SPECIAL REPORT

THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION'S SUPERVISION OF PAROLEE PHILLIP GARRIDO

OFFICE OF THE INSPECTOR GENERAL

DAVID R. SHAW
INSPECTOR GENERAL

STATE OF CALIFORNIA
NOVEMBER 2009

David R. Shaw, Inspector General

Office of the Inspector General

November 4, 2009

Matthew L. Cate, Secretary
California Department of Corrections and Rehabilitation
1515 S Street, Room 502 South
Sacramento, California 95814

Dear Mr. Cate:

Enclosed is the Office of the Inspector General's special report of the California Department of Corrections and Rehabilitation's (department) parole supervision of parolee Garrido. We conducted this review under the authority of California Penal Code section 6126, which assigns the Office of the Inspector General responsibility for oversight of the department.

The special report concludes that the department repeatedly failed to properly classify and supervise parolee Garrido during the decade it supervised him. Throughout the course of its supervision of Garrido, we found that the department missed numerous opportunities to discover Garrido's victims, who Garrido held captive in a concealed compound at the back of his residence. We discovered that the department also failed to properly supervise and train its parole agents responsible for Garrido. The special report further discloses significant weaknesses in the department's current passive GPS monitoring program, which result in the program providing the public a false sense of security.

We would like to thank you and your staff for the cooperation extended to my staff in completing this special report. If you have any questions concerning this report, please contact Sam Dudkiewicz, Chief Assistant Inspector General, Bureau of Criminal Investigations, at (916) 830-3600.

Sincerely,

David R. Shaw
Inspector General

Enclosure

Contents

Executive Summary

On June 10, 1991, federal parolee Phillip Garrido and his wife Nancy allegedly kidnapped 11-year-old Jaycee Dugard from South Lake Tahoe, California. Over the course of the following 18 years, Garrido reportedly sexually assaulted Jaycee–fathering two children–while holding her captive on the grounds of his residence in Antioch, California. For many of those years, the California Department of Corrections and Rehabilitation's (department) parole division supervised Garrido. Despite numerous clues and opportunities, the department, as well as federal and local law enforcement, failed to detect Garrido's criminal conduct, resulting in the continued confinement and victimization of Jaycee and her two daughters. On August 26, 2009, Garrido and his wife were finally arrested for these heinous crimes, and Jaycee was reunited with her family.

Findings in Brief

The Office of the Inspector General finds that during the 10-year period the department supervised parolee Garrido, the department:

- Failed to adequately classify and supervise Garrido.
- Failed to obtain key information from federal parole authorities.
- Failed to properly supervise parole agents responsible for Garrido.
- Failed to use GPS information.
- Provides the public a false sense of security with a passive GPS monitoring program that falls short of its potential, raising OIG's concerns about the department's current and future uses of GPS monitoring.
- Ignored other opportunities to determine that Garrido was violating the terms of his parole.
- Failed to refer Garrido for mental health assessment.
- Failed to train parole agents to conduct parolee home visits.
- Missed opportunities to discover the existence of Garrido's three victims, including:
  - Failing to investigate clearly visible utility wires running from Garrido's house towards the concealed compound.
  - Failing to investigate the presence of a 12-year old female during a home visit.
  - Failing to talk to neighbors or local public safety agencies.
  - Failing to act on information clearly showing Garrido had violated his parole terms.

In 1977, Garrido was convicted in state and federal court for kidnapping and repeatedly raping a 25-year-old female victim. The federal court sentenced him to 50 years for kidnapping while Nevada imposed a five years to life term for forcible rape. In January 1988, after serving 11 years of his federal sentence, the federal government paroled Garrido and released him to Nevada authorities to serve his state sentence. Seven months later, Nevada paroled Garrido, returning him to the jurisdiction of federal parole authorities to serve the remainder of his federal parole term. He resided at his mother's house in Antioch, California throughout the terms of his federal and state paroles. In March 1999, the federal government discharged Garrido from federal parole, returning him to the jurisdiction of Nevada parole authorities. In June 1999, under the terms of an interstate parole compact, the department assumed parole supervision of Garrido on Nevada's behalf because Garrido resided in California.

On August 27, 2009, the day after the arrest of Garrido and his wife, the department held a press conference in which an official hailed the diligence of parole agents who had supervised Garrido. The official also proclaimed that Garrido had complied with his parole conditions, never receiving a violation. Other department officials have made similar public statements. While it is true that Garrido's California parole was never officially violated, our review shows that Garrido committed numerous parole violations and that the department failed to properly supervise Garrido and missed numerous opportunities to discover his victims.

The focus of this special report is limited to the department's parole supervision of Garrido. However, it should be noted that Garrido was on parole under the jurisdiction of federal parole authorities from August 1988 to January 1999. During that time, Garrido allegedly kidnapped Jaycee Dugard and sexually assaulted her, fathering two children. Federal parole authorities also failed to detect Garrido's criminal conduct and his victims.

Recommendations

In this special report, the Office of the Inspector General shines a public light on systemic problems that transcend parolee Garrido's case and jeopardize public safety. To address the deficiencies identified in this special report, the department should take the following actions:

Parole Supervision

- Enforce appropriate standards for parole agents to properly supervise assigned parolees and for parole supervisors to properly supervise parole agents.
- Ensure that all sex offender parolees have been correctly assessed for their risks to re-offend using the department's revised assessment tool.
- Require parole agents to obtain parole information from federal or other state parole authorities when a parolee has been recently supervised by these entities.
- Establish a mechanism to obtain and share information with local public safety agencies.

GPS Monitoring

- Develop and implement a comprehensive Global Positioning System (GPS) monitoring policy.
- Move all sex offender parolees to the active GPS monitoring program, or significantly enhance the passive GPS monitoring program.
- Require parole agents to fully use the capabilities of the GPS monitoring system, such as establishing a zone to monitor parolees' compliance with conditions of parole that they not travel more than specified distances from their houses without prior approval.
- Require parole agents to investigate, resolve, and record the resolution to all GPS system alerts.

Training

- Provide training to its parole agents and supervisors on:
  - Using its GPS monitoring system to ensure that parolees comply with their conditions of parole and taking appropriate actions to ensure that parole agents use the system to enforce the conditions of parole.
  - Properly classifying parolees, including serious sex offenders.
  - Conducting a parolee home inspection, including search techniques on how to be aware of clues to potential parole violations or other criminal behavior.
  - Contacting neighbors to obtain collateral information on parolee behavior.
  - Referring parolees to mental health assessment when appropriate.
- Implement a field training officer program to provide on-the-job training to parole agents after they complete the academy and have been assigned parole caseloads.

California Department of Corrections and Rehabilitation Response

The department agrees that it needs to improve its parole system, describes its efforts to transform parole into a risk-based system of supervision, and makes reference to recent legislation that will become effective January 25, 2010, which will enable the department to reduce parole agent caseloads and supervisory span of control.

Introduction

On June 10, 1991, in South Lake Tahoe, at approximately 8:00 am, 11-year-old Jaycee Dugard walked to a nearby bus stop under the observation of her stepfather. He observed a two-tone gray sedan, with an adult male and an adult female inside, travel by his house. The vehicle made a U-turn and moments later stopped near Jaycee. The female passenger grabbed Jaycee and pulled her into the vehicle. The vehicle then sped away.

Over the course of the following 18 years and despite law enforcement efforts, Jaycee's whereabouts remained unknown until a series of events unraveled beginning August 24, 2009. On that date, Phillip Garrido, along with two young females, went to the University of California (UC), Berkeley Police Department to obtain a permit for a campus event. The representative with whom Garrido spoke was alarmed by his peculiar behavior and the disquieting appearance of the girls. She asked Garrido to return the next day.

Surprisingly, he did return on August 25 and met with the representative and a UC Berkeley police officer. The police officer, like the representative, had concerns about Garrido and the girls accompanying him. The officer stated that Garrido was rambling on and on about his religious beliefs, and that it sounded like a cult situation to her. According to the officer, Garrido appeared to have a mental illness, and if he was required to take medication, she said, it was apparent he was not. Because of his sex offender status, the officer was also concerned for the safety of the two young girls accompanying Garrido. The officer noted that the girls, who called Garrido "daddy," and whom Garrido referred to as his daughters, acted as if Garrido's strange behavior was normal. As a result, the officer called Garrido's parole agent to report her meeting with Garrido and relay her concern. Unfortunately, the officer was unable to talk to the parole agent but left him a voicemail explaining her observations.

Following up on the officer's information, Garrido's parole agent later that day went to Garrido's residence with another agent. The parole agents handcuffed Garrido and detained him outside the residence while they searched the house. The parole agents found Garrido's wife and mother in the residence but no one else. The agents then drove Garrido to the parole office for questioning. During the trip, Garrido explained that the girls who accompanied him to UC Berkeley were the daughters of a relative and that he had permission from their parents to take them to the university. Garrido told the parole agents that a parent had picked up the girls when he returned from UC Berkeley.

At the parole office, Garrido's parole agent reviewed Garrido's parole file with a supervisor. Taking into account Garrido's cooperation, along with the information in Garrido's file and other information they obtained, the parole agent and supervisor determined that Garrido had not violated any conditions of his parole. A new condition had been instituted in Garrido's parole the month before, in July 2009, prohibiting Garrido from being in the presence of minors, but on August 25, the parole agent and supervisor decided that the condition didn't apply to Garrido because Garrido had no prior or current convictions involving minors. Accordingly, the parole agents returned Garrido to his house with instructions to report to the

parole office the following day to further discuss his visit to UC Berkeley and to follow up on the parole agent's concerns related to the young girls.

The next morning, August 26, 2009, as Garrido arrived at the parole office, the parole agent spoke with the UC Berkeley police officer, thereby obtaining a more detailed description of her interaction with Garrido and her concern about the safety of the two young girls. The parole agent was surprised at the officer's description of the girls' relationship with Garrido because the agent believed that Garrido had no young children.

As the parole agent was on the phone with the officer, he observed that Garrido was accompanied by his wife and three young girls. After completing his conversation with the officer, Garrido's parole agent wisely isolated the females–including Garrido's wife–to identify them. The oldest of the three young females identified herself as Alyssa, the second oldest as Angel, and the youngest as Starlet. During further questioning, Alyssa advised that she was the girls' mother. The parole agent believed that Alyssa looked too young to be the mother and asked her age. Alyssa said that she was 29 years old, laughingly explaining that she often gets that comment and that people believe she is the girls' sister.

As the parole agent continued his questioning, Alyssa and Garrido's wife became defensive and agitated, wanting to know why the parole agent was interrogating them. The parole agent explained that he was investigating Garrido's visit to UC Berkeley with the two young girls. Alyssa said she was aware that Garrido had taken the girls to UC Berkeley and that he was a sex offender who was on parole for kidnapping and raping a woman. She added that Garrido was a changed man and a great person who was good with her kids. Alyssa subsequently stated that she didn't want to provide any additional information and that she might need a lawyer.

The parole agent then directed Garrido to a room and asked him to explain the relationship of the three young girls. Garrido thought for a moment and responded that they were all sisters and that the father was his brother who lived nearby in Oakley, California. Garrido stated that the parents were divorced, the girls were living with them and other people, and he did not know his brother's address or phone number.

