



GROSSMONT-MT. HELIX IMPROVEMENT ASSOCIATION

Preserving the Character of Our Community

April 16, 2021

Honorable Theodore Weathers
Judge of the Superior Court for the County of San Diego
Department 1702
Central Courthouse
1100 Union Street
San Diego, CA 92101

Re: Hearing re Placement of Sexually Violent Predator Douglas Badger
April 20, 2021, 9:00 a.m.

Dear Judge Weathers:

Please consider these issues of concern to the Grossmont-Mt Helix Improvement Association regarding the placement hearing scheduled for next Tuesday. The Grossmont-Mt. Helix Improvement Association is an 83 year old 501C(4) non-profit public benefit organization that represents approximately 7,000 single family homes with 20,000 residents in our community. Our mission is to preserve and enhance the character and quality of our region.

The Grossmont-Mt-Helix Improvement Association requests that the Court not approve the location of the proposed placement for three reasons. The law which mandates County assistance and consultation was not followed, and in the interest of adhering to the process set out by statute, the matter should cease immediately until such time as that statutory requirement occurs. Second, while Mr. Badger's conditional release into the community has been approved, the location designated is not a proper location based on physical safety factors of lack of visibility, unpermitted construction and the required factors of considering the age and profiles of Mr. Badger's nine victims. Third, there are better housing options than the proposed location. The gravity of this decision based on the risk to children and minors is all the more reason to ensure the law is not violated.

This Proposed Placement Violates the Law Requiring a County Agency to Assist with and Consult on the Housing Placement.

This proposed placement violates the law, as it does not comply with California Welfare and Institutions Code section 6608.5(d) which requires the County to designate an agency or program to provide assistance and consultation for the process of finding housing for a Sexually Violent Predator being conditionally released.

The County has not designated an agency to consult on housing; nor has it had any input whatsoever on where Mr. Badger will be housed. This is violative, not only of the letter of the law, but also the obvious legislative and policy intent to require community (County) input and advice on the placement of Sexually Violent Predators who are being conditionally released.

Both SAFE and the District Attorney's office have confirmed that they have not been consulted on housing selection, and that the California State Hospital and their contactor are very 'opaque' on the process of selecting a proposed location. They have not been allowed to provide any assistance or advice.

Therefore, this housing selection process must be stopped immediately until such time as the County appoints an agency or program to consult on housing placement, and that agency or program provides assistance and advice on the proposed placement of Mr. Badger.

We are not of such naivete to believe that the County relishes its mandate of participating in selecting a housing location for a Sexually Violent Predator, but we are very conscious of the fact that the process has been cloaked in secrecy by the Department of State Hospitals and its agent. We believe that the spirit of openness which is contemplated by the statute would be served by following the law.

Until the statute is complied with, this housing selection process should cease immediately.

The Proposed Location is a Bad Selection for Many Reasons and Violates the Requirement of California Welfare and Institutions Code section 6608.5(e)

a. One cannot easily see the home easily from street level. Because the home is situated below street level, it is not completely visible from the street. If there were inappropriate activity at the home, this property's elevation makes such activity less visible than one would find under most circumstances where because most homes are at street level and the front doors are visible from the street, people leaving or coming to the home can be seen. This location does not provide visibility.

b. The back boundary of the property borders a creek bed and forested ravine and leads directly to a major thoroughfare, Avocado Boulevard. This area lacks visibility and it makes it easy for ingress and egress to the property without being seen. Because it connects the home to a major thoroughfare through a path that is not visible, there would not be any visual monitoring in the community of persons coming and going as one would find on a normal street; and it would supply a method of arriving or leaving the property quickly without being seen.

c. The proposed property is adjacent to a neighborhood play area and hangout. The home is adjacent to an area which is attractive to children and minors. The creek bed and forested ravine attract minors and children as a place to play and hang out. Because Mr. Badger has been convicted previously of child molestation, according to the District Attorney's website, and also

attempted kidnap and rape of a 16-year-old female, in addition to kidnapping and violent sex acts against young men, the location being immediately adjacent to a neighborhood hangout and play area is an extremely bad choice for placement of Mr. Badger.

d. Unsafe premises of an unpermitted conversion of garage. We understand that the garage of the home suggested for placement has been converted to living space without a County building permit, which is of grave concern regarding the safety of the home, particularly if electrical wiring or gas lines and/or appliances were installed in an unpermitted manner. The unpermitted structural portion of the home needs to be inspected and permitted before habitation occurs by anyone, much less a senior of 78 years old.

e. This neighborhood is a poor choice as it is a community of mostly young families with children and teenagers, similar to the profiles of Mr. Badger's victims. California Welfare and Institutions Code section 6608.5, subdivision (e) provides that in recommending placement, the Department of State Hospitals must consider the "age and profile of the victim or victims in the sexually violent offenses committed by the persons subject to placement." We don't know a great deal about Mr. Badger's victims, but we do know that there were nine victims, and that one conviction was for child molestation.¹ Another conviction was for attempting to kidnap and rape a 16-year old girl.² Another conviction was for forcible oral copulation of a 24-year old male.³ A fourth victim was a 18 year old male.⁴ In considering what we do know about the "age and profile" of the victims, the victims in all known cases have been young—either children, teenagers or young adults. Proposed placement in a neighborhood with a large number of children and minors does not take into account the victim age and profile requirements of the placement statute for a Sexually Violent Predator.

