

Release blocked for Orange County's worst mass killer

SANTA ANA – After coming under criticism from District Attorney Tony Rackauckas, state mental health officials have backed away from plans to once again recommend that Edward Charles Allaway, Orange County's worst mass killer, be released from an institution, documents show.

Allaway killed seven co-workers in a rampage shooting at Cal State Fullerton in 1976 and has been institutionalized in the state hospital system since 1977, after he was convicted of the killings but a judge found him not guilty by reason of insanity. He has been held at Patton State Hospital, in San Bernardino County, since 1995.

Five times since 1991, Allaway has petitioned courts for release to outpatient status, claiming he no longer poses a threat to the community – despite a history of violence and mental illness that predates the bloodbath in the library basement. Two survived the carnage, which remains the single worst episode of violence in Orange County history.

Allaway withdrew one of those petitions on the eve of trial, but four times, the former janitor has failed to win a judge's blessing – despite testimony from hospital officials and psychologists that he was healthy enough to re-enter society.

The latest development in Allaway's bid for freedom came in July 2009, when Patton officials indicated that the now 71-year-old killer was "symptom free," and that they again were ready to recommend his release.

The hospital signaled its intent in a letter to Orange County Conrep, the outpatient supervision program that Allaway would be placed in if he gets out of Patton.

That letter spurred Rackauckas and two top homicide prosecutors to visit, in November 2009, top officials at Patton – and, in a letter to them a week after that meeting, to blast the way the hospital has been assessing Allaway.

"Based on the history of the Allaway litigation and the numerous assessments from Patton, I have grave doubts and concerns about Patton's ability to accurately diagnose Edward Allaway," Rackauckas wrote to the hospital's executive director and acting medical director.

In other documents, he criticized the medical director for advocating for Allaway's freedom.

"It shows alarmingly little appreciation for public safety for the medical director to say that he is a patient advocate for a mass murderer like Allaway," Rackauckas wrote.

In April, the district attorney took the issue up with Gov. Arnold Schwarzenegger, urging him in a letter to step in to block Allaway's possible release.

In the letter, Rackauckas accused Patton of misdiagnosing Allaway's illness, and of having a

revolving door of specialists who fail to consider the killer's entire history.

In June, Stephen W. Mayberg, director of the California Department of Mental Health, indicated to Rackauckas that Patton officials have changed their minds about Allaway.

"Based on my discussion with (Patton) staff, the next report to the court regarding Mr. Allaway will recommend that he be retained and continue to receive treatment at Patton State Hospital," Mayberg wrote.

Citing state and federal laws regarding confidentiality of personal information, Mayberg did not detail Allaway's care or treatment at Patton.

Under state law, Allaway has to wait only one year to file a new petition for freedom after a court rejects a previous one. It is unclear if he plans to file another motion for outpatient status – which he can do with or without the blessing of his team of specialists at Patton.

A Patton spokeswoman, Cindy Barrett, said she could not discuss specifics of Allaway's treatment.

Allaway's last rejection for outpatient status came in late 2001, following a trial in Orange County that lasted nearly two months, and cost taxpayers more than \$100,000 in expert witness fees alone, according to the District Attorney's Office.

Allaway's treatment team at Patton repeatedly has deemed him safe for release because he has not been a behavior problem in the hospital, has not been on medication for many years, and has maintained a "good clinical presentation," according to materials Rackauckas sent to the governor.

Rackauckas was out of town and not available for comment Thursday.

Rackauckas, in documents, chided Patton officials for declaring in a December 2008 report that Allaway has "no history of violence other than (the Cal State killings)."

Citing court documents and other files, Rackauckas noted Allaway's prior violence while working at a Chrysler plant in his native Michigan, where he bashed a co-workers head into machinery. And, in the months before his rampage in Orange County, he threatened to kill his wife with a knife and then raped her.

The trial judge who declared Allaway legally insane relied, in part, on psychiatrists who said he suffered from paranoid schizophrenia.

Allaway used a rifle to fire off 23 rounds on July 12, 1976 – delusionally believing that his victims had pressed his estranged wife into acting in pornographic films.

In a face-to-face meeting at Patton that was chronicled in The Orange County Register in 2006, Allaway told Patricia Almazan, daughter of shooting victim Frank Teplansky, that he had no memory of the shootings.

"I really don't have a whole lot of answers...I was insane at the time," Allaway told her. "And

when you're insane, there's just not a good reason or rhyme how things work out."

Almazan said Thursday that fighting Allaway's release has taken a huge emotional toll on her and other relatives of the victims, and that going another round in court would be a drain on public funds.

"It's ridiculous to consider the cost to taxpayers once again to adjudicate this," Almazan said. "I don't think he should ever be out in society again. And I don't think he should be able to put any of us victims through this again."