

Selected Community Challenges

SUMMARY

There are many concerns in the community regarding law, justice and public safety. Taken together these concerns result from the perception that laws or regulations are not being adequately enforced, either to punish or to protect. Is the perceived lack of enforcement due to limited resources or is it due to poor policies, or a combination? The victims of crimes as well as those punished for committing the crimes have complaints. On one side, it is claimed that there is too much tolerance of crime by law enforcement and yet, on the other, the jails are overcrowded and inmates must be released prematurely. Given the impossibility of addressing the full spectrum of factors which contribute to these conditions, we selected a limited number of topics for detailed investigation. But in the course of our inquiries, a number of general themes emerged which led to limited investigations, and the conclusions from those limited investigations are presented in this report. Topics receiving detailed investigations are considered in reports devoted exclusively to those subjects.

INTRODUCTION

In order to get a sense of community concerns, the Law, Justice and Public Safety (LJ&PS) Committee of the Grand Jury read numerous reports and arranged a series of interviews with a wide range of private individuals and public officials. In general, the interviewees had expert knowledge, personal experience or responsibility for some aspect of LJ&PS. The interviews took place over a period of about seven months and were conducted either in the Grand Jury room or on location where the interviewee(s) worked. The effort was to understand what concerned interviewees most and to benefit from their specific expertise regarding LJ&PS.

The inquiry was motivated by the need to understand different perspectives on prevailing problems, and, to that end, we often selected interviewees who had contrary opinions on the same subject. Although we were unable to provide a comprehensive report on each topic explored, we thought it appropriate to offer highlights of recurrent themes.

OBSERVATIONS AND ANALYSIS

Those associated with the criminal justice system, including representatives for prosecution, defense, and detention, presented what they considered to be the chief challenges and their ideas for confronting them. Other speakers presented their views on the major problems experienced by those charged with crimes and subsequently detained. There was unanimity on the need for additional detention facilities to house criminals, and also there was much support for additional special facilities to manage the mentally ill who commit crimes.

A prominent idea was that increased medium security facilities could usefully serve to reduce overcrowding in the County Main Jail. For example, intoxicated, drug impaired, mentally ill, or distressed homeless individuals, who have committed crimes, if not heinous, could be evaluated and housed in minimum security facilities. Also, if law enforcement and clinical experts determined that these individuals presented no threat to society, they might be released on their own recognizance awaiting future evaluation.

The above line of reasoning is connected with the assertion that many people incarcerated in the County Main Jail are mentally ill. This assertion is supported by the fact that, on average, more than ten percent of the jail population of roughly 980 for the fiscal year 2005-2006 is prescribed psychotropic drugs. The jails have the added burden of caring for the mentally ill and, at this time, there is no real alternative. In general, the detention system has become the default solution for dealing with many of society's ills, and this has placed undue responsibility on a system not well prepared to deal with such a wide range of problems. It must be said, however, that those responsible for the detention system do a respectable job under difficult circumstances.

The complex situation in the Main Jail creates difficult management problems and has led some groups to be critical of the management. We found no direct evidence to support the criticisms, but we understand that inspections cannot always reveal subtle problems. There is no perfect solution that might satisfy all interested parties. In other jurisdictions, we were told that this problem has been addressed by assigning a court-appointed ombudsman to investigate such criticisms. By law, a court-appointed ombudsman is totally independent of any interest group, including the enforcement authorities.

Immigrants illegally in the country are another burden on the local detention system. Some 10%-20% of all those incarcerated in the County Main Jail are in this country illegally, due either to illegal immigration or visa violations. These individuals have been incarcerated for committing crimes and not for being illegally in the country;

they create not only added costs of hundreds of thousands of dollars but also added management burdens. Without a more refined system for national enforcement, the county detention system will continue to bear this burden.

Regarding gang activity, Santa Barbara County is less impacted than some other parts of California such as Los Angeles County. Nevertheless, the threat is growing. And without a steady commitment of resources to deter gang activity, there is no guarantee that this county will not experience, in the foreseeable future, conditions similar to those in Los Angeles County. Gang influence within the detention system is especially pernicious, and enforcement officers told us that there is one especially powerful gang hierarchy within the system. Within Santa Barbara County, this particular hierarchy is run by the so-called Mexican Mafia (“eme”) and its influence passes down through the prison system into the county jails and ultimately into local street gangs. “Enforcement” of loyalty to the gang hierarchy can be brutal, and young people in neighborhoods infested with gang activity soon become aware of the hierarchy.

