



The Jacob Journal

A Newsletter from Supervisor Dianne Jacob

February 2005

Plan to Release Sexual Predator Has Flaws

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La Mesa
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Inaja
Jamul
La Posta
Manzanita
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They have committed violent rape, assault or molestation against more than one victim. Those victims include infants, children, teens, seniors and people with disabilities.

They have been diagnosed with mental disorders that experts warn make them likely to repeat their sadistic crimes.

Now, the first of what could be dozens of Sexually Violent Predators— or SVPs as they are referred to in legal circles— is set for release in San Diego County, the very same County where he assaulted his last victim.

The difficult placement of Douglas Badger, with his 20-year history of kidnapping and sexually assaulting male hitchhikers at gunpoint, offers the region a firsthand look at the State’s convoluted laws concerning Sexually Violent Predators.

At this moment, there is no legal way to prevent the release of Badger and others like him. He belongs to a pool of depraved offenders whose most recent crimes occurred before California’s get-tough Three Strikes law and similar One Strike law that pertains to especially violent sex offenses.

But there is still time for the State to toughen up laws that give the public additional protection from Sexually Violent Predators. There is still time to see that Badger isn’t forced on a community that doesn’t want him and doesn’t deserve him. And it’s high time for

the State Department of Mental Health to justify to the public how its treatment program for SVPs has somehow determined that Badger is no longer a threat to others.

SVPs like Badger have served the length of their criminal sentences. Had they not been deemed mentally unstable and highly likely to repeat their sinister crimes, they would be living among us today or, more likely, back in prison on another conviction.

Instead, they’ve been committed to a state mental hospital and offered four phases of therapy that, once completed, make them eligible for release into the county where they last offended.

I’m not a mental health expert. I don’t know how, exactly, the State says it can determine when an offender is ready for the outside world. I do know that Badger’s own court documents say he’s 39 percent likely to take another victim within five years of his release.

I also know that the private company hired by the State to find a suitable location for Badger recommended a site in the College Area, a community with a sizeable population of young males— Badger’s victims of choice.

College Area residents had a right to be outraged by that baffling location. All of us have a right to be stunned that the State would somehow let loose an offender with a four in ten chance of doing harm in the future.

The State has tried to calm public fears by

“ Badger’s own court documents say he’s 39 percent likely to take another victim within five years ”



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ticking off the many conditions of Badger’s release, including GPS monitoring, random inspections, drug tests, phone checks, approval schedules and mandatory therapy. San Diego County believes the State’s efforts fall far short of what’s needed.

The private company hired to monitor Badger has the ability to waive most of the conditions of his release without any public notice.

While the conditions of Badger’s release specify that he is not to associate with criminals, especially sex offenders, the College Area proposal had Badger sharing a facility with other registered sex offenders and ex-convicts.

When Badger’s release was announced, the public had just 10 days to provide input to the judge who will ultimately place him.

Disturbingly, the State doesn’t see the harm in releasing SVPs into counties where their victims reside.

If the case of Badger is any indication of the State Department of Mental Health’s dedication to public safety when it comes to SVPs, I am nothing short of appalled.

This month, the San Diego County Board of Supervisors voted unanimously to seek urgent changes to the State’s SVP Conditional Release Program.

We believe the State must show compassion to victims of SVPs and not return offenders to the scene of the crime.

“The public has heard too little from the health professionals who are recommending Badger’s release.”

BY THE NUMBERS

Sexually Violent Predators

535	Number of SVPs receiving treatment under the 1996 Sexually Violent Predator Act as of January 2004.
4	Number of phases of treatment SVPs must successfully complete to be considered for release.
79	Percentage of SVPs who refuse to go beyond the first phase.
63	Number of SVPs who could be released to San Diego County if they complete treatment phases and qualify for release.
138,000	Dollars per year spent to house one patient at Atascadero State Hospital where the SVP population currently resides.

If the private company monitoring Badger says he no longer needs to wear a GPS bracelet, we think the public ought to know about it.

The State should have clear-cut guidelines when it comes to the places where SVPs can live, like distancing them from schools. And we firmly believe that communities deserve more than ten days to weigh in on the release of an SVP.

In addition, the public has heard too little from the health professionals who are recommending Badger’s release, those who will have to assume some accountability if Badger strikes again.

SVPs are losing propositions for communities. If they make it through the treatment process, there is nothing we can do to block their release. Once they’re released, the State’s current safety net is already proving itself problematic.

We can, however, demand that the safety net be tightened. We can also begin to question the value and effectiveness of an estimated \$138,000 a year per offender treatment program that recommends the release of a predator with a solid chance at repeating his crime.

In the meantime, I have recommended to the judge that Badger be placed in a trailer at Donovan State Prison. Far from ideal, I believe it is the only option that is fair to all communities.

Luck Running Out For Jamul Casino

A plan to build a sprawling casino complex in peaceful rural Jamul was dealt a substantial blow late last year when the State Gaming Commission issued a ruling that put the breaks on the availability of slot machine licenses.

Slots are the real money makers at Indian casinos. Each machine must be licensed and the State caps the total number of licenses available. Tribes with 1999 gaming compacts, like the tribe in Jamul, were required to have newly licensed slot machines up and running within one year. Without a casino, the Jamul tribe couldn't plug in.

The Commission's recent ruling said it was okay for tribes with existing casinos to keep licenses active by unplugging and rotating machines in and out of use. That ruling created a run on licenses and existing casinos have snatched them up.

The state's pot of licenses is down to zero.

It's possible that several hundred might become available if casinos decide to downsize, a gaming official told the *San Diego Union-Tribune* last month. That's nowhere near the number of slot machines the people backing the Jamul casino say they need to break even.

The casino's point person admitted to the paper that backers are seeking a new compact with Governor Schwarzenegger. That endeavor won't likely go far because the Governor is formally opposed to the project.

"Given the location of property and the nature of the proposed use of the land, I am concerned that the project will jeopardize public safety and permanently damage the rich natural resources in the area," the Governor wrote in a recent letter to the Bureau of Indian Affairs.



A Bad Bet: The biologically rich Rancho Jamul Ecological Reserve would be compromised by a casino.

PUT TOXIC WASTE IN ITS PLACE



The County wants your hazardous and your electronic waste! The Department of Environmental Health is hosting a collection event in Campo to make it easy for you to dispose of your debris.

Saturday, March 19, 2005 from 9 a.m. to 2 p.m.
Campo Road Station
970 Forrest Gate Rd., Campo

What to bring: aerosols, cleaners, antifreeze, batteries, auto fluids, disinfectants, gasoline, used oil, lighter fluid, solvents, latex and oil-based paint, pool chemicals, computer and TV monitors, cellular phones, printers, scanners, stereo equipment, fax machines, VCRs and DVD players.

Join Supervisor Jacob
for Coffee
and Conversation

Friday February 25, 2005
8:30 a.m.
Campo Diner
1367 Dewey Place
Campo

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We hope to hear from you soon!

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