



EL DORADO COUNTY DISTRICT ATTORNEY'S OFFICE

FINDINGS RE JAYCEE LEE DUGARD CASE

AUGUST 2, 2011

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EXECUTIVE SUMMARY

On August 25, 2009 (the day before Jaycee Lee Dugard was discovered), Phillip Garrido was considered a shining example of a reformed criminal – a man who had not committed a crime since 1976, a man who had performed so well in federal prison that he got paroled almost 40 years early, a man that had performed so well in Nevada state prison that he was released after only 11 years on a life sentence, a man that was so reformed he never became as suspect in the 1991 abduction of Jaycee Lee Dugard, a man that had performed so well under federal parole supervision that he was terminated successfully in 1999, and a man that had never had his parole revoked by CDCR for 10 years under their supervision. Thanks to a Berkley Police Officer and UC Berkley Campus Manager, we now know all of this was a lie. Thanks to those officers we now know the psychologists, parole boards, counselors, and parole officers did not know the truth - that Phillip Garrido is a dangerous sexual predator.

Law enforcement failed to see Phillip Garrido for what and who he truly is...evil. In part, this failure was based upon law enforcement's over-reliance upon the psychiatric profession to predict future dangerousness. Common sense would tell you that the best predictor of future behavior is past behavior. For some unknown reason, psychiatry in the criminal justice system relies far too little on past behavior and far too often on the statements from the criminal – who have a vested interest and motive in presenting themselves in a better light. This problem is exacerbated even more in the prison setting, where criminals know they are being watched and know that they can get paroled even sooner if they comply with prison rules. The problem is further compounded by the fact that a prisoner's institutional adjustment and psychiatric evaluations are given greater weight than the underlying commitment offense. Thus, the major problem with the use of psychiatry in the prison system is that the prisoners will act differently in prison – because they don't have the freedom to rape and murder and destroy lives like they did on the outside of prison walls. Criminals then use psychiatry to manipulate the criminal justice system.

The fact is that under the current parole system, a criminal like Phillip Garrido would still be evaluated by a dysfunctional process that could lead to his release. Unfortunately, due to a significant change in the law (*In re Lawrence* (2008) 44 Cal.4th 1181) occurring only one year prior to Jaycee's discovery, the law does not even allow the parole board to deny parole solely upon the circumstances of the commitment offense. The rule is release. If Phillip Garrido faced parole under the California parole system today, they would evaluate him under a flawed system that: (1) Puts the burden upon the parole board to prove dangerousness; (2) overvalues institutional adjustment and psychiatric evaluations; and, (3) gives little real consideration or weight to the circumstances of the offense, the inmate's reliable past criminal history. He would be evaluated under a system, that even in June of 2011 still rated him a Static-99R "Moderate-Low" risk category, even after he had kidnaped and imprisoned an 11 year old girl for 18 years. Modification of the parole review process is the first step of many that needs to be taken

to ensure that our society is protected from sexual predators like Phillip Garrido and other violent criminals like him.

TOP FIVE MISTAKES OF LAW ENFORCEMENT

On June 10, 1991, Phillip and Nancy Garrido abducted Jaycee Lee Dugard in South Lake Tahoe. On August 26, 2009, 18 years later, Jaycee was finally discovered.

As part of the investigation and prosecution of Phillip Garrido, the El Dorado County District Attorney's Office conducted an exhaustive review of his extensive criminal history, which included a review of: All existing criminal police reports regarding Phillip Garrido; the reports and transcripts of his rape and kidnap of Katie Callaway; his Federal Bureau of Prison records; his Nevada state prison records; his federal and CDCR parole supervision records; all reports and evidence concerning the 18 year FBI investigation into the disappearance of Jaycee Lee Dugard; all records, reports, evidence concerning the 2009 discovery of Jaycee Lee Dugard and subsequent investigation of Phillip and Nancy Garrido; his past and present psychiatric evaluations; his extensive correspondence with Nancy Garrido while in Federal Prison and while incarcerated in El Dorado County Jail; and, interviews conducted with Nancy Garrido and Phillip Garrido.

Upon evaluation of this mountain of evidence concerning Phillip Garrido's criminal history and the failures of the criminal justice system, the El Dorado County District Attorney's Office identifies the top five mistakes made by law enforcement regarding Phillip Garrido.

1. Philip Garrido's Release from Prison

The number one mistake made by law enforcement regarding Phillip Garrido was his release from prison in 1988. Had Garrido served his full term, he would not have been released until 2027, and there would not even have been the opportunity for him to abduct Jaycee Lee Dugard. Phillip Garrido was released from prison after only 11 years of a 50 year federal sentence and a five-to-life Nevada state sentence due to the parole boards' over-reliance on Phillip Garrido's institutional adjustment and grossly flawed psychiatric evaluations concerning his likelihood for future dangerousness, while giving little real consideration (or ignoring entirely) the true nature and extent of Phillip Garrido's crimes and prior criminal history. Phillip Garrido's committing offense involved the brutal rape and kidnap of Katie Callaway, where he handcuffed her and sexually assaulted her for hours. Phillip Garrido's reliable documented criminal history included the kidnapping and rape of a 14 year old girl in Antioch in 1972, the kidnapping and rape of a 19 year old young woman in South Lake Tahoe in June of 1976, the attempted kidnapping and rape of a 25 year old woman in South Lake Tahoe in November 1976 (only one hour before his kidnapping of Katie Callaway), and Phillip Garrido's 1976 admissions to abducting two other women, his 1977 trial admissions to prurient interest in young children (evidenced by his testimony that he repeatedly masturbated in front of grammar schools and high schools), and his repeated admission to having rape fantasies. (See map of crimes Attachment #1 for reference.) An inmate with this type of criminal history should not have been

released only 11 years into a 50 year sentence, no matter how well he had adjusted in the prison system. One of the primary reasons for this failure was the ongoing over-reliance of law enforcement on the psychiatric profession to predict Garrido's future dangerousness. Garrido tried to obtain a shorter sentence in 1978 with the assistance of a psychiatrist who was willing to recommend parole. (See court documents Attachment #2 for reference.) Garrido used those evaluations to assist in getting paroled from federal and Nevada state prison in 1988. The failures and inadequacies of the psychiatric profession were highlighted by Phillip Garrido and his manipulation of them to his advantage.

2. Failure to Identify Phillip Garrido as a Suspect in 1991

The second biggest mistake made by law enforcement regarding Phillip Garrido was their failure to identify him as a suspect after the June 10, 1991, kidnapping of Jaycee Lee Dugard. Phillip Garrido did not become a suspect in her South Lake Tahoe abduction, even though he was a repeat kidnapper and rapist, with a history of kidnapping and raping in South Lake Tahoe, and was on federal parole at the time. At the time of Jaycee Lee Dugard's kidnapping from South Lake Tahoe, Phillip Garrido had already kidnaped and raped 3 identified victims, and attempted to kidnap and rape another. Jaycee was the 5th known victim of Phillip Garrido and the 4th out of South Lake Tahoe. (See map of crimes Attachment #1 for reference.)

3. Failure of Parole Supervision

The third biggest mistake by law enforcement in dealing with Phillip Garrido was the failure of the federal and state parole agencies to adequately supervise him. Federal parole agents failed Jaycee Lee Dugard when they did not adequately supervise Phillip Garrido from 1988 to 1999. CDCR parole agents continued that failure in supervision when they did not properly supervise Phillip Garrido from 1999 to 2009. In total, parole agents visited the Garrido residence 70 times (10 times by federal parole and 60 times by CDCR parole). One of the primary reasons for these failures was the ongoing over-reliance of law enforcement on the psychiatric profession to predict Garrido's future dangerousness. He used psychiatric evaluations to hide his actions while on parole from 1988 to 2009. The failures and inadequacies of the psychiatric profession were highlighted by Phillip Garrido and his manipulation of them to his advantage.

4. Failure of Federal Parole Supervision From May 15, 1991 to May 4, 1995

The fourth biggest mistake of law enforcement, and the most notable of all the parole failures, is that on May 15, 1991 a federal parole agent visited the recording studio of Phillip Garrido. (See federal parole record Attachment #3 for reference.) Just three weeks later, this recording studio became Jaycee Lee Dugard's prison, where she was bound and sexually assaulted for years. For almost four years, between May 15, 1991 until May 4, 1995, the federal parole agent supervising Garrido only visited the Garrido home one time (briefly). These years from 1991 to 1995 were among the absolute worst years for Jaycee Lee Dugard in her captivity with Phillip

and Nancy Garrido, and had the federal parole agents searched the Garrido residence they would have found her.

5. Failure of Federal Parole to Investigate Phillip Garrido Contact with Katie Callaway

The fifth biggest mistake of law enforcement in its dealing with Phillip Garrido was the failure to fully investigate the Phillip Garrido's contact with Katie Callaway in 1988. It was a colossal blunder by the federal parole authorities when they failed to fully investigate the November 1988 incident where Phillip Garrido contacted his former victim Katie Callaway in South Lake Tahoe. In November 1988, Katie Callaway thought Garrido was still serving his 50 year federal sentence and his five-to-life Nevada state sentence. In November 1988, Katie did not even know that Garrido was out of prison, yet alone, had recently been given new freedoms. The coincidence of Garrido's prior victim reporting contact with him the very same month he is given more freedoms – all while she is unaware that he is ever out of prison - is so astronomical that Katie Callaway's concerns should have been addressed and taken more seriously by the federal parole agent.

Then, on November 19, 1988, (the very same day that Michaela Garecht is abducted only 20 miles from Phillip Garrido's half-way-house) the federal parole agent ends his investigation of the Katie Callaway incident by stating that "to subject [Phillip Garrido] to electronic monitoring would be too much of a hassle based on the hysteria, or concerns of the victim..." (See federal parole record Attachment #4 for reference.) Garrido never became a suspect in the Micaela Garecht disappearance, even though there are striking similarities between Garrido's prison photo and a sketch of the suspect (See comparison of sketch and photos Attachment #5 for reference.) Katie Callaway-Hall recalls speaking to the parole agent who ultimately dismissed her allegations without any real investigation. (See letter from Katie Callaway-Hall Attachment #6 for reference.) Katie Callaway was shown a photo of Garrido dressed nicely, with a mustache, with hair combed, and taken from a distance, not a photo that would have shown Garrido how he really looked at the time. In reality, in November 1988, Garrido looked more like he did in the video released by our office of him playing the guitar in a park than he did in any of his prison photos. Katie Callaway-Hall says that Garrido "looked like he did in the [DA's Office] video, not how he did in the photo they showed me." (See comparison photos Attachment # 7 for reference.)

LESSONS LEARNED

Fortunately, since the abduction of Jaycee Lee Dugard in 1991, there have been many significant and important changes in the law that have provided a major step in the direction necessary to correct the problems and mistakes that were so evident with the Phillip Garrido case. Further, both federal and state parole have already stated an interest and commitment to making fundamental changes in the parole supervision system to correct the problems and mistakes made by their respective agencies.

When looking at the Phillip Garrido case, and the enormity of the failure of law enforcement in so many ways, it is hard to ignore the role that the psychiatric profession played in these failures. Again and again, Phillip Garrido manipulated the system with the assistance of the psychiatric profession. He tried to claim incompetence during his 1977 trial for the kidnapping and rape of Katie Callaway. Garrido tried to obtain a shorter sentence in 1978 with the assistance of a psychiatrist who was willing to recommend parole. Garrido used that evaluation and others while in prison to assist in getting paroled from Federal and Nevada State prison in 1988. Then, he used his counselors and psychiatric evaluations to hide his actions while on parole from 1988 to 2009. And, then ultimately, Phillip Garrido tried to use the psychiatric professionals once again to claim incompetence during the criminal proceedings in El Dorado County. Far too often, the psychiatrist focuses on what the criminal says (rather than their past actions and conduct) to evaluate their risk for future dangerousness. This runs counter to common sense.

Astonishingly, even in June 2011 when Phillip Garrido was sentenced for his crimes against Jaycee Lee Dugard, he only scored at 3 on the Static-99R Assessment (the state authorized psychiatric assessment tool for sex offenders) which placed Phillip Garrido on the Moderate-Low Risk Category.

