

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council
FROM: Ron Nelson, Captain 
DATE: June 12, 2012 (CC Meeting of 6/20/12)
SUBJECT: Consider Responses to Grand Jury Reports

DISCUSSION

The Ventura County Grand Jury (Grand Jury) for 2011–2012, recently completed three reports, which were received by the City of Moorpark (City). Each report requires a response by the City Counsel within 90 days of the date of each report in order to address findings and recommendations made in each report. The reports were entitled as follows:

- “Vehicle Impound Fees in Ventura County,” dated March 16, 2012
- “Graffiti In Ventura County Cities,” dated May 16, 2012
- “Mandatory Detention Facilities Inspections,” dated May 30, 2012

Due to the 90-day time constraint, the City’s response for the “Vehicle Impound Fees in Ventura County” report was sent by the City Manager. A copy is attached. (Attachment 2)

Copies of the Grand Jury reports and draft letters are attached.

FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve response letters as written in the agenda report.

- Attachment 1: March 16, 2012 Report, “Vehicle Impound Fees in Ventura County”
- Attachment 2: Grand Jury Response Letter for Attachment 1
- Attachment 3: May 16, 2012 Report, “Graffiti in Ventura County Cities”
- Attachment 4: Grand Jury Response Draft Letter for Attachment 3
- Attachment 5: May 30, 2012 Report, “Mandatory Detention Facilities Inspections”
- Attachment 6: Grand Jury Response Draft Letter for Attachment 5

Ventura County Grand Jury 2011 - 2012



Final Report

Vehicle Impound Fees in Ventura County March 16, 2012

Vehicle Impound Fees in Ventura County

Summary

The 2011-2012 Ventura County Grand Jury (Grand Jury) initiated this investigation into vehicle impound costs in Ventura County (County) based on newspaper articles alleging abusive fees charged by Los Angeles County's City of Bell. This report focuses on the fees charged by the cities and agencies of the County to reimburse administrative costs related to driving without a driver's license, driving with a suspended or revoked driver's license, or driving while under the influence of alcohol or drugs.

Vehicles are towed and impounded when a driver has been found by law enforcement agencies to be driving without a valid driver's license or to be under the influence of drugs or alcohol. High costs may be incurred by the driver/owner when recovering a vehicle from impound. People with lower incomes may find it difficult or impossible to pay the cost of vehicle recovery. This may lead to loss of the vehicle through confiscation and sale by the impounding company.

The Grand Jury requested information with respect to impound fees, procedures, and policies from the Ventura County Sheriff (Sheriff), the ten cities in the County (Cities), and the California Highway Patrol (CHP). The Grand Jury also reviewed California law and performed internet searches for newspaper articles related to the vehicle impound process.

The Grand Jury found that there was no evidence that the Sheriff or any of the Cities, with the exception of the City of Thousand Oaks (Thousand Oaks), were collecting funds beyond the allowable administrative costs related to the removal, impound, storage, or release of the vehicles. Even when recovery fees reached the \$300 level, as identified in a September 5, 2010 Los Angeles Times (Times) article titled "Impounded cars boost Bell's coffers," the fees were justified and in compliance with Vehicle Code section 22850.5. [Ref-01]

In the case of Thousand Oaks, the inclusion of an offset cost for the Thousand Oaks' "Start Smart" driving classes in a vehicle release fee conflicts with the requirements of Vehicle Code section 22850.5, subdivision (a).

The Grand Jury found that all Cities passed resolutions authorizing the collection of the fees required for release of a vehicle from impound. However, the Ventura County Board of Supervisors (Board of Supervisors) has not passed a resolution to cover vehicle release fees in the unincorporated areas of the County.

The Grand Jury also found that there is no countywide standardized list of allowable categories for impound costs used as the basis for calculating vehicle release fees. Some cities base fees on costs that are incurred after a traffic stop transitions to the impound process—traffic citation issued or arrest effected and request for tow initiated—and ends with the vehicle release paperwork. Other cities and the Sheriff collect fees based only on the cost of paperwork generated at the end of the impound process. These disparities contribute to a wide range of County vehicle release fees from a low of \$11 for unincorporated areas of the

County to a high of \$300 for Thousand Oaks. The wide range of fees contributes to a public perception that Cities charging higher fees may be profiting from impounds as implied by the Times article about the City of Bell. [Ref-01]

The Grand Jury recommends that County law enforcement agencies meet and identify a standard set of tasks, labor hours and overhead items to cover the administrative costs of vehicle release fees. The Grand Jury further recommends that the Cities and the Board of Supervisors use the standardized cost categories to calculate their individual vehicle release fees. The Grand Jury recommends that Thousand Oaks review the legal basis for including an offset fee for their "Start Smart" driving classes in any vehicle release fee. Finally, the Grand Jury recommends that the Board of Supervisors pass a resolution to collect vehicle release fees for the unincorporated areas of the County.

Background

Vehicles are towed and impounded because the driver has been found by law enforcement to be driving without a valid driver's license or to be under the influence of drugs or alcohol. High recovery costs may be paid by the owner when recovering the vehicle from impound. Owners may find it difficult or impossible to afford the cost of vehicle release fees. This may lead to loss of their vehicle through confiscation and sale by the impounding company. Loss of a vehicle may result in the driver or owner's inability to travel to his or her workplace. The resulting loss of income could have serious consequences for the owner and/or driver, their family, and the community.

The Grand Jury initiated this investigation into the impound costs based on newspaper articles pointing out abuses in the City of Bell, California. An article published in 2010 in the Times identified administrative fees charged to obtain vehicle release certificates as a potential source for abuse.

The Times article stated as follows:

"The city [of Bell] charges unlicensed motorists a \$300 fee to release the car; those charged with driving under the influence are charged \$400. The number does not include costs imposed by the impound lot, which starts with a \$104 base fee and increases \$27 per day.

By contrast, Simi Valley, which has a population three times Bell's, brings in about \$61,000 a year from impound fees and charges \$77 to release impounded cars, officials said. In unincorporated Los Angeles County, drivers pay \$93 to get a vehicle released. The amount, experts said, is meant to recoup costs involved in towing the vehicle, not to make a profit for the city. In all three areas, additional fees for towing and storage are paid directly to the towing company." [Ref-01]

Costs for towing and storage can add significantly to the money needed to secure release of an impounded vehicle. However, this report focuses primarily on the

fees charged by the Cities and the Sheriff to reimburse administrative costs for driving with no driver's license, driving with a suspended or revoked driver's license, or driving while under the influence of alcohol or drugs.

Methodology

The Grand Jury reviewed information with respect to impound fees, procedures, and policies provided by the Sheriff, the ten cities within the County, and the CHP. The Grand Jury also reviewed California law and performed internet searches for newspaper articles related to the impound process.

Facts

- FA-01.** Vehicle Code section 22850.5 subdivision (a) states that a "city, county, or city and county, or a state agency may adopt a regulation, ordinance, or resolution establishing procedures for the release of properly impounded vehicles and for the imposition of a charge equal to its administrative costs relating to the removal, impound, storage, or release of the vehicles." [Ref-02]
- FA-02.** Vehicles may be impounded as a result of a violation of Vehicle Code section 12500 for operating a vehicle without a license; a violation of Vehicle Code section 14601 for driving with a suspended or revoked driver's license; or, a violation of Vehicle Code section 23152 for Driving Under the Influence (DUI) of alcohol and/or drugs. [Ref-03 – Ref-05]
- FA-03.** The City of Camarillo (Camarillo) approved Resolution No. 2001-183 on December 12, 2001 that established a fee of \$80 for the release of a vehicle impounded in Camarillo. The fee was based on the cost for a deputy sheriff performing the impound process. The single fee covers impounds resulting from violations of Vehicle Code sections 12500, 14601, and 23152.
- FA-04.** The City of Fillmore (Fillmore) approved City Council Resolution 11-3292 on June 28, 2011 that established a fee of \$115 for the release of a vehicle impounded in Fillmore. The fee was based on peace officer time to call for a tow, complete the tow report, and generate the release-forms after confirmation of owner identification and vehicle registration. The single fee covers impounds resulting from violations of Vehicle Code sections 12500, 14601, and 23152.
- FA-05.** The City of Moorpark (Moorpark) passed Resolution No. 2004-2227 on July 21, 2004 to collect a fee of \$110 for the release of a vehicle impounded in Moorpark. The fee was based on the following costs:
- police officer time for supervision of tow and report approval
 - a records technician for processing, filing, and data entry
 - an office assistant for processing, copying, mailing, and other support services to the vehicle release process

- the cost to send a copy of impound documents to the registered owner of the vehicle by registered mail

The single fee covers impounds resulting from violations of Vehicle Code sections 12500, 14601, and 23152.

