

Premise: Having basic information in writing and disseminating as broadly as possible, including handing out at meetings, would allow a more informed Q&A at meetings and bring out more questions that beg for answers. This document could grow as more answers become available. The webmasters offer to serve as a clearing house for collecting additional questions regarding this issue in Costa Mesa and posting the answers as available.

KNOWLEDGE IS POWER

WHAT DO I NEED TO KNOW ABOUT SEX OFFENDERS AND PEDOPHILES?

Note: information in above material is based on what was presented at the 8/8/06 CM City Council Study Session and 9/22/06 Public Safety Town Hall with additional information in *ITALICIZED CAPS* provided by CMPD Det. Sgt. R. Phillips.

THE BOTTOM LINE: The offenses usually take place between people who know each other, families, friends and acquaintances. The first line of defense is educating and supervising those you love, so they are not victimized by the sex offenders and pedophiles not yet identified in the legal system.

A **SEX OFFENDER IS NOT** the same as someone with Developmental Disabilities (DD). Those classified with DD have a neurological disability diagnosed before age 18 and state and private regional centers supervise and educate them to live and behave safely in the community. Of the 210,000 with DD in Calif., only 1/tenth of 1% are registered sex offenders. Although numbers can fluctuate, as of October 3, 2006, there are only 11 in Orange County and none in Costa Mesa.

A **REGISTERED SEX OFFENDER IS** someone who has been caught breaking at least one of several laws about inappropriate sexual behavior. Once they are registered, they never are UN-registered, so the number continues to grow. www.meganslaw.ca.gov lists the offenses requiring sex offender registration, explains registration and why not all registrants are listed, has a Q&A section and suggestions on how to protect yourself and your family and has a searchable database of all listed registrants in CA. You can search the database by zip code and usually find an address and picture of any listed registrants living in your area.

You may subscribe at no charge with the Safe Community Alert System (SCAN) <http://www.scanusa.com> which, among other services, checks the state's registered Sex Offender database daily and sends to subscribers an offender movement alert showing any address changes. If you live in Costa Mesa and are part of a communication network, you may already subscribe to a neighborhood safety and preparedness e-newsletter which sends out these alerts weekly with other pertinent news, or you can start your own communication network and help your neighbors be informed so you are all safer.

AFTER CONVICTION THERE ARE 2 KINDS OF CONFINEMENT- COUNTY JAIL OR STATE PRISON; AND POST CONFINEMENT SUPERVISION – COUNTY PROBATION OR STATE PAROLE.

PROBATION – After having served time in **county jail**, or in lieu of serving jail time, subjects are released to probation and remain under the supervision of County Probation Officers on either a formal or informal basis.

PERSONS CONVICTED OF A SEX OFFENSE, AND WHO RECEIVE A SENTENCE IN COUNTY JAIL, ARE GENERALLY ELIGIBLE FOR PROBATION. AS A CONDITION OF THEIR PROBATION, THEY MAY BE REQUIRED TO REGISTER AS A SEX OFFENDER BASED ON THE SEVERITY OF THE CRIME. AS A REGISTRANT, THEY ARE SUBJECT TO THE SAME D.O.J.(Dept. of Justice) REPORTING GUIDELINES IN THE MEGAN'S LAW DATABASE.

GENERALLY, SEX OFFENDERS WHO RECEIVE PROBATION HAVE BEEN FOUND GUILTY OF A LESS-SERIOUS OFFENSE. THE COSTA MESA POLICE DEPARTMENT IS NOT GENERALLY NOTIFIED BY THE COUNTY PROBATION DEPARTMENT WHEN A SPECIFIC SEX OFFENDER ON PROBATION IS RELEASED IN THE CITY. THE COUNTY PROBATION DEPARTMENT DOES PROVIDE A REGULAR ACCOUNTING OF ALL ACTIVE PROBATIONERS IN THE CITY TO THE POLICE DEPARTMENT. ALL PERSONS ON ACTIVE COUNTY PROBATION ARE FLAGGED IN VARIOUS POLICE DATABASES, AND INFORMATION INCLUDING THE OFFENSE AND ANY SPECIAL CONDITIONS, ARE AVAILABLE FOR IMMEDIATE QUERY BY OFFICERS IN THE FIELD.

