

**DEPARTMENT OF JUSTICE (DOJ)
SPOUSAL ABUSER PROSECUTION PROGRAM GRANT AWARD**

The Department of Justice (DOJ) hereby makes a grant award of funds to San Mateo County District Attorney (Grantee), in the amount and for the purpose and duration set forth in this grant award.

Award Number: 02SA09B028 Grant Period: 7/1/02 - 6/30/03
 Amount of Grant: \$95,033
 Required Match: \$19,007
 Total Project Cost: \$114,040

Implementing Agency: San Mateo County District Attorney
 District Attorney: James P. Fox
 Title: District Attorney Phone: 650-363-4636
 Project Director: Stephen M. Wagstaffe
 Title: Chief Deputy District Attorney Phone: 650-363-4752
 Address: 400 County Center, 3rd Floor
 City/Zip Code: Redwood City, CA 94063
 Email: swagstaffe@co.sanmateo.ca.us

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, and the Request for Proposal as contained in the grant application prepared and submitted by the Implementing Agency and as approved by the Department of Justice (DOJ).

FOR DOJ USE ONLY	Official authorized to sign for Applicant/Grant Recipient:
Item: _____	Signature: <u>James P. Fox</u>
Chapter: _____	Title: <u>District Attorney</u>
Amount: _____	Printed Name: <u>James P. Fox</u>
Year: _____	Address: <u>400 County Center, 3rd Floor</u>
Fund: _____	<u>Redwood City, CA 94063</u>
Program: _____	Phone: <u>(650) 363-4636</u>
	Email: <u>jfox@co.sanmateo.ca.us</u>

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purposes of the expenditure stated above:

 Chief, Accounting Office, DOJ
 Date: _____

 Chief, Criminal Law, DOJ
 Date: _____

EXHIBIT A

James P. Fox, District Attorney/Public Administrator



STEPHEN M. WAGSTAFFE
CHIEF CRIMINAL DEPUTY

ASSISTANT DISTRICT ATTORNEYS
MARTIN T. MURRAY
MORLEY PITT

COUNTY OF SAN MATEO

400 COUNTY CENTER, 4TH FLOOR • REDWOOD CITY • CALIFORNIA 94063
DISTRICT ATTORNEY (650) 363-4677 • PUBLIC ADMINISTRATOR (650) 363-4475

July 10, 2002

Melanie Mercado, Coordinator
Spousal Abuser Prosecution Program
1300 I Street, Suite 125
Sacramento, CA 94244-2550

Dear Ms. Mercado:

Enclosed please find the renewal application for the SAP Program funding for FY 2002-2003. It is anticipated that, upon the award of funding, we will comply with a request for a resolution from the County Board of Supervisors.

Please do not hesitate to contact me (650)363-4677 if there are any questions or concerns regarding this application.

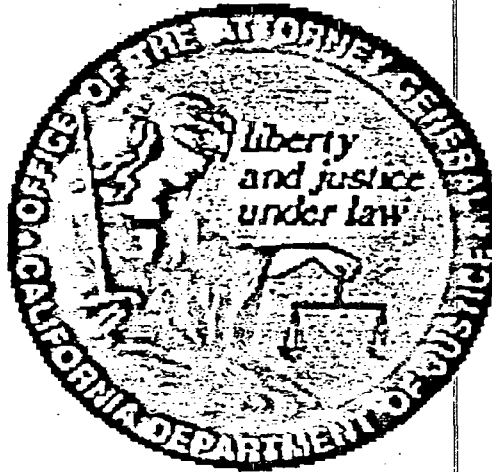
Very truly yours,

JAMES P. FOX, DISTRICT ATTORNEY

By *Elaine M. Tipton*
Elaine M. Tipton, Deputy

EMT/ajb
Encl.

