

**Office of Criminal Justice Planning
Multi-Component Gang Violence Suppression Program
PLAN**

2.b. INDIVIDUAL COMPONENT PROJECT DESIGN - PROSECUTION

2.b.1. Project Goals, Purpose and Proposed Activities

The primary goal of the BASTA Prosecution component will be to (1) identify and aggressively prosecute gang leaders and (2) identify and prosecute any other gang members who are charged with crimes involving violence or threats against witnesses. The project will assure that swift and appropriate results are reached in both juvenile and adult court. Achievement of this goal will remove these most prolific criminal offenders from their peer groups and reinforce the message that unpleasant consequences will be imposed on those who associate with criminal gangs in the BASTA project jurisdiction

The successful prosecution of gang leaders will greatly hamper the ability of gangs to organize and recruit new members. Protecting and providing assurance to gang-crime witnesses necessarily goes hand-in-hand with this goal; without a specialized effort to protect witnesses -- and to keep them involved and cooperative in their cases -- prosecution will be ineffective.

The secondary goal of the BASTA Prosecution component will be to work with other components involved in gang intervention, supporting their efforts to empower the community and curb the criminal activities of youth gangs. The information which will be obtained in this process will also assist in pursuing the primary goal stated above. --

-The project will establish a vertical prosecution Gang Violence Suppression Unit (GVS) within the District Attorney's Office. This unit will include a highly qualified grant-funded prosecutor who will be assigned significantly reduced caseloads from the BASTA project jurisdiction. Investigator resources will also be provided through designated investigator staff.

These services will be partially covered by grant funds and supplemented with non-grant funds. The maximum caseload for the unit will ideally, be one-third of the office felony standard, and in no circumstances more than one-half. BASTA will enable us to create the nucleus of the GVS unit, and BASTA staff will be dedicated to addressing gang activities arising in the Pajaro Valley (by far the most heavily gang-impacted area in Santa Cruz County). Their efforts will be augmented by locally funded staff prosecutors. Prosecutors from the District Attorney's Violent Felonies Unit will provide appropriate back-up to the project prosecutor and will vertically prosecute gang violence cases which occur in Santa Cruz County and outside the BASTA jurisdiction. In addition, the assistant district attorney assigned to the county's juvenile department will also compliment the BASTA attorney's efforts in all cases which involve gang conduct but which do not otherwise meet the gang's grant selection process.

This staffing level will provide back-up to the BASTA project, enabling "unit vertical" prosecution when necessary. It will also expand the District Attorney's knowledge of gang members who cross jurisdictional boundaries to engage in criminal gang activities. Written policies have been developed to assure true vertical prosecution by the BASTA attorney and to guarantee unit back-up only when necessary. Organizationally, the BASTA prosecutor will report directly to the supervisor of the Violent Felonies Unit, who, in turn, reports directly to the Chief Deputy District Attorney.

The GVS investigator will report directly to the Chief of Inspectors, who also reports **directly** to the Chief Deputy. The BASTA prosecutor will, at a minimum, meet weekly with the supervisor of the Violent Felonies Unit to review the grant caseload, grant objectives and the unit's progress in achieving those objectives,

The BASTA attorney will have at least three years of prosecution experience, including at least one year at the felony level. He or she will have received or will receive **shortly** after

assignment highly specialized gang prosecution training. The BASTA prosecutor will work closely with other agencies involved in gang intervention to become the District Attorney's Office, expert in the field of gang related crimes. It will be the responsibility of the BASTA prosecutor to assure that the specialized training and information gained by the GVS unit is made available to other contributing and supporting staff in the District Attorney's Office so that all gang-related cases are handled appropriately.