FA-06. The City of Ojai (Ojai) passed Ordinance No. 805 on April 28, 2009 to collect a fee of \$100 for the release of a vehicle impounded in Ojai. The fee was based on the cost for police department personnel to:

- prepare an incident report
- coordinate the removal and storage of a vehicle with a towing company
- process release of a vehicle pursuant to police department policy and the Vehicle Code

The fee covers impounds resulting from violations of Vehicle Code sections 12500, 14601, and 23152.

FA-07. The City of Oxnard (Oxnard) passed Council Resolution Number 13,896 on July 20, 2010 to collect a fee of \$241 for the release of a vehicle impounded in Oxnard for violations of Vehicle Code sections 12500 and 14601. The fee was based on the cost for the following:

- a police officer
- a police department commander
- a dispatcher
- a records technician
- a word processor
- a Black & White (B&W) cruiser

If the impound was the result of a DUI incident (Veh. Code § 23152), the fee is \$416 based on recovering the additional cost for a booking officer, as well as costs for the aforementioned items in the basic fee. The DUI incident cost for the police officer and word processor were higher than the fee for Vehicle Code violations of sections 12500 and 14601 due to the additional time required to process the DUI incidents.

FA-08. The City of Port Hueneme (Port Hueneme) passed City Council Resolution No. 3941 on December 7, 2009 to collect a fee of \$160 for the release of a vehicle impounded in Port Hueneme for violations of Vehicle Code sections 12500 and 14601. The fee was based on the cost for the following:

- a police officer
- a technician
- a communication dispatcher

- costs covering equipment, building usage, and part-time labor without benefits

If the impound was the result of a DUI incident (Veh. Code § 23152), the fee is \$200. The higher DUI fee is based on the aforementioned cost categories with higher support hours.

FA-09. The City of Santa Paula (Santa Paula) does not have a specific resolution or ordinance for the fee to release a vehicle impounded in Santa Paula resulting from violations of Vehicle Code sections 12500, 14601, or 23152. Instead, Santa Paula maintains an ordinance (Resolution 6757) that lists all fees the city charges for services. The Police Fee Schedule, adopted under Resolution #6757, for storage impound release is \$121. The approved date for the Police Fee Schedule Storage Impound Release fee was August 16, 2011. The fee was based on the cost for the following:

- initial and backup officers to conduct an investigation, fill out CHP Form 180, and stand-by for a tow truck
- a supervisor to respond to questions about a specific impound incident for citizens appearing in person at the police department
- a records clerk to prepare a certified letter and establish and maintain the impound file
- the cost of processing the certified letter

The fee covers vehicle storage or impounds for any reason including violations of Vehicle Code sections 12500, 14601, and 23152.

FA-10. The City of Simi Valley (Simi Valley) passed a Joint Resolution of the City Council, Boards of Directors of the Ventura Water District No. 8, The Simi Valley Community Development Agency, The Simi Valley Industrial Development Agency, and the Simi Valley Public Financing Authority on January 28, 2008 to collect a fee of \$77.70 for the release of a vehicle impounded in Simi Valley. The fee was based on the cost for the following:

- a police officer
- a police records manager
- a police records technician
- a police services assistant
- material costs for copying

The fee covers impounds resulting from violations of Vehicle Code sections 12500, 14601, and 23152.

FA-11. The City of Thousand Oaks passed Resolution No. 2011-015 on April 26, 2011 to collect a fee of \$300 for the release of a vehicle impounded in

Thousand Oaks for violations of Vehicle Code sections 12500 and 14601. The fee was based on the cost for the following:

- a traffic sergeant
- a sheriff record specialist
- a cadet
- a patrol deputy
- postage and equipment, i.e., patrol car

The fee calculation also included an administrative fee of \$80. The administrative fee is an offset for the costs of preparation and instruction for the "Start Smart" driving classes. If the impound was the result of a DUI incident (Veh. Code § 23152), the fee is \$400. The DUI fee is based on the aforementioned cost categories at higher support hours, but does not include the administrative fee.

FA-12. The City of Ventura (Ventura) approved Resolution No. 2010-016 on June 7, 2010 to collect a fee of \$200 for the release of a vehicle impounded in Ventura for violations of Vehicle Code sections 12500 and 14601. If the impound was the result of a DUI incident (Veh. Code § 23152), the fee is \$247. Both fees are based on the same cost for dispatch personnel and a peace officer, but Ventura elected to charge a lower vehicle release fee for non-DUI violations.

FA-13. The Sheriff collects a fee of \$11 for the reports necessary for the release of a vehicle impounded in the unincorporated areas of the County. This fee is based on the time it takes for staff to verify the status and ownership of a vehicle and to prepare the CHP 180 Vehicle Report. The Board of Supervisors has not passed a resolution or ordinance approving fees resulting from violations of Vehicle Code sections 12500, 14601, and 23152. The charge of \$11 was established on January 29, 1991 when the Board of Supervisors approved a Sheriff's Department Fee Schedule that set fees for reproducing hardcopy reports.

FA-14. The following table provides a summary of the fees charged by Cities and the Sheriff. The table contains columns for "Fee Basis" which are the actual costs for impound services and materials used to derive the Vehicle Release Fee authorized by a city or agency.

Cities/Agencies	Release Fee - No License (Veh. Code § 12500 & Veh. Code § 14601)	Fee Basis	Release Fee - DUI (Veh. Code § 23152)	Fee Basis	Fee Resolution Date
Camarillo*	\$ 80.00	\$ 79.83	**		12/12/2001
Fillmore*	\$115.00	\$ 367.00	**		06/28/2011
Moorpark *	\$110.00	\$ 138.59	**		07/21/2004
Ojai*	\$100.00	\$ 100.00	**		04/28/2009
Oxnard	\$241.00	\$ 241.08	\$416.00	\$425.70	07/20/2010
Port Hueneme	\$160.00	\$ 162.74	\$200.00	\$200.25	07/07/2009
Santa Paula	\$121.00	\$ 121.49	**		08/16/2011
Simi Valley	\$ 77.70	\$ 77.70	**		01/28/2008
Thousand Oaks*	\$300.00	\$ 338.55	\$400.00	\$452.51	04/26/2011
Ventura	\$200.00	\$ 247.00	\$247.00	\$247.00	06/07/2010
Sheriff - Unincorporated county	\$11.00		**		01/29/1991***
* Sheriff Contract City					
** No higher fee for DUI; same as Fee - No License					
*** Date of letter to Board of Supervisors recommending fee schedule					

FA-15. The CHP collects no fee for the release of a vehicle impounded by their organization anywhere in the state. The Grand Jury has no oversight of the CHP, a state organization. The information in this paragraph is provided for completeness.

Findings

FI-01. All Cities provided the administrative cost basis for the impound release fees charged to the public. With the exception of Thousand Oaks, there was no evidence that any of the Cities or agencies were collecting funds beyond the allowable administrative costs related to the removal, impound, storage, or release of the vehicles. A high fee, such as \$300 or more, is not of itself an indication that a city is making a profit, as implied by the Times article, when the fee is substantiated by actual costs. A low vehicle release fee may be indicative of not recovering a larger allowable cost for the impound process from violators. [Ref-01]

With respect to Thousand Oaks, the inclusion of an offset cost for the Thousand Oaks’ “Start Smart” driving classes in a vehicle release fee conflicts with the legal requirements of Vehicle Code section 22850.5, subdivision (a). (FA-03 – FA-12)

FI-02. All Cities have passed resolutions authorizing the collection of the fees required for release of a vehicle from impound. (FA-03-FA-12 and FA-14)

- FI-03.** The Board of Supervisors has not passed a resolution authorizing the Sheriff to collect vehicle release fees to recover administrative costs for violations of Vehicle Code sections 12500, 14601, and 23152 in unincorporated areas of the County. (FA-13)
- FI-04.** Vehicle release fees across the County for violations of Vehicle Code sections 12500 and 14601 vary from \$11 in unincorporated areas, to \$300 in Thousand Oaks. The average (mean) vehicle release fee for the County is \$137.79. (FA-03-FA-14)
- FI-05.** Six cities (Camarillo, Fillmore, Moorpark, Ojai, Santa Paula, and Simi Valley) and the Sheriff (unincorporated County areas) do not identify any additional tasks or any extra hours required to process the impoundment of a DUI vehicle versus the cost of other types of impoundments. This transfers extra costs from the DUI violator to the general public. (FA-03-FA-06, FA-09, FA-10)
- FI-06.** There is no standardized list of allowable categories of impound costs used to calculate vehicle release fees across the County. Some cities base fees on costs that occur after a traffic stop transitions to the impound process. This cost basis also includes the vehicle release paperwork. Other cities and the Sheriff collect fees based only on the cost of paperwork generated at the end of the impound process. This disparity in the services included in the fee allocations for violations of Vehicle Code sections 12500, 14601, and 23152 is a major factor in the fee variations. (FA-03-FA-14)