Unfortunately, psychiatric evaluations and predictions of future dangerousness play a large part of current lifer parole hearing in California. One must always be reminded that the lifer parolee has already been convicted of committing a horrible crime. There is no presumption of innocence. They are guilty of committing a life crime. Upon review of the current state of the California Parole laws it is painfully clear that the parole review system is also based upon this flawed basic approach to evaluating a criminal's danger to society. The rule is release. Instead of putting the burden on the parolee, the flawed system puts the burden on the parole board to prove dangerousness. And, as part of that flawed process, parole boards overvalue institutional adjustment and psychiatric evaluations, and give little real weight to the circumstances of the offense.

OVERVIEW

On June 10, 1991, Phillip and Nancy Garrido abducted Jaycee Lee Dugard in South Lake Tahoe. On August 26, 2009, 18 years later, Jaycee was finally discovered. Both Phillip and Nancy Garrido were charged with, and ultimately convicted of, kidnapping and rape – sending them both to prison for life. The El Dorado County District Attorney's Office's primary responsibility in this case has been to seek justice for Jaycee and her family through the criminal prosecution of Phillip and Nancy Garrido. However, despite the time passage since Jaycee's discovery in August of 2009, there remain several lingering unanswered questions: How did Phillip Garrido get paroled from a 50 year Federal sentence and a five-to-life Nevada State sentence after only 11 years? How did Phillip Garrido keep Jaycee hidden for 11 years on Federal Parole from 1991 to 1999? And, how did Phillip Garrido keep Jaycee hidden for 10 years on California State Parole from 1999 to 2009?

Had the Phillip and Nancy Garrido case gone to jury trial some of these questions may have been answered. Since the criminal case against Phillip and Nancy Garrido is now over, the El Dorado County District Attorney's Office has determined that certain facts need to be revealed. It is beyond

dispute that the criminal justice system failed Jaycee Lee Dugard, it failed Katie Calloway-Hall, and assuredly failed many of the other countless unknown victims of Phillip Garrido. It is hoped that by revealing some of the glaring oversights in this case, law enforcement as a whole can learn from these mistakes, and we can begin the process of exploring deficiencies in state law and identifying potential legislative solutions to assist law enforcement in the supervision and detection of sexual predators like Phillip Garrido. Often, the best way to improve behavior is to shine the bright light of public scrutiny on government actions.

There is no simple answer to these questions. However, two things are abundantly clear: First, Phillip Garrido is a master manipulator who used his interactions with psychiatric professionals in order to manipulate the system by saying what he needed to say and doing what he needed to do to get paroled after only 11 years and to repeatedly avoid closer scrutiny by his federal and state parole agents. Second, it appears that prison officials, law enforcement, and parole officials all failed to fully evaluate and consider Phillip Garrido's known history, which made most of them unaware that he was a violent sexual predator who had repeatedly raped and kidnapped women. Thus, the ultimate failure of the system and its dealings with Phillip Garrido was the result of (1) a complete over-reliance of the criminal justice system upon the opinions of psychiatric professionals, (2) inefficient and inadequate sharing of information between law enforcement officials (including, but is not limited to, federal and state law enforcement investigators, prosecutors, prison officials and parole agents), and (3) a parole system that gives too much weight to a prisoners institutional adjustment and psychiatric evaluations, and fails to give little real consideration to or ignores entirely the true nature and extent of a prisoner's crimes and prior criminal history.

FEDERAL PRISON CUSTODY

(March 1977 to January 1988)

- On March 11, 1977, Phillip Garrido was sentenced to federal prison for 50 years for the kidnapping of Katie Callaway. Garrido specifically informed the judge at that time that he wanted to go to Federal Prison because they have more psychological services in federal prison.
- May 1977, Phillip Garrido initially committed to USP, McNeil Island, Washington.
- July 1, 1977, Phillip Garrido committed to USP, Leavenworth, Kansas.
- On March 24, 1978, Phillip Garrido makes a motion for reduction in sentence based upon a variety of factors, including a psychological evaluation by a clinical psychologist from April 17, 1978, who states that Garrido has done so well in his year in prison that he recommends modification of the current sentence to indeterminate parole eligibility and "a recommendation that he be paroled" when his treatment and training goals are accomplished. Moreover, the clinical psychologist notes that Garrido's "[p]rognosis for successful transition to the community is considered very good. The likelihood of further extralegal behaviors on Mr. Garrido's part is seen as minimal." Amazingly, this psychologist writes this even though Garrido has three separate kidnapping and rapes and one attempted kidnapping and rape in the six years prior to his report.

- In 1980, Phillip Garrido developed a relationship with a young woman, who (with Garrido's urging) accused her father of sexual assault. During the defense investigation into those rape allegations (later overturned by the State Supreme Court), defense investigators inquired of prison officials whether or not Garrido had taken any courses in hypnosis.
- October 14, 1981, Phillip Garrido marries Nancy Bocanegra.
- September 30, 1983, Phillip Garrido's psychotherapist notes that he has developed self-counseling skills and relaxation skills that should allow Garrido to manage his life in a more appropriate manner.
- October 30, 1985, Phillip Garrido joins a Leavenworth "Psychology Services" 12 week "Social/Coping Skills" treatment group which he successfully completes on January 29, 1986.
- February 14, 1986, Phillip Garrido's psychologist notes that Garrido "does not evidence an ingrained pattern of criminal behavior" and that he may very well be an appropriate candidate for parole. It was further noted that Garrido's crimes were the result of "poor coping skills" rather than from "a desire to harm others."
- March 19, 1986 Phillip Garrido transferred to USP, Lompoc, California.
- November 5, 1987 federal parole hearing, wherein it is noted that: Garrido "has had an outstanding institutional adjustment" and that a USP Lompoc Unit Manager stated that "[h]e believes (Garrido) has accomplished everything that he possibly could within the institution and he believes subject is now ready to return to the community. (He) has such confidence that he would not object to subject residing next door to him as a neighbor in the community."
- Phillip Garrido was paroled from Federal Prison to Nevada State Prison on January 19 1988, after only 11 years on a 50 year sentence. (See Attachment # 8.)

NEVADA STATE PRISON CUSTODY

(January 1988 to August 1988)

- April 11, 1977, sentenced by Nevada State five-to-life for the rape of Katie Calloway.
- On January 22, 1988, (after parole from 50 year federal sentence after less than 11 years) Garrido was transferred to Nevada state prison.
- May 7, 1984, Nevada State Board of Parole denies parole to Phillip Garrido. In this evaluation, the Parole Board checked box A.5. for one of the reasons that parole is denied: "The board finds that you have not reformed to the extent that you can be released without threat to society."
- July 1, 1985, the state of Nevada passed a new law which allowed Garrido to earn good time credits at a much faster rate (10 days per month rather than 10 days per year).
- March 31, 1986, Nevada State Board of Parole denies parole to Phillip Garrido. Less than 2 years since his last parole hearing, the board appears to believe that Garrido has been reformed and that he can be released without threat to society, because they do not check box A.5. as they did on May 7, 1984.
- January 22, 1988, Phillip Garrido is paroled by federal authorities and transferred to Nevada state prison at the Northern Nevada Corrections Center.

- During his time in Nevada state prison, Garrido teaches a "Street Readiness" program and participates in various counseling and group therapy programs.
- June 29, 1988 Garrido evaluated by psychologist who ultimately finds that Phillip Garrido is an above average inmate who is likely to benefit society (i.e. raise a family, work, and not return to criminal behavior). This report becomes part of Garrido's record analyzed by the Board of Parole Commissioners.
- July 1988 Nevada Institution Progress Report only references Garrido's prior marijuana convictions and finds that "Phillip Garrido is a good candidate for parole at this time. He has participated in numerous psychology and drug abuse programs during his incarceration. He has continued his programming efforts by teaching a self-image psychology class to the Street Readiness Program at this institution."
- July 21, 1988, the Nevada state Parole Board (made up of two psychiatric professionals) states that Phillip Garrido can be "certified as not contributing a menace to health, safety and morals of society." (See Attachment # 9.)
- Phillip Garrido was paroled from Nevada state prison on August 26, 1988.

PAROLE BOARD SUPERVISION FAILURES

- Federal and Nevada state prison officials ultimately paroled Phillip Garrido because they did not adequately evaluate how dangerous he really was. Federal and Nevada state prison officials did not properly evaluate how dangerous he was because of their over-reliance upon his institutional adjustment, his psychiatric evaluations, and because they did not fully evaluate and consider facts that were known to law enforcement in 1988.
- At the time of Phillip Garrido's parole from federal and Nevada state prison in 1988, in addition to his 1976 rape of Katie Callaway, law enforcement officials were aware of the following:

(1) Phillip Garrido was arrested and charged with the rape of a 14 year old in 1972 (In 1976, as part of their investigation into the Katie Callaway-Hall rape and kidnap, FBI officials obtained a copy of the 1972 Antioch rape case, which was dropped because Phillip Garrido's attorney told the victim that he would make her out to be a "whore" and "slut" in court in front of her parents.) Phillip Garrido's March 8, 1977 Pre-Sentencing Report incorrectly stated the allegation as "possible" rape and also incorrectly notes that "further investigation by police officers produced no evidence to continue proceedings on the rape charge.") Phillip Garrido's August 1, 1977, Classification Study by the US DOJ Bureau of Prisons did not mention this case. Phillip Garrido's Nevada state parole board (which states that he is a good candidate for parole) did not reference this crime when they granted parole.

(2) Phillip Garrido was arrested and charged in El Dorado County with a June 1976 kidnap and rape case out of South Lake Tahoe. (In 1976, as part of their investigation into the Katie Callaway-Hall rape and kidnap, FBI officials obtained a copy of the June 1976 South Lake Tahoe rape case, which was improperly dismissed by El Dorado County District Attorney's Office in September 1977 because of the mistaken belief that Garrido

would serve his life sentence in Nevada, along with his fifty year sentence on Federal charges.) Phillip Garrido's March 8, 1977, Pre-Sentencing Report by United States District Court Probation notes this pending rape and kidnap case. Phillip Garrido's August 1, 1977, Classification Study by the US DOJ Bureau of Prisons incorrectly listed this crime as the kidnapping/rape of Katie Callaway. Phillip Garrido's Nevada state parole board (which states that he is a good candidate for parole) did not reference this crime when they granted parole.

(3) Phillip Garrido had an attempted rape/kidnap of another woman only 1 hour prior to the Katie Callaway-Hall kidnapping. (In 1976, as part of their investigation into the Katie Callaway-Hall rape and kidnap, FBI officials obtained a copy of the November 22, 1976 South Lake Tahoe attempted kidnap/rape case.) Phillip Garrido's March 8, 1977, Pre-Sentencing Report by United States District Court Probation and his August 1, 1977, Classification Study by the US DOJ Bureau of Prisons did not mention this attempted kidnap/rape case. Phillip Garrido's Nevada state parole board (which states that he is a good candidate for parole) did not reference this crime when they granted parole.

(4) Phillip Garrido's admissions at his 1977 jury trial, including: How Garrido masturbated in public places, masturbated while looking into homes of women, masturbated in front of grammar school and high schools, exposed himself to school children, and had rape fantasies. Phillip Garrido's March 8, 1977, Pre-Sentencing Report by United States District Court Probation and his August 1, 1977, Classification Study by the US DOJ Bureau of Prisons did not mention this information. Phillip Garrido's Nevada state parole board (which states that he is a good candidate for parole) did not reference this information when they granted parole.

(5) Katie Callaway's testimony at Phillip Garrido's 1977 trial and statements in the police reports, including: That Garrido used handcuffs to restrain her, that Garrido nearly talked the responding officer into leaving by stating that Callaway was just his girlfriend and they were having a good time, that Garrido had admitted to her that he had abducted two other girls, one from the Bay Area and one from Las Vegas. Phillip Garrido's March 8, 1977 Pre-Sentencing Report by United States District Court Probation and his August 1, 1977 Classification Study by the US DOJ Bureau of Prisons did not mention this information. Phillip Garrido's Nevada state parole board (which states that he is a good candidate for parole) did not reference this information when they granted parole.

