

JUVENILES IN GANGS IN SANTA BARBARA COUNTY HAS ACCOUNTABILITY BEEN FORGOTTEN?

SUMMARY

As a result of recent gang-related violence in Santa Barbara County, the 2019-20 Santa Barbara County Grand Jury (Jury) initiated a study of gang incidents and how various agencies are addressing them. The Jury found an evolving response to gangs, and gangs themselves have shifted tactics. The County Probation Department and County and municipal law enforcement agencies have had to adapt to a changing legal landscape that allows more leniency in dealing with crime, and in particular juvenile crime.

The Jury heard from a number of representatives who work with juvenile gang members or non-initiated associates. At times it seemed that there were two camps: one which wanted to rehabilitate the youth and the other which wanted to hold them accountable. The Probation Department, the Sheriff's Office, and the police departments may sound at odds with each other, but all aim to treat juvenile gang members as individuals influenced by their environment. These agencies need to collaborate now more than before in order to reconcile what is happening in street gangs with changes in the laws. The agencies meet regularly, and the Jury recommends that they continue to meet on an ongoing basis with more resources than those they have currently. The Sheriff's Department in particular needs to rejoin the consortium of those working to prevent gang crime.

Methodology

The 2019-20 Santa Barbara County Grand Jury wanted to study the issue of juvenile gangs from multiple perspectives. Jury members interviewed those who worked with at-risk youth and gang members, made site visits and read documents to understand this volatile situation of juveniles caught in gang activities.

The Jury interviewed representatives from law enforcement, Probation, schools and non-profit organizations:

Santa Barbara County Executive Office

Santa Barbara County Sheriff's Department

Santa Maria Police Department

Santa Barbara Police Department

Lompoc Police Department

Guadalupe Police Department

The Santa Barbara County District Attorney's Office in Santa Maria

The Santa Barbara County District Attorney's Office in Santa Barbara

The Santa Barbara County Public Defender’s Office in Santa Barbara
Santa Barbara County Probation at Susan J. Gionfriddo Juvenile Justice Center
Santa Barbara County Probation at Los Prietos Boys Camp
Santa Barbara County Probation, Juvenile Division
Santa Barbara County Probation, Administration
Juvenile Justice Delinquency Prevention Commission
School Resource Officers in several cities within the County
Santa Maria Unified School District
Santa Barbara Unified School District
Santa Barbara County Education Office
South Coast Youth Safety Partnership, Community Action Commission
Senior Administrator, Santa Maria
Fighting Back, Santa Maria

Jury members made site visits to both the Susan J. Gionfriddo Juvenile Justice Center and Los Prietos Boys Camp. There, and at Fighting Back, Santa Maria, Jury members were able to speak with gang affiliates and former gang members.

Jury members reviewed news and media articles about recent gang violence. One study by the *San Francisco Chronicle*, “Vanishing Violence,” March 21, 2019, was particularly helpful in understanding the complexities of juvenile justice. The Santa Barbara County Probation Office also provided abundant background materials. Other online and document research, including state and national juvenile justice data, was reviewed. The Jury also researched legal matters pertaining to juveniles in detention. Lastly, Jury members did research on State education websites and data sites for children (kidsdata.org, surveymonkey.com, CalSCHLS.org) regarding school climate, health, learning and social patterns.

BACKGROUND

History

Other Santa Barbara County Grand Juries have addressed gang activity in the County in three different reports: Anti-Gang Efforts in the City of Santa Barbara (2007-08), Gang Violence in the Santa Maria Valley (2009-10), and Youth Safety in Santa Maria (2016-17). The reports assessed local responses to alarming gang incidents. The 2007-08 Jury report resulted from two homicides involving juvenile gang members in the city of Santa Barbara; one of the murders occurred on its main street. Two years later, the 2009-10 Grand Jury responded to a Request for Investigation about Santa Maria’s gang problem. The gang violence in Santa Maria later escalated to such a point that the entire city mobilized to find ways to intervene, which was the subject of the 2016-17 Grand Jury report. In 2016, the Santa Maria police needed the combined efforts of county, state and Federal agencies to suppress the outside gang MS-13 that had been dominating criminal activity and the local street gangs.

Gang violence can be characterized as cyclical: after a raid when gang leaders are arrested, a quiet period ensues until other gang members fill the void. In Santa Maria this is true, as local gangs have stepped up activity since the 2016 MS-13 sweep. The 2019 trial of one Santa Maria gang member was connected to nine months of gang incidents by a four-man squad reportedly created to revitalize one of the local criminal street gangs.¹ The City of Santa Barbara has had fewer major incidents recently, one gang-related death in June 2019, one murder and one attempted murder in January 2020. Nonetheless, each death brought attention to gang activity in the City. However, in Lompoc, deaths and injuries from shootings have escalated to the point of being almost monthly. Gang affiliation is most often tied to the incidents.

In Santa Barbara County there are numerous street gangs. The Santa Barbara County Sheriff's Department offered a list of 18 total named gangs: two in Santa Barbara, three in Goleta/Isla Vista, three in Lompoc, two that have ties in Lompoc and Santa Maria, and eight in Santa Maria. Some gang members from San Luis Obispo County also reside in Santa Barbara County. Many gangs can have multiple cliques. Also, they are mobile and operate throughout the county. A gang member living in Lompoc may be active in Santa Barbara or vice versa. For example, the Lompoc Police estimated there were approximately 600 gang members or associates in their community and said that many of them have affiliations with gangs in other areas. As a result, in looking at the street gang problem, we must look at the whole county and not any specific area or city.

Juvenile gang membership in Santa Barbara County is hard to calculate. The State of California 2017 Healthy Kids Survey for the schools in the County counted the percentages of students who claimed to be gang members in 7th, 9th, and 11th grade:²

Grade Level	Boys	Girls
7th Grade	4.60%	3.50%
9th Grade	5.20%	2.40%
11th Grade	6.70%	2.50%
	12.90%	2.90%

The survey cautions that it did not identify what constitutes a gang. In any event, these low percentages indicate a small subset of youth in the county.

Changes in Gang Composition

While gangs have existed in Santa Barbara County for decades, their composition and behavior have been developing new trends. The street gangs are primarily Hispanic and can be localized around certain neighborhoods or turf; however, many gangs may no longer claim a certain turf and gang members can live throughout the city or even the County.