Recommendations

- R-01.** The Board of Supervisors should pass a resolution authorizing the collection of vehicle release fees to recover administrative costs for violations of Vehicle Code sections 12500, 14601, and 23152 in unincorporated areas of the County. (FI-03)
- R-02.** Representatives of all law enforcement agencies within the County should meet and identify a standard set of tasks, labor hours and overhead items to cover the full spectrum of administrative costs for violations of Vehicle Code sections 12500, 14601, and 23152. (FI-06)
- R-03.** All Cities should apply their local rates and factors and their targeted cost recovery goals to calculate their individual vehicle release fees using the standardized cost category list from Recommendation R-02. It should be recognized that categories not included in the cost basis for approved fees represent costs to be borne by the general public and not the violator at a time of reduced public safety budgets. As necessary, new resolutions authorizing any revised vehicle release fees should be passed and the basis for the fees should be available to the public. (FI-04-FI-06)

- R-04.** Thousand Oaks should recalculate the vehicle release fee for violations of Vehicle Code sections 12500 and 14601, eliminating the "Start Smart" fee, to comply with Vehicle Code section 22850.5, subdivision (a). (FI-01)
- R-05.** The Board of Supervisors should request the Sheriff's Department to apply the rates and factors for the unincorporated County areas along with directed cost recovery goals using the standardized cost category list from Recommendation R-02. It should be recognized that categories not included in the cost basis for approved fees represent costs to be borne by the general public and not the violator. (FI-04, FI-06)
- R-06.** The Board of Supervisors should pass a resolution authorizing the vehicle release fees, as recommended by the Sheriff in R-05 above, and the basis for the fees should be available to the public. (FI-06)

Responses

Responses Required From:

- Ventura County Board of Supervisors (FI-03) (R-01, R-05, R-06)
- Ventura County Sheriff (FI-04, FI-05, FI-06) (R-02, R-05)
- City Council, City of Camarillo (FI-04, FI-05, FI-06) (R-02, R-03)
- City Council, City of Fillmore (FI-04, FI-05, FI-06) (R-02, R-03)
- City Council, City of Moorpark (FI-04, FI-05, FI-06) (R-02 R-03)
- City Council, City of Ojai (FI-04, FI-05, FI-06) (R-02, R-03)
- City Council, City of Oxnard (FI-04, FI-06) (R-02, R-03)
- City Council, City of Port Hueneme (FI-04, FI-05, FI-06) (R-02, R-03)
- City Council, City of Santa Paula (FI-04, FI-05, FI-06) (R-02, R-03)
- City Council, City of Simi Valley (FI-04, FI-05, FI-06) (R-02, R-03)
- City Council, City of Thousand Oaks (FI-01, FI-04, FI-06) (R-02, R-03, R-04)
- City Council, City of Ventura (FI-04, FI-06) (R-02, R-03)

References

- Ref-01.** Esquivel, Paloma. "Impounded cars boost Bell's coffers," *Los Angeles Times*, September 5, 2010.
<http://articles.latimes.com/2010/sep/05/local/la-me-bell-impounds-20100906> (accessed December 30, 2011).
- Ref-02.** Motor Vehicle Code section 22850.5, subdivision (a). *Administrative Costs: Vehicle impound*.
http://dmv.ca.gov/pubs/vctop/d11/vc22850_5.htm (accessed December 30, 2011).

- Ref-03.** Vehicle Code section 12500. *Unlawful to Drive Unless Licensed.* <http://dmv.ca.gov/pubs/vctop/d06/vc12500.htm> (accessed December 30, 2011).
- Ref-04.** Vehicle Code section 14601. *Driving While Privilege Suspended or Revoked.* <http://dmv.ca.gov/pubs/vctop/d06/vc14601.htm> (accessed December 30, 2011).
- Ref-05.** Vehicle Code section 23152 *Driving Under Influence of Alcohol or Drugs.* <http://dmv.ca.gov/pubs/vctop/d11/vc23152.htm> (accessed December 30, 2011).

Glossary

<u>TERM</u>	<u>DEFINITION</u>
B&W	Black & White, a vehicle used by uniformed police for patrol
Board of Supervisors	Ventura County Board of Supervisors
Camarillo	City of Camarillo
CHP	California Highway Patrol
CHP Form 180	California Highway Patrol Form 180, Vehicle Report. A document containing information about the vehicle and the circumstances surrounding its seizure.
Cities	The ten cities within the County of Ventura: Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, Santa Paula, Simi Valley, Thousand Oaks, Ventura.
County	Ventura County
DUI	Driving Under the Influence
Fee Basis	Actual costs for impound services and materials used to derive Vehicle Release Fee authorized by a city or agency.
Fillmore	City of Fillmore
Grand Jury	2011-2012 Ventura County Grand Jury
Moorpark	City of Moorpark
Ojai	City of Ojai
Oxnard	City of Oxnard
Port Hueneme	City of Port Hueneme
Release Fee	Payment as authorized by city or agency for release of a vehicle
Santa Paula	City of Santa Paula
Sheriff	Ventura County Sheriff's Department
Simi Valley	City of Simi Valley
Thousand Oaks	City of Thousand Oaks
Times	Los Angeles Times newspaper
Veh. Code § 12500	Vehicle Code section 12500, Unlawful to Drive Unless Licensed

TERM

DEFINITION

Veh. Code § 14601

Vehicle Code section 14601, Driving While Privilege Suspended or Revoked

Veh. Code § 23152

Vehicle Code section 23152, Driving Under Influence of Alcohol or Drugs

Ventura

City of Ventura



MOORPARK

799 Moorpark Avenue Moorpark, California 93021 (805) 517-6200

May 31, 2012

The Honorable Vincent J. O'Neill, Jr.
Presiding Judge, Superior Court of California
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

Subject: Grand Jury Report, "Vehicle Impound Fees in Ventura County"

Dear Judge O'Neill:

This letter is in response to the Grand Jury's Findings and Recommendations pertaining to the fees collected by local municipalities for the release of impounded vehicles.

FINDINGS

Finding FI-04:

Vehicle release fees across the County for violations of Vehicle Code sections 12500 and 14601 vary from \$11 in unincorporated areas, to \$300 in Thousand Oaks. The average (mean) vehicle release fee for the County is \$137.79. (FA-03-FA-14)

Response:

We concur with this finding.

Finding FI-05:

Six Cities (Camarillo, Fillmore, Moorpark, Ojai, Santa Paula, and Simi Valley) and the Sheriff (unincorporated County areas) do not identify any additional tasks or any extra hours required to process the impoundment of a DUI vehicle versus the cost of other types of impoundments. This transfers extra costs from the DUI violator to the general public. (FA-03-FA-06, FA-09, FA-10)

Response:

We concur with the first sentence of this finding, however we do not concur with the second sentence. A thorough analysis of the time and tasks associated with various reasons for impounding vehicles shows that there is no difference between a vehicle impounded for a DUI arrest and vehicles impounded for other reasons. Therefore we believe there are no additional costs associated with a DUI violator to transfer to the general public.

cc: HCC, CM, DCU, Capt. Nelson, CM Chron, Felt 1

The Honorable Vincent J. O'Neill, Jr.
Presiding Judge, Superior Court of California
Re: Grand Jury Report, "Vehicle Impound Fees in Ventura County"
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Finding FI-06:

There is no standardized list of allowable categories of impound costs used to calculate vehicle release fees across the County. Some cities base fees on costs that occur after a traffic stop transitions to the impound process. This cost basis also includes the vehicle release paperwork. Other cities and the Sheriff collect fees based only on the cost of the paperwork generated at the end of the impound process. This disparity in the services included in the fee allocations for violations of Vehicle Code sections 12500, 14601, and 23152 is a major factor in the fee variations. (FA-03-FA-14)

Response:

We concur with this finding.

RECOMMENDATIONS

Recommendation R-02:

Representatives of all law enforcement agencies within the County should meet and identify a standard set of tasks, labor hours and overhead items to cover the full spectrum of administrative costs for violations of Vehicle Code sections 12500, 14601, and 23152. (FI-06)

Response:

We agree with the recommendation; however, we believe that each city and county law enforcement agency is unique in how it staffs and handles the processing of paperwork, including impounded vehicle reports. The methods unique to each agency could result in differing amounts charged by each agency for a vehicle release fee. Additionally, each of the five cities that contract with the Ventura County Sheriff's Office for law enforcement services are charged contract rates that reflect the unique frontline and overhead services each city receives, resulting in slightly different contract rates for a given resource. These differences could also result in differing amounts charged by each city for vehicle release fees.

