagrees. While the Sheriff's Office is always open to reinstating the SHOP unit, it is clearly dependent upon funding. We cannot recommend a program be reinstated "regardless of funding."

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.*

Response: The recommendation is directed to the San Mateo County Probation Department.





# BELMONT POLICE DEPARTMENT

Donald J. Mattei, Chief of Police

September 29, 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 Belmont City Council held a public meeting on September 28, 2010 and approved this response. The City of Belmont 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 conducts

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"A Tradition of Service"

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 it 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.*

Respondent disagrees 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 (Crime Bulletins), 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 investigate sexual predators to the same degree and (b) no longer coordinate such activities on a county-wide basis.*

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 standards set forth for registration procedures set by the DOJ are completely followed 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.

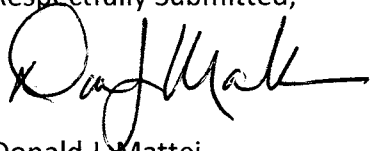
2. *Reinstate the SAFE Task Force in partnership with the San Mateo County Sheriff's Office by contributing appropriate resources.*

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 (Crime Bulletins), VCIN (Violent Crime Information Network), and Coplink which allows for information sharing between agencies 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.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Donald J. Mattei", with a long horizontal flourish extending to the right.

Donald J. Mattei  
Chief of Police

CITY OF BRISBANE  
POLICE DEPARTMENT

---



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 Honorable Clifford V. Cretan:

This letter is in response to the 2009/2010 Grand Jury report of July 14, 2010 which contained findings that pertain to the City of Brisbane. Listed below are the Jury's recommendations followed by the City of Brisbane response. The City Council has approved the below recommendation at their meeting on September 13, 2010. The City of Brisbane responds to the Grand Jury's findings, conclusions and recommendations as follows:

**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*

*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 it 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 place 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).

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## **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 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 supervisory 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*



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*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 standards set forth for registration procedures set by the DOJ are completely followed*

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.

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

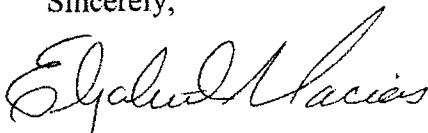
*This recommendation will not be implemented as it is beyond our control.* The San Mateo County Police Chief's and Sheriffs Association found great value in the SAFE Task Force, however that task force was funded and operated by the Department of Justice. DOJ does not intend to reinstate SAFE. Unfortunately 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



CATHY BAYLOCK, MAYOR  
TERRY NAGEL, VICE MAYOR  
JERRY DEAL  
ANN KEIGHRAN  
MICHAEL BROWNRIGG

*The City of Burlingame*

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October 4, 2010

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

**Re: Response to San Mateo County Civil Grand Jury report titled  
"Sex Offender Law Enforcement in San Mateo County"**

Dear Judge Cretan:

The Burlingame City Council received the San Mateo County Civil Grand Jury report titled "Sex Offender Law Enforcement in San Mateo County" in early July. The report contained several "findings" and "recommendations."

The City Council was requested to submit comments in regards to the findings and recommendations within 90 days and no later than October 12, 2010.

For the "findings," Council was to indicate one of the following:

1. Council agrees with the finding.
2. Council 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, for the Grand Jury's "recommendations," Council was requested to 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.

The Burlingame City Council, at its meeting on Monday, October 4, 2010 approved the responses to the findings and recommendations.

On behalf of the City of Burlingame, I would like to thank the Grand Jury for their work on this report.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cathy Baylock', with a long horizontal flourish extending to the right.

Cathy Baylock  
Mayor

## Findings

### Sexual Abuse and Assault against Children

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

Response: The City of Burlingame agrees with the finding. These statistics and conclusions were provided by the San Mateo County Probation Department. From 2008-2009, sex crimes committed against children actually accounted for 28% of all sex offenses in Burlingame.

City of Burlingame statistics are listed as follows:

Year	Total Offenses	Against Children	Percentage
2008	11	5	45%
2009	14	2	14%
TOTAL	25	7	28%

- 
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: The City of Burlingame agrees with the finding. These statistics and conclusions were provided by the San Mateo County Probation Department. The Burlingame Police Department 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. The City of Burlingame has two sex offenders registering as transient 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 1/3 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:** The City of Burlingame 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:** The City of Burlingame 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:** The City of Burlingame 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:** The City of Burlingame 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:** The City of Burlingame 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 similar trend.

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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.

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## Law Enforcement

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

**Response:** The City of Burlingame 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.

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- 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:** The City of Burlingame agrees with the finding.

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- 3. Sex offenders re-offend at a rate of 30% 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:** The City of Burlingame agrees with the finding.

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- 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:** The City of Burlingame disagrees partially with this finding. 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 it to use the DOJ guidelines which are already in place.

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

The City of Burlingame 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 San Mateo County 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.

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*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.

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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:** The City of Burlingame agrees with this finding.

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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 finding 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 investigate sexual predators to the same degree and (b) no longer coordinate such activities on a county-wide base.*

**Response:** The City of Burlingame disagrees 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 supervisory 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.

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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.

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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.

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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.*

**Response:** The City of Burlingame agrees with this conclusion. 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.

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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.

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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:** The City of Burlingame disagrees wholly with this conclusion. 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 San Mateo County 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.

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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:**

The 2009-2010 San Mateo County Civil Grand Jury recommends the following to the City Councils of the cities of San Mateo County:

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

**Response:** The City of Burlingame 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 standards set forth for registration procedures set by the DOJ are completely followed 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.

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- 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 (D.O.J.). The 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.

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- 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. The South San Francisco Police Department Sexual assault Detectives are in constant contact with State Parole regarding our registered sexual offenders that fall under Megan's Law.



# CITY OF DALY CITY

333-90TH STREET

DALY CITY, CA 94015-1895

PHONE: (650) 991-8000

October 12, 2010

Honorable Clifford V. Cretan  
Judge of the Superior Court  
Hall of Justice  
400 County Center, 2nd floor  
Redwood City, CA 94063

RE: Civil Grand Jury Report Sex Offender Law Enforcement in San Mateo County  
Grand Jury Report

Dear Judge Cretan:

On behalf of the City Council of Daly City, I have been requested to submit the City's following response to the Civil Grand Jury findings and recommendations pertaining to the above-referenced report:

## **FINDINGS**

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

#### **Finding #1**

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

#### **Response**

The City **agrees** with the finding. These statistics and conclusions were provided by the San Mateo County Probation Department.

#### **Finding #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**

The City **agrees** with the finding. These statistics and conclusions were provided by the San Mateo County Probation Department. The Daly City Police Department continues to conduct face to face registration with sex offenders and conducts unannounced compliance checks at offender's residences. In addition, the Daly City Police Department regularly schedules and implements Sex Offender Compliance Check details, where all 98 of the City's registrants are tracked down and checked during a one day sweep. The most recent compliance check occurred in September 2010.

