

# An Overview of Sexual Offenders

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This article is the first in a series about sexual offenders. Given the current climate in San Diego County, it is important for legal and mental health professionals working with sexual offenders to be informed and educated about this unfortunate burgeoning phenomenon. To begin this series, a discussion

of sexual offender laws will be discussed followed by Part II: Assessment and Treatment of Sexual Offenders in upcoming issues.

For decades, California has had mandated sexual offender registration. The first such laws were enacted in 1947 and have evolved over time to consider the complexities of the modern legal system, and type and frequency of the perpetrated tragedies. Federal and state legislatures have enacted a number of laws geared at protecting children from sexual predators including the Adam Walsh Child Protection and Safety Act; Jessica's Law; Megan's Law; and most recently, Chelsea's Law.

The Adam Walsh Child Protection and Safety Act was signed on the 25th anniversary of the abduction of Adam Walsh from a shopping mall in Florida. Adam Walsh was found murdered 16 days after his abduction in 1981, and the perpetrator was not named until December 16, 2008 when the Florida police department announced that they had evidence that Ottis Toole was the killer. Adam's father, John Walsh, is the host of the television series *America's Most Wanted*. John Walsh, also founder of the National Center for Missing and Exploited Children (NCMEC), was joined by other children's advocates to mount an aggressive campaign to get the bill passed into law.

As a result of John Walsh and others' efforts, The Adam Walsh Child Protection and Safety Act became a federal statute that was signed into law by U.S. President George W. Bush on July 27, 2006. The Walsh

Act organizes sexual offenders into three tiers and mandates that Tier 3 offenders (the most serious tier) update their whereabouts every three months with lifetime registration requirements. Tier 2 offenders must register every six months with 25 years of registration, and Tier 1 offenders (which includes minors as young as 14 years of age) must update their registration every year with 15 years of registration. Failure to register and update information is a felony under this law.

The Walsh Act also creates a national sexual offender registry and instructs each state and territory to apply identical criteria for posting offender data on the Internet (i.e., offender's name, address, date of birth, place of employment, photograph, etc.)

In July 1994, seven-year-old Megan Kanka was lured into a neighbor's home with the hopes of seeing a puppy. Shortly after, thirty yards from her front doorstep, Megan Kanka was raped and murdered by this neighbor, Jesse Temmendequas. This was not the first sexual crime that he had committed. He was arrested when he was 18 years old for the attempted sexual assault of a five-year-old girl. He enticed this girl victim into a secluded area with the possibility of seeing some ducks. He was given a suspended sentence and failed to attend required sexual offender treatment, and was sentenced to nine months in custody. At 20 years of age, he was again arrested for and convicted of sexual assault of a seven-year-old girl, and was imprisoned for six years. He lured this young girl with the possibility of seeing some firecrackers. At 33 years of age, he raped and murdered Megan Kanka. He was sentenced to death under New Jersey state law. However, in 2007, New Jersey abolished the death penalty and his sentence was commuted to life without parole.

Jesse Temmendequas exemplifies the need for Megan's Law and the need for community safety. Megan's law requires law enforcement to make information public regarding registered sexual offenders. The law was passed and was enacted in 1995 and, in 2004, internet access was made available to the public to view the sexual offender registry. Richard and Maureen Kanka

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made it their lives' mission to see the enactment of Megan's Law in every state.

In February 2005, Jessica Marie Lundsford, age nine, was kidnapped from her home. She was raped and murdered by registered sexual offender John Couey, age 46. The resulting legislation from this tragedy was Jessica's Law. The law was initially introduced in Florida in 2005 as legislation to punish sexual offenders and reduce re-offense. Under California Law, Jessica's Law discusses the sexual offender management and evaluation of sexually violent predators (SVP). SVPs are considered to be high-risk offenders who, prior to release from state prison, must be assessed by two psychologists to determine if the offender meets criteria to be deemed a sexually violent predator under California's Welfare and Institutions Code 6600 (WIC6600).

WIC6600 is defined as: 1) A sexually violent offense has occurred. The offense involved direct or implied threat of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person. 2) The Sexually Violent Predator has a diagnosable mental disorder that predisposes the person to the commission of criminal sexual acts. The SVP is likely to engage in future sexually violent behavior based upon the presence of a diagnosed mental disorder. 3) Inmates undergo psychological evaluations by two psychologists to determine if criteria under WIC6600 are met to determine if the inmate is a SVP once parole is pending. Once determinations regarding SVP criteria are concluded by the two psychologists, then petitions for a civil hearing for a hospitalization commitment can commence.

On February 25, 2010, Chelsea King disappeared after going out for a jog. When she did not return home, her parents contacted the police. Several days later, on March 2, 2010, her body was found in a shallow grave in a park. The young high school senior had been raped, strangled and murdered. The investigation of Chelsea's death led authorities to John Albert Gardner, a registered sexual offender. He would ultimately be found guilty of Chelsea's murder and at least one other teenage girl, Amber Dubois.

Signed into law on September 9, 2010 by Governor Arnold Schwarzenegger, *Chelsea's Law* was drafted and approved quickly by the California legislature. Taking birth as Assembly Bill 1844, the law was presented by

Nathan Fletcher, a San Diego Assemblyman, who had worked closely with Chelsea's family. Chelsea's Law mandates that 1) Sexual offenders will be subject to a one-strike provision; any adult convicted of a violent sexual crime against a child would be sentenced to prison for life without parole. 2) Repeat offenders would have more confining supervised release. 3) Those convicted of forcible sexual crimes or aggravated assaults on children less than 14 years of age are subject to lifetime parole with GPS tracking. 4) Residency and work restrictions implemented. 5) New risk assessment guidelines will be used to determine whether offenders are still appraised as being a threat to the community.

*As a result of Chelsea's Law, sexual offender parolees are subject to tighter restrictions. Lifetime parole and GPS supervision with no possibility of discharge for crimes are among the new legal restraints. Internet and e-mail alerts have been added to the methods in which communities can be notified of sexual offender issues in their neighborhoods. Members of online communities such as Facebook and Twitter, and basic e-mail services can be notified of sexual offender parolees who have violated GPS tracking protocols and who may be in the community unmonitored. Through these online services, the names and images of the parolees are disseminated to the public.*

In response to the Chelsea King and Amber Dubois murders, the San Diego County Probation Department developed the Enhanced Sexual Offender Supervision Unit. This specialized unit has deputy probation officers assigned to sexual offender supervision and closely monitors and supervises their activities in the community. This unit includes eight supervising officers who have approximately 40-50 probationers on their caseload throughout the county.

The senseless and brutally horrific crimes perpetrated by Otis Toole, Jesse Temmendequas, John Couey, and John Gardner leave lawmakers, legal and mental health professionals, the community, and the

victims' families and friends wondering how these four sexual offenders could rape, molest, and murder four innocent youth. The result is four laws aimed at curbing new offense, recidivism, and removing known sexual offenders from the community. This review of sexual offender legislation begs the question at what other levels do preventive measures need to be addressed, and how does this rise in victimization begin to decrease.

As a Forensic Psychologist, Dr. Pizitz assesses and treats defendants charged and convicted of sexual crimes. He is a San Diego County Probation Approved Sexual Offender Treatment Provider, and is an adjunct professor at Alliant International University, teaching Forensic Assessment in the Clinical Ph.D. Program. For the past 10 years, he has worked closely with private and public attorneys, family court services, and adult probation.

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