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Federal Communications Commission
Office of the Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	EB Docket No. 07-13
	)	
DAVID L. TITUS	)	FRN No. 0002074797
	)	File No. EB-06-IH-5048
Amateur Radio Operator and Licensee of	)	
Amateur Radio Station KB7ILD	)	

To: Richard L. Sippel
Chief Administrative Law Judge

ENFORCEMENT BUREAU'S
MOTION TO PERMIT TESTIMONY BY REBUTTAL WITNESSES

1. The Enforcement Bureau, pursuant to the Presiding Judge's *Order*, FCC 08M-41 (released July 23, 2008), hereby submits its Motion to Permit Testimony by Rebuttal Witnesses. In support whereof, the following is shown.

2. The Bureau requests permission to call Dr. Gerry Hover as a witness to rebut testimony of Dr. Allmon. As shown below, Dr. Allmon's testimony changed in material respects between February 6, 2008, when the Bureau conducted his deposition in Kirkland, Washington, and July 16, 2008, when Dr. Allmon testified at the hearing in this proceeding. At his deposition, Dr. Allmon testified that he conducted a psycho-sexual evaluation of David Titus. Notably, when Bureau counsel asked Dr. Allmon during his deposition whether he also was providing an assessment of Mr. Titus' risk of re-offense, Dr. Allmon replied in no uncertain terms, "[n]o prediction is intended in the findings

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here." Allmon Deposition, TR. 22-24 (appended as Appendix A hereto).[1] Notwithstanding his deposition testimony, Dr. Allmon subsequently was permitted at the hearing in this proceeding to offer an opinion about Mr. Titus' risk of re-offense that he had earlier indicated his evaluation was not intended to provide. Not surprisingly, Dr. Allmon testified at hearing that Mr. Titus presented a low risk to re-offend. Allmon Testimony, Hearing TR. 959, 1019-20. This new evidence caused Bureau counsel significant concern, particularly in light of the modest amount of time Dr. Allmon spent conducting his evaluation, the abbreviated form of a lie detector test that he used as a part of his examination, and his stated reluctance in the first instance to make any prediction about Mr. Titus' risk of re-offense.

3. Until Dr. Allmon revised his conclusion, all substantive evidence supported the conclusion that David Titus poses a serious risk of re-offense. In response to this new evidence, Bureau counsel was compelled to contact Dr. Gerald Hover, Ed.D., an expert in sex offender treatment for the purpose of assessing the accuracy Dr. Allmon's newfound opinion and the appropriateness of allowing Mr. Titus to remain an amateur radio operator.

4. Dr. Hover is a supervising psychologist at the Twin Rivers Sex offender treatment program, one of the places where Mr. Titus served time and received treatment. At the Bureau's request, Dr. Hover reviewed: Detective Robert Shilling's file containing Mr. Titus' criminal and treatment records, Dr. Allmon's report, the data from the various psychological tests given by Dr. Allmon, and Dr. Allmon's testimony. Dr. Hover also

[1] Dr. Allmon confirmed at hearing that this had been his deposition testimony. Hearing TR. 1020-21.

interviewed John Schurman regarding amateur radio practices and the participation of children in amateur radio.

5. Dr. Hover is prepared to testify that it is his expert opinion that it would be imprudent for the government to sanction Mr. Titus' participation in amateur radio. He states his expert opinion that Mr. Titus should avoid situations in which he may have contact with children outside of the direct supervision of other adults. Based upon virtually the same body of evidence that Dr. Allmon had before him, Dr. Hover further states that Mr. Titus' participation in amateur radio presents an undue risk to the children involved in amateur radio.

6. The Bureau respectfully requests that Dr. Hover be permitted to testify as a rebuttal witness in this hearing. His written rebuttal testimony is attached hereto. Dr. Hover is willing to testify by video from the Kirkland FCC office, or to appear in Washington, D.C.[2]

7. The Bureau also asks that Officers Jennifer Franklin, Mark Wong and Susan Wong be permitted to testify as rebuttal witnesses. Dr. Allmon testified at the hearing that his entire analysis of Mr. Titus relied on Mr. Titus being "frank and honest" during Dr. Allmon's evaluation of him. Hearing TR. 1027. The Bureau became alarmed that Mr. Titus, in his testimony at the hearing in this proceeding, repeatedly disputed police accounts and all but minimized the significance of his recent encounters with law

[2] To date, Dr. Hover has not charged the Bureau for his time and analysis in this matter. He considers his assistance to be a part of his duties as an employee of the State of Washington. The Bureau anticipates compensating him directly if he is required to testify in Washington, DC.

enforcement officials.[3] Presumably, if Mr. Titus did likewise during his earlier evaluation by Dr. Allmon, Dr. Allmon's conclusions of Mr. Titus' propensity to re-offend would almost certainly be skewed.

8. As a result Bureau counsel contacted the individual police officers involved in Mr. Titus' recent run-ins with the law. Each officer recalled the incident to which he or she responded. Each confirmed the truth and accuracy of his or her official report about the incident. Each officer, when asked about Mr. Titus' frankness and honesty, stated that he or she was shocked by how uncooperative Titus was and that, instead of being frank and honest, he was secretive and deceptive. The statements of each of these officers is attached.

9. Bureau counsel also contacted via e-mail Victoria Halligan, the young woman with whom Mr. Titus had a traffic altercation. Bureau counsel did so because Mr. Titus's testimony at hearing about the incident differed significantly from the official Assault Incident Report filed by Ms. Halligan, in which she stated that Mr. Titus had physically assaulted her. That incident was investigated by Officers Sue and Mark Wong of the Seattle Police Department.(EB Exhibit 4, pp. 35-37). Bureau counsel have been unable to speak personally with Ms. Halligan about her complaint because she has been traveling out of the country for an extended period of time. She is not scheduled to return to the United States until the end of September. Bureau counsel plan to speak with Ms.

