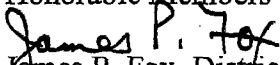


COUNTY OF SAN MATEO

Inter-Departmental Memo

Date: July 6, 2001
Hearing Date: July 24, 2001

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

SUBJECT: Application for Renewal of the Statutory Rape Prosecution Grant

RECOMMENDATION

Adopt a resolution authorizing the submission of a proposal to the Office of Criminal Justice Planning in the amount of \$150,000 for the Statutory Rape Prosecution Program for FY2001-02.

BACKGROUND

The Office of Criminal Justice Planning (OCJP) established a Statutory Rape Prosecution Program several years ago and solicited interest from all counties regarding the establishment of vertical prosecution units. San Mateo County decided to defer involvement until case statistics supported the need for a unit in the District Attorney's Office. In FY1998-99, after reviewing three years of statistics involving statutory rape, the District Attorney requested approval to initiate the program. In July 1998 your Board approved an amendment to the Salary Ordinance to permit the initiation of recruitment activities. In order for the District Attorney's final FY1998-99 budget appropriation to be in phase with the Master Salary Ordinance, a September revision was submitted, adding salaries, benefits and offsetting revenue to fund the attorney position.

DISCUSSION

An application is required each year to receive state funds through the Office of Criminal Justice Planning. From the Statutory Rape Unit's inception in January 1999 through December 2000, the unit has received 186 suspected statutory rape reports to investigate and prosecute. Of those, 162 cases were filed. Of those cases, 157 were filed as felonies and 5 cases were filed as misdemeanors. Twenty-one cases have been rejected for filing. The Unit has worked in tandem with the various police agencies of San Mateo County, Child Protective Services, Health Services, the San Mateo County School Districts, the Juvenile Probation Department and the San Mateo District Attorney's Investigators to successfully prosecute the crime of unlawful sex with a minor. As of December 31, 2000, the Unit was able to obtain 86 felony convictions and three misdemeanor convictions. Currently, 30 are under prosecution and arrest warrants are outstanding in the remaining cases.

FISCAL IMPACT

Total funding for FY2001-2002 will be covered from two sources. Once the Office of Criminal Justice Planning approves the grant proposal, the maximum grant program amount of \$150,000 will be available. Due to increases in salaries and benefits, and telephone and automation charges, the actual cost of this program is projected to exceed the grant amount, which results in a total projected net county cost of \$12,883. Funds have been included in the FY2001-02 Recommended Budget to cover these additional costs.

JPF/mtc
attachments

RECOMMENDED
.....
J. Math
.....
COUNTY MANAGER

RESOLUTION NO. _____

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

**RESOLUTION AUTHORIZING SUBMISSION OF APPLICATION TO
THE OFFICE OF CRIMINAL JUSTICE PLANNING FOR THE DISTRICT
ATTORNEY PROGRAM FOR THE PROSECTUION OF STATUTORY RAPE**

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 Statutory Rape Prosecution Program to be funded from funds made available through the Statutory Rape Prosecution Program and administered by the Office of Criminal Justice Planning (hereinafter referred to as OCJP).

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 OCJP disclaim responsibility for any such liability.

WHEREAS, it is agreed that the 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 OCJP, and is authorized to execute on behalf of the Board of Supervisors the Grant Award Agreement including any extensions or amendments thereof.

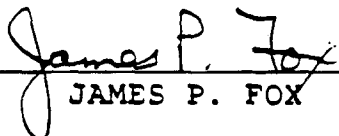
GRANT AWARD FACE SHEET

The Office of Criminal Justice Planning, hereafter designated OCJP, hereby makes a grant award of funds to the following Administrative Agency (1) SAN MATEO COUNTY hereafter designated Grantee, in the amount and for the purpose and duration set forth in this grant award.