Their family situations are often described as strained due to parents having to work multiple jobs to be able to afford the high cost of living here. In these cases, parental supervision is weakened. A Probation Officer estimated that about 50 percent of the parents of gang members or associates feel they have lost control of their kids. Gang association can offer a new family for

¹ Mathew Burciaga, "Santa Maria Man to Face Life in Prison for Attempted Murder." *Santa Maria Times*, Accessed July 10, 2019.

² "Gang Memberships, by Gender and Grade Level," *kidsdata.org*, Accessed April 20, 2020.

kids who often feel out of place or disengaged from society. These days cell phones connect youth, and social media creates an exclusive networking platform. This is also true for inter-gang contacts, which include bragging about their feats, cyber bullying and making threats. The juveniles' use of technology can leave parents even more out of the loop.

Protection, acceptance, peer pressure, recognition and respect are most often cited as reasons for gang affiliations. Money is becoming a bigger motive. Family poverty is often a risk factor for joining a gang. Drugs are not a motive for joining a gang, but they do finance a lifestyle that many envy. Sex trafficking has become more lucrative than drugs. Gangs take advantage of girls under 18, as they are no longer prosecuted for prostitution. Some girls confuse the money they make for the gang with love and respect, not understanding the danger. The promised self-respect that comes with gang affiliation can have its own code of ethics. A high school principal, for example, noted that the neighborhood gang would never tag its own school; those from another gang would do the graffiti. Also, officers at one police department reported to the Jury that they would get calls from a gang after a crime, disavowing a crime that they said they would never do.

Juvenile gang members are usually between the ages of 13-18. The Jury heard that gang membership with youth under 15 is the segment that is growing the most. Elementary and middle schools are recruiting grounds. Some law enforcement officers notice a transition at the age of 19, when the juvenile either exits or gets in deeper. There is no agreement among law enforcement whether gang members age out between the ages of 20 and 30. Some in law enforcement say they can; others say they never do. The process is never easy.

The trend toward recruiting younger members holds true, especially after changes in the laws that do not penalize minors as severely as adults. Gang associates and wannabes³ can be active in middle school and even elementary school. Younger juveniles are often eager and daring. They risk less because those eleven years old and younger are not even prosecuted for crimes. They are instead directed toward Social Services or Behavioral Wellness for rehabilitation.

The 2019-20 Grand Jury chose to focus on juvenile gang activity. Juvenile gang members or affiliates are not always as committed to the lifestyle that gang membership enforces as are older members. Adult gang members who have chosen the criminal life can be considered hard core. Many of the adult gangs in Southern California are directed by the Mexican Mafia from within the prison system. Once inside the Santa Barbara County Main Jail, it is said that the disparate local gangs fall together under the Sureños group, which the Mexican Mafia rules. On the other hand, most juveniles in the juvenile justice system still retain their ties to their community and their local gang. According to Probation, these juveniles may be impetuous, but they also can be rehabilitated.

³ Law enforcement officers in Santa Barbara County spoke of gang members as those who will do the work for the gang and commit the crimes. They dedicate their lives to the gang. The officers spoke of associates as those who are connected with a gang but have not been initiated, which is often a violent rite. Wannabes are those who like the attention of gang members. They usually are younger and they feel important emulating gang attire, signs and language.

Legal background

A major influence on gangs and in particular youths in gangs has been the change in approach by the legal community. At the end of the twentieth century, laws pertaining to juveniles became more punitive toward youth and gang members, trying juveniles as adults and marking their crimes with gang enhancements. Proposition 21, passed in 2000, increased punishment for gang related crimes, eliminated informal probation for felonies committed by juveniles, and required gang registration. Between the years 2003-16, 11,300 youths were tried as adults nationwide.⁴ Those measures, which one local public defender called “draconian,” began to evolve in 2013 with AB260, barring kids from being sent to adult courts, and with SB 1391 in 2018, not allowing youth under 16 in an adult court. A case in 2018 further set the limit for California Division of Juvenile Justice to the ages between 12 and 17. There is no booking for a child 11 years and younger, unless the child has been charged with murder or certain sex crimes.

Since 2010, other changes in the law redefined who went to state prison. In California, where pressure to reduce overcrowding in state prisons was urgent, the legislature passed Assembly Bill 109 (AB 109) in 2011. Over 500 crimes that were considered non-serious, non-violent and non-sex-related were taken off felony lists that led to sentencing to state prisons. Although AB 109 changes did not apply to juveniles, crimes committed as a juvenile still counted as a strike against someone’s record. The responsibility for those who committed the lesser crimes went from the state prisons and state parole officers to county jails and county probation officers.

Further easing sentencing was Proposition 47, passed in 2014, which reduced felony crimes against property and personal drug offenses to misdemeanors. The savings from the added reduction in prison overcrowding funded the Safe Neighborhoods and Schools Fund, as well as victim services and treatment programs. In 2015, the application of Prop 47 was interpreted to also include juveniles. As an example, possession of heroin in amounts for personal use is no longer a felony, and a young person can escape any serious prosecution. Additionally, shoplifting is now a misdemeanor as long as the property stolen amounts to less than \$950. Many, including juveniles, have taken advantage of the higher threshold for prosecution as a felony.

