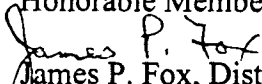


**COUNTY OF SAN MATEO**  
**Inter-Departmental Memo**

Date: August 17, 2001  
Hearing Date: September 11, 2001

TO: Honorable Members of the Board  
FROM:   
James P. Fox, District Attorney  
Pony #DAO111, Extension 4636

SUBJECT: Application for Renewal of the Spousal Abuser Prosecution Program Grant

**RECOMMENDATION**

Adopt a resolution authorizing submission of an application to the Department of Justice for grant funds in the amount of \$144,000 for the Spousal Abuser Prosecution Program for FY2001-2002.

**BACKGROUND**

AB801, Chapter 599, Statutes of 1994, authorized funding to be allocated by the Department of Justice for a statewide Spousal Abuser Prosecution Program (SAPP). The SAPP program was previously established by Statute in 1985 under Section 273.8 of the California Penal Code. This established a prosecution program focusing on defendants under arrest for domestic violence.

**DISCUSSION**

In October 1994, the District Attorney and staff made a presentation to the Board regarding domestic violence and the efforts of the District Attorney's Special Prosecutions Unit, which handled domestic violence vertical prosecutions. Shortly after that presentation, the California Department of Justice (DOJ) issued a Spousal Abuser Prosecution Program solicitation of interest document to all District Attorney's Offices throughout the state. The subject grant program was established in the spring of 1995 and an application is required each year to receive State funds through the Department of Justice.

From the inception of the grant program in 1995 through June 30, 2001, the Domestic Violence Victim Advocates have provided in excess of 24,000 service contacts to victims of domestic violence. Since May 1999, both of the DV Advocates have been bilingual in Spanish and have been able to provide bilingual and bicultural advocacy whenever needed. The service contacts include counseling, support, referrals, assistance with restraining orders and other protective measures and court accompaniment. These

services, that inherently facilitate effective prosecution of domestic violence, are provided by the two victim advocates funded by the grant.

Because the services provided by this unit are critically important both to the victims and the success of the prosecutions, if State funding is restricted or eliminated by the legislature in the future, the District Attorney's Office would request authorization from the Board to provide offsetting revenue to maintain the program in its present form.

### **FISCAL IMPACT**

Funding for this program includes salaries and benefits for two Domestic Violence Counselors as well as corresponding services and supplies costs. The DOJ requires submission of a proposal totaling \$144,000, with DOJ funding of \$120,000 and a 20 percent match from the County of San Mateo. The DOJ funding covers 92 percent of the salaries and benefits of the advocates. The balance of the salaries and benefits and all of the services and supplies are covered by match funds. The FY2001-2002 budget for the Office of the District Attorney includes appropriations to cover the required county match, and, therefore, there will be no net county cost impact.

**RESOLUTION NO. \_\_\_\_\_**

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

\*\*\*\*\*

**RESOLUTION AUTHORIZING SUBMISSION OF APPLICATION TO  
THE DEPARTMENT OF JUSTICE FOR THE DISTRICT ATTORNEY'S SPOUSAL  
ABUSER PROSECUTION PROGRAM**

**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that:

**WHEREAS**, the County of San Mateo desires to undertake a certain program designated the Spousal Abuser Prosecution Program to be funded, in part, from funds made available through the Spousal Abuser Prosecution Program (SAPP) and administered by the Department of Justice (hereinafter referred to as DOJ).

**WHEREAS**, it is agreed that any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and DOJ disclaim responsibility for any such liability.

**WHEREAS**, it is resolved that the applicant agrees to provide all matching funds required for said project (including any extension or amendment thereof), and that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the President of this Board of Supervisors hereby authorizes the District Attorney of the County of San Mateo, on behalf of the Board of Supervisors, to submit this proposal to DOJ, and is authorized to execute on behalf of the Board of Supervisors the Grant Award Agreement including any extensions or amendments thereof.

**SPOUSAL ABUSER PROSECUTION PROGRAM APPLICATION**

Please type or print in black ink.