The Daly City Police Department currently has 13 transient registrants. Of those 13, eight are in custody as of the writing of this response. It is most unfortunate that State law currently allows sex offenders to register as transient with no responsibility to provide an address. We have seen a rise in the number of sex offenders registering as transients which is allowed under the law. Even though this allows the Police Department to have monthly contact with the sex offender, registering as a transient limits follow-up and the ability to conduct unannounced visits of the transient's "residence" very difficult.

**Finding #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:**

The City **neither agrees nor disagrees** with this finding as the finding was focused on the actions of the San Mateo County Sheriff's Office.

**Use of the Internet by Sexual Predators**

**Finding #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.

**Response**

The City **agrees** with the finding.

**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**

The City **partially agrees** with this finding. While the Daly City Police Department aggressively responds with investigative resources when complaints are received from the community regarding on-line sexual predators, the Department lacks the resources or personnel to proactively pursue on-line predators. Such predators can live anywhere in the World. Setting up a dedicated detective to actively pursue sexual predators puts an unnecessary burden on the City's Police Department's resources. The Police Department must rely on Federal agencies and/or local task forces to conduct proactive sexual predator 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 seek and identify 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 law enforcement agencies. Other arrests have taken place throughout San Mateo County during the year. These task forces conduct their own proactive investigations as well as provide assistance to other law enforcement agencies upon request.

**Finding #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**

The City **agrees** with this finding. The Daly City Police Department uses investigative resources when complaints are received from the community regarding on-line sexual predators. However, the Department lacks personnel to proactively pursue on-line predators.

**Sexual Offender Registration**

**Finding #1**

County funding available to monitor sexual offenders is declining.

**Response**

The City **agrees** with the finding.

**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**

The City is unable to respond to this finding. First, it is unclear whether the Grand Jury is stating that individuals have reoffended subsequent to becoming Megan's Law registrants, or whether the claim is simply that the number of registrants has increased over the years. Regardless of the Grand Jury's contention, there is insufficient data in the report to support either of these claims.

If the Grand Jury is assuming that the number of sexual offender registrants is increasing as a result of the number of convicted sex offenders increasing cumulatively, this presumption does not 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.4th 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.

**Finding #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**

The City **neither agrees nor disagrees** with this finding as the finding was focused on the San Mateo County Sheriff's Office. For purposes of clarification, the Daly City Police Department will register sex offenders by appointment with the Sexual Assault Detective, Monday-Friday 7:00 a.m. - 5:00 p.m. In addition, the Police Department will accommodate drop-in registrants at the Department's public counter on Monday – Friday 8:00 a.m. - 6:00 p.m. and Saturday 8:00 a.m. - 12:00 noon.

**Law Enforcement**

**Finding #1**

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

**Response**

The City **agrees** with the finding. However, the Department believes that the GPS monitoring of all sex offenders is increasingly the most effective monitoring strategy. All current paroled sex offenders are monitored by GPS technology. The legality of GPS monitoring of sexual offenders not on parole or probation has yet to be settled in the Courts.

**Finding #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**

The City **agrees** with the finding.

**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**

The City **partially disagrees** with the finding. The Daly City Police Department has two detectives assigned to sex crimes, which includes all crimes against children. One responsibility of these detectives is the oversight of the 98 registrants. The DCPD has not transferred the sexual assault detectives into general investigations. They remain dedicated to all sexual assault investigations.

**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**

The City **partially disagrees** with this finding. 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 DCPD complies with the standards established by the DOJ for sex offender registration.

**Finding #5**

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

### **Response**

The City **wholly disagrees** with this finding. The coordination, cooperation and sharing among the Sheriff's Office, Probation, District Attorney's Office and local law enforcement agencies within San Mateo County may very well be the best anywhere in the State of California. Police agencies have been working together and sharing information for decades. San Mateo County agencies take great pride in their ability to coordinate information quickly and effectively both in person and through the use of technology. The highly effective communication 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.

With respect to 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 including 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 distributes this data within San Mateo County, but will also soon connect the Bay Area to the other areas of California. San Mateo County law enforcement is a leader with other statewide sharing projects such as the new Department of Justice California Sex and Arson Registry which went live in August 2010.

The County's police chiefs, commanders, detectives, gang officers and child abuse investigators meet routinely 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 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 such training. Once again, San Mateo County leads most law enforcements agencies in using this technology and applications to monitor and coordinate enforcement efforts aimed at high risk offenders.

### **Finding #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.

### **Response**

The City **neither agrees nor disagrees** with this finding as it relates to the specific operations of the San Mateo County Sheriff's Office.

**Finding #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 placed because they received funding from either the local, state or federal governments.

**Response**

The City **agrees** with this finding.

**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 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:**

The City **neither agrees nor disagrees** with this finding as it relates to the specific operations of the San Mateo County Sheriff's Office.

**RECOMMENDATIONS**

**Recommendation #1**

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

**Response:**

The City has **implemented** this recommendation. As noted previously, while the number and details 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. Every department in San Mateo County complies with the DOJ standards for sex offender registration. The DCPD agrees with the Grand Jury that the procedures should be consistent and 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.

**Recommendation #2**

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

Honorable Clifford V. Cretan  
October 12, 2010  
Page 8 of 8

**Response**

The City **will not implement this recommendation** as it is beyond the City's 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 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.

**Recommendation #3**

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

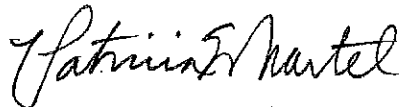
**Response**

The City has **implemented this recommendation**. There are several initiatives which will contribute to data sharing between agencies that are currently on-line such as Critical Reach, Violent Crime Information Network and Coplink that provide data across the law enforcement intranet. The Daly City Police Department 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, the Department will actively participate in the new DOJ Sex Offender and Arson Registry when it goes online this year.

In conclusion, the City of Daly City appreciates the opportunity to provide written responses to the San Mateo County Civil Grand Jury Report on Sex Offender Law Enforcement in San Mateo County. The City Council of Daly City approved the responses contained herein on October 11, 2010.

Should you or the Grand Jury require additional information or clarification concerning the response provided, please contact me directly at (650) 991-8127.

Sincerely,



Patricia E. Martel  
City Manager



**CITY OF EAST PALO ALTO  
OFFICE OF THE CITY MANAGER**

February 9, 2011

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

**Re: 2009-2010 San Mateo County Grand Jury Report: Response to Sex Offender Law Enforcement in San Mateo County**

Dear Judge Cretan,

We are in receipt of the Grand Jury's final report, "Sex Offender Law Enforcement in San Mateo County". Pursuant to your July 14, 2010 request for response, the East Palo Alto City Council held a public meeting on February 1, 2011, and approved this response. The City of East Palo Alto responds to the Grand Jury findings, conclusions, and recommendations as follows:

**The 2009-2010 San Mateo County Civil Grand Jury report on Sex Offenders concludes the following:**

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.