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[3] *Compare* EB Exhibit 4, pp. 35-37 *with* Hearing TR. 593-94, 1110 (relating to the assault incident); *compare* EB Exhibit 4, pp. 38-40 *with* Hearing TR. 599-610, 645 (relating to the Mercer Island incident).

Halligan at the earliest opportunity and, if necessary for a full and complete record, will request the ALJ's permission to add her as a rebuttal witness.

10. The Administrative Procedures Act provides that a party is entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. *See* 5 U.S.C. § 556(d). While the determination of what constitutes rebuttal evidence rests within the sound discretion of the trial court, it is generally held to be evidence that explains, clarifies, disproves, repels, contradicts, controverts, refutes, modifies, antagonizes, confutes, or counteracts evidence introduced by the opposing or adverse party. *See* CJS Trial § 195.

11. The Presiding Judge ruled that requests for rebuttal evidence would be entertained only after the initial phase of the hearing. During the initial phase of the hearing in this proceeding, Dr. Allmon provided an opinion about Mr. Titus's risk of re-offense despite having earlier stated in his deposition that his evaluation was intended to provide no such conclusion. It would be fundamentally unfair and contrary to the public interest not to permit the Bureau to offer a witness in the person of Dr. Hover to rebut the surprise testimony allowed at hearing. The court should hear and evaluate Dr. Hover's testimony to ensure a full, complete, and reliable record and because the safety of children is foremost at issue.

12. Similarly, it would be contrary to the public interest and fundamentally unfair to exclude the testimony of the police officers regarding their encounters with Mr.

Titus, particularly in light of the testimony of Mr. Titus disputing the accuracy of the officers' accounts of these incidents and the consideration of these incidents by Detective Shilling, Dr. Allmon and Dr. Hover in assessing the continued risk Mr. Titus presents to children.

13. Mr. Titus' testimony, to an alarming extent, minimized the severity of his conduct and disputed the official version of events. For example, with respect to the assault incident, Mr. Titus would have the court believe that he did nothing more to Ms. Harrington than push her hand aside during their discussion about the traffic accident.[4] Officers Mark and Sue Wong, however, confirm the accuracy of their Incident Report. Furthermore, they state their understanding and belief, based upon years of law enforcement experience, that Mr. Titus, during his encounter with Ms. Harrington, pretended to act a police officer and, far from merely pushing her hand aside, utilized a common police hold called "counter-joint wrist lock" or "reverse gooseneck submission hold" to restrain her.

14. Similarly, the police officer who investigated Mercer Island incident, Officer Jennifer Franklin, confirms that Mr. Titus changed his story during her police investigation. According to the officer, Mr. Titus initially stated to the police that he was in the Mercer Island park at 3 a.m. after having been with "Charles," a friend whom he had met through ham radio. However, according to the police officer, Mr. Titus subsequently changed his story to indicate that he had met his friend through an internet

[4] Titus testimony, Hearing TR. 1110 ("I grabbed her hand and brought it downwards to her side. And that was all the physical contact there was; that was it. I did not twist her up in any way.")

chat room. This is significant because, at hearing, Mr. Titus refuted Office Franklin's statements in the Incident Report and testified that he never uses ham radio to establish relationships with potential sexual partners.[5]

15. In light of the foregoing, the Bureau respectfully requests that its Motion to Permit Rebuttal Testimony be granted. This evidence is necessary for the court to have a full and complete record on which to decide this matter. The public interest in this case, where the safety of children is at issue, requires that the court consider this evidence in order to determine an appropriate resolution of the designated issues.

Respectfully submitted,

Kris Anne Monteith
Chief, Enforcement Bureau

William Knowles-Kellett
Attorney, Investigations and Hearings Division

Judy Lancaster

Judy Lancaster
Attorney, Investigations and Hearings Division

Federal Communications Commission
445 12th Street, S.W., Room 4-C330
Washington, D.C. 20554
(202) 418-1420

September 8, 2008

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[5] *See* Titus testimony, Hearing TR. 599-610, 645, and 677-78.

CERTIFICATE OF SERVICE

Rebecca Lockhart, paralegal for the Enforcement Bureau, certifies that he has, on this 8th day of September 2008, sent by first class United States mail copies of the foregoing "Enforcement Bureau's Statement of Readiness for Hearing" to:

George L. Lyon, Jr. Esquire.
Lukas, Nace, Gutierrez & Sachs, Chartered
1650 Tysons Blvd., Suite 1500
McLean, Virginia 22102
Counsel to David L. Titus

Chief Administrative Law Judge Richard L. Sippel*
Federal Communications Commission
445 12th Street, S.W., Suite 1-C768
Washington, D.C. 20054

Rebecca Lockhart

Rebecca Lockhart

* Hand-Delivered

1 report. Do you understand that?

2 A Yes, I do.

3 Q Thank you. Under the reasons for

4 the referral Mr. Titus referred himself for an

5 evaluation of his predisposition to engage in

6 sexual crime, okay. Is one of the purposes of

7 this report to assess the risk that Mr. Titus

8 will re offend?

9 A It is to identify predisposition

10 to re offend. There is no numerical

11 assessment put forth here.

12 Q Okay. Are you aware of people who

13 do numerical assessment?

14 A There are what are called

15 actuarials which became popular. I attended

16 training on them. Had actually some social

17 contact with the authors out of the University

18 of British Columbia and out of the other

19 private university in Vancouver, Simon Fraser.