**1. CITY OR COUNTY**San Mateo CountyDistrict or City Attorney: DISTRICT ATTORNEY JAMES P. FOXAddress: 400 COUNTY CENTERCity: REDWOOD CITY State: CA Zip: 94063Phone: (650)363-4636 Fax: (650)363-4873E-mail: jfox@co.sammateo.ca.us**2. BUDGET**SAP Program Funds Requested: \$120,000.00Cash Match: 24,000.00In-Kind Match: 0Total Program Cost: \$144,000.00**3. SAP PROGRAM DIRECTOR** (Person responsible for developing and implementing program objectives.)Name: Stephen M. Wagstaffe Title: Cheif Deputy DAAddress: 400 County CenterCity: Redwood City State: CA Zip: 94063Phone: (650)363-4752 Fax: (650)363-4873E-mail: swagstaffe@co.sammateo.ca.us**4. SAP PROGRAM CONTACT** (Person responsible for progress reports, staff verifications, etc.)Name: Elaine M. Tipton Title: Supervising Deputy DAAddress: 400 County CenterCity: Redwood City State: CA Zip: 94063Phone: (650)599-7326 Fax: (650)599-1681E-mail: etipton@co.sammateo.ca.us**5. SAP PROGRAM FISCAL CONTACT** (Person responsible for program invoices, budget modifications, etc.)Name: Mary Coughlan Title: Financial Svcs. Mgr.Address: 400 County CenterCity: Redwood City State: CA Zip: 94063Phone: (650)363-4004 Fax: (650)363-4873E-mail: mcoughlan@co.sammateo.co.us



**2001-2002**  
**BUDGET NARRATIVE**

The budget, as proposed, represents the estimated budgetary needs for year eight of the Spousal Abuser Prosecution Program for San Mateo County. This budget reflects the continued assignment of two Domestic Violence Counselors 100 percent of their time to provide victim advocate services to victims of domestic violence. A majority of the funding request covers the salary and benefits related to this capable and experienced staff. A negotiated salary increase scheduled in October 2001 has been factored into the budget. The budget is allocated to cover costs as follows:

**I. STAFF**

**A. Salaries**

Two (2) Domestic Violence Advocate salaries:

1.	\$1,846.40 x 8 pay periods =	\$14,771
	\$1,938.40 x 15 pay periods =	29,076
	\$2,049.60 x 3 pay periods =	<u>6,149</u>
	Subtotal	\$49,960
2.	\$1,745.60 x 8 pay periods =	\$13,965
	1,832.88 x 18 pay periods =	<u>32,992</u>
	Subtotal	\$46,957

Total Salaries **\$96,917**  
(SAPP Grant = \$96,917. Match = \$0)

**B. Benefits**

Two (2) Domestic Violence Advocate benefits:

1.	Retirement	\$ 4,657
	Health Insurance	4,404
	Dental Insurance	428
	Unemployment Insurance	48
	Workers Comp Insurance	1,562
	SDI	3,183
	Medicare	742
	Other Benefits	<u>1,632</u>
	Subtotal	\$16,656
2.	Retirement	\$ 4,800
	Health Insurance	2,443
	Dental Insurance	428
	Unemployment Insurance	48
	Workers Comp Insurance	1,614
	SDI	3,285
	Medicare	771
	Other Benefits	<u>1,632</u>
	Subtotal	\$15,021

Total Benefits **\$31,677**  
(SAPP Grant = \$23,083. Match = \$8,594)

C. Bi-Lingual Pay  
\$35 per pay period x 26 pay periods x 2 people = \$ 1,820  
(SAPP Grant = \$0. Match = \$1,820)

TOTAL Salaries and Benefits = \$130,414  
(SAPP Grant = \$120,000. Match = \$10,414)

## II. OPERATIONAL

A. Travel  
Includes travel for DV Advocates, and DV Unit attorneys not funded by grant, as approved by DOJ at the onset of the program.  
In-county travel to meet with victims to provide Counseling and advocacy services, work with law Enforcement personnel, and conduct outreach to Outside agencies and organizations.

\$300 per person x 4 people = \$ 1,200  
(SAPP Grant = \$0. Match = \$1,200)

B. Training and Education  
Includes training-related expenses for DV Advocates, and DV Unit attorneys not funded by grant, as approved by DOJ at the onset of the program.