Because of the inconsistencies in their stories, the parole agent isolated Garrido in an office with another parole agent and returned to the females. The parole agent told Alyssa that she needed to provide him with identification or with the phone number of a relative or friend whom he could call for verification of her identity. Alyssa told the parole agent that she had learned a long time ago not to carry or give any personal information to anyone. When questioned about this comment, Alyssa responded that she needed a lawyer.

Being suspicious about the identities provided, the parole agent called the Concord Police Department and requested an officer respond to assist in the questioning. As they waited for the officer to arrive, Alyssa said she was sorry that she had lied. She explained that she was from Minnesota and had been hiding for five years from an abusive husband. She was terrified of being found, she said, and that was the reason she could not give the parole agent any information.

Two Concord police officers arrived and questioned Alyssa, but she maintained the story she had provided earlier to the parole agent. Finally, a Concord police sergeant interviewed Garrido alone in a room. After a short while, the sergeant told the parole agent that Garrido had admitted that he was the father of the two girls. The parole agent then resumed questioning Garrido. Eventually, Garrido admitted to kidnapping and raping Alyssa. The parole agent provided this information to the Concord police sergeant. During further questioning, Alyssa identified herself as Jaycee Dugard and confirmed that she had been kidnapped and raped by Garrido. Police officers subsequently arrested Phillip and Nancy Garrido on numerous felony charges.

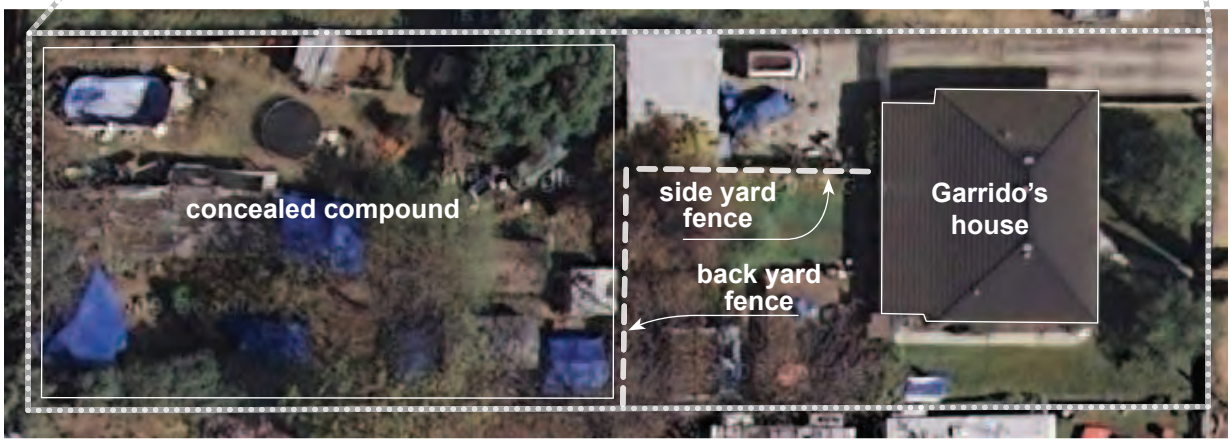
Garrido and his wife allegedly kidnapped Jaycee and held her hostage for almost two decades. During that time, Garrido kept Jaycee and the two children in makeshift structures located at the rear of his one-half acre residence in Antioch, California, as shown in Figure 1 below. In addition to kidnapping, Garrido's crimes reportedly included repeated sexual assaults of Jaycee, resulting in the birth of her two daughters.

The Office of the Inspector General became aware of the Garrido case through media coverage of his arrest and the discovery of Jaycee Dugard and her two daughters. We routinely review the effectiveness of department operations, including the parole division, when we become aware of significant cases. We conduct these reviews under the authority of California Penal Code section 6126, which assigns the Office of the Inspector General responsibility for oversight of the department. Accordingly, in September 2009–after Garrido was arrested–we worked collaboratively with the department, local law enforcement agencies, and the El Dorado County District Attorney's Office to complete this review. The department provided its full cooperation throughout our review, providing documents–including its August 2009 internal review of its supervision of Garrido, a review that reached conclusions similar to ours–and insights into its parole operations.

Figure 1: Garrido's residence in Antioch, California

Adjacent lots. The lines dividing property lots and indicating the back yard fence were added by the Office of the Inspector General.

Garrido lot.



Source: GoogleMaps; © 2009 Google - Imagery © 2009 TerraMetrics, NASA, Map data © 2009 Google

Background

Parolee Information

In 1977, Phillip Craig Garrido was convicted in federal court of kidnapping a female in South Lake Tahoe and convicted in Nevada for raping her. According to court documents, Garrido approached the victim outside of a store at approximately 7:30 p.m. on November 22, 1976. Garrido asked for a ride, explaining that his car was disabled. The victim agreed to help Garrido. After driving for a short time, Garrido instructed the victim to turn the vehicle into an empty lot, where he grabbed her, handcuffed her hands behind her back, and placed a leather strap around her neck and under her knees in order to keep her in a bent-over position which concealed her from view. Garrido drove the victim approximately one hour to a storage shed that he maintained in Reno, Nevada. Over a six-hour period, Garrido repeatedly sexually assaulted the victim in the modified shed, which had evidently been set up in advance for this purpose. At approximately 3:00 a.m. the next morning, a police officer on routine patrol noticed a broken lock on the door to the shed and investigated. In the sequence of events that followed, the police officer rescued the victim and arrested Garrido, who was charged with kidnapping and rape. In a post-arrest interview, Garrido admitted to using marijuana and LSD, adding that he took "at least 100 hits of LSD each month."

The federal court subsequently sentenced Garrido to 50 years for kidnapping, and a state court in Nevada sentenced him to five years to life for rape. After serving nearly 11 years of his federal sentence, the federal government inexplicably paroled Garrido in January 1988 and transferred him to the Nevada Department of Prisons to serve his five years to life sentence. Eight months later, Nevada, also inexplicably releasing Garrido from prison, placed him on parole for the rest of his life, beginning in August 1988.

Nevada returned Garrido to the federal government to serve his federal parole term. During his federal parole period, Garrido and his wife lived with his mother at her residence at 1554 Walnut Avenue in Antioch, California. In June 1991, Garrido allegedly kidnapped Jaycee Dugard from South Lake Tahoe and transported her to his residence in Antioch. In March 1999, the U.S. Parole Administration terminated Garrido's federal parole supervision, returning him to the jurisdiction of Nevada for state parole supervision. Garrido's Certificate of Early Termination of federal parole contains a commendation for having responded positively to federal parole supervision, and for the personal accomplishments he had attained. The federal government's release of Garrido from federal parole is included as Appendix A to this report.

The department assumed the parole supervision of Garrido in June 1999 because he resided in California. The department continued in this role until Garrido's arrest in August 2009. Figure 2 summarizes Garrido's adult interactions with the legal system. A more detailed list of Garrido's contacts with local public safety agencies is included in Appendix B of this report.

Interstate Compact on Parole

The State of Nevada gave Garrido a term of lifetime parole supervision. Because he was living in Antioch, California, however, the department accepted the responsibility to supervise

Figure 2: Timeline of Garrido's legal history.

Sources: Garrido's California and federal parole files and local police reports.

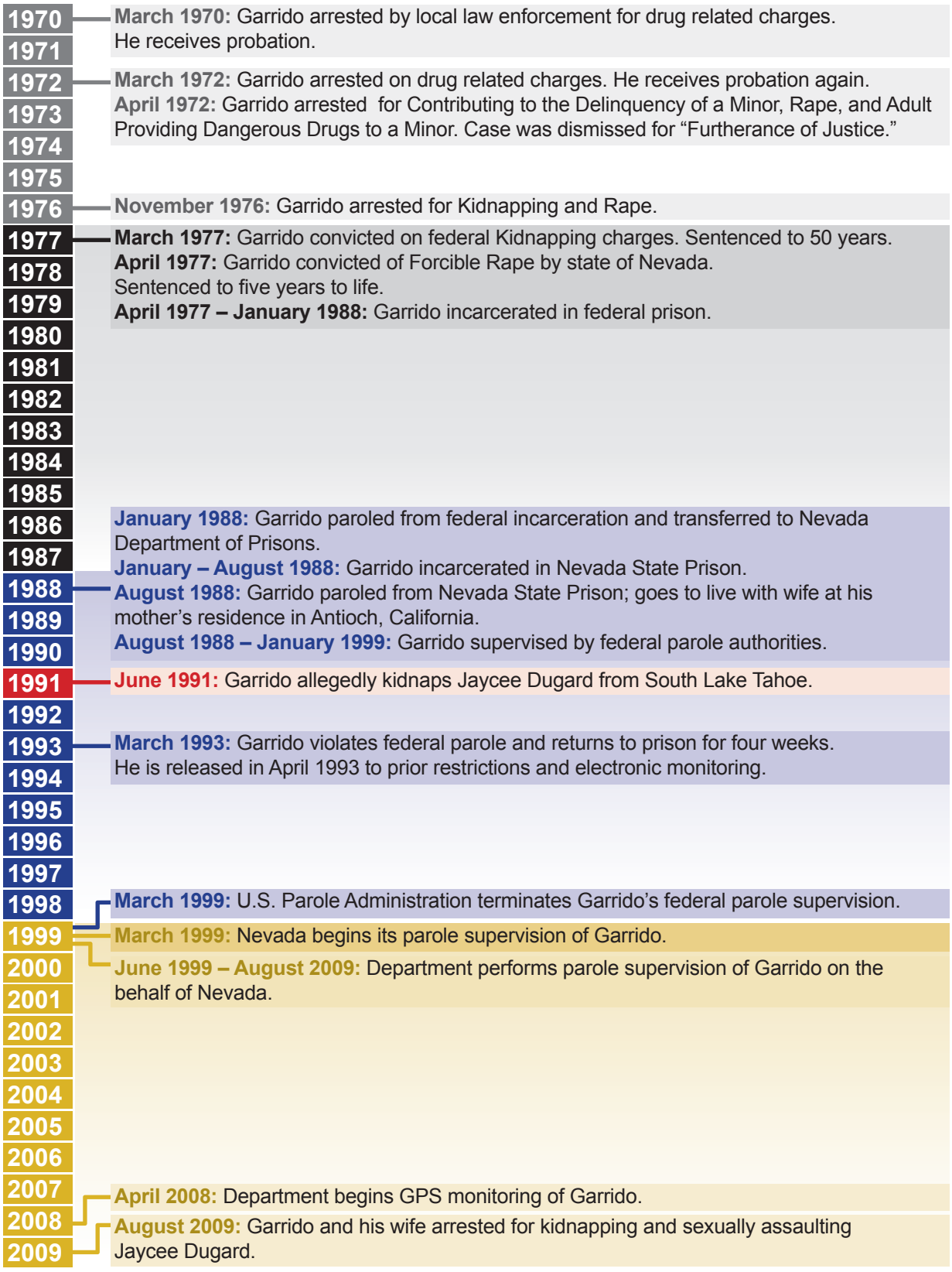
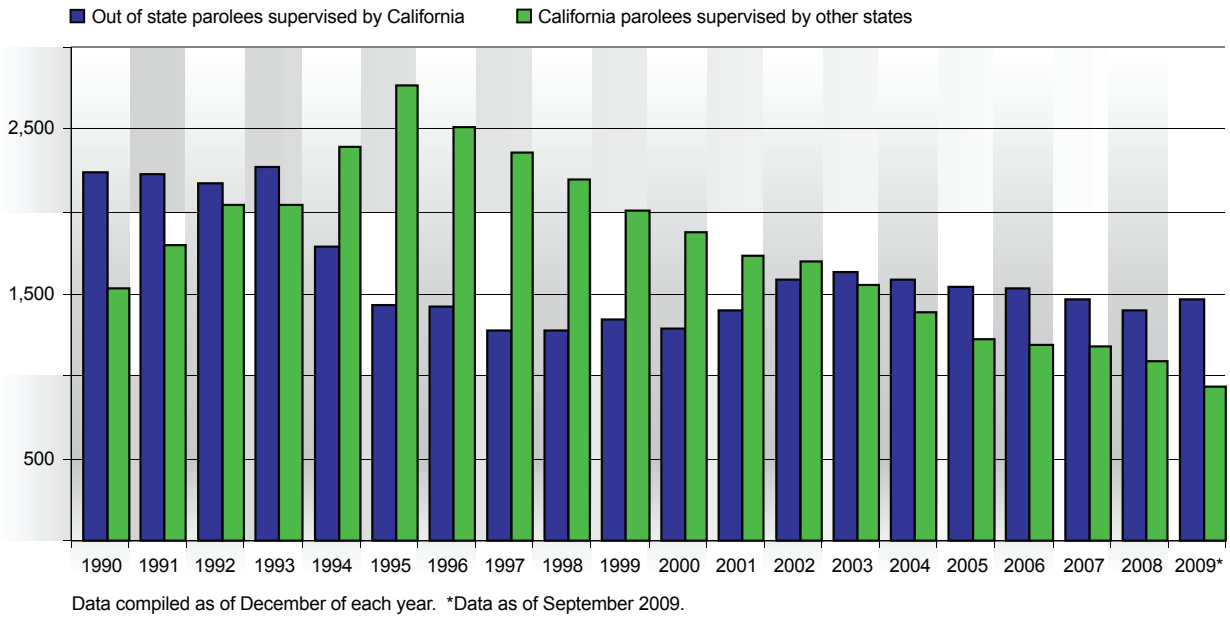