20 Anyway, they developed along with others in

21 Canada a system purporting to predict

22 probability of re offense. Subsequently

1 starting a year or so ago they came into quite
2 a lot of criticism professionally. Still
3 used. I have used them. But I currently
4 don't use them until things settle down as to
5 utility, called actuarial.
6 Q Okay. So there is no
7 probabilistic risk as a result of your report?
8 A No. It is a narrative statement.
9 Q Okay. But one of the purposes of
10 your report is really to get you to do a
11 narrative statement as to his risk of re
12 offense?
13 A No prediction is intended in the
14 findings here. It states in the report
15 various sources of information, such as
16 polygraph and such as the lie scales that are
17 built into the testing and summarizes it at
18 the end the need for treatment based on that
19 information collectively. But there is no
20 number assigned to each incremental part that
21 says: Therefore we think he has X percent
22 probability of reoffending in five years or

1 ten years or 15 years. It says: Does he
2 appear to have pedophilic tendencies now and
3 the finding was quite resoundingly no.
4 Q Okay.
5 A Which is what I reported.
6 Q Okay.
7 A The only thing that has academic
8 respectability along assigning any concrete
9 statement given all of the data available are
10 the actuarials. And as I said they have come
11 into some question here in the recent year or
12 two.
13 Q Okay. And the next paragraph you
14 refer to the immediate post-adolescent
15 conviction. Do you mean by immediate
16 post-adolescent that he was a young adult?
17 A He was an adolescent, not
18 preadolescent.
19 Q You use the immediate
20 post-adolescent term?
21 A Very soon thereafter. Puberty is
22 the onset, ordinarily around 13. The crimes

EB Exhibit No. _____

1 **Rebuttal Testimony of Gerald R. Hover, Ed.D**

2

3 My name is Gerald R. Hover. If called to provide oral rebuttal testimony at the
4 hearing in EB Docket No. 07-13, I would testify as follows:

5

6

7 I have been employed since 1991 by the Washington State Department of
8 Corrections at the Twin Rivers Unit located within the Monroe Correctional Complex in
9 Monroe, Washington. I began work at Twin Rivers in 1991 as a psychologist in the Sex
10 Offender Treatment Program (SOTP) supervising those who counseled sex offenders to
11 make appropriate choices and avoid undue risks. Since 2000 I have been the SOTPs
12 Clinical Supervisor over-seeing post –release offenders for the SOTP. I currently oversee
13 to 12 clinicians who offer community sex offender treatment services in 17 cities, and
14 ensure those services are consistent with those offered by the Twin Rivers Sex Offender
15 Treatment Program. I also consult with sex offenders, police, prosecutors, victim
16 workers and community representatives regarding issues and services relating to sex
17 offenders' post-prison transition into the community and offender relapse prevention
18 tactics, services and programs.

19

20

21 In addition to my duties at Twin Rivers, I was named by the Chair of the
22 INTERPOL Specialist Group on Crimes Against Children as a member of that group, its
23 only non-law enforcement member. I am also a consultant to and trainer for the U.S.

1 Department of Justice at the National Institute of Corrections where I consult with and
2 train professional staff from various Departments of Corrections regarding sex offender
3 treatment issues. Additionally, I am a member of the Public Policy Board for the
4 Association for the Treatment of Sexual Abusers. I sit on numerous advisory boards
5 relative to sex offending. I have played an active role at the local, state, national and
6 international levels in developing, analyzing and implementing sex offender treatment
7 programs. A descriptive summary of my employment and activities in this area is
8 included in my resume which is EB Exhibit No. __.
9
10 In preparation of my testimony I reviewed and relied upon the following
11 materials: (a) EB Exhibits 4 and 5, the documents from Detective Shilling's file; (b) EB
12 Exhibit 2 , Shilling's Direct written testimony; (c) Titus Exhibit 2, Dr. Allmon's
13 December 5, 2007 report regarding Titus; (d) Titus Exhibit 2, Dr. Allmon's Vita; (e) Dr.
14 Allmon's psychological test data obtained as a result of the tests he administered to Titus
15 on September 25 and 26, 2007; (f) a transcript of Dr. Allmon's July 16, 2008, hearing
16 testimony; and (g) the Diagnostic and Statistical Manual of Mental Disorders (DSM),
17 concerning the diagnostic criteria used by mental health professions to diagnose and treat
18 pedophilia. A copy of the relevant section is attached as Appendix A. In order to
19 familiarize myself with the practices and conduct of amateur radio operators, I also had a
20 telephone conversation with John Schurman.
21
22

Mr. Titus is a pedophile. I have studied the psychology of pedophilia, have counseled and supervised many pedophiles and am familiar with the psychological and legal criteria used to diagnosis pedophilia. Mr. Titus meets the psychological and legal criteria for such a diagnosis. Pedophilia is not a disease and therefore is never cured but can be managed by pedophiles when they make appropriate choices and avoid undue risks. Pedophiles such as Mr. Titus should avoid contact with minors when such contact is not directly supervised by another responsible, non-pedophilic adult. In my opinion, Mr. Titus' activities as a ham radio operator present an undue risk to children involved in amateur radio by facilitating his unsupervised contact with minors. I disagree with Dr. Allmon's conclusions regarding Mr. Titus. A huge factor that elevates a sex offender's risk to offend is his access to children.

I agree with Dr. Allmon's statements that it would be imprudent for Mr. Titus to work at a day care. I similarly believe that it would be imprudent for Mr. Titus to work as a lifeguard at a community pool that served children. I believe participation in amateur radio is not unlike being a lifeguard at a community pool. Amateur radio presents significant opportunity to establish a trusting relationship with children outside of the presence of supervising adults.

Based on the evidence before me, I believe that it would be imprudent for the government to sanction Mr. Titus' participation in amateur radio.

Under penalty of perjury, I state that the foregoing is true and correct to the best of my knowledge and belief.