\$500 per person x 4 people for training, meetings and conferences. = \$ 2,000  
(SAPP Grant = \$0. Match = \$2,000)

B. Supplies  
Minor supplies and books = \$ 200  
(SAPP Grant = \$0. Match = \$200)

C. SAPP Audit  
Annual audit = \$ 1,600  
(SAPP Grant = \$0. Match = \$1,600)

D. Witness and Interpreter Fees = \$ 192  
(SAPP Grant = \$0. Match = \$192)

E. Telephone Services  
Per capita costs. \$227,309/118 staff x 2 DV Advocates = \$3,852, less \$1,000 due to insufficient funds = \$ 2,852  
(SAPP Grant = \$0. Match = \$2,852)

F. Automation Services

Per capita costs. \$495,887/118 staff x 2 DV

Advocates = \$8,404, less \$2,862 due to  
insufficient funds

= \$ 5,542

(SAPP Grant = \$0. Match = \$5,542)

**TOTAL Operating Expenses**

= \$ 13,586

(SAPP Grant = \$0; Match = \$13,586)

**TOTAL PROGRAM BUDGET**

= \$144,000

(SAPP Grant = \$120,000. Match = \$24,000)

The main objectives of the program are to vertically prosecute both felony and misdemeanor domestic cases, and provide victims of domestic violence with information, referrals, counseling, assistance and court accompaniment. Both Domestic Violence Counselors are bi-lingual and meet or exceed the requirements of the Evidence Code section 1037.1. The program budget covers the salaries, benefits and operating expenses of the DV Counselors and travel-related expenses of the DV Unit attorneys. The budget has been developed to ensure that the unit has all available county resources at their disposal and provides adequate funding for case management. No administrative program management or clerical costs have been included in this budget so that all available funds can be directed to advocate and prosecutorial efforts. No subcontracts or other unusual expenditures are anticipated at this time.

The proposed operating expenses represent only 10% of the \$144,000 total budgeted funds, which are covered by the County match. It is believed that resources should be devoted to fill the positions with experienced staff who have knowledge of the local county system and who have demonstrated the skill and abilities necessary to successfully handle these sensitive and difficult cases.



**State of California**  
**Department of Justice**  
**Verification of Staff Qualifications**

*For work performed under provisions of the California Spousal Abuser Prosecution Program as established by California Penal Code section 273.8 and the 1994 Battered Women Protection Act*

To: Melanie Mercado  
SAP Program  
Office of the Attorney General  
1300 I Street, Room 1020  
Sacramento, CA 95814

From: San Mateo County District Attorney  
400 County Center  
Redwood City, CA 94063

Grant Number: 00SA07B028

Phone Number: (650) 599-7326

Contact Person: Elaine M. Tipton

E-mail: etipton@co.sammateo.ca.us

**SAP Program Position:**

Prosecutor  
(Former): May Mar/Elizabeth Raffaelli  
(Current): Sheryl Wolcott

**Funding:**

SAP Program \_\_\_\_\_ % Funded  
 Other Sources  
 Volunteer

Investigator  
(Former): Kat Colson  
(Current): Kat Colson

The Battered Women Protection Act of 1994 requires Spousal Abuser Prosecution Units receiving "Spousal Abuser Prosecution Program" grant funds to assign highly qualified investigators and prosecutors to spousal abuse cases. (Pen. Code § 273.82 (4b))  
(Please see SAP Program Guidelines.)

**SAP Program Position:**

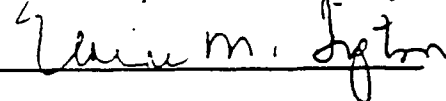
Domestic Violence Counselor/Advocate  
(Former): Lupe Oropeza  
(Current): Lupe Oropeza

**Funding:**

SAP Program 100 % Funded  
 Other Sources  
 Volunteer

The Department of Justice requires that "Domestic Violence Counselors/Advocates" involved in the SAP Program meet the California Evidence Code section 1037.1 definition of a "Domestic Violence Counselor/Advocate". (Please see SAP Program Guidelines.)

I certify that the above listed prosecutor, investigator and/or counselor/advocate of the Spousal Abuser Prosecution Unit of my county city meets or exceeds the requirements as outlined by the SAP Program Guidelines.