PLEASE BE AWARE THAT A PERSON COULD BE ON PAROLE FOR A NON SEX-RELATED OFFENSE, AND ALSO ON COUNTY PROBATION FOR A SEX RELATED OFFENSE AT THE SAME TIME. AN EXAMPLE WOULD BE IF A PERSON CONVICTED OF A MISDEMEANOR SEX CRIME WAS GIVEN 3 YEARS COUNTY PROBATION. WHILE ON PROBATION, THE PERSON WAS ARRESTED AND LATER CONVICTED OF A FELONY, SUCH AS IDENTITY THEFT. THEY RECEIVED A SENTENCE OF 18 MONTHS IN STATE PRISON FOR THE IDENTITY THEFT CHARGE. WHEN PAROLED ON THE IDENTITY THEFT CONVICTION, THIS INDIVIDUAL COULD STILL BE ON ACTIVE PROBATION IF THEIR PRIOR TERM HAD NOT BEEN COMPLETED. IN THAT CASE, THE INDIVIDUAL WOULD BE IN THE MEGAN'S LAW DATABASE AS A REGISTERED SEX OFFENDER BASED ON THE MISDEMEANOR CHARGE AND NOT NECESSARILY A "PAROLED SEX OFFENDER".

STATE PAROLE – After having served time in **state prison**, subjects released prior to completion of their sentence remain under the supervision of State Parole Agents on a formal basis.

The numbers change daily, but as of 7/23/06 there were 302 Active Status parolees living in Costa Mesa and 25 were Registered Sex Offenders. At that time **none** were classified as Sexually Violent Predators. Those 25 were part of the 100 the public could find on the Megan's Law website. The Megan's Law website also has a section only available to law enforcement personnel and there were 52 additional Sex Offenders listed in that section. Parolees under supervision may make up as little as 10% of the Registered Sex Offenders.

Sex Offenders registering in Calif. are classified by the **California Dept. of Justice** based on the nature of their offenses(s) and the propensity to re-offend. If they are designated as High Risk, this designation will not change.

THE CDCR (Calif. Dept. of Corrections and Rehabilitation) CLASSIFIES PAROLEES BASED ON THE SERIOUSNESS OF THEIR OFFENSE. THE CDCR'S CLASSIFICATION OF "HIGH RISK" DENOTES THE LEVEL BY WHICH THE INDIVIDUAL WILL BE SUPERVISED WHILE ON PAROLE. "HIGH RISK" PAROLED SEX OFFENDERS ARE UNDER STRICT SUPERVISION AND GENERALLY ARE MONITORED BY G.P.S.(Global Positioning System).

THE CALIFORNIA DEPARTMENT OF JUSTICE USES THE TERM "SEXUALLY VIOLENT PREDATOR" TO CLASSIFY INDIVIDUALS THEY CONSIDER TO BE HIGH RISK. A "SEXUALLY VIOLENT PREDATOR" IS DEFINED UNDER 6600(a)(1) C.P.C. (MULTIPLE VICTIMS /or LIKELIHOOD TO REOFFEND /or DIAGNOSED MENTAL DISORDER).

CRITERIA FOR BOTH THESE CLASSIFICATIONS DIFFER BETWEEN THE CDCR AND D.O.J.. BASED ON THE D.O.J. CLASSIFICATION, THERE ARE NO "SEXUALLY VIOLENT PREDATOR" SEX OFFENDERS RESIDING IN COSTA MESA AS OF 9/23/06. BASED ON THE CDCR CLASSIFICATION, ALL PAROLED SEX OFFENDERS WHO FALL WITHIN THE PROVISIONS OF 3003(g)(2) C.P.C. (CONVICTED OF A SEX CRIME WITH A CHILD VICTIM) ARE CONSIDERED "HIGH RISK".AS OF 9/28/06 THERE WERE 13 ACTIVE "HIGH RISK" PAROLED SEX OFFENDERS REGISTERED WITHIN COSTA MESA.