Gerald R. Hover, Ed.D

302.89 Frotteurism

The paraphiliac focus of Frotteurism involves touching and rubbing against a nonconsenting person. The behavior usually occurs in crowded places from which the individual can more easily escape arrest (e.g., on busy sidewalks or in public transportation vehicles). He rubs his genitals against the victim's thighs and buttocks or fondles her genitalia or breasts with his hands. While doing this he usually fantasizes an exclusive, caring relationship with the victim. However, he recognizes that to avoid possible prosecution, he must escape detection after touching his victim. Usually the paraphilia begins by adolescence. Most acts of frottage occur when the person is ages 15–25 years, after which there is a gradual decline in frequency.

Diagnostic criteria for 302.89 Frotteurism

A. Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving touching and rubbing against a nonconsenting person.

B. The fantasies, sexual urges, or behaviors cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

302.2 Pedophilia

The paraphiliac focus of Pedophilia involves sexual activity with a prepubescent child (generally age 13 years or younger). The individual with Pedophilia must be age 16 years or older and at least 5 years older than the child. For individuals in late adolescence with Pedophilia, no precise age difference is specified, and clinical judgment must be used; both the sexual maturity of the child and the age difference must be taken into account. Individuals with Pedophilia generally report an attraction to children of a particular age range. Some individuals prefer males, others females, and some are aroused by both males and females. Those attracted to females usually prefer 8- to 10-year-olds, whereas those attracted to males usually prefer slightly older children. Pedophilia involving female victims is reported more often than Pedophilia involving male victims. Some individuals with Pedophilia are sexually attracted only to children (Exclusive Type), whereas others are sometimes attracted to adults (Nonexclusive Type). Individuals with Pedophilia who act on their urges with children may limit their activity to undressing the child and looking, exposing themselves, masturbating in the presence of the child, or gentle touching and fondling of the child. Others, however, perform fellatio or cunnilingus on the child or penetrate the child's vagina, mouth, or anus with their fingers, foreign objects, or penis and use varying degrees of force to do so. These activities are commonly explained with excuses or rationalizations that they have "educational value" for the child, that the child derives "sexual pleasure" from them, or

APPENDIX A

that the child was "sexually provocative"—themes that are also common in pedophiliac pornography.

Individuals may limit their activities to their own children, stepchildren, or relatives or may victimize children outside their families. Some individuals with Pedophilia threaten the child to prevent disclosure. Others, particularly those who frequently victimize children, develop complicated techniques for obtaining access to children, which may include winning the trust of a child's mother, marrying a woman with an attractive child, trading children with other individuals with Pedophilia, or, in rare instances, taking in foster children from nonindustrialized countries or abducting children from strangers. Except in cases in which the disorder is associated with Sexual Sadism, the person may be attentive to the child's needs in order to gain the child's affection, interest, and loyalty and to prevent the child from reporting the sexual activity. The disorder usually begins in adolescence, although some individuals with Pedophilia report that they did not become aroused by children until middle age. The frequency of pedophiliac behavior often fluctuates with psychosocial stress. The course is usually chronic, especially in those attracted to males. The recidivism rate for individuals with Pedophilia involving a preference for males is roughly twice that for those who prefer females.

Diagnostic criteria for 302.2 Pedophilia

A. Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger).

B. The fantasies, sexual urges, or behaviors cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

C. The person is at least age 16 years and at least 5 years older than the child or children in Criterion A.

Note: Do not include an individual in late adolescence involved in an ongoing sexual relationship with a 12- or 13-year-old.

Specify if:
Sexually Attracted to Males
Sexually Attracted to Females
Sexually Attracted to Both

Specify if:
Limited to Incest

Specify type:
Exclusive Type (attracted only to children)
Nonexclusive Type

EB Exhibit No. _____

GERALD R. HOVER, Ed.D.
4104-106th Place N.E.
Kirkland, WA 98033
(425) 822-2370

Academic Background:

Bachelor of Arts, Psychology, Gonzaga University, 1969.
Master of Arts, Education, Gonzaga University, 1970.
Summer Institute at Carl Rogers Center for Study of the Person, 1973.
Doctorate, Counseling Psychology, University of British Columbia, 1980.

Professional Experience:

2006-Present

Community Sex Offender Treatment Supervisor, Oversee and provide clinical supervision for community treatment services in 17 cities for sex offenders and ensure services are consistent with those offered by the Twin Rivers Sex Offender Treatment Program. Provide consultation for Transition and Relapse Prevention. Facilitate effective networks with relevant stakeholders, e.g. police, prosecutors, victim workers, and community.

Consultant/Trainer, Sex Offender Treatment Skills for Corrections Professionals, U.S. Department of Justice, National Institute of Corrections, Longmont, Colorado.

Board Member, Public Policy Board, Association for the Treatment of Sexual Abusers.

2005-2006

Director, Sex Offender Treatment Program, Statewide sex offender treatment program that treats 200 offenders per year in the prison-based section and another 200 offenders per year in the post-release community phase of the program. Essentially the evolved program from my responsibilities in 2003, updated to include female sex offenders.

2003-Present

US Representative to INTERPOL Specialist Group on Crimes Against Children.

2000-2005

Community Sex Offender Treatment Supervisor, Oversee and provide clinical supervision for community treatment services in 17 cities for sex offenders and ensure services are consistent with those offered by the Twin Rivers Sex Offender Treatment Program. Provide consultation for Transition and Relapse Prevention. Facilitate effective networks with relevant stakeholders, e.g. police, prosecutors, victim workers, and community.

Consultant/Trainer, Sex Offender Treatment Skills for Corrections Professionals, U.S. Department of Justice, National Institute of Corrections, Longmont, Colorado.

Board Member, Public Policy Board, Association for the Treatment of Sexual Abusers.