(2) Implementing Agency Name DISTRICT ATTORNEY
 Contact STEPHEN WAGSTAFFE Address 400 COUNTY CENTER, 3rd Floor
REDWOOD CITY, CA 94063 Telephone (650) 363-4636

| | |
|---|---|
| (3) Project Title (60 characters maximum) STATUTORY RAPE VERTICAL PROSECUTION PROGRAM (SRVP) | (6) Award No. |
| (4) Project Director (Name, Title, Address, Telephone) (four lines maximum) Stephen Wagstaffe, Chief Deputy Office of the District Attorney 400 County Center, 3rd Floor Redwood City, CA 94063 (650) 363-4636 | (7) Grant Period July 1, 2001 - June 30, 2002 |
| (5) Financial Officer (Name, Title, Address, Telephone) (four lines maximum) George Scotch, Division Chief Controller's Office 555 County Center, 4th Floor Redwood City, CA 94063 (650) 500-1153 | (8) Federal Amount n/a |
| (9) State Amount \$150,000 | (10) Cash Match n/a |
| (11) In-Kind Match n/a | (12) Total Project Cost \$150,000 |

This grant award consists of this title page, the proposal for the grant which is attached and made a part hereof, and the Assurance of Compliance forms which are being submitted. The grant recipient signifies acceptance of this grant award and agrees to administer the grant project in accordance with the statute(s), the Program Guidelines, this Request for Application (RFA) and the OCJP Grantee Handbook. The Grant recipient further agrees to all legal conditions and terms incorporated by reference in the Program Guidelines, this RFA, and the OCJP Grantee Handbook.

| <u>FOR OCJP USE ONLY</u> | |
|---|---|
| Item Chapter PCA No Components No Project No Amount Split Fund Split Encumber Year Fed Cat = Match Requirement Fund Program Region | (13) Official Authorized to Sign for Applicant/Grant recipient <div style="text-align: center;">  Name: <u>JAMES P. FOX</u> Title: <u>DISTRICT ATTORNEY</u> Address: <u>400 County Center, 3rd Floor</u> <u>Redwood City, CA 94063</u> Telephone: <u>(650) 363-4636</u> Date: _____ </div> <p>I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purposes of this expenditure stated above.</p> <div style="text-align: center;"> _____ Fiscal Officer, OCJP Date </div> <div style="text-align: center;"> _____ Executive Director, OCJP Date </div> |

1. COUNTY OR COUNTIES SERVED: Enter the name(s) of the county or counties served by this project. Put an asterisk where the principal office of the project is located.

SAN MATEO COUNTY*

2. POPULATION OF SERVICE AREA: Enter the total population of the service area served by the project.

720,000

STATUTORY RAPE PROSECUTION PROGRAM

Project Title:

Grant Number (to be added by OCJP):

Provide the name, title, address, telephone number, and e-mail address for the project contact persons named below. If a section does not apply to your project, enter "N/A."

1. The person having day-to-day responsibility for the project:

Name: Linda M. Eufusia
Title: Deputy District Attorney
Address: 400 County Center, 3rd Floor, Redwood City, CA 94063
Telephone Number: (650)-363-4774 Fax Number: (650)-363-4873
E-Mail Address: leufusia.co.sanmateo.ca.us

2. The person to whom the person listed in #1 is accountable:

Name: Stephen M. Wagstaffe
Title: Chief Deputy District Attorney
Address: 400 County Center, 3rd Floor, Redwood City, CA 94063
Telephone Number: (650)-363-4752 Fax Number: () (650) 363-4873
E-Mail Address: swagstaffe.co.sanmateo.ca.us

3. The executive director of a nonprofit organization or the chief executive officer (e.g., chief of police, superintendent of schools) of the implementing agency:

Name: James P. Fox
Title: District Attorney
Address: 400 County Center, 3rd Floor, Redwood City, CA 94063
Telephone Number: (650) 363-4636 Fax Number: () (650) 363-4873
E-Mail Address: jfox@co.sanmateo.ca.us

4. The chair of the governing body of the implementing agency: (Provide address and telephone number other than that of the implementing agency.)

Name: Michael Nevin
Title: President of the Board of Supervisors
Address: 400 County Center, Redwood City, CA 94063
Telephone Number: (650)-363-4653 Fax Number: () (650) 599-1027
E-Mail Address: rgordon@co.sanmateo.ca.us

5. The person responsible for the project from the applicant agency, if different than #1:

Name: Stephen M. Wagstaffe
Title: Chief Deputy District Attorney
Address: 400 County Center, 3rd Floor, Redwood City, CA 94063
Telephone Number: (650)-363-4752 Fax Number: () (650) 363-4873
E-Mail Address: swagstaffe@co.sanmateo.ca.us

CERTIFICATION OF ASSURANCE OF COMPLIANCE

Note: There are different requirements for state and federal funds. (Those affecting only federally funded projects are identified.)