Signature 

Date JULY 23, 2001

Typed Name ELAINE M. TIPTON

Title SUPERVISING DEPUTY DISTRICT ATTORNEY

**DEPARTMENT OF JUSTICE - REVIEW AND APPROVAL**

Signature	_____	Date	_____
Typed Name	_____	Title	_____

**State of California**  
**Department of Justice**  
**Verification of Staff Qualifications**

*For work performed under provisions of the California Spousal Abuser Prosecution Program as established by California Penal Code section 273.8 and the 1994 Battered Women Protection Act*

To: Melaine Mercado  
SAP Program  
Office of the Attorney General  
1300 I Street, Room 1020  
Sacramento, CA 95834

From: **San Mateo County District Attorney**  
**400 County Center**  
**Redwood City, CA 94063**

Grant Number: 00SA07B028

Phone Number: (650)599-7326

Contact Person: Elaine M. Tipton

E-mail: etipton@co.sammateo.ca.us

SAP Program Position:

Prosecutor

(Former): Sandra Belloumini

(Current): Sandra Belloumini

~~XXXXXXXX~~ PROSECUTOR

(Former): Elaine M. Tipton

(Current): Elaine M. Tipton

Funding:

SAP Program

Other Sources

Volunteer

\_\_\_\_\_% Fund

The Battered Women Protection Act of 1994 requires Spousal Abuser Prosecution Units receiving "Spousal Abuser Prosecution Program" grant funds to assign highly qualified investigators and prosecutors to spousal abuse cases. (Pen. Code § 273.82 (4b))  
(Please see SAP Program Guidelines.)

SAP Program Position:

Domestic Violence Counselor Advocate

(Former): \_\_\_\_\_

(Current): \_\_\_\_\_

Funding:

SAP Program

Other Sources

Volunteer

\_\_\_\_\_% Fund

The Department of Justice requires that "Domestic Violence Counselors/Advocates" involved in the SAP Program meet the California Evidence Code section 1037.1 definition of a "Domestic Violence Counselor/Advocate". (Please see SAP Program Guidelines.)

I certify that the above listed prosecutor, investigator and/or counselor advocate of the Spousal Abuser Prosecution Unit of my county or city meets or exceeds the requirements as outlined by the SAP Program Guidelines.

Signature 

Date JULY 23, 2001

Typed Name ELAINE M. TIPTON

Title SUPERVISING DEPUTY DISTRICT ATTORNEY

DEPARTMENT OF JUSTICE - REVIEW AND APPROVAL

Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed Name \_\_\_\_\_

Title \_\_\_\_\_

**State of California**  
**Department of Justice**  
**Verification of Staff Qualifications**

*For work performed under provisions of the California Spousal Abuser Prosecution Program as established by California Penal Code section 273.8 and the 1994 Battered Women Protection Act*

To: Melanie Mercado  
SAP Program:  
Office of the Attorney General  
1300 J Street, Room 1020  
Sacramento, CA 95814

From: **San Mateo County District Attorney**  
**400 County Center**  
**Redwood City, CA 94063**

Grant Number: 00SA07B028

Phone Number: (650) 599-7326

Contact Person: Elaine M. Tipton

E-mail: etipton@co.sanmateo.ca.us

SAP Program Position:

Prosecutor

(Former): Laura Torres

(Current): Laura Torres

Funding:

SAP Program \_\_\_\_\_ % Fun

Other Sources

Volunteer

~~XXXXXXXXXX~~ PROSECUTOR

(Former): Morris Maya

(Current): Rachel Holt

The Battered Women Protection Act of 1994 requires Spousal Abuser Prosecution Units receiving "Spousal Abuser Prosecution Program" grant funds to assign highly qualified investigators and prosecutors to spousal abuse cases. (Pen. Code § 273.82 (4b))  
(Please see SAP Program Guidelines.)

SAP Program Position:

Domestic Violence Counselor/Advocate

(Former): Katherine Walker

(Current): Katherine Walker (resigned as of

6/30/01; recruitment to fill position underway)

Funding:

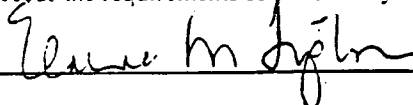
SAP Program 100 % Fun

Other Sources

Volunteer

The Department of Justice requires that "Domestic Violence Counselors/Advocates" involved in the SAP Program meet the California Evidence Code section 1037.1 definition of a "Domestic Violence Counselor/Advocate". (Please see SAP Program Guidelines.)

