

**SEXUALLY VIOLENT PREDATOR
WIC 6600 CIVIL COMMITMENT PROGRAM**

EVALUATOR TRAINING HANDBOOK

DRAFT 3/19/97

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INTRODUCTION

As a result of legislative concerns regarding the risk to public safety that results when violent, mentally disordered sex offenders are released from prison, the provisions of WIC 6600 (see Appendix A) went into effect on January 1, 1996. This statute, created by Chapter 793, Statutes of 1995 (AB 888, Rogan) established a new category of civil commitment for persons found, upon release from prison, to be sexually violent predators. The initial term of commitment is two years and may be renewed until the individual's diagnosed mental disorder has so changed that he or she is not likely to commit an act of sexual violence. The statute was modified by AB 3130 (Chapter 462, Statutes of 1996) and AB 2161 (Chapter 461, Statutes of 1996).

The statute calls for the Department of Mental Health (DMH) to designate two evaluators (licensed psychiatrists and/or psychologists) to determine if an identified inmate has a diagnosed mental disorder such that he or she is likely to engage in acts of sexual violence without appropriate treatment and custody. If these two evaluators agree that the inmate meets all criteria, the Director of Mental Health will request that a petition for civil commitment be filed by the designated counsel in the county of the most recent judicial commitment. If there is a difference of opinion between DMH evaluators then examinations by two independent evaluators are required. The independent evaluators must also be licensed as either a psychiatrist or psychologist, cannot be state government employees, and shall have at least five years of experience in the diagnosis and treatment of mental disorders. The Director may only request that a petition for commitment be filed if both the independent examiners concur that the inmate meets SVP criteria. The decision to file the petition subsequent to referral will be made by the local designated counsel.

EVALUATOR LIABILITY

In Section 1618 of the Penal Code, the following statement addresses liability for independent Contract Evaluators who perform evaluations and provide court testimony in cases:

The administrators and the supervision and treatment staff of the Forensic Conditional Release Program shall not be held criminally or civilly liable for any criminal acts committed by the persons on parole or judicial commitment status who receive supervision or treatment. This waiver of liability shall apply to employees of the State Department of Mental Health, the Board of Prison Terms, and the agencies or persons under contract to those agencies, who provide screening, clinical evaluation, supervision, or treatment to mentally ill parolees or persons under judicial commitment, or considered for placement under a hold by the Board of Prison Terms.

REFERRAL FROM DEPARTMENT OF MENTAL HEALTH

Upon acceptance of a referral by the evaluator, DMH sends a referral package. This package contains:

- The CDC material which was sent to DMH.
- Additional supportive material obtained by DMH record reviewers.
- A Record Review Form, filled out by a record reviewer.

Before the case is referred for evaluation, DMH staff have reviewed the material to assure that basic SVP legal criteria are met (number of convictions, victims, etc.). However, this information should be confirmed by the evaluator since it will be included in the final report.

SCHEDULING AN EVALUATION

You are responsible for scheduling your evaluation at the prison or facility where the inmate is housed. The majority of the inmates are in CDC institutions. However some inmates may be in local custody or at Atascadero State Hospital (ASH). Procedures for gaining access to these facilities are as follows:

Access to the Prisons

1. Call the Classification and Parole Representative (C&PR) at the prison where the inmate is housed to schedule the evaluation. The C&PR or a designee will schedule the interview and usually be your contact person at the prison.
2. Tell the C&PR you need:
 - a. A quiet interview room with an optimal amount of privacy.
 - b. Gate clearance to get into the prison, unless you possess a CDC ID card.
 - c. Custody supervision to ensure safety.
 - d. Time to review the Central and Medical files prior to the interview. Specify the amount of time needed.
 - e. Someone to make copies of relevant records from the files to take with you.
 - f. Time for the clinical interview of the inmate. Specify the amount of time needed.
3. Once you arrive at the prison, enter through the main gate house. Inform the gate officer of your assigned contact person. Your contact person will assist you in the logistics of moving through the prison and in the file review process. It is helpful to have the contact person's phone number with you as the gate officers sometimes do not have this information.
4. Do not wear jeans, any denim-type material, or any light blue shirt with navy colored pants. This is the inmates attire and CDC staff need to be able to identify you as a visitor.
5. If you experience any difficulty, including lengthy waiting prior to an interview, please call DMH staff at (916) 327-9348 for assistance.

Access to Atascadero State Hospital

As a reminder, ASH is a forensic facility and, as such, has rules similar to correctional facilities. You must check into the secured area and be escorted at all times while in this area.

1. Call the Health Information Department, Legal Section to schedule the interview. (Staff appreciate one days notice if possible.) The individual's CDC files will be retained at the California Men's Colony (CMC) and a separate visit must be made for their review.
2. You may check in at the main reception area for direction to the Health Information Department to review ASH records prior to the interview.
3. You will return to the main reception area to check into the secured area of the hospital for the actual interview.
4. Do not wear khaki or any similar colored material. Again, as in the prisons, the staff need to identify you as a visitor.

It is possible that an evaluation may need to be conducted at a state hospital other than Atascadero if the inmate has been temporarily housed there. The above rules may also apply. Before visiting any state hospital to conduct an evaluation, contact the Forensic Coordinator at the hospital for specific instructions.

Access to County Jails

The evaluator should call the jail to arrange for the interview. If necessary, access to individual county jails will be facilitated through the record review staff at DMH headquarters.

DEFINITIONS RELEVANT TO SVP

WIC 6600 sets forth several legal definitions that apply to the clinical evaluations. The evaluator should write the report to accurately reflect its legal purpose. When the statute or the evaluation protocol provides a definition, alternative personal or clinical definitions should not be substituted. For example, the Department of Mental Health evaluation protocol holds that the definition of "diagnosed mental disorder" for the purpose of the WIC 6600 evaluation does not include V Codes contained in the DSM-IV. Also, clinicians may have their own concepts of what constitutes a "sexually violent offense", but they must keep in mind that only a limited set of specific penal code offenses qualify as sexually violent within this statute.

The following terms are defined in WIC 6600:

- A. **"sexually violent predator"** - A person who has been convicted of a sexually violent offense against two or more victims for which he or she received a determinate sentence and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior. For the purposes of counting offenses and victims, consider only the "sexually violent offenses" listed in section (B) below. Countable offenses may include a prior finding of not guilty by reason of insanity, convictions prior to July 1, 1977 of offenses in (B) below, a conviction resulting in a finding that the person was a mentally disordered sex offender, or a conviction in another state for an offense that includes all the elements of an offense listed in (B) below, shall also be deemed to be a sexually violent offense even if the offender did not receive a determinate sentence for that prior offense.
- B. **"sexually violent offense"** - Defined as one of several specified crimes when committed by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, and that are committed on, before, or after the effective date of this article and result in a conviction. "Sexually violent offenses" consist of the following Penal Code sections:

PC 261(a)(2)	Rape by Force and Violence
PC 262(a)(1)	Rape of Spouse by Force and Violence
PC 264.1	Defendant Acted in Concert with Another Person to Commit and Act in Section 261, 262, or 289
PC 286	Sodomy
PC 288(a)*	Lewd Act on Child Under 14 Years
PC 288(b)	Lewd Act on Child Under 14 Years by Force and by Force and Violence
PC 289(a)	Rape with Foreign Object by Force and Violence
PC 288a	Oral Copulation

*Lewd acts on a child under 14 years of age, charged under PC288(a), are deemed to be sexually violent when they involve "substantial sexual conduct". This is defined as "penetration of the vagina or rectum of either the victim or the offender by the penis or the other or by any foreign object, oral copulation, or masturbation of either the victim or the offender".

- C. **"diagnosed mental disorder"** - A congenital or acquired condition affecting the emotional or volitional capacity that predisposes the person to the commission of criminal sexual acts in a degree constituting the person a menace to the health and safety of others.
- D. **"danger to health and safety of others"** - Does not require proof of a recent overt act while the offender is in custody.
- E. **"predatory"** - An act is directed toward a stranger, a person of casual acquaintance with whom no substantial relationship exists, or an individual with whom a relationship has been established or promoted for the primary purpose of victimization.

BEGINNING THE SVP EVALUATION

The clinical evaluator must begin the evaluation with a neutral position. The decision as to evaluation outcome is based on several factors including review of records, identification of risk factors and the clinical interview. Only after all available data is reviewed does the clinical evaluator arrive at a conclusion.

The evaluators will begin by reviewing available data including the Department of Corrections (CDC) central, medical and psychiatric (if available) files in the prison where the inmate is housed. Pertinent information will be contained throughout the files, but the Probation Officers Report (POR), the CII report (rap sheet) and any psychiatric evaluations are essential to review. Many of the inmates to be evaluated will not have had a psychiatric evaluation. In this case, the clinical interview will be even more critical to the process. Evaluators should be sure to pay special attention to documents such as the POR which will contain victim information. While the evaluations require review of a substantial amount of material, the scope of the questions to be answered is narrow. The review of files and the clinical interview should be done with the specific forensic task in mind, namely, to answer the three questions that are included in WIC 6600:

- 1) Has the inmate been convicted of sexually violent predatory offenses against two or more victims?
- 2) Does the inmate have a diagnosed mental disorder?
- 3) Is the inmate likely to engage in sexually violent criminal behavior as a result of his/her diagnosed mental disorder?

