



2014 Chelsea's Law Impact Report

A 12-Month Review of San Diego, Los Angeles, Orange, Riverside, and Sacramento Counties

Report Objective

Each year, Chelsea's Light Foundation prepares an annual *Chelsea's Law Impact Report*, which examines the number and nature of sex crimes against children being prosecuted as a result of Chelsea's Law in California. This impact report also profiles current cases where prosecutors are seeking a Life Sentence Without the Possibility of Parole (LWOP).

The first report included information on such prosecutions in San Diego County, which encompasses a population of approximately 3.1 million; the second report included prosecution statistics from San Diego and Orange counties, which combined are home to more than 6.1 million residents; the third report included information from San Diego, Los Angeles, Orange, and Riverside counties where the overall population is in excess of 16 million. This report has now expanded its scope to include information from San Diego, Los Angeles, Orange, Riverside, and Sacramento counties. The overall population for these counties was 20.1 million in 2013, according to the United States Census Bureau.

In 2014, a total of 286 defendants were charged under the various aspects of Chelsea's Law from these five counties.

Background

Signed into law on September 9, 2010 in San Diego, California, Chelsea's Law (AB1844) enacted legal reforms to further protect children from violent sexual offenders. Chelsea's Law was created and championed by the family of Chelsea King, in collaboration with Assemblyman Nathan Fletcher who authored and advanced the law with bipartisan support.

Chelsea's Law is focused on three main areas intended to enhance the safety of our communities. The first is enhanced criminal sentencing for violent sexual offenders who commit forcible sex crimes against children, including *a life without parole* sentencing option for the most egregious crimes. This

enhanced "one-strike" sentencing provision for violent sexual crimes against children did not previously exist in California prior to Chelsea's Law. In addition, Chelsea's Law mandated lifetime parole and GPS monitoring, and the creation of "safe zones" which prohibits sex offenders released from prison from visiting places where children congregate.

Chelsea King's life was taken in March 2010 by a convicted violent sexual predator who served only five years in state prison for attacking a 13-year-old California child in 1999. Once paroled from prison, he incurred seven parole violations which, had he been correctly monitored, would have returned him to prison prior to Chelsea's death.

Report Findings

San Diego County:

According to public records, a total of 27 individuals in San Diego County have been charged under Chelsea's Law statutes by the office of San Diego County District Attorney Bonnie Dumanis during the time period of September 2013 - August 2014. Four of the defendants had multiple charges, resulting in a total of 31 charges. The charges that appeared in those cases are noted below:

- 5 defendants were charged with sex offences subject to incarceration for 25 years to life involving bodily harm to a child under 14 years of age: PC 667.61(j)(2)
- 2 defendants were charged with sex offences subject to incarceration for 25 years to life involving bodily harm to a person under 18 years of age: PC 667.61(a)(c)(d)
- 4 defendants were charged with assault to a person under 18 years of age with intent to commit specified sex offences that holds a possible sentence of 5, 7, or 9 years: PC 220(a)(2)
- 1 defendant was charged with rape of a minor under age 14 that holds a possible sentence of 7, 9, or 11 years: PC 264(c)(2)
- 18 defendants were charged with lewd or lascivious acts involving children that holds a possible sentence of 5, 8, or 10 years: PC 288(b)(1)
- 1 defendant was charged with penetration by foreign object by force upon a minor who is 14 years of age or older that holds a possible sentence of 6, 8, or 10 years: PC 289(a)(1)(c)

Out of these 27 cases, 11 have reached final disposition or are pending sentencing. Of those 11 cases, eight of the pleas included a plea to PC 288(b)(1), a previously existing code section in which Chelsea's Law increased the penalty. The eight cases that included pleas to PC 288(b)(1) were resolved with prison sentences ranging from 5 - 30 years.

Los Angeles County

According to available statistics, the Los Angeles District Attorney's Office filed charges against 51 defendants under Chelsea's Law from September 2013 - August 2014.

- 13 defendants were charged with assault to a person under 18 years of age with intent to commit specified sex offences that holds a possible sentence of 5, 7, or 9 years: PC 220(a)(2)

- 8 defendants were charged with an act of sodomy upon a victim who is 14 years of age or older that holds a possible sentence of 7, 9, or 11 years: PC 286(c)(2)
- 3 defendants were charged with an act of sodomy upon a victim who is under 14 years of age that holds a possible sentence of 10, 12, or 14 years: PC 286(d)
- 4 defendants were charged with lewd or lascivious acts involving children by use of force and unlawful bodily injury that holds a possible sentence of 5, 8, or 10 years: PC 288(b)(1)
- 12 defendants were charged with oral copulation by use of force and unlawful bodily injury that holds a possible sentence of 3, 6, or 8 years: PC 288a(c)(2)
- 11 defendants were charged with penetration by foreign object that holds a possible sentence of 3, 6, or 8 years: PC 289(a)(2)