The Ventura County Law Enforcement Coordinating Committee (made up of the various Chiefs of Police, the Sheriff, and other law enforcement executives) has discussed the issue and has planned to form a committee to work out a possible standardized methodology for charging towed vehicle release fees, to the extent possible.

At the time of the last fee revision through Resolution in 2004, the City of Moorpark did a comprehensive study to capture as much of the costs associated with impounded vehicles as possible. In reviewing the analysis that supported the \$110 vehicle release fee charged by the City of Moorpark, it is our belief that

The Honorable Vincent J. O'Neill, Jr.
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the fee could be updated to reflect current rates, but that the tasks associated with impounding and releasing a vehicle would remain the same.

Recommendation R-03

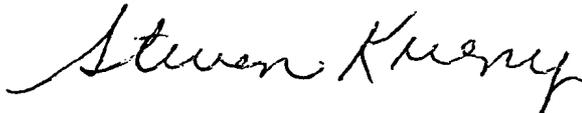
All Cities should apply their local rates and factors and their targeted cost recovery goals to calculate their individual vehicle release fees using the standardized cost category list from Recommendation R-02. It should be recognized that categories not included in the cost basis for approved fees represent costs to be borne by the general public and not the violator at a time of reduced public safety budgets. As necessary, new resolutions authorizing any revised vehicle release fees should be passed and the basis for the fees should be available to the public. (FI-04-FI-06)

Response

We agree with the recommendation that all Cities should apply their local rates and factors and their targeted cost recovery goals to calculate their individual vehicle release fees, however we reiterate our response to Recommendation R-02 regarding the uniqueness of each law enforcement agency's costs and staffing, which would result in differing vehicle release fees for each agency.

Thank you for the opportunity to respond to this Grand Jury report. If additional explanation is needed, please feel free to contact my office at 517-6212.

Sincerely,



Steven Kueny
City Manager

cc: Moorpark City Council

Foreman, Ventura County Grand Jury
800 S. Victoria Avenue
Ventura, CA 93009

Ventura County Grand Jury 2011 - 2012



Final Report

Graffiti in Ventura County Cities

May 16, 2012

Graffiti in Ventura County Cities

Summary

It is well documented that the direct costs associated with the crime of graffiti vandalism are increasing not only within the ten Cities of Ventura County (Cities) but across the country.

The 2011-2012 Ventura County Grand Jury (Grand Jury) decided to examine the current direct cost impact on the Cities based on the numerous incidences of graffiti occurring in these communities.

All Cities, with the exception of the City of Ojai (Ojai), reported graffiti as a significant source of financial impact on their city budget. The eight Cities reporting direct costs for their graffiti programs spent over \$1.5 million in the 2010/2011 Fiscal Year (FY). The Cities continue year after year to develop programs to prevent and abate this unwanted impact to their communities. Increasing sums of tax dollars are invested in graffiti abatement.

The Ventura Council of Governments (VCOG)¹ held a Graffiti Summit in December 2007. The VCOG has yet to follow up on any of the roundtable recommendations established during this 2007 summit.

The Grand Jury recommends that the Cities aggressively pursue the recovery of their costs when individuals are convicted of graffiti vandalism.

The Grand Jury further recommends that the VCOG schedule a follow-up to the 2007 Graffiti Summit for the purpose of completing the roundtable recommendations previously established and to allow the Cities, and others, to share their current "best practices" toward fighting graffiti.

Finally, the Grand Jury recommends that the Cities follow Port Hueneme's and Santa Paula's example and amend their city codes regarding graffiti to include provisions for the city to petition the sentencing court for the delay or suspension of driving privileges for those convicted of graffiti vandalism.

Background

Graffiti is everywhere. Every city, every country, nearly every continent has been scarred by graffiti. The cost of graffiti eradication has significantly increased over the years. In the early 1990s, it was estimated that graffiti eradication costs in the United States (U.S.) were approximately \$8 billion per year. By the latter part of the 1990s this had risen to \$15 billion per year. In June 2008, experts estimated the annual cost of graffiti eradication in the U.S. would be \$25 billion. [Ref-01]

¹ A voluntary joint powers authority representing the ten cities of Ventura County as well as the County. VCOG's goal is to facilitate cooperative sub-regional and regional planning, coordination and technical assistance on issues of mutual concern.

On the 5th of December 2007, the VCOG held a Graffiti Summit with the intention of sharing each city's "best practices" for combating the graffiti problem.

The summit included representatives of the Cities, the Ventura County Superior Court, the District Attorney, and the County Probation Department. Additional stakeholders in attendance included: Ventura County Transportation Commission, Caltrans, Moorpark School District, Pleasant Valley Recreation and Parks District, Southern California Edison, County of Santa Barbara, Moorpark Graffiti Coalition, Ventura Police Department, and Ventura County Watershed Protection District.

The Graffiti Summit addressed such issues as: characteristics, locations, perpetrators, impacts, identified trends, and general strategies to address the problem of graffiti.

The major "Consensus Points" as identified in the 2007 Graffiti Summit Summary were:

- Caltrans and the railroads should participate in graffiti abatement
- graffiti programs should include prevention strategies, identification of at-risk youth, involve the school districts and school curriculum
- newer technologies should be incorporated into graffiti abatement programs
- VCOG will set up a follow-up meeting with principals of each city to discuss best practices and strategies, and to put together a model countywide graffiti ordinance

The Grand Jury decided to examine the current impacts on the Cities due to the continued occurrences of graffiti vandalism throughout these communities. The Cities were selected to provide some direct measure of the cost of graffiti removal over a five-year period (2007-2011).

It should be clearly noted that graffiti vandalism is not confined to just the Cities; it appears throughout the unincorporated areas of the County. While the report is directed to funds spent by Cities on graffiti eradication, other public and private areas are also impacted by graffiti vandalism. Throughout the County, schools, parks, libraries, public utilities, and private properties are also subjected to this crime.

Methodology

The Grand Jury developed and mailed to the Cities a Graffiti Survey, to determine the impacts of graffiti vandalism on each city. The Grand Jury also reviewed the extensive information available on the internet. (Att-01)

Facts

FA-01. There are four major types of graffiti vandalism; these include:

- *Gang graffiti*, used by gangs to mark turf or convey threats of violence

- *Tagger graffiti*, from high-volume simple hits to complex “street art”
 - *Conventional graffiti*, isolated or spontaneous acts of “youthful exuberance,” but sometimes malicious or vindictive
 - *Ideological graffiti*, political or hate graffiti, which conveys political messages or racial, religious, or ethnic slurs [Ref-02]
- FA-02.** Graffiti locations are characterized by the absence of anyone with direct responsibility for the area. This includes public areas, schools, vacant buildings, and buildings with absentee landlords. [Ref-02]
- FA-03.** Vandals often target locations with poor lighting and little oversight by police or security personnel. [Ref-02]
- FA-04.** Some targets and locations are particularly vulnerable to graffiti. These include:
- easy-to-reach targets, such as signs
 - freeway overpasses or other particularly hard-to-reach locations
 - highly visible locations, such as building walls
 - locations where a wall or fence is the primary security, and where there are few windows, employees, or passersby
 - locations where oversight is cyclical during the day or week
 - mobile targets, such as trains or buses
 - places where gang members congregate
- [Ref-02]
- FA-05.** Graffiti offenders most often use spray paint. They may also use large markers or tools for etching on glass surfaces. [Ref-02]
- FA-06.** Participation in graffiti vandalism may be an initial or gateway offense from which offenders may graduate to more sophisticated or harmful crimes. [Ref-02]
- FA-07.** Graffiti vandalism is sometimes associated with truancy, drugs, and alcohol. Graffiti offenders who operate as members of gangs or crews may also engage in physical violence. [Ref-02]
- FA-08.** Government Code section 53069.3 defines graffiti as “any unauthorized inscription, word, figure, mark, or design that is written, marked, etched, scratched, drawn, or painted on any real or personal property.” This section of the law also gives the authority for local jurisdictions to pass ordinances for the control and removal of graffiti. [Ref-03]
- FA-09.** Penal Code section 594, in part, states:
- (a) Every person who maliciously commits any of the following acts with respect to any real or personal property not his or her own, in cases other than those specified by state law, is guilty of vandalism:
- (1) Defaces with graffiti or other inscribed material.