Figure 3: Interstate Compact parolees.

Source: Department's Monthly Report of Population.



Garrido on Nevada's behalf under the terms of the Interstate Compact for Adult Offender Supervision.

This exchange is not unusual for the department. The department routinely accepts parolees from other states under the terms and conditions laid out in the Interstate Compact for Adult Offender Supervision, originally enacted in 1937. All 50 states are members of this compact, which is the statutory authority regulating transfer of adult parole and probation supervision across state boundaries. Under the terms of the compact, states are generally mandated to accept parolees from other states. Therefore, the department had no choice but to accept Garrido for supervision after he was released from federal parole, and the State of Nevada made the request in June 1999.

In September 2009, as illustrated in Figure 3, the department supervised 1,466 out-of-state parolees while 935 California offenders were supervised by other states. In previous years the number of California parolees supervised by other states exceeded the number of out-of-state parolees supervised by the department. In 2008, the department reported the annual cost of supervision at $4,338 per parolee. Therefore, because the department is supervising 531 more out-of-state parolees than the number of California parolees being supervised by other states, the department in 2009 will incur a net cost of approximately $2.3 million.

The increase of out-of-state parolees in the last few years increases the workload for the department's parole agents in general. When Garrido was fitted with a GPS tracking device in April 2008, his parole agents carried the 40:1 workload specified for specialized caseloads.

Parole Agent Tools For Supervising Parolees

The department has stated its commitment to the protection of the community and the effective rehabilitation of offenders. Accordingly, a parole agent has broad discretion over a parolee's life and uses various tools to guide, direct, and oversee the actions of parolees. Conditions of parole, to which a parolee agrees prior to release from prison, allow parole agents to search a parolee's person or residence at any time. Other tools include drug testing, behavior management courses, periodic required reports submitted by parolees, and global positioning system (GPS) monitoring.

In November 2006, California voters passed Proposition 83, which, among other things, required lifetime GPS monitoring of felony registered sex offenders. Prior to the passage of the proposition, the department implemented a GPS monitoring program in June 2005 with a pilot project that tracked high-risk sex offenders. The pilot program was designed to assist parole agents and local law enforcement in supervising these parolees. Based on the project's results, the department requested, and received, additional funding to place GPS devices on all registered sex offenders (Penal Code § 290) on parole in California. The department included in this effort parolees who were convicted prior to the passage of Proposition 83, and therefore were not legally mandated to be monitored. Accordingly, the department required parolee Garrido to begin wearing a monitoring device in April 2008.

GPS monitoring device

Source: Office of the Inspector General

The department Secretary stated in January 2009 that monitoring every sex offender on state parole with GPS technology was a "significant milestone to protecting public safety by holding these individuals accountable for [their] actions and their whereabouts. The [department] is holding true to a commitment it has made to fit every sex offender parolee with a GPS device and monitor them aggressively."

Through the use of satellites, the GPS device transmits a parolee's location, speed of movement, and direction of travel to a receiver. This information is then available to parole agents to track when and where a parolee has gone.

Parole agents may also establish zones within the GPS system to determine if parolees adhere to travel or time restrictions. Using the GPS monitoring software, parole agents can draw boundaries on the map that tracks a parolee, thereby creating zones that a parolee must avoid or remain within. Parole agents can draw boundaries around a school, and the residence and workplace of a victim, to keep the parolee out, and draw boundaries around the perimeters of the parolee's house and surrounding property, to keep the parolee in. Parole agents can also establish larger zones, like a 25-mile radius from a parolee's house beyond which the parolee may not travel without permission, and time zones during which a parolee must be at a certain location. The GPS monitoring device worn by the parolee transmits a signal every minute, tracking the parolee's location. The system sends alerts to the parole agent if the parolee travels outside of a permitted zone, crosses an off-limits boundary or violates a curfew.

Parolees are monitored at either the active or passive level, depending upon the parolee's assessed risk to the community. At the active monitoring level, transmissions from the parolee's monitoring device are uploaded at near real-time intervals and parole agents are alerted immediately if a parolee crosses a boundary or violates a curfew. At the passive monitoring level, transmissions from the parolee's monitoring device are uploaded at set intervals and alerts are usually sent to the parole agent the next day.

As of June 2009, the department reported monitoring nearly 7,000 sex offender parolees with GPS devices; approximately 2,200 were classified as active with 4,800 classified as passive. During fiscal year 2008-09, the department spent nearly $14 million on GPS monitoring, not including the costs of personnel who administer and monitor the information provided by GPS units.

The department plans to expand its use of GPS to monitor parolees in the future. In the department's September 18, 2009, Population Reduction Plan filed with the United States District Court, the department reported that it will seek legislation to establish a program of alternative custody options for lower-risk offenders. Under this program, certain offenders, including those whose offenses are non-violent, non-serious and non-sexual, would be eligible to serve the last 12 months of their sentences under house arrest with GPS monitoring. The department estimates that this would involve approximately 4,800 additional inmates.

Parole Supervision Levels

The department assesses parolees and assigns them to a level of supervision that is commensurate with their risks to reoffend. The department has three general levels of supervision: High Control, the most intensive level of supervision; is applied to parolees with the highest risk of reoffending; mid-level Control Service applies to parolees with an average risk of reoffending; and Minimum Service is the least intensive supervision level, applied to parolees least likely to reoffend.

Additionally, the department has created specialized caseload specifications for parole agents who supervise parolees monitored with GPS at either the active or passive level. The table below summarizes the activities required for each of the supervision levels.

Table 1: Parole supervision levels.

Source: October 2008 department Field Agent Guide.

Activity	Level of Supervision: Specialized Caseload	High Control	Control Service	Minimum Service
Face to Face Contacts	First working day following release from custody, but no more than 48 hours after release. At residence within six working days from initial release or revocation release date. Two per month. Four in parolee's residence per quarter.	First working day following release from custody, but no more than 48 hours after release. First face-to-face residential contact must be within six working days of initial release or revocation release date. Two each month; one at the residence, one at agent's discretion.	First working day following release from custody. At residence within ten working days of initial release or revocation release date. One every other month at residence.	At the parolee's residence within 30 days of release. One contact at residence within 30 calendar days of reduction to minimum service. One face-to-face or collateral contact every 120 days.
Initial Interview	Conducted no later than the third working day following release from custody.			
Collateral Contacts	Two per month.	Two per quarter.	One every 90 days.	One every 120 days.
Anti-Narcotic Testing	One per month.	One per month.	Two per quarter.	This testing condition will be waived.

Parameters of Review

To develop the information contained in this special report, the Office of the Inspector General completed the following activities:

- Reviewed Garrido's parole file.
- Interviewed available parole agents who had supervised Garrido during his 10-year supervision period.
- Inspected Garrido's residence in Antioch, California.
- Interviewed Garrido's neighbors in Antioch, California.
- Reviewed a portion of Garrido's GPS data.
- Obtained the August 2009 case management review assessment completed by the parole administrator over the parole district supervising Garrido.
- Reviewed Garrido's mental health records maintained by the department's Parole Outpatient Clinic.
- Interviewed staff at the department's parole academy and reviewed lesson plans used to instruct parole agents at the academy.
- Contacted local law enforcement agencies to identify Garrido's interactions with local public safety agencies.
- Contacted key staff from the department's Interstate Compact Parole Unit and reviewed related documents.
- Interviewed Garrido's brother, Ron Garrido.
- Interviewed the Chief of the Nevada Department of Public Safety, Division of Parole and Probation.
- Reviewed Garrido's federal parole file.
- Interacted with officials from the department and other law enforcement authorities.

Results of Special Review

The Department Failed to Properly Supervise Parolee Garrido

A review of the decade in which Garrido was under the department's jurisdiction reveals repeated departmental failures to properly supervise Garrido. These failures extend to the supervision and management of parole agents who had oversight of Garrido. Consequently, the department missed opportunities to detect Garrido's ongoing violations of parole conditions and continuing criminal activity.

Consistent with the Office of the Inspector General's jurisdiction to oversee the department, the focus of this special report is the department's parole supervision of Garrido. However, it should be noted that Garrido was on parole under the jurisdiction of federal parole authorities from August 1988 to January 1999. While on federal parole, in June 1991, Garrido allegedly kidnapped Jaycee Dugard and thereafter sexually assaulted her, fathering two children. Accordingly, it should also be noted that the federal parole authorities failed to detect Garrido's criminal conduct and his victims, although they did re-incarcerate him for four weeks in 1993.

The department initially praised its supervision of Garrido

Soon after Garrido was arrested, department officials held a press conference to announce that the department had assisted in identifying Jaycee Dugard and the two children Garrido had allegedly fathered with her and had played a role in arresting Garrido for those and related crimes. An official stated that he was "proud of the parole agents" and spoke of the diligence displayed by the department's parole agents in bringing Garrido into custody. Near the end of the news conference the official stated that Garrido "had no parole violations during the entire period of time, so he was compliant with his conditions of parole." Subsequently, the department has repeatedly reiterated this conclusion.

While it is true that Garrido's parole was never officially violated in California, meaning that the department took no action to register that Garrido had violated his parole, our review shows that violations should have been registered. It is now apparent that the department failed in varying degrees during the parole period to properly supervise Garrido and missed numerous opportunities to discover his victims.