1994 – 2000 **Supervisor**, Sex Offender Treatment Program, Twin Rivers Unit, Monroe, Washington. Supervise and conduct therapy, psychoeducational classes, risk assessments, and treatment summaries. Conduct End of Sentence Review and psychological evaluations. Supervise Sex Offender Treatment Specialists both inside and outside the institution. Assist and supervise release plans. Representative for print and visual media. Supervise clinical training. Serve as Acting Director during the Director's absence. Advise Special Offenders Center (SOC) on involuntary medication procedure. Serve as SOC's on-call psychologist.

Research Therapist, Dialectical Behavior Therapy and Treatment of Borderline Suicidal Women, Psychology Department, University of Washington, Seattle, Washington.

Consultant/Trainer, Dialectical Behavior Therapy and Treatment of Borderline Suicidal Women, Psychology Department, University of Washington, Seattle, Washington.

Director, Testing and selection of personnel for the Special Emergency Response Team (SERT).

1992 – 1993 **Acting Director Sex Offender Treatment Program**, Twin Rivers Unit, Monroe, Washington. Manage a statewide, comprehensive treatment program for convicted sex offenders. Direct the planning and implementation of the comprehensive sex offender treatment program, utilizing psychoeducational, group therapy, and behavioral treatment modalities. Provide direct supervision to professional staff and ensure appropriate training and supervision of same. Establish and maintain accurate records and reports relative to the program. Draft and revise Policies and Procedures dealing with the Sex Offender Treatment Program. Participate as a member of the Twin Rivers Correction Center Executive Management Team. Act as a representative to work with the print and visual media. Consult with political representatives.

1991 – 1992 **Psychologist**, Sex Offender Treatment Program, Twin Rivers Corrections Center, Monroe, Washington. Supervise and conduct therapy and psychoeducational classes. Conduct End of Sentence Review, psychological, and civil commitment evaluations. Assist and supervise release plans. Direct Perspective Wives Training.

1989 – 1991 **General Manager**, Revlis Trading Co., Inc., San Francisco, California. Direct the import/export operations.

1987 – 1989 **Teamster**, Bekins Van and Storage, San Francisco, California.

1978 – 1987 – **Psychologist,** University of Washington, Harborview Community Mental Health Center, Seattle, Washington. Individual, group and family therapist for psychiatric rehabilitation program; psychoeducational delivery model; in-service instructor; community liaison consultant; sexual abuse specialist; parasuicide specialist; research consultant and practitioner.

1973 – 1978 – **Psychotherapist,** Valley General Hospital, Renton, Washington. Individual, group, couples, and family therapy on inpatient psychiatric unit.

Instructor, Organization Behavior, Faculty of Commerce and Business Administration, University of British Columbia.

Teaching Assistant, and clinic supervisor of first and second year master's students in university and community clinics, University of British Columbia.

Research Consultant, The Maples, Burnaby Mental Health Unit, Burnaby, British Columbia.

Group Therapist, for post-suicide attempt group, Vancouver General Hospital, Outpatient Psychiatry, Vancouver, British Columbia.

Family Therapist, University Clinic, University of British Columbia, Vancouver, British Columbia.

Research Assistant, University of British Columbia, Social Studies Curriculum Research Project.

Travel Consultant, for Summer in Europe Program, Bellarmine High School, Tacoma, Washington.

1971 – 1973 – **Director of Recreation and Social Activities,** Central Washington University, Ellensburg, Washington. College-wide recreation program; teach upper division education and psychology courses; budget responsibilities for contracting artists, performers, speakers, and activities.

1970 – 1971 - **Counselor – Instructor,** Central Oregon Community College, Bend, Oregon. Individual and group counseling, testing, instructing lower division psychology courses.

Areas of Preparation and Interest

Psychotherapy: Group, family, individual, and research.
Community psychology.
Psychology theory, practice, and research.
Sex Offenders, Violence, Para-suicidal behaviors

Professional Organization Membership

Association for the Treatment of Sexual Abusers (ATSA).
Washington Association for the Treatment of Sexual Abusers (WATSA)

Commendations and Honors

Directory of Distinguished Americans.
International Directory of Distinguished Leadership.
Who's Who in America.
Seattle Police Department.

Consultant Experience

- 26th Meeting of the INTERPOL Specialist Group on Crimes Against Children, Sydney, Australia, June 10-12, 2008
- 25th Meeting of the INTERPOL Specialist Group on Crimes Against Children, Lyon, France, June 5-8, 2007.
- Northwest Law Enforcement Conference, Pacific Lutheran University, Tacoma, WA, June 8-10, 2006.
- 24th Meeting of the INTERPOL Specialist Group on Crimes Against Children, Nicolet, Canada, May 30 – June 1, 2006.
- Special Commitment Center Advisory Board, 2006- present.
- Office of Crime Victims Advocacy, "Interagency Collaboration", Skamania, WA, October, 2005.
- 23rd Meeting of the INTERPOL Specialist Group on Crimes Against Children, Lyon, France, September 28-30, 2005.
- Department of Health, Sex Offender Treatment Provider Advisory Committee, September, 2005-present.
- ATSA Prevention Task Force, October 2004-present.
- ATSA Membership Committee, October 2004-present.
- 7th Annual National Community Notification Information and Educational Services, Inc., "Once High Risk, Always High Risk?", Seattle, September 20-22,2004.
- 22nd Meeting of the INTERPOL Specialist Group on Crimes Against Children, Colombo, Sri Lanka, June 14-16, 2004.
- 12th Annual Children's Conference, "Under The Microscope: A Look Into Successful Child Sexual Abuse Case Collaboration", Bellevue, WA, March 2004.
- ATSA Consult group, "Prevention Education and Sexual Assault", December 2003 to present.
- Overlake Medical Center, Core Training on Child Trauma, "Sex Offender Treatment Effectiveness", Bellevue, WA, November, 2003.
- 2nd Seattle Interfaith Symposium, Managing Sex Offenders, November, 2003.
- Children's Response Center, Professional Volunteer Training, "Sex Offender Profiles", Bellevue, WA, November, 2003.
- 21st Meeting of the INTERPOL Specialist Group on Crimes Against Children, "Risk Management of Sex Offenders Released from Prison", Lyon, France, June 3-5, 2003.

