

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
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Agenda Number:
Prepared on: 5/13/02
Department Name: 3rd District & Sheriff
Department No.: 0230 & 032
Agenda Date: 5/28/02
Placement: Departmental
Estimate Time: 2 hr
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Gail Marshall Jim Thomas Michael Young
Third District Supervisor Sheriff UCSB Vice-Chancellor

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SUBJECT: Isla Vista Community Safety Working Group

Recommendation(s):

That the Board of Supervisors:

1. Receive a report from the Isla Vista Community Safety Working Group; and
2. Adopt the Community Safety Ordinance pertaining to the Isla Vista Community; and
3. Adopt the Urinating/Defecating in Public Ordinance.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community and Goal No. 2. A Safe and Healthy Community in Which to Live, Work, and Visit.

Executive Summary:

The Isla Vista Community Safety Working Group was established in June of 2001 to address the broad issues of public safety in the community of Isla Vista. The working group consists of representatives from the 3rd District office, the Sheriff's Department, University of California, Santa Barbara, Santa Barbara City College and the Isla Vista Recreation and Park District. The goal of the working group is to develop community standards and policy initiatives that will improve safety and enhance the quality of life in the Isla Vista community.

The working group has developed a mission statement and action strategies that include environmental, educational and enforcement elements. The Board of Supervisors has adopted several of these elements, as have our partner organizations. Today, your Board is being asked to receive a report from the working group, consider two new ordinances dealing with parties in Isla Vista and urinating in public, and hear several other possible remedies and options the working group has considered.

Some of our strategy components do not require formal Board action but are included in this report to illustrate the potential solutions available to the partner organizations.

Discussion:

Isla Vista Community Safety Working Group: The Isla Vista Community Safety Working Group was established in June of 2001 to address the broad issues of public safety in the community of Isla Vista. The participants include Commander Deborah Linden and Lieutenant Russ Birchim of the Sheriff's Department; UCSB Dean of Students, Yonie Harris; UCSB Director of Student Health, Dr. Cindy Bowers; UCSB Health Educator, Judy Hearsom; UCSB Police Captain Mike Foster; Santa Barbara City College (SBCC) Dean of Educational Programs/Student Services, Ron Baker; SBCC Director of Student and Alumni Activities Ann Fryslie; Isla Vista Recreation and Park District Director, Pegeen Soutar; Mark Chaconas representing the 3rd District; and UCSB Project Director/Isla Vista AOD Council, Onolee Zwicke.

The working group was kept relatively small in order to maintain consistent attendance and continuity of the members, and comprised representatives from the agencies and organizations responsible for developing policy and programming concerning safety in Isla Vista.

The group adopted the following mission statement:

To improve the safety and quality of life in Isla Vista through a focus on changes to, and enforcement of, local ordinances and policies. The membership of the group encompasses representatives from those agencies and institutions that have authority and responsibility to make and enforce local ordinances and policies in Isla Vista.

The working group focused its discussion and efforts on the following enforcement, environmental, and educational strategies to help improve the safety of the residents and enhance the quality of life in the Isla Vista community:

Enforcement and Sanctions Component:

- A. *Examine proposed new ordinances and/or revisions to current ordinances*
 - 1. *Community Safety Ordinance*
 - 2. *Outdoor Furniture Ordinance*
 - 3. *Changes to Music & Festival Ordinances*
 - 4. *Revisions to Solid Waste Ordinance (Chapter 17)*
- B. *Increased enforcement of current ordinances/laws by law enforcement and other County Departments and agencies (ABC, DMV, etc)*
- C. *Non-criminal alternatives*
 - 1. *Extended Jurisdiction – UCSB and SBCC*
 - 2. *Parental Notification Program – UCSB and SBCC*
 - 3. *Property Owners and Managers Notification Program – Sheriff's Department*

Environmental Component:

- A. *Expanded recycling program*
- B. *Trash Service/Clean-up improvements*
- C. *Alcohol availability and ABC licenses*
- D. *Responsible Beverage Server Program*
- E. *Comprehensive sidewalk plan (Public Works)*
- F. *Enhanced streetlighting plan (Public Works)*
- G. *Balcony and fencing inspection program (Building and Safety)*
- H. *Support IV Master Plan*
- I. *Support alternative events for community*

Education Component:

- A. *Publicize the outcomes of this plan via media, letters, fliers, including the potential sanctions and consequences*
- B. *UCSB Peer Program*
- C. *Improve media relations with pro-active articles in both school papers*
- D. *Alcohol merchant education and cooperation*
- E. *Distribution of early intervention info to arrestees and others via law enforcement*

Actions Taken: Many of the components have already been implemented or are being acted on by partnering agencies. Several are proposed for consideration by your Board, while some are not being considered at this point but may be revisited at some point in the future. The following is a summary of many of the components which are currently being implemented, and do not require action by your Board:

- ◆ The Public Works Department's Transportation Division is coordinating a capital plan to construct additional sidewalks in Isla Vista and has recently adopted consistent 25 mph speed limits within the community that can be enforced by radar.
- ◆ The Utilities Division is assisting the Edison Company to retrofit the existing streetlights in Isla Vista with brighter lightbulbs.
- ◆ The Solid Waste Division offers a more complete recycling program to Isla Vista that includes the multi-unit residential buildings (apartments) not currently served. The Division also works closely with Marborg, the local hauler, and now operates a weekly pick-up service for couches and other furniture items discarded or left on the roadside in Isla Vista.
- ◆ The Board of Supervisors adopted the bluff top fencing ordinance for the multi-unit buildings along Del Playa Drive, and the Board has consistently supported the Housing Inspection Program that has led to several hundred calls for service throughout the community.
- ◆ UCSB has adopted an important strategy component by extending the University's jurisdiction to UCSB students who commit certain serious offenses off campus, including physical or sexual assaults, threats of violence, stalking, hazing and sexual harassment. Students who commit these offenses in Isla Vista, or anywhere else off campus, may now be subject to University sanctions including academic probation, counseling, suspension, and expulsion.
- ◆ Beginning this summer, UCSB will implement a Parental Notification Program wherein the University will notify by letter the parents of UCSB students arrested or issued a citation in Isla Vista for drug or alcohol-related offenses. Similar programs at other colleges and Universities have proven an effective deterrent to illegal and dangerous alcohol and drug use. The purpose of the program is to deter high risk drinking and to provide early notification to parents of students who may require assistance with drug or alcohol abuse. SBCC is investigating a similar program.
- ◆ The University is also completing the second year of a new program called the Community Development Peers. This program sites one dozen student representatives throughout the community to be responsible for facilitating community discussion on a number of topics, including personal and public safety, neighborhood standards and existing local ordinances.
- ◆ Santa Barbara City College has proved to be a valuable and active partner in the working group. Current law unfortunately prohibits SBCC from extending its jurisdiction to areas off campus. SBCC is, however, in the process of strengthening standards of student conduct for student behavior on campus and at SBCC-sponsored events held off-campus. In addition, SBCC has been conducting orientation and outreach sessions, and activities at private residential housing facilities in Isla Vista which provide housing for SBCC students.

- ◆ The SBCC Project HOPE (Helping Others through Peer Education) has also been involved in issues concerning Isla Vista by staffing information booths at the IV Sober Block Party and the National Collegiate Alcohol Awareness Week, informing SBCC students about Halloween safety and enforcement in Isla Vista, hosting a Safe Spring Break Fun Fair at SBCC, presenting information about Isla Vista at SBCC Freshman Orientation, and sitting on the Isla Vista Alcohol and Other Drug (AOD) Council and the AOD Task Force.

- ◆ The Sheriff's Department is implementing a Property Owners and Managers Notification Program in which the Sheriff's Department will send letters to building property owners and managers when Deputies or Officers respond to certain types of calls, including out-of-control parties, couch burnings, crimes of violence, drug offenses, and other chronic disturbances. In Isla Vista, many properties are owned by non-resident owners who do not have a direct relationship with their buildings and tenants, but who should be notified of illegal or dangerous activities occurring at their properties. The Landlord Notification Program was developed with the input and support of the Isla Vista Property Owners Association and many of the individual property owners and managers.

- ◆ The County and UCSB established the Isla Vista Alcohol and Other Drugs (AOD) Council, a community coalition responsible for initiating or endorsing environmental strategies designed to reduce substance abuse and conflicts in Isla Vista. The Film Society at UCSB, in collaboration with the AOD Council, received Associated Students funding to offer films in the Isla Vista Theater as an alternative event.