#### **City's Response**

The City of East Palo Alto does agree, in general, with the findings of the San Mateo Grand Jury. This assessment, however, is primarily based on information contained within the report and the expert opinion of Police Department staff.

#### **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.

#### **City's Response**

The City of East Palo Alto agrees with all three (3) recommendations of the Grand Jury. However, these recommendations primarily impact the County Sheriff and Probation Departments. Therefore, the City will take no further action at this time.

#### **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.

**City's Response**

The City of East Palo Alto agrees with this recommendation. In fact, the Police Department has already coordinates and partners with neighboring and county law enforcement agencies to conduct periodic checks of sex offenders.

Respectfully,



ML Gordon  
City Manager

RESOLUTION NO. 4094

A RESOLUTION OF THE EAST PALO ALTO COUNCIL CITY  
APPROVING THE CITY MANAGER'S LETTER OF RESPONSE TO  
THE 2009-2010 SAN MATEO COUNTY GRAND JURY REPORT  
ENTITLED "SEX OFFENDER LAW ENFORCEMENT IN SAN MATEO  
COUNTY"

**WHEREAS**, The San Mateo Grand Jury issued a report, "Sex Offender Law Enforcement in San Mateo County" ("Report"), and;

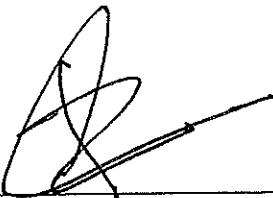
**WHEREAS**, the Report includes findings, conclusions and recommendations regarding sex offender tracking and monitoring, and;

**WHEREAS**, the City Council is required to respond to the findings, conclusions and recommendations of the Grand Jury at a public meeting;


**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of East Palo Alto does hereby approve the City Manager's Letter of Response to the 2009-2010 San Mateo Grand Jury Report, "Sex Offender Law Enforcement in San Mateo County".

**PASSED AND ADOPTED** by the City Council of the City of East Palo Alto on the 1<sup>st</sup> day of February, 2011, by the following vote:

**AYES:** ABRICA, EVANS, MARTINEZ, ROMERO  
**NAES:** 0  
**ABSENT:** WOODS  
**ABSTAIN:** 0

  
\_\_\_\_\_  
Carlos Romero, Mayor

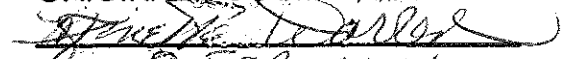
ATTEST:

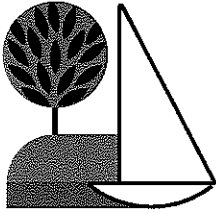
  
\_\_\_\_\_  
ML Gordon, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Vincent G. Ewing, City Attorney

THIS IS TO CERTIFY THAT  
THIS IS A TRUE COPY OF THE  
ORIGINAL DOCUMENT.

  
\_\_\_\_\_  
8 FEB 2011



*City of Foster City*

**ESTERO MUNICIPAL IMPROVEMENT DISTRICT**

610 FOSTER CITY BOULEVARD  
FOSTER CITY, CA 94404-2222  
(650) 286-3200  
FAX (650) 286-3589

September 20, 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 Foster City City Council held a public meeting on September 20, 2010 and approved this response. The City of Foster City's responses to the Grand Jury's findings, conclusions and recommendations are 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. The Foster City Police Department continues to conduct face to face registrations with sex offenders and conducts unannounced compliance checks at offender's residences.

- 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 on-line 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.*

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, including Foster City, lack the resources or personnel to proactively pursue on-line predators.

However, since these predators can live anywhere in the world, local departments, including Foster City, 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, including Foster City, aggressively use investigative resources when complaints are received from their community regarding on-line sexual predators, most departments, including Foster City, 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 does 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 portion regarding the general recidivism statistic and the finding referring to diminished monitoring of offenders throughout the county as a whole. However, while Foster City PD has never had a need for a dedicated sex unit, Foster City Police detectives continue to aggressively and proactively monitor offenders in our community.

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 California 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, including Foster City, 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 it 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.*

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, including in Foster City, 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 oversaw 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 place 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 investigate 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, including those in Foster City, 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 supervisory 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. As

previously stated, Foster City detectives regularly conduct scheduled and unannounced visits to registrants' homes.

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 standards set forth for registration procedures set by the DOJ are completely followed by every department within San Mateo County, including Foster City. 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, including that of Foster City, 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 that will contribute to data sharing between agencies that are currently on-line such as Critical Reach, VCIN and Coplink that provide data across our law enforcement

Intranet. All law enforcement agencies, including Foster City, 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 utilizing the new DOJ Sex Offender and Arson Registry as it comes online this year.

Sincerely,

A handwritten signature in black ink that reads "Rick Wykoff". The signature is written in a cursive style with a large, prominent "R" and "W".

Rick Wykoff, Mayor  
City of Foster City



# CITY OF HALF MOON BAY

City Hall, 501 Main Street Half Moon Bay CA 94019

September 7, 2010

The Honorable Clifford V. Cretan  
Judge of the San Mateo County Superior Court  
400 County Center, 2<sup>nd</sup> Floor  
Redwood City, CA. 94063

**RE: City of Half Moon Bay's Response to "Sex Offender Law Enforcement in San Mateo County."**

Dear Judge Cretan;

I want to take this opportunity to thank you and the other members of the San Mateo County Grand Jury for allowing the City of Half Moon Bay to provide comments on *Sex Offender Law Enforcement in San Mateo County*.

Our Police Chief and his staff have reviewed your report dated July 9, 2010 and have the following comments regarding the Grand Jury's conclusions and recommendations:

## **Conclusions**

- 1. The citizens of San Mateo County, especially children, are at 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.***

## **Response:**

The City of Half Moon Bay (City) does not have any specific information or data to support or deny the conclusions that citizens and children are more at risk of becoming the victims of sexual offenses than those in prior years or that law enforcement agencies are not vigorously monitoring sex offenders. However, we do believe that county-wide enforcement efforts are a valuable force multiplier and should be utilized whenever possible.

2. ***Enforcement in San Mateo County has drastically declined during the past 3 ½ years with (a) the January 2007 elimination of the 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:

There is no doubt that proactive enforcement will decline when dedicated resources for a specific program are eliminated. However, this is true for other proactive law enforcement programs such as traffic, gang, and drug enforcement. It is our understanding that the SAFE Task Force and County Probation Sex Offender Unit were eliminated due to County budget cuts after attempts were made to obtain separate grant funding.

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:

The City has no information or data to support or deny the Grand Jury's opinion regarding the decline in Keller Center examinations.

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.***

Response:

When San Mateo County law enforcement agencies begin an investigation into a sexual predator using the internet to solicit victims, there are sufficient resources (local, state, and federal) to provide assistance to the investigating agency upon request. The City does agree that most individual police agencies don't have the specialized

resources in-house to conduct these investigations in a proactive versus a reactive manner. A task force consisting of dedicated and specially trained investigators is a more effective and efficient way of investigating these types of cases.

