

July 26, 2005

Honorable Clifford Anderson, III
Presiding Judge
Santa Barbara Superior Court
P. O. Box 21107
Santa Barbara, CA 93121-1107

Subject: Response to the 2004 – 2005 Grand Jury Report Pertaining to the Santa Barbara Police Department, “The Child Not Yet Left Behind”

Dear Judge Anderson:

At the Santa Barbara City Council meeting of July 26, 2005, Council reviewed the Santa Barbara County Grand Jury 2004 – 2005 Report pertaining to Community Schools and the Santa Barbara Police Department “The Child Not Yet Left Behind,” pursuant to Penal Code Section 933.

The following sections of the report refer to the “local Police Department” and as such require City response.

“Finding 5: Absenteeism and truancy remain a problem in community schools. The problem is worse in the North County Schools where they have no truancy counselor.”

“Recommendation 5b: The Probation Department, local Police Departments, and the County Education Office should work together to provide effective anti-truancy enforcement measures.”

The City of Santa Barbara Police Department agree that the Police and Probation Departments and the County Education Office should work together to combat truancy, and we are doing so.

The Santa Barbara Police Department implemented the daytime loitering ordinance September 23, 1996. The ordinance Section 9.04.010(b) of the Municipal Code, in part, states the following.

It is unlawful for any minor under the age of 18 years, who is subject to compulsory education or to compulsory continuing education to be present in or upon the public streets, avenues, highways, roads, alleys, sidewalks, parks, playgrounds, or other public grounds, public places, public buildings, places of amusement, or eating places, parking lots, or vacant lots in the city during the minor’s school hours.

Violation: Notwithstanding, any other provision of this code, when a person under the age of 18 years is charged with a violation of this Section, and a peace officer issues a notice to appear in juvenile court to that minor, the charge shall be deemed an infraction, unless the minor requests that a petition be filed under Section 601 or 602 of the Welfare and Institutions Code.

Penalties for Violation: Any person convicted of willfully violating this Section is guilty of an infraction, punishable by a fine not to exceed \$80.00 and/or 8 hours of community service. Community service shall be served during a time other than the minor's hours of school attendance or employment.

Our linkage and coordination with the Probation Department and the County Education Office, among others, is as follows:

- Santa Barbara High School and Junior High School implemented the ordinance into their school attendance policy
- The Santa Barbara Police Department conducts home visits with the Probation Department when students choose to stay home rather than attend school
- Santa Barbara Police Department utilizes patrol officers and school resource officers to enforce the daytime loitering ordinance
- The Santa Barbara Police Department is an acting member of the Truancy Mediation Board and the School Attendance Review Board, with the following other acting groups. Santa Barbara County District Attorney's Office, Santa Barbara County Schools, Santa Barbara City Schools, Santa Barbara County Probation, Child Welfare Services of Santa Barbara, and Santa Barbara County Mental Health.

In expressing the city's commitment to continue to be a team player in the fight against truancy, Councilmembers voiced considerable concerns with the effectiveness of existing anti-truancy programs. In fact, Councilmembers, by unanimous vote, asked that the response emphasize that:

- Anti-truancy programs should include effective monitoring and enforcement measures plus rehabilitation measures to implement at the earliest possible time; and
- The City Council, through the District Attorney's Office, calls for anti-truancy programs to include professional English proficiency, mental health and learning disabilities professional screening of the children identified for the program.

We trust that this response, with a copy on computer disc, satisfies statutory requirements.

Sincerely,

Marty Blum
Mayor

cc: Santa Barbara County Grand Jury/Attention: Foreperson
Jim Armstrong, City Administrator
Camerino Sanchez, Chief of Police
City Clerk

Attachment: Copy of this letter on computer disc