

THE GARDNER CASE

Expanded sex offender tracking on agenda

Proposed Chelsea's Law could close loophole

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TRACKING COSTS

State officials say it costs \$59.65 million to monitor the 6,998 sex offenders on parole. A breakdown:

\$30.7 million: Equipment and outside contracts

\$25 million: Staffing

\$3.95 million: Overtime and training

SACRAMENTO — Jessica's Law requires lifetime electronic monitoring of felony sex offenders, but the 2006 voter-approved measure included no money and assigned no responsibility for the task.

As a result, only sex offenders on parole are monitored, about 7,000 out of the 70,000 on California's streets. State corrections officials say it's not their job to monitor the others.

"They are not under our jurisdiction whatsoever once off parole, per state law," said Gordon Hinkle, a spokesman for the California Department of Corrections and Rehabilitation.

Although the full proposal for a law named after slain teenager Chelsea King of Poway won't be released until today, that loophole is one that Assemblyman Nathan Fletcher, R-San Diego, plans to address.

Authorities have charged convicted sex offender John Albert Gardner III with rape and murder in the death of Chelsea. Gardner, 31, was off parole and not subject to monitoring at the time of her death. He has pleaded not guilty.

One provision of Chelsea's Law would assign the tracking to a state department and require lifetime parole with electronic monitoring for more sex offenders. The most serious offenders would receive a life sentence in prison after one offense.

It costs \$59.65 million per year to monitor the 6,998 sex offenders on parole.

If the corrections department took on the task of monitoring sex offenders who got off parole after Jessica's Law passed, that would add 2,878 people to the agency's caseload at an added cost of \$24.5 million.

No one has projected how large the number of monitored offenders might grow. Chelsea's Law probably would apply only to offenders sentenced after it takes effect.

But assuming that the state's complement of sex offenders — including 22,000 in prison — holds steady, and that more become subject to the new requirements, the eventual cost of monitoring them all would be enormous.

Fletcher, when asked how he would pay for the provisions of Chelsea's Law, has said he's working on those details.

Sen. George Runner, R-Lancaster, a primary author of Jessica's Law, explained that the problem of no one being assigned responsibility for monitoring came to light after the initiative had qualified for the ballot.

Runner had thought it could be corrected in subsequent legislation, but then the economy — and the state budget — entered free fall. Runner said he would support Fletcher's proposal, particularly as it relates to lifetime monitoring.

"That would clearly shift the responsibility to the state. The state should be responsible. It's their job," Runner said.

Runner acknowledged the problem with lack of responsibility for monitoring, but said the initiative did not necessarily need to find funding for the effort.

"Initiatives are not written with money in them," Runner said. "Voters are told how much it's going to cost, and it's up to the Legislature to pay for it."

The GPS provision did not have top billing in Jessica's Law, known as Proposition 83.

Increased penalties and residency restrictions for violent sex offenders and child molesters dominated the campaign, Runner said. Jessica's Law got 70 percent of the vote in November 2006.

Two years later, Gov. Arnold Schwarzenegger conceded that budget pressures made it difficult to implement lifetime GPS monitoring.

"When you really put bracelets, GPS bracelets, on everyone, it costs a fortune, and right now the money is not available for all of those things," Schwarzenegger said at the time.

The governor would provide the same answer today given the budget crisis, a spokeswoman said.

Runner attempted to establish that monitoring should be the state's responsibility in a 2008 follow-up initiative that would have set aside nearly \$1 billion a year for prisons and local law enforcement and stiffened criminal penalties.

But unlike their embrace of Jessica's Law, voters balked. Proposition 6, known as the Safe Neighborhoods Act, was buried in a wave of resistance fueled by voter frustration at gridlock in Sacramento and opposition from educators who feared it would rob schools of money, Runner said.

Mack Jenkins, San Diego County's probation chief, said lawmakers should step in before communities are deluged by an anticipated increase in sex offenders as they complete their parole.

"It needs clarity. It needs resolution," he said. "It's absolutely a concern for local law enforcement."

There is some disagreement over the effectiveness of lifetime GPS monitoring.

"Although there are some who believe that the simple wearing of a GPS monitor is a deterrent, there is little scientific evidence to support that belief," said a draft report prepared for Schwarzenegger by the state's Sex Offender Management Board last week.

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