The department repeatedly failed to provide proper parole supervision

At the request of the department, on August 29, 2009, the parole administrator for the parole district that supervised Garrido completed an assessment of the department's handling of Garrido's case. As part of our special review, we requested, and the department provided, a copy of the administrator's assessment. The administrator reviewed all documents and records in the parole file, including every entry made by parole agents and parole supervisors. In addition to our own review of the department's supervision of Garrido, we also used the administrator's assessment due to his knowledge of the complexities of the department's parole supervision requirements.

For the 123 months that the department had jurisdiction over Garrido, the administrator found that there were only 12 months of satisfactory supervision. Put another way, 90 percent of the time the department's oversight of Garrido lacked required actions (see Figure 4).

As Figure 4 illustrates, the department's inadequate supervision of the Garrido case began from the start of its jurisdiction, and although it improved significantly over the last two years, inadequate supervision persisted throughout most of the 10-year span. The administrator noted that a parole agent failed to conduct a required home visit when Garrido was first assigned to California parole. In fact, a parole agent did not visit the residence until May 2000, almost one year after the department began its parole supervision. Similarly, between June 2001 and July 2002, parole agents failed to visit Garrido's home. Between June 2004 and August 2005, parole agents visited Garrido only once.

The administrator concluded that at least six parole agents had supervised Garrido during this period; this number may be higher because some of the parole file entries were illegible. The administrator noted that the parole agent who was supervising Garrido at the time of his arrest had only been supervising him since October 2008.

Additionally, the administrator found that parole agents failed to perform a multitude of required home visits, collateral contacts, and drug testing throughout the period of parole supervision. He found that even after April 2008, when Garrido was placed on the passive GPS monitoring program–and as a result the parole agent commenced more frequent home visits (see Figure 4)–the parole agent failed to ensure that Garrido completed required drug testing.

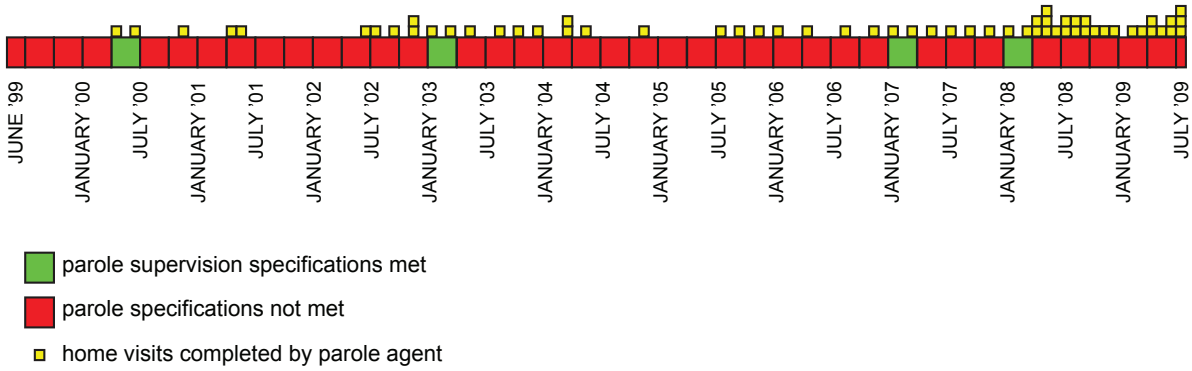
At the outset of Garrido's parole supervision, the department was confused regarding his parole status and failed to perform even minimum levels of supervision. After being released from federal parole in March 1999, Garrido first reported to the department on June 8, 1999, at the department's request.

The department had accepted Garrido for parole supervision from the State of Nevada at Nevada's request in June 1999. Garrido met with his parole agent at the parole office and explained that he believed that Nevada should have discharged him from parole supervision when the federal government discharged him in March 1999. Over the subsequent five months, the only activity the department performed on Garrido's case was to discuss his objections to being subject to continued parole supervision. Therefore, it was not until November 9, 1999, that the department began to actively supervise Garrido.

For reasons discussed in detail below, the department then inappropriately assigned Garrido to its minimum level of supervision rather than to its high control level of supervision, which would have been consistent with Garrido's being a sex offender. Consequently, between November 1999 and May 2000, the only contact the department had with Garrido was five brief monthly written reports that Garrido submitted to the parole agent, and one phone call that Garrido placed to the parole agent advising the agent he had completed his required annual registration as a sex offender with the local law enforcement agency.

Figure 4: The parole administrator's assessment of Garrido's supervision.

The parole administrator who assessed the department's supervision of Garrido based his assessment on quarterly periods.



It was not until May 2000 that it occurred to the department that as a sex offender, Garrido should be supervised at a more intensive level. The department also began subjecting Garrido to drug testing at this time. However, as Figure 4 shows, and as the administrator concluded in his August 2009 assessment, after three months of proper supervision, in July 2000 the department again mishandled Garrido's parole supervision.

Within the department there are conflicting views regarding which parole supervision standard should have been applied in assessing the department's parole supervision of Garrido.

The administrator who completed the department's August 2009 assessment of itself used two criteria to assess the department's supervision of Garrido: the Control Service level of supervision for the years before Garrido was fitted with a GPS unit in April 2008, and the Specialized Caseload level of supervision after April 2008. Control Service was the level of supervision the department decided to apply to Garrido when it realized he was a registered sex offender (Penal Code § 290) in May 2000.

The administrator said that when he assessed the department's supervision of Garrido after the parolee was placed on GPS monitoring in April 2008, he applied more intensive requirements. The department had established new specifications for parolees included in the GPS monitoring program and required parole agents to supervise the GPS parolees as high-risk sex offenders–which called for the department's most intensive high-control level of supervision–with the additional requirement that the parolees participate in the department's Parole Outpatient Clinic program for mental health assessment. Accordingly, the administrator used the Specialized Caseload supervision requirements to evaluate the department's supervision of Garrido after April 2008.

The administrator's assessment of the department's supervision of Garrido is depicted in Figure 4.

In stark contrast to the administrator's assessment, department executives told us that they believe the department's supervision of Garrido met or exceeded requirements in the last

three years of supervision prior to Garrido's arrest. The executives believe that the department did not provide clear supervision expectations to parole agents who monitored parolees with GPS. Therefore, the executives assert that the department should continue to use the less intensive Control Service supervision requirements to evaluate the department's supervision of Garrido. The executives concluded that if this lesser criterion is used, the department met the supervision requirements in 2007 and exceeded them in 2008 and 2009. As discussed above, the department's supervision of Garrido improved during these later periods.

However, it is our assessment that the executives' conclusions are in error. As the administrator stated above, parole agents were told that they were supposed to supervise GPS parolees as high-risk sex offenders, which calls for the high-control level of supervision. He provided us with a document that the department furnished to parole agents to specify the supervision requirements. The written requirements in this document are the standards that the administrator used in assessing the department's supervision of Garrido.

Additionally, two different documents we received support the administrator's choice of criteria to apply in his assessment. First, Garrido's parole file contains a document that Garrido and his parole agent completed when Garrido began GPS monitoring on April 14, 2008. The form is entitled "HIGH RISK SEX OFFENDER (HRSO) SPECIAL CONDITION ADDENDUM" and gives the parolee instructions on wearing the GPS device. The reference to Garrido as a high-risk sex offender is consistent with the administrator's understanding. Second, the department's Field Agent Guide, dated October 2008, specifies that parole agents are to monitor parolees on passive GPS monitoring–such as Garrido–at the more intensive level of supervision used by the administrator in his evaluation.

One executive, however, stated that the Field Agent Guide is just a guide: he noted that a statement at the front of the manual warns that the guide "should not be construed as departmental or divisional policy nor should it be relied upon as a complete expression of policy or procedures." Additionally, the executive pointed out that the guide is dated October 2008, and notes that Garrido began GPS supervision six months earlier, in April 2008. Therefore, the executive concluded that the department's supervision should continue to be assessed at the lesser "Control Service" level of supervision.

The support for the criteria the administrator used in his assessment appears to have more merit than that provided by the executive. As a result, we believe that the administrator's assessment of the department's supervision of Garrido, as depicted in Figure 4, is a fair assessment of the department's work on Garrido's case. Nevertheless, as we discuss in detail below, throughout the entirety of its supervision of Garrido, the department failed to supervise Garrido at its most intensive High Control level of supervision, the level required for supervising a violent sex offender. The department confirmed this conclusion when it determined through applying an updated assessment tool called STATIC-99–subsequent to Garrido's arrest–that High Control was the appropriate level of supervision for Garrido.

The department failed to properly classify Garrido

One explanation for the department's improper supervision of Garrido is that it initially misclassified Garrido as a low-risk parolee. In 1999, when the department began supervising Garrido, its policy was to classify as High Control for at least one year all parolees required to register as a sex offender under Penal Code section 290. This classification should have applied to Garrido due to his prior rape and kidnapping crimes. Nevertheless, the department initially classified Garrido for Minimum Supervision, its least intensive supervisory level. As a result, until May 2000–almost one year after it began supervising Garrido–the only contact the department had with Garrido was three office visits, some phone conversations, and five monthly written reports that Garrido submitted to his parole agent.

According to the parole agent who supervised Garrido during this period, Garrido initially questioned the legality of the department imposing parole restrictions on him on the behalf of Nevada and argued that when the federal government released him from parole, that release also applied to Nevada's parole authority. Because the department had very little information from the federal parole authorities or Nevada, the parole agent delayed his supervision of Garrido five months until the department's legal office reviewed the case. Then the parole agent assigned Garrido to minimum supervision.

In 1999, had the department taken the additional step of reviewing the information contained in Garrido's federal parole file, it would have received information that could have assisted the department in correctly assessing Garrido and perhaps even discovering the hidden compound in the rear of the Antioch property. Included in the federal parole file was information about Garrido's mental health assessments, failed drug and alcohol tests, and a 1993 parole violation that led to Garrido being briefly re-incarcerated. This information could have influenced the parole agent's supervision level for Garrido. Additionally, included in the federal parole file was information regarding a federal agent's search of the soundproofed recording studio that Garrido maintained in the back of his residence. This studio was located in the concealed compound and was where Garrido allegedly kept Jaycee the first year of her captivity and repeatedly raped her. Information about this recording studio could have provided the parole agent with the knowledge that Garrido's residence extended well beyond the back fence.

Additionally, in January 2001, the parole agent handling the Garrido case completed a "Sex Offender Risk Assessment" to evaluate the appropriateness of Garrido's then-current level of supervision. The assessment places offenders in three categories: low-risk offender, moderate-risk offender, and high-risk offender. The parole agent unfortunately evaluated Garrido as a low-risk offender, even though that category clearly did not apply. The parole agent chose this description as most applicable to Garrido:

> One or possible registerable [*sic*] sex offenses in the record along with other non-sex-related offenses. **Controlling offense is non-sexual.** Offending sexually is more opportunistic or situational than a primary deviant sexual orientation. These cases can be reasonably handled on a control service caseload. [*Emphasis added*]

A "controlling offense" is the crime that sent the parolee to prison. Garrido's controlling offense was clearly sexual in nature: kidnapping an adult female and sexually assaulting her over a six-hour period. The circumstances of the crime show premeditation and deliberation; he handcuffed the victim and placed a leather strap around her neck and under her knees to conceal her in a bent-over position while transporting her for an hour to a modified storage shed. Further, Garrido had drugs, a bed, and sex-related devices in the shed. This information was readily available to the parole agent and should have caused the agent to elevate Garrido's assessment.