- Ultimately, both federal and Nevada state parole boards gave too much weight to Phillip Garrido's institutional adjustment and the psychiatric evaluations concerning his likelihood for future dangerousness, and gave little real consideration (or ignored entirely) the true nature and extent of his 1976 rape and kidnap of Katie Callaway and his known prior criminal history. (For a full analysis of the psychiatric failures in this case, see the "Summary of Failures of the Psychiatric Professionals and Their Flawed Analysis of Phillip Garrido" herein below.)

FEDERAL PAROLE SUPERVISION FAILURES

(August 1988 to May 1999)

On July 7, 2011, United States District Court, Northern District of California, Chief Judge James Ware released a December 10, 2010, Confidential Report of the Administrative Office of the United States Courts on the federal parole supervision of parolee Phillip Garrido. (This report is attached hereto for reference as "Attachment #10.) Given the failures pointed out in the report, it is commendable that Judge Ware released this information to the public. Upon review of this report, it appears to be a fairly accurate and complete analysis of the federal parole supervision of Phillip Garrido – other than a couple of very notable exceptions.

- **Katie Callaway Hall**

On November 8, 1988 (3 months into Garrido's time at the half-way-house), he is given more freedom by his federal parole officer to go home after work instead of back to halfway house.

On November 18, 1988, the federal parole agent notes that he was contacted by the victim of Garrido's 1976 kidnapping/rape (Katie Callaway) who states (according to parole records) that she saw him "at her office" on November 8, 1988 at 4-5 pm. Ultimately, it appears the federal parole agent came to the conclusion that it was not Garrido based upon two factors. First, the federal parole agent says he checked time cards at Garrido's job showing that he worked till 3:30 pm and was back at work by 6 pm. And, second, the federal parole agent said that he showed Katie a photo of Garrido and she said person in her "office" was not him. (See Attachment #4 for reference)

However, these conclusions and statements in the federal parole documents ignore a few important facts, including:

1. Katie Callaway did not work in an office building. She was a dealer at a casino in Lake Tahoe.
2. Katie Callaway thought Garrido was serving a 50 year federal sentence and a five-to-life Nevada state sentence, it is not possible that she knew Garrido was even out of prison (let alone, had recently been given new freedoms). The coincidence is so astronomical that Katie Callaway's concerns should have been addressed and taken more seriously.
3. Katie Callaway was shown a photo of Garrido dressed nicely, with a mustache, hair combed nicely, and taken from a distance, not a photo that would have shown Garrido how he really looked at the time (In reality, in November 1988 Garrido looked more like he did in the video of him playing the guitar in the park than he did in any of his prison photos. Katie Callaway-Hall says that Garrido "looked like he did in the video, not how he did in the photo they showed me.") (See Attachment # 7.)
4. The federal parole agent does not mention that Katie Callaway said that Garrido walked up to her at her Casino table and said "Hi Katie, I have not had a drink in 11 years."

5. Katie Callaway disputes that the incident occurred on November 8, 1988. She says that it occurred on a Friday right before Thanksgiving –which was November 18, 1988.
6. Further, the federal parole agent failed to conduct any real investigation himself, relying upon someone else to review time cards (which could be easily altered or punched by another person – even if the parole agent had accurately identified the incident date).

All of these facts lead to no other conclusion - the federal parole agent handling Phillip Garrido when he was released from prison was utterly incompetent. It is unbelievable that the parole agent got information on November 18, 1988, that Phillip Garrido had contacted his prior rape/kidnap victim Katie Callaway, right after obtaining new freedoms from the half-way-house, and the very next day on November 19, 1988, nine year old girl Micaela Garecht is abducted – and the Parole Agent does not even bother to subject Phillip Garrido to any scrutiny. One only needs to look at the composite sketch of the suspect in the Micaela Garecht kidnapping and compare it to Garrido's prison booking photo to see a similarity that should have been explored by his parole agent (and the investigators the parole agent failed to notify). (See Attachment # 5) The incompetence of the parole agent is clearly evidenced by reviewing the federal parole records from November 19, 1988, where he notes that "to subject [Phillip Garrido] to electronic monitoring would be too much of a hassle based on the hysteria, or concerns of the victim..." This statement conclusively proves that the federal parole agent's judgment and credibility is far outweighed by Katie Callaway – who should have been believed. Further, the fact that the parole agent makes these asinine comments on the same day that Michaela Garecht is abducted is astounding.

- **Federal Parole Should Have Uncovered the Presence of Jaycee Lee Dugard.**

On page 2 of the December 10, 2010 report by the Administrative Office of the United States Courts makes the unbelievable assertion that , "While the level of federal supervision was clearly substandard, **there is no evidence the federal probation officer would have uncovered the presence of Jaycee Dugard and her children even if the probation officer had conducted a search of the premises.**" Based upon our review of the evidence in this case, nothing could be further from the truth. Had federal probation done their job, then:

1. On October 14, 1988, Garrido's parole should have been revoked when federal parole agent and halfway-house ECI counselor "agreed that subject is considered to be a time bomb."
2. On November 18, 1988, Garrido's parole should have been revoked when he contacted his former rape/kidnapping victim Katie Calloway.
3. On November 19, 1988, Garrido should have become a suspect in the Micaela Garecht case – who was abducted from market in Hayward, CA (only 20 miles south of Garrido halfway house in Oakland).

4. On December 13, 1988, Garrido's parole should have been revoked when Phillip Garrido's clinical psychologist states that Garrido is "like a pot boiling with no outlet valve."
5. On July 18, 1989, Garrido's parole should have been revoked when the parole officer noted that Garrido was taking prescription drugs without a prescription and that "This officer is concerned that subject may be obtaining unprescribed [sic] medications at the nursing home where he is employed."
6. On August 1, 1989, Garrido's parole should have been revoked when his federal parole agent noted that Garrido was "[b]elieved to be self-medicating."
7. On August 25, 1989, Garrido's parole should have been revoked when his federal parole agent noted that Garrido's urine specimen was "almost water."
8. On September 5, 1989, Garrido's parole should have been revoked when his federal parole agent noted that Garrido's urine test results indicate that specimen may have been diluted.
9. On September 20, 1989, Garrido's parole should have been revoked when his federal parole agent noted that "flushing suspected" regarding Garrido urine samples.
10. On September 22, 1989, Garrido's parole should have been revoked when Garrido's urine tested positive for speed.
11. On September 25, 1989, Garrido's parole should have been revoked when Garrido's urine tested positive for methamphetamine. (Federal parole records do not even show this positive test.)
12. On September 26, 1989, Garrido's parole should have been revoked when his federal parole agent noted that he was advised of "charges of sexual harassment" at Garrido's workplace.
13. On September 28, 1989, Garrido's parole should have been revoked when Garrido's employer informed federal parole agent of three incidents where Garrido approached female employees about going out with him. All the females stated that they were very nervous in Garrido's company and all refused his advances.
14. On October 5, 1989, Garrido's parole should have been revoked when Garrido told parole agent he has been "using speed for about a month...and used pot since his release from ECI....admitted flushing."
15. On October 10, 1989, Garrido's parole should have been revoked when Garrido tested positive for speed.
16. On October 13, 1989, Garrido's parole should have been revoked when Garrido tested positive for amphetamines. (Federal parole records do not even show this positive test.)
17. On November 9, 1989, Garrido's parole should have been revoked when Garrido tested positive for methamphetamine. (Federal parole records do not even show this positive test.)
18. On November 13, 1989, Garrido's parole should have been revoked when Garrido tested positive for methamphetamine. (Federal parole records do not even show this positive test.)

19. On January 12, 1990, Garrido's parole should have been revoked when one of Garrido's co-workers at nursing home quit her job "due to Phillip's attention."
20. On February 5, 1990, Garrido's parole should have been revoked when Garrido missed appointment with parole agent.
21. On February 20, 1990, Garrido's parole should have been revoked when Garrido's counselor informed federal parole agent that Garrido's urine test was "watered down."
22. From February 21 to July 10, 1990, federal parole agents should have made contact with Garrido during this 5 month period.
23. On February 26, 1990, Garrido's parole should have been revoked when Garrido submitted a watered down urine sample. (Federal parole records do not show this incident.)
24. On July 5, 1990, Garrido's parole should have been revoked when Garrido submitted a watered down urine sample. (Federal parole records do not show this incident.)
25. On July 20, 1990, Garrido's parole should have been revoked when Garrido submitted a watered down urine sample. (Federal parole records do not show this incident.)
26. On July 26, 1990, Garrido's parole should have been revoked when Garrido submitted a watered down urine sample. (Federal parole records do not show this incident.)
27. On August 6, 1990, Garrido's parole should have been revoked when Garrido tested positive for speed. (Garrido tells his counselor and parole agent that "someone spiked his drink." Garrido's counselor "feels that subj [sic] was telling the truth in his denial of knowingly using drugs.")
28. On August 16, 1990, Garrido's parole should have been revoked when Garrido submitted a watered down urine sample. (Federal parole records do not show this incident.)
29. On August 20, 1990, Garrido's parole should have been revoked when Garrido submitted a watered down urine sample. (Federal parole records do not show this incident.)
30. August 22, 1990, Garrido's parole should have been revoked when Garrido tells federal parole agent that Garrido "did take drugs at the party..."
31. On September 6, 1990, Garrido's parole should have been revoked when Garrido submitted a watered down urine sample. (Federal parole records do not show this incident.)
32. On September 10, 1990, Garrido's parole should have been revoked when Garrido submitted a watered down urine sample. (Federal parole records do not show this incident.)
33. On September 20, 1990, Garrido's parole should have been revoked when Garrido submitted a watered down urine sample. (Federal parole records do not show this incident.)
34. On November 2, 1990, Garrido's parole should have been revoked when federal parole agent was informed that Garrido no longer working at nursing home and that employees have reported that Garrido has contacted them looking for connections to purchase drugs.

35. On October 4, 1990, Garrido's parole should have been revoked when Garrido submitted a watered down urine sample. (Federal parole records do not show this incident.)
36. On January 30, 1991, Garrido's parole agent should have stepped up his supervision of Garrido when he noted that he met with Garrido and that he "did not seem honest. It was almost as if he was putting on an act."
37. On February 15, 1991, Garrido's parole agent should have stepped up his supervision of Garrido when he noted that he met with Garrido and his wife stating, "This is a strange couple. I have an uneasy feeling with this guy. Everything he says seems to be an act."
38. May 15, 1991, the Garrido parole agent visited the Garrido's recording studio, noting "[t]hey took me on a tour of the place, showing his cording [sic] studio which although small is very well equipped." (Note: this is the same recording studio that Garrido used to lock up Jaycee Dugard for over a year.)
39. On June 10, 1991, Garrido parole agent should have notified South Lake Tahoe investigators and the FBI that his parolee Phillip Garrido is a repeat kidnapper and rapist with several prior victims in South Lake Tahoe.
40. On December 13, 1991, when conducting a very brief home visit of the Garrido residence, should have conducted a search of the residence including the recording studio which he had seen back on his May 15, 1991, visit. Further, the federal parole agent should also have questioned Garrido as to why the kidnap car (parked at the Garrido residence from June 10, 1991 until August 2009) was not listed as one of Garrido's vehicles on the "Supervision Report" filled out by Garrido on a monthly basis.
41. On February 10, 1993, Garrido's parole should have been revoked when Garrido failed to show up for appointment with parole agent.
42. April 1, 1993, Phillip Garrido is arrested for violation of parole.
43. On April 14, 1993, federal parole agent sends recommendation to US District Court that the parole revocation charges against Mr. Garrido are "basically technical violations" and that Garrido's recent incarceration has "had a powerful and positive impact" on him. Moreover, the federal parole agent recommended "that the parolee be released back to the community at the earliest possible time, and place on electronic monitoring as an appropriate sanction." (See Attachment #11)
44. On April 30, 1993, Phillip Garrido was released from his one month in custody. Within less than one week of his release from custody, Phillip and Nancy Garrido videotaped a young 5 year old girl in the back of their van. Nancy Garrido admitted that the taping was done for Phillip Garrido's sexual needs and admitted that several other girls had also been in the back of their van. (See digital media Attachment # 12 re park video, van video and portions of Nancy Garrido interview.)
45. On July 28, 1993, Garrido's parole should have been revoked when his federal parole agent notes that Garrido provided a "cold and appeared to be altered sample" for his drug test. Agent also notes in pertinent part that Garrido "may be using illegal substance as well.... Potential danger in the community is high."