Finally, in interviews with gang experts and enforcement officers, we learned that the most important measures to mitigate gang activity are education and early intervention. The influence of neighborhood gangs on children begins at an early age, and it is through a sustainable education program that recruitment of new gang members might be stymied. Such a program would need to include both law enforcement and education experts; in particular, it should be focused primarily on kids in K-8 and include an outreach program to involve the parents. Regarding the involvement of parents or guardians, sections of the California Civil Code (1714.1 & 1714.3) clearly specify that they are liable for the misconduct of the children: “...the parent or guardian having custody and control shall be jointly and severally liable with the minor for any damage resulting from the willful misconduct.” These sections of the California Civil Code prescribe different levels of liability, depending on the nature of the misconduct. The District Attorney can use these laws to inform the public and remind parents or guardians that they have an obligation to be proactive in managing the conduct of their children.

Another theme involves safety and traffic control on the streets and highways of the county. Interest in this subject arose not only because of some concern among Grand Jury members but also because there are frequent opinion pieces in newspapers about discourteous drivers or bicyclists who simply ignore traffic laws. Routinely reported incidents include speeding, running red lights and stop signs, making illegal turns, and tailgating. Also, school officials were concerned with the disregard for traffic laws by some drivers and reported numerous incidents where children were hit by cars near schools. After an extensive interview with a senior traffic enforcement officer, it became clear that traffic enforcement is selective, due to practical resource

limitations, and is focused primarily on intersections and/or thoroughfares where the frequency of accidents is highest. The enforcement strategy is to use a combination of education, engineering, and enforcement. Education can include a public awareness program, engineering involves such things as physical changes in intersections and thoroughfares so as to reduce accident risks, and enforcement emphasizes traffic areas where accident risks are highest. Notwithstanding this well-defined program, it is not clear that it is producing more courteous and responsible drivers and bicyclists. Without some more expansive effort to either punish or motivate or shame drivers and bicyclists for discourteous or dangerous behavior, it seems unlikely that behavior is going to be modified. This may seem like a small matter compared to the many other challenges faced by law enforcement, but several officers interviewed acknowledged that enforcement of the law at all levels is essential in order to instill respect for the law in general.

Of course, the above topics do not capture all of the challenges facing Santa Barbara County; but even if just a few of them could be successfully mitigated, the community would be significantly improved.

FINDINGS

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.

Finding 2

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

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.

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.

Finding 5

There is a growing disregard for traffic laws and this can contribute to disregard for the law in general.

RECOMMENDATIONS

Recommendation 1

Develop more medium security detention facilities as alternatives to incarceration in the Main Jail.

Recommendation 2

Authorize and fund a court appointed ombudsman who is beholden neither to detention authorities nor to inmate advocacy groups and who is devoted to evaluating and reporting on complaints.

Recommendation 3

Implement a sustainable educational 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.

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.

Recommendation 5

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

REQUEST FOR RESPONSE

In accordance with Section 933(c) of the California Penal Code, each agency and government body affected by or named in this report is requested to respond in writing to the findings and recommendations in a timely manner. The following are the affected agencies for this report, with the mandated response period for each:

Santa Barbara County Board of Supervisors – 60 days

Santa Barbara County Sheriff's Department – 60 days

City of Buellton – 90 days

City of Carpinteria – 90 days

City of Goleta – 90 days

City of Guadalupe – 90 days

City of Lompoc – 90 days

City of Santa Barbara – 90 days

City of Santa Maria – 90 days

City of Solvang – 90 days

Findings All

Recommendations All

Police Chief, City of Buellton – 90 days

Police Chief, City of Carpinteria – 90 days

Police Chief, City of Goleta – 90 days

Police Chief, City of Guadalupe – 90 days

Police Chief, City of Lompoc – 90 days

Police Chief, City of Santa Barbara – 90 days

Police Chief, City of Santa Maria – 90 days

Police Chief, City of Solvang – 90 days

Findings All

Recommendations All

Santa Barbara County District Attorney – 90 days

Finding 4

Recommendation 4