The supervisor of the Violent Felonies Unit as well as the project prosecutor, will attend, as schedules permit, meetings of the BASTA Steering Committee and Local Coordinating Committee. The BASTA prosecutor and the GVS Unit's investigator will attend meetings of the BASTA Technical Team, Santa Cruz County Gang Investigators, and the Central Coast counties Gang Task Force. The Chief of Inspectors will also attend these meetings as time permits. The BASTS prosecutor and the GVS Unit's investigator will work closely with the police, the Probation Department, schools, parks department and C.B.O.'s. With the increased information available to the GVS prosecutor and investigator by working closely with the other components, more gang related crime information can be furnished to the pre-trial release staff at the jail, to the judge when bail is being considered for adults, and to the probation and juvenile hearing officers when a juvenile offender is arrested. This information will then be used to resist the pre-trial release of the charged gang member. In the case of adult arrests, police officers will be trained in the use of Penal Code Section 1269c, "Motions to Increase Bail." Aggressive implementation of PC §1270 (which states that public safety shall be the primary concern in considering a release on one's own recognizance) as well as PC §1270.1 (requires a court hearing if bail is set contrary to schedule on serious felonies), will also help ensure that gang members will remain incarcerated while awaiting pending prosecution. In addition, a concerted effort will be made to convince local judges to increase the bail schedule amounts on gang related offenses and enhancements,

The BASTA prosecutor and investigator will be designated to serve as the liaison for all gang-related crimes. As a result, all potential GVS crimes from the project's jurisdiction will be brought to the BASTA prosecutor for initial filing consideration. This early involvement by the BASTA prosecutor will ensure that appropriate investigations are completed in a timely fashion so that defendants and juveniles are not released based on the need for additional time for investigation by The People.

Early involvement in the case with more information about the crimes and parties involved will assist in the appropriate selection of cases. The cases selected for prosecution in the GVS unit will have a disposition criteria established by stressing the importance of obtaining convictions of the most serious charges possible with the most severe sentence possible. Caseload limits will be set substantially lower than the office non-vertical felony prosecution average. Caseloads will be closely monitored in order that no plea bargains result from the inability to devote sufficient time to a case. Penal Code §1 192.7 limits on plea bargaining will be adopted as the criteria governing all GVS cases. The early involvement and vertical prosecution of GVS cases combined with the expertise developed and the amount of knowledge that will be available to the GVS unit will assure a substantially increased conviction rate.

Carrying a reduced caseload will allow the BASTA prosecutor the time to assure that each case is properly prepared. This will also enable the BASTA attorney to spend more time with victims and witnesses, reassuring them, quelling their fears and, as a result, maintaining their cooperation. The GVS unit will also coordinate witness protection efforts by law enforcement agencies so that a variety of strategies can be pursued to protect witnesses from intimidation or retribution by gang members or associates. Measures implemented will include increased contact and patrol by police and Sheriff, follow-up investigation on reports of harassment, more prosecutor contact, assignment of victim/witness advocates and witness

relocation, if necessary. The BASTA prosecutor will be responsible for developing a protocol for witness protection to be implemented with the GVS unit, law enforcement agencies and the victim/witness program.

Sentence lengths will be increased in project cases because the BASTA prosecutor will be involved in the case at the earliest stages, so that cases are properly investigated and prepared and that the charges are filed correctly and include all enhancements that are available. The BASTA cases monitored in regular meetings with the Violent Felonies Unit supervisor will be screened for potential sentencing issues, so that the BASTA prosecutor will only accept cases which merit serious sentences. Sentence length will also be increased through the inter-agency information provided by other BASTA members. This information will be used to convince the court that gang members convicted of serious crimes should be removed from the community and, thus, removed as negative role models for younger children.

The BASTA prosecutor in conjunction with the GVS unit will also maintain an outreach program which will meet with the Local Law Enforcement Chiefs Association and with the local law enforcement agency commanders and gang investigators to inform them of the existence of the GVS unit. The BASTA prosecutor will also inform all local law enforcement that the definition of 'criminal street gang' as outlined in Penal Code §186.22 will serve as the screening criteria used to determine who will be prosecuted by the unit. This information will be sent to each local law enforcement agency in written form. The GVS Unit will also provide information about the unit and its activities to the Crime Analysis Unit for inclusion in their regular bulletin to all local agencies. In addition, the GVS Unit will work with all law enforcement agencies to standardize the investigation and record keeping necessary to support the "predicate acts" which form the basis of the gang enhancements under Penal Code §186.22.