46. On August 11, 1993, Garrido's parole should have been violated when his federal parole agent informed that Garrido had a positive test for methamphetamine from his July test. The parole agent notes that he needs to "review the subject's drug aftercare condition and see if the defendant has tested positively previously." (The agent should have easily noted that here were at least 11 prior instances of either positive tests, illegal use of prescription drugs, or attempts to alter tests by flushing or watering down. And, Garrido admitted in 1989 to using marijuana since his release, using speed, and flushing.)
47. From September 11, 1993 to March 10, 1994, Garrido's federal parole agent should have contacted Garrido during this 6 month period.
48. On March 16, 1994, Garrido's federal parole agent should not have reported that, "There have been no problems reported since August 1993..." (As it is hard to find problems with Garrido's conduct if you have had no contact with Garrido for past 6 months.)
49. July 29, 1994, the supervisor of Garrido's federal parole agent should have reviewed the file more closely to see that the parole agent was not doing a good job. If the supervisor had been doing her job then she would not have noted, "Good job for P.O. in monitoring Defendant and treatment. Tough case!" (Only one month later, 14 year old Jaycee Lee Dugard gave birth to first child fathered by Garrido.)
50. May 4, 1995, the parole agent conducted the first home visit of Phillip Garrido in over 3 and a half years. Had the federal parole agents been doing their job and searching the residence (and the recording studio they were aware of) then they would have found Jaycee Lee Dugard imprisoned in the back yard.
51. On September 25, 1995, federal parole agent should not have relied upon Garrido counselor who stated that she does not feel that Garrido is a danger to society and that he no longer needs her counseling services.
52. From November 13, 1996 to May 29 1996, Garrido federal parole agent should have contacted Garrido during this 6 month period.
53. On May 30, 1997, federal parole agent conducts the first home visit in over 1 ½ years. Had the federal parole agents been doing their job and searching the residence (and the recording studio they were aware of), then they would have found Jaycee Lee Dugard imprisoned in the back yard, pregnant with her 2nd child.
54. From May 31, 1997 to November 15, 1998, Garrido federal parole agent should have contacted Garrido during this 5 month period.
55. On November 16, 1997, federal parole agent should not have relied upon Garrido psychiatrist who stated that he has been treating Garrido since September 1993 and that Garrido's "prognosis is excellent.... I do not suspect he will ever be at risk for violence. ." (On November 13, 1997, 17 year old Jaycee Lee Dugard gave birth to her second child fathered by Garrido.)
56. From November 17, 1997 to August 26, 1998, Garrido federal parole agent should have contacted Garrido during this 9 month period.

57. On November 17, 1998, Garrido federal parole agents should have searched the Garrido residence to look for the Antioch kidnapping/murder victim, 15 year old Lisa Norrell.
58. From November 19 to May 3, 1999, Garrido federal parole agent should have contacted Garrido during this 5 month period.
59. On May 3, 1999, federal parole agent should not have terminated Garrido's parole supervision, and federal parole agents should have conducted more than 10 home visits in 11 years of federal parole supervision.

NEVADA PAROLE

The State of Nevada Division of Parole and Probation never directly supervised Phillip Garrido. Over the years, they received updates on Garrido's status while in federal prison, status while on federal parole, and status updates while on CDCR parole supervision. When Phillip Garrido's federal parole supervision ended in 1999, and prior to CDCR parole supervision (there was about a 3 month lapse), he tried to convince Nevada State parole to end supervision and parole altogether. Garrido sent them a letter and included his glowing 1997 evaluation and prognosis from one of his psychiatrists. It is clear that from Nevada state parole's perspective Garrido had "positive parole performance" and that he "has managed to change his behavior. (See Attachment #13 for reference.)

CDCR PAROLE SUPERVISION

(May 1999 to August 2009)

In November 2009, the California Office of Inspector General prepared a special report on the California Department of Corrections and Rehabilitation's Supervision of Parolee Phillip Garrido. (This report is attached hereto for reference as "Attachment #14.) Upon review of this report, it appears to be a fairly accurate and complete analysis of the CDCR parole supervision of Phillip Garrido. (A video of a CDCR parole agent conducting a search of the Garrido residence in 2008 was previously released by the El Dorado County District Attorney's Office and is attached to this report as Attachment #12)

SUMMARY OF FAILURES OF THE PSYCHIATRIC PROFESSIONALS

AND THEIR FLAWED ANALYSIS OF PHILLIP GARRIDO

- During Phillip Garrido's 1977 jury trial for the kidnapping and rape of Katie Callaway, psychiatrist Charles Kuhn testified, on Garrido's behalf, that he thought Garrido "did not have adequate control to conform his behavior" and that because of a mental disease or defect he lacked the substantial capacity to conform his conduct to the requirements of the law. If the jury had believed this testimony, it would have meant that Garrido would have been legally insane and he would not have been sentenced to prison at all. Dr. Kuhn claimed that Garrido suffered from "impulse neurosis" and a mental disorder of "sexual perversion." Shockingly, Dr. Kuhn stated that the other bad acts by Garrido, specifically including the attempted kidnap and rape one hour prior, would have no influence over his opinions whatsoever.

- Only one year after being sentenced to 50 years in Federal Court and five-to-life in Nevada State Court, Garrido was evaluated by Dr. J.B. Kiehlbauch who was clearly very impressed by Garrido. (See Attachment #2 for reference). The report of Dr. Kiehlbauch was part of a 1978 motion by Garrido to reduce his prison sentence. Garrido included a handwritten letter to the Court, stating: "In 1969 marijuana was reaching out to the rural area in Calif." (note that it is the drugs coming to Garrido and not the other way around); "The drugs would bring more asocation [sic] and in turn more contact with drugs" (once again it is the drugs that made him do more drugs, not his choice or his fault); "Slowly it began to take me to another style of living and thinking" (it, the drugs, took him – not his fault...not his choice); "On my own I have been seeing Dr. Kiehlbauch of Men. Health... In all respects my life has changed... Drugs have been my down fall. ... But my future is now in control" (This is the classic manipulation by Garrido – say the right things, blame the drugs, then says that his life has changed.) In Dr. Kiehlbauch's report, he noted: "Highly significant is Mr. Garrido's record of accomplishment in training, education, and treatment since his arrival here in September 1977. ... The incomplete Sentences Test reflects Mr. Garrido as a sensitive young man who is deeply committed religiously and goal oriented in management of life problems and aims. ... all indications are that he is conducting his affairs in accord with the principles implied therein. ... [he] appears to have reoriented his life dramatically from the derogatory pattern which characterized him earlier. ...he has been able to sublimate impulses quit well, and depth of control is sufficient to sustain him here or in the free societal situation. ... All things considered, then, this examiner recommends... a recommendation that he be paroled..." Dr. Kiehlbauch's recommended parole for Phillip Garrido after only one year in prison is the perfect example of why psychiatrist opinions should be permanently devalued (or eliminated entirely) in the criminal justice system. This report becomes part of Garrido's record analyzed by the Board of Parole Commissioners.
- February 14, 1986, psychological evaluation notes that "Mr. Garrido does not evidence ingrained pattern of criminal behavior nor is he presently displaying signs of serious emotional disorder. His past criminal activity appears to have derived more from poor coping skills and associated drug involvement rather than from a desire to harm others." (I am sure all of Garrido's past victims would strongly disagree that his rape and kidnap of them was due to poor coping skills.) It was also stated, less than 9 years into prison sentence, that "...Mr. Garrido may very well be an appropriate candidate for parole. This report becomes part of Garrido's record analyzed by the Board of Parole Commissioners.
- June 29, 1988, Garrido was evaluated by psychologist who ultimately finds that Phillip Garrido is an above average inmate who is likely to benefit society (i.e. raise a family, work, and not return to criminal behavior). This report becomes part of Garrido record analyzed the Board of Parole Commissioners.
- July 1988, Nevada Institution Progress Report only references Garrido's prior marijuana convictions and finds that "Phillip Garrido is a good candidate for parole at this time. He has participated in numerous psychology and drug abuse programs during his incarceration. He has continued his programing efforts by teaching a self-image psychology class to the Street Readiness Program at this institution."

- July 21, 1988, the Nevada Parole Board (made up of two psychiatric professionals) states that Phillip Garrido can be “certified as not contributing a menace to health, safety and morals of society.”
- March 1989 until September 1995, Garrido sees the same marriage and family counselor, up to eight times a month for over six years. Garrido continues to see this counselor, who repeatedly makes excuses for his drug use and behavior and provides a multitude of ongoing positive evaluations for years after the June 1991 kidnapping and imprisonment of Jaycee Lee Dugard.
- October 1989, psychological report notes that Garrido “could easily be mistaken, at first glance, for a Contra Costa County yuppie.”
- June 7, and June 14, 1991, (right before and after the kidnapping of Jaycee Lee Dugard) counselor notes that Garrido’s relationship with his wife is becoming more balanced in a way that is satisfying to both Garrido and his spouse.
- July 1991, Garrido has three meetings with his counselor, who states that Garrido’s relationship with his wife “is growing and changing in a healthy manner.”
- September 1991, three meetings with counselor who states that Garrido is doing well and appears stable.
- October 1991, three meetings with counselor who states that Garrido appears stable and general prognosis can be considered good.
- November 1991, two meetings with counselor who states that Garrido continues to do well.
- December 1991, meeting with counselor who states that Garrido continues to do well.
- January 1991, meeting with counselor who states that Garrido appears fairly stable at this point in time.
- February 1992, two meetings with counselor who states that Garrido’s relationship with his wife seems stable.
- April 30, 1993, meeting with counselor who notes that Garrido’s “[p]rognosis for remaining crime free continues to be good.” (Less than one week later, Phillip and Nancy Garrido videotape a young 5-year-old girl in the back of their van. Nancy Garrido admitted that the taping was done for Phillip Garrido’s sexual needs and admitted that several other girls had also been in the back of their van on other occasions.) (See Attachment # 12.)
- September 1993, Garrido begins sessions with another psychologist who he continues to see for 16 years until 2009, who gave a multitude of ongoing positive evaluations for years during the imprisonment of Jaycee Lee Dugard.
- October 1993, five meetings with counselor who states that Garrido’s “prognosis is good.”
- November 1993, four meetings with counselor who states that Garrido’s “Relationship and home environment are stable... Prognosis is good.”
- December 1993, four meetings with counselor who states that Garrido’s relationship with his wife “remains supportive and strong... Prognosis is good.”
- January 1994, four meetings with counselor who states that Garrido “appears to be doing well...”
- February 1994, three meetings with counselor who states that Garrido “had a fairly stable month.”

