

DATE:	MAY 11, 2022
NUMBER:	R.5
SUBJECT:	HOUSING OF SEXUALLY VIOLENT PREDATORS
RELATED SECTIONS:	Welfare and Institution Code §6600; JONES v. BLANAS; J.3

PURPOSE

To establish a policy for the proper housing of civil commitments per the Sexually Violent Predators (SVP) Act.

POLICY

Individuals committed to the custody of the Sheriff under this act are civil commitments. Based on a 9th Circuit Court case ruling, civil commits cannot be subjected to conditions that “amount to punishment.” They will be confined in our custody in a manner that ensures their presence at trial, maintains jail security and allows for the effective management of the facility. This section does not apply to incarcerated persons who are being held on criminal charges in addition to civil commitment charges. Incarcerated persons with both civil commitment charges and pending criminal charges are not considered civil commitment incarcerated persons. They are considered criminally committed incarcerated persons and the procedures set forth herein do not apply.

DEFINITION

Sexually Violent Predators (SVP) - Welfare and Institution Code sections 6600 through 6609.2 refer to a person who has been convicted of a sexually violent offense against two or more victims. The person has a diagnosed mental disorder that makes them a danger to the health and safety of others, in that it is likely that they will engage in sexually violent criminal behavior again. The aforementioned individuals will be referred to in this policy as “SVP.”

PROCEDURE

SVPs will be housed separately from all other incarcerated persons, but they may be housed together with other SVPs. They will be afforded full freedom of movement in their housing unit, and somewhat more opportunity to utilize the recreation yard, dayroom, and telephone than other incarcerated persons.

I. Housing

- A. SVPs will be housed in a dorm setting where they have full use of the dayroom during waking hours. Generally, usage will begin at breakfast through “lights out” at night.
- B. They will be allowed to view the television throughout the day. The television will be turned off when it is clearly becoming a nuisance to the majority of SVPs in the module. When the majority of SVPs are sleeping or have complained to the deputies about the noise, it is appropriate to turn off the television.
- C. When an SVP demonstrates an inability to conform to the rules of the facility or is a danger to staff or incarcerated persons, they may be placed into Administrative

Separation. While in this status, the SVP will be subject to the least restrictive rules that apply to them, based on the reason they require segregated housing.

- D. They will be allowed unrestricted use of the dayroom phone during the time the dayroom is open, unless they are creating a disturbance for other sleeping SVPs or have demonstrably abused the privilege.
- E. Due to facility security concerns, SVPs will be dressed in jail issued clothing and will wear black color wrist bands for identification. They will be afforded clothing exchange on a similar schedule as a mainline incarcerated person.
- F. SVPs who are rebooked on criminal charges will be moved to Administrative Separation pending a classification review.

II. Recreation and Legal Research Assistance (LRA)

- A. SVPs will be allowed to utilize the recreation yard on a schedule that allows for more opportunities than afforded to mainline incarcerated persons while not creating an unworkable burden on the staff. A facility green sheet will be drafted for approval by the facility commander that meets this standard.
- B. SVPs may request LRA from the facility correctional counselor (refer to Detention Services Bureau Policies and Procedures section T.1).

III. Transfers To or From the Facility

Transportation

- A. SVPs should be placed into the segregated enclosures on the bus or shall be transferred in a van separated from all other incarcerated persons. They should be segregated from others in the least restrictive manner possible depending on the seating arrangements available on the particular bus, while maintaining complete security.
- B. They will be waist chained, but cross chaining should only be done when the SVP has demonstrated that they are an escape risk or possibly assaultive.

IV. Detentions Processing Division (DPD) Procedures

- A. At intake, the arrest type will be "Booked Mental Health." If more than one case number is referenced on the booking documents, an additional arrest will be made for each case. When entering the charges, **the first charge will always be WI 6600, "Sexual Predator."** The case number entered will be the court case number and no bail.

Once an SVP appears in court on the petition, the jail will receive a court document. The court document will identify the two or more cases and charges that qualify the individual as an SVP. The SVPs custody records will be updated in the maintenance screen to include the charges listed on the court document. **The charge of WI 6600 will not be removed and will remain as the first charge.**

V. California Penal Code section 2620

- A. SVPs should not be booked under California Penal Code section 2620. That charge should be used for civil commitments that return to Sheriff's custody for hearings, such as:
 - 1. California Penal Code section 2621- material witnesses.
 - 2. California Penal Code section 2625 - family law hearing
- B. Incarcerated persons who are here for civil hearings as material witnesses, for family law hearings or for further proceedings under California Penal Code section 2620 will **not** be housed with SVPs, nor will this section apply to them.