- ◆ Alternative events are difficult to produce on a regular, sustained basis, yet they are recognized for providing a significant entertainment option for students and community members. Several attempts at sponsoring alcohol free social gatherings were modestly successful. Additional neighborhood block parties are being planned to allow the community to interact with representatives from law enforcement, the Fire Department and UCSB's Community Development Peers in order to establish a dialogue and mutual understanding. A successful alternative event focused around a specific holiday is the Halloween festival sponsored by the Isla Vista Recreation and Park District which provides youth and family activities in a carnival atmosphere. It has grown in popularity over the last few years and is viewed as one of the best attempts to develop a consistent, alternative event in the Isla Vista community.

- ◆ The University has begun weekly publication in the Daily Nexus of an entertainment calendar featuring alcohol/drug-free focused activities. In addition, the working group is exploring several grant options to seek funding for alternative events in the Isla Vista/UCSB community.

Proposed Community Safety Ordinance:

A primary public safety concern in Isla Vista is the large, open parties which attract both Isla Vista residents and visitors from out of town. Deputies are routinely called to respond to large parties that have many more participants than the physical boundaries of the property can accommodate. In addition, many public safety problems occur at these open parties, including fights, physical and sexual assaults, objects being thrown at deputies and officers, the serving of alcohol to minors, public drunkenness, urinating in public, alcohol-related injuries and deaths, and obstruction of Deputies, firefighters, and emergency medical workers while they are attempting to do their job.

Most of the problems are associated with large parties where beer is openly served from kegs, which serve as an attraction to people walking along the street. These “uninvited” party guests create significant public safety concerns and result in many of the reported contacts with the Foot Patrol. It is not unusual for the crowds from these gatherings to fill the host property, neighboring properties and the public street. These gatherings can be dangerous to all involved, and have an adverse impact on the community itself.

According to Sheriff’s Department records, in 2001 in Isla Vista, arrests and criminal citations issued totaled over 3900. Of these, over 2400 were for alcohol-related crimes: 796 for Public Intoxication, 1210 for Minor in Possession of Alcohol, and 396 for Open Container of Alcohol in Public.

Most of these offenses were associated with private parties and gatherings along Del Playa and Sabado Tarde Roads. In 2001, there were over 260 reported incidents of felony and misdemeanor battery, fighting in public, and assault with a deadly weapon. Eighteen rapes and two attempted rapes were reported to law enforcement. An additional nine sexual assaults and one attempted sexual assault were reported to the UCSB Women’s Center, but were not reported to law enforcement. Eighty-six couch/furniture fires were documented, resulting in 30 arrests. The cost to the County to repair the roadway after such a fire averages \$175 per occurrence. Officers issued 343 citations for violations of the nighttime amplified noise ordinance. In addition, there were more than 900 reports of loud parties that required a response by officers. 250 citations were issued for urinating or defecating in public.

The working group investigated how other college communities have dealt with similar circumstances, and discovered that several communities, including Boulder, Colorado and East Lansing, Michigan have adopted ordinances that allow law enforcement officers in the field to declare a party a public nuisance when certain conditions exist, such as violations of certain local or state laws or the presence of beer kegs in plain view from the street or sidewalks adjacent to the property. In these jurisdictions, once a party is declared a nuisance, the officers can disperse the crowd and issue citations to the party host, as well as any party attendees who refuse to disperse when directed. The purpose of such ordinances is to encourage party hosts to maintain control and responsibility over their gatherings, to minimize the attraction of visible kegs to uninvited guests in order to avoid excessively large crowds, and to disperse a party before it becomes out of control and results in additional crimes, injuries, and property damage.

Not all parties in Isla Vista will rise to this level of public safety concern. In fact, there are many parties throughout the community where the party host is responsible, the participants are invited guests of the host, the number of people attending the party does not cause a problem at the address and the Foot Patrol never receives a complaint. These gatherings are not the concern of such an ordinance.

Santa Barbara County Counsel, in conjunction with the working group, drafted the Community Safety Ordinance (proposed County Ordinance 36-6) which is before you today. It is patterned from other similar ordinances successfully utilized in other jurisdictions, and would allow law enforcement officers to declare a party or gathering a public nuisance when certain conditions exist at the party or gathering. These conditions include when officers observe three or more instances of criminal behavior as listed in Section 36-6(a); or officers observe certain unsafe behaviors at a party, including throwing harmful objects from balconies or other areas, “slamming,” or diving from a stage or platform into the crowd; or when an open keg of beer is

situated so it is visible to people on the public street or sidewalks. Once a party is declared a nuisance pursuant to these conditions, the ordinance would allow the officers to direct non-resident attendees to immediately leave the party, and provides the option for officers to issue a citation to anyone refusing to leave. The Community Safety Ordinance would only apply to Isla Vista, and a violation of the ordinance would be an infraction punishable by a \$100 fine for a first violation, a \$200 fine for a second violation within a year, and a \$500 fine for each additional violation within a year.