- Seattle Interfaith Symposium, Managing Sex Offenders in Church, January 2003.
- Tacoma Police Department, Skills Trainer with Detective Bob Shilling, Seattle Police Department, "Sexual Violence and Risk Reduction", November 2002.
- Twenty-first Annual Association for the Treatment of Sexual Abusers, Pre-conference Trainer "Public Policy", Montreal Canada, October, 2002.
- Association of Washington School Principals "Managing Sex Offenders in Schools", October 2002.
- Washington Council of School Attorney's "Managing Sex Offenders in School", May, 2002.
- Association of Washington School Principals "Sex Offenders Are Different", April, 2002.
- The 4th Annual Conference on Sex Offender Registration, Community Notification and Related issues, "Managing The High Risk Sex Offender; The Developmentally Delayed Offender", Seattle, September, 2001.
- Sex Offender Management Summit, Washington Coalition of Sexual Assault Programs, Yakima, WA. June 2001.
- Department of Justice, National Institute of Corrections "Sex Offender Treatment Skills for Corrections Professionals", 8 hour teleconference, December 2000.
- Washington Corrections Association with Dr. Arthur Gordon, "How Treatment Helps Manage Sex Offenders", Vancouver, Washington, October 2000.
- Seattle Police Department skills trainer, "Sexual Violence and Risk Reduction", September 2000.
- Seattle and King County Parks and Recreation speaker, "Pedophilia and Sexual Awareness training, May 2000.
- Board member, Washington Association for the Treatment of Sexual Abuser, 2000-present.
- Group skills trainer, Dialectical Behavior Therapy and Treatment of Borderline Personality Disorder, Correctional Service of Canada, Ottawa, March 1997.
- Public Policy Committee Representative, Washington State, Association for the Treatment of Sexual Abusers, 1996-Present.
- Conference Referee, ATSA's National Conferences, 1995 to 2000.
- Public and Media Relations, U.S. Department of Justice, National Institute of Corrections, Longmont, CO, September, 1995.
- Pedophiles and Rapists: Theory, Treatment, and Research, Program Chairman, WSOSA, Seattle, Washington, May 1994.
- Sexual Aggression, guest lecturer, Department of Psychology, University of Washington, Seattle, Washington, June 1993.
- Sexual Violence, guest lecturer, Department of Psychiatry and Behavioral Science, University of Washington, Seattle, Washington, May 1993.
- Deviant Behavior, guest lecturer, Department of Criminal Justice, Seattle University, Seattle, Washington, February 1993.
- Public Psychotherapy, guest lecturer, Department of Psychology, University of Washington, Seattle, Washington, July 1992.

- Professional Reclassification Hearings professional representative, Harborview Community Mental Health Center, Seattle, Washington, January 1985 to July 1987.
- Mayor's Task Force on Street People member, Seattle, Washington, February 1985 to 1987.
- Sexual Conduct Task Force member, Harborview Community Mental Health Center, Seattle, Washington, November 1984 to July 1987.
- Dialectical Behavior Therapy, Research on Borderline Personality Syndrome, group therapist, University of Washington, Harborview Medical Center, Seattle, Washington, November 1984 to July 1987.
- Victims of Abuse workshop for Washington State University and college counselors, Central Washington University, Ellensburg, Washington, February 1984.
- Psychiatric Goal Setting in-service training for staff and students of psychiatric hospital, University of Washington, Harborview Medical Center, Seattle, Washington, 1983.
- Professional Advisory Board Chairman, University of Washington, Harborview Community Mental Health Center, Seattle, Washington, 1981-1983.
- Admissions Representative, Gonzaga University, 1980 to 2000.

Professional Papers

- O'Connell, M., Shilling, R., and Hover,G. Model Policy for Revising Risk/Community Notification Levels , 23rd Annual Association for the Treatment of Sexual Abusers Convention, October 2004.
- Wilson, R. J., Drewery, H., Hover, G.R., McWhinnie, A. , Yaeger, C. Circles of Support and Accountability: An International Collaboration for Public Safety, 23rd Annual Association for the Treatment of Sexual Abusers Convention, October 2004.
- The Public Policy Corner, The Forum, Vol XIV, No. 2, Summer 2002.
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- Gordon, A. and Hover, G., "The Twin Rivers Sex Offender Treatment Program." In W.L. Marshall, S. Hudson, T. Ward, and Y. Fernandez (Eds.) Sourcebook of Treatment Programs for Sexual Offenders. New York: Plenum Press, 1998.
- The Evaluation of Dialectical Behavior Therapy Skills in a Forensic Setting: Sex Offenders, Pedophiles, and Rapists, Symposium, 35th Annual American Association of Behavior Therapy Convention, November, 1998.

- The Effects of Information on the Expectations of Inmates Transitioning to the Community, Poster Session, 18th Annual Association for the Treatment of Sex Abusers Convention, October, 1998.
- The Effects of Skills Training on Incarcerated Sex Offenders and Their Ability To Get Along with Their Therapist, Poster Session, 18th Annual Association for the Treatment of Sex Abusers Convention, October, 1998.
- The Effects of Voluntary Pretreatment Groups on Sex Offender Attitudes and Denial in an Incarcerated Setting, Poster Presentation, 17th Annual Association for the Treatment of Sex Abusers Convention, October, 1997.
- The Development and Evaluation of the Goal Attainment Scaling Process. Unpublished doctoral dissertation, University of British Columbia, 1980.
- Goal Attainment Scaling Process. Invited speaker, United Nations World Health Organization, Congress on Mental Health, Vancouver, B.C., August 1977.