THE CLINICAL INTERVIEW

Although the inmate may view the clinical interview as adversarial, the evaluation is, in fact, one of several steps required before a court considers the matter of a civil commitment. The reports that the DMH evaluators and independent evaluators generate will be a primary resource for the district attorneys and county counsels in their review to determine if they will file proceedings for commitment on an individual. They will be read by attorneys and judges, and will sometimes be presented to juries in the form of expert testimony in Superior Court. These evaluations need to provide the county courts with more than just summary professional conclusions. It is therefore important to include key facts in the body of the evaluation and clearly state the reasoning that leads the evaluator to his or her conclusions.

The evaluator should begin the interview by describing the interview process and responding to questions from the inmate. First, the inmate should be asked to sign a "Notification of Evaluation as a Sexually Violent Predator" (Appendix B). The inmate may want to interview without signing the Notification, which is permissible since the

purpose of the Notification is to provide information about WIC 6600 to the inmate, rather than to serve as a legal informed consent. If the inmate refuses the interview then a space is provided on the Notification for "decline" and a signature should be obtained. If the inmate refuses to attend the interview and the Notification cannot be signed, this should be reported in the evaluation.

There may be a legal obligation to report specific new crimes that the inmate reveals if they involve child victims, if the crimes have not previously been reported, and/or there is a child who has been abused or is likely to suffer continuing abuse. This falls under the child abuse reporting laws in California and may require the evaluator to make a report to a child protective service agency. The inmate should be fully informed of this reporting requirement as included in the Notification, prior to the evaluation. Additionally, the inmate should be told that the evaluation report will be provided to the Department of Mental health, court officers in the county of CDC commitment in accordance with the statute, the Board of Prison Terms, and, in some cases the Parole Department.

In rare instances, an inmate may become a threat to him/herself, others or you during the clinical interview. Just as you would make every effort to provide for the safety of all concerned in a community setting, you should do so in the prison setting. If the inmate becomes a threat immediately notify custody staff. Each prison has medical and/or psychiatric staff either present on site or on call who are designated to deal with this type of emergency. Report your clinical findings verbally to this clinician and write a progress note in the inmate's CDC medical file which contains the name of the clinician you spoke with, your assessment of inmate risk of self harm or danger to others, and how the situation was resolved.

There are various approaches to interviewing sex offenders, and the determination of how to approach and structure the interview is made by the evaluator. While the evaluation protocol specifies the questions that must be answered (See page 8, Nos. 1-3.), it does not address everything an evaluator needs to consider. The interview will vary depending on many factors such as the type of offense, the inmate's history, and his/her willingness to discuss case factors.

HISTORICAL INFORMATION

As in other clinical situations, the evaluator may not always be able to confirm information given by the inmate. This will often be the case with inmates who believe their self-interests are best served by denying their sexual disorder, criminal history, or psychiatric symptoms and attempting to present themselves in a favorable light. Reliable history and prior clinical evaluations from the inmate's records should be used to provide a basis for clinical decisions. The examiner can then integrate this information with data gained from the clinical interview. Evaluators must avoid borrowing another evaluator's conclusions, as each WIC 6600 evaluation should reflect independent professional thought and clinical decision making.

RISK FACTORS

The referral package you receive from the Department of Mental Health will include a Record Review Form containing certain data shown by research to have some correlation to re-offense. Risk factors alone should not be used for your conclusion, but to supplement your clinical findings. The outcome of your evaluation is based on clinical judgment using all available information.

DRAWING CLINICAL CONCLUSIONS

Inmate case histories sometimes do not present a perfect fit with DSM-IV diagnoses, and almost always contain irrelevant as well as pertinent information. However, evaluators need to consider each of the three major questions and offer clear and unambiguous opinions regarding the WIC 6600 criteria. It is in the nature of clinical evaluation that qualified professionals will sometimes draw different conclusions from the same data or emphasize some data over other data in formulating their opinions. Each evaluator should produce a report that represents his or her best clinical judgment. While evaluators will undoubtedly feel more confident about their decisions in some cases than they do in others, clearly stated definitive opinions with a YES or NO answer to each clinical question are needed.

At times, the facts may be conflicting or incomplete making an unequivocal clinical opinion impossible. If, after review of all the information available, you are unable to support an affirmative conclusion regarding a criterion, then that criterion has not been met and the answer is **NO**.

REPORT WRITING

The mental health professional plays a critical role in implementing WIC 6600. The reports that the DMH evaluators and independent evaluators generate will be a primary resource for the district attorneys and county counsels in their review to determine if they will file proceedings for commitment on an individual. An evaluation is correctly completed not because of its positive or negative outcome but because it comports with statute, is internally consistent and can be defended when challenged. Evaluation reports will be read by attorneys and judges and will sometimes be presented to juries in the form of expert testimony in superior court. Evaluations need to provide the courts with more than just summary professional conclusions. It is essential to include key facts in the body of the evaluation and clearly state the reasoning that lead the evaluator to his or her conclusions. Usually the decision makers will not have professional mental health backgrounds. Therefore, the evaluator must relate clinical findings into plain language that can be understood by the lay person. With the exception of diagnostic terms, evaluators should avoid unnecessary technical language from psychology, psychiatry and the law.

SUBMITTING THE REPORT

After the evaluator has formed his/her conclusion, a clinical evaluation summary (see Appendix C) must be completed and faxed as soon as possible to DMH. This summary must represent the final conclusion of the evaluator.

The final report, with original signature, must be delivered to DMH by the due date assigned by the scheduling staff.

COURT TESTIMONY

As part of your commitment when you accept a case for evaluation, court testimony may be necessary. This testimony will usually be requested by the District Attorney who will contact you directly.

You should be prepared to explain your evaluation if asked to testify. It is recommended that you consult with the District Attorney prior to your testimony to offer information as to how you arrived at your conclusion.

Your appearance in court is that of a "fact finder" having applied the requirements of the SVP statutes to a particular case. As an expert witness, you should be familiar with the SVP law, research literature pertaining to sex offenders, and, of course, the specifics of the case.

<p>SEXUALLY VIOLENT PREDATOR PROGRAM CLINICAL EVALUATION PROTOCOL (Synopsis)</p>

I. IDENTIFYING INFORMATION

II. FINDINGS (WIC 6600 criteria)

- A. Has the inmate been convicted of sexually violent predatory offenses against two or more victims? (Yes/No)
- B. Does the inmate have a diagnosed mental disorder that predisposes the person to the commission of criminal sexual acts? (Yes/No)
- C. Is the inmate likely to engage in sexually violent criminal behavior as a result of his/her diagnosed mental disorder? (Yes/No)

III. CONCLUSION

**SEXUALLY VIOLENT PREDATOR CIVIL COMMITMENT
CLINICAL EVALUATION PROTOCOL
(Annotated)**

I. IDENTIFYING INFORMATION

- A. Inmate Name
- B. California Department of Corrections Number (CDC number)
- C. Criminal Identification and Investigation number (CII)
- D. Date of Birth (DOB)
- E. Earliest Possible Release Date (EPRD), or Revocation Release Date (RRD), or Parole Revocation Release Date (PRRD), or Controlling Discharge Date (CDD)
- F. Facility
- G. County of Commitment
- H. Date of evaluation

Include here a short narrative discussion of the circumstances of the evaluation. This should include a brief description of the inmate; location and length of the interview; documentation of discussion of confidentiality; mandatory reporting and notification of evaluation as a sexually violent predator; and a list of materials reviewed, and other resources used.

II. FINDINGS (WIC 6600 Criteria)

- A. Has the inmate been convicted of a sexually violent predatory offense against two or more victims? (Yes/No)**

Always quote the source of your information regarding the offense and then list each conviction of the relevant PC violations (i.e., PC 261 (a)(2); PC 262 (a)(1); PC 264.1; PC 288(a); PC 288(b); PC 289(a); PC 286; or PC 288(a) that makes a subject eligible for referral under WIC 6600. An example from a report illustrates this documentation.

- On 10-2-94, the inmate was convicted of two counts of PC 288(a) as noted in the Legal Status Summary Sheet contained in the CDC Central File. Information contained in the Probation Officer's Report (POR), Court #12345, written by Jane Smith indicates that on 3-4-89 the Los Angeles Police Department was contacted in response to a possible child molestation.

List dates and provide narrative descriptions of the crimes involved. A thorough description of the commitment offense is necessary for several reasons. First, you will need to have an accurate account of the circumstances of the offense for court testimony. Second, this is often the only way one can untangle the complex circumstances that often arise, especially where multiple victims are involved. Finally, a detailed discussion of the offense helps the reader better understand the relationship between the victim and the perpetrator as it pertains to this statute.

Do not use victims' names in the descriptions of the offenses or anywhere else in the evaluation. It is suggested you number the SVP qualifying victims for clarity.