Orange County

Between September 1, 2013 and August 31, 2014, the Orange County District Attorney's Office filed charges against 27* defendants stemming from Chelsea's Law:

- 2 defendants were charged with human trafficking of a minor: PC 236.1(c)
- 1 defendant was charged with rape by force: PC 261(a)(2)
- 14 defendants were charged with lewd or lascivious acts involving children by use of force and unlawful bodily injury that holds a possible sentence of 3, 6, or 8 years: PC 288(a)(b)
- 3 defendants were charged with lewd or lascivious acts involving children by use of force and unlawful bodily injury that holds a possible sentence of 5, 8, or 10 years: PC 288(b)(1)
- 3 defendants were charged with lewd or lascivious acts involving children that holds a possible sentence of 1, 2, or 3 years: PC 288(c)(1)
- 1 defendant was charged with oral copulation by use of force and unlawful bodily injury that holds a possible sentence of 3, 6, or 8 years: PC 288a(c)(2)
- 1 defendant was charged with oral copulation upon a victim under 14 years of age by use of force and unlawful bodily injury that holds a possible sentence of 10, 12, or 14 years: PC 288a(d)(2)
- 2 defendants were charged with sexual penetration upon a minor child who is under the age of 14 with a foreign object by force and fear of bodily harm: PC 289(a)(1)

Riverside Counties

Between September 1, 2013 and August 31, 2014, the Riverside County District Attorney's Office filed charges against 122 defendants stemming from Chelsea's Law:

- 2 defendants were charged with human trafficking of a minor: PC 236.1(c)
- 21 defendants were charged with rape by force: PC 261(a)(2)
- 5 defendants were charged with an act of sodomy upon a victim who is under 14 years of age that holds a possible sentence of 7, 9, or 11 years: PC 286(c)(2)
- 39 defendants were charged with lewd or lascivious acts involving children by use of force and unlawful bodily injury that holds a possible sentence of 5, 8, or 10 years: PC 288(b)(1)
- 44 defendants were charged with lewd or lascivious acts involving children that holds a possible sentence of 1, 2, or 3 years: PC 288(c)(1)
- 8 defendants were charged with oral copulation by use of force and unlawful bodily injury that holds a possible sentence of 3, 6, or 8 years: PC 288a(c)(2)
- 3 defendants were charged with sexual penetration upon a minor child who is under the age of 14 with a foreign object by force and fear of bodily harm: PC 289(a)(1)

Sacramento County

Between September 1, 2013 and August 31, 2014, the Sacramento County District Attorney's Office filed 59 cases involving charges stemming from Chelsea's Law:

- 1 defendant was charged with sex offences subject to incarceration for 25 years to life involving bodily harm to a child under 14 years of age: PC 667.61(j)(2)
- 46 defendants were charged with lewd or lascivious acts with a child who is under the age of 14 that holds a possible sentence of 3, 6, or 8 years: PC 288(a)
- 8 defendants were charged with lewd or lascivious acts involving children by use of force and unlawful bodily injury that holds a possible sentence of 5, 8, or 10 years: PC 288(b)(1)
- 4 defendants were charged with lewd or lascivious acts involving children that holds a possible sentence of 1, 2, or 3 years: PC 288(c)(1)

Case Profile (Life Sentence Without Parole): Matthew Steven Jones

Matthew Steven Jones, known as the Carmichael Creeper and the Boogey Man, was sentenced to 7 years, 4 months and 115 years to life consecutive to four terms of life without the possibility of parole. Matthew Jones was a resident of a sexual offender group home in Sacramento County. He devised a plan and scheme to break out of the group home at night and wander the streets searching for homes where young children lived. In July and August of 2012, Jones entered at least five homes with the specific intent to molest children he found inside the home. In two of those homes, Jones found children who were 10 and 12 years old asleep in their beds and committed numerous sexual acts against them.

During the investigation, Jones admitted that while housed in a sexual offender program in Stockton in December 2009 and January 2010, he entered the home of a family near the group home on five separate occasions, spending up to three hours at a time molesting a 5-year-old disabled boy in his bed. The child had a feeding tube and was unable to communicate or move. In addition to this boy's home, Jones admitted to breaking into three other homes in Stockton with the same intent of molesting children. The Honorable Laurie Earl stated during sentencing that "Jones made a choice to hunt for and molest victims" and that he "stole the victims' innocence, trust, and sense of security."

Case Profile (Life Sentence Without Parole): Grey David Woods

In April 2014, Grey David Woods was sentenced by a San Diego jury to life without the possibility of parole plus 53 years. The crime mandating the life without the possibility of parole was Count 1 with the allegation of rape of a child over the age of 14. This was a horrific child rape case that occurred over multiple years, beginning when the victim was 12.