- March 1994, four meetings with counselor who states that Garrido “continues to do well... No desire seems evident nor has there been any indication of use for approximately one year.” (It was later learned that Phillip Garrido would wear a fake penis and use warm Mountain Dew to fool the urine tests conducted with this counselor.)
- April 1994, five meetings with counselor who states that Garrido “prognosis is good.”
- May 1994, four meetings with counselor who states that Garrido “[c]ontinues to look good and appears to be stable at this time...Prognosis is good.”
- June 1994, four meetings with counselor who states that Garrido’s “[p]rognosis is good.”
- July 1994, four meetings with counselor who states that Garrido “continues to make slow steady improvement...Prognosis is good.”
- August 1994, four meetings with counselor who states that Garrido “appears to be generally doing well.” (This is the month that 14 year old Jaycee Lee Dugard gave birth to first child fathered by Garrido.)
- September 1994, four meetings with counselor who states that Garrido “continues to do well...Prognosis remains good.”
- October 1994, three meetings with counselor who states that “client is looking very stable... Prognosis is good.”
- November 1994, two meetings with counselor who states that Garrido “appears stable...clients behavior has changed in a positive and clearly demonstrable way over the past couple of months...Prognosis is good.”
- December 1994, two meetings with counselor who states that Garrido “was clearly stable...Prognosis is good.”
- January 1995, three meetings with counselor who states that Garrido “[p]rognosis is good.”
- February 1995, one meeting with counselor who states that Garrido “continues to appear stable at this time.”
- March 1995, three meetings with counselor who states that Garrido “continues to do well...appears stable...Prognosis remains good.”
- April 1995, one meeting with counselor who states that Garrido “continues to be functioning in a stable manner...Prognosis is good.”
- March 1995, three meeting with counselor who states that Garrido “continues to do well...Relationship [with wife] remains strong and stable.”
- June 1995, two meetings with counselor who states that Garrido “continues to do well... Prognosis is good.”
- July 1995, two meetings with counselor who states that Garrido “clearly appears more stable at this time... Recommend decreasing sessions to one time per month.”
- August 1995, one meeting with counselor who states that Garrido “appears stable...[r]elationship continues to be strong... [r]ecommend one additional session over the next month leading to treatment termination. Prognosis can be considered to be good.”
- September 1995, one meeting with counselor who states “[g]iven clients length of time in treatment, prognosis for long-term progress can be considered good.”

- November 13, 1997, Garrido psychiatrist (who he saw from 1993 to 2009) states that Garrido's "response to treatment is excellent. His prognosis is excellent... I do not suspect he will ever be at risk for violence." (Coincidentally, on November 13, 1997, 17 year old Jaycee Lee Dugard gave birth to her second child fathered by Garrido.) This report by the psychiatrist on November 13, 1997, appears to be one of the reasons that Garrido was released off Federal Parole in 1999. This psychiatrist continued to see Garrido for the next 12 years, giving him positive reports and never having a clue that Garrido had Jaycee Lee Dugard and her two children imprisoned in the back yard.
- On September 25, 2010, counsel for Defendant Phillip Garrido declared a doubt as to her client's competency and El Dorado County Superior Court, Department 7, suspended proceedings. This declaration of doubt was based in part upon a psychiatrist evaluation that Phillip Garrido was incompetent (that he did not understand the nature of the proceedings and could not assist his counsel in his own defense.) This psychiatric opinion that Garrido was incompetent, showed that even in 2010 Garrido could still manipulate the system and manipulate (at least some) in the psychiatric profession. The psychiatrist's opinion asserting Garrido was incompetent did not change even though he was made aware of the following information which was provided to him by the El Dorado County District Attorney's Office:
 1. The psychiatrist was provided information about the fact that when the Garrido home was searched in August of 2009, they found a 2005 newspaper article detailing the Elizabeth Smart kidnapper's recent declaration of a doubt. This clearly showed Garrido's plan to manipulate the legal system. (See Attachment # 15.)
 2. The psychiatrist was provided information about Garrido's 1972 rape and kidnap case, the June 1976 rape and kidnap case, the November 1976 attempted rape and kidnap case, and all the details of the November 1976 kidnap and rape of Katie Callaway-Hall.
 3. The psychiatrist was provided information about Garrido's 1977 trial for the rape and kidnap of Katie Calloway and all the information about his attempted manipulation of the system in that case.
 4. The psychiatrist was provided all relevant records regarding Phillip Garrido's prior Federal prison term, federal parole supervision, CDCR parole supervision, and every psychiatric report available to the prosecution regarding Phillip Garrido.
 5. The psychiatrist was also provided information that while serving his prison term, Defendant Phillip Garrido learned about the teachings of psycho-cybernetics, (which appeared oddly similar to Garrido's recent writings), as well as a book on psycho-cybernetics highlighted by Phillip Garrido.
 6. The psychiatrist was also provided information that the El Dorado County Jail employees stated that they all believe that Defendant Garrido is "putting on an act."
 7. The psychiatrist was also provided information about a handwritten note from Defendant Nancy Garrido that states an apparent four part plan that includes clarification of "how they rape Allissa"...and to "[l]ay out case of schizophrenia."

Nevertheless, even after all of this information was provided to the psychiatrist, Garrido was still able to fool him and appear incompetent. Again and again and again Phillip Garrido manipulated the legal system and the psychiatric professionals within that system. Many times, the psychiatric evaluations are flawed because they are not objective and rely upon the words and conduct of a prisoner who has a motive to lie. The oversight of the psychiatrist and manipulation by Garrido are just examples of the limits of psychiatry in the criminal justice system. Far too often, these psychiatric reports are taken as gospel, and overly relied upon by parole boards (and many others in the criminal justice system). Phillip Garrido is just one glaring example.

SUGGESTED CHANGES

THE CURRENT STATE OF THE LAW

PAROLE SUITABILITY HEARINGS FOR PRISONERS SENTENCED TO LIFE

TODAY: THE RULE IS RELEASE

Currently, Penal Code section 3041(b) requires that the Board of Parole Hearings “**shall set a release date unless** it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of the public safety requires a more lengthy period of incarceration for this individual.” [Emphasis added.] The Board of Parole Hearings [hereinafter “board”] considers factors laid out in Title 15 Cal. Code Reg. section 2402 in making the determination of the prisoner’s suitability for parole. However, the courts have established that “release on parole is the rule, rather than the exception. (*In re Rodriguez* (2011) 193 Cal.App.4th 85, 92, citing *In re Lawrence* (2008) 44 Cal.4th 1181, 1204.)

Section 2402, subdivision (a) of the Cal. Code of Regulations specifically provides that the panel “shall” first determine whether the prisoner is suitable for parole, but notes that a prisoner shall be found unsuitable for parole if the panel finds that the prisoner would pose an unreasonable risk of danger to society if released on parole. Section 2404, subdivision (b) lists information that may be considered by the board in reaching its decision, including in pertinent part: “shall include the circumstances of the prisoner’s social history; past and present mental state; past criminal history, including involvement in other criminal misconduct which is reliably documented; the base and other commitment offenses, including behavior before, during and after the crime; past and present attitude toward the crime; any conditions of treatment or control, including the use of special conditions under which the prisoner may safely be released to the community; and any other information which bears on the prisoner’s suitability for release.” Subsection (c) of Section 2402 provide in relevant part the circumstances that the board may consider that would tend to demonstrate that a prisoner was unsuitable for parole, including the commitment offense.

Although the language in section 2402, subdivisions (b) and (c) lists the commitment offense as a factor to be considered in the determination of parole suitability, the courts have interpreted how the board may consider it in reaching its decision on suitability. In August 2008, the California Supreme Court decided *In re Lawrence*, supra, 44 Cal.4th 1181. In the *Lawrence* case the court restricted the

board's ability to consider the commitment offense by finding that the Board **may not base a parole denial solely upon the circumstances of the offense**, or other immutable facts, unless those facts support the ultimate conclusion that the inmate continues to pose an unreasonable risk of safety if released on parole. (*Id.* at p. 1221.)

Notwithstanding this rather detailed statutory and regulatory framework, parole release decisions are essentially discretionary. The decision is the Board's attempt to predict, by subjective analysis, the inmate's suitability for release on parole. (*In re Criscione* (2009) 180 Cal.App.4th 1446, 1457, citing *In re Rosenkrantz* (2002) 29 Cal.4th 616, 655.) Such a prediction requires analysis of individualized factors on a case-by-case basis and the Board's discretion in that regard is almost unlimited. (*Ibid.*)

The discretionary nature of parole hearings, coupled with the Courts' restrictions on the consideration of the commitment offense, has on numerous occasions resulted in the release of an inmate who still posed a danger to society and who should have remained incarcerated.

SUGGESTED CHANGES TO THE PAROLE SUITABILITY REGULATIONS

THE RULE SHOULD NOT BE RELEASE

THE RULE SHOULD BE TO PROTECT THE PUBLIC

In an effort to prevent the further release of life prisoners who still pose an unreasonable risk to the safety of the public, changes must be made to the statutes and regulations governing these parole suitability hearings. These changes are necessary to protect the public and continue to provide justice to the victims of the crimes for which these prisoners were given a life sentence. The rule is release – and, this rule must change.

Since the *Lawrence* ruling in 2008, the number of parole grants from 2008 to 2010 is more than all the parole grants from 1980 to 2004. Astonishingly, over the last 32 years, 42% of all parole grants have occurred since 2008 (See Attachment #16.)

To begin with, the language in Penal Code section 3041, subdivision (b) currently provides that a prisoner shall be granted parole, unless it can be shown that public safety requires a lengthier sentence. This presumption for parole creates the first misstep in the protection of the public. The prisoner has been sentenced to a life term, but given a possibility for parole. This does not provide a right to parole, but merely an opportunity. As such, it follows that the presumption would be for a life sentence, unless the prisoner can demonstrate that public safety will not be affected by his or her early release. This places the burden on the prisoner to show why release is appropriate, rather than on the victims and the People of the State of California to once again show why this individual is dangerous to the public.

In addition, the language in the statutes and regulations should once again direct the board to consider the commitment offense itself in determining the suitability for parole. In the aftermath of *In re Lawrence, supra*, 44 Cal.4th 1181, the court has repeatedly held that the "immutable" facts of the commitment offense are not appropriate to consider unless used in determining current dangerousness.

However, what could be a more appropriate consideration for future dangerousness to the public than looking at what an individual has already done while out in society. Instead, the court directs the board to look at the prisoner's institutional behavior; behavior which has no bearing on how a prisoner will behave outside the highly structured and regulated prison walls. To correct this error, the language in section 2402 should reflect the unequal significance of these two factors. A board should be allowed to give more weight to the demonstrated behavior in the society to which the prisoner will be returned, rather than that behavior in prison that has been constantly monitored, regulated and structured.

Further, the board should be directed not to continue to utilize the prisoner's own version of the commitment offense as the "facts" of what occurred for the life crime. The board must be directed to utilize a reliable source such as police reports or probation officer reports. Currently it is the inmate's version that is read and re-read into the record and considered to be a reliable representation of the commitment offense. These versions are seldom reliable and often self-serving. Moreover, the official record should consider and reflect the multiple versions that the inmate has given throughout the parole hearings held.

Finally, the board currently considers the past and present mental state of the prisoner. In most cases this is received in the form of psychiatric evaluations done periodically with the prisoner. Most evaluations are approximately an hour in length and assess the potential risk for future dangerousness. The board often places substantial weight on these evaluations. However, this substantial weight is misplaced. Much of the evaluation is based on the prisoner's own version of the commitment offense and upon the prisoner's self-reported history. Again, these are more often than not unreliable. Instead, the board must be directed to give these evaluations less weight than the commitment offense, because again the most reliable prediction of the future behavior of the inmate is that which brought them to prison. Should these psychiatric evaluations continue to be conducted, however, they should be given less weight in determining parole suitability than more reliable determination of behavior, such as the commitment offense.

CONCLUSIONS

The Phillip Garrido case exposed many of the problems and failures of law enforcement. It would be easy to try to ignore these failures and problems as just an example of one bad, unfortunate situation. But, one must remember that up until August 25, 2009, Phillip Garrido a complete success story of a reformed criminal. His case has exposed many of the problems in the criminal justice system. Fortunately, there have been many significant and important changes in the law that have provided a major step in the direction necessary to correct the mistakes that were so evident with the Phillip Garrido case. And, as noted above, both federal and state parole have each stated an interest and commitment to making fundamental changes in their respective parole supervision systems.

The El Dorado County District Attorney's Office, along with the El Dorado County Sheriff's Office, has made every effort to obtain an accurate picture of Phillip Garrido and have found mountains of evidence to prove that he is a dangerous sexual predator. The crimes committed by Phillip Garrido against known victims are extensive. But, we have to ask ourselves - what is the likelihood that law

enforcement caught Garrido in the only five kidnap and rape crimes/attempts he has ever committed? In his interview with El Dorado County Sheriff's Detectives Phillip Garrido alluded to many additional crimes that may never be solved. The terrifying reality is that we are only looking at the tip of the iceberg with Phillip Garrido.