Members of the working group have presented the proposed Community Safety Ordinance to several groups in the Isla Vista, UCSB, and SBCC communities and have received general support for the ordinance. In addition to support from the working group and the departments represented in this report, the proposed ordinance is supported and endorsed by the following groups: The UCSB Student Affairs Council, the Isla Vista Alcohol and Other Drug (AOD) Council, the Isla Vista Property Owners' Association, and the Isla Vista Association.

Proposed Urinating/Defecating in Public Ordinance:

Urinating in public is a significant problem in Isla Vista. In 2001, Isla Vista Foot Patrol Officers issued 250 citations for urinating in public. The behavior, which is almost always associated with large, open parties and gatherings, presents a health hazard to the residents in the community, a risk to the environment, and significantly diminishes the quality of life in Isla Vista.

Currently, the County does not have an ordinance prohibiting urinating/defecating in public. The only section which is available to deputies and officers is Penal Code Section 374.3(a), which makes it an infraction to dump "waste matter" on public or private land. This section is quite general and is designed to include almost any type of waste matter, including trash, tires, and other materials. The section mandates significant fines ranging from \$250 to \$1000 for a first offense, up to \$2500 for three or more violations.

The proposed Urinating/Defecating in Public Ordinance would create a local law which is more applicable to the specific behavior of urinating or defecating on public property, or on private property without the owner's permission, and affixes fines which are more appropriate for the crime. The Urinating/Defecating in Public Ordinance would apply to all unincorporated areas of the county, and a violation of the ordinance would be a misdemeanor.

Other Actions Under Consideration:

The working group considered several other programs and ordinance changes which merit some discussion, but which do not require any action or adoption by your Board at this time.

Several years ago, the County adopted a noise ordinance that applies countywide. It sets time limits on live or amplified music at 10 PM Sunday through Thursday, and midnight on Friday and Saturday nights. Although it is a countywide ordinance, it is most often used in Isla Vista, where large parties are most often associated with live or amplified music which can be heard more than 100 feet from the property line. One of the actions considered by the working group was to request the ordinance be modified to

set the time limit at 10 PM, seven days a week. The County also has a Festival Ordinance specifically to address the conditions during the Halloween celebration in Isla Vista. This ordinance does not allow any discernable amplified music after 6 PM. Another option considered was to make the Festival Ordinance applicable year round.

However, because of the anticipated implementation of several of the other strategic components discussed above, such as the parental and property owner/manager notification programs, UCSB's extension of jurisdiction, and the proposed Community Safety Ordinance, the working group does not believe it is necessary to pursue these other options at this time.

The working group is continuing to address other strategies which may improve public safety in Isla Vista. We have begun exploring ordinances in effect in other jurisdictions which allow for the recovery of costs associated with responding to out-of-control parties. We are also discussing several environmental changes to improve the quality of the neighborhood, including requiring the storage of trash dumpsters behind fire-proof enclosures and prohibiting the placement of indoor furniture, such as couches, in front yards and other outdoor areas. The working group will study and discuss these strategies during the next few months.

Summary: The Working Group feels strongly that this balanced approach of environmental, educational and enforcement measures is a fair and equitable approach towards making Isla Vista a safer community. We recognize that many of these measures address broad issues, and it is our expectation to continue to work on these issues at multiple levels.

We believe these initiatives presented in this report allow residents the ability to enjoy the spontaneity associated with living in Isla Vista while developing a clear set of community standards. While no single program or initiative alone can solve the public safety problems in Isla Vista, our goal is to continue to make progress towards improving the quality of life in the community and making Isla Vista a safer place to live and work.

Mandates and Service Levels: Public safety is mandated. Many of these additional initiatives are aligned with our strategic plan, including our organizational goal of working collaboratively with other jurisdictions.

Fiscal and Facilities Impacts: There are fiscal impacts associated with these programs and initiatives. Staff will work with the respective Departments to keep the allocations within their adopted budgets.

Special Instructions: None

Concurrence:

County Administrator
County Counsel
District Attorney
County Fire Department