State of California Department of Justice



2002/2003 Spousal Abuser Prosecution Program (S Continuation Application Due Date: July 31, 2002

SAP Legal Applicant: San Mateo County District Attorney

SAP Program Name: San Mateo County District Attorney, Domestic Violence Unit

Contact Person: Elaine M. Tipton

Phone: (650)599-7326

A complete Continuation Application Package (1 unbound original + 4 copies) in

1. Title Page
2. Application
3. Program Narrative (Maximum 4 Pages)
4. Budget and Budget Narrative
5. Staff Verification Forms (SAP 7A & 7B)

Please type or print in black ink.

7. OTHER FUNDING SOURCES (Please list other sources and amount of State or Federal DV vertical prosecution funding currently in effect.)

	Funder Name	Amount
1.	N/A	
2.		
3.		

8. SAP PROGRAM STAFFING (PROSECUTORS & INVESTIGATORS)

The Battered Women's Protection Act (Assembly Bill 801, 1994), requires grant recipients have three staffing components as part of the vertical prosecution team or unit in order to qualify to receive Spousal Abuser Prosecution (SAPP) grant funds. The staffing component consists of a prosecutor, an investigator, and a domestic violence counselor.

The Battered Women's Protection Act of 1994 requires that Spousal Abuser Prosecution Units receiving grant funds to assign highly qualified investigators and prosecutors to spousal abuse cases. (P.C. § 273.82(4b)).

"Highly qualified" is defined as any of the following:

- (a) Individuals with one year of experience in the investigation and prosecution of felonies.
- (b) Individuals with at least two years of experience in the investigation and prosecution of misdemeanors.
- (c) Individuals who have attended a program providing domestic violence training as approved by DOJ.

How many prosecutors will be assigned to the SAPP Program?

3.5 Attorneys

Do all SAPP prosecutors meet the training and experience requirements of the grant?

Yes No

Is there a SAPP 7 attached to this application for the prosecutor that qualifies your agency to receive grant funds, as well as, additional prosecutors funded wholly or in part by SAPP grant funds?

Yes No

How many investigators will be assigned to the SAPP Program?

One (1)

Do all SAPP investigators meet the training and experience requirements of the grant?

Yes No

Is there a SAPP 7 attached to this application for the investigator that qualifies your agency to receive grant funds, as well as, additional investigators funded wholly or in part by SAPP grant funds?

Yes No

SAPP PROGRAM STAFFING (DV Counselors or Victim Witness Advocates)

The Battered Women's Protection Act (Assembly Bill 801, 1994), requires grant recipients have three staffing components as part of the vertical prosecution team or unit in order to qualify to receive Spousal Abuser Prosecution (SAPP) grant funds. The staffing component consists of a prosecutor, an investigator, and a domestic violence counselor.

The Department of Justice requires that "Domestic Violence Counselors" involved in the SAPP program meet the California Evidence Code Section 1037.1 definition of a "Domestic Violence Counselor". The "Domestic Violence Counselor" must meet any of the following qualifications:

(a) A person who is employed by any organization providing the programs specified in Section 18294 of the Welfare and Institutions Code, whether financially compensated or not, for the purpose of rendering advice or assistance to victims of domestic violence, who has received specialized training in the counseling of domestic violence victims, and who meets one of the following requirements:

(1) Has a master's degree in counseling or a related field; or has one year of counseling experience, at least six months of which is in the counseling of domestic violence victims
 (2) Has at least 40 hours of training as specified in this paragraph and is supervised by an individual who qualifies as a counselor under paragraph (1), or is a psychotherapist, as defined in Section 1010. The training, supervised by a person qualified under paragraph (1), shall include, but need not be limited to, the following areas: history of domestic violence, civil and criminal law as it relates to domestic violence, societal attitudes towards domestic violence, peer counseling techniques, housing, public assistance and other financial resources available to meet the financial needs of domestic violence victims, and referral services available to domestic violence victims.