Media Presentations

Visual

- NBC, New York, Dateline, May 2004.
- ABC, New York, Evening News, April 2004.
- KRON News, San Francisco, April 2004.
- U.S. Justice Department, NIC, 16 hour Video Conference, March 2001.
- U.S. Justice Department, NIC, 8 hour Video Conference, December 2000.
- Cable 29, Northwest Week, July 1998.
- Nine Network, Australia, 60 Minutes, May 1996.
- KIRO News, Seattle, November 1995.
- NBC, Save Our Streets, September 1995.
- KING News, Seattle, September, 1995.
- KOMO News, Seattle, May 1995.
- KIRO News, Seattle, April, 1995.
- KIRO News, Seattle, March, 1995.
- KOMO News, Seattle, December 1994.
- CBS, Eye-to-Eye with Connie Chung, August 1993.
- KIRO News, Seattle, July 1993.
- KOMO News Seattle, July 1993.
- KING News, Seattle, July 1993.
- Twenty Twenty Television, London, July 1993.
- FOX TV, A Current Affair, June 1993.
- FOX TV, Hard Copy, May 1993.
- Nine Network Australia, 60 Minutes, April 1993.
- KCTS, Seattle, February 1993.
- CBS, New York, Evening News, November 1992.
- KOMO TV, Town Meeting, Seattle, November 1992.

- WGBN, PBS, Boston, Frontline, June 1992.

Print

- Sacramento Bee, February 1997.
- USA Today, January 1997.
- Gentleman's Quarterly, December 1995.
- Spokesman Review, June 1994.
- Glamour Magazine, April 1994; March 1994.
- New York Times, April 1993; July 1993; August 1993.
- Seattle Post-Intelligencer, July 1993.
- Seattle Times, July 1993.
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Radio

- XM Satellite Radio Channel 169, July 6, 2005.

Resume last updated: July 17, 2008

SEATTLE POLICE DEPARTMENT

STATEMENT FORM

GENERAL OFFENSE #
02.008487
RELATED EVENT#

Date:	Time:	Place
05 SEP 08	1300	TRAFFIC ENFORCEMENT

Statement of: ☐ Complainant ☐ Witness ☐ Victim ☒ Officer ☐ Other:

Name (Last, First MI)		DOB
Statement Taken By: S. WONG	Serial 5434	Unit B271E
Transcribed by (Taped/Translated Statements)	Serial	Unit

I, Sue Wong, am an Officer with the Seattle Police Department. Seattle police officer, Mark Wong, and I were involved, on behalf of SPD, in investigating a complaint alleging an assault by David L. Titus following a traffic incident on January 6, 2002 in which he backed his vehicle into another vehicle driven by Victoria E. Halligan. I clearly recall the investigation. I met with Ms. Halligan and heard her general statements given to Ofc. Wong about the assault. She appeared distraught and scared of Mr. Titus. While Mark continued to interview Ms. Halligan, I contacted Mr. Phunsavath, the friend who Mr. Titus was visiting immediately prior to the incident (Mr. Phunsavath's address is within 50 ft of the accident). Because I left Ofc. Wong and Ms. Halligan, I did not see the cut on her hand. Mr. Phunsavath gave me the phone number for Mr. Titus.

I called Mr. Titus to question him regarding the incident but he refused to meet with me or to provide his location. He confirmed that he and Ms. Halligan had a confrontation and that he grabbed her wrist and twisted it. I asked Mr. Titus if he was a police officer. He stated, "no." I asked him why he gave Ms. Halligan the impression that he was a police officer. Mr. Titus did not answer, instead, he stated that his father was an officer for the Pasco Police Department. I asked Mr. Titus for his father's name and contact info but he refused to provide both. He then told me that he also had friends who were police officers for the Seattle Police Department. I asked Mr. Titus the names of those officers but, again, he refused to identify those friends. He was uncooperative, evasive, and obtuse when answering my questions and refused several times to return to the scene.

After speaking with Mr. Titus, I was concerned about his behavior during the traffic altercation and worried that he might present a threat to the community. I informed Ofc. Wong of my conversation with him. Consequently, Ofc. Wong and I returned to the precinct to follow-up on our investigation. I called the Pasco Police Department in an effort to determine whether his father was a Pasco Police Officer and, if so, to speak with him. I spoke with an officer who stated that there was no officer named "Titus." He referred me to a Sergeant. The Sergeant also verified there was no officer named "Titus."

I have reviewed the incident report and the statements in it are truthful and accurate.

Under penalty of perjury, I state that the foregoing is true and correct to the best of my knowledge and belief.

Susan Wong

Seattle Police Department

Seattle, Washington

Witness	
Witness	X

SEATTLE POLICE DEPARTMENT

Officer Statement

INCIDENT NUMBER
2002-008487

DATE 9/8/2008 TIME 0230 PLACE City of Seattle, State of Washington

STATEMENT OF: Officer M.H. Wong 5885/442

I am a sworn and certified Police Officer for the City of Seattle and have been so employed since 1993. This statement is provided at the request of the Investigations and Hearings Division, Enforcement Bureau, of the Federal Communications Commission.

