



Doug Haubert, City Prosecutor

333 West Ocean Boulevard, 2nd Floor

Long Beach, CA 90802

Telephone: (562) 570-5600

FAX: (562) 570-7140

Fact Sheet

From: Long Beach City Prosecutor's Office
Subject: Parent Accountability and Chronic Truancy (PACT) Program
Date: February 15, 2011

I. Summary

In January 2011, the Long Beach City Prosecutor's Office launched its Parent Accountability and Chronic Truancy (PACT) Program. This program is a collaborative effort by the Long Beach Police Department, Long Beach Unified School District, and the Long Beach City Prosecutor's Office.

PACT has two-prongs. First, parents of children in grades K-8 can be criminally prosecuted under a new State law (Penal Code § 270.1) if their children become "chronic truants" by missing more than 10% of all school days without any excuse.

Second, parents can be criminally prosecuted for contributing to the delinquency of a minor (Penal Code § 272) if the parent, by his or her acts or omissions, causes or encourages a minor to break the law, or disobey any lawful order of the juvenile court.

II. Prong 1: Chronic Truants (Penal Code § 270.1)

A. Background.

Senate Bill 1317, effective January 1, 2011, allows parents or guardians of chronic truants to be criminally prosecuted. A "chronic truant" is defined as a pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse for 10 percent or more of the schooldays in one school year, from the date of enrollment to the current date. (Educ. Code § 48263.6.)

A parent or guardian of a "chronic truant" can now be prosecuted under Penal Code § 270.1, if: (a) the child is age six years or more in K-8, and (b) there is proof the parent or guardian has failed to reasonably supervise and encourage the pupil's school attendance.

The penalty for a violation of § 270.1 PC is up to one year in county jail and a \$2,000 fine. A parent or guardian convicted under § 270.1 may participate in a deferred entry of judgment program, if approved by the Superior Court.

The need for SB 1317 is stated in the Senate Bill Analysis (8/30/2010):

“When it comes to breaking the cycle of crime, we can either pay attention to the signs of trouble now, or we can pay the price later. We pay that price in more ways than one. Elementary school children who fail to attend school today become tomorrow's high school dropouts. Dropouts are those most likely to end up in the streets as either victims or perpetrators of crime. Combating elementary school truancy is a smart approach to crime prevention.

The statistics speak volumes. Habitual truants become high school truants, and it is estimated that as many as 75 percent of all truant high school students will eventually drop out of school. Statewide, three-fourths of prison inmates are high school dropouts...

In 2007, the National Center for Children in Poverty issued a study finding that children who miss 10 percent or more of the days in a given school year are the most likely to suffer lower academic performance in subsequent school years.

Numerous studies demonstrate a strong correlation between teenage truancy and juvenile delinquency. The California Department of Education identified truancy as the most powerful predictor of juvenile delinquent behavior. The Office of Juvenile Justice and Delinquency Prevention reported that truancy correlates with substance abuse, gang involvement, and other criminal activity. A report by Fight Crime: Invest in Kids concluded that increasing graduation rates by 10 percentage points would decrease rates of violent crime by 20 percent, and prevent 500 murders and more than 20,000 aggravated assaults each year in California.”

B. Steps Before Prosecution.

A parent or guardian may not be prosecuted unless the school district has offered the family language accessible support services to address truancy. Also, the school district must follow guidelines in the Education Code for notifying parents when their child becomes truant.

In the case of LBUUSD, District officials also place calls to parents, hold office meetings, and hold hearings before a Student Attendance Review Board (SARB) before referring a case for prosecution. In all cases, the parent or guardian will also be invited to an office conference with the City Prosecutor to attempt to address the truancy before an action is filed in court.

II. Prong 2: Contributing to the Delinquency of a Minor (Penal Code § 272)

A. Background.

State law provides that parents and legal guardians have the duty to exercise reasonable care, supervision, protection, and control over their minor children. (Penal Code § 272 (a)(2).) Parents and guardians may be criminally prosecuted under Penal Code §272 for committing an act, or failing to commit an act, where such causes or encourages a minor to continue to violate the law or to habitually refuse to obey orders of the juvenile courts or school authorities.

Recently, LBPD Commanders contacted the City Prosecutor's Office about concerns that some juvenile offenders are continuing to violate the law. When police officers approach the parents of the juvenile offenders, it becomes apparent in some instances that the parents are either refusing to take steps to properly monitor their children or may even be condoning unlawful conduct by their children.

The penalty for a violation of § 272 PC is up to one year in county jail and a \$2,500 fine. Parents and guardians will face criminal charges under Penal Code §272 when they fail to take reasonable action to keep their children from breaking the law. Although the chronic truancy law established in Penal Code § 270.1 only applies where the minor is K-8 grade, Penal Code § 272 applies to neglectful parents regardless of grade level when the minor is under the age of 18.

B. Steps Before Prosecution.

Long Beach Police Department personnel will identify juvenile offenders who continue to break the law and/or disobey orders of the juvenile court or school authorities. Police will coordinate and consult with school district officials, and will contact the parents and guardians to discuss in person the following:

1. The juvenile's criminal history;
2. With whom the minor is associating;
3. The juvenile's school truancy history;
4. The availability of diversion, mentoring, and similar programs offered by public agencies and private non-profits (resource lists will be provided at the meeting);
5. The terms of the juvenile's terms of probation; and
6. The potential of criminal charges being filed against the parent/guardian, and deliver a Final Warning letter from the City Prosecutor.

After this meeting the police will monitor the conduct of the juvenile offender and hold follow-up meetings with parents/guardians. If requested by the parent or guardian, the City Prosecutor will hold an office conference before action is filed in court.

If the juvenile continues to break the law and it can be shown that parents or guardians are in violation of Penal Code §272, misdemeanor charges will be filed in court by the City Prosecutor's Office. Where juveniles are committing serious crimes and the parents or guardians appear to be encouraging or actively condoning unlawful conduct, the City Prosecutor will aggressively prosecute to hold adults accountable for crimes of the juveniles to the maximum extent allowed under the law.

For more information, please contact prosecutor@longbeach.gov or (562) 570-5614.

[END OF MEMORANDUM]