(b) A person who is employed by any organization providing the programs specified in Section 13835.2 of the Penal Code, whether financially compensated or not, for the purpose of counseling and assisting victims of domestic violence, and who meets one of the following requirements:

(1) Is a psychotherapist as defined in Section 1010; has a master's degree in counseling or a related field; or has one year of counseling experience, at least six months of which is in counseling victims of domestic violence.
 (2) Has the minimum training for counseling victims of domestic violence required by guidelines established by the employing agency pursuant to subdivision (c) of Section 13835.10 of the Penal Code, and is supervised by an individual who qualifies as a counselor under paragraph (1). The training, supervised by a person qualified under paragraph (1), shall include, but not be limited to, the following areas: law, victimology, counseling techniques, client and system advocacy, and referral services.

Please type or print in black ink.

1. IMPLEMENTING AGENCY

San Mateo County District Attorney

Contact Person's Name: Elaine M. Tipton

Title: Supervising Deputy

Address: 400 County Center

District Attorney

City: Redwood City

State: CA

Zip: 94063

Phone: (650)599-7326

Fax: (650)599-1681

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

2. EMPLOYER ID NUMBER

3. BUDGET

2002/2003 Program Year

SAP Funds Requested: \$95,033.00

Cash Match: \$19,007.00

In-Kind Match: \$0.00

Total Program Cost: \$114,040.00

4. SAP PROGRAM DIRECTOR

Name: Stephen M. Wagstaffe

Title: Chief Deputy District

Agency: San Mateo County District Attorney

Attorney

Address: 400 County Center

City: Redwood City

State: CA

Zip: 94063

Phone: (650)363-4752

Fax: (650)363-4873

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

5. SAP PROGRAM CONTACT

Name: Elaine M. Tipton

Title: Supervising Deputy

Agency: San Mateo County District Attorney

District Attorney

Address: 400 County Center

City: Redwood City

State: CA

Zip: 94063

Phone: (650)599-7326

Fax: (650)599-1681

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

6. SAP FISCAL CONTACT/TITLE

Name: Mary Coughlan

Title: Financial Services Manager

Agency: San Mateo County District Attorney

Address: 400 County Center

City: Redwood City

State: CA

Zip: 94063

Phone: (650)363-4004

Fax: (650)363-4873

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

ADDENDUM TO PAGE 3

12. The standard for prosecution in DV cases is the same as non-DV cases "Is it reasonably probable that a jury would find proof beyond a reasonable doubt?" In making this determination, the criteria assessed include: 1) Content of statements made by victim and witnesses; 2) Ability to corroborate victim with evidence (i.e., injuries, admissions by defendant, witnesses, etc.); 3) Presence of injury (though not required); 4) Use of weapon; 5) Degree of force used by perpetrator; 6) Ability to impeach victim if necessary; 7) Ability to prove case without victim's testimony if necessary; 8) Prior history of violence, whether or not reported and/or charged; 9) Defendant's criminal history.

Please type or print in black ink.

SAPP PROGRAM STAFFING (DV Counselors or Victim Witness Advocates) - Continued

How many counselors/advocates are assigned to the project?

Two (2)
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Do all SAP counselors/advocates meet the training and experience requirements of the grant?

Does your agency have an MOU or contract with an outside agency to provide counselors/advocates?

Note: If an MOU or contract does exist, please attach a copy to this application.

Is there a SAP 7 attached to this application for the counselor who qualifies your agency to receive grant funds, as well as, additional counselors funded wholly or in part by SAP grant funds?

Check the boxes that apply to the services provided to victims of domestic violence:

- Initiate and maintain contact with the victim
- Provide education on the legal system and the prosecution process
- Safety planning with the victim
- Keep the victim informed at all stages of the prosecution
- Make appropriate referrals to community agencies
- Appear with and support the victim at court hearings
- Represent the wishes and needs of the victim
- Coordinate with all members of the domestic violence team
- Provide language interpreter services

SAPP PROGRAM STAFFING (Reduced Caseloads)

The SAP grant requires "A significant reduction of caseloads for investigators and prosecutors assigned to spousal abuser cases".

