



# *CITY COUNCIL AGENDA REPORT*

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**MEETING DATE:** April 17, 2012

**ITEM NUMBER:** \_\_\_\_\_

**SUBJECT:** SEX OFFENDER PARK EXCLUSION ORDINANCE

**DATE:** MARCH 31, 2012

**FROM:** POLICE DEPARTMENT

**PRESENTATION BY:** MARK MANLEY, POLICE LIEUTENANT  
ELENA GERLI, DEPUTY CITY ATTORNEY

**FOR FURTHER INFORMATION CONTACT:** Mark Manley (714) 754-5043  
Elena Gerli (714) 446-1400

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## **RECOMMENDATION:**

Adopt Ordinance No. 12-\_\_\_\_, to be read by title only, and waive further reading.

## **BACKGROUND:**

On April 5, 2011, the Orange County Board of Supervisors unanimously voted to adopt a new County ordinance to establish County parks as Child Safety Zones to further protect children from registered sex offenders. The ordinance was developed and proposed by Orange County District Attorney Tony Rackaukas and Fourth District Supervisor Shawn Nelson, to cover the gap in the State law, which only provides that sex offenders may not enter parks where children regularly gather while on parole for sex crimes committed against a victim under 14 years of age. The County ordinance makes it a misdemeanor for registered sex offenders to enter County parks where children regularly gather without written permission from the Orange County Sheriff's Department. The Ordinance does not apply to any City-owned parks located in the County, such as those City-owned parks located in Costa Mesa. Therefore, District Attorney Rackaukas has requested, in writing, that all Orange County cities consider adopting similar ordinances to extend the prohibition to City Parks.

## **ANALYSIS:**

California Penal Code Section 290, and related subsections, requires individuals convicted of certain crimes to register as sex offenders. The registration process is used to ensure that such offenders shall be readily available for police identification at all times because such offenders are deemed likely to commit similar offenses in the future. The proposed ordinance would protect children from registered sex offenders by restricting sex offenders' access to locations where children regularly gather, such as City parks and City-owned sports facilities in Costa Mesa. It would reduce the risk of harm to children by limiting sex offenders' access to and contact with children. Furthermore, this ordinance is consistent with the goals and

objectives of the City's Neighborhood Improvement Task Force and will provide another invaluable tool to further keep the citizens of Costa Mesa safe.

Attached to the this staff report is a letter from District Attorney Tony Rackauckas to the Mayor, addressing the need for such an ordinance in some detail.

**ALTERNATIVES CONSIDERED:**

The City Council can consider a less broad application of crimes under California Penal Code Section 290. This approach, however, is not recommended.

**FISCAL REVIEW:**

There is no fiscal impact associated with this action.

**LEGAL REVIEW:**

The City Attorney's Office has been involved in the preparation of the proposed ordinance and has reviewed and approved the attached ordinance.

**CONCLUSION:**

Staff recommends that the City Council adopt the attached Sex Offender Park Exclusion ordinance, to be read by title only and waive further reading.

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THOMAS R. HATCH  
CHIEF EXECUTIVE OFFICER

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TOM GAZSI  
POLICE CHIEF

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THOMAS DUARTE  
CITY ATTORNEY (legal review only)

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MARK MANLEY  
LIEUTENANT

DISTRIBUTION:      Acting Development Services Director Khan Nguyen  
                                 Chief of Code Enforcement Willa Bowens-Killeen  
                                 Captain Allen Huggins

ATTACHMENTS:      [Proposed Ordinance 12-\\_\\_\\_\\_\\_](#)  
                                 [Letter from District Attorney Tony Rackauckas to Mayor Monahan, dated November 18, 2011.](#)