



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

SACRAMENTO LEGISLATIVE OFFICE

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The Honorable Toni Atkins
Senate, President Pro Tem
1021 O Street, Suite 8518
Sacramento, CA 95814

SENATE BILL 1034 (ATKINS) SUPPORT

Dear Senator Atkins:

The Los Angeles County District Attorney's Office is pleased to support Senate Bill 1034, as amended August 15, 2022.

Existing law requires the Department of State Hospitals (DSH) to evaluate – on an annual basis – whether or not a sexually violent predator (SVP) continues to suffer from a diagnosable mental disorder that would likely lead to further acts of sexual violence. If it is determined that the SVP no longer represents a danger to society and it is safe to place the SVP in a less restrictive environment than a state hospital, the SVP is placed on conditional release (CONREP). CONREP allows a SVP patient to finish the final segments of their treatment via outpatient under exacting conditions and monitoring. Generally, these conditions include individual supervision, specialized treatment, weekly drug screening, surveillance, polygraph examinations, and active GPS tracking.

After a court has made the judicial determination that a SVP can be placed on CONREP, it is the responsibility of the DSH to recommend to the court a suitable housing placement. The general rule is the SVP is released to the county where the person resided before their incarceration – also known as the county of domicile – unless there is an extraordinary circumstance.

If a placement decision cannot be made in the county of domicile, a court may make a finding of extraordinary circumstance and issue an order that the SVP shall be housed in an alternative county of placement which creates new challenges for those jurisdictions.

The placement of SVPs in a local community is an extremely complicated process that can have a significant impact on a local community. For this reason it is critical that the DSH consult with and get input from local government officials and the public safety agencies tasked with ensuring the safety of our residents and communities.

As amended, SB 1034 will help improve the process whereby the housing decision of a SVP placed on CONREP is made. SB 1034 requires the DSH to convene a meeting with the counsel for the SVP, the sheriff/police chief responsible for LE services in the locality of placement, the county counsel and the District Attorney [or their designees] to provide consultation on the proper placement of a SVP in a local community.

Local officials, especially local law enforcement agencies, have far better knowledge of our local communities than the DSH and can provide important information on why or why not a proposed housing site for a SVP placed on CONREP is appropriate or inappropriate. While the local officials included within the provisions of SB 1034 are required to meet with and consult with the DSH about the proper placement of a SVP in a local community, the amendments of August 15th make it explicitly clear that none of the designated local officials are required to perform a housing site assessment for the courts or the DSH as part of the met and confer process.

As amended, SB 1034 also provides additional protections for counties before a court can make a finding of extraordinary circumstances and order a SVP be housed in an alternative county of placement when a safe and secure housing site cannot be made in the county of domicile.

Under the provisions of SB 1034 a court can only make a finding of extraordinary circumstances and order a SVP be housed in an alternative county of placement only after all of the following has occurred:

- The county of domicile has demonstrated to the court that they have engaged in an exhaustive housing search with meaningful and robust participation from the parties in both committee conferences and status conferences. The county of domicile shall provide the court with declarations from the county of domicile and all the participants attesting to the exhaustive housing search;
- The county of domicile has provided at least one alternative placement county for consideration and has noticed the district attorney, or district attorneys, of the alternative placement county, or counties, and the DSH regarding the county of domicile's intention to petition for a finding of extraordinary circumstances. And if applicable, the county of domicile shall indicate how the committed person has a community connection to a proposed placement county;
- The county of domicile has provided the declarations and community connection information to the DSH and to the district attorney of the proposed alternate placement county; and,
- The DSH and the district attorney of a proposed alternate placement county have had an opportunity to be heard at a hearing, of which they receive at least 30 days' notice.

SB 1034 also requires courts to state on the record the reasons and grounds supporting the decision for making a finding of extraordinary circumstances.

Local law enforcement involvement in SVP placement decisions is critical to ensure transparency and improve local public safety. Existing law does not require the DSH to meet and consult with local law enforcement as part of the process in determining if a proposed housing site is appropriate, safe and secure. SB 1034 will provide a better and more structured process for all stakeholders that reduces the risk of transient SVP placements and ensures that law enforcement has the opportunity to consult the DSH about risks and dangers of a proposed CONREP housing site.

If you have any questions or need additional information, please feel free to contact Daniel Felizzatto in my Sacramento Legislative Office at (916) 442-0668.

Very truly yours,



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District Attorney