Is there a significant reduction of caseloads for investigators and prosecutors assigned to spousal abuse cases as required by AB801, Sec. 4.273.82,(c)?

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Describe the types of crimes prosecuted under the SAP grant. (Example: Domestic Violence, Stalking, ...etc)

Domestic Violence, including but not limited to violations of PC Sections 273.5, 243(e), 245, 236, 207, 664/187, 136.1, 422, most stalking cases as well as certain 273.6 and 166 cases.

Describe the criteria utilized by your office when determining whether or not to prosecute a domestic violence case.

(Example: extent or seriousness of the injuries; use of a gun or other weapon; defendant's prior criminal history; past history of violence whether charged or uncharged; victim cooperation.)

Please see Addendum.

Does your office review "Domestic Violence Incident Reports" submitted by law enforcement, which did not result in an arrest?

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Describe the criteria used when determining whether a domestic violence case is prosecuted as a felony or a misdemeanor.

(Example: extent or seriousness of the injuries, use of a gun or other weapon, defendant's prior criminal history, past history of violence whether charged or uncharged)

Seriousness of injury, prior DV history, prior criminal history, use of weapon, callousness/depravity of conduct, vulnerability of victim (i.e., age, infirmity, pregnancy, etc.) whether children were victims/witnesses, nature of threats made, if any.

ADDENDUM TO PAGE 4

18. The DV Unit does not engage in sentencing negotiation in felonies, other than to indicate whether the defendant should be sentenced to county jail or state prison and, if the latter, for what maximum potential term. In misdemeanors, only the court engages in discussion of jail time. In any case, whether felony or misdemeanor, in which the defendant is convicted without a sentence limitation by the judge, the prosecution will argue for the aggravated sentence whenever the circumstances warrant such a position. In any case where the court has placed a sentence limitation, the prosecution will argue for the maximum sentence allowed under the sentence limitation, assuming the circumstances of the case warrant such punishment. In virtually all domestic violence cases where the defendant is placed on probation, a significant period of incarceration is sought and imposed, as well as the statutory mandated counseling and other conditions.

5. What method of vertical prosecution does your SAPP program practice?

True Major Stage Unit Other

Note: If you answered "Other", please explain.

Both misdemeanors and felonies are prosecuted vertically. Felonies are unit verticality until the the cases reaches Superior Court, at which point they are handled with "true verticality", unless the case count for that prosecutor becomes excessively high. In those instances, a "backup" felony prosecutor with extensive DV experience is assigned to handle the case. Misdemeanors handled in the two branches are handled vertically at all major stages of prosecution.

5. The SAPP grant requires that "All reasonable prosecutorial efforts shall be made to reduce the time between arrest and disposition of charge against an individual meeting spousal abuser criteria". Describe your SAPP program's success in obtaining a reduction of time between arrest and disposition of domestic violence cases.

All post-arrest filings occur within two days of arrest. Almost all non-arrest filings occur within 12 - 30 days of receipt of the police report. At arraignment, pre-trial disposition dates are set within 2 - 3 weeks, and jury trials are set 30 - 60 days from arraignment (misdemeanors) and felonies are set for pre-trial and jury trial date usually within 30 - 90 days of arraignment. Continuances are routinely opposed unless necessary to effectuate disposition or present evidence needed to obtain a conviction.

The SAPP grant requires that "All reasonable prosecutorial efforts shall be made to resist the pretrial release of a charged defendant meeting spousal abuser selection criteria". Describe your SAPP program's efforts to prevent pretrail release of domestic violence defendants.

Our DV Unit routinely asks that bail be set in all DV cases, both misdemeanor and felony. We ask that bail be set according to the bail schedule, unless there are aggravating circumstances which warrant higher bail. We routinely oppose defense bail reduction and OR requests, and we request a hearing pursuant to PC 1270.1 when appropriate. The Unit asks for PC 136.2 protective orders at arraignment.

