



JOEL ANDERSON
SUPERVISOR, SECOND DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

AGENDA ITEM

DATE: May 4, 2021

TO: Board of Supervisors

SUBJECT

NOTIFICATION AND PROCEDURES FOR THE PLACEMENT AND RESIDENCY OF SEXUALLY VIOLENT PREDATORS AND REGISTERED SEX OFFENDERS (DISTRICTS: ALL)

OVERVIEW

The housing of sex offenders in San Diego County continues to be a major concern for the region's families, community leaders and the elected officials representing them. Unfortunately, the current processes related to the notification and placement of Sexually Violent Predators (SVP) and registered sex offenders is unclear as accurate information has been difficult to obtain and sometimes contradictory. The following is a summary of the information my office has been able to obtain from multiple sources concerning the current processes:

SVP Release, Placement and Notification Process

- Department of State Hospitals (DSH) notifies County Sexual Assault Felony Enforcement (SAFE) Task Force a few weeks before SVP is to be released.
- The SAFE then notifies community and local elected officials of pending SVP release, the date of placement court hearing, and the process to testify during court hearing.
- DSH (or DSH's consultant) identifies and secures a residence for the SVP to live.
- According to the DSH website FAQs, "the county is notified in writing by DSH of the upcoming (SVP) release. The court may appoint a county organization to assist with the housing search. A housing search committee may include representatives from local law enforcement, district attorney's office or other county administrators. The committee would meet regularly with the Executive Director of CONREP to receive updates on the housing search. Counties are not required to form a committee. If they decide not to, the search is still conducted and findings are relayed to the court."
(<https://dsh.ca.gov/Treatment/FAQs.html>)
- According to the California Welfare and Institutions Code: "...county of domicile shall designate a county agency or program that will provide assistance and consultation in the process of locating and securing housing within the county for persons committed as sexually violent predators..."

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Registered Sex Offender Notification Process

- California Department of Corrections' San Diego region consultant (HealthRIGHT360) authorizes their subconsultant (Optima Transitional, Inc.) to identify and lease properties for non-SVP sex offenders participating in recovery programs and living in group homes.
- California Department of Corrections staff inspects proposed SVP residences and approves Optima's leasing of residences.
- Once registered sex offenders (both SVP and non-SVP) move into a new residence, they must register with local law enforcement within five days.
- Local law enforcement provides this registration information to the State Department of Justice, who inputs information into Megan's Law database (<https://www.meganslaw.ca.gov/>)

Additional Information

- The San Diego Sex Offender Management Council (SOMC) is comprised of law enforcement and mental health representatives and is responsible for developing and implementing standards to improve the quality and effectiveness of sex offender evaluations, treatment and supervision.
- The Sex Offender Management Council met monthly until 2019. Although these meetings are supposed to be conducted via the Ralph M. Brown Act, it appears these meetings were not in compliance with the Brown Act and meeting minutes were not recorded.

Although my office has been able to obtain the above information, there are inconsistencies and omissions in the answers we received to our questions to the District Attorney's office and Sheriff's office. Some of the remaining questions that need to be answered include the following:

- Is DSH required to notify the SAFE team prior to the release of an SVP? If so, what statute, regulation, etc. requires them to do so?
- How much time prior to release of an SVP must the SAFE team be notified?
- Is DSH required to provide any other local notification of pending SVP releases/placements?
- Has an agency or program, or housing committee been established in San Diego County to assist with SVP housing searches?
- If not, who is responsible for identifying an agency or program and notifying DSH, or establishing a housing search committee?
- If a housing committee can be established, who can serve on the committee?
- Are local law enforcement permitted to inform communities once a registered sex offender registers with law enforcement?
- What is the formal function of the SAFE Task Force?
- Who appoints the SAFE Task Force?
- What are the full responsibilities of the SOMC?
- What governs the composition of the SOMC? Who is responsible for appointing SOMC members?

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To enhance the notification and placement processes for Sexually Violent Predators and sex offenders, it is vital for all parties, including the public to first understand the roles and responsibilities each entity plays under the current process. I am, therefore, asking the board to direct County Counsel and the Chief Administrative Officer to review the facts and questions raised, as well as other related issues, and determine what process has been used and what processes and procedures can be utilized for notifying the public about the placement and residency of Sexual Violent Predators (SVP) and Registered Sex Offenders.

**RECOMMENDATION(S)
SUPERVISOR JOEL ANDERSON**

1. Direct County Counsel and the Chief Administrative Officer to review the facts and questions raised, as well as other related issues, and determine what process has been used and what processes and procedures can be utilized for notifying the public about the placement and residency of Sexual Violent Predators (SVP) and Registered Sex Offenders.

FISCAL IMPACT

This action will not result in the need for any additional funding.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

The housing of sex offenders in San Diego County continues to be a major concern for the region's families, community leaders and the elected officials representing them. Unfortunately, the current processes related to the notification and placement of Sexually Violent Predators (SVP) and registered sex offenders is unclear as accurate information has been difficult to obtain and sometimes contradictory. The following is a summary of the information my office has been able to obtain from multiple sources concerning the current processes:

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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.

Respectfully submitted,



JOEL ANDERSON
Supervisor, Second District

ATTACHMENT(S)

N/A

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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED

 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:

February 1, 2005 (13), Strengthening Guidelines for Sexually Violent Predators Released in the Community; February 7, 2012 (1), Formal Establishment of the San Diego Sex offender Management Council.

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): N/A

CONTACT PERSON(S):

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