I, JAMES P. FOX, hereby certify that:
(official authorized to sign grant award; same person as line 13 on Grant Award Face Sheet)

GRANTEE: SAN MATEO COUNTY

IMPLEMENTING AGENCY: DISTRICT ATTORNEY

PROJECT TITLE: STATUTORY RAPE VERTICAL PROSECUTION PROGRAM

will adhere to all of the Grant Award Agreement requirements (state and/or federal) as directed by the Office of Criminal Justice Planning including, but not limited to, the following areas:

- I. Equal Employment Opportunity
- II. Drug-Free Workplace Act of 1990
- III. California Environmental Quality Act (CEQA)
- IV. Lobbying
- V. Debarment, Suspension, and Other Responsibility Matters
- VI. Other OCJP Certifications as Applicable

I. EQUAL EMPLOYMENT OPPORTUNITY (EEO)

A. General EEO Rules and Regulations (state and federal)

The applicant selected for funding acknowledges awareness of, and the responsibility to comply with, the following Equal Employment Opportunity requirements by signing the Grant Award Face Sheet (OCJP A301), including this Certification of Assurance of Compliance, and submit the application to the Office of Criminal Justice Planning (OCJP).

1. California Fair Employment and Housing Act (FEHA) and Implementing Regulations, California Administrative Code, Title 2, Division 4, Fair Employment and Housing Commission.
2. California Government Code Article 9.5, Sections 11135-11139.5 and Implementing Regulations, California Administrative Code, Title 22, Sections 98000-98413.
3. Title VI of the Civil Rights Act of 1964.

- 4 Title V, Section 504 of the Rehabilitation Act of 1973 (29 USCS Section 974) and Federal Department Regulations on its implementation; Government Code Section 4450, et. seq.
- 5 Subtitle A, Title II of the Americans with Disabilities Act (ADA), 42 USC Sections 12131-12134 and U.S. Department of Justice implementing regulations, 28 CFR, Part 35.
- 6 U.S. Department of Justice Regulations, 28 CFR, Part 42, Equal Employment Opportunity, Policies and Procedures -- **applies to federally funded grants only.**

Federal and state agencies have the legal right to seek enforcement of the above items of this assurance of compliance.

All appropriate documentation must be maintained on file by the project and available for OCJP or public scrutiny upon request. Violation of these provisions may result in withholding of grant funds by OCJP.

B The following apply to federally funded grants only:

Note: Effective Fiscal Year 1992/93, the Federal criteria and requirements apply to the "implementing agency" responsible for the day-to-day operation of the project (e.g., Probation Department, District Attorney, Sheriff).

1. Criteria for Federal EEO Program Requirements for Grants in the Amount of \$25,000-\$499,999. (Does not apply to community-based organizations).

Federal regulations require qualified recipient agencies of federal financial assistance to prepare an Equal Employment Opportunity Program (EEOP) upon meeting all of the following criteria:

- a. Grantee has 50 or more employees.
- b. Grantee has received a total of \$25,000 or more in grants or subgrants since 1968.
- c. Grantee has a service population of 3% minority representation (If less than 3% minority population, the EEOP must be prepared to focus on women).

The EEOP must be developed for the implementing agency responsible for the day-to-day operations of the program.

This implementing agency has formulated, or will formulate, implement, and maintain an EEOP within 60 calendar days of the date the Grant Award Face Sheet (OCJP A301) is signed by the Executive Director of OCJP. I also certify that the EEOP is/will be on file the following Affirmative Action (A.A.) Office:

A.A. Officer: n/a

Title: _____

Address: _____

Phone: _____

The EEOP is available for review or audit by officials of OCJP or the Federal Government, as required by relevant laws and regulations.

Additionally, I agree to submit a copy of said EEOP to OCJP (Attention: EEO Compliance Officer) within 60 calendar days of the Executive Director's signature on the OCJP A301.

3 Federal Grants of \$500,000 and Above

All applicants for federal grant funds of \$500,000 or more will submit a copy of their EEOP (developed for the implementing agency), or federal letter of compliance, to OCJP with the second stage application forms.