For each SVP qualifying victim, indicate whether each offense was "predatory" in nature. In WIC 6600 predatory is defined as, "an act toward a stranger, a person of casual acquaintance with whom no substantial relationship exists, or an individual with whom a relationship has been established or promoted for the primary purpose of victimization."

When the victim is a stranger, the relationship between the inmate and the victim is always predatory. In the case of casual relationships and relationships established or promoted for victimization, the evaluator must ascertain from records and the clinical interview the nature of the relationship between the inmate and the victim.

For each SVP qualifying victim indicate whether force, violence, duress, menace or fear of immediate and unlawful bodily injury on the victim or another person was involved. Evaluators sometimes assume that since they have already described the crime in detail a summary statement indicating that force and violence was involved in the offense is adequate. This is not the case. The evaluator needs to quote facts of the case and specific behaviors which indicate that force, violence, duress, menace or fear of immediate and unlawful bodily injury on the victim or another person have occurred for each qualifying victim. Additionally, when the victim is under the age of 14, evaluators must note whether the behavior involved "**substantial sexual conduct.**" If it did, the offense is countable as a "sexually violent offense" *whether or not* it contained "force, violence, duress, menace or fear of immediate or unlawful bodily injury on the victim or another person."

Section 6600.1 (added to the Welfare and Institutions Code by SB 2161, Chapter 461, effective January 1, 1997) reads as follows:

- (a) If the victim of an underlying offense that is specified in subdivision (b) of Section 6600 is a child under the age of 14 and the offending act or acts involved substantial sexual conduct, the offense shall constitute a "sexually violent offense" for the purposes of Section 6600.
- (b) "**Substantial sexual conduct**" means penetration of the vagina or rectum of either the victim or the offender by the penis of the other or by any foreign object, oral copulation, or masturbation of either by the victim or the offender.

A summary statement should be made to address whether or not the conditions of Criterion A are met.

B. Does the Inmate Have a Diagnosed mental disorder that predisposes the person to the commission of criminal sexual acts? (Yes/No)

"Diagnosed mental disorder" is defined in WIC 6600 as a congenital or acquired condition affecting the emotional or volitional capacity that predisposes the person to the commission of criminal sexual acts in a degree constituting the person a menace to the health and safety of others.

According to this statute, the continuing danger posed by these inmates and the continuing basis for their judicial commitment is their currently diagnosed mental disorder which predisposes them to engage in sexually violent criminal behavior.

The basic definition of "diagnosed mental disorder" is broad and encompasses all DSM-IV diagnostic categories on AXIS I and AXIS II except V Codes which are specifically excluded. The diagnosis offered will be based on psychiatric history and current findings.

The following areas should be included in Criterion "B".

- Brief developmental history
- Psychiatric history
- Substance abuse history
- Criminal history
- Institutional rules violations (CDC 115's)
- Psychosexual history
- Relationship history
- Mental Status Examination, behavioral observations and attitudes of the inmate
- Psychiatric diagnosis in **list format**
- Explanation of psychiatric diagnosis offered
- Justification for the psychiatric diagnosis

For inmates with a documented psychiatric history in CDC, a chronological account of pertinent incidents should be documented under this criterion, along with the source of the information, date and contents.

During the evaluation the evaluator should perform a mental status examination and note behavioral observations and current attitude of the inmate. This clinical information with historical data will form the basis for the differential diagnosis on AXIS I and AXIS II according to DSM-IV. Given the nature of these sexual disorders, be sure to question the inmate on specific symptoms and behaviors listed in the differential diagnosis of paraphilia in the DSM-IV. Primarily, this would be sexual fantasies, sexual urges or behaviors of a deviant type. Also determine the period of time over which these have occurred, since most paraphilias require a duration of at least 6 months.

C. Is the inmate likely to engage in sexually violent criminal behavior in the future? (Yes/No)

In your clinical opinion is the inmate more likely than not to commit a new sexually violent crime? Describe each factor that was used to make this determination.

In making this determination the evaluator should rely on his or her clinical judgement. It is appropriate to consider clinical indicators, institutional behaviors, risk factors for recidivism from research literature, and elements of the past and/or current offense.

The following are several factors that can help the evaluator determine the level of risk for sexually violent reoffense. Factors the evaluator should consider include the following:

- ◆ *The level of responsibility or lack of responsibility the inmate assumes for his behavior.*
- ◆ *The inmate's use of defense mechanisms such as denial, rationalization and minimization in an effort to avoid taking responsibility for his behavior.*
- ◆ *The ability of the inmate to provide honest disclosure about his offenses.* The evaluator should always use records and documents for accurate information regarding the offense. Inmate self-report is often unreliable as a basis for clinical decisions. The evaluator should note discrepancies between records and self-reports. This is particularly important when the inmate's description of the offense minimizes his/her responsibility or places him/her in a favorable light compared with the Probation Officer's Report (POR).
- ◆ *Evidence of victim empathy and the inmate's awareness of the negative consequences to the victim.* Try to ascertain if the inmate's empathy is genuine or has he/she learned to voice a superficial and socially acceptable response. For example, how does the inmate feel that the victim has been damaged by his/her sexual assault? Has the inmate attempted to make restitution to the victim?
- ◆ *Whether the inmate has a severe mental illness and to what extent it may impair his/her reality testing, affective stability, judgment, insight, impulsiveness and future behavior.* For example, a symptom of mania and hypomania is excessive involvement in pleasurable activities that have a high potential for painful consequences, such as sexual indiscretions. This impulsive behavior may increase an inmate's risk for sexual reoffense. In another case, the painful feelings experienced as

symptoms of depression may lead one to seek out comfort or relief through deviant sexual activity.

- ◆ *Indications of problematic institutional behavior.* The CDC central file should be reviewed for the existence of California Department of Corrections (CDC) 115 Form disciplinary reports (correctional rules violations). These violations range in severity, but for the purpose of this evaluation, those of a sexual or violent nature indicate greater risk of criminal or violent behavior.
- ◆ *Any treatment obtained by the inmate.* Most prisons do not offer specific treatment for sex offenders; however, some specialized group psychotherapy is offered at a few institutions. In these cases it is clinically relevant to determine if the inmate chose to participate and, if so, what he/she gained from that experience. Additionally, some inmates have early convictions which resulted in Mentally Disordered Sex Offender (MDSO) treatment at Atascadero or Patton State Hospital. Others have participated in the Sex Offender Treatment and Evaluation Project (SOTEP) at Atascadero State Hospital. In such cases, ascertain what the inmates gained from the treatment experience. Did they actively participate in treatment? Do they have a viable relapse prevention plan for the community? Do they know what mistakes led to their sexual reoffending? Inmates will have a higher risk of sexual reoffense if they have reoffended after substantial treatment.
- ◆ *Elements of the past and/or current offenses which indicate the degree of danger.* This includes violence and callousness, impulsiveness, preplanning, number of victims, predatory and grooming behaviors and number of victims. Unlike Criterion A, in which only specified WIC 6600 offenses are relevant, Criterion C allows the evaluator to consider past crimes the inmate is suspected of committing, or those for which he was not convicted because of a plea bargain. Sometimes crimes were not prosecuted because the victim would not testify, but the arrest has a historical importance in predicting risk. Include all evidence in the record and clinical interview that indicates the inmate may be a future risk for sexual reoffense.

In summary, the evaluator should discuss specific symptoms of the inmate's diagnosed mental disorder and how those symptoms and associated behaviors increase the likelihood that the inmate will commit a new sexually violent offense. The evaluator must establish a connection if any, between the diagnosed mental disorder that makes the inmate a danger to the health and safety of the community and the probability the inmate will reoffend.

III. Conclusion

THE FOLLOWING STATEMENT MUST BE USED AS THE CONCLUSION OF THE REPORT:

Based on the above information, in my opinion the inmate meets/does not meet the criteria as a sexually violent predator as described in Section 6600 (a) of the Welfare and Institutions Code.

APPENDICES

- A. Welfare and Institutions Code 6600
- B. Notification of Evaluation as a Sexually Violent Predator
- C. Clinical Evaluation Summary Form

Assembly Bill No. 888

CHAPTER 763

An act to amend Section 6250 of, and to add Article 4 (commencing with Section 6500) to Chapter 2 of Part 2 of Division 6 of, the Welfare and Institutions Code, relating to sexual predators.

[Approved by Governor, October 10, 1995. Filed with Secretary of State October 11, 1995.]

LEGISLATIVE COUNSEL'S DRAFT

AB 888, Rogan: Sexually violent predators.

Existing law sets forth specified punishments for sex crimes, including, among others, rape, sodomy, oral copulation, penetration with a foreign object, and lewd and lascivious conduct.

This bill would provide that whenever the Director of Corrections determines that an individual who is in custody under the jurisdiction of the Department of Corrections, and who is either serving a determinate sentence or whose parole has been revoked, may be a sexually violent predator, he or she shall, at least 6 months prior to, that individual's scheduled date for release from prison, refer that person for evaluation and, under specified circumstances, request that a petition for commitment be filed, and the proceedings be handled, by either the district attorney or the county counsel of the county in which the person was convicted of the offense for which he or she is under the jurisdiction of the Department of Corrections. The bill would require the Department of Corrections and the Board of Prison Terms to screen the person based on whether the person has committed a sexually violent predatory offense and on a review of the person's social, criminal, and institutional history before referring the person to the State Department of Mental Health for a full evaluation.

