

# California State Senate

SENATE MINORITY LEADER BRIAN W. JONES

FORTIETH SENATE DISTRICT



May 4, 2023

Assemblyman David Alvarez  
Chair, California Joint Legislative Audit Committee  
Legislative Office Building, Suite 107  
Sacramento, CA 95814

Dear Chair Alvarez:

I request that the Joint Legislative Audit Committee authorize an audit of Liberty Healthcare's long-running exclusive contract to manage the Sexually Violent Predator Conditional Release Program (SVP CONREP) currently overseen by the Department of State Hospitals (DSH) and its predecessor, the Department of Mental Health (DMH).

I have deep concerns about the SVP CONREP program and hope that this audit will provide some much-needed transparency as the program comes under increasing public scrutiny and criticism for its lack of accountability and transparency.

The history of Liberty Healthcare's attempted SVP placements has shown a severe lack of concern for public safety in our local communities. I have become too familiar with the CONREP process over the last few years with multiple attempts to place SVPs in San Diego County, including well-known child sex predator Douglas Badger who was proposed to be placed near schools, bus stops, and daycare centers. Unfortunately, Badger was just recently approved to be placed in another problematic situation: a family-friendly neighborhood across the street from a home-schooled family with two deaf children.

This issue is not specific to San Diego. Attached to this request are several news articles from across the state exemplifying similar concerns statewide. These stories and my own experience in my district raise strong concerns with the CONREP process.

Liberty Healthcare's practices are not in line with public oversight and fail to focus on safety that the program calls for. In fact, it appears full details of where Liberty Healthcare is leasing homes for sexually violent predators are kept secret from neighbors, schools, and local government officials, including even local law enforcement. It is only after Liberty Healthcare signs leases for homes and pays for them with our tax dollars, that they slowly release details to the community, making it almost impossible to stand up against inappropriate placements. County District

Attorneys have gone to court to block these dangerous placements of SVPs, and many judges have recognized the threat to public safety and ruled against Liberty Healthcare's placements. Through the several attempted placements during my time as a Senator, it has been very difficult, if not impossible, to get information from DSH about the operation of their 20-year exclusive partnership with Liberty Healthcare. This troubles me because it seems that DSH has delegated their authority and responsibility to a private contractor.

**I believe it is long past time to bring transparency to the SVP CONREP process operations.**

I therefore respectfully request that the State Auditor be authorized to conduct an audit to determine the following:

1. Identify the number of SVPs placed through CONREP, including those who have reoffended, specifically those who have been convicted of a new felony or misdemeanor relating to sexually violent offenses committed within ten years of release from custody, or committed within ten years of placement on supervision for a previous criminal conviction.
2. Assess the Department's process for contracting with Liberty Healthcare to manage SVPs placed in CONREP, including the following:
  - a. Whether the terms and conditions of the contract are consistent with the laws and regulations governing the placement and management of SVPs in CONREP.
  - b. Whether the Department provides sufficient oversight of Liberty Healthcare's management of SVPs placed in CONREP. Is the Department ensuring that SVPs are receiving adequate treatment? If not, how could it be improved?
3. Examine the contracting process and determine how many other potential bidders the Department has considered to do the work relating CONREP.
4. How much has California paid in total to Liberty Healthcare and all other vendors/contractors over the last twenty years to place SVPs through the CONREP program?
5. How have counties participated in the placement process? How has Liberty worked with counties to ensure placements? Please look specifically at San Diego (a large county), a medium size county, and a small county (based on population). Please include the following information:
  - a. How often are SVPs placed close together?
  - b. How often/how many "attempted placements" are made before a permanent placement is reached? How much money has been wasted on placements that fail?

6. Make policy and regulatory recommendations that would improve public safety outcomes and mental health outcomes related to the program, including legal assessments of those recommendations.
7. Review and assess and other issues and statutes that are significant to the audit.

I request that the Joint Legislative Audit Committee approve this audit of the state's contract with Liberty Healthcare to manage the SVP CONREP as soon as possible.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian W. Jones". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Brian W. Jones  
Senate Minority Leader - 40<sup>th</sup> District