

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: DISTRICT ATTORNEY

BOARD AGENDA # *B-15

Urgent _____ Routine X

AGENDA DATE Nov. 20, 2001

CEO Concurs with Recommendation YES opt NO _____
(Information Attached)

4/5 Vote Required YES _____ NO X

SUBJECT:

APPROVAL OF APPLICATION AND BOARD RESOLUTION FOR BUREAU OF JUSTICE ASSISTANCE STRATEGIES IN COMMUNITY PROSECUTION IMPLEMENTATION GRANT.

STAFF
RECOMMEN-
DATIONS:

1. APPROVE APPLICATION OF THE BUREAU OF JUSTICE ASSISTANCE STRATEGIES IN COMMUNITY PROSECUTION IMPLEMENTATION GRANT.
2. ADOPT A THREE (3) YEAR BOARD RESOLUTION AND DELEGATE JAMES C. BRAZELTON AS THE OFFICIAL AUTHORIZED TO SIGN THE GRANT APPLICATION
3. DIRECT THE DISTRICT ATTORNEY TO RETURN TO THE BOARD UPON GRANT APPROVAL FOR AUTHORIZATION TO ACCEPT GRANT FUNDS AND TO MAKE THE NECESSARY BUDGET ADJUSTMENTS.

FISCAL
IMPACT:

There will be no negative impact on the County general funds. Revenues in the amount of \$200,000 over an eighteen month period (Jan. 1, 2002 to June 30, 2003) are anticipated if this grant is approved. No county match is required at this time.

BOARD ACTION AS FOLLOWS:

No. 2001-891

On motion of Supervisor Caruso, Seconded by Supervisor Blom
and approved by the following vote,

Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) _____ Denied
- 3) _____ Approved as amended

MOTION:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

By: Christine Ferraro Deputy

File No.

APPROVAL OF APPLICATION AND BOARD RESOLUTION FOR BUREAU OF JUSTICE ASSISTANCE STRATEGIES IN COMMUNITY PROSECUTION IMPLEMENTATION GRANT, page 2

DISCUSSION:

The Community Justice Program is made possible by a federal grant from the Bureau of Justice Assistance. It was designed to focus on a specific geographical area of Stanislaus County, specifically the Airport District, as a testing ground for a focused, collaborative effort to assist residents with improving their own neighborhoods. A planning grant was received for the purpose of laying the groundwork for implementation of a full program. It is anticipated that the request for implementation funds will be granted.

The District Attorney has established a satellite office at the Southeast Area Command Station, which is located within the project's target area. This facility is shared by the Modesto Police Department and the Stanislaus County Sheriff, enabling the assigned Deputy District Attorney (currently assigned as a part-time collateral duty of an existing prosecutor) to have immediate access to peace officers working in the target area. It allows the attorney to directly monitor reported quality of life issues, misdemeanor violations, and to be available to assist violators with possible solutions.

The fully implemented Community Justice Program will consist of a prosecutor (Deputy district Attorney V) and a community Ombudsman/Planning Coordinator who will primarily focus on quality of life issues within the Airport District. These issues include: The Homeless; Code Violations; Weed Control; Abandoned Vehicles; Too Many Pets; Trespassing; Pan Handling; Drinking in Public; Public Urination and Defecation; Need for Pro Bono Civil Legal Assistance; Youth & Street Gang Activity; Non-licensed Day Care Facilities; Neighborhood Disturbances; Street Athletics & Noise; Need for Community Court

Not all quality of life violations, however, are amenable to criminal prosecution. Where this is the case, other strategies will be explored. For example, we are working directly on the problem of public urination and defecation by seeking the availability of public restrooms in the target area to be used by transients and others. In addition, local merchants are being encouraged to stop selling single containers of some alcoholic beverages. Single containers apparently encourage drinking in public. Finally, we are working with the faith-based community to find alternatives that will help eliminate aggressive panhandling.

The District Attorney formed a Community Justice Advisory Committee representing seventeen organizations involved in the target area. The Community Justice Advisory Committee serves as a focus group that contributes to the Airport District's needs assessment by recommending program goals and objectives. By meeting individually with community leaders and interested community residents, we were able to identify

APPROVAL OF APPLICATION AND BOARD RESOLUTION FOR BUREAU OF JUSTICE ASSISTANCE STRATEGIES IN COMMUNITY PROSECUTION IMPLEMENTATION GRANT, page 3

dominant target area concerns, define what the role of the District Attorney will be, and categorize Airport District problems.

The Homeless

The Airport District abounds with the homeless, who often suffer from mental illness as well as drug and alcohol addiction. We are presently active in three areas concerning the homeless. First, we are assisting in obtaining appropriate mental health intervention for the seriously mentally disabled through mental health evaluations and temporary, involuntary treatment. Second, we are working with a community coalition to establish a homeless day care center, long term transitional housing, and various peer-centered activities to help remove illegal drugs from the homeless environment. Third, we are supporting a center for public inebriates as an alternative to incarceration.