The BASTA prosecutor and the GVS unit as a whole will also serve as liaison to (1) the other component agencies of this grant, (2) all other law enforcement agencies in the county, and (3) the Santa Cruz Regional Crime Analysis Unit, which collects and furnishes gang data from all county law enforcement agencies. This will assist in tracking gang members who commit crimes in multiple jurisdictions and keep a more accurate picture of gang activity for “predicate acts” and the testimony of gang experts. This liaison function will allow the BASTA prosecutor to assist with all gang related cases by coordinating community information that will help determine which gang members should be directed to drug counseling, job counseling, school completion or community organizations. Moreover, the liaison function will also enhance the BASTA prosecutor’s ability to tailor specific probation terms for offenders not sent to the California Department of Corrections or the California Youth Authority.

As the liaison with schools, police, probation, parks, youth services, and other community based counseling services, the BASTA prosecutor will be able to relay information learned in court regarding gang members and the nature of their involvement in crimes so that it can be utilized in designing counseling programs to prevent re-offending. This will also allow the staff to inform probation and police of special conditions of probation that will require strict monitoring.

The District Attorney’s Office maintains a computer case management system which will have a special designation for each gang case that is prosecuted by the GVS unit. Monthly and quarterly reports will be issued by the Santa Cruz County Information Services Department which relate to the objectives of the grant. In addition, each GVS case will require completion of a form designed to capture the data necessary to document program activities and the achievement of program objectives. Included on the form will be the justification for accepting the case into the grant and the disposition of the case and the reasons therefore. Another copy of this form will be maintained under separate cover. The BASTA prosecutor

and investigator will be responsible for gathering and including all the information in the file and the Violent Felonies Unit supervisor will be responsible for the maintenance and retention of the required documentation.

The BASTA prosecutor will work with the other agencies involved in gang violence suppression and prevention to develop and use data systems which are compatible so that information can be shared and mutually accessed electronically. The Violent Felonies Unit supervisor, as a participant in the Local Coordinating Committee, will assist the committee chair in the coordination of all GVS agencies to ensure that minutes of the committee's meetings are sent to the OCJP GVS branch.

2.b.2 Project Impact on the Stated Problem

The removal of hard core gang members will reduce peer pressure on others to commit violent acts and other gang-motivated crimes. This will impair the gangs' ability to recruit new members. The obvious examples being set by police and prosecutors will make it less attractive for others to engage in gang-related criminal conduct. The success of witness protection programs and community involvement will demonstrate that gang crimes cannot be committed without consequences and will further reduce the incidence of gang crimes. This will also put gang members on notice that their activities will not be tolerated by the community.

Increasing the pressure and punishment on gang activity, making education and job training opportunities more available, and increasing prevention activities, will encourage at-risk youth to steer clear of gang involvement. Finally, by advancing our ability to mount successful multidisciplinary collaborations, BASTA will increase the capacity of our criminal justice system, school systems, community-based organizations and others to provide creative, multi-faceted and closely tailored responses to the pervasive social challenges of

posed by the growing youth gang problem.

2. b.3. Supportive Information on the Necessity of the Project

The prosecution component of the BASTA approach to gangs in the Pajaro Valley could not be supported without the GVS grant from OCJP. This is compelling because gang violence remains a significant problem in the highly impacted project area. Experience has demonstrated that the effective prosecution of gang cases requires an intensive resource commitment -- a commitment which Santa Cruz County cannot make without the BASTA project. This is substantially the result of geographic and demographic factors well outside of District Attorney's Office control. These factors include the agricultural nature of the Pajaro Valley, and the fact that many of residents of the project area are poor and don't speak English. Further, our contiguous borders with Santa Clara and San Mateo Counties result in a substantial "spill-over" of crime from Silicon Valley and the Greater San Francisco Bay Area. As a consequence, we suffer from "big city" crime problems without the tax base or resources to adequately respond.