4 EEOP Updates for Continuing Federal Grants

Projects that have previously received a total of \$25,000 or more in federal grants, or a single award in the amount of \$500,000 or more, and have an approved EEOP on file with OCJP, are required to submit an annual update of their EEOP if funds are continued. The timeframe for EEOP updates are the same as identified in Section B. 2 and 3 above.

C The following apply to all OCJP grantees:

- 1 In addition to this Certification, all OCJP grantees must have a current EEO Policy Statement, established by their agency, posted in a prominent place accessible to employees and applicants; and
- 2 The poster entitled "**Harassment or Discrimination in Employment is Prohibited by Law**" also must be posted in a conspicuous location accessible to employees and applicants. This poster may be obtained from the local office of the Department of Fair Employment and Housing.

II. CALIFORNIA DRUG-FREE WORKPLACE ACT OF 1990 AND FEDERAL DRUG-FREE WORKPLACE ACT OF 1988 REQUIREMENTS

The above-named organization(s) will comply with the California Drug-Free Workplace Act of 1990 of California Government Code Section 8355, et. seq., and the Federal Drug-Free Workplace Act of 1988, and implemented as 28 CFR, Part 67, Subpart F, for grantees, as defined in 28 CFR, Part 67, Sections 67.615 and 67.620 by:

- A. Publishing a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations, as required in Government Code Section 8355(a).
- B. Establishing a Drug-Free Awareness Program as required by Government Code Section 8355(b), to inform employees about all of the following:
 - 1. The dangers of drug abuse in the workplace;
 - 2. The organization's policy of maintaining a drug-free workplace;
 - 3. Any available counseling, rehabilitation and employee assistance programs; and
 - 4. Penalties that may be imposed upon employees for drug abuse violations.
- C. Providing as required by Government Code Section 8355(c) that every employee who works on the proposed grant:
 - 1. Will receive a copy of the company's drug-free policy statement; and
 - 2. Will agree to abide by the terms of the company's statement as a condition of employment on the contract or grant.
- D. Notifying the employee in the statement required that, as a condition of employment under the grant, the employee will:
 - 1. Abide by the terms of the statement;
 - 2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.
- E. Notifying the agency, in writing, within ten (10) calendar days after receiving notice as required above from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position, and title to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, DC 20531. Notice shall include the identification number(s) of each affected grant.

- F. Taking one of the following actions, within 30 calendar days of receiving notice, with respect to any employee who is so convicted:
1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended;
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
- G. Making a good faith effort to continue to maintain a drug-free workplace through implementation of the above requirements.

III. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The above-named organization(s)/individual(s) will comply with the California Environmental Quality Act (CEQA) requirements as stated in the Public Resources Code, Division 13, Section 21000 et. seq. and other applicable rules and regulations.

All appropriate documentation will be maintained on file by the project and available for OCJP or public review upon request.

IV. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented as 28 CFR, Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR, Part 69, the applicant certifies that:

- A. No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of a cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

- C. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers [including subgrants, contracts under grants and cooperative agreements and subcontract(s)] and that all subrecipients shall certify and disclose accordingly.

V. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (applies to federally funded grants only)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR, Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR, Part 67, Section 67.510, the applicant certifies that it and its principals:

- A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department or agency.
- B. Have not, within a three-year period preceding this application, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
- C. Are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with, commission of any of the offenses enumerated above.
- D. Have not, within a three-year period preceding this application, had one or more public transactions (federal, state, or local) terminated for cause or default.

Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the grantee may be ineligible for award of any future grants if the Office of Criminal Justice Planning (OCJP) determines that any of the following has occurred: (1) the grantee has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

CERTIFICATION

I, the official named below, am the same individual authorized to sign the Grant Award Agreement [line 13 on Grant Award Face Sheet], and hereby swear that I am duly authorized legally to bind the contractor or grant recipient to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

Official's Signature: James P. Fox

Official's Typed Name: JAMES P. FOX

Official's Title: DISTRICT ATTORNEY

Date Executed: MAY 18, 2001

Federal ID Number: 94-6000532

Executed in the County of: SAN MATEO

PROJECT NARRATIVE

I. PROBLEM STATEMENT

Investigations and prosecutions of individuals for statutory rape in San Mateo County have never received any specific consideration by law enforcement and prosecutorial agencies. Cases of unlawful sexual intercourse in violation of Penal Code section 261.5 have traditionally been cast into general prosecution assignments and have been given a low priority by both police agencies and the District Attorney's Office. This attitude has created an adverse environment for statutory rape cases and resulted in an ongoing decline in successful prosecutions of individuals committing the crime of unlawful sexual intercourse. Additionally, this low priority approach has created friction with statutory rape victims and with the families of the victims who believe that there is little or no interest in the prevention and prosecution of this crime.