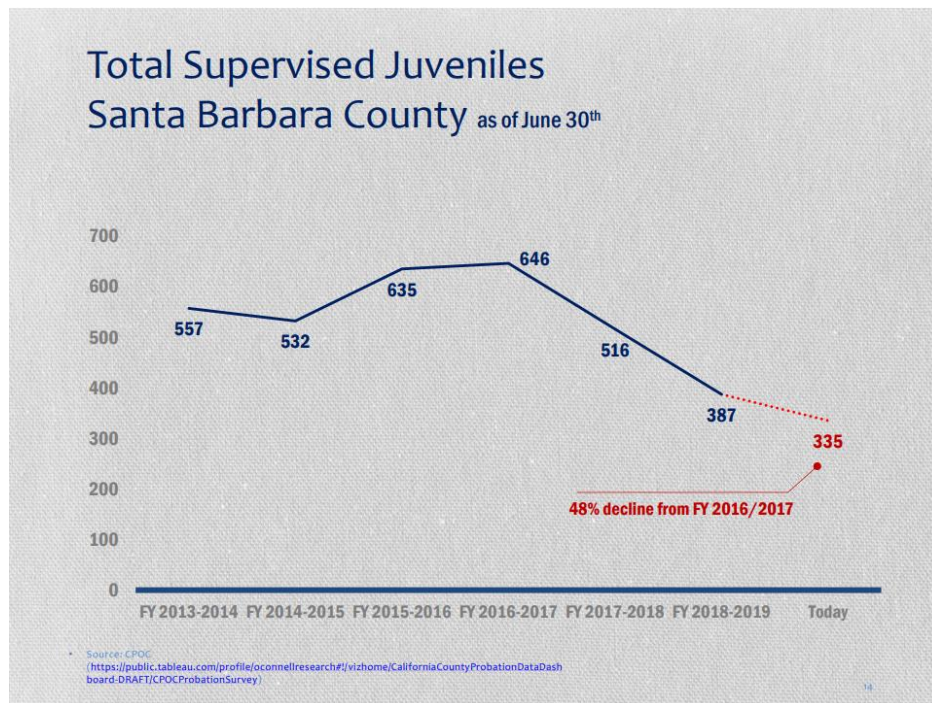
The Jury was told by law enforcement officials that a result of legal reform is not only the numbers of arrests are down, but also the numbers of youth in detention are down. The new laws reflect the theory that incarceration for juveniles is not the answer. Research showed that even one stint in juvenile hall increased the chances of recidivism.⁵ The Chief Probation Officers of California summarize the trend as the number of youth in the juvenile probation system has gone down 42 percent between 2013 and 2018, and the number of bookings has decreased 14 percent statewide between 2015 and 2018. Statewide, the *San Francisco Chronicle* declared, “Between 1980 and 2016, the arrest rate dropped 84 percent for juveniles, though it fell only 9 percent for adults in their 50s, according to a recent Public Policy Institute of California report. For felony crimes, the arrest rate among juveniles fell 86 percent over the same period, while it actually increased for age groups 30 and older.”⁶

⁴ Evan Sernoffsky and Joaquin Palomino. “Vanishing Violence.” *San Francisco Chronicle*. October 3, 2019, <https://projects.sfchronicle.com/2019/vanishing-violence/>

⁵ Evan Sernoffsky and Joaquin Palomino, “Vanishing Violence.” *San Francisco Chronicle*. October 3, 2019, <https://projects.sfchronicle.com/2019/vanishing-violence/>

⁶ Evan Sernoffsky and Joaquin Palomino, op. cit.

The Santa Barbara Probation Department also reports a 48 percent decline in supervised juveniles between 2016 and 2019.⁷ The following graph shows this decline.



While these trends appear positive, the Jury questioned additional realities behind the lower numbers. The Jury heard from a number of frustrated officers in law enforcement that juveniles are no longer taken to detention because the officers knew they will just be released. Officers in the South County are even more reluctant to drive to the Susan J. Gionfriddo Juvenile Justice Center (Hall) in Santa Maria for such an outcome. Juveniles used to be put in detention for two days, the Jury was told; now it is just five-six hours. Records do not show these short stays, giving a “fake rate of recidivism,” according to one police officer who works with juveniles. The Jury has no way to substantiate the number of youth let go as opposed to those taken to the Hall and booked.

Moreover, other numbers are not clear cut in saying gang-related youth crime is down. These days few law enforcement departments have the resources to dedicate to proving the crime was committed for the benefit of a gang. Gang terms⁸ are now legally more difficult to apply to a crime and prove in court. So the report that the number of youth on probation with gang terms

⁷ Holly Benton and Karyn Milligan, “Intervention over Detention: Transforming Juvenile Probation in Santa Barbara County.” *Santa Barbara County Probation Department*. December 2, 2019.

⁸ “Gang terms” as heard by the Jury referred to the prosecution’s intent to introduce gang evidence in court, including motives, intent and identity. California’s Street Terrorism Enforcement and Prevention (STEP) Act was enacted in 1988 and amended in 2000 to substantially increase sanctions for gang crimes. A pattern of criminal activity would be shown for one or more of seven types of offenses: assault with a deadly weapon, robbery, homicide, narcotics trafficking, arson, shooting at an inhabited building or vehicle, or intimidation of victims or witnesses. If prosecutors can show that a crime was committed for the benefit of a street gang or in association with one, there can be a “gang enhancement” during sentencing. There will be additional years added to the sentence for punishment.

has dropped from 245 in 2009 to 68 in 2018 does not tell the whole story.⁹ It must be pointed out that Santa Barbara County Probation itself counts a slight rise recently in the total of youth with gang terms and conditions from 2017 to 2019, a rise in juvenile recidivism, and fewer youth leaving probation between those same years.

CATEGORY	2017	2018	2019
Santa Barbara County Youth with Gang Terms and Conditions	199	208	221
Juvenile Recidivism of Gang Youth While on Probation	0.11	0.12	0.21
Total Identified Gang Youth with a Misdemeanor or Felony Sustained Petition during Probation Supervision	41	39	66
Total Juvenile Exits from Probation	357	320	321

County Probation reported that between 11-13 percent of the youth going to court get informal probation.

Overall, the statistics on juvenile gang crime and detention appear to be reassuring. Much of the data giving this reassurance and guiding the trend away from incarceration and towards rehabilitation comes from juvenile justice records at Federal, state and county levels. Although the period varies by state and county, over roughly the last 10-12 years, supporters of the changes in juvenile correctional systems often claim that they are "evidence-based," and that the records show they have worked well. These claims are well-justified, but those who want greater accountability for juvenile offenders can also find records which support their position.

These records are extremely valuable guides, but they cannot prove beyond a doubt that any program or approach for juvenile crime is best for all times and places. They do appear to show that some of the most confident claims asserting good or bad effects of changes since 2008 in California do not tell the whole story. The last 25 years of local, state and Federal records have shown a widespread and mostly steady decline in arrests. A leading researcher, who generally favors the California reforms, has said that this happened "almost regardless of what local, state or national policies were adopted"; although county officials like to credit local policies for decrease in arrests, "the county next door did the opposite and that worked, too."¹⁰

Accordingly, some of those who work with juveniles hold some skepticism regarding the promises of restorative programs. The modifications of the law have brought about not only a more tolerant but also rehabilitative attitude toward youth committing crimes among some of those working in the field of juvenile justice, and different worries among others.

