

CASE STUDY: LEWD CONDUCT AT SAN ELIJO LAGOON AND I-5 VIEWPOINT

Submitted by Sergeant Loran Won

SCANNING:

On 01-01-94 the Encinitas Crime Suppression Team (CST) received complaints from the City of Encinitas, County Park Rangers and local residents regarding illicit sexual activity in and around the San Elijo Lagoon and nearby I-5 Freeway viewpoint. The Lagoon was used by local area residents for recreation. Many residents complained of seeing men having sex in or near the Lagoon's foot trails. The residents no longer felt safe walking through the Lagoon. The viewpoint was used by motorists for various reasons; however, men routinely met at the viewpoint to engage in lewd acts including illicit sexual behavior. Subsequently, the viewpoint became an area that Patrol Deputies routinely were dispatched to handle calls for service.

The Lagoon and viewpoint have been known for illicit sexual activity. Law enforcement has not actively attempted to curtail this activity in an organized manner. The CST recognized that the local residents' quality of life was affected by this on-going problem.

ANALYSIS:

CST deputies were aware of the problem at the viewpoint and Lagoon from patrol observations. Patrol deputies had made direct observations of illicit homosexual activity in vehicles parked at the viewpoint. Some subjects arrested for lewd acts in public told deputies that the viewpoint was a meeting place. Since the problem had been on-going for several years, it seemed likely that the people using the viewpoint for sexual liaisons had become comfortable in conducting lewd activity without fear of law enforcement action.

CST deputies walked through the viewpoint and Lagoon locations. The locations had used condoms, soiled toilet paper, and human feces strewn about grassy areas and foot trails. In some areas overgrown vegetation was hollowed out. These areas had been matted down by the weight of human bodies or had mattresses in place.

A data analysis of the area revealed that the Sheriff's Vice Unit had made arrests for 647(a) P.C., (Soliciting lewd acts) at the viewpoint. In the past, most arrests were drug related. Patrol deputies routinely went to the viewpoint and made contacts with persons and completed field interviews as a result of dispatched calls. These field interviews were generally made for the crime

potential of 647(a) P.C. Patrol deputies were limited to the amount of enforcement action they could take without a visible crime.

Normally the Vice Unit handled this type of project; however, the Vice Unit simply was not able to respond to the problem for lack of personnel. Therefore, the CST took on the project to respond to the problem. The problems at the viewpoints and Lagoon could only be solved by direct law enforcement action. It was determined a plan of action should be implemented to resolve the problem.

RESPONSE:

Deputies implemented a plan of undercover operations to see first hand the activities occurring at the problem areas. Using a minimum of two to three deputies at a time with unmarked cars, deputies went to these areas. The deputies worked as undercover decoys. These deputies were continuously solicited by persons at the viewpoint and Lagoon for sexual acts.

As a result of these operations, numerous arrests were made for 647(a) P.C. (Soliciting for lewd acts) and 647(b) P.C. (Soliciting for prostitution). Other arrests were made. These arrests included the following charges: possession of controlled substances, traffic violations, weapon violations, under the influence of drugs/alcohol and other miscellaneous misdemeanors/infractions. The District Attorney, as a result of these arrests, filed on 100% of these cases. It became apparent it was impossible to totally eliminate the problem due to the number of persons using this site. It became evident that arrests alone would not reduce the problem significantly.

Knowing arrests alone could not solve the problem entirely, other resources had to be utilized. The CST deputies contacted regional newspapers and local television news stations in San Diego. Several articles were written in the newspapers to expose the problem to the general public. News stations interviewed CST deputies regarding the undercover operations at the viewpoint and the Lagoon. The point of the media exposure was to inform the public of the on-going operations and to discourage other persons from using the locations for lewd acts. Previously the only publicity these areas received were through word of mouth or underground gay newspapers (including international gay travel guides).

The North County Gay and Lesbian Association was contacted by the Encinitas Station Sheriff's Captain. The Captain helped to facilitate communications between Law Enforcement and the Association. The Association was receptive to the enforcement actions. The North County Gay and Lesbian Association contacted gay publications. These publications ran stories to discourage

the gay community from using the Lagoon and viewpoint as meeting areas. The stories educated their readers that "cruising" activity was dangerous and posed an immediate health risk in the form of sexually transmitted diseases including AIDS.

CST deputies asked for assistance from other agencies to discourage the lewd activity. CALTRANS actively worked with deputies. CALTRANS trimmed the grassy areas at the viewpoint allowing easy viewing by patrolling law enforcement. This took away areas of concealment used for engaging in lewd conduct. CST deputies discussed other options with CALTRANS, such as fencing, lighting and the posting of signs. CALTRANS was only able to post signs because of financial difficulties. These signs cited a vehicle code which restricts the parking of passenger vehicles during the hours. The night restriction essentially turned the viewpoint into a truck stop only at night.

The City of Encinitas held town hall meetings regarding the Lagoon and viewpoint. The area residents did not want the viewpoint closed entirely. They wanted to be able to use these areas without fear of witnessing illicit sex. The City worked with CALTRANS, finally agreeing on night restriction. The County Park Rangers offered their assistance at the Lagoon. Since the Lagoon is a day use only park, the Rangers used a County ordinance to issue citations to people in the Lagoon after sundown. The City and County used its employees to clean up the trash at the viewpoint and Lagoon.

With the posting of the signs, the California Highway Patrol was able to enforce the night restriction resulting in an increased patrol presence. Patrol deputies were informed of the appropriate codes for issuing citations and increased patrol to the areas. Because of the response from CALTRANS and the County, law enforcement now had tools that decreased the illicit sexual activity at the viewpoint and Lagoon.

ASSESSMENT:

The operations at the viewpoint and Lagoon have resulted in a substantial decrease in illicit sexual behavior. Although these locations are still used, the crowd of men soliciting sex has diminished to the infrequent few. Dispatched radio calls to the areas are almost nonexistent. Citizens have expressed their satisfaction with the successful operations at the viewpoint and Lagoon.

During periods when the operations were increased at the viewpoint and Lagoon, the activity was reduced. The problem increases when these operations are shut down. Periodic law enforcement action; i.e., citation enforcement, foot patrol, citizen contacts and undercover operations are needed to maintain the desired reduction in illegal activities.

AGENCIES UTILIZED:

CALTRANS

California Highway Patrol

San Diego Sheriff's Department Vice Unit

County Park Rangers

District Attorney's Office

North County Gay & Lesbian Association

Encinitas Patrol Deputies

San Diego Union Tribune

Blade Citizen

10 News

Cox Cable Channel 4 News