Dealing first with the problem of law enforcement investigation and prosecution of crimes of statutory rape, it has become apparent that law enforcement and prosecutorial agencies in San Mateo County, similar to police and prosecutorial agencies throughout the state, have determined that arrests and prosecutions for statutory rape should not receive high priority. Extensive resources have not been devoted for numerous reasons. First, cases of statutory rape often involve reluctant victims and parents of victims embroiled in parent-child conflict. The police regularly face the difficulty of convincing hesitant victims that a case should be investigated and prosecuted, while simultaneously listening to angry parents' demand that a suspect be immediately arrested. The police are not anxious to find themselves in the middle of an angry confrontation between parent and child concerning the relationship between the child-victim and the suspect who may be the supposed "boyfriend" or "girlfriend" of the victim.

Second, there is an obvious concern shared by police and prosecutors that the government has become involved in legislating and dictating public morality in the prosecution of certain cases of unlawful sexual intercourse. This concern is founded on the inaccurate conclusion that the crime of statutory rape is for the most part an antiquated prohibition on conduct now generally accepted in society. There has developed a belief in some segments of society that the state has no role in the establishment of standards of behavior in this area and the responsibility rests solely with the parents of the victim and the suspect. The concern of law enforcement agencies described above has created a reluctance to intervene when presented with allegations of unlawful sexual intercourse with a minor.

Third, there is a belief held by many persons in police and prosecutorial agencies that juries, representing the general view held by the public at large, will not convict persons charged with statutory rape out of a belief that the investigations and prosecutions are not a proper utilization of public resources. The view that public monies are better spent on education and prevention than on prosecution causes some cases of statutory rape to be under-investigated or inadequately prosecuted.

The overall problem is a lack of training and awareness by law enforcement agencies and prosecutors of the harm inflicted in the commission of this crime and the importance of prosecuting cases of statutory rape. Additionally, there is a lack of understanding by victims of the significant social damage inflicted by perpetrators of this offense.

A further problem in the prosecution of statutory rape cases is the approach to these cases by the prosecution. The cases are not assigned to individual vertical prosecutors. Instead the cases are maintained in general caseloads and a particular case may be handled by multiple prosecutors at various stages of the proceedings. The victim and the victim's family are unable to contact one prosecutor assigned to the case who knows the case and problems

faced by the victim. This creates substantial aggravation for the victim and the victim's family, leading to disillusionment with the criminal justice system and a lack of cooperation by the victim and the victim's family. The result is a decrease in successful prosecutions and an attendant increase in the community of the crime of statutory rape.

The combination of inadequate prosecution resources and negative attitudes toward the prosecution of these cases creates the problem sought to be resolved by the implementation of the Statutory Rape Vertical Prosecution Project in San Mateo County.

II. PROJECT PLAN

A. Project Description

The implementation of the Statutory Rape Vertical Prosecution Project in San Mateo County is centered in the San Mateo County District Attorney's Office. The overall plan is to create a Statutory Rape Vertical Prosecution unit in the District Attorney's Office staffed by an experienced deputy district attorney assigned exclusively to the prosecution of statutory rape cases, supervised by the Chief Deputy District Attorney, and supported by a legal secretary. The Statutory Rape Vertical Prosecution project would fund the deputy district attorney assigned to the project.

The Statutory Rape Vertical Prosecution Unit would seek to attack the problem of statutory rape by meeting and following goals.

1. Vertical prosecution of all statutory rape cases.
2. Increased training and contact with law enforcement agencies to heighten the police awareness of the social problems created by this crime and the need to increase investigations and prosecutions of individuals who commit statutory rape.

3. Increased contact with victims and families of victims of statutory rape to increase their knowledge of the detrimental impact this crime has on multiple segments of society, in order to increase cooperation with the prosecution by the victims and their families. This increase will lead to an increase in successful prosecutions of this offense.
4. Increased prosecutions of statutory rape cases by the District Attorney's Office to accomplish the goals set forth in this narrative.