REMEMBER THE NUMBER OF OFFENDERS IN COSTA MESA CAN FLUCTUATE FROM DAY TO DAY.

WHY ARE PAROLEES PLACED IN COSTA MESA?

Among the many placement requirements detailed by law, Sex Offender parolees are currently required to be placed in the county of their last legal residence. If Proposition 83, Jessica's Law, passes this Fall, there will be many tighter restrictions, including that Sex Offender parolees be placed in the city instead of county of their last legal residence. See www.jessicaslaw.com for details.

Parolees may first be placed in a hotel/motel temporarily paid for by the CA Dept. of Corrections until they can get a job and credit history in order to rent. This helps the Parole Supervisors keep track of them. One motel room or one apt. is legally defined as a single family dwelling, so more than one parolee might be placed in a motel or apt. complex. There is currently no notification of other motel guests or apt. dwellers that a parolee is living nearby. For convenience, the parole officers would just as soon have all parolees housed in one motel if the community was in favor of that.

APARTMENT AND MOTEL MANAGERS ARE NOT NOTIFIED THE PERSON MOVING IN IS A SEX OFFENDER. UNLESS THE PAROLED PERSON VOLUNTEERS, INFORMATION ABOUT THE PERSON'S PAST OR CURRENT STATUS IS NOT DISCLOSED TO THE APARTMENT / MOTEL MANAGER. AN EXCEPTION TO THIS WOULD BE IF THE OFFENDER WAS CLASSIFIED A "SEXUALLY VIOLENT PREDATOR" UNDER THE DOJ CLASSIFICATION, OR, CIRCUMSTANCES EXISTED WHERE THERE WAS A SPECIFIC RISK TO THE PUBLIC. IN THESE CASES, THE POLICE DEPARTMENT WOULD TAKE STEPS TO PREVENT THE PERSON FROM REGISTERING IN THE CITY.

PENAL CODE SECTION 290.4(d)(2)(G) MAKES IT A MISDEMEANOR CRIME TO USE THE MEGAN'S LAW DATABASE INFORMATION FOR ANYTHING OTHER THAN THE "PROTECTION OF A PERSON AT RISK". THE LAW IS VERY SPECIFIC, AND PROHIBITS THE DISCLOSURE OF REGISTRANT INFORMATION FOR THE PURPOSE OF EMPLOYMENT, HOUSING, ACCOMODATIONS, EDUCATION, CREDIT, ETC.

THE APARTMENT/MOTEL MANAGER COULD LOOK AT THE MEGAN'S LAW LIST, BUT NOT LEGALLY KEEP SOMEONE FROM REGISTERING BECAUSE THEY ARE ON THE LIST.

Costa Mesa motels currently so used include:

Costa Mesa Motor Inn, 2277 Harbor (currently being phased out)

THE COSTA MESA POLICE DEPARTMENT NOTIFIED THE CDCR LAST WEEK REGARDING THE ORANGE COUNTY DEPARTMENT OF EDUCATION'S INTENT TO OPEN AN ALTERNATIVE EDUCATION FACILITY ON HARBOR BLVD. THE FACILITY WILL BE LOCATED WITHIN ¼ MILE OF THE COSTA MESA MOTOR INN. THIS 7-12 GRADE EDUCATION CENTER FALLS WITHIN THE PENAL CODE'S DEFINITION OF A SCHOOL. THE POLICE DEPARTMENT IS CURRENTLY AWAITING A RESPONSE FROM THE CDCR ON THEIR ACTION PLAN FOR THE RELOCATION OF OFFENDERS CURRENTLY RESIDING AT THE COSTA MESA MOTOR INN.

Ana Mesa Inn, 3597 Harbor

Ali Baba Motel, 2250 Newport - near Lindberg pre-school

Tern Inn, 2154 Newport

Sea Lark Motor Hotel, 2274 Newport – near Lindberg pre-school

THE TERN INN IS NOT BEING USED TO HOUSE PAROLED SEX OFFENDERS. HOWEVER, MOTEL MANAGEMENT IS AWARE THAT THEIR FACILITY QUALIFIES FOR HOUSING OF PAROLED SEX OFFENDERS BY THE CDCR.