I certify that the above listed prosecutor, investigator and/or counselor/advocate of the Spousal Abuser Prosecution Unit of my county or city meets or exceeds the requirements as outlined by the SAP Program Guidelines.

Signature 

Date JULY 23, 2001

Typed Name ELAINE M. TIPTON

Title SUPERVISING DEPUTY DISTRICT ATTORNEY

DEPARTMENT OF JUSTICE - REVIEW AND APPROVAL

Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed Name \_\_\_\_\_

Title \_\_\_\_\_

## PROGRAM NARRATIVE FOR SAPP GRANT RENEWAL FY 2001-02

### Background

The San Mateo County District Attorney established the Domestic Violence Unit (hereinafter referred to as the "Unit") May 3, 1994, in order to implement the aggressive prosecution of domestic violence (hereinafter referred to as "DV"). The Unit was established after a seven month evaluation of the nature and volume of the domestic violence caseload within the office, based on statistics and the uniform review of all domestic violence police reports submitted by all police agencies within the county by a supervising prosecutor with extensive experience.

Initially, the Unit consisted of two full-time experienced prosecutors, whose duties were devoted exclusively to domestic violence cases, under the supervision of the supervising attorney described above. These two prosecutors handled all misdemeanor DV cases vertically, and handled all felony DV cases for preliminary hearing. The initial intent was to concentrate the vertical prosecutorial resources on DV misdemeanors, since the bulk of the cases filed were misdemeanors and it was these cases which could most benefit from early and aggressive intervention. In the first 12-month period after establishing the DV Unit, the number of DV cases filed increased by approximately 40% over the number filed in 1993. Not only was there a significantly greater number of cases filed, vertical prosecution of DV misdemeanor cases showed an immediate increase in the conviction rate.

Instrumental in the early stages of the DV Unit was the establishment of a DV Court. At the urging of the District Attorney, the Court agreed in July of 1994 to dedicate two judicial officers to hear all misdemeanor DV cases at the pre-trial and sentencing stages, thereby ensuring consistency and statutory compliance in the disposition of the bulk of DV cases which were resolved through plea rather than trial. At this same time, the courts handling arraignments became responsive to the Unit's consistent effort to oppose OR release, set bail and to obtain PC 136.2 protective orders in all misdemeanor DV cases.

Within the first year of the Unit, it became apparent that there was a significant need to provide advocacy to DV victims, with a particular need for bilingual services to victims. In February of 1995, this office applied for and was awarded SAPP grant funding which enabled the DV Unit to hire two full-time victim advocates, at least one of who was bilingual in Spanish.

In 1996, the next logical step occurred in response to the increasing number of felony DV cases being filed. As the Unit evolved, the ability to thoroughly research a suspect's background and history of unreported domestic violence had resulted in more cases being properly identified as felonies. Thus, between 1996 and 1997, a full-time vertical felony prosecutor became assigned to the DV Unit. The Unit now consisted of three full-time attorneys and two full-time victim advocates, under the supervision of the Supervising Deputy District Attorney.

In 1997, the court, in collaboration with the District Attorney and the Probation Department, established the post-conviction DV Review Court. In this court, the same two judicial officers who handle all misdemeanor DV cases at the pre-trial disposition and sentencing stages, now supervise the return of the convicted batterers to court post-sentencing. These defendants appear numerous times throughout the first 18 months of their three-year probationary period, to show proof to the judge of enrollment and successful participation and completion of the batterers' treatment program. The court also receives reports from the supervising probation officer, who keeps the court apprised of the defendant's performance on probation. This enables the court to exact immediate consequences, both positive and negative, on DV probationers. Probation violations and remands into custody can and do occur, both in response to any subsequent violence or other violations of probation conditions. In addition to achieving immediate accountability for those who fail on probation, other DV probationers present in the courtroom can observe what the consequences will be for such failures and thus, hopefully, receive the appropriate "deterrent message". Conversely, those who are performing well, complying with probation conditions, remaining violence-free, and participating meaningfully in the batterers' treatment program are praised and encouraged by the very judge who sentenced them, and required to make fewer return appearances to court.