⁹ Debra Herrick, "Gang Violence Lessens in Santa Barbara County." *Coastal View News*, March 11, 2020, http://www.coastalview.com/news/gang-violence-lessens-in-santa-barbara-county/article_42351848-63e2-11ea-83b5-afa8355a759d.html

¹⁰ Mike Males as quoted in Evan Sernoffsky and Joaquin Palomino, op. cit.

OBSERVATIONS

Are gang members street terrorists or are they youth needing treatment and services? These representations do not signify two different camps in our legal and social systems, but rather two varying degrees of adaptation to recent state laws in both Probation and law enforcement.

Probation

With the new laws on the books, Probation is at the center of formulating a developmental approach for youth crime. In fact, the leadership at Santa Barbara County Probation has declared that they no longer deal with gangs; they instead deal with high risk youth. Young offenders are no longer detained as long or not at all. They are returned to the community for treatment and wraparound services. These community supportive services are needed to address the trauma that these youth face on several fronts: poverty, educational deficits, substance abuse, family neglect, isolation, and mental health problems.

Santa Barbara County has two juvenile detention centers, the Susan J. Gionfriddo Juvenile Justice Center (Hall) and Los Prietos Boys Camp (Camp). Both are run by the Probation Department. The Probation Department has devised a new assessment tool that is used for booking. Gang membership is no longer an item checked in the assessment upon entry. The CalGangs ID System was discontinued as advocacy groups and law enforcement were concerned about wrongly identifying a youth as a gang member, and thus negatively impacting their life and future. When juveniles are brought to the Hall or the Camp, they are instead assessed for a host of social, mental, educational and environmental factors that indicate whether they are at low or high risk of recidivism if returned to their community. Moreover, Santa Barbara County youth are admitted to the Hall only if they are a danger to themselves or to society.

However, to be housed in either facility, the juveniles, or wards of the court, need to be checked for gang affiliation for their own safety, especially for room assignments at the Hall. Staff must now rely on the youths' self-affirmation or on previously known data before placing that young person in detention. Then, the Camp can learn of gang affiliation from the Hall, but they also have to rely on personal familiarity with the local gangs. At the time of the Jury's visit, it was estimated that 33 percent of those in the Hall are active members in a gang and 60-70 percent of the youth in detention have a gang affiliation. At the Camp, officers estimated about 50 percent of the wards are gang members and up to 75 percent have some gang affiliation.

As recently as 2016, many of those in the Hall and the Camp were there for probation violation. Santa Barbara County had the highest rate of these cases in the State, a fact that alerted Probation to the need for change. Minor violations of probation no longer result in arrest or detention, and Probation compliance sweeps, formerly thought effective, are no longer held. For example, socializing with gang members is no longer considered a violation of probation. A Probation Officer told the Jury that they do not want to criminalize a youth for living in a gang neighborhood. While it is true that a gang label can stigmatize a young person, Probation staff need to know any affiliation to keep the youth safe from attacks or bullying at either the Hall or the Camp.

The juvenile detention staff work hard to get gang members from the different gangs to trust each other. The wards will be in the units together, and the Probation Officers will be attentive to any tension or threats between the various gang affiliates or members. At the Camp, where sleeping is in an open dormitory, the gang members are co-mingled in bed assignments.

However, separating gangs in the dormitory can actually be more problematic as they can then form power groups and threaten the other groups.

As staff recognize, the saying is, “Inside, go along to get along.” Yet fights do occur. A Probation Officer at the Camp estimated one or two incidents monthly. Gang members can co-exist at this time, even forming friendships. But when they return to their communities, old identities return and gang rivalries take precedence. The détente provided by the Camp is short-lived. In fact, the week before the Jury’s visit, a youth just released from Los Prietos was killed by gunshot in a gang confrontation in Lompoc and the Jury was told by many of the wards at the Camp that they felt the loss.

The reality of reforms in the laws applying to juveniles is that far fewer are detained. When they are taken to the Hall, if they are taken at all, they are often released to their parents or just let go. The effect is that only the more serious offenders are now in the Hall: 83.3 percent youth detained for a felony versus 15.2 percent for a misdemeanor.¹¹ By contrast, in 2016 the percentages were reversed: 38.4 percent were detained for a felony and 63.0 percent for a misdemeanor. Experience has shown that mixing low-risk and high-risk juveniles can result in deterioration of character in those young people who have not yet turned criminal. Probation Officers told the Jury that the reverse does not happen; the more hardened youth do not rehabilitate because of the presence of milder offenders.

Both the lower numbers of juveniles detained, and the higher concentration of more hardened juveniles have restricted the numbers of those being transferred to the low security Los Prietos Boys Camp. As a result, many boys who would thrive at the Camp are not placed there. At the Camp, the wards learn both vocational and social skills and they recapture educational credits. The one-on-one attention they receive in class encourages learning. The Jury heard from both the staff and the wards themselves how the juveniles begin to change at the Camp. Some even do not want to return home to face the pressures and divisiveness of their community. The Jury has been told several times that the boys will self-sabotage by breaking rules or committing infractions to stay longer. The Jury also learned that the juvenile court judge at times cannot send the juveniles to Camp long enough to fully benefit from the programs that it offers.

The Jury learned that because so few wards are now at the Camp, its closure is being considered. This is an unfortunate unintended consequence of the new laws. Furthermore, closing either the Hall or the Camp would cause some of the wards to be sent out of the County. Being away from their family and community would impair the wraparound rehabilitative services that Probation now states are the foundation of their juvenile programs.

