

OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF SANTA BARBARA

JOYCE E. DUDLEY
District Attorney



ANN L. BRAMSEN
Chief Assistant District Attorney

HILARY M. DOZER
Chief Deputy District Attorney

KIMBRA MCCARTHY
Administrative Director

J. GORDON AUCHINCLOSS
Chief Deputy District Attorney

STEPHEN P. FOLEY
Chief Deputy District Attorney

DAVID M. SAUNDERS
Chief Investigator

July 19, 2011

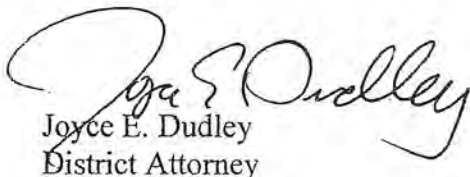
Honorable Arthur A. Garcia
Assistant Presiding Judge
Santa Barbara Superior Court
312 East Cook Street
P.O. Box 5369
Santa Maria, CA 93456

Dear Judge Garcia:

The Santa Barbara County District Attorney is in receipt of the 2010-11 Grand Jury report entitled: "*Where is the Truancy Program in Santa Barbara County? Truancy is Troubling...for Everyone.*" Please find attached my response to the findings and recommendations of that report.

I want to extend my appreciation to the Grant Jury for its work and insights on this exigent matter. Please do not hesitate to contact me should you have any questions.

Sincerely,



Joyce E. Dudley
District Attorney

Cc: Kathryn D. McKee, Foreperson, Santa Barbara County Grand Jury
Chandra Wallar, County Executive Officer

Attachments

RECEIVED

JUL 21 2011

BY: _____

Santa Barbara County District Attorney Response

2010-11 Grand Jury

“Where is the Truancy Program in Santa Barbara County? Truancy is Troubling...for Everyone”

Santa Barbara County District Attorney, Joyce E. Dudley, began her career in Education and earned both a M.Ed. and an M.A. in this field before becoming an attorney. District Attorney Dudley is a strong advocate for reestablishing a comprehensive truancy program in Santa Barbara County and would like to thank the Grand Jury for its thoughtful and thorough report on this timely and *troubling* problem.

Our office has a unique perspective to understand the importance of early intervention in preventing the children of our community from becoming at-risk. Daily, we deal directly with the problem of juvenile delinquency while prosecuting many adult offenders who began a life of criminal recidivism in the juvenile courts. We also have first-hand experience observing the direct correlation between truancy and delinquency.

Research conducted by Fight Crime: Invest in Kids *California*¹ illustrates that California faces a dropout crisis that poses a significant threat to public safety.² In fact, **an estimated one in three California high school students does not graduate from high school on time.**³ Each year's class of dropouts costs California \$46 billion *over their collective lifetimes.*⁴ But the impact is immediate: each year's class of dropouts cost California over \$12 billion in juvenile crime costs alone.⁵

¹ Established in 2000, Fight Crime: Invest in Kids *California* is a bipartisan, nonprofit, anti-crime organization led by more than 400 sheriffs, police chiefs, district attorneys and violence survivors. It is part of Fight Crime: Invest in Kids, a national nonprofit organization representing over 5,000 law enforcement leaders and violence survivors, headquartered in Washington, DC with additional state offices in Illinois, Maine, Michigan, New York, Ohio, Oregon, Pennsylvania, Tennessee and Washington. Fight Crime: Invest in Kids *California's* mission is to take a hard-nosed look at the research to find what really works to keep kids from becoming criminals and then share information about proven crime-prevention strategies with policymakers, the media and the public. Fight Crime: Invest in Kids *California* evaluates crime prevention strategies, informs the public, media and policymakers about those findings, and urges investment in programs proven effective by research.

² Fight Crime: Invest in Kids *California*, “School or the Streets: Crime and California’s Dropout Crisis,” available at <http://www.fightcrime.org/state/california/reports/school-or-streets-crime-and-californias-dropout-crisis-2007> (2007).