The SAPP grant requires "All reasonable prosecutorial efforts shall be made to persuade the court to impose the most severe authorized sentence upon a person convicted after prosecution as a spousal abuser". Describe the SAPP program's efforts to ensure that the most severe sentence is issued.

Please see Addendum.

Describe the SAPP programs policy concerning plea bargaining of domestic violence cases.

In misdemeanor DV cases, where alternative counts are charged, we seek to obtain a guilty or no contest plea to the appropriate charge which reflects domestic violence conduct. Where proof problems may compromise the outcome of the case, we may offer a lesser charge (i.e., PC 242). In felonies, absent significant proof problems the defendant will always be required to plead guilty or no contest to one or more felony counts reflecting domestic violence conduct, admit any DV prior convictions. In the most serious (non-homicide) cases, the defendant will be required to plead guilty to the most serious felony charge (i.e., 664/187, 207, etc.).

ADDENDUM TO PAGE 5

20. We refer victims to such programs within the county.
21. & 22. This is usually done through communications by one or more of the following: 1) DV Unit Victim Advocates and Victim Information and Restitution Program (both housed within the District Attorney's Office), 2) The Sheriff's Office "Violent Crime Victim Notification Program", and 3) The Probation Department (post sentencing).
24. We have a Domestic Violence Council and other collaborative efforts addressing DV.

SPOUSAL ABUSER PROSECUTION PROGRAM APPLICATION PAGE 5*Please type or print in black ink.*

20. Does your office have a "Cell Phone Program" for victims of domestic violence? Yes No
21. Does your office have an automatic "Victim Information and Notification System" in place to notify victims of changes in the status (custody, location, sentence expiration) of offenders? Yes No
22. Does your office notify victims of changes in the status (custody, location, sentence expiration, etc...) of offenders? Yes No
23. Does your county have a "Domestic Violence Court"? Yes No
24. Does your county have a "Domestic Violence Response Team"? Yes No
25. Does your county have a "Domestic Violence Death Review Team"? Yes No
26. Does your county have a domestic violence outreach program? Yes No
27. Is domestic violence training offered to the law enforcement of your county? Yes No
28. Is domestic violence training offered to the judges of your county? Yes No
29. Does the law enforcement of your county use "photodocumentation" to document domestic violence cases? Yes No
30. Does your agency have written policy and procedures for the prosecution of domestic violence cases? Yes No

31. Official Authorized to Sign for Applicant/Grantee

The grant recipient signifies acceptance of this grant award and agrees to administer the grant project in accordance with the statute(s) and the Program Guidelines as contained in the grant application prepared and submitted by the Implementing Agency and as approved by the Department of Justice (DOJ).

Signature: James P. Fox
 Printed Name: James P. Fox
 Fax Number: (650) 363-4873

Title: District Attorney, San Mateo County
 Phone Number: (650)363-4636
 Email Address: jfox@co.sanmateo.ca.us

PLEASE SEE ADDENDUM RE: QUESTION 20, 21, 22 AND 24.

2002-2003
BUDGET NARRATIVE

The budget, as proposed, represents the estimated budgetary needs for year nine 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. The entire funding request covers ninety-two percent (92%) of the salary related to this capable and experienced staff. Merit increase for one DV Counselor is budgeted. The budget is allocated to cover costs as follows:

A. Salaries

Two (2) Domestic Violence Advocate salaries:

1. \$2,049.60 x 26 pay periods	=	\$ 53,289.60
2. \$1,833.60 x 5.5 pay periods	=	\$ 10,084.80
1,938.40 x 20.5 pay periods	=	<u>39,737.20</u>
Subtotal		\$ 49,822.00
Total Salaries (\$103,111.60)		\$103,112.00

SAPP Grant = \$95,033. Match = \$8,079

B. Benefits

Two (2) Domestic Violence Advocate benefits:

1. Retirement	\$ 4,968
Health Insurance	7,150
Dental Insurance	408
Unemployment Insurance	48
Workers Comp Insurance	1,824
OASDI	3,384
Medicare	792
Other Benefits	<u>336</u>
Subtotal	\$18,910
2. Retirement	\$ 4,641
Health Insurance	2,622
Dental Insurance	846
Unemployment Insurance	48
Workers Comp Insurance	1,704
SDI	3,162
Medicare	735
Other Benefits	<u>336</u>
Subtotal	\$14,094
Total Benefits	\$33,004

SAPP Grant = \$0. Match = \$10,928

TOTAL SALARY and BENEFITS

SAPP Grant = \$95,033. Match = \$19,007

BUDGET FORM

Please attach Budget Narrative to this page.

Implementing Agency: _____

A. STAFF

	SAPP Funds Requested	Other Federal/State/ Local Funds Utilized	Total Program Funding
Salaries	\$95,033.00	\$8,079.00 =	\$103,112.00
Benefits		\$10,928.00	\$10,928.00
Training & Education			\$0.00
(please specify in budget narrative) Other			\$0.00
Subtotal	\$95,033.00	\$19,007.00	\$114,040.00

B. OPERATIONAL

Travel		=	\$0.00
Transportation			\$0.00
Supplies			\$0.00
(Acquisition cost of more than \$500) Equipment			\$0.00
SAPP Audit			\$0.00
(please specify in budget narrative) Other			\$0.00
SUBTOTAL	\$0.00	\$0.00	\$0.00

Total Budget	\$95,033.00	\$19,007.00	\$114,040.00
	83.33%	16.67%	100.00%
	(max. 80%)	(min. 20%)	(Total 100%)

C. Listing of SAPP Staff

Staff Name	Position/Title (DDA, Supervisor, Investigator, etc..)
Guadalupe Oropeza	DV Counselor (Social Worker)
Monica Castillon	DV Counselor (Social Worker)

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 AB801.

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

From:

Grant Number: _____

Phone Number: (650)599-6326

Contact Person: Elaine M. Tipton

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

AP Program Position:

Funding:

- Prosecutor
(Former): Elizabeth Raffaelli
(Current): Sheryl Wolcott
- Investigator
(Former): Kat Colson
(Current): Ivan Grosshauser

- SAP Program _____ % Funded
 Other Sources
 Volunteer
- SAP Program _____ % Funded
 Other Sources
 Volunteer

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.)

AP Program Position:

Funding:

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

- SAP Program _____ % 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 meets or exceeds the requirements as outlined by the SAP Program Guidelines.

Signature: 

Date: 8-Jul-02

Printed Name: Elaine M. Tipton

Title: Supervising Deputy District Attorney

DEPARTMENT OF JUSTICE - REVIEW AND APPROVAL

Signature: _____

Date: _____

Printed Name: _____

Title: _____

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 ninety-two percent (92%) of the salaries of the DV Counselors. 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.

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, both of whom are 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.

PROGRAM NARRATIVE FOR SAPP GRANT RENEWAL FY 2002 - 03

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.

on Status of Women collaborate with the Unit on various issues and projects related to domestic violence.

The Unit actively participates in the collaborative function of the San Mateo County Domestic Violence Council. The Legal Process Committee of the DV Council is chaired by the Supervising Deputy District Attorney of the Unit. Other members participate in the Children/Multi-Cultural/Education (CME) and Death Review Committees of the DV Council.

Within the last year there has been a countywide effort launched to address the co-occurrence of domestic violence and child abuse. This is a multi-disciplinary collaborative of health, social services, education and law enforcement agencies. The Unit has actively participated in this group, entitled Violence in Families Initiative Planning (VIP).

The Unit also 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.

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.