The new cornerstones of juvenile justice and probation are programming and services. Diversion to programs, it is hoped, will keep young offenders in school, in community programs and out of a jail cell. The local Probation Department (Department) has always had contracts with community programs, and now it is building more pathways to treatment, as services are integral to its rehabilitation and intervention mission. The Department has invested in new staff to research and assess “trauma-informed, evidenced-based programs,” from a variety of sources, according to their materials. New staff are performing thorough research to find programs that are cost-effective and result-oriented. California Probation is committed to the diversion and

¹¹ Santa Barbara County Probation Department handout, “Memorandum 2019 Juvenile Detention Profile,” October 14, 2019.

treatment for youth and has proposed the Elevate Justice Act of 2020, which would keep youths 18 and 19 in their system.¹²

In this effort, some long-standing contracts have been retained with the Family Service Agency, the Community Action Commission and the Council on Alcoholism and Drug Abuse. These agencies have participated in Moral Reconciliation Therapy¹³ for substance abuse and El Joven Noble or Los Compadres programs for character development. In the past, these programs have been successful. However, other programs such as Drug Abuse Resistance Education (D.A.R.E.) and Understanding the Juvenile Justice System, which were claimed to be effective in informing wayward youth of the consequences of their actions, have largely been discontinued.¹⁴ Several probation workers and non-profit leaders have told the Jury that there are no known successful programs that work specifically for gang intervention. However, there are two possibilities that are not used in Santa Barbara County: The Gang Resistance Education and Training (G.R.E.A.T.) program is a gang, delinquency and bullying prevention program provided by the Bureau of Alcohol, Tobacco, Firearms and Explosives to middle and elementary school students. The highly successful quasi-military Grizzly Academy in San Luis Obispo also confronts the consequences of gang activity. Such an academy could be instituted at Los Prietos Boys Camp for those who have completed high school.

The new programs focus more on prevention and intervention than suppression. The Jury was told that youth make the decision to get out of a gang or go deeper around the age of 18 or 19, so diversion programs are essential, and these would include skill-building and family therapy. Youth need a wide variety of programs from sports to technology to keep their interest. Many youth advocates told the Jury that job coaching would be especially appropriate for youth in high school. But there is a shortage of job coaches, as well as basic vocational classes in the County schools.

However, new protocols for services were not set for implementation until later in 2020, meaning there have been delays in having programs immediately accessible to the juveniles. According to one Probation Officer, contracts with many service providers are in the making, but the programs themselves are still “just a thought.” Moreover, participation in Probation programs is voluntary in the sense that transportation, family involvement or a financial charge may preclude attendance. These factors will certainly be ironed out as the year progresses.

Juveniles continue to be assigned to Probation. Deputy Probation Officers and Juvenile Institution Officers monitor youth up to the age of 18. In recent years, there has been a steady decline in the number of Probation Officers working with juveniles, and the officers have less interaction with them. High-risk youth will be seen twice a week by Probation Officers with a small caseload; low and medium-risk youth will be part of a larger caseload and seen less often. Probation Officers can go to the homes but in practice do not usually go inside. In some cases, this means the youth will not be supervised as closely. Some law officers state that this allows

¹² “ICYMI: Probation Chiefs Announce New Proposal that Elevates and Evolves Juvenile Justice,” *Chief Probation Officers of California*, Accessed May 20, 2020, <https://www.cpoc.org/post/icymi-probation-chiefs-announce-new-proposal-elevates-and-evolves-juvenile-justice>

¹³ Moral Reconciliation Therapy (MRT) uses moral reasoning to decrease substance abuse and recidivism. It uses a cognitive-behavioral approach to address ego, social, moral and positive behavioral growth. (Santa Barbara County 2019 Comprehensive Multi-agency Juvenile Justice Plan)

¹⁴ The DARE program is still active in Santa Maria.

the youth to misbehave more often. Additionally, there are no daily report centers for juveniles now, as there are for adults on probation. In 2016, the once successful after-school programs at the Alternative Report & Resource Centers were eliminated because of lower numbers of youth and reduced funding.

The Jury was told that when juveniles stay in a gang and move up the ranks, they are assigned the harder tasks, even murders. At age 18 they become the responsibility of adult Probation Officers. Probation for adults focuses more on compliance with the law rather than rehabilitation, but there are many services still available to them.

Because of the reforms in the approach to juvenile crime, some frustrated officers were reported to be leaving the department. Probation has formulated an additional training program for the officers which has 20 hours of sessions on interpersonal relations. Rather than confronting youth about their mistakes, officers learn how to talk to them and gain their trust. One Probation Officer remarked that such a shift in attitude should require at least 60 hours of training, rather than 20 hours. Nonetheless, this shift in approach has taken place.

Law Enforcement

Those in law enforcement are watching the shift in juvenile justice more warily. For police officers and Sheriff's deputies, changes in detention and incarceration have taken away some of their bargaining tools for cooperation with and information from gang members. As a result, they see the communities' safety deteriorating. The Sheriff's Department admitted that there could be under-reporting of crimes.

The Jury learned from law enforcement that arrests are down, but that does not necessarily mean that crime is down: "The kids haven't changed. The laws have." One officer said that Proposition 47 has made things harder for them by reclassifying some felonies as misdemeanors, which may not lead to an arrest. This is especially worrisome for those in law enforcement who work with juveniles because the younger ones are learning that there are few consequences to crime. If juveniles are not held accountable, police officers told the Jury, petty crimes may develop into more serious crimes such as murders and drug or human trafficking. The Jury was told by police officers that older gang members are pushing juveniles to commit crimes knowing that there would be few or no consequences for the juveniles. The current trend in treatment that focuses on rehabilitation, they say, misses the mark without accountability.

The juveniles who might be picked up for a legal offense are returned to their community and family more often than they used to be, when detention had been a favored form of prevention and punishment. Currently, law enforcement officers say these youth are back on the street the same day to potentially commit additional violations. Police officers in one department told of a 12-year old who committed a robbery but was not detained because of his age. Soon after, the released juvenile assaulted someone with a metal pipe.

It is not unusual for some juveniles to gather after school and look for trouble, especially on Fridays. Vandalism, graffiti, and beatings can happen; car thefts and joy rides also occur. When nothing happens after such incidents, either from not enough officers on the streets or from reduced legal consequences, youth learn that they can commit crimes with impunity. The Jury heard that some younger gang members are even creating trouble in ways the elder ones do not approve. If the main gang activity is to make money by selling drugs, guns or sex trafficking, drawing unwanted attention to the gang interferes with those enterprises.