This bill would set forth procedures and standards for the review of the petition for commitment and would provide that a person who is the subject of the petition is entitled to a trial by jury, the assistance of counsel, the right to retain experts or professional persons to perform an examination on his or her behalf, and access to all relevant medical and psychological records and reports.

This bill would require a court or jury to determine whether, beyond a reasonable doubt, the person is a sexually violent predator. If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator, the court would be required to direct that the person be released at the conclusion of the term for which he or she was initially sentenced, or that the person be unconditionally released at the end of parole. If the court or jury

determines that the person is a sexually violent predator, the person would be committed for 2 years to the custody of the State Department of Mental Health for appropriate treatment and confinement in a secure facility designated by the Director of Mental Health that is located on the grounds of an institution under the jurisdiction of the Department of Corrections until his or her diagnosed mental disorder has so changed that he or she is not likely to commit an act of sexual violence.

This bill would require annual evaluations of those individuals committed as sexually violent predators.

The bill also would set forth procedures and standards for requesting and hearing petitions for conditional and unconditional release.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that a small but extremely dangerous group of sexually violent predators that have diagnosable mental disorders can be identified while they are incarcerated. These persons are not safe to be at large and if released represent a danger to the health and safety of others in that they are likely to engage in acts of sexual violence. The Legislature further finds and declares that it is in the interest of society to identify these individuals prior to the expiration of their terms of imprisonment. It is the intent of the Legislature that once identified, these individuals, if found to be likely to commit acts of sexually violent criminal behavior beyond a reasonable doubt, be confined and treated until such time that it can be determined that they no longer present a threat to society.

The Legislature further finds and declares that while these individuals have been duly punished for their criminal acts, they are, if adjudicated sexually violent predators, a continuing threat to society. The continuing danger posed by these individuals and the continuing basis for their judicial commitment is a currently diagnosed mental disorder which predisposes them to engage in sexually violent criminal behavior. It is the intent of the Legislature that these individuals be committed and treated for their disorders only as long as the disorders persist and not for any punitive purposes.

SEC. 2. Section 6250 of the Welfare and Institutions Code is amended to read:

6250. As used in this part, "persons subject to judicial commitment" means persons who may be judicially committed under this part as mentally disordered sex offenders pursuant to Article 1 (commencing with Section 6300), sexually violent predators pursuant to Article 4 (commencing with Section 6600), or mentally retarded persons pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of this part.

Nothing in this part shall be held to change or interfere with the provisions of the Penal Code and other laws relating to mentally disordered persons charged with crime or to the criminally insane.

This part shall be liberally construed so that, as far as possible and consistent with the rights of persons subject to commitment, those persons shall be treated, not as criminals, but as sick persons.

SEC. 3. Article 4 (commencing with Section 6600) is added to Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code to read:

Article 4. Sexually Violent Predators

6600. As used in this article, the following terms have the following meanings:

(a) "Sexually violent predator" means a person who has been convicted of a sexually violent offense against two or more victims for which he or she received a determinate sentence and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.

Conviction of one or more of the crimes enumerated in this section shall constitute evidence that "may support a court or jury determination that a person is a sexually violent predator, but shall not be the sole basis for the determination. Jurors shall be admonished that they may not find a person a sexually violent predator based on prior offenses absent relevant evidence of a currently diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.

(b) "Sexually violent offense" means the following acts when committed by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, and that are committed on, before, or after the effective date of this article and result in a conviction and a determinate sentence: a felony violation of paragraph (2) of subdivision (a) of Section 261, paragraph (1) of subdivision (a) of Section 262, Section 264.1, subdivision (a) or (b) of Section 288, or subdivision (a) of Section 289 of the Penal Code, or sodomy or oral copulation in violation of Section 286 or 288a of the Penal Code.

(c) "Diagnosed mental disorder" includes a congenital or acquired condition affecting the emotional or volitional capacity that predisposes the person to the commission of criminal sexual acts in a degree constituting the person a menace to the health and safety of others.

(d) "Danger to the health and safety of others" does not require proof of a recent overt act while the offender is in custody.

(e) "Predatory" means an act is directed toward a stranger or individual with whom a relationship has been established or promoted for the primary purpose of victimization.

(f) "Recent overt act" means any criminal act that manifests a likelihood that the actor may engage in sexually violent predatory criminal behavior.

6601. (a) Whenever the Director of Corrections determines that an individual who is in custody under the jurisdiction of the Department of Corrections, and who is either serving a determinate prison sentence or whose parole has been revoked, may be a sexually violent predator, the director shall, at least six months prior to that individual's scheduled date for release from prison, refer the person for evaluation in accordance with this section.

(b) The person shall be screened by the Department of Corrections and the Board of Prison Terms based on whether the person has committed a sexually violent predatory offense and on a review of the person's social, criminal, and institutional history. This screening shall be conducted in accordance with a structured screening instrument developed and updated by the State Department of Mental Health in consultation with the Department of Corrections. If as a result of this screening it is determined that the person is likely to be a sexually violent predator, the Department of Corrections shall refer the person to the State Department of Mental Health for a full evaluation of whether the person meets the criteria in Section 6600.

(c) The State Department of Mental Health shall evaluate the person in accordance with a standardized assessment protocol, developed and updated by the State Department of Mental Health, to determine whether the person is a sexually violent predator as defined in this article. The standardized assessment protocol shall require assessment of diagnosable mental disorders, as well as various factors known to be associated with the risk of reoffense among sex offenders. Risk factors to be considered shall include criminal and psychosexual history, type, degree, and duration of sexual deviance, and severity of mental disorder.

(d) Pursuant to subdivision (c), the person shall be evaluated by two practicing psychiatrists or psychologists, or one practicing psychiatrist and one practicing psychologist, designated by the Director of Mental Health. If both evaluators concur that the person has a diagnosed mental disorder such that he or she is likely to engage in acts of sexual violence without appropriate treatment and custody, the Director of Mental Health shall forward a request for a petition for commitment under Section 6602 to the county designated in subdivision (l). Copies of the evaluation reports and any other supporting documents shall be made available to the attorney designated by the county pursuant to subdivision (l) who may file a petition for commitment.

(e) If one of the professionals performing the evaluation pursuant to subdivision (d) does not concur that the person meets the criteria specified in subdivision (d), but the other professional concludes that the person meets those criteria, the Director of Mental Health shall arrange for further examination of the person by two independent professionals selected in accordance with subdivision (g).

(f) If an examination by independent professionals pursuant to subdivision (e) is conducted, a petition to request commitment under this article shall only be filed if both independent professionals who evaluate the person pursuant to subdivision (e) concur that the person meets the criteria for commitment specified in subdivision (d). The professionals selected to evaluate the person pursuant to subdivision (g) shall inform the person that the purpose of their examination is not treatment but to determine if the person meets certain criteria to be involuntarily committed pursuant to this article. It is not required that the person appreciate or understand that information.

(g) Any independent professional who is designated by the Director of Corrections or the Director of Mental Health for purposes of this section shall not be a state government employee, shall have at least five years of experience in the diagnosis and treatment of mental disorders, and shall include psychiatrists and licensed psychologists who have a doctoral degree in psychology. The requirements set forth in this section also shall apply to any professionals appointed by the court to evaluate the person for purposes of any other proceedings under this article.

(h) If the State Department of Mental Health determines that the person is a sexually violent predator as defined in this article, the Director of Mental Health shall forward a request for a petition to be filed for commitment under this article to the county designated in subdivision (l). Copies of the evaluation reports and any other supporting documents shall be made available to the attorney designated by the county pursuant to subdivision (l) who may file a petition for commitment.

(i) If the county's designated counsel concurs with the recommendation, a petition for commitment shall be filed in the superior court of the county in which the person was convicted of the offense for which he or she is under the jurisdiction of the Department of Corrections. The petition shall be filed, and the proceedings shall be handled, by either the district attorney or the county counsel of that county. The county board of supervisors shall designate either the district attorney or the county counsel to assume responsibility for proceedings under this article.

(j) The time limits set forth in this section shall not apply during the first year that this article is operative. 6602. A judge of the superior court shall review the petition and shall determine whether there is probable cause to believe that the

individual named in the petition is likely to engage in sexually violent predatory criminal behavior upon his or her release. The person named in the petition shall be entitled to assistance of counsel at the probable cause hearing. If the judge determines there is not probable cause, he or she shall dismiss the petition. If the judge determines that there is probable cause, the judge shall order that a trial be conducted to determine whether the person is, by reason of diagnosed mental disorder, a danger to the health and safety of others in that the person is likely to engage in acts of sexual violence upon his or her release from the jurisdiction of the Department of Corrections.

6603. (a) A person subject to this article shall be entitled to a trial by jury, the assistance of counsel, the right to retain experts or professional persons to perform an examination on his or her behalf, and have access to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court shall appoint counsel to assist him or her, and, upon the person's request, assist the person in obtaining an expert or professional person to perform an examination or participate in the trial on the person's behalf.