Since the controlling offense was of a serious sexual nature, the parole agent's selection was incorrect. The appropriate classification for Garrido was high-risk offender as described below:

> **Controlling offense is sexual**, or is related to an established pattern of deviant sexual behavior. There are usually other sexual offenses in the background. No or minimal history of non-sex offenses. **Offenses clearly deviant sexually oriented.** These cases need referral to the Parole Outpatient Clinic. They need to be handled by the Sex Offender Specialist Caseload. [*Emphasis added*]

Had the department identified Garrido as a high-risk offender and supervised him at the more intensive High Control level, it would have been able to focus more attention on his activities. The parole administrator who completed the case management review assessment reached a similar conclusion in his review, finding that the department should have supervised Garrido at its High Control level of supervision because of his previous sexual criminal behavior. Because at the time of this assessment Garrido was not monitored by a GPS monitoring device, the even more intensive Specialized Caseload level of supervision would not apply.

In June 2006, the department implemented a new assessment tool, "STATIC-99," designed to estimate the probability of sexual and violent recidivism among adult males who have been convicted of at least one sexual offense against a child or non-consenting adult. The department issued instructions that the assessment must be used to evaluate all sex offenders being paroled from prison; however, remiss from that directive were sex offenders, like Garrido, who were currently on parole. Instead, the department later told staff that additional policies would be forthcoming.

The department revised its STATIC-99 policies in 2007 and again in 2008; however, neither of these revisions included instructions on applying the STATIC-99 assessment to sex offenders who were currently on parole. To date, the department has never developed those written policies.

In July 2009, one month before Garrido's arrest, a parole supervisor completing a case review directed a parole agent to request a STATIC-99 assessment for Garrido. On September 17, 2009, three weeks after the arrest, the department performed the assessment, which finally correctly identified Garrido as a high-risk sex offender. This finding corroborates our conclusion that the department's decision to place Garrido on minimum supervision was a grave error.

Parole supervisors failed to detect inadequate oversight of Garrido

Parole supervisors also failed to detect and address the inadequate oversight and assessment of Garrido by the parole agents responsible for his supervision. The department requires parole supervisors to periodically review case files to ensure that parole agents are properly supervising their assigned parolees. The administrator conducting the August 2009 probe into the Garrido case found 10 instances where parole supervisors did not perform the mandated reviews, including between April 2001 and October 2003 when no reviews were conducted. Equally alarming, however, are the 15 instances we found in which parole supervisors completed case reviews but failed to identify and correct obvious deficiencies in the manner parole agents handled Garrido's case.

The department failed to provide timely mental health assessment

Additionally, the department did not refer Garrido for mental health assessment until October 2007–more than eight years after it began supervising him–even though the State of Nevada and California state regulations require such an evaluation upon initiating parole.

According to the department's record of supervision for Garrido, a parole agent determined in October 2007 that as a registered sex offender, Garrido needed to be referred for a mental health evaluation. Accordingly, he referred Garrido to the department's Parole Outpatient Clinic, which provides mental health treatment to parolees. However, the department should have referred Garrido to these services much earlier. When the State of Nevada paroled Garrido in August 1988, one of the conditions of his parole was "Outpatient substance abuse and/or mental health counseling." The document establishing those parole conditions was present in the department parole file for Garrido. Nevertheless, when the department assumed parole jurisdiction of Garrido in June 1999, it failed to refer him for a mental health assessment.

Further, the department did not follow California regulations requiring parole agents to refer all serious sex offenders to the Parole Outpatient Clinic for a mental health assessment. Title 15 of the California Code of Regulations, section 3610 states in relevant part:

> Mandatory referral to a POC [Parole Outpatient Clinic] for a mental health assessment shall be made by the parole agent of record for the following:
>
> … sex offenders as designated in PC [Penal Code] section 290, for whom a mental disorder may have been a contributing factor to their commitment offense.

Accordingly, in 1994 the department began requiring all parolees with histories of sex offenses covered under the provisions of Penal Code section 290 to receive an evaluation through the Parole Outpatient Clinic. Had the department acted in a timely manner and referred Garrido for an assessment, it would have provided the department another opportunity to determine that Garrido had been misclassified as a low risk parolee.

The department recommended Garrido's discharge from parole supervision

On four different occasions, the department recommended to Nevada that it discharge Garrido from parole: in November 1999–five months after it had begun supervising Garrido–and again in July 2004, December 2005, and April 2008. In each of these instances, a parole supervisor concurred with a parole agent's recommendation for discharge. Nevada did not heed the department's suggestion and continued to subject Garrido to parole supervision. It should be noted that applying the typical California standard for sex offenders to Garrido's case would likely have produced Garrido's release from parole after three years.

The department did not use available GPS information

The department also failed to use readily available information from its GPS monitoring program to identify that Garrido was not adhering to the terms of his parole. In April 2008, as part of a larger effort to place monitoring devices on all parolee sex offenders, the department placed a GPS ankle monitoring device on Garrido to electronically monitor his movements. Given his assessed status as a low-risk sex offender, the department placed Garrido on its passive GPS monitoring program.

One of the potential uses of the GPS device was to determine whether Garrido traveled more than 25 miles from his residence of record without prior approval from parole authorities-a limitation the department placed on Garrido as a condition of his parole. According to a department official in its electronic monitoring unit, the department can establish an electronic zone around a parolee's home. The GPS monitoring system will detect this breech and notify the assigned parole agent. Under the passive GPS monitoring program, the system would notify the parole agent the next day.

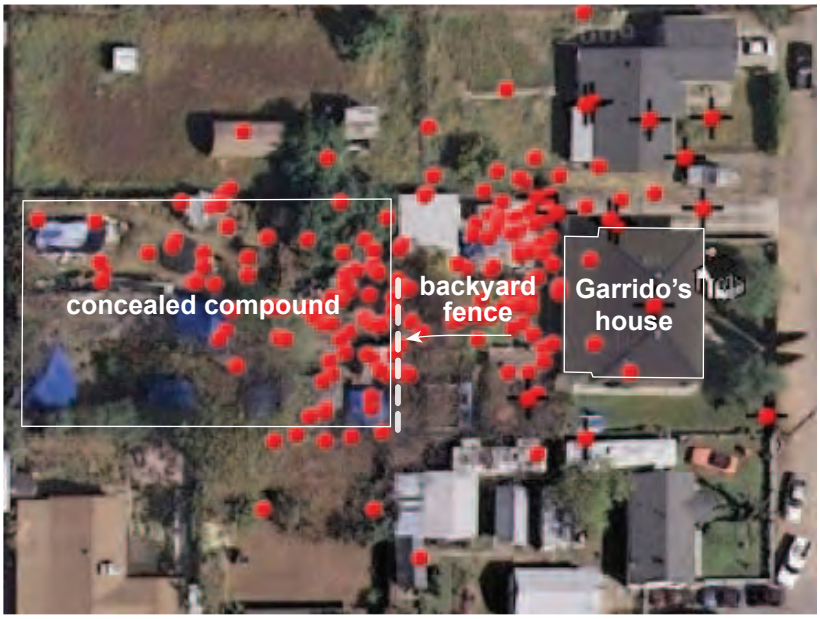
However, the parole agent did not use the tool available to him to establish a restricted travel zone to monitor Garrido. If done, the system would have alerted parole authorities that Garrido was repeatedly out of compliance with his conditions of parole. We reviewed GPS information for Garrido over a 32-day period from July 23, 2009 to August 23, 2009. During this limited time period, we discovered that Garrido went outside of the 25-mile zone seven times, traveling to Berkeley, Oakland, or San Francisco. The department's parole file does not reflect that Garrido asked for, or received, permission to go outside the 25-mile zone from his house during this time period. The same data we reviewed is readily available to parole agents.

More concerning was that the department ignored alerts it received from a restricted time zone that it did establish for Garrido. In the GPS monitoring system that the department used until June 2009, parole agents established a time zone surrounding Garrido's house, programming the system to send an alert if Garrido left his residence at night, between about midnight and 7:00 a.m. This important information would help a parole agent ascertain if Garrido was participating in improper activities. System records show that between April 2008 and June 2009, parole agents received 14 alerts that Garrido had left his residence after the curfew. Disappointingly, parole agents ignored each of these alerts, letting them go without any apparent follow-up or investigation. Ignoring the alerts generated by the system defeats the purpose of this tool.

Parole agents also ignored other alerts from the department's new GPS system. Between June 5, 2009–when the department began using its new GPS system–and August 26, 2009, when Garrido was arrested, the new GPS system generated 18 alerts for Garrido. Most of these alerts related to Garrido failing to charge the battery on his device as required, but one of the alerts indicated that the strap securing the device to Garrido may have been disconnected. System records show that the parole agent acknowledged the first three alerts, but did not record whether he investigated the alerts or if the causes for the alerts were resolved. The parole agent explained that he was unaware that he needed to complete this step. Regrettably, the parole agent never even acknowledged the remaining 15 alerts, including the alert relating to the strap securing the device to Garrido's ankle. This indicates that the department continues to fail to properly use its new system, as it did its previous system.

Figure 5: Garrido's GPS "tracks" in concealed compound

Note: Back yard fence line superimposed by the Office of the Inspector General. Source: Department GPS monitoring system for the date of April 15, 2008.



The parole agent could have also used the GPS information to learn that Garrido spent a great deal of time in the makeshift concealed compound. Figure 5 presents GPS "tracks" for a single 12-hour period on April 15, 2008, showing Garrido's movement at his residence that day. Each of the red dots represents a "track," or Garrido's location when the GPS monitoring unit he wore on his ankle sent a periodic signal to the department's monitoring system. Figure 5 shows that Garrido spent a significant amount of time in the concealed compound located behind his residence.

Unfortunately, the parole agent did not view this data and make that discovery. The department told us that the location of a recorded track may vary from the actual location of the parolee by as much as 36 feet. Nevertheless, had the parole agent viewed the GPS information, it should have led him to determine that the boundaries of Garrido's backyard extended beyond what he believed them to be.

Additionally, we identified significant abnormalities in Garrido's GPS information that, if identified, should have led to further investigation. During a 32-day period between July 23, 2009 and August 23, 2009, the department lost the GPS signal from Garrido's ankle monitoring device almost every night for prolonged periods of time, typically nine or more

hours. According to the department official over the electronic monitoring unit, the lost GPS signal could have been caused by the physical construction of Garrido's house, which may have blocked the GPS unit's ability to transmit a signal. However, he also stated that parolees have developed masking techniques to block GPS signals. The official stated that the current GPS monitoring system–which the department has used since June 2009–will send an alert to a parole agent if it has lost a signal for 24 or more hours, while the previous system–used prior to June 2009–sent an alert after a GPS signal was lost for six or more hours.

Even though Garrido's parole agents were repeatedly alerted to the loss of GPS signals, the parole records reflect that no action was ever taken. Between April 2008 and June 2009, the GPS system alerted parole agents 335 times that Garrido's GPS monitoring device lost a signal for prolonged periods of time. This was almost a nightly occurrence. System records show that parole agents ignored 276 of these alerts altogether. Curiously, the system shows that a parole agent acknowledged the other 59 alerts, but never described in the parole file the actions–if any–taken to investigate the cause of the alert. The Record of Supervision form in the parole file is a legal document and is intended to provide an accurate record of any and all efforts to supervise a parolee. Accordingly, the department requires parole agents to document in these forms any activity, action, or piece of information pertaining to a parolee. Parole agents should have investigated the cause of this abnormality and documented their findings in the parole file.