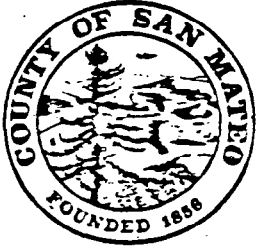
Results and Benefits Expected

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 community-based non-profit 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

James P. Fox, District Attorney/Public Administrator



STEPHEN M. WAGSTAFFE
CHIEF CRIMINAL DEPUTY

ASSISTANT DISTRICT ATTORNEYS
MARTIN T. MURRAY
MORLEY PITT

COUNTY OF SAN MATEO

400 COUNTY CENTER, 3RD FLOOR • REDWOOD CITY • CALIFORNIA 94063
PUBLIC ADMINISTRATOR (650) 363-4475 • DISTRICT ATTORNEY (650) 363-4636

August 6, 2002

Spousal Abuser Prosecution Program
Department of Justice
1300 I Street, Room 1020
Sacramento, CA 95814
Attn: Melanie Mercado

Subject: Spousal Abuser Prosecution Program Grant No. 02SA09B028 Grant Documents

Dear Ms. Mercado:

The San Mateo County Board of Supervisors Resolution for reapplication of this grant is expected to be signed at the Board meeting on September 10, 2002. It is anticipated that the Resolution will be mailed to you no later than September 30, 2002.

Should you have any questions regarding this matter, please contact the undersigned at (650) 363-4004. Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "James P. Fox".

James P. Fox
District Attorney

cc: E. Tipton

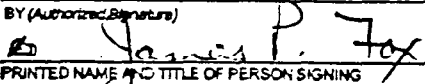
EXHIBIT B

DRUG-FREE WORKPLACE CERTIFICATION

STD. 21 (REV. 12-83)

CERTIFICATION

I, the official named below, hereby swear that I am duly authorized legally to bind the contractor or grant recipient to the certification described below. I am fully aware that this certification, executed on the date below, is made under penalty of perjury under the laws of the State of California.

CONTRACTOR/BIDDER FIRM NAME San Mateo County District Attorney		FEDERAL ID NUMBER 94-6000532
BY (Authorized Signature) 		DATE EXECUTED August 6, 2002
PRINTED NAME AND TITLE OF PERSON SIGNING James P. Fox, District Attorney		TELEPHONE NUMBER (Include Area Code) (650) 363-4636
TITLE San Mateo County		
CONTRACTOR/BIDDER FIRM'S MAILING ADDRESS 400 County Center, 3rd Floor Redwood City, CA 94063		

The contractor or grant recipient named above hereby certifies compliance with Government Code Section 8355 in matters relating to providing a drug-free workplace. The above named contractor or grant recipient will:

1. Publish 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 by Government Code Section 8355(a).
2. Establish a Drug-Free Awareness Program as required by Government Code Section 8355(b), to inform employees about all of the following:
 - (a) The dangers of drug abuse in the workplace,
 - (b) The person's or organization's policy of maintaining a drug-free workplace,
 - (c) Any available counseling, rehabilitation and employee assistance programs, and
 - (d) Penalties that may be imposed upon employees for drug abuse violations.
3. Provide as required by Government Code Section 8355(c), that every employee who works on the proposed contract or grant:
 - (a) Will receive a copy of the company's drug-free workplace policy statement, and
 - (b) Will agree to abide by the terms of the company's statement as a condition of employment on the contract or grant.
4. At the election of the contractor or grantee, from and after the "Date Executed" and until _____^(DATE) (NOT TO EXCEED 36 MONTHS), the state will regard this certificate as valid for all contracts or grants entered into between the contractor or grantee and this state agency without requiring the contractor or grantee to provide a new and individual certificate for each contract or grant. If the contractor or grantee elects to fill in the blank date, then the terms and conditions of this certificate shall have the same force, meaning, effect and enforceability as if a certificate were separately, specifically, and individually provided for each contract or grant between the contractor or grantee and this state agency.

EXHIBIT C