(b) The attorney petitioning for commitment under this article shall have the right to demand that the trial be before a jury.

(c) If no demand is made by the person subject to this article or the petitioning attorney, the trial shall be before the court without jury.

(d) A unanimous verdict shall be required in any jury trial.

6604. The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator, the court shall direct that the person be released at the conclusion of the term for which he or she was initially sentenced, or that the person be unconditionally released at the end of parole, whichever is applicable. If the court or jury determines that the person is a sexually violent predator, the person shall be committed for two years to the custody of the State Department of Mental Health for appropriate treatment and confinement in a secure facility designated by the Director of Mental Health, and the person shall not be kept in actual custody longer than two years unless a subsequent extended commitment is obtained from the court incident to the filing of a new petition for commitment under this article or unless the term of commitment changes pursuant to subdivision (e) of Section 6605. Time spent on conditional release shall not count toward the two-year term of commitment, unless the person is placed in a locked facility by the conditional release program, in which case the time in a locked facility shall count toward the two-year term of commitment. The facility shall be located on the grounds of an institution under the jurisdiction of the Department of Corrections.

6605. (a) A person found to be a sexually violent predator and committed to the custody of the State Department of Mental Health shall have a current examination of his or her mental condition made at least once every year. The person may retain, or if he or she is indigent and so requests, the court may appoint, a qualified expert or professional person to examine him or her, and the expert or professional person shall have access to all records concerning the person.

(b) The director shall provide the committed person with an annual written notice of his or her right to petition the court for conditional release under Section 6603. The notice shall contain a waiver of rights. The director shall forward the notice and waiver form to the court with the annual report. If the person does not affirmatively waive his or her right to petition the court for conditional release, the court shall set a show cause hearing to determine whether facts exist that warrant a hearing on whether the person's condition has so changed that he or she would not be a danger to the health and safety of others if discharged. The committed person shall have the right to be present and to have an attorney represent him or her at the show cause hearing.

(c) If the court at the show cause hearing determines that probable cause exists to believe that the committed person's diagnosed mental disorder has so changed that he or she is not a danger to the health and safety of others and is not likely to engage in sexually violent criminal behavior if discharged, then the court shall set a hearing on the issue.

(d) At the hearing, the committed person shall have the right to be present and shall be entitled to the benefit of all constitutional protections that were afforded to him or her at the initial commitment proceeding. The attorney designated by the county pursuant to subdivision (b) of Section 6601 shall represent the state and shall have the right to demand a jury trial and to have the committed person also evaluated by experts chosen by the state. The committed person also shall have the right to demand a jury trial and to have experts evaluate him or her on his or her behalf. The court shall appoint an expert if the person is indigent and requests an appointment. The burden of proof at the hearing shall be on the state to prove beyond a reasonable doubt that the committed person's diagnosed mental disorder remains such that he or she is a danger to the health and safety of others and is likely to engage in sexually violent criminal behavior if discharged.

(e) If the court or jury rules against the committed person at the hearing conducted pursuant to subdivision (d), the term of commitment of the person shall run for a period of two years from the date of this ruling. If the court or jury rules for the committed person, he or she shall be unconditionally released and unconditionally discharged.

court determined, either upon review of the petition or following a hearing, that the petition was frivolous or that the committed person's condition had not so changed that he or she would not be a danger to others in that it is not likely that he or she will engage in sexually violent criminal behavior if placed under supervision and treatment in the community, then the court shall deny the subsequent petition unless it contains facts upon which a court could find that the condition of the committed person had so changed that a hearing was warranted. Upon receipt of a first or subsequent petition from a committed person without the concurrence of the director, the court shall endeavor whenever possible to review the petition and determine if it is based upon frivolous grounds and, if so, shall deny the petition without a hearing. The person petitioning for conditional release and unconditional discharge under this subdivision shall be entitled to assistance of counsel.

(b) The court shall give notice of the hearing date to the attorney designated in subdivision (i) of Section 6601, the retained or appointed attorney for the committed person, and the Director of Mental Health at least 15 court days before the hearing date.

(c) No hearing upon the petition shall be held until the person who is committed has been under commitment for confinement and care in a facility designated by the Director of Mental Health for not less than one year from the date of the order of commitment.

(d) The court shall hold a hearing to determine whether the person committed would be a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior due to his or her diagnosed mental disorder if under supervision and treatment in the community. If the court at the hearing determines that the committed person would not be a danger to others due to his or her diagnosed mental disorder while under supervision and treatment in the community, the court shall order the committed person placed with an appropriate forensic conditional release program operated by the state for one year. A substantial portion of the state-operated forensic conditional release program shall include outpatient supervision and treatment. The court shall retain jurisdiction of the person throughout the course of the program. At the end of one year, the court shall hold a hearing to determine if the person should be unconditionally released from commitment on the basis that, by reason of a diagnosed mental disorder, he or she is not a danger to the health and safety of others in that it is not likely that he or she will engage in sexually violent criminal behavior. The court shall not make this determination until the person has completed at least one year in the state-operated forensic conditional release program. The court shall notify the Director of Mental Health of the hearing date.

(e) Before placing a committed person in a state-operated forensic conditional release program, the community program

(f) In the event that the State Department of Mental Health has reason to believe that a person committed to it as a sexually violent predator is no longer a sexually violent predator, it shall seek judicial review of the person's commitment pursuant to the procedures set forth in Section 7250 in the superior court from which the commitment was made. If the superior court determines that the person is no longer a sexually violent predator, he or she shall be unconditionally released and unconditionally discharged.

6606. (a) A person who is committed under this article shall be provided with programming by the State Department of Mental Health which shall afford the person with treatment for his or her diagnosed mental disorder.

(b) Amenability to treatment is not required for a finding that any person is a person described in Section 6600, nor is it required for treatment of that person. Treatment does not mean that the treatment be successful or potentially successful, nor does it mean that the person must recognize his or her problem and willingly participate in the treatment program.

(c) The programming provided by the State Department of Mental Health in facilities shall be consistent with current institutional standards for the treatment of sex offenders, and shall be based on a structured treatment protocol developed by the State Department of Mental Health. The protocol shall describe the number and types of treatment components that are provided in the program, and shall specify how assessment data will be used to determine the course of treatment for each individual offender. The protocol shall also specify measures that will be used to assess treatment progress and changes with respect to the individual's risk of reoffense.

6607. (a) If the Director of Mental Health determines that the person's diagnosed mental disorder has so changed that the person is not likely to commit acts of predatory sexual violence while under supervision and treatment in the community, the director shall forward a report and recommendation for conditional release in accordance with Section 6608 to the county attorney designated in subdivision (i) of Section 6601, the attorney of record for the person, and the committing court.

(b) When a report and recommendation for conditional release is filed by the Director of Mental Health pursuant to subdivision (a), the court shall set a hearing in accordance with the procedures set forth in Section 6608.

6608. (a) Nothing in this article shall prohibit the person who has been committed as a sexually violent predator from petitioning the court for conditional release and subsequent unconditional discharge without the recommendation or concurrence of the Director of Mental Health. If a person has previously filed a petition for conditional release without the concurrence of the director and the

director designated by the State Department of Mental Health shall submit a written recommendation to the court stating which forensic conditional release program is most appropriate for supervising and treating the committed person. If the court does not accept the community program director's recommendation, the court shall specify the reason or reasons for its order on the record. The procedures described in Sections 1603 to 1610, inclusive, of the Penal Code shall apply to the person placed in the forensic conditional release program.

(f) If the court determines that the person should be transferred to a state-operated forensic conditional release program, the community program director, or his or her designee, shall make the necessary placement arrangements and, within 21 days after receiving notice of the court's finding, the person shall be placed in the community in accordance with the treatment and supervision plan unless good cause for not doing so is presented to the court.

(g) If the court rules against the committed person at the trial for unconditional release from commitment, the court may place the committed person on outpatient status in accordance with the procedures described in Title 15 (commencing with Section 1600) of Part 2 of the Penal Code.

(h) If the court denies the petition to place the person in an appropriate forensic conditional release program or if the petition for unconditional discharge is denied, the person may not file a new application until one year has elapsed from the date of the denial.

(i) In any hearing authorized by this section, the petitioner shall have the burden of proof by a preponderance of the evidence.

(j) If the petition for conditional release is not made by the director of the treatment facility to which the person is committed, no action on the petition shall be taken by the court without first obtaining the written recommendation of the director of the treatment facility.

(k) Time spent in a conditional release program pursuant to this section shall not count toward the term of commitment under this article unless the person is confined in a locked facility by the conditional release program, in which case the time spent in a locked facility shall count toward the term of commitment.

Senate Bill No. 2161

CHAPTER 461

An act to amend Section 290.5 of the Penal Code, and to add Section 6600.1 to the Welfare and Institutions Code, relating to sex offenders.

[Approved by Governor September 12, 1996. Filed
with Secretary of State September 13, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2161, Leslie. Sex offenders.