Some of these are near pre-schools because there is no law against it. All paroled sex offenders are restricted from living near public or private schools, grades K-12. Depending on the conviction offense, distance restrictions range from ¼ to ½ mile.

In some cities, there is no place far enough from a school for a parolee to live. Other cities, like Newport Beach, are too expensive for a parolee or the Dept. of Corrections to afford a motel room there. In that case, the parolees live in neighboring cities.

WHAT IS BEING DONE?

These bills became law this year: CA AB2893, which lessens the possibility a registered sex offender can gain custody of a child, and CA AB2196, effective next Jan., which asks day care centers to post information about Megan's law and protects them from liability for so doing.

One Calif. High Risk Sex Offender Task Force has completed a study and made 10 recommendations, which the state Dept. of Corrections has been directed to implement. The recommendations included having a uniform definition for High Risk Sex Offenders; assessing all Penal Code 290 sex offender registrants to see if they are high risk and treating them as warranted; improving the notification communications about their release, so their victims are told 90 days ahead and local law enforcement knows at least 60 days ahead and will notify the receiving community; containing parolees in a tight supervision and treatment network with active monitoring and rule enforcement; educating and communicating with the community; encouraging legislative changes so the Megan's Law Website will specifically identify High Risk Sex Offenders (HRSO) on parole and those monitored by Global Positioning System bracelets; reporting back to the Governor in 90 days with assessment and continuing to work to accomplish changes; establishing a permanent Sex Offender Management Board; and continuing to work with local law enforcement and communities to find appropriate and equitable housing solutions for placement of HRSOs.

THE POLICE DEPARTMENT CONDUCTS MONTHLY COMPLIANCE CHECKS TO VERIFY THAT OFFENDERS WHO MOVE FROM THE CITY, HAVE PROPERLY REGISTERED ELSEWHERE. OFFENDERS THAT HAVE REGISTERED IN COSTA MESA, REMAIN ACTIVE TO COSTA MESA IN THE DOJ DATABASE UNTIL THEY HAVE RE-REGISTERED WITH ANOTHER AGENCY. THIS PREVENTS A PERSON FROM FALLING-OFF THE RADAR WHEN MOVING AROUND AMONG JURISDICTIONS. THE POLICE DEPARTMENT ACTIVELY SEARCHES FOR THOSE WHO HAVE NOT RE-REGISTERED WHEN THEY SHOULD BUT NO NOTICE CAN BE PUBLISHED FOR THE PUBLIC UNLESS A WARRANT HAS BEEN ISSUED.

WHAT CAN WE DO?

IT IS VERY IMPORTANT TO REMEMBER THAT WHILE MONITORING, CONTROL, STRICT COMPLIANCE, AND CONSEQUENCE ARE EFFORTS USED BY POLICE TO GOVERN THESE OFFENDERS, IT IS THE PERSON WHO HAS HAD LITTLE OR NO PAST CRIMINAL RECORD THAT PRESENTS THE BIGGEST CHALLENGE FOR LAW ENFORCEMENT. HOW OFTEN WE HAVE SEEN IN THE MEDIA VIOLENT SEX CRIMES PERPETRATED AGAINST CHILDREN BY PERSONS WITH NO OBVIOUS CRIMINAL PAST. IT IS THIS PERSON WHOSE UNUSUAL BEHAVIOR OR ACTIONS MAY BECKON RECOGNITION BY THE PUBLIC, LONG BEFORE IT COMES TO THE ATTENTION OF LAW ENFORCEMENT. WE IN LAW ENFORCEMENT IMPLOR THE PUBLIC'S AWARENESS AND COOPERATION FOR A COMPREHENSIVE EFFORT IN KEEPING OUR STREETS SAFE FROM SEX OFFENDERS.

The first priority is to become and stay informed and encourage our neighbors to do so as well.

Understand Proposition 83, Jessica's Law, so you can decide if you want to vote for it.

Encourage those responsible to close legal loopholes that concern us and improve uniform and public communication.

Encourage the Costa Mesa City Council to increase its police dept. staffing, so there is more police presence at schools to educate staff and students and parents and be role models in meaningful contact with students.