Our agencies must constantly adjust and readjust their operations to deal with these challenges. Frequently their designated anti-gang personnel also have other duties and functions. BASTA is our only means of providing gang prosecution and intervention services to the Pajaro Valley. Without the efforts of the BASTA staff, there would be no consistent quality standard for the development of these cases in that pervasively gang-affected area.

Compounding these problems are chronic staff shortages in the District Attorney's Office. Our staff is very limited and, according to the California District Attorney's Association (CDA), our caseloads are among the highest in the state. Public defenders funded by the County actually outnumber prosecutors. According to estimates from the CDA, the state-wide ratio of public defenders (including "alternate" public defenders) to prosecutors is

approximately 1.5 to 1. CDAA indicates that Santa Cruz County may be the only county in California where publically funded defense attorneys outnumber prosecutors.

The lack of a highly qualified and trained BASTA staff with significantly reduced caseloads to vertically investigate and prosecute gang crimes would gravely impair our effectiveness in these critical cases. Follow-up investigation would be erratic and completed by whatever investigator happened to be available. "True vertical prosecution" of gang cases would be extremely rare, and we would generally be unable to significantly protect or reassure gang crime witnesses. In addition, many of these witnesses would not be appropriately prepared for court and our ability to gain convictions would suffer.

Without a BASTA grant, the District Attorney's Office contribution to the Pajaro Valley and county-wide anti-gang effort would be minimal. BASTA will be the central feature of the District Attorney's GVS Unt. It would be pointless -- and we would be unable -- to form a GVS Unit without BASTA. As a result, we would not be able to develop and maintain the specialized expertise needed to formulate investigative tactics and direct gang cases. No one would be qualified or available to train and coordinate the efforts of other agencies. The criminal justice system's overall ability to handle these crucial cases would substantially erode.

MANDATORY OBJECTIVES - PROSECUTION COMPONENT

Program Objective 1: Pretrial Release

Prosecutors shall resist the release prior to trial or hearing of a charged defendant/minor meeting the selection criteria.

The objective is measured by:

Activities

- 1a. The number of defendants in continuous custody through case completion: 25.
- 1b. The number of defendants **not** in continuous custody through case completion: 10.
- 1c. The number of juveniles in continuous custody at completion of jurisdictional hearing: 10.
- 1d. The number of juveniles **not** in continuous custody at completion of their dispositional hearing: 3.

Narrative: Discuss the agency's plan to resist defendants/minors' release from custody prior to trial/jurisdictional hearing.

The BASTA prosecutor and the investigator will attend meetings of the BASTA Technical Team, Santa Cruz County Gang Investigators, and the Central Coast Counties Gang Task Force. They will work closely with the police, the Probation Department, schools, parks department and C.B.O.'s. With increased information available to the GVS prosecutor by working closely with the other components, more gang related crime information will be furnished to the pre-trial release staff at the jail, to the judge when bail is being considered for adults, and to the probation and juvenile hearing officers when a juvenile offender is arrested. This information will then be used to resist the pre-trial release of the charged gang member. In the case of adult arrests, police officers will be trained in the use of Penal Code Section 1269c, "Motions to Increase Bail." Aggressive implementation of PC §1270 (which states that public safety shall be the primary concern in considering a release on one's own recognizance) as well as PC §1270.1 (requires a

court hearing if bail is set contrary to schedule on serious felonies), will also help ensure that gang members will remain incarcerated while awaiting prosecution. In addition, a concerted effort will be made to convince local judges to increase the bail schedule amounts on gang related offenses and enhancements.