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

Response:

Since the City is not directly involved in the County's budget process, or has influence in its program priorities, the City is not in the position to comment on the County's decision to eliminate its permanent and dedicated sexual offender unit. However, due to the current downturn in the economy, and the County's \$150 million deficit, it's not surprising that this proactive program (and others) were cut.

- 6. City Police Departments 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:

The City does not disagree with the Grand Jury's conclusion that City Police Departments may have different monitoring and enforcement practices involving sex offenders in their respective jurisdictions. However, the City has not been presented with any evidence to support the conclusion that information sharing and coordination between departments 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 \$160 million budget or (b) 2% of the State 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:

As previously stated, since the City is not involved in the budget process for County Departments, it would be inappropriate for the City to comment on the use of the County's general fund and Proposition 172



funding. It should be noted, that the Sheriff is only responsible for sex offender monitoring and enforcement in the unincorporated areas of the County, and in those cities that contract to the Sheriff for police services.

### **Recommendations**

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 and Sheriff Association to:

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

The City agrees that this recommendation should be submitted to the San Mateo County Police Chiefs and Sheriff Association for review and comment.

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

The City agrees that reinstating the SAFE Task Force would be a benefit to San Mateo County law enforcement and the general public. However, instead of creating another Task Force to monitor and investigate sex offenders, the San Mateo County Police Chiefs and Sheriff Association should instead consider re-directing or using existing personnel currently involved in other countywide cooperative efforts, such as the Narcotics, Vehicle Theft, and Gang Task Force(s) on a periodic and sustained basis.

In addition, the Chiefs and Sheriff Association should also consider partnering with other State and Federal law enforcement agencies that share a similar responsibility to monitor and investigate sex offenders, such as the California Department of Justice and the United States Marshal's Service (Adam Walsh Act). A local, state and federal partnership would also create new opportunities for grant funding and the ability to use these agencies as a "force multiplier" for both personnel and expertise.

Due to the severe economic conditions, cities are unable to deploy additional personnel or funding to support a new Task Force. Several cities in San Mateo County have already, or are considering, laying off city workers, including police and fire personnel. Creating a new Task Force utilizing additional city and county personnel or funding resources is unrealistic and un-sustainable in these tough economic times.

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

The City agrees that this recommendation should be submitted to the San Mateo County Police Chiefs and Sheriff Association for review and comment.

Sincerely;



Michael Dolder  
Interim City Manager  
City of Half Moon Bay

Cc: City Council  
City Attorney  
City Clerk  
PDF to [grandjury@sanmateocourt.org](mailto:grandjury@sanmateocourt.org)

This letter of response was approved by the Half Moon Bay City Council by Resolution No. C-65-10 at their Regular Meeting held on September 7, 2010.

RICHARD CLINE  
MAYOR

JOHN BOYLE  
VICE MAYOR

ANDREW COHEN  
COUNCIL MEMBER

HEYWARD ROBINSON  
COUNCIL MEMBER

KELLY FERGUSSON  
COUNCIL MEMBER



701 LAUREL STREET, MENLO PARK, CA 94025-3483  
www.menlopark.org

September 29, 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 Menlo Park City Council held a public meeting on September 28, 2010 and approved this response. The City of Menlo Park 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 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*

#### **Building**

TEL 650.330.6704  
FAX 650.327.5403

#### **City Clerk**

TEL 650.330.6620  
FAX 650.328.7935

#### **City Council**

TEL 650.330.6630  
FAX 650.328.7935

#### **City Manager's Office**

TEL 650.330.6610  
FAX 650.328.7935

#### **Community Services**

TEL 650.330.2200  
FAX 650.324.1721

#### **Engineering**

TEL 650.330.6740  
FAX 650.327.5497

#### **Environmental**

TEL 650.330.6763  
FAX 650.327.5497

#### **Finance**

TEL 650.330.6640  
FAX 650.327.5391

#### **Housing & Redevelopment**

TEL 650.330.6706  
FAX 650.327.1759

#### **Library**

TEL 650.330.2500  
FAX 650.327.7030

#### **Maintenance**

TEL 650.330.6780  
FAX 650.327.1953

#### **Personnel**

TEL 650.330.6670  
FAX 650.327.5382

#### **Planning**

TEL 650.330.6702  
FAX 650.327.1653

#### **Police**

TEL 650.330.6300  
FAX 650.327.4314

#### **Transportation**

TEL 650.330.6770  
FAX 650.327.5497

*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 relative to the re-offend rate. The Menlo Park Police Department has never used only "sex unit personnel" to monitor registered sex offenders. Every detective is involved and actively monitors their activity. This allows each of our detectives opportunity to maintain a manageable case load. We find this method of accountability keeps our re-offend rate lower.

- 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 it 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.*

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 enforcement 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 oversees 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 investigate 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 supervisory 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.

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.

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.

- 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 standards set forth for registration procedures set by the DOJ are completely followed 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 Sheriff 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*

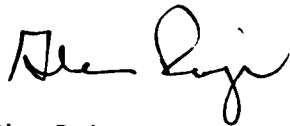
*not be able to contribute resources without an identified source of additional funding. The registration and monitoring of sex offenders who are not on probation or parole falls upon local law enforcement as an unfunded State mandate.*

*In fact, the state is contemplating transferring even more of the oversight responsibilities to the cities, which will further draw from our limited resources.*

- 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.*

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Rojas". The signature is fluid and cursive, with the first name "Glen" and last name "Rojas" clearly distinguishable.

Glen Rojas  
City of Menlo Park  
City Manager



# City of Millbrae

621 Magnolia Avenue, Millbrae, CA 94030

September 28, 2010

**PAUL SETO**  
Mayor  
**DANIEL F. QUIGG**  
Vice Mayor  
**MARGE COLAPIETRO**  
Councilwoman  
**GINA PAPAN**  
Councilwoman  
**NADIA V. HOLOBER**  
Councilwoman

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

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 Millbrae City Council held a public meeting on September 28, 2010 and approved this response. The City of Millbrae 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 conducts unannounced compliance checks at offender’s residences. Unfortunately, state law now allows sex offenders to register as transients 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 that they register as transients 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.*

---

City Council/City Manager (650) 259-2334	City Clerk (650) 259-2334	Public Works/Engineering (650) 259-2339	Recreation (650) 259-2360	Police Department (650) 259-2300
Personnel (650) 259-2334	Finance/Water (650) 259-2350	Community Development (650) 259-2341	Building Division (650) 259-2330	Fire Department (650) 259-2400

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

### **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 re-offended 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 it 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.*

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 standards set forth for registration procedures set by the DOJ are completely followed 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.*

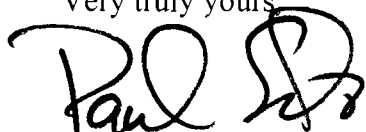
This recommendation will not be implemented as it is beyond our control. The San Mateo County Police Chief's and Sheriffs Association found great value in the SAFE Task Force, however that task force was funded and operated by the Department of Justice. DOJ does not intend to reinstate SAFE. Unfortunately 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.