Police gang units are being eliminated. The two police departments that continue to have gang units, Santa Barbara and Santa Maria, are often credited with “keeping a lid on it,” a phrase heard a number of times by the Jury. As one officer said, “You can’t stop gang crime, but you can stay on top of them.” One member of a gang unit told the Jury that local gangs know that the unit now works only four days a week, so they plan incidents during the other three days.

The City of Santa Barbara Police Department has three officers in a gang unit and one sergeant; there used to be eight members. Santa Maria Police Department used to have a unit that focused on gangs; now it is a Special Enforcement Unit that can be called to work on narcotics or any other emergency. Gangs have long been a problem associated with narcotics. Santa Maria used to have five dedicated gang detectives working with five narcotics officers. Now there are only a total of five. Lompoc Police Department used to have four officers in a gang unit and three in a narcotics team. Now they have one officer assigned to gangs, narcotics, and intelligence. All other officers are needed for street patrol.

A gang unit does more than arrest gang members. Their interfacing with gang members on the streets often results in good intelligence. The gang units cultivate informants in the community. That way, police can then be proactive and stop incidents before they happen. To do this, they must be present on the streets and they must gain the trust of some gang members and others in the community so that they can stay informed of potential problems. This information is sent through the police department so that detectives can begin investigations.

A major loss in gang control has been the elimination of a gang unit in the Sheriff’s Department. The unit became a victim of budget cuts beginning in 2008, ending with its elimination in 2017. The Sheriff’s Department does not cover the cities that have their own police departments, but the Sheriff Deputies do patrol all the other regions that interface with those cities. The Sheriff’s greater resources and manpower assist the other police departments as requested. This assistance would be especially helpful for gang activity in Goleta or Carpinteria near Santa Barbara, and in Orcutt near Santa Maria.

Previously, there were more gang sweeps and targeted operations to take out the leadership of certain gangs. The Jury was told by several officers that picking off the leadership of gangs can quell violence for a time. The Sheriff still participates in gang sweeps and other large-scale joint efforts. For example, in January 2020, the Sheriff’s Department was central to a three-county sex trafficking raid, the sixth annual Operation Reclaim and Rebuild enforcement operation.¹⁵ Mostly, local law enforcement feels the absence of central gang intelligence from the Sheriff’s Department.

Prosecutors in the District Attorney’s Office have also noted the loss of participation of the Sheriff’s Department in gang intelligence. In order to secure convictions with gang enhancement, prosecutors depend on lengthy and detailed records. If no department has the workforce dedicated to building gang cases, they cannot go to court with evidence of a gang crime. The person being tried will then stay in the local jail with a shorter sentence at the county’s cost, rather than a longer sentence in a state prison. This might not seem to be an active problem in Santa Barbara County, but when gangsters know there is no gang prosecution, the County can find itself susceptible to true criminal gang activity. This occurred when the MS-13 gang moved

¹⁵ “Detectives Participate in Statewide Human Trafficking Enforcement Operation.” *Edhat*, February 7, 2020, Accessed February 7, 2020.

into Santa Maria and again when gang members from Los Angeles came to Montecito after the 2018 mudslide. If Santa Barbara County appears weak in gang suppression and prosecution, the Jury was told, it is inviting virulent gang activity to come here.

The absence of a gang roster or gang member identification for both juveniles and adults also hampers the information that law enforcement needs. Only the Lompoc Police Department gave the Jury an estimate of 600 gang members and associates in the City; other law enforcement officers said they could not guess current numbers. Even the Sheriff's Department gave an "anecdotal number of thousands" in the County. This impairs the ability to know who is affiliated with a gang, who is hanging out with whom, and who is rising in the ranks of the gang organization.

The State's CalGang System that identified all known gang members on a database has been curtailed. There used to be a regional gang sheet with names, monikers, dates of birth, photos and other information. The Jury heard that law officers will call each other to try to identify new and old players in the field. To stay ahead of gang activity, officers need to have such information readily available. Known gang members are required to register with law enforcement if they have more than a misdemeanor. This does not appear to happen in the County, according to one prosecutor. As gang members have affiliations with other cities in the area, it would be especially helpful to law officers in different parts of the County so that the officers are not operating blindly. When no one is tracking gang crimes or the number of gun seizures, no gang enhancements can be added to court prosecution.

Recently, Lompoc has seen an explosion of gang violence. The lack of a gang unit and the low numbers of police officers have weakened its police force. There are police on the streets, but coverage is restricted. It must be noted that the changes in the laws have also hampered police suppression. The gangs in Lompoc now routinely use guns, but firing a gun at an uninhabited building or empty vehicle is no longer an arrestable felony offense. In March of 2020, a gunshot did no harm, but it did lead to the temporary arrest of eight people, including four 15-year olds. In March 2019, a random gunshot killed a young girl. Gang members in Lompoc know that the police force cannot cover all its streets, and the police force is not as prepared as it could be because of the dissolution of its gang unit. Worse, the Lompoc Police Department's radio system is so out-of-date that gang members can listen in on the calls the police officers make to one another.

Crimes are becoming more serious and more violent. Regular gang violence has also recently increased in Santa Maria, and to a lesser degree in Santa Barbara. There have been more frequent incidents and some arrests. Law enforcement officers have stated that what is notable about the arrests are that they are now finding pounds, not ounces of drugs such as meth, heroin and cocaine. The recent three-county sex-trafficking raid resulted in the arrest of three pimps and 14 solicitors in this area. Sometimes those detained are minors. More and more juveniles are used for the "dirty work" crime activity because they are treated more leniently in the justice system than any older gang member would be.