³ California Department of Education (2007), DataQuest information available at <http://dq.cde.ca.gov/dataquest/CompletionRate/comprate1.asp?cChoice=StGradRate&cYear=2005-06&level=State>.

⁴ Belfield, C. & Levin, H., *The Economic Losses from High School Dropouts in California*, California Dropout Research Project, Santa Barbara, CA, University of California at Santa Barbara (2007). This estimate only addresses economic losses to California and not losses to the federal government.

⁵ See *id.*

Studies also show that **high school dropouts are three and one-half times more likely than high school graduates to be arrested, and more than eight times as likely to be in jail or prison.**⁶ Across the country, 68% of state prison inmates do not receive a high school diploma.⁷

According to Fight Crime: Invest in Kids *California*, in Santa Barbara County alone, if graduation rates would increase by just 10 percentage points, research indicates that our County would realize a 20% decrease in murders and aggravated assaults.⁸ That translates into 3 fewer murders and 262 fewer aggravated assaults per year for our County.⁹

Clearly, keeping kids in school in Santa Barbara County and on the path to graduation is one of the most effective crime-prevention tools we have available to us.

As such, our interest in reestablishing a countywide truancy program is two-fold. First, we are interested in an effective truancy program that will enforce the law regarding compulsory education for the sake of education. As shown above, we believe that education and truancy prevention are critical components to the well-being and the futures of children in our County.

Second, we believe that a truancy program can make a vital difference in the lives of at-risk children and can serve as a powerful tool in crime prevention. Such a program would not only involve the threat of legal action against habitual truants, or their parents/guardians, but would also include a program of prevention and intervention in identifying and ameliorating the root causes of truancy which often begin in our neighborhoods and in the home. A collaborative approach to the problem of truancy and its causes should involve all community stakeholders in this worthwhile endeavor including the following agencies:

- The County Education Office
- Individual School Districts
- Law Enforcement
- Probation
- Public Health
- County Mental Health
- Social Services
- Child Welfare Services
- Counsel on Alcoholism and Drug Abuse
- Private Foundations

⁶ Catterall, J.S., *On the Social Cost of Dropping Out*, Center for Education and Research, Stanford, CA (1985); Bridgeland, J.M., Dilulio, J.J., & Morison, K.B., *The Silent Epidemic: Perspectives of High School Dropouts*, Civic Enterprises, Washington D.C., available at <http://www.civicerprises.net/pdfs/theilentepidemic3-06.pdf> (2006).

⁷ Harlow, C.W., *Education and correctional populations*, available at <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=814> (2003).

⁸ See n.2. See also, Lochner, L. & Moretti, E., "The Effect of Education on Crime: Evidence from Prison Inmates, Arrests, and Self Reports," *The American Economic Review*, 94(1) 155-189 (2004); Criminal Justice Statistics Center, Office of the Attorney General, *California criminal justice profile 2006*, available at http://stats.doj.ca.gov/cjsc_stats/prof06/00/11.pdf (2009).

⁹ See *id.*

The Grand Jury soberly notes that the primary barrier between Santa Barbara County and an effective truancy program is funding. Presently, the Santa Barbara County District Attorney's Office carries the highest known criminal caseloads per attorney in the state of California hence, our resources are stretched very thin. Nevertheless, we are committed to finding the necessary funding and additional resources necessary to reestablish a comprehensive truancy program in our county and are actively engaged with our local government and community leaders in the effort to make this a reality.

In the meantime, we will commit what limited resources we have available to prosecute, when appropriate, misdemeanor crimes related to truancy and make available to all Santa Barbara County school districts, letters, in both Spanish and English, from the Santa Barbara County District Attorney's Office notifying parents of the state truancy laws. We will also continue to prosecute, when appropriate, misdemeanor crimes related to truancy, and provide truancy enforcement programs involving habitual offenders with individual school districts that have the resources to contribute funding for such programs. Finally, we will continue to commit valuable administrative resources to explore the funding and recreation of a successful truancy program for our county.

Below are the Santa Barbara County District Attorney responses to the Grant Jury findings and recommendations.