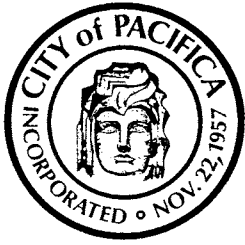
The members of the Millbrae City Council and City Staff are committed to keeping our community safe from sex offenders. We appreciate the Grand Jury's time and effort into compiling the report on "Sex Offender Law Enforcement in San Mateo County". We hope you will find our commentary helpful.

Very truly yours



Paul Seto  
Mayor

cc: Council  
City Manager



*Scenic Pacifica*

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CITY HALL

170 Santa Maria Avenue • Pacifica, California 94044-2506

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www.ci.pacifica.ca.us

**MAYOR**  
Sue Digre

**MAYOR PRO TEM**  
Mary Ann Nihart

**COUNCIL**  
Peter DeJarnatt  
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September 27, 2010

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

Re: Sex Offender Law Enforcement of San Mateo County

Dear Judge Cretan:

In response to your request for comments regarding the findings and recommendations of the 2009-2010 Grand Jury report filed on July 14, 2010 pertaining to "Sex Offender Law Enforcement of San Mateo County", the Pacifica Police Department has a response to the Grand Jury report and it is attached.

This report was reviewed at the City of Pacifica City Council meeting on September 27, 2010, wherein it was approved.

If you have any questions regarding our response, please do not hesitate to contact us.

Respectfully,

Sue Digre  
Mayor

**Police Department**  
Louis A. Cobarruviaz  
Chief of Police



1301 Maple Street  
Redwood City, CA 94063  
Telephone (650) 780-7100  
FAX Line (650) 780-7112

October 25, 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 City Council of the City of Redwood City held a public meeting on October 25, 2010 and approved this response. The City of Redwood 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 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 estimates 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 in part 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. Despite the lack of funding, the Redwood City Police Department continues to monitor sex registrants through home checks and visits.

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. Is unclear whether the grand jury is stating that individuals have reoffended post registration, or whether the finding is 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 findings.

If the grand jury has concluded that the number of sex registrants is increasing because the number of convicted sex offenders is increasing cumulatively, this conclusion may not be accurate. In 2006, the law changed in California regarding the necessity for certain types of sex offenders to register per section 290 of the California 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 agrees with the finding.

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

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 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 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 investigate sexual predators to the same degree and (b) no longer coordinate such activities on a county-wide bases.*

Response: Respondent disagrees with this finding. 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 enforcement to find and track registered sex offenders. These supervisory 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 September 2010 the Redwood City Police Department participated in one such "sweep" that targeted several Cities and sixteen registrants in the City of Redwood City.

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 an expert 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 skilled interviewer.

Twice a year, San Mateo County conducts a two-day Sexual Assault Training directed 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.

- 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 standards set forth for registration procedures set by the DOJ are completely followed 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. The Redwood City Police Department will continue to actively participate with the Department of Corrections and Rehabilitation in the 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.

Sincerely,

A handwritten signature in dark ink, appearing to read "Louis A. Cobarruviaz", with a long horizontal flourish extending to the right.

Louis A. Cobarruviaz  
Chief of Police  
Redwood City Police Department



September 28, 2010

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

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 San Bruno City Council held a public meeting on September 28, 2010 and approved this response. The City of San Bruno 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 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 it 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.*

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 Chiefs 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 enforcement 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 supervisory 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 standards set forth for registration procedures set by the DOJ are completely followed 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.

The members of the San Bruno City Council and City Staff are committed to keeping our community safe from sex offenders. We appreciate the Grand Jury's time and effort into compiling the report on "Sex Offender Law Enforcement in San Mateo County". We hope you will find our commentary helpful.

Very truly yours,



Jim Ruane  
Mayor

Cc: Connie Jackson, City Manager

# CITY OF SAN CARLOS

## CITY COUNCIL

RANDY ROYCE, MAYOR  
OMAR AHMAD, VICE MAYOR  
ROBERT GRASSILLI  
MATT GROCOTT  
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October 12, 2010

Honorable Clifford V. Cretan  
Judge of the Superior Court  
Hall of Justice  
400 County Center; 2<sup>nd</sup> floor  
Redwood City, CA 94063-1655

Re: Civil Grand Jury Report – Sex Offender Law Enforcement in San Mateo County

Dear Judge Cretan,

I am writing to you on behalf of the San Carlos City Council. This will serve as the City of San Carlos' formal response to the letter from the Superior Court communicating comments made by the Civil Grand Jury about Sex Offender Law Enforcement in San Mateo County by the Police Agencies in San Mateo County. The City Council has reviewed this letter and has authorized that it be sent.

In the report from the Civil Grand Jury on Sex Offender Law Enforcement in San Mateo County, a number of recommendations and findings are made. Here is the City of San Carlos response to these recommendations and the report:

1. Of sex offenses in San Mateo County 76% are committed against children per the San Mateo County Probation Department.

**Response: We agree with the finding. The statistics and conclusions cited in the report 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.) per San Mateo County Probation Department statistics, they re-offend at the same (or higher) severity levels and frequency as compared with sex offenders not under such supervision.

**Response: We agree with the finding. The statistics and conclusions cited by the Civil Grand Jury were provided by the San Mateo County Probation Department.**

**There are 12 registered sex offenders currently living in San Carlos. The San Carlos Police Department makes unannounced visits to every registered offender four times each year and spreads those visits out so that one visit or more is made per quarter.**



One of the registered offenders in San Carlos is on parole and wears a monitoring bracelet with GPS tracking. Police Detectives are able to see via computer where this particular offender is at any given time and can show historically where he has been in the past. This system is monitored regularly by the Detectives.

We believe that it is most unfortunate that state law now allows sex offenders to register as transients with no responsibility to provide an address to local law enforcement. Since this law was passed, we have seen a rise in the amount of sex offenders registering as transients. Even though the registration process allows local law enforcement to have monthly contact with the sex offender, the fact they register as transients 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:** We have no response on this comment. This finding is 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:** We agree 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:** We agree 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 and 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), United States Immigrations Custom Enforcement (ICE), United States 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.

Despite the lack of a specialized unit, San Carlos Police Detectives proactively browse the internet and craigslist.org checking for sexually explicit ads that are related to San Carlos and may involve child sexual 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.

**Response:** We agree 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:** We agree 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:** We are 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.4th 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. The San Carlos Police Department is open for sex offender registration Monday – Friday, 8:00 am to 6:00 pm.

## **Law Enforcement**

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

**Response:** We agree with the finding. However, we also agree that 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. San Carlos Police Department Staff have received training on GPS monitoring and, as stated earlier in this letter, the Department uses this system to monitor the one sex offender in San Carlos that is on parole.