The Jury was told that a countywide gang task force could enhance control over the ever-changing and developing gang activity. Since gangs don't respect jurisdictions, the task force would be multi-jurisdictional. At this time, police departments, the Sheriff's Department, the District Attorney and Probation meet monthly to share intelligence. Most School Resource Officers (SRO) meet with Probation once a month. These gatherings need more resources, such

as a database and a crime analyst. A regional database could help coordinate the mutual aid that Santa Barbara County agencies need. This could include a mutual communication system that promptly taps into gang information and calls for assistance. Together, the agencies could invest in a crime lab and staff to do the paperwork for tracking gang crime. The additional staff could also apply for more grants. A recent California Violence Reduction, Intervention and Prevention (Cal-VRIP) grant proposal for North County was not approved. This meant the City of Lompoc did not receive the needed \$150,000 for an action plan to reduce gang violence, and the South Coast Youth Task Force did not receive \$283,333 for three years after that to build a countywide youth violence reduction strategy. The Lompoc Police Department's limited resources did not allow them to collaborate in the application for this grant. A regional task force could become a major player in setting up what is needed for other grant applications to the state for gang impacted youth.

The District Attorney's Office covers the entire county and has active gang units. This office may be the appropriate agency to lead a county consortium for sharing gang information.

Community

At-risk youth and juvenile gang members are no different than other young people. They struggle in school and they want to have fun. Most of the students in school blend in together, with little differentiation for gang members. School dress codes may mention gang attire, but in the County there does not seem to be a consistent school policy against it. Being a gang member is not a criterion for expulsion. The California Education Code has changed regulations for suspensions and expulsions to keep students in school. Effective July 1, 2020, California public schools will no longer be able to suspend students in elementary and middle school for disturbing school activities or willfully defying school authority.¹⁶

High schools in the county now have SROs, some paid by the local police departments, some paid by the local school districts. The SROs that the Jury talked to said they treat all kids the same without racial or gang profiling. The SROs help the campuses with any extraordinary incidents, such as assaults, unauthorized people on campus, serious defiance, or vaping and drug citations. In fact, it was pointed out that schools are one place where students will see consequences for their actions: drugs on campus will bring a suspension. Parents also have civil and penal liability for the unlawful actions of their children.¹⁷

Depending on the officer, SROs can also offer a bridge to security. While it is rare that a student would seek out a police officer to tell them something in confidence, the Jury did hear that students often ask for information, especially after trouble in the area. Violence and gang incidents on school campus are rare. Most fights occur after school and on the streets. SROs, with their knowledge of who hangs out with whom, can monitor the areas where fights will

¹⁶ AB 420 amended *California Education Code section 48900(k)* by eliminating the authority to suspend a student out of school or in-school in kindergarten through third grade for "disruption" and "willful defiance." Further, under AB 420 no student in kindergarten through grade 12 can be expelled for "disruption" and "willful defiance." AB 420 came into effect on January 1, 2015. SB 419, which comes into effect July 1, 2020, extends the permanent prohibition of suspension to grades 4 and 5 and temporary prohibition until July 1, 2025 for grades 6 through 8.

¹⁷ California Penal Code Section 272. This section makes it a misdemeanor to act or fail to act in a way that causes a minor (under 18 years of age) to become a juvenile delinquent, a habitual truant, a dependent, or a ward of the juvenile court system.

occur and help to defuse situations. Also, they can provide leads and information to investigators and even parents, which is why some students do not trust them.

Schools no longer have programs that speak to violence or gangs. The Drug Abuse Resistance Education Program (DARE) was eliminated in South County years ago although it is still operating in Santa Maria. Some cities still have the police-sponsored Police Activities League (PAL) programs. Overall, schools now depend on small group therapy and counseling to reach students in trouble, or they make referrals to other community resources. Family Service Agency, Fighting Back, Council on Alcoholism and Drug Abuse (CADA), and more recently AHA!¹⁸ provide programs off campus and sometimes counselors on campus. Some of those community programs charge a fee. Drug and alcohol counseling is provided on most campuses. There is one group, Por Vida, in the Santa Maria Schools that addresses gang violence and cultural matters such as racism and ostracism.

The average percentage of students who feel safe or very safe on campus varies according to region and grade level, as seen in the 2018-2019 California School Climate, Health, and Learning Survey (CalSCHLS).¹⁹

Percentage of Students Who Feel Safe or Very Safe on Campus

	7th grade	9th grade	11th grade	Alternative Schools
Santa Barbara Secondary Schools	72%	59%	62%	66%
Santa Maria Secondary Schools	66%	60%	47%	69%
Lompoc Secondary Schools		53%	43%	66%

However, an official in the Santa Barbara Unified School District recently reported that the threat of violence at school is increasing. Since 2016, there has been a 41 percent rise in weapons-related offenses, a 32 percent rise in bullying and harassment, and more gang-related incidents in the community leading to confrontations at school. This heightened violence at school might be a harbinger of the cycle of gang violence in the community returning. A Santa Barbara school board member stated that “kids aren’t safe and don’t feel safe” and this is “a serious emergency for our district.”²⁰ The board member noted that the numbers of offenses have gone down statewide but they are going up here.

Criminal justice personnel, educators, administrators, non-governmental organizations, youth mentors and former gang members describe lack of school credits, education failure and reading failure as common concerns for at-risk youth in society. Many of the youth at the two juvenile detention centers in the County need to recover school credits either from many absences or from poor performance, often due to poor reading ability. At these centers they receive focused attention on reading skills. The County’s alternative schools offer similar one-on-one teaching as at the detention centers, helping students advance toward graduation. Research reveals reading failure is likely a cause for the frustration which can result in delinquent behavior.²¹ When asked,

¹⁸ AHA! stands for Healthy Attitudes, Emotional Harmony and Lifelong Achievement for Teens, Santa Barbara.

¹⁹ “School Safety, Secondary Students.” *Calschls.org*. Last visited 18 April 2020.

²⁰ Delaney Smith. “S.B. Schools Getting Less Safe?” *Santa Barbara Independent*. March 12, 2020, <https://www.independent.com/2020/03/11/are-santa-barbara-schools-getting-unsafier/>

²¹ Michael S. Brunner, *Retarding America: The Imprisonment of Potential*. Halcyon House, 1993.

those working with juveniles have said that a low IQ is not a factor. But they have slipped through the gaps in educational instruction.

For the students who do not feel connected to school, vocational education is often mentioned as an antidote. The job training at Los Prietos Boys Camp is credited with keeping the wards engaged and giving them more of a sense of self-worth. In general, programs that include job skills or even job internships are said to be what youth most want in their teen years. The leadership in Santa Maria understands this and is preparing to build a technical high school. The community will be asked to develop internships. Schools in Santa Barbara also have technical skills classes as well as technological programs. A shift in education that honors these career paths also honors the students who benefit from them.