Even though some fundamental reforms have already been instituted, it is clear that more changes need to be made. The fact is that under the current system, a criminal like Phillip Garrido would still be evaluated by a dysfunctional process that could lead to his release. If Phillip Garrido faced parole under the California Parole system today, they would evaluate him under a flawed system that: (1) Puts the burden upon the parole board to prove dangerousness; (2) overvalues institutional adjustment and psychiatric evaluations; and, (3) gives little real consideration or weight to the circumstances of the offense and the inmate's reliable past criminal history. Garrido would be evaluated under a system that even in 2011 still rated him a "Moderate-Low" risk category, even after he kidnapped and imprisoned an 11 year old girl for 18 years. Today, the rule is release. That rule needs to be changed. Protection of society should be the rule. Modification of the parole review process is the first step of many that needs to be taken to ensure that our society is protected from sexual predators like Phillip Garrido and other violent criminals like him.

ATTACHMENT # 1

Jaycee Lee Dugard was the 5th identified victim (the 4th in SLT)

VICTIM #3: 11/22/76 Attempted Rape & Kidnap

VICTIM #2: 6/7/76 Rape & Kidnap

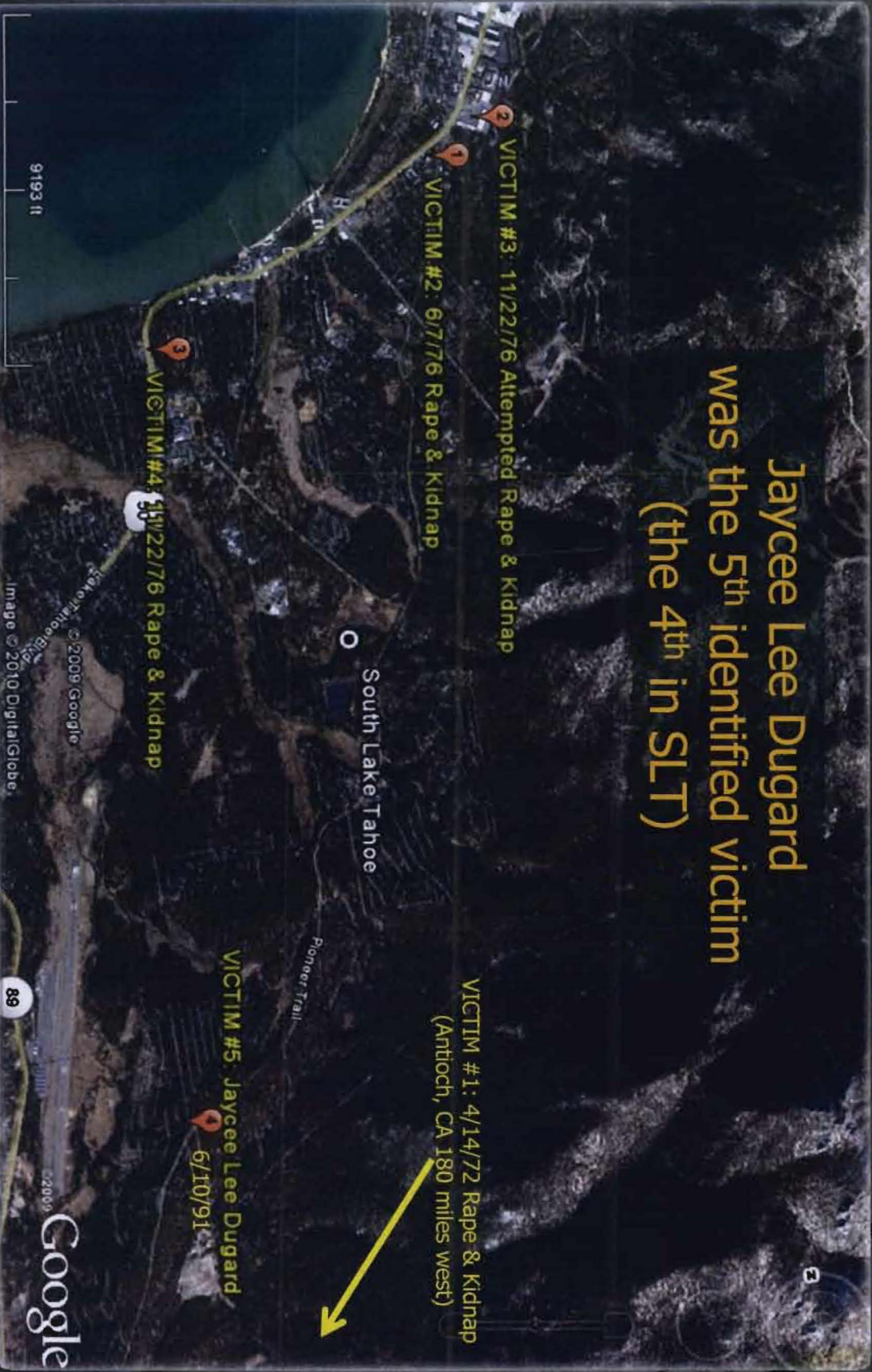
VICTIM #4: 5/11/22/76 Rape & Kidnap

VICTIM #1: 4/14/72 Rape & Kidnap
(Antioch, CA 180 miles west)

VICTIM #5: Jaycee Lee Dugard
6/10/91

South Lake Tahoe

Pioneer Trail



9193 ft

Image © 2010 DigitalGlobe

89

Google

ATTACHMENT # 2

Honorable: Bruce R Thompson

When living at home and going to school, my life was free from the influences of drugs. I had been raised in the country and lived in a very clean home. I was the baby of the family and spoiled in the long run.

In 1969 marijuana was reaching out to the rural area in Calif. From that point on my life was slowly changing. The drugs would bring more association and in turn more contact with drugs. It wasn't long before a few months passed and L.S.D. had become a part of my life.

Slowly it began to take me to another style of living and thinking, in the long run I lost much of my reasoning powers. Seven years of using made me fall from reality.

On my own I have been seeing Dr Kuehlbauch of Men. Health. We have private one hour sessions, in which we have progressed very well.

At this time I have started and finished high school in order to prepare for college.

I have been working at the carpenter shop as I desire to learn the trade. So I have enrolled in an apprentice carpentry program lasting four years. Along with that I enrolled in drafting school as I felt it was a very important part of carpentry.

This summer I start college. After my four years of drafting and carpentry I plan on a two year computer course.

I have set my goals and find myself well on my way. It shall take seven years of schooling

to complet these courses.

In all respects my life has changed. Of course that is because I wanted to, knowing this is my chance to get my life in line. Drugs have been my down fall. I am so ashamed of my past. But my future is now in control.

If I may please, all I ask is to be given the chance. By writing and asking for a report on me from Dr Hehlbauch and all departments would be giving me the fairest examination I could hope for.

Sincerely
Phillip C Garrido

PSYCHOLOGICAL EVALUATION

GARRIDO, Phillip

Reg. No. 36377-136

04-17-78

REFERRAL: Mr. Garrido is referred for psychological assessment by Assistant United States Attorney Leland E. Luffy, in connection with a motion for reduction of sentence currently under consideration. The request is made in behalf of United States District Judge Thompson, of the District of Nevada, and no specific referral question is asked.

HISTORY AND BEHAVIORAL OBSERVATIONS: Mr. Garrido presents in the interview situation as an adequately nourished and pleasant appearing 27 year old Caucasian male who looks his stated age. He is verbal from the outset of contact, being known to this examiner in a treatment situation since September, 1977. He is cooperative, candid, and volunteers information readily, even if self-critical, over all the contacts held in this evaluative process. Somatic complaints are denied, and Mr. Garrido follows a very active work and leisure activities schedule and seems quite healthy in his interests.

History is as reported elsewhere, so does not bear repetition here. Significant is that since his seventeenth year and prior to the instant offense, Mr. Garrido was extensively involved in the use of hallucinogenic and psychotomimetic drugs, and, to a lesser extent, the subculture that evolves around persons of that orientation. The only two arrests in his history which preceded the instant offense were drug related and involved jail time and probationary dispositions. There is currently an active detainer from Nevada for the included offense of Forcible Rape in the instant matter.

Mr. Garrido is the product of a prosocial middle class family, now broken, from which he inculcated generally appropriate values, though he describes himself as over-condoned and pampered by his parents. A high school graduate, he has had no military service or work record of consequence, describing himself as a "semi-professional musician". There is a current marriage of unknown prospect, and no children have resulted from it. One brother from the family has encountered no difficulties with law enforcement.

Highly significant is Mr. Garrido's record of accomplishment in training, education, and treatment since his arrival here in September, 1977. He has achieved conspicuously in educational self-development, on-the-job training in carpentry, and in a drafting vocational training course which is current. He has become active in the group of inmates participating in Jehovah's Witness religious ceremonies, and impresses as very absorbed in their doctrine and behavioral proscriptions. He has been regular, active, and highly productive in psychological treatment which, in light of the length of his current sentence, has been addressed toward developing basic personality strengths, resolving immediate conflict areas, and familiarizing him with the significance of his lifestyle patterns. He is acutely conscientious in the exercise of all activity areas; his prime concern at the instant series of testing contacts was that he was taking a very great deal of time away from his work detail responsibilities, so inconveniencing his supervisor.

The only current sequel to the prolonged and extensive drug use noted is a series of "flashback" experiences involving feelings of depersonalization and mild hallucinations. These are diminishing both in frequency and severity over time, and any organic effects which resulted from the drug use seem to be in a positive reversal process. The instant interviews reveal no indication of a functionally psychotic state, past or current, or of debilitating organic syndrome activity.

TESTS ADMINISTERED: The Wechsler Adult Intelligence Scale, Minnesota Multiphasic Personality Inventory, Bender Motor Gestalt Test, Roter Incomplete Sentences Blank, Thematic Apperception Test, Rorschach Psychodiagnostic Instrument, and Mental Status Examination.

TEST RESULTS: Testing reveals an Intelligence quotient at the upper end of the average range (numerically, 110) for Mr. Garrido. This impresses as consistent with his verbalizations and mannerisms, though it seems likely that his functional intelligence is progressively improving with his recovery from drug effects and with progression in educational pursuits.

The Minnesota Multiphasic Personality Inventory shows all clinical scales within normal limits (two standard deviations beyond the mean) for Mr. Garrido. The validity scales show an elevation on L (lie scale), items from which were specifically discussed with him and reconciled satisfactorily for their significance to him. In addition, 12 omissions in the protocol were discussed and their significance resolved in such a fashion as to reflect not only a healthy outcome, but a comparatively healthy approach to the overall testing circumstance.

The Bender Motor Gestalt Test, administered due to presumptive organicity, produces a non-remarkable outcome from the standpoint of the likelihood of organic brain syndrome activity. Considerable dependency was reflected in this testing approach with the psychology intern administrator, and direction of activity and approval seeking behaviors were a strongly recurrent phenomena. The protocol reflected careful attention to detail and manner of presentation without significant derogatory indicators.

The Incomplete Sentences Test reflects Mr. Garrido as a sensitive young man who is deeply committed religiously and goal oriented in management of life problems and aims. Suggested is a driven quality to his commitment, that is, when he commits to a cause or purpose, he tends to approach it with extreme zeal and diligence, so might appear personally rigid or even compulsive in many of his pursuits. Appropriate degrees of secondary narcissism and considerable conflict with regard to his current marital situation are also clear in the responses to items.

The Thematic Apperception Test buttresses these observations, reflecting a strong identification with stimuli, heavy reliance on symbolic aspects of the pictured situations presented, and an active imagination but tentative approach to story construction. Invitations to hostile interpretation were avoided or dealt with secondarily by Mr. Garrido, reflecting his characteristic tendency to exercise the defenses of denial and negation in areas of hostile sensation or expression. Even with those items that impacted him emotionally, he showed a good ability to reconstitute and reconstrue situations so as to make them palatable in expression.

for himself. The depth of his religious commitment and its impact on his life philosophy are clear in the protocol developed, and his style of dealing with these phenomena is, on balance, quite healthy.