(1) Existing law authorizes a person who is required to register annually with local law enforcement officials as a sex offender to petition for a certificate of rehabilitation and pardon. Upon obtaining a certificate of rehabilitation, that person is relieved of any further duty to register as a sex offender. Failure to register when required is a misdemeanor.

This bill would provide that the person is relieved of any further duty to register upon receipt of the certificate of rehabilitation if he or she is not in custody, on parole, or on probation.

(2) Existing law specifies procedures for the civil commitment of sexually violent predators. Pursuant to these procedures, a person who is in custody under the jurisdiction of the Department of Corrections may be referred to the State Department of Mental Health for an evaluation as to whether the person may be a sexually violent predator. For these purposes, existing law defines a "sexually violent offense" as one of specified sex offenses committed by force, violence, duress, menace, or fear of immediate and unlawful bodily injury upon the victim or another person.

This bill would add specified sex offenses upon a child under the age of 14 years to that list of offenses.

(3) This bill would incorporate additional changes in Section 290.5 of the Penal Code, proposed by AB 1901, to be operative only if AB 1901 and this bill are both chaptered and become effective on or before January 1, 1997, and this bill is chaptered last.

The people of the State of California do enact as follows:

SECTION 1. Section 290.5 of the Penal Code is amended to read:

290.5. A person required to register under Section 290 may initiate a proceeding under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of this code, and upon obtaining a certificate of rehabilitation, shall be relieved of any further duty to register under Section 290 if not in custody, on parole, or on probation. This certificate shall not relieve a petitioner of the duty to

register under Section 290 for any offense subject to that section of which he or she is convicted in the future.

SEC. 2. Section 290.5 of the Penal Code is amended to read:

290.5. (a) A person required to register under Section 290 may initiate a proceeding under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3, and, except persons described in paragraph (1) of subdivision (a) of Section 290.4 or paragraph (2) of subdivision (g) of Section 290, upon obtaining a certificate of rehabilitation, shall be relieved of any further duty to register under Section 290 if not in custody, on parole, or on probation. This certificate shall not relieve persons described in paragraph (1) of subdivision (a) of Section 290.4 or paragraph (2) of subdivision (g) of Section 290 of the duty to register under Section 290 and shall not relieve a petitioner of the duty to register under Section 290 for any offense subject to that section of which he or she is convicted in the future.

(b) (1) Except as provided in paragraphs (2) and (3), a person described in paragraph (1) of subdivision (a) of Section 290.4 or paragraph (2) of subdivision (g) of Section 290 shall not be relieved of the duty to register until that person has obtained a full pardon as provided in Chapter 1 (commencing with Section 4800) or Chapter 3 (commencing with Section 4850) of Title 6 of Part 3.

(2) This subdivision does not apply to misdemeanor violations of Section 647.6.

(3) The court, upon granting a petition for a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3, may relieve a person of the duty to register under Section 290 for a violation of Section 288 or 288.5, provided that the person was granted probation pursuant to subdivision (c) of Section 1203.066, has complied with the provisions of Section 290 for a continuous period of at least 10 years immediately preceding the filing of the petition, and has not been convicted of a felony during that period.

SEC. 3. Section 6600.1 is added to the Welfare and Institutions Code, to read:

6600.1. (a) If the victim of an underlying offense that is specified in subdivision (b) of Section 6600 is a child under the age of 14 and the offending act or acts involved substantial sexual conduct, the offense shall constitute a "sexually violent offense" for purposes of Section 6600.

(b) "Substantial sexual conduct" means penetration of the vagina or rectum of either the victim or the offender by the penis of the other or by any foreign object, oral copulation, or masturbation of either the victim or the offender.

SEC. 4. Section 2 of this bill incorporates amendments to Section 290.5 of the Penal Code proposed by both this bill and AB 1901. It shall become operative if (1) both bills are enacted and become effective

on or before January 1, 1997, (2) each bill amends Section 290.5 of the Penal Code, and (3) this bill is enacted after AB 1901, in which case Section 290.5 of the Penal Code, as amended by AB 1901, shall remain operative only until the operative date of this bill, at which time Section 2 of this bill shall become operative, and Section 1 of this bill shall not become operative.

Assembly Bill No. 3130

CHAPTER 462

An act to amend Sections 1600, 1618, and 3000 of the Penal Code, and to amend Sections 6600, 6601, and 6601.5 of, and to add Sections 6609, 6609.1, 6609.2, and 6609.3 to, the Welfare and Institutions Code, relating to sexually violent predators, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 12, 1996. Filed
with Secretary of State September 13, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3130, Boland. Sexually violent predators.

(1) Under existing law, any person committed to a state hospital pursuant to a plea of not guilty by reason of insanity is authorized to be placed on outpatient status.

This bill would authorize a person committed as a sexually violent predator to be placed on outpatient status.

(2) Existing law provides a waiver of civil and criminal liability to administrators and staff of the Forensic Conditional Release Program and to employees of the State Department of Mental Health for any criminal acts committed by persons on parole or judicial commitment status who receive supervision or treatment.

This bill would extend that waiver of liability to the Board of Prison Terms for persons who are considered for placement under a hold by the board.

The bill also would provide that any finding that a person is a sexually violent predator shall not toll, discharge, or otherwise affect that person's period of parole.

(3) Existing law provides for the civil commitment of sexually violent predators. A sexually violent predator is defined as a person who has been convicted of a sexually violent offense against 2 or more victims for which he or she received a determinate prison sentence and who has a diagnosed mental disorder that makes the person a danger to the health or safety of others.

This bill would revise the definition of a sexually violent offense for purposes of this definition of sexually violent predator.

Existing law defines "predatory," for purposes of the provisions governing sexually violent predators, as an act directed toward a stranger or an individual with whom a relationship has been established or promoted for the primary purpose of victimization.

This bill would add to that definition an act directed at a person of casual acquaintance with whom no substantial relationship exists.

(4) Under existing law, when the Director of Corrections determines that an individual who is in custody under the jurisdiction of the Department of Corrections, and who is either serving a determinate prison sentence or whose parole has been revoked, may be a sexually violent predator, the director is required, at least 6 months prior to the individual's scheduled release date, to refer the person for an evaluation by the State Department of Mental Health.

This bill would authorize the Director of Corrections to refer a person for this evaluation at a time less than 6 months prior to the release date if the inmate was received with less than 9 months to serve or if the release date is modified by judicial or administrative action.

(5) Existing law provides for a hearing procedure to determine whether there is probable cause to believe that a person who is the subject of a petition for civil commitment as a sexually violent predator is likely to engage in sexually violent predatory criminal behavior upon his or her release from prison.

This bill would provide that, if an inmate's parole or temporary parole hold will expire before a probable cause hearing is conducted, the agency bringing the petition may request an urgency review.

(6) Under existing law, whenever any inmate in a state prison who is serving a term for committing a violent felony, the paroling authority is required to notify the sheriff or the chief of police, or both, and the district attorney who has jurisdiction over the community into which the person is scheduled to be released. The notice is required to be given 15 days prior to release, or, if release is to a county other than where he or she was committed, at least 45 days prior to the release. Those agencies have 15 days from receipt of notice to provide written comment to the department regarding the impending release. Those time limits are not applicable where the release date is advanced by a judicial or administrative procedure.

Existing law also requires the sheriff or chief of police to notify certain persons, including victims and witnesses, and authorizes notice to any other appropriate person, upon the pending release of a violent felon.

This bill would make all these provisions applicable to any person who was committed as a sexually violent predator, and would require the State Department of Mental Health to provide certain identifying information concerning sexually violent predators to local law enforcement agencies, upon request. By imposing additional duties on local law enforcement agencies, this bill would impose a state-mandated local program.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims

Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 1600 of the Penal Code is amended to read: 1600. Any person committed to a state hospital or other treatment facility under the provisions of Section 1026, or Chapter 5 (commencing with Section 1367) of Title 10 of this code, or Section 6316 or 6321 of the Welfare and Institutions Code may be placed on outpatient status from that commitment subject to the procedures and provisions of this title, except that a developmentally disabled person may be placed on outpatient status from that commitment under the provisions of this title as modified by Section 1370.4. Any person committed as a sexually violent predator under the provisions of Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code may be placed on outpatient status from that commitment in accordance with the procedures described in Title 15 (commencing with Section 1600) of Part 2 of the Penal Code.

SEC. 2. Section 1618 of the Penal Code is amended to read: 1618. The administrators and the supervision and treatment staff of the Forensic Conditional Release Program shall not be held criminally or civilly liable for any criminal acts committed by the persons on parole or judicial commitment status who receive supervision or treatment. This waiver of liability shall apply to employees of the State Department of Mental Health, the Board of Prison Terms, and the agencies or persons under contract to those agencies, who provide screening, clinical evaluation, supervision, or treatment to mentally ill parolees or persons under judicial commitment or considered for placement under a hold by the Board of Prison Terms.

SEC. 3. Section 3000 of the Penal Code is amended to read: 3000. (a) (1) The Legislature finds and declares that the period immediately following incarceration is critical to successful reintegration of the offender into society and to positive citizenship. It is in the interest of public safety for the state to provide for the supervision of and surveillance of parolees, including the judicious use of revocation actions, and to provide educational, vocational, family and personal counseling necessary to assist parolees in the

transition between imprisonment and discharge. A sentence pursuant to Section 1168 or 1170 shall include a period of parole, unless waived, as provided in this section.