Finding 1: *The only truancy programs in use today in the County of Santa Barbara are those independently developed and managed by individual districts or schools.*

Response: We agree.

Recommendation 1a: *That the Santa Barbara County District Attorney immediately reinstate the initial letter portion of the prior truancy program for all secondary schools until a new program is developed.*

Response: The Santa Barbara County District Attorney agrees to immediately reinstate the initial letter portion of the prior truancy program for all schools by providing individual school districts with letters, in both English and Spanish, for use by the schools for mailing before the school year begins.

Recommendation 1b: *That the Santa Barbara County District Attorney report the results quarterly of the truancy intervention letters data, to the Santa Barbara County Education Office and all Santa Barbara County school districts.*

Response: The Santa Barbara County District Attorney cannot currently provide truancy intervention data to the Santa Barbara County Education Officer and all Santa Barbara County school districts for the following reasons:

- 1) Student attendance records are maintained by school districts and the District Attorney does not have access to these records nor are there any existing agreements with school districts to obtain these records.
- 2) The previous computer interface that existed between the schools and the District Attorney's Office to obtain these records is no longer in existence.

- 3) The District Attorney's Office does not have the resources or staff available to maintain this database.

Recommendation 1c: *That the Santa Barbara County Education Office in partnership with the Santa Barbara County District Attorney, Santa Barbara County elementary, secondary, and unified school districts, immediately develop a countywide program to reduce truancy, by reinstating the School Attendance Review Boards.*

Response: Provided the necessary funding is available, the Santa Barbara County District Attorney is not opposed to reinstating School Attendance Review Boards (SARB); however, such boards are one component of a collaborative effort necessary for a successful truancy program and we believe the impact of any new SARB will be very limited without all of the additional components of a comprehensive program in place.

Recommendation 1d: *That the Santa Barbara County District Attorney working with the Santa Barbara County Education Office, and the Santa Barbara County school districts, implement truancy enforcement countywide for all Santa Barbara County schools.*

Response: The Santa Barbara County District Attorney is actively engaged with individual Santa Barbara County school districts in providing limited programs involving truancy enforcement to those School Districts that have available funding to pay for them. Such programs are very limited and typically deal with only the most habitual truants. We do not have the available resources or funding to provide for a countywide enforcement program.

Finding 2: *There is currently no available federal or state funding for truancy programs.*

Response: We agree. We are unaware of any available federal or state funding for truancy programs. However, we are actively engaged with local government and community leaders in an effort to identify possible public and private funding to reinstate a countywide truancy program. Presently, we have one administrator and one part-time volunteer assigned to the task of finding creative solutions to create and maintain a comprehensive truancy program in our county.

Recommendation 2a: *That the Santa Barbara County Board of Supervisors fund at least one full-time position in the Santa Barbara County District Attorney's Office to administer an enforceable truancy program for all Santa Barbara County schools.*

Response: If the Board of Supervisors provided our office with additional funding for one full-time position, we will tailor a countywide truancy program that is commensurate with that resource. Unfortunately, the scope of an effective and comprehensive countywide truancy program will require more resources than the cost of a single full-time position. For example, when our previous truancy program was most effective, the program included two full-time Deputy District Attorneys and two full-time social workers, in addition to necessary office support staff. While we believe an effective program can be created with fewer resources today, one full-time employee would be insufficient to establish a program that approaches the success of our past truancy program.

Recommendations 2b / 2c: *2(b) That each Santa Barbara County school district provide in its budget a proportional share, based on the number of students, to the Santa Barbara County District Attorney to assist in funding an enforceable truancy program for all Santa Barbara County schools. 2(c) That the Santa Barbara County Education Office provide, in its budget, match the school district share to the Santa Barbara County District Attorney to assist in funding an enforceable truancy program for all Santa Barbara County schools.*

Response: The Grand Jury is correct in identifying the necessity for a new truancy program in Santa Barbara County and in understanding that such a program will require funding. As stated, the Santa Barbara County District Attorney is already committing limited resources to this problem and is actively engaged in an attempt to find funding for a new program. We would welcome a contribution from any possible funding source.