The District Attorney's GVS staff will be designated to serve as the liaison for all gang-related crimes. As a result, all potential GVS crimes will be brought to the BASTA prosecutor for initial filing consideration. This early involvement by the BASTA prosecutor will ensure that appropriate investigations are completed in a timely fashion so that defendants and juveniles are not released based on the need for additional time for investigation by The People.

The source documentation that will be used to collect information, report data and measure the extent to which this objective is achieved includes "face sheet" data maintained in the District Attorney's on-line automated case management system (PROFILE), the BASTA prosecutor's Intake/Filing log, BASTA Defendant Data Forms, and the "hardcopy" files maintained by the District Attorney's Office.

Program Objective 2: Reduce Plea Bargaining

Eliminate or reduce the use of plea bargaining, as measured by the following:

- Trial: 5.

- Dismissal: 6.

2b. The number of defendants' with cases completed by:

- An open/straight plea: 25.

- A plea bargain by the court or prosecutor: 15.

2c. The number of defendants with cases completed by:

- A plea to the most serious charge: 30.
- A plea to a lesser charge: 10.

Narrative: Discuss the agency's plea bargain policy in regards to gang-related cases.

The District Attorney's GVS staff will be established as the liaison for all gang related crimes. As a result, all potential, GVS crimes will be forwarded to the BASTA prosecutor for initial filing consideration. Early involvement by the BASTA prosecutor will ensure timely investigation and reduce plea bargaining. Moreover, regular meetings will be held with the GVS unit and the supervisor of the Violent Felonies Unit. Caseload will be monitored to preclude plea bargaining due to insufficient preparation time. Additionally, Penal Code 1192.7 plea bargaining limitations will be adopted as the criteria governing all GVS cases.

The source documentation that will be used to collect information, report data and measure the extent to which this objective is achieved includes "face sheet" data maintained in the District Attorney's on-line automated case management system (PROFILE), the BASTA prosecutor's Intake/Filing log, BASTA Defendant Data Forms, and the "hardcopy" files maintained by the District Attorney's Office.

Program Objective 3: Conviction Rate

Increase conviction or sustained petition rates for offenders prosecuted by specialized gang violence units, as measured by the following:

Activities

- 3a. The number of gang defendants convicted on any charge: 30.
- 3b. The number of gang defendants **not** convicted on any charge: 6.
- 3c. The number of juveniles with a sustained petition: 10.
- 3d. The number of juvenile defendants for whom petitions were not sustained: 5.

Narrative: Discuss what process the agency will use to increase conviction or sustained petition rates.

The BASTA prosecutor will be involved with cases at the, earliest stages. This will allow the BASTA prosecutor to direct investigation and become thoroughly familiar with a case. As a result, conviction rates and the number of petitions sustained will rise. The BASTA prosecutor will carry a reduced caseload, which will assure adequate case preparation. Likewise, vertical prosecution by an experienced prosecutor who will have ample access to gang-related information will enhance our prosecution efforts.

The source documentation that will be used to collect information, report data and measure the extent to which this objective is achieved includes "face sheet" data maintained in the District Attorney's on-line automated case management system (PROFILE), the BASTA prosecutor's Intake/Filing log, BASTA Defendant Data Forms, and the "hardcopy" files maintained by the District Attorney's Office.

Program Objective: Sentence Length

Increase the length of sentences or commitments and the ratio of maximum sentences or commitments in cases prosecuted, as measured by the following:

Activities

- 4a. The number of defendants sentenced to incarceration: 38.
- 4b. The number of defendants convicted of the most serious charge and who received the most severe sentence for that charge: 15.
- 4c. The number of defendants convicted on a lesser charge and who received the most severe sentence for that charge 2.
- 4 d . The average length of sentence: N/A.

Narrative: Describe how the project prosecutor(s) will seek enhanced sentences or commitments.

