

Lesher Center abuse case: Walnut Creek employees won't be charged

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WALNUT CREEK -- The Contra Costa County District Attorney's Office won't press charges against Walnut Creek officials who knew of suspected sexual child abuse by a city employee at the Lesher Center but failed to report it to police.

Although Nancy Georgiou, a senior deputy district attorney, said she believes the three city employees are required to report any suspicions of child abuse, she did not think a jury would believe "beyond a reasonable doubt" that they had violated state-mandated reporting laws. The law requires those who work with or have access to children through their work report any suspicion of abuse or neglect.

"I don't think a jury, 12 people, would believe this rose to the level of a crime," said Georgiou, head of the district attorney's sex crimes unit.

Scott Denison, manager of the Dean Lesher Regional Center for the Arts; Barry Gordon, Arts, Recreation and Community Services director; his deputy, Kevin Safine; and Sally Rice, Human Resources director, have been on paid administrative leave since March 22, while the city conducts an internal investigation. That investigation is ongoing, said City Manager Ken Nordhoff. Rice hasn't faced the possibility of criminal charges.

Prosecutors in February charged former Walnut Creek Lesher Center employee Jason Pedroza, 27, with two felonies -- using a minor for a sex act and contacting a minor for the purpose of engaging in lewd and lascivious behavior -- and misdemeanor sexual battery and child molestation. Pedroza, an actor and theater teacher, turned himself in to police in February, three months after being fired.

In March, Walnut Creek police began investigating when city employees learned of Pedroza's suspected inappropriate contact with minors.

Denison viewed text messages Pedroza sent to minors he met through the Lesher Center in November, according to a memo from Walnut Creek police. Denison was alerted by someone other than police that Danville police were investigating Pedroza, according to the memo. He told his boss Safine, who told his boss Gordon. Denison then fired Pedroza. None of the city officials told Walnut Creek police about any of it.

Child Abuse Prevention Council of Contra Costa County

Walnut Creek found out from Pleasant Hill police in December after a second victim came forward.

Georgiou believes it would be difficult to convince a jury that Denison knew he needed to report what he knew to Walnut Creek police, given he was told Danville police were already investigating Pedroza.

Gordon told Walnut Creek police he was unaware he was a mandated reporter. Although Safine did tell Human Resource Director Rice about the Pedroza situation, she said she forgot and was not aware who was or was not a mandated reporter in the city, according to the police memo.

"I do think that anybody who works in the city overseeing a recreation program or activities for children should be aware of what child abuse is and what sexual abuse is and what their duties are" when it comes to reporting it to the authorities, Georgiou said.

City spokeswoman Gayle Vassar said it's welcome news that no city employees will be charged for failing to report and that the city continues its internal investigation. Officials are waiting to see the results of that before any decisions are made about the employees currently on leave, said Vassar, who did not know when the investigation would be concluded.

The city is working with the Child Abuse Prevention Council of Contra Costa County on which city employees should be formally trained as mandated reporters, she said.

"We are doing the very best job we can so that a parent can expect when they give us their child that we make sure that child is safe," Vassar said.

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