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:** We agree 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: We agree 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: We disagree 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 it 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: We disagree 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, the local law enforcement agencies take pride in their ability to coordinate information quickly and effectively both in person and through the use of technology. The 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, in 2001, the City of San Carlos partnered with the City of Foster City, San Mateo County and local law enforcement agencies to create one of the first law enforcement intranet computer networks in the State with the specific intent of sharing electronic criminal data to include information on Sex Offenders. This system has been enhanced this year with the Coplink records sharing project that not only shares this data within San Mateo County but will soon connect Bay Area law enforcement agencies to their peers in other portions of California. San Mateo County law enforcement is also 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.

Police Chiefs, Commanders, Detectives, Gang Officers and Child Abuse investigators in San Mateo County 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. The San Carlos Police Department is part of this system and actively uses it to monitor sex offenders. 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 Board of Supervisors 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 full-time equivalent (FTE) position composed of fractional commitments of four investigators.

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

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 placed because they received funding from either the local, state or federal governments.

**Response: We agree 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 is directed primarily towards the San Mateo County Sheriff's Office in terms of creating a new county-wide task force.

In terms of the suggestion of City financial contributions to such a new service, given the budget shortfalls that the County and many Cities are facing, we believe that a 50/50 funding model, or any funding model for such a new program, may be unlikely to occur until the economic conditions in the County improve several years from now.

## **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.

**Response:** We disagree with the conclusion. 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 supervisory agencies conduct "sweeps" in target cities, appearing unannounced at the homes of sex registrants, and target 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 to train law enforcement officers and child welfare workers. The training 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.

The San Carlos City Council approved a contract for Police Services with the Sheriff beginning on or about November 1, 2010. Despite the fact that we currently have one of the lowest per capita staffing ratios in the County for sworn officers, we still have a dedicated Juvenile Detective who is specially trained to conduct child abuse investigations and will proactively look to the internet for possible criminal activities related to sex crimes against children.

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:** We are unable to respond as it is directed to 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 2004-09. 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.

**Response: 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 2009-10, 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:** We believe 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 standards set forth for registration procedures set by the DOJ are completely followed 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 that are in place and currently being used. 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.

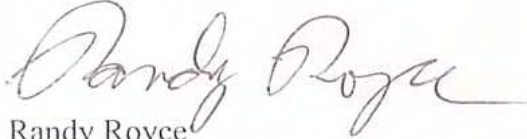
**Response:** This recommendation will not be implemented as it is beyond our control. The San Mateo County Police Chiefs and Sheriffs Association found great value in the SAFE Task Force; however that task force was funded and operated by the State Department of Justice (DOJ). DOJ does not intend to reinstate SAFE.

Unfortunately the City of San Carlos and many of our neighboring cities are experiencing severe fiscal constraints. Individual agencies will 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. This is an area where we believe the State should step up to the plate and resume funding of the program.

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

**Response:** This recommendation has been implemented. There are several initiatives which will contribute to data sharing between law enforcement agencies that are currently on-line such as Critical Reach, VCIN and Coplink which provide data across the countywide 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.

Sincerely Yours,

A handwritten signature in cursive script that reads "Randy Royce". The signature is written in black ink and is positioned above the printed name and title.

Randy Royce  
Mayor

cc: City Council  
City Manager  
Police Chief

The San Carlos City Council approved this response at their regularly scheduled meeting of October 11, 2010.



October 5, 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 San Mateo City Council held a public meeting on October 4, 2010 and approved this response. The City of San Mateo 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 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 estimates 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 relative to the re-offend rate. The San Mateo Police Department has never used only "sex unit personnel" to monitor registered sex offenders. Every detective is given a case load of offenders to register and monitor their activity. This allows each of our detectives to monitor 8-10 offenders each. We find this method of accountability keeps our re-offend rate lower.

- 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 it 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.*

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 investigate 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.

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.

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.

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 standards set forth for registration procedures set by the DOJ are completely followed 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 Sheriff 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.

In fact, the state is contemplating transferring even more of the oversight responsibilities to the cities, which will further draw from our limited resources.

*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.

Sincerely,

  
JOHN LEE  
MAYOR



CITY COUNCIL 2010

MARK N. ADDIEGO, MAYOR  
KEVIN MULLIN, VICE MAYOR  
RICHARD A. GARBARINO, COUNCILMEMBER  
PEDRO GONZALEZ, COUNCILMEMBER  
KARYL MATSUMOTO, COUNCILMEMBER

BARRY M. NAGEL, CITY MANAGER

OFFICE OF THE MAYOR

September 22, 2010

Honorable Clifford V. Cretan  
Judge of the Superior Court  
Hall of Justice  
400 County Center, 2<sup>nd</sup> Floor  
Redwood City, CA 94063-1655

RE: Response to the 2009-10 Grand Jury Report on Sex Offender Law Enforcement in San Mateo County

Dear Judge Cretan:

We are in receipt of the Grand Jury's final report titled, "*Sex Offender Law Enforcement in San Mateo County.*" Pursuant to your July 14, 2010 request for response; the South San Francisco City Council held a public meeting on September 22, 2010 and approved this response. The City of South San Francisco 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. The San Mateo County Probation Department provided these statistics and conclusions. From 2008-2009, sex crimes committed against children actually accounted for 81% of all sex offenses in South San Francisco.

Each year's statistics are listed as follows:

Year	Total Offenses	Against Children	Percentage
2008	37	31	84%
2009	41	32	78%
TOTAL	78	63	81%

- 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 conducts unannounced compliance checks at offenders' residences. It is most unfortunate state law now allows sex offenders to register as transient with no responsibility to give any address. We have seen a rise in the number of sex offenders registering as transients which is allowed under the law. Even though registering as a transient allows local law enforcement to have monthly contact with the sex offenders, it makes the follow-up or ability to conduct unannounced visits at their "residences" 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 1/2 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 estimates 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 online sexual predators, most departments lack the resources or personnel to proactively pursue online 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 online.

For example, the Federal Bureau of Investigations (FBI), U.S. Immigrations Custom Enforcement (ICE), U.S. Postal Inspectors and the San Jose Police Department have specific task forces dedicated to proactively seek 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 online 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 online sexual predators, most departments lack the resources or personnel to proactively pursue online 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 does not 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 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 DOJ are completely followed by every department within San Mateo County regardless of the fact it 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 it 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.*

Respondent disagrees wholly with the finding. 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 countywide 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 County 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 [Board of Supervisors] 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 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 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 investigate sexual predators to the same degree and (b) no longer coordinate such activities on a county-wide basis.*

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 supervisory 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 monthly to train 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 method allows multiple agencies to gather at the Keller Center to make sure a complete investigation is conducted that 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 includes 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 children from each jurisdiction in the County will be interviewed by a highly trained and professional interviewer.

Twice a year, San Mateo County holds a two-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 benefits of this ongoing training are 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.

- 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.

