



COUNTY OF SAN DIEGO
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CLERK OF THE BOARD
OF SUPERVISORS

COUNTY OF SAN DIEGO

BOARD OF SUPERVISORS

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

AGENDA ITEM

05

DATE: March 24, 2020

TO: Board of Supervisors

SUBJECT

SUPPORTING VICTIMS OF SEXUALLY VIOLENT PREDATORS (DISTRICTS: ALL)

OVERVIEW

Victims of sexually violent predators experience enormous physical, mental, and emotional trauma. We must call on the State to enact laws that put victims first, support their ability to be heard at court hearings, and prevent them from reliving their trauma.

Senate Bill 1023 (Bates) would strengthen Marsy's Law, which grants crime victims the right to attend a defendant's court proceedings and express their views. Although Marsy's Law traditionally applies to criminal proceedings, sexually violent predator (SVP) proceedings do not possess all the qualities of a criminal prosecution. Senate Bill 1023 would require that proceedings for the civil commitment of an SVP and subsequent hearings regarding his/her potential release be in open court and on the record, unless compelling and extraordinary circumstances justify closing the courtroom to the public. This legislation ensures that victims could be present at sexually violent predator court hearings.

Assembly Bill 1983 (Gallagher) would allow documentary evidence of a sexually violent predator's non-qualifying prior sexual offenses to be considered by the trial court at the probable cause hearing, relieving victims from needing to testify at both the jury trial and probable cause hearings.

Today's action will put the County of San Diego on record in support of SB 1023 and will add to the County's Legislative Program support for legislation that would require open court proceedings for the civil commitment of a sexually violent predator. In addition, today's action will put the County of San Diego on record in support of AB 1983 and will add to the County's Legislative Program support for legislation that would allow documentary evidence of a sexually violent predator's non-qualifying sexual convictions to be considered by the trial court at the probable cause hearing.

**SUBJECT: SUPPORTING VICTIMS OF SEXUALLY VIOLENT PREDATORS
(DISTRICTS: ALL)**

RECOMMENDATIONS

SUPERVISOR DIANNE JACOB AND DISTRICT ATTORNEY SUMMER STEPHAN:

1. Direct the Chief Administrative Officer to draft a letter expressing this Board of Supervisors' support for State Senate Bill 1023 to San Diego County's legislative representatives in Sacramento.
2. Direct the Chief Administrative Officer to add to the County's Legislative Program support for legislation that would require open court proceedings for the civil commitment of a sexually violent predator.
3. Direct the Chief Administrative Officer to draft a letter expressing this Board of Supervisors' support for State Assembly Bill 1983 to San Diego County's legislative representatives in Sacramento.
4. Direct the Chief Administrative Officer to add to the County's Legislative Program support for legislation that would allow documentary evidence of a sexually violent predator's non-qualifying sexual convictions to be considered by the trial court at the probable cause hearing.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

Victims of sexually violent predators experience enormous physical, mental, and emotional trauma. We must call on the State to enact laws that put victims first, support their ability to be heard at court hearings, and prevent them from reliving their trauma.

Senate Bill 1023 (Bates) would strengthen Marsy's Law, which grants crime victims the right to attend a defendant's court proceedings and express their views. Although Marsy's Law traditionally applies to criminal proceedings, sexually violent predator (SVP) proceedings do not possess all the qualities of a criminal prosecution. Senate Bill 1023 would require that proceedings for the civil commitment of an SVP and subsequent hearings regarding his/her potential release be in open court and on the record, unless compelling and extraordinary circumstances justify closing the courtroom to the public. This legislation ensures that victims could be present at sexually violent predator court hearings.

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In 2018, the State of California sought to release Alvin Quarles, the “Bolder than Most” rapist and convicted sexually violent predator into the community of Jacumba Hot Springs. This sexually violent predator amassed 14 victims in the 1980s, many of whom were violently raped at knife point. The judge presiding over the Quarles case denied public access to the hearing. Ultimately the decision to release Quarles into the public was reversed through the efforts of the District Attorney’s office, but the victims of Quarles’ heinous acts should have been allowed to attend his court hearings to share their stories and to plea for his continued civil commitment.

Assembly Bill 1983 (Gallagher) would allow documentary evidence of a sexually violent predator’s non-qualifying prior sexual offenses to be considered by the trial court at the probable cause hearing, relieving victims from needing to testify at both the jury trial and probable cause hearings.

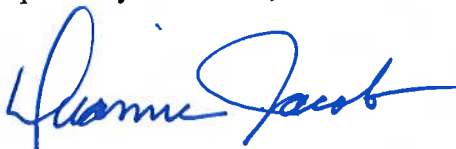
According to the National Sexual Violence Resource Center, 81% of female victims and 35% of male victims report significant impacts on their mental health including Post-Traumatic Stress Disorder from sexual violence. AB 1983 would permit hearsay at the probable cause hearing so that victims will not be exposed to unnecessary trauma at that early stage of an SVP commitment.

Today’s action will put the County of San Diego on record in support of SB 1023 and will add to the County’s Legislative Program support for legislation that would require open court proceedings for the civil commitment of a sexually violent predator. In addition, today’s action will put the County of San Diego on record in support of AB 1983 and will add to the County’s Legislative Program support for legislation that would allow documentary evidence of a sexually violent predator’s non-qualifying sexual convictions to be considered by the trial court at the probable cause hearing.

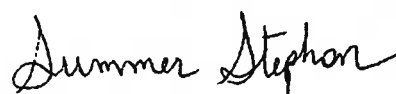
LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today’s proposed action supports the Living Safely Strategic Initiative in the County of San Diego’s 2019-2024 Strategic Plan by supporting State Senate Bill 1023 and State Assembly Bill 1983, bills that support victims of sexually violent predators.

Respectfully submitted,



DIANNE JACOB
Supervisor, Second District



SUMMER STEPHAN
District Attorney

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(DISTRICTS: ALL)**

AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED
 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:
N/A

BOARD POLICIES APPLICABLE:
N/A

BOARD POLICY STATEMENTS:
N/A

MANDATORY COMPLIANCE:
N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION
NUMBER(S):**
N/A

ORIGINATING DEPARTMENT: Board of Supervisors, District 2

OTHER CONCURRENCE(S): District Attorney

CONTACT PERSON(S):

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