STEVE COOLEY
LOS ANGELES COUNTY DISTRICT ATTORNEY

18000 CLARA SHORTRIDGE FOLTZ CRIMINAL JUSTICE CENTER
210 WEST TEMPLE STREET LOS ANGELES, CA 90012-3210 (213) 974-3501

June 4, 2008

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

AUTHORIZE THE DISTRICT ATTORNEY TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE GOVERNOR'S OFFICE OF EMERGENCY SERVICES (OES) FOR THE STALKING AND THREAT ASSESSMENT TEAM (STAT) FOR FISCAL YEAR (FY) 2008-09 ALL DISTRICTS (3-VOTES)

SUBJECT

This Board Letter requests authority for the District Attorney's Office to apply for and accept grant funds to continue the STAT program in FY 2008-09, and requests the Chair to sign the required Certification of Assurance of Compliance Form.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Authorize the District Attorney, on behalf of the County of Los Angeles, to submit a grant application to OES in the amount of $240,000 for the period of July 1, 2008 to June 30, 2009. The grant award amount is $180,000 with a required 25 percent match of $60,000.

2. Request the Chair of the Board to sign and affix a wet signature to the enclosed Certification of Assurance of Compliance form required to complete the OES grant application.

3. Delegate authority to the District Attorney, or his designee, upon award of grant funding by OES, to accept and execute the Grant Award Agreement (GAA). This also includes authorization to approve any subsequent amendments, modifications, and/or extensions to the grant award that do not increase the net County cost of the program.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The OES Request for Application (RFA) for the 2008-09 STAT Program requires applicants to complete a Certification of Assurance of Compliance form which includes details regarding Equal Employment Opportunity Program (EEOP), Drug Free Workplace Compliance, California Environmental Quality Act, Lobbying, Debarment and Suspension requirements, and Proof of Authority from City Council/Governing Board. Applicants are required to submit the necessary assurances and documentation before finalization of the GAA.

Board authorization to apply for and accept grant funds is requested in order to comply with County and OES requirements.

Implementation of Strategic Plan Goals

This program is part of the District Attorney's commitment to assist underserved victims of crime by alleviating trauma and the devastating effects of crime on the lives of victims and their families. Acceptance of the grant award supports the County's Strategic Plan Goal No. 4, Fiscal Responsibility, by securing an available revenue source at the federal level.

FISCAL IMPACT/FINANCING

The estimated project cost for the STAT Program is $276,000. After the offset of $180,000 in grant funds, the District Attorney will absorb a total of $96,000, which includes the 25 percent required match of $60,000.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

In 1998, Federal Violence Against Women Act (VAWA) funds were first made available to Los Angeles County to respond to the rising number of stalking and criminal threat cases through vertical prosecution by the STAT. Prior to the creation of STAT, no centralized unit within the Los Angeles County District Attorney's Office was dedicated to the vertical prosecution of these very serious cases. In addition, STAT actively participates in cross-training with specialized law enforcement stalking units; and regularly consults with and provides training to the District Attorney's Victim Impact Program which has vertical prosecutors who handle the less complex stalking cases throughout the County.

Victims of stalking often do not notify law enforcement of their stalker's conduct because they fear there will be no response or an inadequate response by the legal system. They often believe it is better not to aggravate the offender, so they do nothing and live in fear.

Victim awareness of stalking laws and the ability to obtain criminal protective orders is a key mechanism for enhancing their safety. STAT uses all available tools to protect stalking victims. The victim advocate, grant funded by the Victim Witness Assistance Program, works with the STAT attorney to ensure that the victim understands all victim services available, provides direct services such as crisis intervention, assistance in completing State Victim Compensation forms, court escort during the court proceedings, and, if necessary, will provide assistance to the victim after the case is concluded. Victims of stalking need to be advised of their rights, informed about the criminal justice system, and empowered to take legal steps against their stalker.

For the period of July 1, 2006 through June 30, 2007, STAT vertically prosecuted 10 cases and the victim advocate assisted 20 victims. During the first six months of this fiscal year, July 1, 2007 to December 31, 2007, three cases were vertically prosecuted by STAT.