Code Violations

The Deputy District Attorney assigned to the Community Prosecution Program is a member of the County's Code Enforcement Task Force and regional Environmental Task Force. The Code Enforcement Task Force meets regularly and consists of representatives of local government agencies responsible for code compliance and enforcement and public safety. Thus, the Community Justice Program attorney is already working to establish a direct link between Airport District code violations and the government agency responsible for their abatement. Target Area code violations are brought to this task force as "sore thumbs" to be treated and an action plan for abatement agreed upon.

Quality of Life Issues

The Community Justice Program Deputy District Attorney has established a satellite office at the Southeast Area Command Station, which is located within the project's target area. This facility is shared by the Modesto Police Department and the Stanislaus County Sheriff, enabling the attorney to have immediate access to peace officers working in the target area. It allows the prosecutor to directly monitor reported quality of life issues, misdemeanor violations, and to be available to assist violators with possible solutions.

A list containing "quality of life" criminal code violations has been established with the consensus of local Airport District law enforcement officers. A tracking system was implemented to record the violations and offender information. Chronic offenders are prosecuted vertically through the judicial system by the Community Justice Program Deputy District Attorney. This course of action places the greatest emphasis on the most frequent violators, ensures cases do not "fall between the cracks," and demonstrates to offenders, the public, and the judicial system that these cases are considered to be important within the community. The filing of criminal charges and subsequent prosecution, coupled with increasingly severe criminal sanctions for chronic violators,

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and a uniform approach are all strategies designed to mitigate or lessen the number of these complaints and criminal code violations within the Airport District.

Pro Bono Civil Legal Assistance

There is a demonstrated need for pro bono civil legal assistance. Due to the nature of target area families, legal help is often needed for dealing with temporary guardianships of minors, ensuring access to medical services, and solving consumer problems. We intend to work with the Stanislaus County Bar Association and a local area law school to establish a pro bono legal clinic for Airport District residents.

Youth & Street Gang Activity

Youth and gang activity has been identified as a problem within the target area. We intend to work directly with community “block representatives” who have a rapport with gang members in order to channel the gang members into supporting and participating in community improvement projects.

Non-licensed Day Care Facilities

Many working parents in the Airport District lack affordable day care for their children. Non-licensed day care exposes children to various dangers and fails to ensure minimal standards of safety, nutrition, and disease control. Working through our Community Service Worker, we are contacting area residents who have an interest in providing child care in an effort to facilitate their becoming licensed.

Neighborhood Disturbances

One person’s recreation can become another person’s aggravation. For example, street basketball is a healthful recreational activity, but the noise it creates at night often leads to neighborhood conflict. In order to balance competing interests and in lieu of issuing criminal cases or pursuing prosecution, we are referring complaints concerning these issues to mediation provided by the Modesto Police Department. The mediator is located in the same office as the Community Justice Program Deputy District Attorney. While the mediation process itself is confidential, the prosecutor can and does assist the mediator with this process.

Need for Community Court

Local Community courts, involving a balanced and restorative justice program, are of particular interest to community stakeholders. As a long term objective, we intend to build public support for a community court, which would be modeled after Portland, Oregon’s experience. By building such support, we hope to create enough momentum to stimulate the interest of the local Bench and Bar and garner their help in establishing just such a court.

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POLICY ISSUES:

This grant will help meet many of the Board's goals—a safe, healthy community, multi-jurisdictional cooperation, efficient government operations, and community service delivery.

STAFFING IMPACTS:

None at this time. If this grant is approved, a Deputy District Attorney V position will be requested in order to dedicate a full-time prosecutor to the program. The Ombudsman/Planning Coordinator position will continue to be a contracted, part-time position.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: November 20, 2001

No. 2001-891

On motion of Supervisor Caruso , Seconded by Supervisor Blom
and approved by the following vote,
Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

*B-15

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, the Stanislaus County Board of Supervisors desires to undertake a certain project designated **STRATEGIES IN COMMUNITY PROSECUTION** to be funded from funds made available through the **BUREAU OF JUSTICE ASSISTANCE**, administered by the **UNITED STATES DEPARTMENT OF JUSTICE (hereafter referred to as DOJ)**.

NOW, THEREFORE, BE IT RESOLVED that the **District Attorney of Stanislaus County** is hereby authorized, on its behalf to submit a proposal to **DOJ** and is authorized to sign and approve on behalf of the Stanislaus County Board of Supervisors the Grant Award Agreements including any extensions, augmentations or amendments thereof.

BE IT FURTHER RESOLVED that the applicant agrees to provide all matching funds required for said projects (including any amendments thereof) under the Program and the funding terms and conditions of DOJ and that the cash match will be appropriated as required.

IT IS AGREED that any liability arising out of the performance of these Grant Award Agreements, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The United States and the DOJ disclaim responsibility for any such liability.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

BE IT FURTHER RESOLVED that the resolution shall be in effect for a three (3) year period beginning **July 1, 2001 and ending June 30, 2004**.

I hereby certify that the foregoing is a true copy of the resolution adopted by the **Stanislaus County Board of Supervisors** on the date set forth above by the persons

noted.

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
Stanislaus County Board of Supervisors,
State of California,

Christine Ferraro
By: Deputy

File No.