The Rorschach performance produces a 22-response protocol with characteristically low latencies that reflect a positive test taking approach and performance. Responses are essentially form determined (97%) and follow a characteristic progression from whole through large to rare detail in perception and reporting. Secondary identification of percepts is accurate and positive, and a portion of animal responses less than 30% suggests an active imagination and good reality testing capabilities. Somewhat less movement than expected is observed; his level of functional intelligence is underestimated from this protocol. The arousal quality of color cards is evident for him, 45% of responses made being to full color presentations. Nonetheless, responses even to those cards are essentially form determined and appropriate in content, suggesting a non-remarkable ability to handle usual arousal situations. Content analysis suggests an appropriately emotional response to the conflict areas noted heretofore, with adequate depth of control and a tendency toward need resolution through non-deleterious fantasy activities.

Mental Status Examination reveals a positivistic and prosocial attitudinal structure in a man whose manner is dependently cooperative and sincere. Personal style suggests a measure of personality constriction and rigidity for Mr. Garrido, but is consonant in all respects with his strongly held religious belief and depth of commitment to current life pursuits. Mood is concerned but confident of positive outcomes as a result of his endeavors, and affect, while labile, is appropriate to content under discussion. Relationships with those present are very positive; he is an affable and likeable young man whose bearing excites the positive regard of others. Self concept is verbalized as in a process of correcting recognized personal faults and working to redevelop his functional mental capacities. He sees himself as one whose life is and will be based on his strongly held religious beliefs, and all indications are that he is conducting his affairs in accord with the principles implied therein. Aspirations for ten years hence are positive and generally non-remarkable; he aspires to work in computer science and sees an orderly progression of skill development to attainment of those capabilities. Recent memory is intact, though some deficiencies in remote memory reflect the long term abuse syndrome discussed earlier. The sensorium is clear and orientation in the spheres of time, place, and person very adequate. Delusions and hallucinations are denied and absent from evidence, and there is evidence neither of tangential thinking nor loosening of associations in his verbal portrayal of himself.

As noted via behavioral observation, current testing indications are absent of signs of past or current functional psychosis or of serious organic brain syndrome activity.

SUMMARY: In overview, Mr. Garrido is a young man of average intelligence who presents a well controlled and goal oriented pattern of personality function at this evaluation. Aspects of apparent personality rigidity and constriction are mediated by his deeply held religious and philosophical convictions and by his strongly disciplined orientation to goal accomplishment. These are in no sense debilitating, and appear to contribute to his healthy function. He has progressed remarkably

well in treatment and in educational and training pursuits during his period of service to date, and appears to have reoriented his life dramatically from the derogatory pattern which characterized him earlier.

There seems little question that Mr. Garrido was a "spotted" child, though he inculcated values and aims appropriate to a prosocial existence during the early formative years. It is characteristic of him to go to extremes in whatever commitments are made or programs are undertaken; depending on the character of pursuit, this can be contributory to excellence or extreme derogation. The current personality picture shows some excessive reliance on defenses of denial and negation, but these are expected to diminish over time with continued treatment and personal growth on his part. Via his religious pursuits, he has been able to sublimate impulses quite well, and depth of control is sufficient to sustain him here or in the free societal situation.

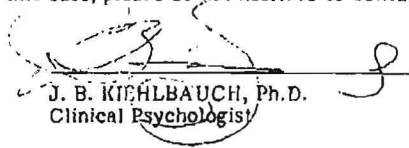
He continues in a process of remitting from long term drug usage and will probably continue to do so for some years to come. At this point in time, only occasional feelings of depersonalization, cognitively construed hallucinations, and nightmares plague him from the earlier toxicity. He is in good management of impulses in the psychosexual realm, and appropriately oriented toward their prosocial expression throughout his future years. In effect, it does appear that the instant offense evolved from the potentiation by drug use of what were comparatively normal drives to abnormal forms of expression and intensity. He has gained measurably with respect to these over his period of service to date, but will, when released, require psychological assistance during his transition to the free societal situation to insure continued growth as he acclimates.

In discussion with Mr. Garrido, this examiner offered to recommend the client's release from incarceration to a program of psychological treatment in the very near future. Interestingly, Mr. Garrido asked that he be permitted another three years of incarceration in lieu of that, in order that he could complete his current program of training and religious development. All things considered, then, this examiner recommends 1) a modification of the current sentence to indeterminate parole eligibility, and 2) a recommendation that he be paroled when treatment and training goals are accomplished unless there is some dramatic change in his condition in the interim. Also recommended whenever he is released, is 3) a program of psychological treatment as part of the transition from institution to community; parole supervision is seen as a positive motivational vehicle for him, though not an imperative for his effecting a prosocial adjustment.

Prognosis for successful transition to the community is considered very good. The likelihood of further extralegal behaviors on Mr. Garrido's part is seen as minimal. It is predicted, however, that in the unlikely event that he would regress toward an unacceptable behavior pattern, he would signal the regression with reinvolvement in substances or patterns deleterious to his prosocial adjustment, so that his supervising officer could be carefully attuned to and intervene hopefully, intervene, any process that might lead to negative acting out.

If there are any further questions in this case, please do not hesitate to contact me.


IAN FLUGER
Psychologist Trainee


J. B. KIEHLBAUCH, Ph.D.
Clinical Psychologist

ATTACHMENT # 3

Garrido, Phillip

- 1-30-91 P.O/V. Subj. came in for first visit with wife Nancy. He displayed an attitude of complete compliance that did not seem honest. It was almost as if he was putting an act. Says he has no problems whatsoever. Wife agreed. Has grand plan to embark on a seminar making career. I told him I wanted to see him on weekly basis. JJJ
- 2-6-91 P.O/V. Subj. came in. I was out to court and didn't make it back in time to see subj. JJJ
- 2-7-91 T/C. Barbara Major.
- 2-15-91 P.O/V. Came in with wife. Says he was upset that I thought things might not be going as well as he makes them appear. I told him that I just want to make sure that things are going well and that I would see him every two weeks instead of every week. Once again his wife is almost totally silent. This is a strange couple. I have an uneasy feeling with this guy. Everything he says seems to be an act. I'll need to see him at home. JUL
- 2-27-91 T. Can't make it because he injured his back. Will come back next week. JUL
- 3-5-91 P.O/V. Came in one early. PO wasn't in the office so subj. met w/ Antwine. Reported no problems. JUL
- 4-8-91 T/C. Spoke to B. Major. Subj. seems to be doing fine. Reports for therapy as directed and no recent problems have surfaced. Jul
- 4-23-91 T. Subj says things are going great. He's anxious for me to make a home visit so he can show me what he's up to. He reports no problems. I told him I might be able to get out to his home w/in two weeks. If not, he's to call me on may 5th. JUL
- 5-5-91 T. Subj. called. Left message.
- 5-8-91 T. To subj. Set up appt. at his home next week. JUL
- 5-15-91 P.H/V. Met w/ subj. and his wife at their home. They seemed ok when I got there but as soon as he began to talk about his recently deceased grandmother he broke down and cried uncontrollably. Just as quickly, he composed himself and went on as tho nothing had happened. They took me on a tour of the place, showing his cording studio which although small is very well equipped. Apparently got lots of help from his mo. Right now he is working for his mo. helping her w/ her rental properties.

ATTACHMENT # 4

CHRONOLOGICAL RECORD OF SUPERVISION

GARRIDO, Phillip

DATE	TYPE	
11-8-88	HV	PO to Antioch, found subject's mother's address: 1554 Walnut Avenue, Antioch, CA, rather than 2255 as subject thought. No one was home. (4450)
11-8-88	C-EV	Clerk at Longtree Convalescent Hospital advised that Director was not available. No inquiries were made of subject.
11-8-88	C-TC	PO spoke with subject's counselor who related that subject had called ECI as required, prior to PO's call (5:10-15). Subject is now allowed to go home from work and maintain contact with ECI by phone
11-9-88	C-TC	Mother called in response to note appointment at her home on Monday, 11/14 at 4:00 p.m., set.
11-18-88	C-TC	The victim of subject's rape called to inquire about subject's status. She saw an individual hanging around (about 4 - 5 p.m.) her office building that she thought was the subject. She expressed fear and concern that subject would find her. Victim had also called ECI (sighted on 11/8 at 4 - 5 p.m.). PO contacted Mrs. Peice where subject is employed. She checked subject's time card which showed that he worked on 11/8 from 7:00 to 3:30 and he was called back to work at 6:00 and remained to 7:30 p.m. (HA/jm - 11/16/88)
11-19-88	C-T	PO on this date spoke with subject's counselor at ECI and it was suggested that subject's monitoring could be increased and the possibility of electronic monitoring has been discussed when subject leaves the program. PO is of the opinion that to subject this individual to electronic monitoring would be too much of a hassle, based on the hysteria, or concerns of the victim when all indications point to the fact that subject was no where near the victim's workplace. This will be discussed at a future date with the staff of ECI, including Dr. Komms. (HA/jm - 12/9/88)
12-9-88	C-CV	Victim of subject's offense viewed picture of subject to be positive that the individual she encountered while working was not subject. Victim stated that there was a great similarity, but it was not the subject she saw.
12-13-88	C-GV	PO met with ECI psychiatrist, Dr. Komm at ECI, Oakland. The doctor feels that subject has made progress during his counseling but subject remains very tightly controlled - shows no anger, keeps feelings closely to himself, "like a pot boiling with no outlet valve." There is concern about subject's reactions when a number of things go badly for him. Dr. Komm recommends follow-up counseling after subject is discharged from their facility and he is willing to do the follow up. His fee is \$75/hr. PO to advise doctor. (HA/jm - 12/28/88)
12-19-88	P-OV	Subject to office with Notice of Release, showing that he was released from ECI, Oakland, on Friday, December 16, 1988. Subject reports no change in his situation at home or work. He was informed that Dr. Komm is being contracted to continue subject's counseling. (HA/jm - 12/18/88)

ATTACHMENT # 5



On the left is a police photo of Phillip Garrido after his arrest in a 1976 kidnapping and rape in Reno, Nevada. On the right is the sketch released by Hayward Police in 1988 of the man who kidnapped Michaela Garecht.

ATTACHMENT # 6

My Name is Katie Callaway Hall. In 1976, I was kidnapped and raped by Phillip Garrido. In 1977, Garrido was convicted and sentenced to 50 years in the Federal Penitentiary.

Phillip Garrido was able to manipulate the system, beginning in prison, where he managed to get early consideration for release in front of the Parole Board. I was told by his Federal Parole Officer, Houston Antwine, that Garrido had been proclaiming his innocence all throughout his prison term, claiming that I was a "girlfriend" who lied and "cried rape," and that he had been wrongly convicted and incarcerated. This fabricated story, plus his "good behavior" earned him an early release from his 50 yr. sentence.

According to P.O. Antwine, everyone in the prison and parole system believed Garrido's story, because when I met with P.O. Antwine in person, he seemed very surprised to learn from me that I had not known Garrido, and that the crime was, in fact, a Stranger Abduction and Rape.

Though these facts were clearly stated in the Trial Transcripts and the Parole Files, they chose to believe Garrido and give him the benefit of the doubt.

Even after I reported to P.O. Antwine that on Nov. 18, 1988, Garrido walked up to my Roulette Wheel in Caesars Casino, in Lake Tahoe, I learned years later that, not only had he not believed me, but that evidently he was not even listening to me, as the basic facts of my claim (such as where I worked, and the dates in question) were wrongly recorded in the Parole Files. I find this to be incredible, as I sat in P.O. Antwine's office and talked to him for over an hour, and I WAS NOT HYSTERICAL (as implied in the entry).

As a result of my personal experience with the Federal Parole System, I have lived a life “looking over my shoulder,” quitting jobs, relocating for my own safety, always afraid that Garrido would find me again. Even though P.O. Antwine assured me that Garrido would be well supervised and monitored, he also told me that they knew that Garrido was going to be a “repeat offender,” and I knew in my heart that Garrido had already proven himself to be smarter than “the system” by violating his Parole and hunting me down and contacting me.