The Statutory Rape Vertical Prosecution Unit will seek to impact the problems described above by the establishment of vertical prosecution for all statutory rape cases submitted to the District Attorney's Office for review and prosecution. Vertical prosecution entails the handling of each individual case of statutory rape by a single prosecutor from the initial submission. All cases submitted to the District Attorney's Office will be directed to the Statutory Rape Vertical Prosecution prosecutor who will review the cases and make the filing decision. The cases will no longer be funneled to multiple prosecutors and will no longer be subject to wide discrepancies in charging standards. A single standard of review will be insured by the vertical prosecutor. The same vertical prosecutor will make all court appearances on the statutory rape cases file and make all of the prosecution decisions involved in processing a case through the court system. These court hearings include trials, preliminary hearings, motions, bail hearings and pretrial conferences. The victims and families of victims will know the prosecutor assigned to their cases and will not be required to deal with myriad prosecutors in learning about their cases.

LINDA EUFUSIA is the deputy district attorney to be assigned as the Statutory Rape Vertical Prosecution Unit. Ms. Eufusia is an experienced prosecutor with almost a decade in the District Attorney's Office. She is presently assigned to our Statutory Rape Vertical Prosecution Unit and has had several years of felony and sexual assault trial experience. Ms. Eufusia has extensive experience in dealing with rape victims in that she was assigned to our sexual assault prosecution and prosecuted both child and adult sexual assault cases for two years. Ms. Eufusia is part of the Statutory Rape Vertical Prosecution program and is enthusiastic about her assignment to the unit.

STEPHEN WAGSTAFFE is Ms. Eufusia's supervisor and will be the Project Director. Mr. Wagstaffe has been a prosecutor for 22 years and is the Chief Deputy District Attorney for the San Mateo County District Attorney's Office. He has prosecuted sexual assault and statutory rape cases and has been the Chief Deputy for ten years.

As the deputy district attorney assigned to the Statutory Rape Vertical Prosecution unit, Ms. Eufusia will establish contact with all police agencies and public health agencies in San Mateo County in order to develop linkages with the agencies in order to increase referrals of statutory rape cases to this office. There are over 22 police agencies in San Mateo County and Ms. Eufusia will coordinate with each agency to insure that there is an awareness of the Statutory Rape Vertical Prosecution program. A training program for each agency will be established in which Ms. Eufusia will engage in training sessions with the officers of each agency to overcome the negative attitude described above and to increase the awareness of our county police officers concerning the significant social problem created by this crime.

As the vertical prosecutor, Ms. Eufusia will establish contact with each police agency's court liaison officer to insure that every case of statutory rape is referred directly to

her for review and prosecution as appropriate. Ms. Eufusia will also establish a strong link with the Sexual Assault Prosecution unit with this District Attorney's Office to insure that every sexual assault case submitted for review but determined to be a statutory rape case is referred to the Statutory Rape Vertical Prosecution Unit for prosecution instead of referred out for general prosecution or prosecution declined.

Ms. Eufusia will significantly increase contact with the victims and victim's families to insure that they are kept apprised of the progress of the case and to insure that the victims and their families have the opportunity to address the court at the time of sentencing concerning the appropriate disposition of the case.

B. Project Objectives and Activities

The Project Objectives Form is attached and included with this application.

C. Source Documentation

The source documentation used to collect and report data is computer data kept for all cases in San Mateo County. The San Mateo County District Attorney's Office participates in the County Justice Information System (CJIS) computer system. All cases submitted for prosecution to the District's Office are entered into this computer tracking system. The CJIS system and case files will serve as the tracking mechanism for all statutory rape cases and thereby provide the necessary information for data reporting for the statutory Rape Vertical Prosecution Project.

As a back-up system to the CJIS records, each case will have a case file that will entail the same data kept in the computer system.

