



COUNTY OF SAN DIEGO

BOARD OF SUPERVISORS

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

AGENDA ITEM

DATE: **October 19, 2021**

TO: Board of Supervisors

SUBJECT

VERIFYING COMPLIANCE AND ENHANCING COMMUNICATIONS DURING THE SEXUALLY VIOLENT PREDATOR PLACEMENT PROCESS (DISTRICTS: ALL)

OVERVIEW

On May 4, 2021, the Board of Supervisors directed the Chief Administrative Officer (CAO) and County Counsel to review and research information concerning the processes and procedures involved in the public notification, placement and residency of Sexually Violent Predators (SVP) following their release from the Department of State Hospitals (DSH). On October 5, 2021, the Board of Supervisors directed the CAO to communicate to DSH our opposition to further placements of SVPs in the County until state law is updated to provide local jurisdictions full participation, and veto authority, during the SVP release and placement process.

It is clear from the review and research conducted by County staff that immediate action can be taken locally to enhance the County's limited role in SVP placements while changes to state law are considered by state officials. This action involves formally engaging multiple County departments to closely review the release and placement proposals by DSH and its Conditional Release Program contractor (CONREP) to verify they comply with all applicable laws, regulations and other requirements before the courts decide on the placement location of an SVP. This compliance check can include a site visit to physically inspect the home prior to use. Our proposed multi-departmental approach will provide an opportunity for the County to play a more meaningful role in the SVP placement process by informing DSH, its CONREP, the District Attorney and the courts of any conflicts with state or local law and regulations with proposed placement sites. This will include action to ensure that SVPs whose last legal residence, or official domicile, was in another jurisdiction are not improperly released into San Diego County.

The County can also improve upon the current process through the development of a communications strategy that will empower County staff to maximize transparency, notification, and public input on the proposed placements of SVPs.

RECOMMENDATION(S)

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SUPERVISOR JOEL ANDERSON AND SUPERVISOR JIM DESMOND

1. Direct the County's designated "agency or program" under Section 6608.5 (d) of the Welfare and Institutions Code to coordinate with other County departments as necessary to review and verify that the Department of State Hospitals and its Conditional Release Program contractor complies with all applicable State and local laws, regulations, and other legal requirements when searching for and securing housing for Sexually Violent Predators who are to be conditionally released in San Diego County.
2. Direct the Chief Administrative Officer to develop, implement and report back on a communications strategy for County staff to maximize transparency, notification, and public input on the proposed placements of SVPs.

EQUITY IMPACT STATEMENT

The proposed actions will advance equity by helping to ensure that all San Diego County residents are afforded the opportunity to live in safe communities regardless of their socio-economic standing. It will deploy County resources to help prevent the targeting of rural and low-income neighborhoods where there has been a history of placing Sexually Violent Predators.

FISCAL IMPACT

There is no fiscal impact associated with today's actions. Today's actions may result in future fiscal impacts based on recommendations resulting from today's action to direct staff to verify the actions of DSH and its CONREP or to enhance the current communications related to the SVP placement process. Any such recommendations would need to be considered and approved by the Board.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

On May 4, 2021, the Board of Supervisors directed the Chief Administrative Officer and County Counsel to review and research information concerning the processes and procedures involved in the public notification, placement and residency of Sexually Violent Predators (SVP) following their release from the Department of State Hospitals (DSH). On October 5, 2021, the Board of Supervisors directed the CAO to communicate to DSH our opposition to further placements of SVPs in the County until state law is updated to provide local jurisdictions full participation, and veto authority, during the SVP release and placement process.

It is clear from the review and research conducted by County staff that immediate action can be taken locally to enhance the County's limited role in SVP placements while changes to state law are considered by state officials. This action involves formally engaging multiple County departments to closely review the release and placement proposals by DSH and its Conditional Release Program contractor (CONREP) to verify they comply with all applicable laws, regulations

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and other requirements before the courts decide on the placement location of an SVP. Our proposed multi-departmental approach will provide an opportunity for the County to play a more meaningful role in the SVP placement process by informing DSH, its CONREP, the District Attorney and the courts of any conflicts with state or local law and regulations with proposed placement sites.

The proposal includes a request for Planning and Development Services (PDS) Code Enforcement staff to conduct proactive site visits to verify zoning and code compliance for any locations under consideration by CONREP for placement of an SVP. Currently, Code Enforcement would only conduct inspections of locations where an SVP may be housed based on complaints of potential zoning or code violations.

County review of the actions taken by DSH and its CONREP was instrumental during proposed placements of SVPs in San Diego County earlier this year. Following the proposed conditional release of two SVPs by DSH, Codes Enforcement staff responded to a complaint and discovered that the property identified as suitable housing by DSH's CONREP was in violation of County codes Section 91.1.105 and Section 91.1.114.1 (see Attachment A). A multi-departmental review of this proposed housing could have provided DSH and its CONREP with vital information that would have prevented this location from being considered, avoiding the use of valuable time and resources by the District Attorney, the Sheriff's Department, and the courts. It would also have prevented significant concern and stress experienced by the by families living in the community where this home is located.

Under Section 6608.5 of the Welfare and Institutions Code, SVPs who are conditionally released are to be placed in their county of domicile. However, if the court finds extraordinary circumstances require placement outside the county of domicile, the county of placement is given prior notice and opportunity to comment. County staff can verify that DSH and its CONREP are following this statute and preventing any attempts to improperly place SVPs from other counties in San Diego.

By using a formal multi-departmental review process, coordinated by Behavioral Health Services and including other County departments as needed, the County can ensure that it fulfills its responsibility as outlined by the state under Section 6608.5 (d) of the Welfare and Institutions Code. This action will provide an opportunity for the County to play a more meaningful role in the SVP placement process by informing DSH, its CONREP, the District Attorney and the courts of any conflicts with state or local law and regulations with the proposed placement site.

The County can also improve upon the current process through the development of a communications strategy that will empower County staff to maximize transparency, notification, and public input on the proposed placements of SVPs.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed action supports the Living Safely Initiative of the County of San Diego's 2021-2026 Strategic Plan by helping to ensure safe communities that improve the quality of life for all residents.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joel Anderson', with a long horizontal stroke extending to the right.

JOEL ANDERSON
Supervisor, Second District

A handwritten signature in black ink, appearing to read 'Jim Desmond', with a long horizontal stroke extending to the right.

JIM DESMOND
Supervisor, Fifth District

ATTACHMENT(S)

Attachment A – Compliance Notice for 10957 Horizon Hills Drive, El Cajon, CA 92020