Increased Funding: Polygraph testing for all paroled sex offenders

An important provision in Chelsea's Law is the implementation of the "containment model" approach to sex offender management proposed by California's Sex Offender Management Board, including increased oversight, psychological evaluations, and polygraph testing for all sex offenders on parole or probation. Polygraph testing in the past has been limited due to budget constraints. In 2014, funding was increased and now all paroled sex offenders will take polygraph tests in California.

Conclusion

The outcome of successful prosecutions using Chelsea's Law is the reduction in vulnerability of our communities' children to sexual predators by removing such criminals from society for either longer periods of time or permanently. This is the ultimate goal of Chelsea's Law. Those convicted faced longer prison sentences than they would have if the crime had occurred prior to Chelsea's Law enactment, plus the lifetime GPS monitoring and other parole provisions created by Chelsea's Law.

Next Steps

Chelsea's Light Foundation will continue to monitor the prosecution of these individuals in San Diego and is working to prepare similar reviews in other counties throughout California.

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*Please note that the Orange County District Attorney's office is currently in the process of transitioning case information into a new database and that the number of sex crimes for this period may be higher.

The Foundation would to thank Judit Marai and the District Attorney's offices of San Diego, Orange, Los Angeles, Riverside, and Sacramento Counties for providing the data used to compile this report.

Table 1: Chelsea's Law Impacted Statutes by Penal Code

- § 667.61: Specified sex offenses subject to punishment by incarceration for life**
(j)(1) Any person who is convicted of an offense specified in subdivision (c), with the exception of a violation of subdivision (a) of Section 288, upon a victim who is a child under 14 years of age under one or more of the circumstances specified in subdivision (d) or under two or more of the circumstances specified in subdivision. Where the person was under 18 years of age at the time of the offense, the person shall be punished by imprisonment in the state prison for 25 years to life.
- § 220(a)(2): Assault with intent to commit specified sex offenses:** *Any person who assaults another person under 18 years of age with the intent to commit rape, sodomy, oral copulation shall be punished by imprisonment in the state prison for five, seven, or nine years.*
- § 236.1(c): Human trafficking of a minor:** *Chelsea's Law amendments to section 236.1 provided that in addition to the existing penalty, any person who commits the crime of human trafficking involving a commercial sex act where the victim of the human trafficking was under 18 years of age at the time of the commission of the offense shall be punished by a fine of not more than \$500,000.*
- § 261(a)(2): Rape:** *An act of sexual intercourse accomplished with a person not the spouse of the perpetrator, where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate/unlawful bodily injury on the person or another.*
- § 264(c)(2): Rape:** *Any person who commits rape in violation of paragraph (2) of Section 261 upon a minor who is 14 years of age or older shall be punished by imprisonment in state prison for 7, 9, or 11 years.*
- § 286(c)(2): Sodomy:** *(B) Any person who commits an act of sodomy with person who is under 14 years of age by means of force, violence, duress, menace, or fear of unlawful bodily injury shall be punished by imprisonment in the state prison for 9, 11, or 13 years. (C) Any person who commits an act of sodomy with a minor 14 years of age or older by means of force, violence, duress, menace, or fear of unlawful bodily injury on the victim shall be punished by imprisonment in the state prison for 7, 9, or 11 years.*
- § 286(d) Sodomy:** *(2) Any person who commits an act of sodomy upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years. (3) Any person who commits an act of sodomy upon a victim who is a minor 14 years of age or older, by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 7, 9, or 11 years.*
- § 288(a)(b): Lewd or lascivious acts involving children:** *Any person who willfully commits any lewd or lascivious act, upon or with the body, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for 3, 6, or 8 years.*
- § 288(b)(1): Lewd or lascivious acts involving children:** *Any person who commits an act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim, is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.*
- § 288(c)(1): Lewd or lascivious acts involving children:** *Any person who commits an act and the victim is a child of 14 or 15 years, and that person is at least 10 years older than the child, is guilty of a public offense and shall be punished by imprisonment in the state prison for 1, 2, or 3 years, or by imprisonment in a county jail for not more than one year.*
- § 288a(c)(2): Oral copulation:** *Any person who commits an act of oral copulation when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 3, 6, or 8 years. The incarceration time can go up to 8,10,12 years depending on the age (B) under 14. Minor over 14 is 6,8,10 (C)*
- § 288a(d)(2): Oral copulation:** *Any person who commits an act of oral copulation upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years.*
- § 289(a)(1): Penetration by foreign object:** *The act of sexual penetration upon a minor child who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.*
- § 289(a)(1)(C): Penetration by foreign object:** *Any person who commits an act of sexual penetration upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.*
- § 289(a)(2): Penetration by foreign object:** *Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for 3, 6, or 8 years.*