Sentence lengths will be increased in GVS cases because the BASTA Prosecutor will be involved in the case at the earliest stages, so that cases are properly investigated and prepared. This will also ensure that charges are filed correctly and include all available enhancements. The GVS cases monitored in regular meetings with the Violent Felonies Unit supervisor will be screened for potential sentencing issues, so that the BASTA prosecutor will only accept cases which merit serious sentences. Sentence length will also be increased through the information provided by other BASTA members. This information will be used to convince the court that gang members convicted of serious crimes should be removed from the community and, thus, removed as negative role models for younger youth.

The source documentation that will be used to collect information, report data and measure the extent to which this objective is achieved includes "face sheet" data maintained in the District Attorney's on-line automated case management system (PROFILE), the BASTA prosecutor's Intake/Filing log, BASTA Defendant Data Forms, and the "hardcopy" files maintained by the District Attorney's Office.

Program Objective 5: Reduce Prosecutor Caseload

Reduce the GVS unit prosecutor's average caseload, as measured by a comparison to the average caseload of other felony prosecutors in non-vertical prosecution units, as measured by the, following:

Activities

- 5a. The average caseload of non-vertically prosecuted felony-cases by non-GVS unit prosecutors: 287.
- 5b. The average GVS unit project caseload: 50.

Narrative: Describe how the GVS unit will maintain a reduced caseload.

Regular meetings will be held with the GVS Unit and the Violent Felonies Unit supervisor to monitor the caseload. Early involvement in the case with more information about the crimes and

parties involved will assist in the appropriate selection of cases. The cases selected for prosecution in the GVS Unit will have a disposition criteria established by stressing the importance of obtaining convictions of the most serious charges possible with the most severe sentence possible. The maximum caseload for the unit will ideally be one-third of the office felony standard, and in no circumstances more than two-thirds.

The source documentation that will be used to collect information, report data and measure the extent to which this objective is achieved includes "face sheet" data maintained in the District Attorney's on-line automated case management system (PROFILE), the BASTA prosecutor's Intake/Filing log, BASTA Defendant Data Forms, and the "hardcopy" files maintained by the District Attorney's Office.

Program Objective 6: Vertical Prosecution

Achieve vertical prosecution,, i.e.; assignment of the same prosecutor to a case from arraignment to sentencing, as measured by the following:

Activities

- 6a. The number of defendants/minors prosecuted using true vertical prosecution: 45.
- 6b. The number of defendants/minors prosecuted using major stages vertical prosecution:-
4-
- 6c. The number of defendants/minors prosecuted using unit vertical prosecution: 1.
- 6d. The number of defendants/minors prosecuted without using vertical prosecution: 0.

Narrative: Discuss the agency's plan for conducting vertical prosecution.

The District Attorney's GVS Unit will include a highly qualified grant-funded prosecutor and investigator resources (both grant and non-grant funded). The BASTA prosecutor will be assigned significantly reduced caseloads from the project's jurisdiction. The maximum caseload for the BASTA prosecutor will ideally be one-third of the office felony standard, and in no circumstances

more than one-half.

To help enhance the overall effectiveness of the District Attorney's efforts to curb illegal gang activities, the BASTA efforts will be supplemented by non-gant funded prosecutors responsible for conducting vertical prosecution of non-BASTA gang cases (i.e., cases arising in Santa Cruz County but outside the BASTA jurisdiction) and the prosecutor regularly assigned to the Juvenile Court (also not grant-funded). This will provide back-up for "unit vertical" prosecution, if necessary, and expand the District Attorney's Office's knowledge of gang members who cross jurisdictional boundaries to advance criminal gang activities. Written policies will be developed to assure true vertical prosecution by the BASTA attorney and to guarantee unit back-up only when necessary. The GVS Unit will meet weekly with the Violent Felonies Unit supervisor.

It will be the responsibility of the BASTA prosecutor to assure that the specialized training and information gained by the GVS Unit is made available and utilized by the rest of the Unit so that all gang related cases are handled appropriately.