STATUTORY RAPE VERTICAL PROSECUTION (SRVP) OBJECTIVES

FISCAL YEAR (FY) 2001/2002 PROJECT OBJECTIVES

Instructions for Completing Form

Enter the projected number to be achieved by the SRVP grant funded personnel during FY 2001/02 for each objective listed below. All projects are required to complete the baseline data information using their most current SRVP statistics from FY 2000/01.

| OBJECTIVE | BASELINE FY 2000/01 | PROJECTED |
|---|------------------------|-----------|
| FOR SRVP PROSECUTORS | | |
| 1. Enter the number of SRVP defendants with new cases referred to the SRVP unit. | 45 | 90 |
| 2. Enter the number of defendants with cases reviewed by the SRVP unit. | 53 | 106 |
| 3. Enter the number of cases filed by the SRVP unit. | 37 | 74 |
| 4. Enter the number of defendants whose felony cases were completed through sentencing. | 17 | 34 |
| 5. Enter the number of defendants whose misdemeanor cases were completed through sentencing. (Include only cases filed as misdemeanors) | 3 | 6 |
| FOR SRVP INVESTIGATORS | | |
| 1. Enter the number of new files opened. | n/a | n/a |
| 2. Enter the number of files acted upon (Include new files opened) | n/a | n/a |
| FOR SRVP ADVOCATES | | |
| 1. Enter the number of new teen primary victims referred. | n/a | n/a |
| 2. Enter the number of advocate cases receiving advocate services (Include new referrals) | n/a | n/a |

DISTRICT ATTORNEY/PUBLIC ADMINISTRATOR
County of San Mateo

Family Support Division

Executive Assistant

ASSISTANT DA

FINANCIAL SERVICES
MGR

Public Administrator Unit
1 MGMT ANAL 2 DPA 2 EPO

Bureau of Investigation
1 CHIEF 8 Insp

Fiscal Office Specialist

CHIEF DEPUTY
Municipal Court

CHIEF DEPUTY
Special Services

LEGAL OFFICE SVCS
MGR

RWC MUNI
1 DIC 9 DDA

Homicide/Verticals
6 DDA

Consumer Fraud
1 DIC 2 DDA

Superior Court
14 Clerical 3 Paragl

SSF MUNI
1 DIC 11 DDA

Special Prosecutions
1 DIC 4 DDA
2 Insp 3 DV
Advocates

Training

Municipal Court
18 Clerical

General Felony Pros
7 DDA

Statutory Rape Pros
1 DDA

Authorized Positions
2000-01

Juvenile Court
2 Clerical

Juvenile Court
1 DIC 2 DDA

| | |
|--------------|------------|
| Management | 9 |
| Supervisory | 13 |
| All Others | 96 |
| TOTAL | 118 |

Consumer Fraud
2 Clerical

Narcotics

Bureau of Investigat
1 Clerical

BUDGET NARRATIVE

The budget, as proposed, represents the estimated budgetary needs for year four of the Statutory Rape Vertical Prosecution Program for San Mateo County. This budget reflects the continued assignment of the same experienced and knowledgeable Deputy District Attorney who started the program in FY 1998-99, Linda Eufusia, 90% of her time to vertically prosecute statutory rape cases. The balance of the attorney's time will be spent handling other needs of the office.

This budget submission was developed to cover salaries and benefits and operating expenses for FY 2001-02. The operating expense budget covers costs associated with: required training and conferences relative to this program; in-county travel to meet with investigating officers and witnesses and conduct training to law enforcement personnel and community groups; funding for witness travel and per diem and expert witness consultation and testimony; membership dues with CDAA and the State Bar; and educational posters that will be disseminated to teen centers, community-based organizations and parents' groups.

The County negotiated salaries and benefits increases over a three-year period, which went into effect in October 1999. A 5% salary increase is anticipated in October 2001 and has been factored into the grant budget.

The operating expenses budgeted in this proposal provide the basic resources needed to prepare a case from investigation and initial case review through sentencing. In order to meet the grant budget, the following expenses have been deleted from the proposed budget: service charges for automation and telephone usage expense; county Bar membership; and miscellaneous supplies. Also the jury and witness fees have been decreased.