(2) The Legislature finds and declares that it is not the intent of this section to diminish resources allocated to the Department of Corrections for parole functions for which the department is responsible. It is also not the intent of this section to diminish the resources allocated to the Board of Prison Terms to execute its duties with respect to parole functions for which the board is responsible.

(3) The Legislature finds and declares that diligent effort must be made to ensure that parolees are held accountable for their criminal behavior, including, but not limited to, the satisfaction of restitution fines and orders.

(4) Any finding made pursuant to Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code, that a person is a sexually violent predator shall not toll, discharge, or otherwise affect that person's period of parole.

(b) Notwithstanding any provision to the contrary in Article 3 (commencing with Section 3040) of this chapter, the following shall apply:

(1) At the expiration of a term of imprisonment of one year and one day, or a term of imprisonment imposed pursuant to Section 1170 or at the expiration of a term reduced pursuant to Section 2931, if applicable, the inmate shall be released on parole for a period not exceeding three years, unless the parole authority for good cause waives parole and discharges the inmate from custody of the department.

(2) In the case of any inmate sentenced under Section 1168, the period of parole shall not exceed five years in the case of an inmate imprisoned for any offense other than first or second degree murder for which the inmate has received a life sentence, and shall not exceed three years in the case of any other inmate, unless in either case the parole authority for good cause waives parole and discharges the inmate from custody of the department. This subdivision shall be also applicable to inmates who committed crimes prior to July 1, 1977, to the extent specified in Section 1170.2.

(3) The parole authority shall consider the request of any inmate regarding the length of his or her parole and the conditions thereof.

(4) Upon successful completion of parole, or at the end of the maximum statutory period of parole specified for the inmate under paragraph (1) or (2), as the case may be, whichever is earlier, the inmate shall be discharged from custody. The date of the maximum statutory period of parole under this subdivision and paragraphs (1) and (2) shall be computed from the date of initial parole and shall be a period chronologically determined. Time during which parole is suspended because the prisoner has absconded or has been returned to custody as a parole violator shall not be credited toward any period

of parole unless the prisoner is found not guilty of the parole violation. However, in no case, except as provided in Section 3064, may a prisoner subject to three years on parole be retained under parole supervision or in custody for a period longer than four years from the date of his or her initial parole, and, except as provided in Section 3064, in no case may a prisoner subject to five years on parole be retained under parole supervision or in custody for a period longer than seven years from the date of his or her initial parole.

(5) The Department of Corrections shall meet with each inmate at least 30 days prior to his or her good time release date and shall provide, under guidelines specified by the parole authority, the conditions of parole and the length of parole up to the maximum period of time provided by law. The inmate has the right to reconsideration of the length of parole and conditions thereof by the parole authority. The Department of Corrections or the Board of Prison Terms may impose as a condition of parole that a prisoner make payments on the prisoner's outstanding restitution fines or orders imposed pursuant to subdivision (a) or (c) of Section 13967 of the Government Code, as operative prior to September 28, 1994, or subdivision (b) or (f) of Section 1202.4.

(6) For purposes of this chapter, the Board of Prison Terms shall be considered the parole authority.

(7) The sole authority to issue warrants for the return to actual custody of any state prisoner released on parole rests with the Board of Prison Terms, except for any escaped state prisoner or any state prisoner released prior to his or her scheduled release date who should be returned to custody, and Section 3060 shall apply.

SEC. 4. Section 6600 of the Welfare and Institutions Code is amended to read:

6600. As used in this article, the following terms have the following meanings:

(a) "Sexually violent predator" means a person who has been convicted of a sexually violent offense against two or more victims for which he or she received a determinate sentence and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.

For purposes of this subdivision, a prior finding of not guilty by reason of insanity for an offense described in subdivision (b), a conviction prior to July 1, 1977, for an offense described in subdivision (b), a conviction resulting in a finding that the person was a mentally disordered sex offender, or a conviction in another state for an offense that includes all the elements of an offense described in subdivision (b), shall also be deemed to be a sexually violent offense even if the offender did not receive a determinate sentence for that prior offense.

Conviction of one or more of the crimes enumerated in this section shall constitute evidence that may support a court or jury determination that a person is a sexually violent predator, but shall not be the sole basis for the determination. The existence of any prior convictions may be shown with documentary evidence. The details underlying the commission of an offense that led to a prior conviction, including a predatory relationship with the victim, may be shown by documentary evidence, including, but not limited to, preliminary hearing transcripts, trial transcripts, probation and sentencing reports, and evaluations by the State Department of Mental Health. Jurors shall be admonished that they may not find a person a sexually violent predator based on prior offenses absent relevant evidence of a currently diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.

(b) "Sexually violent offense" means the following acts when committed by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, and that are committed on, before, or after the effective date of this article and result in a conviction or a finding of not guilty by reason of insanity, as provided in subdivision (a): a felony violation of paragraph (2) of subdivision (a) of Section 261, paragraph (1) of subdivision (a) of Section 262, Section 264.1, subdivision (a) or (b) of Section 288, or subdivision (a) of Section 289 of the Penal Code, or sodomy or oral copulation in violation of Section 286 or 288a of the Penal Code.

(c) "Diagnosed mental disorder" includes a congenital or acquired condition affecting the emotional or volitional capacity that predisposes the person to the commission of criminal sexual acts in a degree constituting the person a menace to the health and safety of others.

(d) "Danger to the health and safety of others" does not require proof of a recent overt act while the offender is in custody.

(e) "Predatory" means an act is directed toward a stranger, a person of casual acquaintance with whom no substantial relationship exists, or an individual with whom a relationship has been established or promoted for the primary purpose of victimization.

(f) "Recent overt act" means any criminal act that manifests a likelihood that the actor may engage in sexually violent predatory criminal behavior.

SEC. 5. Section 6601 of the Welfare and Institutions Code, as amended by Chapter 4 of the Statutes of 1996, is amended to read:

6601. (a) Whenever the Director of Corrections determines that an individual who is in custody under the jurisdiction of the Department of Corrections, and who is either serving a determinate prison sentence or whose parole has been revoked, may be a sexually violent predator, the director shall, at least six months prior to that

individual's scheduled date for release from prison, refer the person for evaluation in accordance with this section. However, if the inmate was received by the department with less than nine months of his or her sentence to serve, or if the inmate's release date is modified by judicial or administrative action, the director may refer the person for evaluation in accordance with this section at a date that is less than six months prior to the inmate's scheduled release date.

(b) The person shall be screened by the Department of Corrections and the Board of Prison Terms based on whether the person has committed a sexually violent predatory offense and on a review of the person's social, criminal, and institutional history. This screening shall be conducted in accordance with a structured screening instrument developed and updated by the State Department of Mental Health in consultation with the Department of Corrections. If as a result of this screening it is determined that the person is likely to be a sexually violent predator, the Department of Corrections shall refer the person to the State Department of Mental Health for a full evaluation of whether the person meets the criteria in Section 6600.

(c) The State Department of Mental Health shall evaluate the person in accordance with a standardized assessment protocol developed and updated by the State Department of Mental Health, to determine whether the person is a sexually violent predator as defined in this article. The standardized assessment protocol shall require assessment of diagnosable mental disorders, as well as various factors known to be associated with the risk of reoffense among sex offenders. Risk factors to be considered shall include criminal and psychosexual history, type, degree, and duration of sexual deviance, and severity of mental disorder.

(d) Pursuant to subdivision (c), the person shall be evaluated by two practicing psychiatrists or psychologists, or one practicing psychiatrist and one practicing psychologist, designated by the Director of Mental Health. If both evaluators concur that the person has a diagnosed mental disorder such that he or she is likely to engage in acts of sexual violence without appropriate treatment and custody, the Director of Mental Health shall forward a request for a petition for commitment under Section 6602 to the county designated in subdivision (i). Copies of the evaluation reports and any other supporting documents shall be made available to the attorney designated by the county pursuant to subdivision (i) who may file a petition for commitment.

(e) If one of the professionals performing the evaluation pursuant to subdivision (d) does not concur that the person meets the criteria specified in subdivision (d), but the other professional concludes that the person meets those criteria, the Director of Mental Health shall arrange for further examination of the person by two independent professionals selected in accordance with subdivision (g).

(f) If an examination by independent professionals pursuant to subdivision (e) is conducted, a petition to request commitment under this article shall only be filed if both independent professionals who evaluate the person pursuant to subdivision (e) concur that the person meets the criteria for commitment specified in subdivision (d). The professionals selected to evaluate the person pursuant to subdivision (g) shall inform the person that the purpose of their examination is not treatment but to determine if the person meets certain criteria to be involuntarily committed pursuant to this article. It is not required that the person appreciate or understand that information.