The department failed to provide GPS supervision policy

One explanation for parole agents not using this important tool to monitor Garrido is that the department has provided no policies guiding parole agents in monitoring parolees assigned to the passive GPS monitoring program. According to the parole agent responsible for the parole unit that monitored Garrido, parole agents that supervise parolees on the GPS monitoring program received guidance on how to monitor parolees at a series of training classes as it was initiating the GPS monitoring program. The manual provided to parole agents during the training states that parole agents must review a parolee's GPS tracks every day. Nevertheless, in this training, parole agents were told that they were to only review GPS data on a daily basis if parolees were monitored at the active GPS level. Parole agents did not need to review GPS data for parolees monitored at the passive GPS level unless the GPS system alerted them to a violation of parole.

Apparently, Garrido could have travelled anywhere, even to the locations of his previous crimes, and it is likely that he would have gone undetected as long as his GPS device continued to transmit a signal.

The department has not provided policies to guide and direct the parole agents who monitor parolees outfitted with GPS monitoring devices. According to department officials, the department is in the process of developing policies to guide parole agents who monitor parolees tracked by the GPS system. However, it had not distributed these policies to the field when we completed our fieldwork in October 2009.

Garrido case raises larger concerns

The department Secretary has said that the department is holding true to a commitment to fit every sex offender parolee with a GPS device and monitor them aggressively. However, due

to the stark differences between the way the active and passive GPS programs now operate, this is an inaccurate characterization. Those parolees monitored under the active system are in fact aggressively monitored, while those monitored in the passive program, like Garrido, are not. The department's failure to use available GPS information to monitor Garrido, and our finding that it disregards alerts that the system generates, raises concerns not only about its current use of GPS but also its planned future expansion of GPS monitoring. As discussed in the Introduction, the department currently has approximately 7,000 sex offender parolees wearing GPS monitoring devices–4,800 of whom are monitored at the passive level. Under its Population Reduction Plan submitted to the United States District Court, the department plans to use GPS to monitor another 4,800 low-level inmates who will be released up to 12 months early from prison. The department refers to this program as "Alternative Custody."

Although the inmates to be included in the Alternative Custody program are non-violent, non-serious, and non-sex offenders, should the department use its current passive GPS monitoring program to monitor these inmates, the Office of the Inspector General is concerned that public safety could be put at risk. The current passive GPS monitoring program appears to provide little, if any, value to proactive parole supervision. The department's failure to use the system to monitor conditions of parole for Garrido, or to periodically review GPS information for all passive GPS parolees, utterly defeats many of the preventive purposes of tracking parolees.

As currently implemented, the system, at best, provides a potential record of a parolee's actions after violations have occurred. The Office of the Inspector General used the system data after Garrido's arrest to find that he repeatedly violated the terms of his parole by traveling more than 25 miles from his home and frequented the compound behind his backyard where he allegedly committed his heinous crimes. Although these capabilities are valuable to the law enforcement community in apprehending parolees who reoffend, the department is remiss in failing to use the preventive capabilities of GPS.

It cannot be overstated: the passive GPS monitoring program, as currently applied, provides a false sense of security to the public, who have been told that the department uses GPS to monitor parolees. Indeed, the Garrido case shows that the current passive GPS model is ineffective in proactively monitoring parolees.

The department missed other opportunities to discover the victims

In addition to failing to perform the required activities noted above, the department also missed several opportunities to discover the existence of Garrido's victims. According to the department's 10-year supervision records of Garrido, its parole agents performed face-to-face contacts with Garrido at his home on at least 60 occasions. Yet parole agents did not identify clues suggesting that something was amiss. Later in this report we discuss concerns we have related to the training parole agents receive to prepare them to complete thorough and effective inspections of a parolee's residence.

As shown in Figure 6, clearly visible utility lines, including coaxial cable and telephone lines, ran in makeshift fashion from the corner of Garrido's house to a carport in the back yard. These

utility lines then proceeded to the hidden compound in the back of the property where Garrido had a computer, television, and other electronic devices.

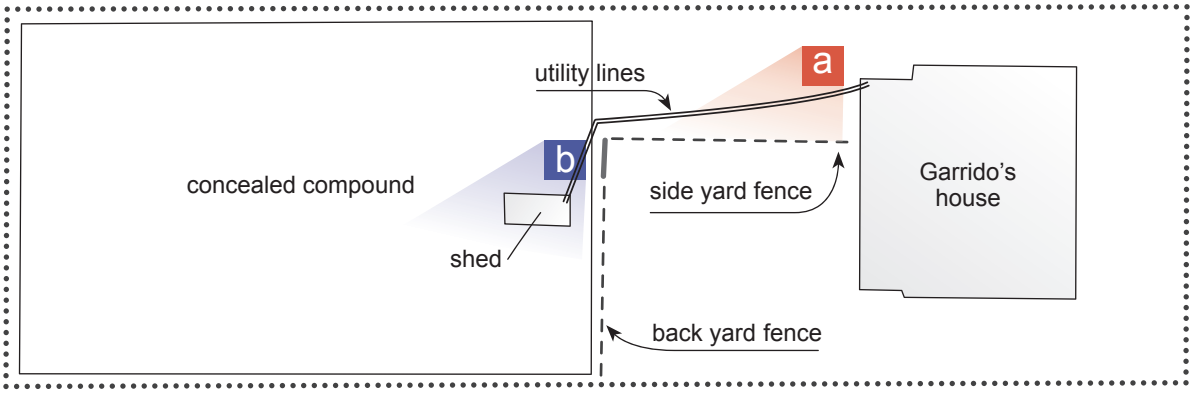
Additionally, as shown in Figure 7, electrical lines came through the fence into the back yard and ran along the back yard fence, going toward the back of the property. These utility wires supplied electricity and other utilities to the various structures that Garrido maintained in the rear of his residence and were in place at the time Garrido kidnapped Jaycee in June 1991.

As a condition of Garrido's parole, any law enforcement officer, including his parole agent, has authority to search his residence without first obtaining a search warrant. According to Garrido's most recent parole agent, the agent did inspect Garrido's house and even went into the backyard. However, the parole agent said that the yard appeared to end at the inner fence of Garrido's residence. The agent said that he never noticed the utility wires running from the house toward the back yard or the electrical wire that came through a hole cut in the fence into

Figure 6: Utility lines running from Garrido's residence.

Photos taken from the points of view indicated on the schematic below.
Source: Office of the Inspector General.

schematic, Garrido lot (not to scale).



a – view of side yard fence from parking area - see schematic for frame of reference.

b – view of shed from inside hidden compound - see schematic for frame of reference.

the back yard and then extended to the rear of the property. However, those wires were clearly visible in several locations in the back yard.

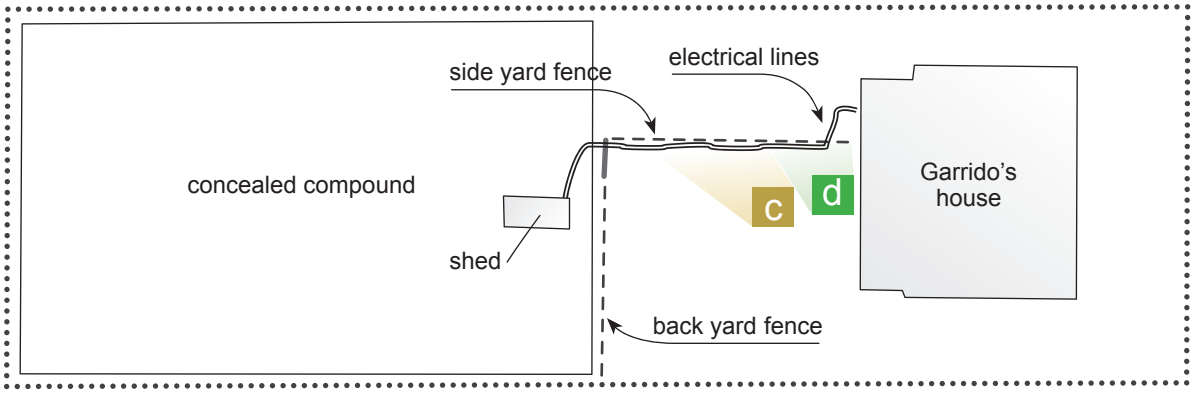
Previous parole agents who supervised Garrido also recorded that they performed searches of Garrido's residence. One parole agent even developed a diagram of the house. However, none of the parole agents documented in their notes that they ever noticed, investigated, or inquired about the wires.

A trained law enforcement officer searching Garrido's back yard should have observed the utility wires, particularly since those wires were visible in multiple locations. At a minimum, the presence of those wires should have raised suspicions that Garrido was engaged in some type of illegal conduct, perhaps even serious criminal activity. Utility wires can be an indicator of crimes such as electricity theft, marijuana cultivation, or the presence of a computer used for

Figure 7: Electrical lines in back yard.

Photos taken from the points of view indicated on the schematic below.
Source: Office of the Inspector General.

schematic, Garrido lot (not to scale).



c – view of side yard fenceline from back yard - see schematic for frame of reference.

d – view of side yard fence from back yard - see schematic for frame of reference.

child pornography. Because Garrido was a registered sex offender, with extensive drug use in his past, those suspicions would have been merited.

Had the parole agents identified these signs of potential criminal conduct, their suspicions may have led to inquiries that could have resulted in the discovery of the concealed compound at the rear of Garrido's property. Furthermore, as discussed previously, the department would have known that Garrido's yard extended beyond the back fence and included at least one building if it had reviewed information contained in Garrido's federal parole file.

The department, however, was not alone in its failure to observe these clues that Garrido's property extended beyond the interior backyard fence. According to local law enforcement documents, in July 2008, a regional sex offender taskforce searched Garrido's residence during a sweep of known sex offenders living in Antioch. The department did not participate in the operation. During the sweep, officers searched the inside and outside of Garrido's residence, including the back yard. The officers reported finding nothing suspicious, also stating that they believed the property line ended at the interior back fence.

Juvenile present during home visit

Another opportunity the department missed to discover the existence of Garrido's victims living in the back part of his property occurred in June 2008. According to records prepared by the parole agent who supervised Garrido at that time, the parole agent went to Garrido's residence on June 17, 2008, to perform a periodic face-to-face visit. Present at the house with Garrido was his wife, his mother, and a 12-year-old female. According to the parole agent's notes, he questioned Garrido about the young girl. Garrido replied that the girl was his brother's daughter. The parole agent apparently accepted Garrido's explanation and left. There is no indication in the department's record of supervision that the parole agent performed any further inquiries.

On the day that Garrido was eventually arrested for kidnapping, rape, and other sexual crimes, he gave a similar story to his parole agent. He told his parole agent that his three victims, including the two girls he allegedly fathered with Jaycee, were his brother's children.