| BUDGET CATEGORY AND LINE-ITEM DETAIL | COST |
|--|---|
| <p data-bbox="132 142 566 174">A. Personal Services – Salaries</p> <p data-bbox="132 216 850 247"><u>DEPUTY DISTRICT ATTORNEY – IV-E (.90 FTE)</u></p> <p data-bbox="132 289 1065 394"> $\\$4776.00 \text{ per biweekly pay period} \times 8 \text{ pay periods} \times .90 = \\$34,387.20 +$ $\\$5014.4 \text{ per biweekly pay period} \times 18 \text{ pay periods} \times .90 = \\$81,233.28 =$ $\\$115,620.48.$ </p> <p data-bbox="132 436 1179 583"> The Deputy District Attorney will provide a capable and experienced prosecutor to this program to screen statutory rape cases for acceptance by the Statutory Rape Prosecution Program and is assigned these cases for prosecution from initial appearance through sentencing. </p> <p data-bbox="132 625 1171 730"> The Program Director, Stephen Wagstaffe, will oversee this project administratively as a function of his position but his efforts shall not be charged to this project. </p> <p data-bbox="132 772 1156 877"> Any salaries and benefits not covered by initial grant funding will be absorbed within the grant budget via grant modification or will be supported by local agency departmental funds. </p> | <p data-bbox="1272 321 1441 352" style="text-align: right;">\$115,620.00</p> |
| <p data-bbox="132 1759 240 1791">TOTAL</p> | <p data-bbox="1272 1759 1441 1791" style="text-align: right;">\$115,620.00</p> |

| BUDGET CATEGORY AND LINE-ITEM DETAIL | | | COST |
|--|-----------------------|--------------|--------------|
| A. Personal Services – Benefits | | | |
| ATTORNEY | \$ | % | \$25,521.00 |
| Health Insurance | \$ 4,607.00 | 3.99% | |
| Dental Insurance | \$ 960.00 | .83% | |
| Retirement | \$16,197.00 | 14.01% | |
| FICA | \$ 5,177.00 | 4.48% | |
| Unemployment Insurance | \$ 129.00 | .11% | |
| Workers' Compensation Insurance | \$ 771.00 | .67% | |
| Other Employee Benefits | \$ <u>516.00</u> | <u>.45%</u> | |
| TOTAL | \$28,357.00 | 24.54% | |
| Attorney = \$28,357.00 x .90 = \$25,521.30 | | | |
| TOTAL | Benefits | \$ 25,521.00 | \$141,142.00 |
| | Salaries and Benefits | \$115,621.00 | |

| BUDGET CATEGORY AND LINE-ITEM DETAIL | COST |
|---|-------------------|
| B. Operating Expenses | |
| <u>TRAVEL*</u> | |
| <u>Training</u> – for grant program only OCJP Statutory Rape Training – One Attendee Registration - \$200 per person Lodging - 5 nights at \$110 = \$550.00 Per Diem - 5 nights at \$37/day = \$185.00 Airfare - 1 roundtrip ticket = \$120.00 | \$1,055.00 |
| <u>Meetings</u> – for grant program only Teen Pregnancy Conference – One Attendee Registration - \$200 per person Lodging - 4 nights at \$110 = \$440.00 Per Diem - 4 nights at \$37/day = \$148.00 Transportation - 352 miles RT x \$.345 mile = \$121.44 | \$ 909.00 |
| <u>In-County Travel</u> – for grant program only Mileage - 8 trips to South San Francisco/month x 12 months @ 32 miles roundtrip @ \$.345/miles = \$1,059.84 - 100 miles month to various agencies and community organizations x 12 months x \$.345 = \$414.00 | \$1,474.00 |
| <u>JURY & WITNESS FEES</u> - for grant program only This will provide for court transcription services, expert witness consultation/testimony, travel/lodging/per diem and other court case related expenditures. | \$2,975.00 |
| <u>MEMBERSHIPS</u> CDA A - \$ x.90 = \$100.00 State Bar - \$ x.90 = \$345.00 | \$ 445.00 |
| <u>MISCELLANEOUS EXPENSE</u> Printing - \$2,000 - for grant program only | \$2,000.00 |
| *County travel policy allows for \$.345 per mile when traveling in personal vehicle on County business. | |
| TOTAL | \$8,858.00 |

| BUDGET CATEGORY AND LINE-ITEM DETAIL | | | | COST |
|--------------------------------------|---------|-----------|------------|---------------|
| C. Equipment | | | | -0- |
| N/A | | | | |
| CATEGORY TOTAL | | | | -0- |
| PROJECT TOTAL | | | | \$150,000 |
| FUND DISTRIBUTION | FEDERAL | STATE | CASH MATCH | IN-KIND MATCH |
| 1. Amount of Funds | N/A | \$150,000 | N/A | N/A |
| 2. Percentage of Funds | N/A | 100% | N/A | N/A |