- 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 cases. 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, medical exams are often 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.*

This conclusion was 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: This conclusion was 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 standards set forth for registration procedures set by the DOJ are completely followed 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.*

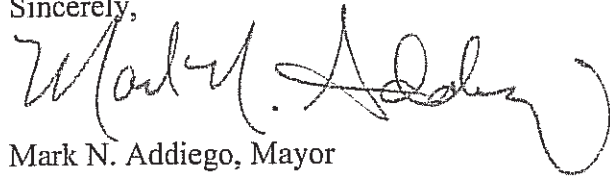
This recommendation has been implemented. There are several initiatives which will contribute to data sharing between agencies that are currently online such as Critical Reach, VCIN and Coplink, which provide data across our law enforcement intranet. All law enforcement agencies will continue to actively 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. The South San Francisco Police Department sexual

The Honorable Clifford V. Cretan  
Grand Jury Response  
September 22, 2010  
Page 10

assault Detectives are in constant contact with State Parole regarding our registered sexual offenders that fall under Megan's Law.

These responses were reviewed and approved by the governing board of the City of South San Francisco at a public meeting on Wednesday, September 22, 2010.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark N. Addiego". The signature is fluid and cursive, with a large loop at the end.

Mark N. Addiego, Mayor  
City of South San Francisco



COUNTY OF SAN MATEO

# Office of the Sheriff

GREG MUNKS  
SHERIFF

CARLOS G. BOLANOS  
UNDERSHERIFF

TRISHA L. SANCHEZ  
ASSISTANT SHERIFF

400 COUNTY CENTER ◻ REDWOOD CITY ◻ CALIFORNIA 94063-1662 ◻ TELEPHONE (650) 599-1664 ◻ [www.smcsheriff.com](http://www.smcsheriff.com)

ADDRESS ALL COMMUNICATIONS TO THE SHERIFF

September 10, 2010

Honorable Clifford V. Cretan  
Judge of the Superior Court  
Hall of Justice  
400 County Center, 2<sup>nd</sup> floor  
Redwood City, CA 94063-1655

Dear Judge Cretan:

Please find attached the Sheriff's Office response to the Civil Grand Jury report of July 12, 2010, titled "Sex Offender Law Enforcement in San Mateo County." Thank you for the opportunity to provide this information with the hope that it informs and clarifies the Grand Jury inquiry from the Sheriff's Office perspective.

As always, we look forward to working with the Grand Jury on all matters pertaining to the efficient and effective operation of the Sheriff's Office.

Very truly yours,

A handwritten signature in black ink, appearing to read "G. Munks".

Greg Munks  
Sheriff

# GRAND JURY RESPONSE

## 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, both at 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.*

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 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 that 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 1/2 from 2004-2007 levels.*

The Sheriff's Office agrees that there was a drop in the number of children brought to the Keller Center for exams from 2007 to 2008. However, the Sheriff's Office believes that this drop is the result of an aberration as opposed to a trend. (See response to Conclusion #3)

### 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.*



Respondent agrees with the finding and the statistics provided by the National Center for Missing and Exploited Children and the Office of Juvenile Delinquency Prevention.

- 2. The Sheriff's Office maintains a sergeant and a 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.*

We agree with the first part of the finding in terms of a Sheriff's sergeant and detective overseeing on-line predators a few hours each week. We do not agree with the second part of the finding. Local agencies are varied in their capabilities and staffing resources. Some do have both the technological and personnel resources to pursue on-line predators while others do not. 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 Investigation (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 effectuated by six 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 any 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. The Sheriff's Office and local police departments aggressively use investigative resources when complaints are received from their community regarding on-line sexual predators. However, 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 this finding. While we agree that the funding available is declining (monies supporting the monitoring of sexual offenders was principally funded via the Adam Walsh Grant and the state's vehicle registration fees), the Sheriff's Office continues to monitor and investigate "290" registrants.

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 civil grand jury is stating that individuals have re-offended 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 does not 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: Respondent agrees with the finding but would suggest that the comparison between San Mateo County and Santa Clara County is unsuitable or problematic. San Mateo County has a population of 718,000 with 792 registered sex offenders whereas Santa Clara County has a population of 1,784,000 with 3,507 registered sex offenders. The number of sex offenders in Santa Clara County may warrant 24/7 registration, however, the task is handled by records clerks and is simply a baseline conformance with the law. Sex offenders that register with the San Mateo County Sheriff's Office are not simply registered as required by law. They are also extensively interviewed by a detective. This process yields important information about the sex offender which is being used to create a database that may enable local agencies to identify sexual assault suspects through their physical description and M.O. We are in full compliance with the requirements of the law by conducting Tuesday and Thursday registrations and interviews.

## 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 contend that the global positioning system (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 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.*

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 that 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 it 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 partially with the findings. What metric is used to determine “insufficiency?” There certainly is sharing that takes place among agencies. Could sharing be improved? Certainly. Is it insufficient? That is a conclusion without any apparent justification. We believe coordination, cooperation and sharing among the Sheriff’s Office, the probation department, 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 capabilities and resources. 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 other regions in 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 crimes unit currently functions with one FTE composed of fractional commitments of four investigators.*

Response: Respondent disagrees partially with the findings. It is true that the Sheriff requested a lieutenant's position from the Board of Supervisors to oversee a replacement jail planning unit and that the request was denied. We consider the SHOP unit to have been absorbed into our Detective Bureau. Sexual investigations continue to be conducted by a sergeant, one full time detective and three other detectives in the Sheriff's Detective Bureau.

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

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

## **Conclusions**

1. *The citizens of San Mateo County, especially children, are at a greater risk of being 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.*

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 duties have been absorbed into the Sheriff's Detective Bureau, 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 target 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’s Office, Health Department), 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 two-day Sexual Assault Training Workshop 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 the same professional service.

The above are but a few examples of how the numerous agencies in San Mateo County are working together to keep our children safe.

- 2. Enforcement in San Mateo County has drastically declined during the past 3½ 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 agrees that we no longer have the ability to pro-actively investigate sexual offenders the way we did prior to April 2007. The funding

since April 2007 has declined on every level; federal, state, county and the private sector. This has not only been the case in San Mateo County but has occurred nationwide. We are being forced to do more with less. In spite of this, all of the law enforcement agencies in San Mateo County are doing their utmost to provide law enforcement services to the people of San Mateo County.

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 lack of assigned personnel within the Sheriff's Office.*

As previously stated, it is the belief of the Sheriff's Office that the decline in sexual assault examinations at the Keller Center from 2007 to 2008 represents an aberration rather than a trend. First, 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. However, according to recent statistics from the Keller Center, in the first six months of 2010, the Sheriff's Office brought more children to the Keller Center than any other law enforcement agency in San Mateo County.

Second, medical examinations at the Keller Center are not the only method of investigating child sexual abuse cases. 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, medical exams may not be appropriate, since the likelihood of forensic findings is nonexistent. A better 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 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 at 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: The conclusion is directed to the city police departments.

