

July 10, 2007

Honorable Judge Rodney S. Melville  
Superior Court, Santa Maria Division  
312-M East Cook Street  
Santa Maria, California 93455-5165

**Board of Supervisors' Response to the 2006-07 Civil Grand Jury Report on:  
*"Law, Justice and Public Safety: Selected Community Challenges"***

Dear Judge Melville:

During its regular meeting of Tuesday, July 10, 2007, the Board of Supervisors adopted the following responses as its responses to the 2006-07 Grand Jury's report on "Law, Justice and Public Safety: Selected Community Challenges".

The Board of Supervisors thanks the Grand Jury for its findings and recommendations on this important matter.

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**Finding 1:** *Greater use of medium security detention facilities, staffed by law enforcement and clinical experts, could reduce jail overcrowding and provide more humane treatment for some segments of the inmate population.*

**Response:** **The Board adopted the Sheriff's Department response as its response. (Agree)**

**Recommendation 1:** *Develop more medium security detention facilities as alternatives to incarceration in the Main Jail.*

**Response:** **The Board adopted the Sheriff's Department response as its response (The recommendation requires further analysis to implement.)** The Sheriff's Department is currently developing plans for such facilities; however, further cost and benefit analysis must be performed and funding for construction and staffing must be identified to determine whether the

recommendation should be implemented and in what timeframe. The Sheriff's Department will provide an update in six months.

**Finding 2:** *Allegations of negligent or improper treatment of inmates in the Main Jail could not be verified but such claims were not isolated.*

**Response: The Board adopted the Sheriff's Department response as its response (Partially Agree)**

Complaints occur but most are not sustained. The Sheriff's Department has many safeguards and investigative protocols to ensure that allegations of improper treatment are identified and investigated. Other members of the justice system, such as attorneys and court officials are a resource to report and identify complaints of improper treatment. Audits are conducted on a regular basis by outside organizations such as the State of California Corrections Standards Authority, Institute for Medical Quality and Santa Barbara County Public Health. The jail has consistently received passing ratings.

**Recommendation 2:** *Authorize and fund a court appointed ombudsman who is beholden neither to detain authorities nor inmate advocacy groups and who is devoted to evaluation and reporting on complaints.*

**Response: The Board adopted the Sheriff's Department response as its response (The recommendation will not be implemented.)**

The Sheriff's Department disagrees with this recommendation. The County should not bear the cost of this position as there are many existing avenues and remedies to identify and resolve grievances. Complaints by inmates are actively identified and investigated by many means. There are other greater inmate needs such as drug alcohol counselor or a special needs inmate discharge planner that should be funded prior to an ombudsman.

**Finding 3:** *The influence of gang activity in the detention system is pernicious, and its impact on the growth of neighborhood gangs may increase if not checked.*

**Response: The Board adopted the Sheriff's Department response as its response. (Agree)**

**Recommendation 3:** *Implement a sustainable education program on the negative impact of gang activity, involving law enforcement and the education experts, focusing on children in K-8 and including outreach to parents.*

**Response: The Board adopted the Sheriff's Department response as its response. (The recommendation has been implemented.)**

The Sheriff's Department agrees with this recommendation. Through Life Skills training and future DARE training, in collaboration with elementary and middle schools, we continue to bring the anti

gang message to K-8 students. A more recent program offers parents of children within these age brackets valuable parenting lessons in a program entitled "Parent Academy". One component of the "Parent Academy" focuses specifically on gang life and behavior.

The entire response to the gang issues in Santa Barbara County combine collective energies from within the criminal justice system and focus on 'Prevention, Intervention, Training, Enforcement and Prosecution.'

**Finding 4:** *The California Civil Code (1714.1 & 1714.3) prescribes the liability of parents or guardians for the misconduct of children within their custody and control.*

**Response: The Board adopted the District Attorney's response as its response. (Agree)**

California Civil Code Section 1714.1 does provide for civil liability of parents for minors' acts of willful misconduct resulting in death, personal injury or property damage. California Civil Code Section 1714.3 sets forth additional liability of parents or guardians of minors who cause injury to persons or property by the discharge of a firearm.

**Recommendation 4:** *The District Attorney should proactively inform parents or guardians that under the provisions of the California Civil Code they are liable for the misconduct of their children.*

**Response: The Board adopted the District Attorney's response as its response. (This recommendation requires further analysis.)**

While the District Attorney agrees in principal that education and information along with early intervention can play a major role in mitigating gang and other juvenile criminal activity, the District Attorney has no existing program that interfaces with elementary school level students and their parents. If this Recommendation is intended to require that the District Attorney proactively inform ALL parents or guardians of minors in the county that under the provisions of the California Civil Code they are liable for the misconduct of their children there is no existing mechanism to accomplish that.

Currently the District Attorney Truancy Intervention and Parent Accountability Programs in Santa Barbara, Santa Maria and Lompoc do advise parents and guardians of their legal responsibilities as they relate to truancy. Additionally at one of the steps in the Truancy Program, the parents are given a booklet titled "Minors and the Law." This booklet has a section titled "Parental Authority and Duty," in which parents are advised that they must exercise proper supervision and control over his/her child, that they can be held liable for the acts of their children, and may be criminally prosecuted if they encourage their children to break the law. These booklets do not specifically refer to the California Civil Code Sections in Recommendation # 4; however, the Sections could be added once the booklets are updated and reprinted. These students are generally junior and senior high school age students.

Parents and guardians of minors who come before the juvenile court because of criminal conduct are advised of their financial legal obligations regarding the out-of-home placement of the minor, should that be ordered by the court, among other things. The petition or charging document that includes the notices is a form created by the Judicial Council of the State of California. It does not include any reference to Civil Code Sections 1714.1 or 1714.3. The minors in juvenile court range in age from 12 to 18 years old.

When a minor is declared to be a ward in juvenile court under Welfare and Institutions Code Section 602(a) he or she and the parent or guardian may be held responsible for restitution to the victims of their criminal conduct. Numerous sections of the Welfare and Institutions Code provide for restitution, restitution fines, and for the liability of the parents or guardians for the restitution.

The District Attorney will provide an update in six months.

**Finding 5:** *There is growing disregard for traffic laws and this can contribute to disregard for the law in general.*

**Response: The Board adopted the Sheriff's Department response as its response. (Disagree)**

Within the unincorporated areas of Santa Barbara County, patrolled by the office of the California Highway Patrol, traffic accidents have shown a dramatic decrease over the past two years. Simultaneously, incorporated cities that contract their law enforcement services with the Santa Barbara Sheriff's Department, have shown even greater reductions. This data reflects on motorists who are, generally, paying more attention to the rules of the road.

**Recommendation 5:** *Place greater emphasis on enforcement and implement a public awareness program regarding the bad habits of drivers and bicyclists.*

**Response: The Board adopted the Sheriff's Department response as its response. (The recommendation has been implemented.)**

Numerous education programs followed by aggressive enforcement posture have had a positive impact on local drivers. Programs such as Avoid the Twelve, which incorporates every law enforcement organization in Santa Barbara County and Click It or Ticket, a program designed to insure compliance to seat belt laws, have reinforced attention of drivers towards following traffic laws.

Sincerely,

Brooks Firestone, Chair  
Santa Barbara County Board of Supervisors

cc: Grand Jury Foreperson