- (2) Damages.
- (3) Destroys.

Penal Code section 594 also provides the criminal penalties for violation of the code. [Ref-04]

FA-10. As indicated in the responses to the Graffiti Survey, Attachment 1, all Cities, with the exception of Ojai, reported graffiti as a significant source of financial impact on their city budget.

FA-11. The financial impact on city budgets for graffiti removal for FY 2010–2011 is shown in the table below. The City of Moorpark did not specifically budget or track costs for graffiti removal, but reported it as a fiscal impact in their response.

<u>City</u>		<u>2010/11</u>
Camarillo	\$	69,682.00
Fillmore	\$	43,528.00
Oxnard	\$	739,825.00
Port Hueneme	\$	120,000.00
Santa Paula	\$	102,235.00
Simi Valley	\$	227,462.00
Thousand Oaks	\$	91,830.00
Ventura	\$	150,004.00

FA-12. There are other costs associated with graffiti vandalism. They are:

- homeowner costs - the California Realtors Association estimates purchase prices for homes decreased 20% in areas that are victimized by graffiti vandalism
- societal costs are the hardest to quantify. Decreased perception of safety, lower community pride, at risk youth, are all effects of vandalism in a community
- neighborhood and business impacts are as follows:
 - intimidates residents
 - scares away customers
 - discourages tourism
 - invites street gangs and other vandals
 - attracts crime in general

[Ref-01]

FA-13. The 2007 VCOG Graffiti Summit Summary described graffiti offenders as “. . . typically young males ranging in age from 15 to 23.” It further stated that “Statistically, of that group, the majority are 16 years of age and younger.” [Ref-05]

FA-14. A review of the VCOG agenda/minutes, posted on their website, revealed no information indicating that the VCOG has followed up on any of the roundtable recommendations established during the 2007 summit.

FA-15. Each of the Cities has either a City Ordinance and/or a separate control/abatement plan to address graffiti vandalism.

FA-16. Graffiti control/abatement plans typically provide for some or all of the following elements:

- graffiti hotline
- graffiti taskforce
- timely removal of graffiti
- educational materials for both children and their parents
- information regarding the potential penalties for graffiti violations
- provide graffiti removal kits to volunteer groups
- tips for graffiti prevention

FA-17. Each city has an ordinance addressing graffiti abatement. These ordinances contain some or all of the following elements:

- fines and/or incarceration
- restitution costs
- community services in lieu of fines
- rewards for information leading to arrest and conviction
- parental liability
- suspension or delay of driving privileges

(Att-02)

FA-18. A volunteer group, Sheriff's and Youth Graffiti Removal Incident Team (SAY GRIT), has provided invaluable services to the Ventura County Watershed Protection District by the removal of graffiti in flood-control facilities within the Moorpark area. [Ref-06]

Findings

FI-01. Graffiti vandalism is a crime. (FA-08, FA-09)

FI-02. With the exception of Ojai, graffiti represents a significant financial impact in all the other Cities. (FA-11)

FI-03. The eight cities reporting direct costs for abatement programs, reported total costs in excess of \$1.5 million in FY 2010/2011. (FA-11)

FI-04. Intangible factors make the overall cost of graffiti abatement impossible to calculate. (FA-12)

- FI-05.** The VCOG has yet to follow up on any of the roundtable recommendations established during the 2007 summit. (FA-14)
- FI-06.** There is no "one size fits all" graffiti abatement program for the Cities. The Cities' abatement plans vary. (FA-16)
- FI-07.** Only the city ordinances for the cities of Port Hueneme and Santa Paula contain provisions for the city to petition the sentencing court for the delay or suspension of driving privileges for those convicted of graffiti vandalism, as allowed for in the state vehicle code. (FA-17) [Ref-04] [Ref-07]
- FI-08.** Some of the graffiti abatement programs utilize volunteer groups. (FA-18)

Recommendations

- R-01.** The Cities should aggressively pursue the recovery of costs from the individual(s) convicted of graffiti vandalism. (FI-02, FI-03)
- R-02.** The VCOG should schedule a follow-up to the 2007 Graffiti Summit for the purpose of updating and/or completing the roundtable recommendations previously established and to allow participants to share their current "best practices." (FI-05)
- R-03.** The VCOG should expand summit participation to include all entities that may experience graffiti damage. In addition to the 2007 Graffiti Summit participants, the following should be included: various volunteer organizations; railroads within the County; public transportation entities; and other special districts in the County. (FI-05)
- R-04.** The Cities should enlist the assistance of volunteer groups within the County for graffiti abatement. Such groups might include: Sheriff's and Youth Graffiti Removal Incident Team; Keep America Beautiful; and various civic groups. (FI-07)
- R-05.** The Cities, with the exception of Port Hueneme and Santa Paula, should amend their city codes regarding graffiti vandalism to include provisions for the city to petition the sentencing court for the delay or suspension of driving privileges for those convicted of graffiti vandalism, as allowed for in the state vehicle code. (FI-08) [Ref-07]

Responses

Responses Required From:

- City Council, City of Camarillo (FI-02, FI-03, FI-06, FI-07) (R-01, R-04, R-05)
- City Council, City of Fillmore (FI-02, FI-03, FI-06, FI-07) (R-01, R-04, R-05)
- City Council, City of Moorpark (FI-02, FI-06, FI-07) (R-01, R-04, R-05)
- City Council, City of Ojai (FI-06, FI-07) (R-01, R-04, R-05)
- City Council, City of Oxnard (FI-02, FI-03, FI-06, FI-07) (R-01, R-04, R-05)

City Council, City of Port Hueneme (FI-02, FI-03, FI-06, FI-07) (R-01, R-04)
City Council, City of Santa Paula (FI-02, FI-03, FI-06, FI-07) (R-01, R-04)
City Council, City of Simi Valley (FI-02, FI-03, FI-06, FI-07) (R-01, R-04, R-05)
City Council, City of Thousand Oaks (FI-02, FI-03, FI-06, FI-07) (R-01, R-04, R-05)
City Council, City of Ventura (FI-02, FI-03, FI-06, FI-07) (R-01, R-04, R-05)

Responses Requested From:

Chairperson, Ventura Council of Governments (FI-05) (R-02, R-03)

References

- Ref-01.** GRAFFITI 911 website. *Graffiti Facts: Costs of Graffiti*.
<http://www.graffiti911.com/costs.php> (accessed March 25, 2012).
- Ref-02.** Weisel, Deborah. "Graffiti". U. S. Department of Justice, Office of Community Oriented Policing Services. August 2004 2012.
http://www.cops.usdoj.gov/Publications/e07042448_09update.pdf
(accessed March 23, 2012).
- Ref-03.** Official California Legislative Information website. *Government Code section 53069.3* <http://law.onecle.com/california/government/53069.3.html> (accessed March 24, 2012).
- Ref-04.** Official California Legislative Information website. *Penal Code section 594* <http://law.onecle.com/california/penal/594.html> (accessed March 24, 2012).
- Ref-05.** Ventura Council of Governments. *2007 Graffiti Summit*. "Summary." December 5, 2007.
<http://www.venturacog.org/documents/GraffitiSummitSummary.pdf>
(accessed March 22, 2012).
- Ref-06.** Willer-Allred, Michele. "New youth group removing graffiti in Moorpark." *Ventura County Star*. February 22, 2012.
<http://www.vcstar.com/news/2012/feb/22/new-youth-group-removing-graffiti-in-moorpark/?print=1> (accessed March 23, 2012).
- Ref-07.** Official California Legislative Information website. *Vehicle Code section 13202.6* <http://law.onecle.com/california/vehicle/13202.6.html> (accessed March 24, 2012).