(g) Any independent professional who is designated by the Director of Corrections or the Director of Mental Health for purposes of this section shall not be a state government employee, shall have at least five years of experience in the diagnosis and treatment of mental disorders, and shall include psychiatrists and licensed psychologists who have a doctoral degree in psychology. The requirements set forth in this section also shall apply to any professionals appointed by the court to evaluate the person for purposes of any other proceedings under this article.

(h) If the State Department of Mental Health determines that the person is a sexually violent predator as defined in this article, the Director of Mental Health shall forward a request for a petition to be filed for commitment under this article to the county designated in subdivision (i). Copies of the evaluation reports and any other supporting documents shall be made available to the attorney designated by the county pursuant to subdivision (i) who may file a petition for commitment in the superior court.

(i) If the county's designated counsel concurs with the recommendation, a petition for commitment shall be filed in the superior court of the county in which the person was convicted of the offense for which he or she was committed to the jurisdiction of the Department of Corrections. The petition shall be filed, and the proceedings shall be handled, by either the district attorney or the county counsel of that county. The county board of supervisors shall designate either the district attorney or the county counsel to assume responsibility for proceedings under this article.

(j) The time limits set forth in this section shall not apply during the first year that this article is operative.

(k) If the person is otherwise subject to parole, a finding or placement made pursuant to this article shall not toll, discharge, or otherwise affect the term of parole pursuant to Article 1 (commencing with Section 3000) of Chapter 8 of Title 1 of Part 3 of the Penal Code.

SEC. 6. Section 6601.5 of the Welfare and Institutions Code, as added by Chapter 4 of the Statutes of 1996, is amended to read:

6601.5. (a) In cases where an inmate's parole or temporary parole hold pursuant to Section 6601.3 will expire before a probable cause hearing is conducted pursuant to Section 6602, the agency bringing the petition may request an urgency review pursuant to this section. Upon that request, a judge of the superior court shall review the petition and determine whether the petition states or contains sufficient facts that, if true, would constitute probable cause to believe that the individual named in the petition is likely to engage in sexually violent predatory criminal behavior upon his or her release. If the judge determines that the petition, on its face, supports a finding of probable cause, the judge shall order that the person be detained in a secure facility until a hearing can be held pursuant to Section 6602. The probable cause hearing provided for in Section 6602 shall be held within 10 calendar days of the date of the order issued by the judge pursuant to this section.

(b) This section shall remain in effect only until January 1, 1998, and as of that date is repealed.

SEC. 7. Section 6609 is added to the Welfare and Institutions Code, to read:

6609. Within 10 days of a request made by the chief of police of a city or the sheriff of a county, the State Department of Mental Health shall provide the following information concerning each person committed as a sexually violent predator who is receiving outpatient care in a conditional release program in that city or county: name, address, date of commitment, county from which committed, date of placement in the conditional release program, fingerprints, and a glossy photograph no smaller than $3\frac{1}{8} \times 3\frac{1}{8}$ inches in size, or clear copies of the fingerprints and photograph.

SEC. 8. Section 6609.1 is added to the Welfare and Institutions Code, to read:

6609.1. (a) When any person committed as a sexually violent predator is going to be unconditionally released, the State Department of Mental Health shall notify the sheriff or chief of police, or both, and the district attorney, who has jurisdiction over the community in which the person is scheduled to be released. Except as provided in subdivision (b), the notice shall be given at least 15 days prior to the scheduled release date and shall include the name of the person who is scheduled to be released, whether or not the person is required to register with law enforcement, and the community in which the person will reside.

(b) When a person committed as a sexually violent predator is scheduled to be released to a county other than the county from which he or she was committed, the State Department of Mental Health shall provide written notice of that release to the sheriff or police chief, or both, and to the district attorney, who has jurisdiction over the community in which the inmate is scheduled to be released. The notice shall be made at least 45 days prior to the scheduled

release date and shall include the name of the person who is scheduled to be released, whether or not the person is required to register with local law enforcement, and the community in which the person will reside.

Those agencies receiving the notice referred to in this subdivision shall have 15 days from receipt of the notice to provide written comment to the department regarding the impending release. Those comments shall be considered by the department, which may modify its decision regarding the community in which the person is scheduled to be released, based on those comments.

(c) If the court orders the immediate release of a sexually violent predator, the department shall notify the sheriff or chief of police, or both, and the district attorney, who has jurisdiction over the community in which the person is scheduled to be released at the time of release.

(d) The notice required by this section shall be made whether or not a request has been made pursuant to Section 6609.

(e) The time limits imposed by this section are not applicable where the release date of a sexually violent predator has been advanced by a judicial or administrative process or procedure that could not have reasonably been anticipated by the State Department of Mental Health and where, as the result of the time adjustments, there is less than 30 days remaining on the commitment before the inmate's release, but notice shall be given as soon as practicable. In no case shall notice required by this section to the appropriate agency be later than the day of release. If, after the 45-day notice is given to law enforcement and to the district attorney relating to an out-of-county placement, there is change of county placement, notice to the ultimate county of placement shall be made upon the determination of the county of placement.

SEC. 9. Section 6609.2 is added to the Welfare and Institutions Code, to read:

6609.2. (a) When any sheriff or chief of police is notified of the pending release of a person committed as a sexually violent predator, that sheriff or chief of police may notify any person designated by the sheriff or chief of police as an appropriate recipient of the notice.

(b) A law enforcement official authorized to provide notice pursuant to this section, and the public agency or entity employing the law enforcement official, shall not be liable for providing or failing to provide notice pursuant to this section.

SEC. 10. Section 6609.3 is added to the Welfare and Institutions Code, to read:

6609.3. At the time a notice is sent pursuant to subdivision (a) of Section 6609.1, the sheriff, chief of police, or district attorney notified of the release shall also send a notice to persons described in Section 679.03 of the Penal Code who have requested a notice, informing those persons of the fact that the person who committed the sexually

violent offense is scheduled to be released and specifying the proposed date of release. Notice of the community in which the person is scheduled to reside shall also be given only if it is (1) in the county of residence of a witness, victim, or family member of a victim who has requested notice, or (2) within 25 miles of the actual residence of a witness, victim, or family member of a victim who has requested notice. If, after providing the witness, victim, or next of kin with the notice, there is any change in the release date or the community in which the person is to reside, the board shall provide the witness, victim, or next of kin with the revised information.

In order to be entitled to receive the notice set forth in this section, the requesting party shall keep the sheriff, chief of police, and district attorney who were notified under Section 679.03 of the Penal Code, informed of his or her current mailing address.

SEC. 11. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 12. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide immediate protection to the public from persons who may be sexually violent predators and may be subject to commitment in the near future, it is necessary that this act take effect immediately.

WIC 6600 CIVIL COMMITMENT CLINICAL EVALUATION SUMMARY

I. IDENTIFYING INFORMATION

Inmate Name: _____

CDC# _____

II. FINDINGS (WIC 6600 criteria)

YES

NO

A. Has the inmate been convicted of a sexually violent predatory offense against two or more victims?

Convicted of a qualifying offense(s)?.....1.

☐☐

Use of force, fear, etc., and/or substantial sexual contact?.....2.

☐☐

Against two or more victims?.....3.

☐☐

Predatory against two or more victims?4.

☐☐

B. Does the inmate have a diagnosable mental disorder?

(If YES, specify).....5.

☐☐

Axis I

Axis II

C. Is the inmate likely to engage in sexually violent criminal behavior as a result of his/her diagnosed mental disorder?.....6.

☐☐

III. CONCLUSION

Based on the above information, in my opinion the inmate:

☐ MEETS

☐ DOES NOT MEET

the criteria as a sexually violent predator as described in section 6600(a) of the Welfare and Institutions Code.

(If a NO response is marked for any of the above questions (1-5), then the inmate does not meet criteria)

SIGNATURE _____

DATE _____

PRINT NAME _____

LICENSE NUMBER _____

NOTIFICATION OF EVALUATION AS A SEXUALLY VIOLENT PREDATOR

You have been referred for clinical evaluation as a possible sexually violent predator under Section 6600 et seq. of the California Welfare and Institutions Code. The purpose of this examination is not treatment, but to determine whether you have a mental condition that makes you likely to engage in sexually violent criminal behavior in the future. If it is determined that you meet these criteria, you could be referred to court for involuntary commitment proceedings under this law. If you are found to be a sexually violent predator, you could be committed for treatment to a program conducted by the California Department of Mental Health in a state psychiatric facility.

This evaluation will include a review of criminal and institutional records, as well as clinical interviews with licensed psychiatrists or psychologists. Any information you provide during these clinical interviews could be included in the written reports and testimony on your case.

If, during the course of the clinical interviews, you provide information that suggest child or elder abuse that has not been previously investigated, the evaluators are legally required to report this information to the appropriate authorities.

These interviews are conducted subject to your consent. If you decline these interviews, the evaluation will be completed using other sources of information.

I have received and been provided a copy of the above information regarding my clinical evaluation as a sexually violent predator, and :

_____ I **agree** to be interviewed by Dr. _____ for
the purpose of evaluating me as a sexually violent predator.

_____ I **decline** to be interviewed by Dr. _____ for
the purpose of evaluating me as a sexually violent predator.

Date

Signature

Date

Evaluator