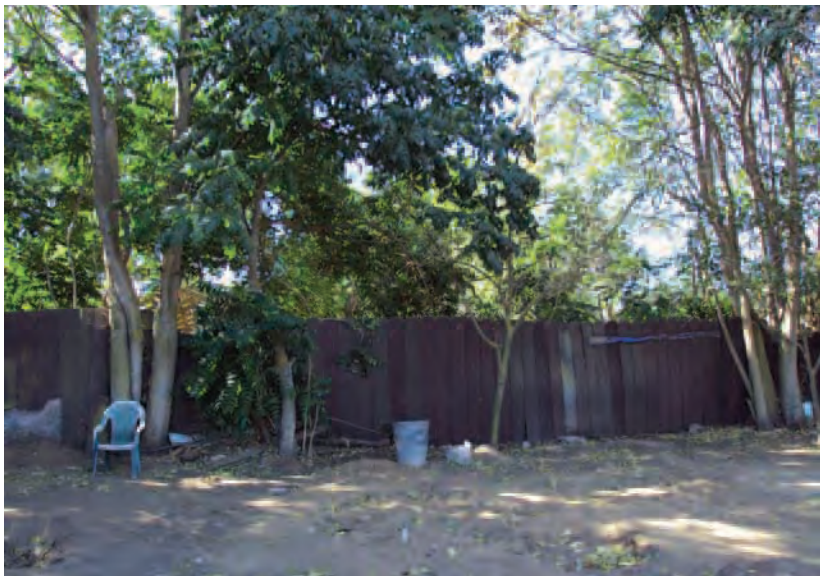
Because Garrido's commitment offense, or controlling offense, did not include minors, his parole at the time did not contain a condition prohibiting him from being in the presence of minors. Therefore, the presence of the 12-year-old girl alone did not violate Garrido's parole conditions. However, based on Garrido's criminal history, the parole agent should have confirmed the story that Garrido provided. Included in Garrido's parole file was information related to a 1972 arrest for drugging and raping a minor. The charges were evidently dropped when the minor refused to testify against Garrido. Nevertheless, this arrest in Garrido's past should have spurred the parole agent to further investigate Garrido's story. We easily contacted Garrido's brother and determined that he did not have a daughter. If the parole agent had taken this basic investigative step, he would have determined that Garrido was being dishonest and could have investigated further.

Parole agents failed to speak to key collateral contacts

Parole agents also failed to talk to key sources to obtain important collateral information that may have led them to discover Garrido's victims. Parole agents are required to periodically contact collateral sources of information to ensure that a parolee is adhering to his or her parole terms and conditions. The department defines a collateral contact as any communication with another person concerning a parolee. Parole agents often talk to parolees' spouses, roommates, employers, and relatives. Neighbors and local law enforcement agencies are also good sources of information because they may be aware of behavior the parolee exhibits when the parole agent is not present.

We reviewed the department's supervision record of Garrido and found no instances of parole agents speaking to Garrido's neighbors. We went to Garrido's neighborhood and spoke to five of Garrido's neighbors. From our interviews, we learned that some of the neighbors had concerns about Garrido's "weird" behaviors, and that two neighbors had seen children at his house. These comments are consistent with parole agent comments in their records over the years that Garrido exhibited strange behavior.

Figure 8: Eight-foot high privacy side fence in Garrido's back yard.
Source: Office of the Inspector General.



Another neighbor, whose backyard shared a fence with Garrido, told us he once met Jaycee. The neighbor described a conversation he had in the summer of 1991–when he was about eight years old–with a young blond girl through the chicken wire fence that used to separate his yard from Garrido's. He said that the girl told him her name was Jaycee and she lived there. The neighbor reported that as he was talking to Jaycee, Garrido came out and took her into the house. Soon thereafter, Garrido built an eight-foot privacy fence that separated their yards.

Had a parole agent talked to people living in the neighborhood, he may well have learned this same information. That information, along with the fact that Garrido is a registered sex offender, may have led a parole agent to further investigate Garrido and perhaps discover Jaycee.

Furthermore, local law enforcement and emergency services agencies had numerous contacts with Garrido. However, because the department has not established a policy to require parole agents to periodically contact local law enforcement agencies, the department was not aware of these interactions. While the department has good relationships with many local

law enforcement agencies and often shares information on parolees, it usually does so in the context of locating absconded parolees or those believed to be involved in ongoing criminal behavior.

According to the Contra Costa County Sheriff's Office, it or other public safety agencies had at least 30 interactions with Garrido or other persons at his address. Included in these contacts was a November 30, 2006 call from a resident who lived next door to Garrido. The call included the following information:

> … neighbor at 1554 Walnut [*Garrido's residence*] has several tents in yard with people living in them and there are children there. [*Reporting party*] was concerned because neighbor has sexual addiction.

On another occasion, the fire department responded to Garrido's residence in June 2002 on a report of a juvenile with a shoulder injury that occurred in a swimming pool. Had the parole agent obtained this information, he would have observed that the report included a juvenile and a swimming pool, neither of which were observed at the Garrido residence during the parole agent's home visits. The pool and the juvenile were located in the concealed compound.

However, no indication of these contacts appears in the department's parole file on Garrido. Accordingly, parole agents were never able to include this valuable information in their evaluation of Garrido's adherence to his conditions of parole. Indeed, had a parole agent supervising Garrido contacted local law enforcement or emergency services agencies and obtained the above information–especially the information from the November 30, 2006 call–he could have detected Garrido's criminal activity.

Subsequent to Garrido's arrest, the director of the department's Division of Adult Parole Operations sent a memorandum to parole staff stating that the parole mission goes beyond simply holding offenders accountable when parole agents become aware of potential parole violations. Rather, staff should use their knowledge and resources to detect violations that may not be readily apparent during routine visits with an offender. The memorandum also states that through the delicate balance between essential services and controls and staff expertise and dedication, the division is able to best achieve its mission. One of the controls described is collateral contacts. The memorandum states:

> Collateral contacts provide the agent with insight that is not controlled by the parolee. A good collateral contact could include speaking with neighbors about the parolee's behavior, law enforcement communications centers to determine if there have been any recent police contacts/calls at the parolee's residence, the parolee's employer or co-workers, or any known service providers.

Parole agents failed to act promptly on known information

At the time of Garrido's arrest, Garrido's parole agent did not address or resolve two specific improprieties of which the parole agent should have been aware. A Berkeley police officer told the parole agent about Garrido's visit to the campus. The lone fact that Garrido had travelled

to UC Berkeley should have immediately caused the parole agent to investigate further, since Berkeley is approximately 40 miles from Garrido's Antioch residence. As discussed, Garrido's parole terms limited his travel to a 25-mile radius from his home without permission from his parole agent.

More significantly, the parole agent was aware that Garrido had in his presence two girls who referred to him as "daddy" and to whom Garrido referred as his daughters. The parole agent's suspicions should have been raised immediately since the agent believed Garrido had no young children. Further, one of Garrido's existing parole prohibitions was that he have no contact with females between the ages of 14 and 18 years. Specifically, the prohibition states:

> You shall not have contact with females between the ages of 14 and 18. 'No contact' means exactly that. No contact in any form, whether direct or indirect, personally, by telephone, letter, electronic, computer, or through another person.

The parole agent questioned Garrido about the identity of the children and searched his residence, but upon reviewing his parole file with a supervisor, decided that the condition prohibiting Garrido from contacting minors was imposed in error. However, Garrido's parole file also included information related to his 1972 arrest for drugging and raping a 15-year old girl. While this 1972 arrest did not result in a conviction, the arrest, along with the violent nature of Garrido's 1976 kidnapping and rape crimes, provides a reasonable basis for enforcing the previously imposed parole restriction regarding juvenile females. Given the UC Berkeley police officer's observations of the two girls accompanying Garrido, the more responsible course of action would have been to investigate the identities and welfare of the children that night. The parole agent was told that the two girls were calling Garrido "daddy" at UC Berkeley, a statement the parole agent knew to be untrue. However, the parole agent apparently accepted Garrido's story that the two children belonged to his brother. Instead of contacting Garrido's brother on the spot to resolve this conflict, the parole agent drove Garrido back to his residence, released him and instructed him to return to the parole office the next day.

Given Garrido's violent criminal past and his increasingly bizarre behavior as documented by the parole agent and observed by the UC Berkeley police officer, it is not unreasonable to fear that the parole agent's failure to further investigate that night may have placed Garrido's three captives in greater danger or prompted Garrido to flee. Clearly, the parole agent had legitimate concerns for the well being of the two girls in question; why he did not pursue these concerns that evening is unclear.

Parole Agents Lack Adequate Training

One reason that department parole agents failed to detect the existence of the compound in the far rear of Garrido's property is that they had inadequate training. The department's 10-week academy does not provide parole agents with satisfactory training on how to perform home inspections. Nor is there adequate on-the-job field training for parole agents after they complete the academy. Training that provides parole agents with guidance on how to perform effective home inspections, including how to be aware of and receptive to signs of parole violations or

other criminal behavior, should be provided to parole agents. This knowledge is imperative if failures like those in Garrido's case are to be avoided. Such training should be mandatory.

We went to the department's parole academy and interviewed academy coordinators to determine the training they provide to parole agents. The coordinators told us that parole agents are trained to ascertain whether a parolee is in compliance with his specific conditions of parole by observing the home and interviewing the parolee. Parole agents are trained to obtain an "overall picture of compliance" during the home inspection by performing a "cursory" search of the parolee's residence, the coordinators explained.

The coordinators acknowledged, however, that they do not provide parole agents with specific or clear protocols on where or what to search for. For example, they said that a parole agent is not required to search a parolee's backyard, unless an agent suspects that evidence of a parole violation would be found there. When we interviewed Garrido's most recent parole agent, he told us that he had received no training at all in the academy on how to conduct parolee home inspections.

The department seems to recognize, however, at least in part, the need to address and correct the profound breakdown that occurred in the Garrido case. Subsequent to Garrido's arrest, the acting director of the department's Division of Adult Parole Operations sent a memorandum to parole staff stating that home inspections should incorporate, among other things, "A walk-through of the entire residence, to include the yard (back and front) to establish an understanding of how the residence is laid out and who resides within the residence and the confines of the property."

There is no field training program for new parole agents after they graduate from the department's academy, and supervisors are not required to provide on-the-job training to new parole agents. Instead, after completing the 10-week course of instruction in the academy, new parole agents complete two years of service to be considered journey-level parole agents. During this period, parole agents meet with their supervisors periodically to discuss their cases. The department provides the parole agents with no formal on-the-job training during this two-year period.

The unit supervisor overseeing the Garrido case confirmed this information. He told us that the two-year program for new parole agents consists of periodic case reviews and parole agents filling out month-end reports to capture the number of hours they spent in specific task areas. The unit supervisor said that he does not normally accompany a new parole agent to provide training on skills such as how to perform a home inspection, and that he relies on the academy to provide such training.

Additionally, the unit supervisor told us that he believed it would be helpful to new parole agents if the department had field training officers to teach and guide new agents when they come out of the academy. This concept is similar to the models used by police and sheriff agencies. The Office of the Inspector General agrees.

Findings

As a result of this special review into the department's parole supervision of parolee Phillip Garrido, the Office of the Inspector General finds the following:

Parole Supervision

- The department incorrectly classified Garrido as a low-risk offender and later failed to use a newly-developed assessment tool to correctly classify him as high-risk.
- Although its supervision of Garrido improved significantly over the final few years, the department repeatedly failed to adequately supervise Garrido throughout the 10-year period of its parole supervision.
- Parole supervisors failed to provide proper supervision over parole agents overseeing Garrido.
- The department failed to obtain key parole information on Garrido from federal parole authorities.