Attachments

- Att-01.** Graffiti Survey
- Att-02.** Elements of the Cities' Ordinances

Glossary

<u>TERM</u>	<u>DEFINITION</u>
Camarillo	City of Camarillo
Cities	The ten cities within the County of Ventura: Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, Santa Paula, Simi Valley, Thousand Oaks, Ventura
County	County of Ventura
Fillmore	City of Fillmore
Grand Jury	2011-2012 Ventura County Grand Jury
Moorpark	City of Moorpark
Ojai	City of Ojai
Oxnard	City of Oxnard
Port Hueneme	City of Port Hueneme
Santa Paula	City of Santa Paula
Sheriff	Ventura County Sheriff
Simi Valley	City of Simi Valley
State	State of California
Thousand Oaks	City of Thousand Oaks
VCOG	Ventura Council of Governments
Ventura	City of Ventura

Attachment 01

Graffiti Survey

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Graffiti Survey

1. Has graffiti had a serious financial impact on your community? Yes ___ No ___

2. During the preceding five years has there been an increase or decrease in graffiti?

3. What are the major factors related to this change?

4. Aside from the financial impact what are the other major negative issues related to graffiti?

5. Does your community have a graffiti control or abatement plan? If yes, please furnish a copy.

6. Does your community use a multi-agency approach to graffiti control? Yes ___ No ___
Please list: _____

7. Are you aware of graffiti abatement or control programs used in other communities that have had a positive effect on the problem? If yes, please list: _____

For additional information please contact: _____ Title: _____
Phone # _____ email _____

Please return completed survey to:
Ventura County Grand Jury
800 S. Victoria Ave.
Ventura, CA 93009

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Attachment 02

Elements of the Cities' Ordinances

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Elements of the Cities Ordinances

City	Fine	Incarceration	Restitution Costs*	Community Service.	Reward	Parental Liability	Driving Privileges
Camarillo	Not to exceed \$1,000	Not to exceed 6 mo.	x		x	x	
Fillmore	Not to exceed \$1,000	Not to exceed 6 mo.	x	x	x	x	
Moorpark	Infraction \$100/300/500** Misdemeanor Not to exceed \$1,000	Not to exceed 6 mo.	x	x	x	x	
Ojai	\$50/100/250**	Not to exceed 6 mo.	x		x	x	
Oxnard	\$1,000		x	x	x	x	
Pt Heuneme	Not to exceed \$1,000		x	x	x	x	x
S. Paula	\$100/300/500**		x	x		x	x
Simi	Not to exceed \$1,000	Not to exceed 6 mo.	x	x	x	x	
T.O.	Infraction \$100/300/500** Misdemeanor Not to exceed \$1,000	Not to exceed 6 mo.	x		x	x	
Ventura	Infraction \$100/300/500** Misdemeanor Not to exceed \$1,000	Not to exceed 6 mo.	x		x	x	

*Restitution may include- Admin., Removal, and Prosecution Costs
 ** Fines for 1st, 2nd and subsequent convictions

Attachment 4

June 20, 2012

The Honorable Judge Vincent O'Neill, Jr.
Presiding Judge, Superior Court of California
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

Subject: Grand Jury Report, "Graffiti in Ventura County Cities"

Dear Judge O'Neill:

This letter is in response to the Grand Jury's Findings and Recommendations pertaining to the recent report on graffiti in Ventura County Cities.

FINDINGS

Finding FI-02:

With the exception of Ojai, graffiti represents a significant financial impact in all the other Cities. (FA-10)

Response:

We concur with this finding.

Finding FI-06:

There is no "one size fits all" graffiti abatement program for the Cities. The Cities' abatement plans vary. (FA-16)

Response:

We concur with this finding.

Finding FI-07:

Only the city ordinances for the cities of Port Hueneme and Santa Paula contain provisions for the city to petition the sentencing court for the delay or suspension of driving privileges for those convicted of graffiti vandalism, as allowed for in the state vehicle code. (FA-17) (Ref-04) (Ref-07)

Response:

We concur with this finding.

RECOMMENDATIONS

Recommendation R-01:

The Cities should aggressively pursue the recovery costs from the individual(s) convicted of graffiti vandalism. (FI-02, FI-03)

Response:

We agree with the recommendation, and want to make you aware that the City of Moorpark aggressively pursues the recovery of costs associated with both the cleanup and the investigation of graffiti related crimes. The City amended its Municipal Code on April 1, 2011 (8.14.040 MMC – Exhibit), which now states that those who violate any provision related to the Code's chapter on graffiti shall be responsible for payment of the costs of investigation, removal of graffiti, the amount of any reward paid, and all attorneys' fees and legal costs incurred in any civil proceeding in a court of law.

Recommendation R-04:

The Cities should enlist the assistance of volunteer groups within the County for graffiti abatement. Such groups might include: Sheriff's and Youth Graffiti Removal Incident Team; Keep America Beautiful; and various civic groups. (FI-07)

Response:

We agree with the recommendation. There are currently two volunteer groups that are active in their efforts of graffiti abatement in the City of Moorpark. These include Boy Scout Troup 605, and a group known as "SAYGRIT" made up of sheriff's deputies and high school students. Both groups concentrate their efforts on graffiti in the problematic areas of the various flood control channels that run throughout the city.

Recommendation R-05:

The Cities, with the exception of Port Hueneme and Santa Paula, should amend their city codes regarding graffiti vandalism to include provisions for the city to petition the sentencing court for the delay or suspension of driving privileges for those convicted of graffiti vandalism, as allowed for in the state vehicle code. (FI-08) (Ref-07)

Response:

We disagree with this recommendation. The State Vehicle Code section cited, 13202.6 CVC, provides mandatory instructions for the court to suspend or delay driving privileges upon a defendant's conviction for 594, 594.3, or 594.4 of the California Penal Code. The driver's license suspension or delay is carried out as a mandatory action of the court and no petition by a local political subdivision is necessary.

Thank you for the opportunity to respond to this Grand Jury report. If additional explanation is needed, please feel free to contact City Manager Steve Kueny at 517-6212

Sincerely,

Janice Parvin, Mayor

Cc: Foreman, Ventura County Grand Jury
800 S. Victoria Avenue
Ventura, CA 93009

Honorable City Council
Steve Kueny, City Manager
Captain Ron Nelson

8.14.040**A. Civil Remedies.**

1. Any person, responsible adult, firm, or corporation who violates any provision of this chapter shall be responsible for payment of the costs of investigation, removal of graffiti, the amount of any reward paid pursuant to Section 8.14.120, and all attorneys' fees and legal costs incurred in any civil proceeding in a court of law.

2. Any person, responsible adult, firm, or corporation who violates any provision of this chapter shall be subject to fines and/or other penalties in accordance with Chapter 1.16, Administrative Citations, of the Moorpark Municipal Code. The amount of civil fines or penalties assessed pursuant to this chapter shall be established by resolution of the city council, and shall cover the costs associated with the costs of investigation, removal of graffiti, the amount of any reward paid pursuant of Section 8.14.120, and all attorney's fees and legal costs incurred in any civil proceedings in a court of law.

a. In the event a minor is assessed a civil fine or penalty, the minor may perform community service and pay city administrative fees, if any, as an alternative to paying the civil fine or penalty with prior written consent and approval from the city manager or designee. The number of community service hours required to satisfy a civil penalty shall be as specified in the resolution establishing the amount of civil fines or penalties for this chapter adopted by the city council.

b. A responsible adult who is assessed a civil fine or penalty may also request that the minor serve the required hours of community service as described in subsection (A)(2)(a), and pay city administrative fees, if any, as an alternative to paying the applicable civil fine or penalty.

c. The city manager or designee shall retain the discretion to approve the community service suggested by the minor or responsible adult. Upon approval of a written community service agreement by the city manager or designee and the responsible adult, to perform community service, the minor shall complete the required community service hours within one (1) year of approval, and shall submit proof of completion to the city manager. Failure to receive approval to perform community service or failure to complete the required hours of service shall result in imposition of the applicable civil fine or penalty, which is immediately payable. No reduction in the fine or penalty is authorized for completion of less than the required hours of community service as set forth in subsection (A)(2)(a).

B. Administrative Abatement. The city may pursue any violation of this chapter through the administrative abatement process pursuant to Chapter 1.12, Nuisances, of the Moorpark Municipal Code and recover all costs incurred pursuant to that chapter.

C. Criminal Penalties. Any person, firm, or corporation who violates, permits, or causes to violate any provision of this chapter, or who fails to comply with any of the requirements of this chapter, shall be guilty of a misdemeanor, punishable up to the maximum fine or imprisonment authorized under California Government Code Section 36901 and as it may be subsequently amended; or by the imposition of both such fine and imprisonment. (Ord. 400 § April 1, 2011)

Ventura County Grand Jury 2011 - 2012



Final Report

Mandatory Detention Facilities Inspections

May 30, 2012

Mandatory Detention Facilities Inspections

Summary

In order to ensure the safety and security of citizens in confinement facilities, the 2011-2012 Ventura County Grand Jury (Grand Jury) in its role as the civil watchdog for Ventura County (County) must annually inspect all places of incarceration in the County, which includes all temporary holding facilities and jails.