In 1988 I had no choice but to put my trust in the Parole System, a system that has proven to be a massive failure when it comes to supervising Sex Offenders.

I believe that we now have the opportunity to make some changes in laws regarding Sex Offenders, and also the Policy and Procedures governing the Parole Systems assigned to supervising Sex Offenders, should they gain release.

We need to recognize the fact that Sex Offenders are PREDATORS. They hunt Human Beings. And often they prey on the young and defenseless for their own unnatural sexual deviations.

The rate of recidivism with this type of offender is HIGH.

The percentage of “rehabilitation” is LOW.

Sexual assaults have reached PANDEMIC levels.

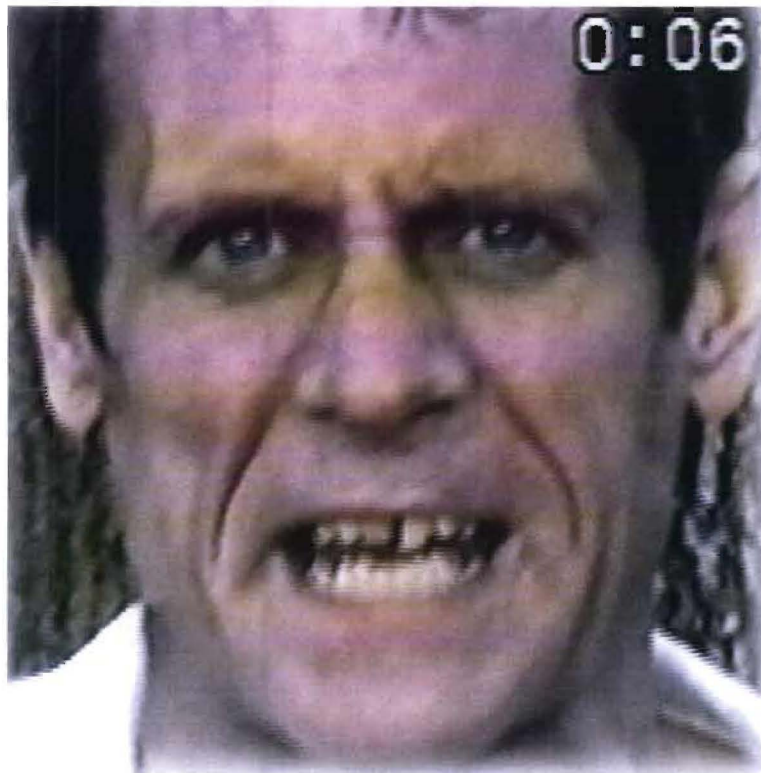
Personally, I would like to see that Sex Offenders are never released. I think it is time for a “NO TOLERANCE” stand. But, if they are to be allowed to be released back into society, the role of the Parole System in handling these types of offenders needs to be re-thought, re-

vamped, brought up-to-date with new understanding of the type of criminal that they're dealing with.

I feel that this could be accomplished by establishing a separate Department within the Parole System for handling only Sex Offenders, with specially trained personnel, who only handle Sex Offenders. It's an idea.

In conclusion, I would also like see communication between the victims and the Parole System be made more "victim friendly." I have never had a voluntary phone call, letter, email, or any kind of update on Phillip Garrido since I registered with the Victim/Witness Program in 1987. To this day, I have not received anything from the Parole Board informing me that Phillip Garrido was re-arrested for his crimes against Jaycee Dugard, even though he was on lifetime parole for crimes he committed against me. It's like I don't exist to the Parole System. This is why I felt that I had to travel 700 miles, time and time again, and attend every hearing I possibly could to watch the proceedings. The El Dorado County District Attorney's Office were the only State Agency that voluntarily communicated with me and made it possible for me to stay informed and be updated with Garrido.

ATTACHMENT # 7



- Top Photo taken in late 1980s while Garrido incarcerated in prison. Katie Callaway-Hall says that this photo was similar to that of the one shown to her by Garrido parole officer in 1988, but that in the photo shown to her, Garrido was even further away from the camera and his face wasn't as clear.
- Bottom Photo taken from video of Phillip Garrido in park (circa 1989-1993). Katie Callaway-Hall says this looks like the person who came to her roulette wheel in South Lake Tahoe in 1988.

ATTACHMENT # 8

**U.S. Department of Justice
United States Parole Commission**



Chevy Chase, Maryland 20815

WESTERN REGION

Certificate of Parole

Know all Men by these Presents:

It having been made to appear to the United States Parole Commission

that Phillip Craig Garrido, Register No. 36377-136, a prisoner in
the United States Penitentiary
Lompoc, California is eligible to be PAROLED, and in that said prisoner
substantially observed the rules of the institution, and in the opinion of the Commission said prisoner's release would
not depreciate the seriousness of this offense or promote disrespect for the law, and would not jeopardize the public
welfare, it is ORDERED by the said United States Parole Commission that said prisoner be PAROLED on

*January 20, 1988; and that said prisoner is to remain within the limits of
District of Nevada until April 10, 1987

Given under the hands and the seal of the United States Parole Commission this 14th day
of January, nineteen hundred and eighty-eight

*to the actual physical custody of
detaining authorities, if
detainer is not exercised, parole
effective February 20, 1988 to
the community.

~~UNITED STATES PAROLE COMMISSION.~~

By Case Analyst

Initial Risk Category good (SFS:6)

Advisor _____

Probation Officer CUSPO, Las Vegas, Nevada
mjt

I have read, or had read to me, the conditions of release printed on the reverse of this certificate and received a copy thereof. I fully understand them and know that if I violate any, I may be recommitted. I also understand that special conditions may be added or modifications of any condition may be made by the Parole Commission upon notice required by law.

Phillip Garrido 36377-136
(Name) (Register Number)

WITNESSED _____
Senior Case Manager 1-14-1988
(Title) (Date)

UNITED STATES PAROLE COMMISSION:
The above-named person was released on the 20th day of January, 1988 with a total of 14325 days
remaining to be served.

(Chief Case Manager/Officer)

ATTACHMENT # 9

BOARD OF PRISON COMMISSIONERS

RICHARD H. BRYAN
Governor
BRIAN McKAY
Attorney General
FRANKIE SUE DEL PAPA
Secretary of State



STATE OF NEVADA
DEPARTMENT OF PRISONS
ADMINISTRATIVE OFFICES

GEORGE W. SUMNER
Director
RON ANGELONE
Assistant Director Operations
GORDON O. MILLER, II
Assistant Director Fiscal
HOWARD L. SKOLNIK
Assistant Director Prison Industries

TO: BOARD OF PAROLE COMMISSIONERS

On July 21, 1988, under the provisions of Section 201.230, of NRS, Phillip Garrido #12954 was examined by a panel consisting of Brenda Burns, Warden, Northern Nevada Correctional Center, Theresa McNeel, MD, Psychiatrist, and Patricia White, Ph. D., Lake's Crossing Facility.

It is the opinion of the panel that Phillip Garrido #12954 can/cannot at this time be certified as not contributing a menace to the health, safety and morals of society.

Brenda M. Burns
Brenda Burns, Warden
Northern Nevada Correctional Center

Theresa S. McNeel MD
Theresa McNeel, MD
Psychiatrist

Patricia White, Ph.D.
Patricia White, Ph. D.
Lake's Crossing Facility

c: Board of Parole Commissioners
C/I files

ATTACHMENT # 10

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA



JAMES WARE
CHIEF JUDGE

July 7, 2011

Re: Release of Report from the Administrative Office of the United States Courts
Parole Supervision of Phillip Garrido

On February 15, 2011, in my capacity as Chief Judge, I received a confidential report from the Administrative Office of the United States Courts ("AOUSC") regarding the parole supervision of Phillip Garrido by the Probation Office in the Northern District of California between December 1988 and June 1999.

The federal Probation Office in the Northern District of California was responsible for the supervision of Mr. Garrido from December 1988 to June 1999, when his supervision was assumed by the Parole Division of the California Department of Corrections and Rehabilitation. This time period included June 10, 1991, which, based on information that subsequently has come to light was allegedly when 11-year old Jaycee Dugard was kidnapped by Mr. Garrido.

Mr. Garrido's federal parole supervision stemmed from a conviction in United States District Court for the District of Nevada in 1977, when he was convicted of kidnapping a 25-year-old woman and confining her in a storage shed, where he repeatedly raped her. For the kidnapping, Mr. Garrido received a federal sentence of 50-years imprisonment. For the forcible rape, Mr. Garrido received a Nevada state sentence of five years to life.

In January 1988, after Mr. Garrido had served eleven years in federal prison, the United States Parole Commission granted him parole and Mr. Garrido was turned over to Nevada prison authorities to serve his state sentence. In August 1988, Nevada parole authorities released Mr. Garrido on lifetime parole supervision and transferred him back to federal jurisdiction for his return to the community.

Mr. Garrido was released to the supervision of the United States Probation Office in the Northern District of California and lived with his mother at her home in Antioch, California. At the time of Mr. Garrido's release from prison in 1988, sex offenders represented a very small percentage of the supervision population in the federal system, and Judicial Conference policy at the time did not provide specific guidelines for sex offender supervision. Nonetheless, policy guidance in place during Mr. Garrido's federal supervision required the probation officer to supervise him as a "high risk" offender.

Although records indicate that Mr. Garrido was correctly categorized as a "high risk" offender, the AOUSC report finds that the Probation Office failed to supervise him accordingly. Home contacts were rare. Collateral contacts with neighbors and local law enforcement were never completed. Records indicate that the probation officer never verified that Mr. Garrido had registered as a sex offender as required by the state of California.

In September 1989, Mr. Garrido's employer at a nursing home informed the parole officer that three female coworkers were nervous around Mr. Garrido, however the parole officer did not meet with Mr. Garrido until more than two months had elapsed. In February 1990, Mr. Garrido informed his probation officer that he was training as a salesman and would be selling products in people's homes, however the probation officer did not note any concerns about potential risks to third parties.

In addition, the report Mr. Garrido tested positive for drugs and was found to have submitted diluted urine samples on several occasions. However, there is no record that the Probation Office informed Nevada State Probation and Parole of Mr. Garrido's drug use. Moreover, with one exception, the Probation Office also failed to inform the United States Parole Commission about Mr. Garrido's illicit drug use. The single exception resulted in a brief revocation of parole, a short period of time in custody and a period of home confinement.

The AOUSC report concludes that the supervision of Mr. Garrido was substandard. The report notes that a California sex offender task force searched the house and grounds in July 2008 and did not find Jaycee Dugard and her children and the report questions whether greater diligence by the supervising officer would have uncovered their presence. We do not find comfort in such speculation. Because, as pointed out in the report, had Mr. Garrido's federal supervision been conducted properly from the onset, it is possible that he may have been deterred from some of the acts now attributed to him.

Mr. Garrido's federal parole was terminated in 1999 and his supervision was assumed by the California Department of Corrections and Rehabilitation.

In 2000, after Mr. Garrido's federal supervision had ended, the AOUSC conducted a routine review of the Probation Office in the Northern District of California and found the state of offender supervision to be poor. The AOUSC made a series of recommendations for improvement.

In May 2007, after a follow-up review found that none of the recommendations had been implemented, our Court replaced the chief probation officer with an experienced manager from another district. If there is anything positive that can be derived from the awful circumstances revealed by this report, it is the report's assessment of the District's current Chief Probation Officer. The report states that the new chief brought in well-qualified managers from other districts to fill the chief deputy and two assistant deputy positions. The new management team retrained all officers and supervisors in Judicial Conference policies and procedures for supervising offenders in the community. The Chief mandated that officers spend more time in the community. Standards were provided for supervision of high, medium and low activity cases, and internal audits were shared with the supervisors and officers.

As Chief Judge, I believe that the strength of our public institutions is tied directly to their openness to public scrutiny. I have decided to release the full AOUSC report. We are using its candid criticism and the public scrutiny that comes from it as tools to improve the administration of justice in our District.

Attachment: AOUSC Report on the Supervision of Parolee Phillip Gurrido