On Sunday, January 6, 2002, I was working as a Patrol Officer in the East Precinct of Seattle in King County, Washington. On that date at about 1615 hours, I responded to a traffic collision and related disturbance in the 2200 block of Yale Avenue East. The complainant/victim, Ms. Victoria Halligan, called 911 for police assistance. She reported that at about 1600 hours she was trying to parallel park her vehicle in this block, then the suspect, Mr. David L. Titus, backed into her car from a driveway. I was the primary responding officer for this incident, and I have a clear recollection of Ms. Halligan's complaint. I believe the 911 call receiver noted that the complainant was "crying and distraught" when she called, and I distinctly remember that when I arrived several minutes later, Ms. Halligan was still clearly shaken and upset. She was hesitant to make this report because she feared Mr. Titus.

She described the collision to me, and stated that Mr. Titus was verbally aggressive. Because Ms. Halligan's vehicle was already in the main roadway when Mr. Titus' vehicle backed into the roadway from a driveway, in my opinion and based upon Washington State's traffic laws, Mr. Titus was at fault in the collision. Ms. Halligan said Mr. Titus, nevertheless, yelled for her to admit she was at fault, and accused her of not looking where she was going. Furthermore, she said Mr. Titus would not provide his driver's, vehicle, or insurance information. But what really frightened her was when Mr. Titus aggressively lunged forward at her and she had to put her hands up in defense. She showed me how she had her arms in front of her body, elbows pointed downward and slightly bent, her palms forward towards Mr. Titus, and her fingertips pointed upward. The motions she made, showing me what she had done, appeared to be communicating a defensive "woah" or "hold on now" message. However, she said Mr. Titus then yelled that <u>she</u> assaulted <u>him</u> with this motion, and he grabbed her right hand and bent her palm inward and towards her body. Based on her description and demonstration of the move used by Mr. Titus, it is apparent that Mr. Titus used a reverse gooseneck submission hold against Ms. Halligan. This hold is commonly used by law enforcement to control unruly persons and, if sufficient force is applied, can damage or break a person's wrist. This caused pain in Ms. Halligan's right hand and wrist, and she showed me a small laceration on her right forefinger at the knuckle. That cut had been bleeding, possibly pinched by Mr. Titus, caught by a ring or other jewelry, or snagged by his fingernail.

His intimidation continued, stating she did not know who he was or what he had. Ms. Halligan told me she was very concerned that Mr. Titus was a police officer acting very inappropriately, or someone impersonating a police officer. She even asked if he was a cop, and he said he was not going to tell her. Ms. Halligan was so concerned for her safety, she quickly left without looking at her car for damage. She also did not feel comfortable providing her personal information (for an accident exchange of information) but instead, called 911.

Seattle Police Officer Sue Wong completed the investigation at the site of the collision, where she spoke with an associate of Mr. Titus in person, then with Mr. Titus over the telephone. Some of his comments alluded to an interest or familiarity with law enforcement officers or procedures. Neither Ms. Halligan nor Mr. Titus wanted a police report for the collision or following assault/disturbance.

However, Officer Sue Wong and I reviewed our concerns that Mr. Titus could attempt or may have attempted to impersonate a police officer. I completed an incident report under 2002-008487 and forwarded this information to our Seattle Police Special Assault Unit and our Seattle Police Internal Investigations Section. These are the two likely units who would investigate a citizen complaint of officer impersonation.

I have reviewed incident report 2002-008487 and the related memorandum and they are true and accurate to the best of my knowledge.

STATEMENT TAKEN BY: SIGNED:

WITNESS: WITNESS:

SEATTLE POLICE DEPARTMENT

INCIDENT NUMBER
2002-008487

DATE 9/8/2008 TIME 0230 PLACE City of Seattle, State of Washington

STATEMENT OF:

I hereby certify or declare under penalty of perjury under the laws of the State of Washington that this statement is true and correct to the best of my knowledge and belief. (RCW 9A.72.085)

Officer Mark Wong #5885
Seattle Police Department
City of Seattle, County of King, State of Washington

STATEMENT TAKEN BY: SIGNED:

WITNESS: WITNESS:

FORM 9.27 Rev. 12/94

Rebuttal Testimony of Jennifer Franklin,

Mercer Island Police Department

My name is Jennifer Franklin. I am a police officer for the Mercer Island, Washington Police Department. If called to provide oral rebuttal testimony at the hearing in EB Docket No. 07-13, I would testify as follows:

I have been a police officer for the Mercer Island Police Department for 18 years most of which has been in patrol, crime prevention and now Emergency Management. I was involved on behalf of the department in investigating an incident on July 7, 2004 involving David L. Titus. I clearly remember this incident and recently testified about it in a hearing in Benton County, Washington regarding Mr. Titus' petition to dismiss the legal requirement that he register as a sex offender. Mr. Titus' petition was denied by the court.

As stated in more detail in the Case Report 04P-0963, at approximately 3:00 a.m. PST, I found Mr. Titus in the darkened boys' bathroom at the South Mercer Playfield on Mercer Island. The park and its facilities, including its restrooms, were closed at that time, and Mr. Titus was in violation of the law to be in the park and it's restrooms after hours. Mr. Titus stated that he was in the area to meet a "friend" he knew through ham radio. Mr. Titus later changed his story, stating that his friend Charles was not part of a ham radio group but someone he actually did not know who he had met over the internet and met earlier at a nearby street corner.

When questioned about his "friend," his activities, and what appeared to be law enforcement-related items in his possession, Mr. Titus was nervous and defensive. When questioned about the apparent law enforcement-related items in his possession, he told me that he was not a police officer but that his father was a police officer for the Pasco Police Department and that his girl friend was a deputy with King County. He refused to provide his father's name or contact information.

Mr. Titus was uncooperative during the incident and, based upon my many years of experience as a police officer dealing with the public, I think that his responses and behavior were dishonest and deceptive.

I have reviewed the incident report and the statements in it are truthful and accurate.

Under penalty of perjury, I state that the foregoing is true and correct to the best of my knowledge and belief.

Officer Jennifer Franklin
Mercer Island Police Department
Mercer Island, Washington