Penal Code section 919(b) states that, "The grand jury shall inquire into the condition and management of the public prisons within the county." Penal Code section 921 states that, "The grand jury is entitled to free access, at all reasonable times, to the public prisons, and to the examination, without charge, of all public records within the county." [Ref-01, Ref-02]

The Grand Jury observed the physical cells, gathered information from officers, and read Policies and Procedures (P&Ps) of the fourteen places of incarceration in the County. The Police Departments (PD) in the Cities of Camarillo (Camarillo), Fillmore (Fillmore), Moorpark (Moorpark), Ojai (Ojai), Oxnard (Oxnard), Port Hueneme (Port Hueneme), Santa Paula (Santa Paula), Simi Valley (Simi Valley), and San Buenaventura (Ventura) are responsible for the holding cells in their respective jurisdictions. The Ventura County Sheriff (Sheriff) is responsible for the operation of the East Valley Sheriff's Station (East Valley), the Main Jail, and the Todd Road Jail (Todd Road). The Ventura County Probation Department (Probation) is responsible for the Juvenile Justice Complex (JJC) and the Work Furlough/Work Release facility (Work Furlough).

Prior Grand Juries did not produce reports *if no negative observations were made*. It is the intention of this Grand Jury to take a more systematic approach, collecting data from checklists, analyzing the data, and drawing conclusions based on the data irrespective of positive or negative observations.

In the areas the Grand Jury chose to inspect, all places of incarceration met the minimum standards of the Corrections Standards Authority (CSA), found in Titles 15 and 24 of the California Code of Regulations. The Grand Jury noted several areas for improvement: Oxnard did not provide mattresses, bunks, or other off-the-ground seating for arrestees; Santa Paula and Oxnard lacked visible and/or availability of Automatic External Defibrillators (AEDs); and Port Hueneme did not stock non-perishable food for arrestees, opting instead to have the arresting officer make "fast-food runs."

The Grand Jury found that officers, both out on patrol and in the facilities, are doing an excellent job in the area of parental involvement and confinement of all juveniles in Ventura County.

The Grand Jury recommends that the Cities, the Sheriff, and Probation continue to operate and maintain their cognizant incarceration facilities at least at the current level. The Grand Jury further recommends that Oxnard, Santa Paula, and Port Hueneme review and consider improvements in the areas noted above.

Background

There are fourteen places of incarceration in Ventura County, including ten holding cells (Camarillo, East Valley, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, Santa Paula, Simi Valley, and Ventura); one facility which acts as both a holding facility, and a post-sentenced jail (East Valley), two pre- and post-sentenced jails (Main Jail, Todd Road), one work furlough/work release facility, and one juvenile facility (JJC).

Penal Code section 919(b) states that, "The grand jury shall inquire into the condition and management of the public prisons within the county." Penal Code section 921 states that, "The grand jury is entitled to free access, at all reasonable times, to the public prisons, and to the examination, without charge, of all public records within the county." [Ref-01, Ref-02]

The Penal Code allows for a great deal of flexibility by grand juries in their mandatory inquiries and inspections. Every aspect suggested by the CSA need not be inspected; therefore, each independent grand jury may define its goals of inspection so long as they fall within the parameters of the applicable codes.

"The Corrections Standards Authority (CSA) is a state regulatory agency that establishes and promulgates standards for the construction, operation and administration of local detention facilities. These standards are found in Title 15 and Title 24, of the California Code of Regulations (CCR)." [Ref-03]

Methodology

The Grand Jury developed a checklist (see Table in FA-01) derived from some of the many CSA regulations. The Grand Jury made appointments in advance to visit all fourteen facilities and, in some cases, made second unannounced visits in order to follow up on some areas of concern. All data was collected by physical observation, verbal reports from a designated Point of Contact (POC) during the facility visit, and by review of P&Ps provided to the Grand Jury.

The Grand Jury inspected all fourteen places of incarceration within the County: Ojai, Moorpark, Fillmore, Thousand Oaks (East Valley), and Camarillo, are under contract with the Sheriff; Oxnard, Port Hueneme, Ventura, Santa Paula, and Simi Valley, all have their own independent police departments; East Valley, which serves as a holding facility for Thousand Oaks and also houses post-sentenced inmate trustees; the Main Jail, which books, classifies, and houses both pre- and post-sentenced inmates; the Todd Road Jail which classifies and houses pre- and post-sentenced inmates; the Juvenile Justice Facility, which houses both pre- and post-sentenced juveniles (under the age of eighteen); and the Work Furlough Facility, which houses only post-sentenced adult inmates who have earned the privilege to work while serving their sentences.

The Grand Jury looked carefully at the detention of juveniles. Focus was placed particularly in the areas of: segregation from adult arrestees; appropriate use of restraints; whether juveniles were within hearing distance of the staff; whether phone calls were made to parents/responsible parties; the presence and proper

maintenance of a juvenile booking log; the number of hours held; interview techniques used before transfer to JJC, and if the juveniles were not released to parents/responsible parties.

Facts

FA-01. The table below summarizes the results of the Grand Jury's evaluation of detention facilities in the County. The first column in the table identifies topics from CSA regulations selected by the Grand Jury for this year's review. The results were determined by three methods: direct observation during facility visits; verbal reports from the designated POCs during the facility visits; review of the P&Ps applicable to the facility. The following legend identifies the rating system used by the Grand Jury in its interpretation of CSA regulations:

- S – This Grand Jury feels the facility Satisfies CSA minimum standards
- E – This Grand Jury feels the facility Exceeds the minimum CSA standards
- N – This Grand Jury feels the facility Needs improvement as indicated, still meeting the CSA minimum standards
- NA – Not applicable for this facility
- R – Received documentation requested from the facility

	Jails					Holding Cells								
	Main Jail	Todd Road Jail	Juvenile Justice Facility	Work Furlough Facility	East Valley Facility/TO	Camarillo	Fillmore	Moorpark	Ojai	Oxnard	Port Hueneme	Santa Paula	Simi Valley	Ventura
Policy & Procedure Manuals	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Training for Natural Disasters	S	E	S	S	E	S	S	S	S	S	S	S	E	S
Medical Incidents	S	E	S	S	S	S	E	S	S	S	S	S	E	S
Physical Facility Observations														
Average Capacity	810	900	420	80	22	NA	3	4	4	75	6	15	25	6
Average Length of Stay (Hours)	NA	NA	NA	NA	8	3	2	1	3	4	4	4	3	2
Cell Cleanliness & Sanitation	E	E	S	S	E	E	S	E	S	S	S	S	S	S
Arrestee/Inmate Clothing/Personal Hygiene	S	S	S	S	S	NA	NA	NA	NA	S	NA	NA	NA	NA
Bedding/Linens	S	S	S	N	S	S	NA	S	S	N	S	NA	S	S
Toilet Accessibility	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Bodily Fluids Cleansers/Drainage	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Showers	S	S	S	S	S	S	NA	NA	S	S	NA	NA	S	NA
Safety & Maintenance	S	E	S	S	S	E	S	E	S	S	S	S	S	S
Phone Accessibility	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Water Accessibility	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Food/Snacks	S	S	S	S	S	S	S	S	S	S	N	S	S	S
First Aid/Medical Necessities and AED Accessibility	S	S	S	S	S	S	S	S	S	N	S	N	S	S
Classification/Segregation by Male/Female	S	S	S	S	NA	S	S	S	S	S	S	S	S	S
Classification/Segregation by Charge/Violence	S	S	S	NA	S	S	S	S	S	S	S	S	S	S
Appropriate Use of Restraints	S	S	S	S	S	S	S	S	S	S	S	S	S	S
English/Spanish Translators	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Special Accommodations for Juveniles														
Appropriate Use of Restraints	S	S	S	S	NA	E	S	S	S	S	S	S	S	S
Segregation from Adults	S	S	NA	NA	NA	E	S	S	S	S	S	S	S	S
Shouting Distance to Staff	S	NA	NA	NA	NA	E	S	S	S	S	S	S	S	S
Phone Call to Parents	S	NA	S	NA	NA	E	S	S	S	S	S	S	S	S
Interview before Transfer to Juvenile Hall	NA	NA	NA	NA	NA	E	S	S	S	S	S	S	S	S
Log	S	NA	S	NA	NA	E	S	S	S	S	S	S	S	S
Longest Time a Juvenile Held (Hours)	2	NA	NA	NA	NA	1	2	2	2	2	4	1	4	1

FA-02. East Valley, which services Thousand Oaks and Simi Valley, and incarcerates trustees, is a unique facility. It houses transient arrestees prior to delivery to the Main Jail and also houses male post-sentenced

trustees. Due to its size, East Valley has the first right of refusal of arrestees. East Valley does not house women, juveniles, or those with psychiatric or serious physical health issues. East Valley P&Ps state it is at the discretion of the deputy whether to accept an arrestee, or to direct the arresting officer to take arrestees to the Main Jail, a hospital, JJC, or to any other appropriate place.

