

Ex-San Jose officer given house arrest in sex case with teens

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A former San Jose officer was sentenced Wednesday to eight months of home arrest, three years of probation and a lifetime of being registered a sex offender after being convicted of sex acts with two teenage boys.

Patrick D'Arrigo, 44, faced a maximum sentence of three years and eight months in prison for two counts stemming from sexual encounters with a 15-year-old and a 17-year-old at his Gilroy home in 2008.

Stuart Scott, the Santa Clara County deputy district attorney who prosecuted the case, said he "argued very aggressively for significant incarceration." He said that while he would have liked to see D'Arrigo locked up, Superior Court Judge Kenneth Shapero "gave a very well thought out, articulated explanation" of why he was not handing out jail time that involved "balancing the totality of the circumstances."

"Ultimately it's the discretion of the court, and I'm certainly not going to question his authority," he said. "We just disagree."

Scott said that though the acts were consensual, jail time is in order because of D'Arrigo's standing as a police officer.

"This is a guy who is different than other defendants, unlike someone who has no obligations, he put on a uniform, raised his right hand and swore an oath to protect and defend," he said. "He needs to be held to a higher standard, and that involves significant incarceration."

However, Scott said that D'Arrigo has already suffered "great penalties," as he has lost his job, lost his pension and will have to register as a sex offender his entire life.

D'Arrigo's attorney Brian Madden said late Wednesday that his client took responsibility for his actions and regrets them very deeply. He added that a report from a psychologist, a probation report and the judge all agreed that he is at low risk of reoffending.

"On the facts of this case, the court's sentence was completely justified and appropriate," he said.

According to grand jury transcripts, the teens testified that they had met the longtime campus officer at Leland High School in 2008 when D'Arrigo responded to a "Men Seeking Men" ad placed on Craigslist.

The record states that he partied with a group of teens at his Gilroy home, watching movies and giving them rum and sodas. He then engaged in sexual acts with two of them, and according to the transcripts, later gave the boys gift cards.

In March, D'Arrigo pleaded no contest to one count of lewd and lascivious acts on a minor age 14 or 15 and one count of oral copulation with a minor.

D'Arrigo was placed on administrative leave in August after his arrest and resigned from the police department in February.

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