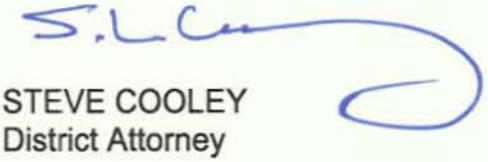
IMPACT ON CURRENT SERVICES (OR PROJECTS)

This program does not propose attorney staff augmentation. Therefore, the District Attorney's Office is not subject to the Board Motion of December 15, 1998, requiring clearance with the Alternate Public Defender, Probation, Public Defender, and Sheriff's Departments.

CONCLUSION

Following Board approval, the Executive Officer-Clerk of the Board is requested to call Ms. Patricia Orozco at (213) 202-7651 to pick up two copies of the adopted Board letter and one OES Certification of Assurance Form, with a wet signature. Any questions may be directed to Ms. Orozco at (213) 202-7651.

Respectfully submitted,



STEVE COOLEY
District Attorney

pao:al

Enclosure

c: Chief Executive Officer
County Counsel

Los Angeles County Chief Administrative Office
Grant Management Statement for Grants Exceeding $100,000

Department:	District Attorney

Grant Project Title and Description	**STALKING AND THREAT ASSESSMENT TEAM (STAT)**

The District Attorney's STAT handles felony and misdemeanor stalking cases throughout the County. STAT prosecutors coordinate their efforts with local law enforcement agencies, victim services providers and the courts. STAT participates in cross-training with specialized law enforcement stalking investigation units and provides in-house training. STAT uses all available tools to protect stalking victims including seeking upward bail deviations, criminal protective orders and maximum penalties upon conviction.

Funding Agency	**Program (Fed. Grant # /State Bill or Code #)**	**Grant Acceptance Deadline**
State Governor's Office of Emergency Services (OES)	**CFDA #16.588 Violence Against Women Formula Grants**	**N/A**

Total Amount of Grant Funding: $180,000		**County Match:** $60,000	
Grant Period:	**Begin Date:** July 1, 2008	**End Date:** June 30, 2009	
Number of Personnel Hired Under This Grant:		**Full Time:** 2	**Part Time** 0

Obligations Imposed on the County When the Grant Expires

Will all personnel hired for this program be informed this is a grant-funded program? Yes X No ____

Will all personnel hired for this program be placed on temporary ("N") items? Yes X No ____

Is the County obligated to continue this program after the grant expires? Yes ____ No X

If the County is not obligated to continue this program after the grant expires, the Department will:

a). Absorb the program cost without reducing other services Yes ____ No X

b) Identify other revenue sources Yes ____ No X

(Describe)_____

c) Eliminate or reduce, as appropriate, positions/program costs funded by the grant. Yes X No ____

Impact of additional personnel on existing space:
None.

Department Head Signature S.L.C. **Date** 5/19/08

CERTIFICATION OF ASSURANCE OF COMPLIANCE
With Statutory Requirements of the Violence Against Women Act (VAWA) As Amended, Services*Training*Officers*Prosecutors (STOP) Formula Grant Program

I, STEVE COOLEY hereby certify that
(official authorized to sign grant award; same person as Section 12 on Grant Award Face Sheet)

RECIPIENT: LOS ANGELES COUNTY

IMPLEMENTING AGENCY: DISTRICT ATTORNEY'S OFFICE

PROJECT TITLE: STALKING AND THREAT ASSESSMENT TEAM (STAT)

is responsible for reviewing the *Grant Recipient Handbook* and adhering to all of the Grant Award Agreement requirements (state and/or federal) as directed by OES including, but not limited to, the following areas:

I. Equal Employment Opportunity – (Recipient Handbook Section 2151)

It is the public policy of the State of California to promote equal employment opportunity by prohibiting discrimination or harassment in employment because of race, religious creed, color, national origin, ancestry, disability (mental and physical) including HIV and AIDS, medical condition (cancer and genetic characteristics), marital status, sex, sexual orientation, denial of family medical care leave, denial of pregnancy disability leave, or age (over 40). **OES-funded projects certify that they will comply with all state and federal requirements regarding equal employment opportunity, nondiscrimination and civil rights.**

Please provide the following information:

Equal Employment Opportunity Officer: JULIE DIXON SILVA

Title: CHIEF, EMPLOYEE RELATIONS DIVISION

Address: 201 N. FIGUEROA STREET, SUITE 1455, LOS ANGELES, CA 90012

Phone: (213) 202-7705

Email: jdsilva@da.lacounty.gov

II. Drug-Free Workplace Act of 1990 – *(Recipient Handbook, Section 2152)*

The State of California requires that every person or organization awarded a grant or contract shall certify it will provide a drug-free workplace.

