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**RECEIVED**  
April 28, 2014  
**Commission on  
State Mandates**

**LATE FILING**

April 25, 2014

Ms. Heather Halsey  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

Dear Ms. Halsey:

**LOS ANGELES COUNTY'S COMMENTS ON THE COMMISSION ON STATE  
MANDATES' REQUEST FOR ADDITIONAL BRIEFING AND EVIDENCE  
ON COSTS PERTAINING TO HOUSING POTENTIAL  
SEXUALLY VIOLENT PREDATORS**

The County of Los Angeles respectfully submits the declaration of Mr. Craig Osaki, Public Defender's Office, in response to the Commission on State Mandates' Request for Additional Briefing and Evidence on Costs Pertaining to Housing Sexually Violent Predators issued on April 4, 2014.

Pursuant to Section 1181.2, subd. (c)(1)(E) Of the California Code of Regulations, "Documents e-filed with the Commission need not be otherwise served on the persons that have provided an e-mail address for the mailing list."

If you have any questions, please contact Hasmik Yaghobyan at (213) 974-9653 or [hyaghobyan@auditor.lacounty.gov](mailto:hyaghobyan@auditor.lacounty.gov).

Very truly yours,

John Naimo  
Acting Auditor-Controller

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Attachment



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**RONALD L. BROWN**  
PUBLIC DEFENDER

April 14, 2014

**DECLARATION OF CRAIG OSAKI  
IN SUPPORT OF LOS ANGELES COUNTY COMMENTS ON HOUSING COSTS**

I, Craig Osaki, declare as follows:

1. I am an attorney authorized to practice law in the State of California. I am employed as a Deputy Public Defender by the Los Angeles County Public Defender's Office. I am currently the Deputy-In-Charge of the Sexually Violent Predator (SVP) Branch.
2. My employment responsibilities include litigating cases pursuant to Welfare & Institutions Code (W&I Code) section 6600 et.seq. at all stages of the proceedings. I am also responsible for the training of the lawyers in the SVP Branch and the administration of the Chatsworth location of the SVP Branch.
3. I have also conducted several trainings with the California Public Defender's Association (CPDA) and the L.A. County Bar Association on SVP litigation.
4. I presented arguments on behalf of the Los Angeles County Public Defender's Office at the March 28, 2014 Commission on State Mandates hearing regarding the proposed Parameters and Guidelines for the Sexually Violent Predator Program.
5. During the course of the Hearing, the Commission staff appeared to base its recommendation on the assumption that the potential S.V.P. is held in the local county jail from the time the person is transferred from state prison until he is committed to the State Hospital at trial.
6. This assumption is not correct in all cases.
7. Welfare and Institutions Code Section 6602.5(a) provides that "No person may be placed in a state hospital pursuant to the provisions of this article until there has been a probable cause determination pursuant to Section 6601.3 or 6602 that there

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is probable cause to believe that the individual named in the petition is likely to engage in sexually violent predatory criminal behavior.”

8. Further, Welfare and Institutions Code Section 6600.05 (a) states that “Coalinga State Hospital shall be used whenever a person is committed to a secure facility for mental health treatment pursuant to this article...”
9. Also, in the case of People v. Ciancio (2003) 109 Cal.App.4<sup>th</sup> 175, the Court construed Section 6602.5 to permit an alleged SVP to be placed in the State Hospital after the probable cause hearing determination.
10. In Los Angeles County, the general practice of the Court is to transfer the alleged SVP to Coalinga State Hospital after the probable cause determination (pursuant to Welfare and Institutions Code Section 6602.5 and the Ciancio decision.) Rarely does an individual remain in County jail until trial.
11. When the parties are ready for trial, the alleged SVP is ordered back to Los Angeles County Jail from Coalinga State Hospital. He is housed there temporarily while the trial proceedings commence.

I declare under penalty of perjury that the foregoing is true and correct

Executed this 4<sup>th</sup> day of April, 2014 at Chatsworth, California

  
\_\_\_\_\_  
CRAIG OSAKI

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

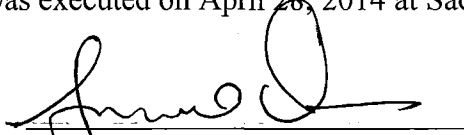
I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On April 28, 2014, I served the:

**County of San Diego Comments and County of Los Angeles Comments**  
*Sexually Violent Predators*, CSM-4509 (12-MR-01)  
Welfare and Institutions Code Sections 6602;  
Statutes 1995, Chapter 762; Statutes 1995, Chapter 763; Statutes 1996, Chapter 4  
California Department of Finance, Requester

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on April 28, 2014 at Sacramento, California.

  
Lorenzo Duran  
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**Last Updated:** 4/17/14

**Claim Number:** CSM-4509 (12-MR-01)

**Matter:** Sexually Violent Predators

**Requester:** Department of Finance

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Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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