And, although we don't know the ages and profiles of all of Mr. Badger's nine victims, it is obvious, based on what we do know, that Mr. Badger would be much better placed if he were in a community of older people. His own needs at his age of 78 could be better met in a neighborhood with a great deal more senior services available. And, because all of Mr. Badger's medical diagnoses and legal determinations as suffering from Sexual Sadism toward young victims could lead to future criminal actions against children and minors, based on his actual past criminal history, he should never be placed in a neighborhood consisting primarily of families with children and minors.

The risk is too great to this particular population of the residents of the proposed neighborhood. The statute clearly contemplates that placement should not be among persons who are similar to the SVP's victims, and that this factor must be taken into consideration.

¹ Criminal File, San Diego County, CR 124544.

²CR 124544.

³ CR 124544

⁴ CR 144544.

Not only does the proposed property abut a neighborhood hangout for children and teenagers, but it is less than one mile from Fuerte Elementary School to the south, less than one mile from Chase Elementary School to the northwest, less than one mile from Emerald Middle School to the northwest, and less than one mile from two different parks. There are many in-home child care services in this neighborhood, as well, one of which is directly across the street from the proposed location.

So, although the location is probably more than one-quarter mile from schools and parks which is the distance required by [Statute], the number of child and teen-centered activities of three schools, two parks and multiple child care services make this location statutorily unacceptable.

Further, Mr. Badger's prior convictions were primarily crimes of opportunity. Mr. Badger should not live in an area rife with opportunity as it is populated with children, teens and young people.

There are Better Selections Available for the Proposed Placement

According to SanGIS, "San Diego County covers an area of 4,526 square miles making it larger than Delaware or Rhode Island and 82% the size of the state of Connecticut. With a 2010 population of 3,095,313, it is the fifth most-populous county in the United States giving it a population greater than 21 states." Certainly, within this vast region of the County, a much better selection for Mr. Badger's residence could be found, than the proposed location, right in the middle of the age population against which he committed his crimes.

Mr. Badger is 78 years old and suffers from osteoporosis from what we know. While we have not seen the contract from the Department of State Hospitals as to Mr. Badger's treatment protocol and what services the DSH contractor will provide, we understand that transportation may be one of them. However, if Mr. Badger is not provided transportation as his treatment progresses, the proposed location may become an island for him.

There are no sidewalks or street lights on the street of the proposed location. There is a small shopping center about one mile away. However, one would have to walk next to a very busy thoroughfare, Avocado Boulevard, to get there and back. Avocado Boulevard is extremely steep at that point. There are sidewalks for only a very small portion of it—maybe 1 block on only the eastern side of it. Even walking beside the street, the path is very uneven, overgrown and rocky in places and steep. It is doubtful that a 78-year old with osteoporosis could successfully and safely navigate to the closest shopping area.

The best possible location for Mr. Badger would be a community that specifically serves and is limited to seniors. There are a number of senior communities, some supported by government agencies and programs and others by various foundations, but all specifically operated for and limited to 55-years of age persons.

University City Village, San Diego, CA. <https://www.universitycityvillage.com/> It is a “55+ Community for Active Lifestyles”

The Orchard, San Diego, CA. <https://www.theorchardapts.com/> “For Seniors and Baby Boomers.”

Redwood Terrace, Escondido, CA. <https://www.humangood.org/redwood-terrace> “All-inclusive, maintenance free Senior living.

These are just a few of the 55+ communities which would not only provide some senior services support for Mr. Badger, but also prevent his proximity to the age groups he has been sexually attracted to and against whom he has committed crimes.

In addition, the San Diego City Housing Commission has programs and direct rentals for seniors. <https://www.sdhc.org/>

Even looking at homes in areas less densely populated by children and minors, rentals are available:

https://www.zillow.com/homedetails/9530-Elm-Dr-Descanso-CA-91916/16906192_zpid/

This single-family 2-bedroom home in Descanso is only \$1,945 per month, and much more appealing than the proposed property.

Here is another rental located in Jamul for only \$2200 per month:

<https://cr.paragonrels.com/publink/default.aspx?GUID=1d6dafbb-b6ae-478e-96c5-b655cd01284d&Report=Yes>

These are simply a few alternatives for Mr. Badger’s residence upon release. Undoubtedly, there are many others in this vast county. The proposed residence is not conducive to Mr. Badger’s age and his medical conditions. Nor, with the unpermitted construction is it safe for his habitation.

Conclusion

We request that this Court enforce the statutes as written. This means that the County must comply with designating an agency or program that will have input and advice on determining the proper residence for Mr. Badger. It has not done so, and for this reason, the process must cease.

Statutory compliance also means that the profiles of Mr. Badger’s victims must be taken into consideration regarding his placement; it is patently clear that this has not happened.

We can also see that the configuration and location of the property is not conducive to visibility and transparency. Further, the location is in a neighborhood with numerous children, teens and young adults, and within less than one mile of three schools and two parks.

Further, it is more appropriate that Mr. Badger's age and medical conditions that he not be placed in an unpermitted and possibly dangerous residence, but rather in a senior community or one less populated with persons who are close to his victim's profile. An active senior community in which he could further integrate based on his stage in life would be more appropriate.

Unfortunately, this is a situation that poses great risk of harm to our children, our teens and our younger population who are vulnerable. For this reason, it cannot be decided lightly or without adherence to the rule of law.

Respectfully,

A handwritten signature in black ink, appearing to read 'Kathleen Hedberg', with a stylized flourish at the end.

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