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.*

The FY09-10 budget was \$161,839,774 with \$80,566,650 being Net County Cost. Net County Cost is the amount of funds contributed by the County for our budget. All other funds are generated by department grants, contracts, and other revenue sources included Prop 172. The amount of Net County Cost that was discretionary during FY09-10 was approximately \$9,414,520. The amount of Net County Cost for Mandated programs was approximately \$71,152,130. The programs considered to be discretionary are as follows:

- Terrorism Response \$212,513
  - GIU \$1,209,343
  - Street Crimes Task Force \$474,770
  - SWAT & Hostage Negotiations \$191,146
  - Technical Services Unit \$1,772,911
  - Cargo Theft Task Force \$67,331
  - Sheriff Work Program \$654,692
  - EMP \$505,711
  - Court Holding Cells \$1,125,442
  - Countywide Security \$153,573
  - Juvenile Diversion \$61,980
  - Marine Patrol & Rescue \$48,433
  - Health Security \$33,623
  - ROR \$1,366,035
  - Community & School Policing \$1,278,645
  - Crisis Management Unit \$215,045 (cut in FY10-11)
- TOTAL: \$9,371,193**

All other programs/divisions/units not listed above are considered to be mandatory.

## 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's Office 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%.*

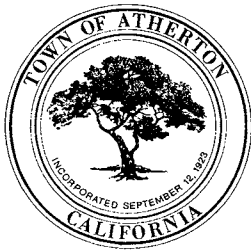
Response: Respondent disagrees. The SAFE Task Force was a State of California Department of Justice entity that was neither funded nor staffed by Sheriff's Office personnel.

2. *Regardless of the funding, the Sheriff's Office should reinstate its permanent, dedicated three to four person sexual offender investigation unit, including all SHOP activities.*

Response: Respondent disagrees. While the Sheriff's Office is always open to reinstating the SHOP unit, it is clearly dependent upon funding. We cannot recommend a program be reinstated "regardless of funding."

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.*

Response: The recommendation is directed to the San Mateo County Probation Department.



Office of the Mayor  
Town of Atherton

91 Ashfield Road  
Atherton, California 94027  
Phone: (650) 752-0500  
Fax: (650) 614-1212

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September 21, 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,

The Town of Atherton has received 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 Atherton Town Council held a public meeting on September 16, 2010 and approved this response. The Town of Atherton 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: The Town of Atherton agrees with the finding. These statistics and conclusions were provided by the San Mateo County Probation Department. The Atherton Police Department 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. The law enforcement community in San Mateo County has 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: The Town of Atherton 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: The Town of Atherton 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: The Town of Atherton 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.*

The Town of Atherton 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 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 placed because they received funding from either the local, state or federal governments.*

Response: The Town of Atherton 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 supervisory 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: The Town of Atherton 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 standards set forth for registration procedures set by the DOJ are completely followed 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.

Sincerely,

**TOWN OF ATHERTON**



Kathy McKeithen  
Mayor



## OFFICE OF THE CHIEF OF POLICE

1199 El Camino Real  
Colma, California 94014-3211  
650-997-8321



October 13, 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 Town of Colma City Council held a public meeting on October 13, 2010 and approved this response. The Town of Colma 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 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.

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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 it 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.*

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.

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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 investigate 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 supervisory 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 standards set forth for registration procedures set by the DOJ are completely followed 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.

If you have any questions, please contact me at 650.997.8349.

Sincerely,



Robert L. Lotti, II  
Chief of Police



# TOWN OF HILLSBOROUGH

1600 FLORIBUNDA AVENUE

HILLSBOROUGH

CALIFORNIA

94010-6418

September 15, 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 Hillsborough Town Council held a public meeting on September 13, 2010 and approved this response. The Hillsborough Town Council 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 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 the Town of Hillsborough, and to our understanding every other 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 it 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.*

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 Town of Hillsborough Police Department, and to our understanding, all of the other 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 standards set forth for registration procedures set by the DOJ are completely followed 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.

Sincerely,



Caroline Serrato  
Acting Administrative Captain

# TOWN of PORTOLA VALLEY

July 30, 2010

The Honorable Clifford V. Cretan  
Judge of the Superior Court  
Hall of Justice  
400 County Center, 2<sup>nd</sup> Floor  
Redwood City, CA 94063-1655

COUNCIL:  
Steve Toben - Mayor  
Ted Driscoll - Vice Mayor  
Maryann Moise Derwin  
E. John Richards  
Ann Wengert

TOWN OFFICERS:  
Angela Howard  
Town Manager  
Sandy Sloan  
Town Attorney

Re: Responses to 2009-2010 Grand Jury Report

Dear Judge Cretan:

At its July 28, 2010 meeting, the Portola Valley Town Council reviewed the sections of the 2009-2010 Grand Jury Report that pertain to the Town of Portola Valley. Based upon that review, the Town Council respectfully offers the following response:

## Effectiveness of Red Light Traffic Camera Enforcement

The findings contained in the 2009-2010 Grand Jury Report are not applicable to the Town because the Town has no traffic signals within its jurisdiction.

## Sex Offender Law Enforcement in San Mateo County

The findings contained in the 2009-2010 Grand Jury Report are not applicable to the Town because the Town does not have its own police department. Law enforcement services are provided by the San Mateo County Sheriff's Department through a service agreement.

Please feel free to contact me if you require additional information.

Sincerely,



B. Stephen Toben  
Mayor

cc: Town Council  
Town Manager  
Town Attorney





The Town of  
Woodside

September 15, 2010

The Honorable Clifford V. Cretan  
Judge of the Superior Court  
Hall of Justice  
400 County Center, 2<sup>nd</sup> Floor  
Redwood City, CA 94063-1655

**RE: 2009-10 GRAND JURY REPORT - SEX OFFENDER LAW ENFORCEMENT IN SAN MATEO COUNTY**

Dear Judge Cretan:

The Town Council of the Town of Woodside reviewed the referenced Grand Jury Report during its meeting of September 14, 2010. On behalf of the Town Council, I would like to offer the following.

The Town of Woodside greatly appreciates the work of the Grand Jury on this important issue and concurs with the recommendations included in the Grand Jury's Report. The Town contracts with the San Mateo County Sheriff's Office for all law enforcement services and, thus, does not have a police chief who participates in the San Mateo County Police Chiefs' Association. We regard the Sheriff as our local police chief and look to him to represent the interests of the Town on all law enforcement matters. Accordingly, through our Town Manager, we will encourage the Sheriff to work with the police chiefs within the County to coordinate policies and practices in an effort to maximize resources that are available for sexual offender and assault enforcement.

On behalf of the Town Council, I would like to extend our thanks for the opportunity to review the work of the 2009-10 Grand Jury.

Please do not hesitate to call our Town Manager, Susan George, at (650) 851-6790, should you require any further information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Burow", written in a cursive style.

Dave Burow  
Mayor

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