The Jury was told that students would like schools to be open longer. Bringing services as well as different classes to schools could help students in many areas. Mental wellness has become a constant concern in public schools nowadays. The off-campus treatment and counseling programs where schools now refer students could send their counselors to campus, making treatment more accessible and rewarding. Group treatment, such as the therapy groups at Los Prietos, could easily be held at school. One principal told the Jury there is less stigma in talking about problems in groups. Program counselors do come to some campuses in South County, and Santa Maria School District has asked Fighting Back to initiate counseling year-round at its schools. Programs do not have to deal only with substance abuse; counselors at Fighting Back said that students have begun looking to them for conflict resolution and other restorative practices. With the practice of treating all kids as important individuals, counselors at schools could do a world of good to gang associates and wannabes who don't feel part of the school community.

Outside schools, non-profit organizations provide programs to nurture young people and promote new interests. Some of these organizations no longer exist. The South Coast Task Force for Youth Safety has been operative since 2009 and has fostered collaboration among civic, education and non-profit agencies to improve communication and coordination with services for at-risk youth. Groups such as Los Compadres and El Joven Noble work with youth violence issues and provide mentors. The need for more mentors is constant, both in North and South County. One innovation at Los Prietos Boys Camp is an effort to train a 16-year old youth to mentor a 14-year old; there has been some promise with this as a way to fill a void.

It was suggested to the Jury that North County is not as developed in coordinated services as South County. The 2017 Mayor's Task Force on Youth Safety in Santa Maria has not gained traction in the parts of the community where it is needed. However, the need for these services in North County is immediate. The Jury heard from a variety of sources that the non-profit community is better suited to lead the work of programming for at-risk and gang-affected youth because civic leaders have too many other responsibilities.

CONCLUSION

When there has been an increase in gang activity in the past, non-profit organizations and task forces have formed to offer needed programs. But now their function may be to support and supplement the transition from suppression to rehabilitation by Santa Barbara County Probation Officers, Sheriff's Deputies and municipal police officers to gangs. Law enforcement officers are

adapting to an uneasy legal framework created in Sacramento. Often, the Jury heard that what sounds good in legislative chambers may not always work well on the streets.

There needs to be a stronger coordination among all police officers and Sheriff's Deputies to share intelligence and information and prevent gang activities in one community from having repercussions in another. Gang units in every jurisdiction could facilitate this coordination. Law enforcement agencies are stretched thin these days. The Probation Department and the District Attorney's Office need to assist them with expertise and strategies. Pooling of these resources would help make anti-gang efforts more effective and long-lasting on the streets. Community organizations must help sustain the efforts of law enforcement. Working together is crucial.

Transformation of juveniles before they become criminal gang members is the ultimate goal, but it just might be the coordinated intelligence and watchfulness of law enforcement that allow the first steps toward that goal.

FINDINGS AND RECOMMENDATIONS

Finding 1

No comprehensive database exists to identify gangs and gang membership.

Recommendation 1

That the Santa Barbara County Sheriff's Department, the Probation Department, the District Attorney and the police departments of Santa Maria, Santa Barbara, Guadalupe and Lompoc pool their resources to establish a comprehensive data base that includes a gang roster across jurisdictions.

Finding 2

The number of programs available to at-risk youth, including those through the Santa Barbara County Probation Department, is declining.

Recommendation 2

That the Santa Barbara County Board of Supervisors direct the Santa Barbara County Probation Department to reestablish youth programs including the after-school programs.

Finding 3

The Santa Barbara County Sheriff's Department disbanded its gang unit in 2017.

Recommendation 3

That the Santa Barbara County Sheriff organize and fund a gang unit within the next budget cycle to address gang activity in Santa Barbara County and its contract cities.

Finding 4

Students in middle schools and elementary schools are increasingly recruited into gangs.

Recommendation 4

That the Santa Barbara County Superintendent of Education assist elementary and middle schools in instituting and renewing programs that dissuade students from gang membership and provide alternatives.

Finding 5

A wide variety of vocational, educational and counseling programs are offered at Los Prietos Boys Camp for at-risk youth.

Recommendation 5

That the Santa Barbara County Board of Supervisors support the Santa Barbara County Probation Department in continuing the programs at Los Prietos Boys Camp and extending them into the community.

Finding 6

Gang activities cross jurisdictional boundaries of local law enforcement agencies.

Recommendation 6a

That the Santa Barbara County District Attorney form a consortium including the Santa Barbara County Sheriff's Department, the Santa Barbara County Probation Department and the Police Departments of Santa Maria, Santa Barbara, Lompoc and Guadalupe to hire a full-time crime analyst and share data to reduce gang crime.

Recommendation 6b

That the Santa Barbara County District Attorney form a consortium including the Santa Barbara County Sheriff's Department, the Santa Barbara County Probation Department and the Police Departments of Santa Maria, Santa Barbara, Lompoc and Guadalupe and hire staff that would apply for grants to fund anti-gang programs.

Finding 7

The Lompoc Police Department's radio system is not secure and gang members are able to listen to police communications.

Recommendation 7

That the Lompoc City Council fund a new and secure radio system for the Lompoc Police Department.

REQUESTS FOR RESPONSE

Santa Barbara County Sheriff's Department – 60 days

Findings 1, 3, 6

Recommendations 1, 3, 6a, 6b

Santa Barbara County Board of Supervisors – 90 days

Findings 1, 2, 5, 6,

Recommendations 1, 2, 5, 6a, 6b

Santa Barbara County District Attorney – 60 days

Findings 1, 6

Recommendations 1, 6a, 6b

Santa Barbara City Council – 90 days

Findings 1, 6

Recommendations 1, 6a, 6b

Santa Maria City Council – 90 days

Findings 1, 6

Recommendations 1, 6a, 6b

Lompoc City Council – 90 days

Findings 1, 6, 7

Recommendations 1, 6a, 6b, 7

Guadalupe City Council – 90 days

Findings 1, 6

Recommendations 1, 6a, 6b

Santa Barbara County Superintendent of Education – 60 days

Findings 4

Recommendations 4