III. California Environmental Quality Act (CEQA) – *(Recipient Handbook, Section 2153)*

The California Environmental Quality Act (CEQA) (*Public Resources Code, Section 21000 et seq.)* requires all OES funded projects to certify compliance with CEQA. Projects receiving funding must coordinate with their city or county planning agency to ensure that the project is compliance with CEQA requirements.

IV. Lobbying – (*Recipient Handbook Section 2154)*

OES grant funds, grant property, or grant funded positions shall not be used for any lobbying activities, including, but not limited to, being 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 any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.

V. Debarment and Suspension – *(Recipient Handbook Section 2155)*

(This applies to federally funded grants only.)

OES-funded projects must certify that it and its principals 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 of agency.

VI. Proof of Authority from City Council/Governing Board

The above-named organization (applicant) accepts responsibility for and will comply with the requirement to obtain written authorization from the city council/governing board in support of this program. The applicant agrees to provide all matching funds required for said project (including any amendment thereof) under the Program and the funding terms and conditions of OES, and that any cash match will be appropriated as required. 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 OES disclaim responsibility of any such liability. Furthermore, it is also agreed that grant funds received from OES shall not be used to supplant expenditures controlled by the city council/governing board.

The applicant is required to obtain written authorization from the city council/governing board that the official executing this agreement is, in fact, authorized to do so. The applicant is also required to maintain said written authorization on file and readily available upon demand.

V. Filing Costs for Criminal Charges and Protection

Its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the state, tribal, or local jurisdiction.

VI. Forensic Medical Examination Payment Requirement for Victims of Sexual Assault

The state or territory, Indian tribal government, unit of local government, or another governmental entity incurs the full out-of-pocket cost of forensic medical exams for victims of sexual assault.

The state or territory, Indian tribal government, unit of local government, or another governmental entity does not require a victim of sexual assault to participate in the criminal justice system or cooperate with

law enforcement in order to be provided with a forensic medical exam, or to be reimbursed for charges incurred on account of such an exam.

VII. Judicial Notification

The state's judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of title 18, Unites States Code, and any applicable related Federal, State, or local laws.

VIII. Polygraph Testing Prohibition

The state or local unit of government's laws, policies, or practices ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined under Federal, tribal, state, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense.

- Under 42 U.S.C. 3796gg-8(b), the refusal of a victim to submit to a polygraph or other truth telling examination shall not prevent the investigation, charging, or prosecution of an alleged sex offense by a state, Indian tribal government, territorial government, or unit of local government.

IX. Nondisclosure of confidential or private information regarding services for victims

Recipients and subrecipients may not disclose personally identifying information about victims served with Violence Against Women funds without a written release, unless the disclosure of the information is required by a statute or court order. "Personally identifying information" means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking. Releases must be written, informed and reasonably time-limited and signed by the victim unless the victim is an un-emancipated minor or a person with disabilities.

X. Consultation and Documentation with local victim services programs

(Applies only to law enforcement, prosecution and the courts)

Tribal, territorial, State, or local prosecution, law enforcement, and courts must consult with tribal, territorial, State or local victim service programs during the course of developing their grant applications. This will ensure that proposed activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking and dating violence.

All appropriate documentation must be maintained on file by the project and available for OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the Recipient may be ineligible for award of any future grants if the OES determines that any of the following has occurred: (1) the Recipient 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 [Section 12 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.

Authorized Official's Signature: S.L. Cooley

Authorized Official's Typed Name: STEVE COOLEY

Authorized Official's Title: DISTRICT ATTORNEY

Date Executed: 5/19/08

Federal Employer ID Number: 95-6000927

Executed in the City/County of: LOS ANGELES

AUTHORIZED BY: *(not applicable to State agencies)*

- City/County Financial Officer or
- City/County Manager or
- Governing Board Chair

Signature: _____

Typed Name: YVONNE B. BURKE

Title: CHAIR, LOS ANGELES COUNTY BOARD OF SUPERVISORS

APPROVED AS TO FORM

BY: Jennifer G. Luman
DEPUTY