



COUNTY OF SAN DIEGO

BOARD OF SUPERVISORS

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

AGENDA ITEM

DATE: April 12, 2005

TO: Board of Supervisors

SUBJECT: NEIGHBORHOOD WATCH: STRENGTHENING LAWS TO MONITOR SEXUALLY VIOLENT PREDATORS (Districts: All)

SUMMARY:

Overview

Today's action will express the Board's support for a package of State bills introduced in the California State legislature related to Sexually Violent Predators

Recommendation(s)

SUPERVISOR ROBERTS AND SUPERVISOR JACOB:

1. Adopt a position of support for Assembly Bill (AB) 1109, AB 1683, AB 603, AB 113, AB 1603, and Senate Bill (SB) 722 as proposed on April 11, 2005, and direct the Chief Administrative Officer to add support for these bills to the County's legislative agenda.
2. Direct the Chief Administrative Officer to draft a letter for the Chairwoman's signature to the Chair of the Assembly Public Safety Committee expressing our Board's request to be considered a sponsor for AB 1109 and AB 1683 as proposed to be amended to provide notification to appropriate local entities and the public.

Fiscal Impact

N/A

Business Impact Statement

N/A

Advisory Board Statement

N/A

BACKGROUND:

On February 1, 2005 (13), the Board directed the Chief Administrative Officer to advocate changes to State laws that govern the Sexually Violent Predator (SVP) Conditional Release Program and the public notification process of their release into the community.

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These legislative changes were prompted by the announcement on January 12, 2005, by the California State Department of Mental Health on the pending release of Douglas Badger from Atascadero State Mental Hospital into our County. Badger is the first SVP to be placed in San Diego. He is classified as a 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 more than 20 victims, most of whom were males ages 18 to 29.

Since our Board letter was adopted, we have been informed that another SVP, Matthew Hedge, will soon be released into our County. Hedge was convicted of forcing two sibling boys, ages 7 and 10, to perform oral copulation and in a separate incident, was convicted of fondling and touching two girls, ages 13 and 9, using force. Hedge is expected to be conditionally released into San Diego County within the next couple of months. At this time, the residential placement of both SVPs is pending a decision by the San Diego Superior Court.

When we were alerted that Badger was to be placed in San Diego County, we made great effort to inform the community about the potential placement of a Sexually Violent Predator in the College area. We heard from many constituents who 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. In the end, Badger was not placed in this community. Currently, he is awaiting a second recommendation for placement by the State Department of Mental Health.

As a result of this process, we feel strongly that changes in law are needed to help ensure the safety and security of our community. Especially, since we know there are several other SVPs in Atascadero State Hospital waiting to be released in San Diego, now is a time for State leaders to take action.

Over the past few months, the County has worked to inform the Legislature of our recommendations. In February, Supervisor Roberts provided testimony at an Assembly Public Safety Committee Hearing - *Sex Offender Treatment in the Community*, and sent letters to Assembly Public Safety Committee members and to our local State delegation. We are pleased to say that a number of bills have been introduced by the legislature this year that relate to the recommendations supported by our Board.

Specifically, two Assembly Bills (AB) authored by Assemblymember Shirley Horton have been introduced that relate directly to the recommendations that the Board brought forward. AB 1109 (Horton) would require that local officials be notified 65 days prior to the hearing on community placement of SVPs and would require these local officials to notify the public within 60 days of the hearing. We believe that this is adequate time to ensure that the community is properly informed and enough time for them to submit responses to the proper State authorities.

AB 1683 (Horton) would require the State Department of Mental Health to notify the sheriff or chief of police, or both, the district attorney, or the county's designated counsel that have jurisdiction over the community proposed for placement of the written terms and conditions of outpatient treatment of SVPs and provide notice to these same local officials if the conditions are modified in any way. AB 1863 is proposed to be amended to include language that would require the public to be notified of any changes in the conditions of release and have an opportunity to provide input to the court. It is in the best interest of the community if they are kept informed about the status of SVPs living in their neighborhoods. It is our view that this bill with the proposed amendment will ensure this awareness is maintained throughout the process.

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At the invitation of Assemblymember Horton, we have been asked to sponsor these two pieces of legislation. Today, we are asking for the Board's support in sponsoring AB 1109 and AB 1683, including the proposed amendments

The following two bills relate to the Board's recommendation that the State establish residential guidelines for SVPs conditionally released in the community. SB 722 (Denham) would require the State Department of Mental Health to formulate a plan for the establishment of a secure, remote facility to house and treat persons committed as SVPs. It is important that the State create consistent, well thought-out plans to house these individuals. Currently, these plans don't exist. We maintain that SVPs should be placed in areas where they are distant from the public and where strict oversight over their daily activities can be achieved.

AB 113 (Cohn) would prohibit a person on parole for a sex offense, from residing within one mile of an elementary school or day care center. Passage of our Board letter in February, in addition to other previous actions by the Board, enabled our Office of Strategy and Intergovernmental Affairs to state the County's support for this bill along with proposed language to strengthen its purpose. The amendment would require that this residency restriction be applied to all sex offenders who have victimized minors. This would include SVPs, which are not captured in the current bill. By making these changes in the law, we believe that the safety of our citizens will be better protected.

Other related bills that we are seeking your support for include: AB 603 (Spitzer), which authorizes SVPs to be committed to the custody of the Department of Mental Health for treatment for a 5-year term, instead of the current 2-year term. The longer these SVPs are confined in the State mental hospital the longer they can receive treatment for their debilitating behavior; and AB 1603 (Horton), which would require the Department of Justice, in consultation with the State Department of Mental Health, to report to the Legislature the total number of SVPs released into the community who have violated their conditions of release. This information will serve as a measuring tool to evaluate the effectiveness of the conditional release program.

These laws carry forward a fundamental responsibility of public officials at every level of government to do everything we can to protect the most vulnerable citizens from dangerous offenders who prey on them.

There has never been a more important time to give our law enforcement officials the tools they need to successfully track those criminals who would inflict harm on our families and in our communities.

We are confident that everyone on this Board realizes the important of supporting legislation that will keep our neighborhoods and communities safe from Sexually Violent Predators.

We urge your support in supporting this legislation.

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SEXUALLY VIOLENT PREDATORS**

Respectfully submitted,

RON ROBERTS
Supervisor, Fourth District

DIANNE JACOB
Supervisor, Second District

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AGENDA ITEM INFORMATION SHEET

CONCURRENCE(S)

COUNTY COUNSEL REVIEW	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
Written Disclosure per County Charter Section 1000.1 Required	<input type="checkbox"/> Yes	<input type="checkbox"/> No
GROUP/AGENCY FINANCE DIRECTOR	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
CHIEF FINANCIAL OFFICER	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
Requires Four Votes	<input type="checkbox"/> Yes	<input type="checkbox"/> No
GROUP/AGENCY INFORMATION TECHNOLOGY DIRECTOR	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
COUNTY TECHNOLOGY OFFICE	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
DEPARTMENT OF HUMAN RESOURCES	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A

Other Concurrence(s): N/A

ORIGINATING DEPARTMENT: Second & Fourth Districts

CONTACT PERSON(S):

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AUTHORIZED REPRESENTATIVE: _____