In January 2000, in further recognition of the volume, complexity and importance of the DV Unit caseload, an additional attorney was added to the Unit to assist in both filing of cases and conducting preliminary hearings. The Unit is now staffed by 3.5 attorneys dedicated to vertical prosecution of misdemeanor and felony DV cases, two full-time victim advocates, at least one whom is bilingual in Spanish, all of whom are under the supervision of a Supervising DDA, who also assists in filing and reviewing cases and in staffing the DV Review Court.

#### Need For The Project

The DV Unit has become an integral part of the effort to reduce and, hopefully, eliminate violence between current and former partners. With over 1,400 DV cases submitted to the District Attorney each year by the various law enforcement agencies in San Mateo County, it is imperative that these cases are carefully assessed, aggressively prosecuted, and the necessary steps taken to attempt to protect the victim and change the abusive behavior. A traditional prosecutorial model simply does not address the complex nature of these cases, particularly the issues of the victims involved. Providing advocacy for the victims and their children, which includes counseling, referrals, court accompaniment and, most importantly, information and support, is essential to a successful outcome. Of equal importance is the follow-through which the DV Unit, in conjunction with DV Review Court, is able to achieve. Prosecuting and convicting a batterer is only the first step toward reaching the goals and objectives below.

## Goals and Objectives

The ultimate goal is, of course, to reduce and eliminate abuse perpetrated by an individual against a current or former partner. Aggressive prosecution acts to "criminalize" the behavior, so as to dispel the myth that this is a family matter, or is conduct which is acceptable among certain groups or in certain situations. Much like driving under the influence of alcohol cases over the past few decades, as society at large has come to understand that this conduct is a crime which will be punished, it is hoped that this message will have an overall deterrent effect. For the individual batterer, however, punishment is only one part of the equation. Rehabilitation, primarily through batterers' treatment programs, is essential to changing attitudes and behaviors. Also key to this effort is addressing, through counseling and court ordered abstention and chemical testing, the correlation between substance abuse and domestic violence.

Additionally, the needs of the victim, and any children in the relationship, are of paramount importance. It is our goal to be mindful of the concerns of the victim, even when they are in conflict with traditional prosecutorial endeavors. We must balance the prosecutorial duty to ensure the safety of DV victims and their children, while recognizing that prosecution of the batterer is often not desired by the victim. Providing advocacy, particularly that which is bilingual and bicultural, is a key component in attempting to strike that balance.

## Results and Benefits Expected

It is anticipated and, in fact, has already been noted that swift, consistent and aggressive vertical prosecution of domestic violence results in a greater number of convicted batterers. Once convicted and placed on probation, batterers will receive both education and motivation, through both positive and negative reinforcement, encouraging them to change behaviors that may be of long-standing duration. Many batterers report in counseling that the violent behavior they engage in is simply that which they grew up observing in their own homes, and never really considered it wrong. The overriding benefit expected is that the intergenerational cycle of violence, in which children in violent homes often grow up to be abusers or victims in their adolescent and adult relationships, will be broken.

## Collaborative Efforts

The efforts of the DV Unit have been made in collaboration with many other agencies, both public and private. In order to establish the DV Court, the Unit has collaborated with the Superior Court of San Mateo County, the Probation Department, the Sheriff and the Private Defender Program. The Unit collaborates with the two non-

profit community-based agencies which provide services to victims of domestic violence, Center for Domestic Violence Prevention and Sor Juana Ines. Other non-profits, such as Legal Aid Society, Family Law Center and Commission on Status of Women collaborate with the Unit on various issues and projects related to domestic violence.

The San Mateo County Domestic Violence Council has several members of the Unit, one of whom chairs the Legal Process Committee. Other members of the Unit participate in the Children's and Death Review Committees of the DV Council.

The Unit provides DV training to local law enforcement, community groups, judges, probation officers, dispatchers and medical groups.

The Domestic Violence Unit of the District Attorney's Office is viewed as a leader in the effort to address this problem in San Mateo County, and has been informally recognized for its efforts by both the County Manager and the Board of Supervisors. The Unit will continue to work with any and all agencies that share the goal of violence-free relationships and families.