GPS Monitoring

- The department's current passive GPS monitoring program is ineffective as a proactive tool and provides a false sense of security to the public.
- The department has no policies guiding parole agents on how to monitor parolees assigned to the passive GPS monitoring program.
- The department failed to use its GPS system to monitor Garrido's compliance with a 25-mile travel restriction.
- The department routinely ignored alerts from the GPS system indicating that Garrido was not following parole instructions or had repeated and regular loss of GPS signal.
- The department's failure to use available GPS information to monitor Garrido raises concerns not only about its current use of GPS but also its planned future expansion of GPS monitoring.

Missed Opportunities

- Department failures resulted in several missed opportunities to discover the existence of Garrido's three victims that he held captive in a concealed compound on his property.
  - Parole agents failed to observe and investigate clearly visible utility wires running from Garrido's house back towards the concealed compound.
  - A parole agent failed to verify Garrido's explanation regarding a 12-year old female present during a home visit.
  - Parole agents failed to talk to Garrido's neighbors.
  - Parole agents failed to contact local public safety agencies to obtain information regarding contact they had with Garrido.

- Parole agents failed to refer Garrido for the required Mental Health assessment for more than six years.
- Parole agents failed to act on information clearly showing Garrido had violated his parole terms.

Training

- The department does not provide adequate training to parole agents to conduct parolee home inspections.

Recommendations

In this special report, the Office of the Inspector General discloses systemic problems that transcend parolee Garrido's case and jeopardize public safety. To address these deficiencies, the department should take the following actions:

Parole Supervision

- Enforce appropriate standards for parole agents to properly supervise their assigned parolees and for parole supervisors to properly supervise parole agents.
- Ensure that all sex offender parolees have been correctly assessed for their risks to re-offend using the department's revised assessment tool.
- Require parole agents to obtain parole information from federal or other state parole authorities when a parolee has been recently supervised by these entities.
- Establish a mechanism to obtain and share information with local public safety agencies.

GPS Monitoring

- Develop and implement a comprehensive Global Positioning System (GPS) monitoring policy.
- Move all sex offender parolees to the active GPS monitoring program, or significantly enhance the passive GPS monitoring program.
- Require parole agents to fully use the capabilities of the GPS monitoring system, such as establishing a zone to monitor parolees' compliance with conditions of parole that they not travel more than specified distances from their houses without prior approval.
- Require parole agents to investigate, resolve, and record the resolution to all GPS system alerts.

Training

- Provide training to its parole agents and supervisors on:
  - Using its GPS monitoring system to ensure parolees comply with their conditions of parole and taking appropriate actions to ensure that parole agents use the system to enforce the conditions of parole.
  - Properly classifying parolees, including serious sex offenders.
  - Conducting a parolee home inspection, including search techniques on how to be aware of clues to potential parole violations or other criminal behavior.
  - Contacting neighbors to obtain collateral information on parolee behavior.
  - Referring parolees to mental health assessment when appropriate.
- Implement a field training officer program to provide on-the-job training to parole agents after they complete the academy and have been assigned parole caseloads.

Appendix A

Garrido's Release from Federal Parole

U.S. DEPARTMENT OF JUSTICE
United States Parole Commission

CERTIFICATE OF EARLY TERMINATION

GARRIDO, Phillip Craig **36377-136**

Date Sentence Imposed: **3/11/1977**

Date Supervision Began: **1/20/1988**

District of Supervision: **Northern California**

The Commission has issued the following order:

YOU ARE HEREBY DISCHARGED FROM PAROLE

By this action, you are no longer under the jurisdiction of the U.S. Parole Commission.

After a thorough review of your case, the Commission has decided that you are deserving of an early discharge. You are commended for having responded positively to supervision and for the personal accomplishment(s) you have made. The Commission trusts that you will continue to be a productive citizen and obey the laws of society.

Raymond E. Essex
Administrator

March 9, 1999
Date

[ ] *Parolee Copy* [ ] *U.S. Probation Officer Copy* [ ] *File Copy*

Parole Form H-15
Page 1 of 1

Appendix B

Summary of Parolee Garrido's Significant Contact with Public Safety Agencies

Date	Description
May 28, 1970	Garrido arrested by local law enforcement for drug related charges. He receives probation.
March 3, 1972	Garrido is arrested on drug related charges. He receives probation.
April 14, 1972	Arrested by local law enforcement for Contributing to the Delinquency of a Minor, Rape, and Adult Providing Dangerous Drugs to a Minor. Case was dismissed for "Furtherance of Justice."
November 23, 1976	Garrido arrested for kidnapping and rape in Reno, Nevada.
March 11, 1977	Garrido sentenced on federal kidnapping charges. Sentenced to 50 years.
April 11, 1977	Garrido convicted of forcible rape by the state of Nevada, sentenced five years to life.
January 20, 1988	Garrido paroled from federal incarceration and on January 22, 1988, received into custody by Nevada Department of Prisons.
August 26, 1988	Garrido paroled from Nevada prison to begin federal parole supervision at his mother's house in Antioch, California.
August 16, 1990	Report of white male chasing two adult females in Oakley, California. In September 2009, reporting party identifies subject as Garrido after viewing his picture on television.
June 10, 1991	Garrido allegedly kidnaps 11-year old girl from South Lake Tahoe, California.
April 22, 1992	Possible sighting of kidnapped 11-year girl in Antioch, CA reported to local law enforcement. Description of vehicle, but no identification of suspect.
March 18, 1993	Federal government issues arrest warrant for Garrido for failing to report to federal probation officer as required and failing to participate in drug testing and aftercare counseling as directed. Garrido is incarcerated on April 1, 1993 and released on April 29, 1993.
February 10, 1997	Local law enforcement issues Garrido a traffic citation.
March 9, 1999	U.S. Parole Administration terminates Garrido's federal parole supervision.
March 18, 1999	Local law enforcement issues Garrido a traffic citation.
June 8, 1999	Garrido begins parole supervision with California Department of Corrections
June 9, 1999	Garrido registers with local law enforcement as a sex offender.
December 23, 1999	Local law enforcement performs check on Garrido at his residence because of his status as a sex offender.
April 13, 2000	Garrido registers with local law enforcement as a sex offender.
April 3, 2001	Garrido registers with local law enforcement as a sex offender.
April 8, 2002	Garrido registers with local law enforcement as a sex offender.
June 17, 2002	Fire department responds to Garrido residence on report of a juvenile with shoulder injury that occurred in swimming pool.
July 20, 2002	Local law enforcement performs traffic stop on Garrido.
March 31, 2003	Garrido registers with local law enforcement as a sex offender.
August 26, 2003	Local law enforcement stop a vehicle registered to Garrido.
April 8, 2004	Garrido registers with local law enforcement as a sex offender.
April 5, 2005	Garrido registers with local law enforcement as a sex offender.

October 11, 2005	Local law enforcement performs traffic stop on Garrido.
April 6, 2006	Garrido registers with local law enforcement as a sex offender.
November 30, 2006	Garrido's neighbor reports to local law enforcement several tents in Garrido's yard with people living in them and that there are children present. The neighbor is concerned because Garrido has sexual addiction. No action taken by responding officers.
December 4, 2006	Local law enforcement queries Garrido in law enforcement database.
April 5, 2007	Garrido registers with local law enforcement as a sex offender.
August 23, 2007	Local law enforcement queries Garrido in law enforcement database.
March 5, 2008	Garrido calls the fire department to report an elderly person fell.
March 6, 2008	Local law enforcement queries Garrido in law enforcement database.
March 14, 2008	Local law enforcement queries Garrido in law enforcement database.
March 28, 2008	Local law enforcement queries Garrido in law enforcement database.
April 8, 2008	Garrido registers with local law enforcement as a sex offender.
April 8, 2008	Local law enforcement queries Garrido in law enforcement database.
April 14, 2008	Parole agent places GPS tracking device on Garrido.
May 21, 2008	Garrido calls the fire department regarding the health of an elderly female.
June 24, 2008	Local law enforcement queries Garrido in law enforcement database.
June 27, 2008	Local law enforcement queries Garrido in law enforcement database.
July 2, 2008	Local law enforcement queries Garrido in law enforcement database.
July 10, 2008	Sex offender task force executes search warrant at Garrido's residence as part of a sweep of area registered sex offenders.
August 1, 2008	Local law enforcement queries Garrido in law enforcement database.
November 10, 2008	Local law enforcement queries Garrido in law enforcement database.
April 4, 2009	Garrido registers with local law enforcement as a sex offender.
April 14, 2009	Local law enforcement queries Garrido in law enforcement database.
June 3, 2009	Call to fire department from Garrido residence re: health of elderly female.
June 8, 2009	Call to fire department from Garrido residence re: health of elderly female.
June 22, 2009	Call to fire department from Garrido residence re: health of elderly female.
August 25, 2009	UC Berkeley police call Garrido's parole agent to report concerns regarding minors accompanying Garrido on campus. The parole agent goes to Garrido's residence and brings him to parole office for questioning. The parole agent returns Garrido to his residence and instructs him to report to the parole office the next day.
August 26, 2009	Garrido reports to the parole office with his wife, a female adult, and two female juveniles. The parole agent separates the females from Garrido and interviews them, but is unable to obtain clear identification. The parole agent then interviews Garrido and receives conflicting information. The parole agent contacts Concord Police who interview Garrido and determines Garrido is the father of the juveniles. The parole agent again interviews Garrido who confesses that he kidnapped and raped the female adult. Garrido is arrested.

California Department of Corrections and Rehabilitation's response to the special report (page 1)

STATE OF CALIFORNIA —DEPARTMENT OF CORRECTIONS AND REHABILITATION ARNOLD SCHWARZENEGGER, GOVERNOR

OFFICE OF THE SECRETARY

P.O. Box 942883
Sacramento, CA 94283-0001

November 2, 2009

Mr. David R. Shaw
Inspector General
Office of the Inspector General
P.O. Box 348780
Sacramento, CA 95834-8780

Dear Mr. Shaw:

Thank you for your report on the California Department of Corrections and Rehabilitation's supervision of parolee Phillip Garrido. While we appreciate the efforts of law enforcement and parole in apprehending Garrido, we regret he was not caught sooner. As you note, the Department recognized many of the issues raised in your report as part of the internal review that we provided to your office. And we agree that although the Department improved its supervision of Garrido in recent years, even further improvements in our system of parole supervision are needed.

That is why in March of this year, the Department announced that it would be seeking reforms of its parole system. The Department sought to recreate parole, transforming it into a risk-based system of supervision that targets its resources on dangerous offenders. The Department also explained that parole agent caseloads needed to be reduced so that high-risk parolees could be properly supervised. Dangerous offenders demand more time and attention from our parole staff.

We are grateful the Governor and Legislature recently passed into law a parole reform package that will enable the Department to create the type of risk-based supervision that is needed. When the law becomes effective on January 25, 2010, the Department will be ready to implement a system of parole supervision that uses risk to ensure that the most dangerous offenders receive the closest supervision. As part of this system, the Department will ensure, as the Inspector General has recommended, that all parolees will be assessed for risk and that clear, risk-appropriate supervision standards will guide our parole agents. Perhaps most significantly, with this legislative change, the Department will be able to reduce parole agent caseloads and the supervisory span of control and thereby be able to resolve the challenges created by a strain on parole supervision with too many offenders and too few agents, supervisors and managers. Thus, closer supervision can be paid to high-risk parolees. The Department appreciates that resources will soon be available for these very important purposes.

At the same time, the Department will continue to improve GPS policies and training as we become increasingly familiar with the possibilities of this evolving technology and as the technology itself improves. Over the last several years, the Department has been aggressive in