



# COUNTY OF SAN DIEGO

## BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

### AGENDA ITEM

**DATE:** February 1, 2005

**TO:** Board of Supervisors

**SUBJECT:** STRENGTHENING GUIDELINES FOR SEXUALLY VIOLENT PREDATORS RELEASED IN THE COMMUNITY (DISTRICT: ALL)

#### SUMMARY:

##### **Overview**

Today's action will provide direction on advocating changes to State laws that govern the Sexually Violent Predator Conditional Release Program and the public notification process of their release into the community.

##### **Recommendation(s)**

##### **SUPERVISOR RON ROBERTS AND SUPERVISOR DIANNE JACOB:**

Direct the Chief Administrative Officer to do the following:

1. Work with our local State delegation to amend the State's Sexually Violent Predator Conditional Release Program and the community notification guidelines. The changes should include, but not be limited to:
  - a.) Ensure that sexually violent predators are not placed in the county where their victim or victims reside.
  - b.) Establish residential placement guidelines for conditionally released sexually violent predators.
  - c.) Prohibit the state contracting agency responsible for monitoring sexually violent predators from unilaterally waiving conditions of release without some form of public input and/or notice.
  - d.) Allow a minimum of 45-days for public comment on proposed residential placement of sexually violent predators.
  - e.) License and regulate "Alcohol and Drug Free Housing" and include guidelines for minimum distance from child based services, and proximity to other similar facilities.
  - f.) Add these items to the County's 2005 Legislative Program.
2. Monitor any proposals by the Governor or Legislature to restructure the treatment, custody, supervision or residential placement of Sexual Violent Predators in the community.

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**Fiscal Impact**

There is no fiscal impact associated with this item.

**Business Impact Statement**

N/A

**Advisory Board Statement**

N/A

**BACKGROUND:**

On January 12, 2005, the California State Department of Mental Health announced their plans to release Douglas Badger from Atascadero State Mental Hospital into our County. Badger is the first Sexually Violent Predator (SVP) to be placed in San Diego. He is classified as a “Sexually Violent Predator” high-risk sex offender by the Department of Justice because he has been convicted of multiple violent sexual offenses. Badger has admitted to crimes against over more than 20 victims, most of whom were males ages 18 to 29. It is particularly disturbing to know that the State approved a residential placement in an area where there is a disproportionate amount of young people in the same age group as his victims. We highly object to placement of these individuals in our community, and will seek to repeal the state law (Welfare and Institution Code Section 6608.5) that requires that SVPs be released into the county they resided in before they were convicted. In addition to that change, we feel that the State must establish residential guidelines that ensure that the placement of these individuals does not compromise the safety of our citizens. Currently, these guidelines do not exist.

Under current law, the guidelines for monitoring are too easily changed, and without public input. After a judge confirms the placement of a SVP, they are conditionally released under the supervision of Liberty Health Care, a for-profit organization that the State Department of Mental Health contracted with to provide this oversight. The Conditional Release Program has several components including: GPS monitoring, covert surveillance, announced and unannounced face-to-face visits at and away from home, random urine screens for illegal substance, random phone checks, unannounced residence, vehicle, and personal searches, approval of schedules, locations of outings, and routes of travel for all time outside of residence. Additional monitoring tools are used in conjunction with treatment professionals and include weekly treatment contacts, which also serve as face-to face assessments of functioning, polygraph testosterone levels, and penile plethysmographs.

Although this multifaceted monitoring program gives the community the sense that these individuals will be closely supervised, most of its conditions can be overturned by Liberty Health Care without any notice to the public. In the case with Badger, he is prohibited from associating with criminals or known sex offenders, yet his proposed placement in the community would have allowed him to live with other known criminals and registered sex offenders living next door. These terms and conditions were put in place to ensure the safety of the community and the success of the SVP’s rehabilitation; the fact that they can be overlooked at anytime without notice to the community is preposterous. The state contracting agency, which in this case is Liberty Healthcare, responsible for monitoring sexually violent predators should be prohibited from unilaterally waiving conditions of release without some form of public input and/or notice.

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Another area of State law that needs to be revised is the code section (Welfare and Institution Code Section 6609.1) that describes the process by which local governmental agencies and communities get information about the placement of SVPs. There is a lot of ambiguity in this law in terms of the timeline for the notification process. Nowhere does it clarify how much time both governmental agencies and/or the public have to provide input about the proposed placement of an SVP in their neighborhood. In the situation with Badger, the community only had ten days to give input to the authorities. This short timeframe is unacceptable. In order to ensure that the community is properly informed about the circumstances and given enough time to submit responses, there should be a reasonable timeframe put into law. The State allows for considerably more time for public review of environmental impact reports in order to protect critters than it does to protect the public from predators. The public should be allowed a minimum of 45-days to comment on an issue that hits so close to home and could have such grave consequences.

Over the past several weeks, great effort has been made to broadcast information about a Sexually Violent Predator being placed in District 4. We have heard from many constituents who have conveyed not only their frustration with the short comment period, but also their concern about the lack of common sense used when proposing a residential site. We must speak out and advocate for these changes in law to help ensure that the safety and security of our communities are protected. We cannot forget there are 63 sexually violent predators in Atascadero State Hospital waiting to be released in San Diego.

We urge your support in pursuing these legislative changes.

Respectfully submitted,

RON ROBERTS  
Supervisor, Fourth District

DIANNE JACOB  
Supervisor, Second District