- FA-03.** As indicated in the table by "NA," at most facilities, the Grand Jury could not make accurate assessments for arrestees' clothing and hygiene at the time of the visit. There was only one temporary holding facility with an arrestee at the Oxnard PD. Lack of an arrestee at a facility at the time of the visit precluded the evaluation.
- FA-04.** The Grand Jury observed and inquired of each POC approximate temporary cell capacity.
- FA-05.** The Grand Jury found that each adult arrestee is commonly held less than six hours in a temporary holding facility.
- FA-06.** Some facilities have been developing special programs for juveniles, such as Camarillo's "Diversion Program," and Ojai's "Project Parenting." Both programs are geared toward getting the parents/responsible parties of the offenders more involved and proactive in the juveniles' actions.
- FA-07.** East Valley had a fire in their clothes dryer in early December of 2011. Everyone was safely evacuated following P&Ps. Todd Road was affected by brush fires in 2003, and their evacuation also went smoothly and according to their P&Ps.
- FA-08.** At the Oxnard facility, there was one arrestee in a cell and lying on the floor, who had been arrested the night before. This arrestee was held for approximately 11 hours.
- FA-09.** All temporary holding cells and jails had bunks, mattresses, and/or wooden benches, except Oxnard. Oxnard offered arrestees blankets, but nothing to sit or lie upon except the concrete floor.
- FA-10.** At the Work Furlough facility, several rooms had damaged bedding (springs visible through the mattresses).
- FA-11.** The City of Port Hueneme did not have a stock of food for arrestees. The officers made "fast food runs."
- FA-12.** At the Oxnard and Santa Paula facilities there were no AEDs visible and/or available.

Findings

- FI-01.** All places of incarceration in the County meet the minimum standards of the CSA for the areas reviewed. (FA-01)
- FI-02.** Holding facilities and jails in the County are doing a satisfactory job holding, pre- booking or booking, and incarcerating juveniles. Both Ojai

and Camarillo facilities have innovative programs dealing with juveniles. (FA-01, FA-06)

- FI-03.** The following facilities excelled in overall cleanliness: Main Jail, Todd Road Jail, East Valley, Camarillo, Moorpark, and Simi Valley. (FA-01)
- FI-04.** All facilities are prepared for natural disasters and medical incidents. (FA-01, FA-07)
- FI-05.** All facilities, except Oxnard, provide mattresses, bunks, or other off-the-ground seating for arrestees. (FA-01, FA-09)
- FI-06.** At the Oxnard facility one adult arrestee, (who would commonly be held under 6 hours) was held approximately 11 hours before being transported to the Main Jail. (FA-08)
- FI-07.** All facilities have adequate first aid supplies available except Oxnard and Santa Paula, which lacked visible/available AEDs. (FA-01, FA-12)
- FI-08.** "Fast food runs" were made by officers at the Port Hueneme facility due to a lack of food on hand, taking time away from officers on patrol or other assigned duties. (FA-01, FA-11)
- FI-09.** Some bedding and mattresses at the Work Furlough facility were in need of replacement. (FA-01, FA-10)

Recommendations

- R-01.** That the cities of Oxnard and Santa Paula purchase or make visible AEDs. (FI-07)
- R-02.** That the City of Oxnard provide off-the-floor accommodations in order to insulate an arrestee from the concrete cell floor. (FI-05, FI-06)
- R-03.** That the City of Port Hueneme stock non-perishable food and not rely solely on officers making "fast food runs" for arrestees. (FI-08)
- R-04.** That the Ventura County Probation Department review the condition of bedding and mattresses at the Work Furlough Facility and replace these substandard items. (FI-09)
- R-05.** That the cities without parenting programs for juveniles review and implement innovative programs such as those of Camarillo and Ojai. (FI-01,FI-02)

Responses Required From:

City Council, City of Oxnard (FI-01, FI-02, FI-04, FI-05, FI-06, FI-07), (R-01, R-02, R-05)

City Council, City of Ventura (FI-01, FI-02, FI-04) (R-05)

City Council, City of Fillmore (FI-01, FI-02, FI-04) (R-05)

City Council, City of Moorpark (FI-01, FI-02, FI-03, FI-04) (R-05)

City Council, City of Ojai (FI-01, FI-02, FI-04)

City Council, City of Simi Valley (FI-01, FI-02, FI-03, FI-04) (R-05)

City Council, City of Camarillo (FI-01, FI-02, FI-03, FI-04)

City Council, City of Port Hueneme (FI-01, FI-02, FI-04, FI-08), (R-03, R-05)

City Council, City of Santa Paula (FI-01, FI-02, FI-04, FI-07), (R-01, R-05)

City Council, City of Thousand Oaks (FI-01, FI-02, FI-04) (R-05)

Ventura County Sheriff (FI-01, FI-02, FI-03, FI-04)

Responses Requested From:

Ventura County Probation Department (FI-01, FI-02, FI-04, FI-09), (R-04)

Commendations:

The cities of Camarillo and Ojai are to be commended for their innovative juvenile programs.

References

Ref-01. State of California, Penal Code section 919(b).
<http://law.onecle.com/california/penal/919.html>
(accessed January 23, 2012)

Ref-02. State of California, Penal Code section 921.
<http://law.onecle.com/california/penal/921.html>
(accessed January 23, 2012)

Ref-03. California Department of Corrections & Rehabilitation, Corrections Standards Authority, Title 15 and Title 24, CCR.
<http://www.cdcr.ca.gov/CSA/FSO/Regulations.html>
(accessed March 26, 2012)

Glossary

<u>TERM</u>	<u>DEFINITION</u>
AED	Automatic External Defibrillators
Camarillo	City of Camarillo
CCR	California Code of Regulations
County	Ventura County
CSA	Corrections Standards Authority
East Valley	East Valley Sheriff's Station in Thousand Oaks
Fillmore	City of Fillmore
Grand Jury	2011-2012 Ventura County Grand Jury
JJC	Juvenile Justice Complex in Oxnard
Main Jail	Pretrial Detention Facility in Ventura
Moorpark	City of Moorpark
Ojai	City of Ojai
Oxnard	City of Oxnard
P&Ps	Policies and Procedures
PD	Police Department
POC	Point of Contact
Port Hueneme	City of Port Hueneme
Probation	Ventura County Probation Department
Santa Paula	City of Santa Paula
Sheriff	Ventura County Sheriff
Simi Valley	City of Simi Valley
Todd Road	Todd Road Jail
Ventura	City of San Buenaventura
Work Furlough	Work Furlough/Work Release Facility in Camarillo

Attachment 6

June 20, 2012

The Honorable Judge Vincent O'Neill, Jr.
Presiding Judge, Superior Court of California
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

Subject: Grand Jury Report, "Mandatory Detention Facilities Inspections"

Dear Judge O'Neill:

This letter is in response to the Grand Jury's Findings and Recommendations pertaining to the recent mandatory detention facilities inspections.

FINDINGS

Finding FI-01:

All places of incarceration in the County meet the minimum standards of the CSA for areas reviewed. (FA-01)

Response:

We concur with this finding.

Finding FI-02:

Holding facilities and jails in the County are doing a satisfactory job holding, pre-booking or booking, and incarcerating juveniles. Both Ojai and Camarillo facilities have innovative programs dealing with juveniles. (FA-01, FA-06)

Response:

We concur with this finding, and add that the City of Moorpark began a "Parenting Project" course along with the City of Thousand Oaks in January 2012.

Finding FI-03:

The following facilities excelled in overall cleanliness: Main Jail, Todd Road Jail, East Valley, Camarillo, Moorpark, and Simi Valley. (FA-01)

Response:

We concur with this finding.

Finding FI-04:

All facilities are prepared for natural disasters and medical incidents. (FA-01, FA-07)

Response:

We concur with this finding.

RECOMMENDATIONS

Recommendation R-05:

That the cities without parenting programs for juveniles review and implement innovative programs such as those of Camarillo and Ojai. (FI-01, FI-02)

Response:

We agree with the recommendation, however want to make you aware that the City of Moorpark established the goal in June of 2011 of creating a "Parenting Project" course, similar to that being provided by the cities of Camarillo and Ojai. The City of Moorpark partnered with the City of Thousand Oaks and began providing "Parenting Project" classes in January 2012. The first class included twelve parents from the City of Moorpark.

Thank you for the opportunity to respond to this Grand Jury report. If additional explanation is needed, please feel free to contact City Manager Steve Kueny at 517-6212

Sincerely,

Janice Parvin, Mayor

Cc: Foreman, Ventura County Grand Jury
800 S. Victoria Avenue
Ventura, CA 93009

Honorable City Council
Steve Kueny, City Manager
Captain Ron Nelson