Organizationally, the BASTA prosecutor will report directly to the Violent Felonies Unit supervisor, who reports directly to the Chief Deputy District Attorney. The GVS unit investigator will report directly to the Chief of Inspectors, who also reports directly to the District Attorney. The GVS unit will meet weekly with the Violent Felonies Unit supervisor to review the BASTA caseload, objectives and assess the unit's progress in achieving those objectives. The investigator assigned to work with the Unit will be highly experienced with over ten years of full-time background in felony investigations. The grant-funded BASTA prosecutor will have at least three years of experience as a prosecutor, including at least one at the felony level. Each will have received, or will receive shortly after assignment, highly specialized gang prosecution training. He or she will work closely with other components involved in gang intervention to become the District Attorney's Office expert in the field of gang related crimes.

The Santa Cruz County District Attorney's Office maintains a computer case management system which will have a special designation for each gang case that is prosecuted by the GVS unit. Monthly and quarterly reports will be issued by the Santa Cruz County Information Services Department which relate to the objectives of the grant. In addition, each GVS case will require a form designed to capture the data necessary to document program activities and the achievement of program objectives. Included on the form will be the justification for accepting the case into the grant and the disposition of the case and the reasons therefore. Another copy of this form will be maintained under separate cover. The BASTA prosecutor and the units investigator will be responsible for gathering and including all the information in the file. The Violent Felonies Unit supervisor will be responsible for the maintenance and retention of the required documentation.

The source documentation that will be used to collect information, report data and measure the extent to which this objective is achieved includes "face sheet" data maintained in the District Attorney's on-line automated case management system (PROFILE), the BASTA prosecutor's Intake/Filing log, BASTA Defendant Data Forms, and the "hardcopy" files maintained by the District Attorney's Office.

Program Objective 7: Street Terrorism Enforcement and Prevention Act (STEP) Prosecutions

This objective will enhance and increase prosecutor abilities in the selection criteria, filing supplementary offense reports validating "criminal street gang membership," and "criminal street gang validation" as codified in Section 186.22 of the Penal Code.

This objective will be measured by the following:

- Activities :

7a. The establishment of policies, procedures, and necessary definitions to validate gang-

involved individuals referred for a criminal complaint or indictment under Section 86.22 of the Penal Code. Upon establishment, the selected project will submit to OCJP a copy of the developed policies, procedures and definitions or the date that the policies, procedures, and definitions are to be or were established and implemented by previously (date).

7 b . The number of cases prosecuted under Section 186.22 of the Penal Code: 5

7c. The number of cases convicted pursuant to Section 186.22 of the Penal Code: 2.

Narrative: Describe the agency's policy of S.T.E.P. prosecutions.

The GVS unit will maintain an outreach program which will meet with the Local Law Enforcement Chiefs Association and with the local law enforcement agency commanders and gang investigators to inform them of the existence of the GVS unit. The unit will inform all local law enforcement that the definition of "criminal street gang" as outlined in Penal Code §186.22 will serve as the screening criteria used to determine who will be prosecuted by the unit. This information will be sent to each local law enforcement agency in written form. The GVS unit will also provide information about the unit and its activities to the Crime Analysis Unit for inclusion in their regular bulletin to all local agencies. In addition, the GVS unit will work with all law enforcement agencies to standardize the investigation and record keeping necessary to support the "predicate acts" which form the basis of the gang enhancements under Penal Code §186.22.

The source documentation that will be used to collect information, report data and measure the extent to which this objective is achieved includes "face sheet" data maintained in the District Attorney's on-line automated case management system (PROFILE), the BASTA prosecutors Intake/Filing log, BASTA Defendant Data Forms, and the "hardcopy"-files maintained by the District Attorney's Office.

Program Objective 8: Agency Coordination

Enhance coordination among agencies involved in the suppression of gang violence, including

law enforcement, probation, schools, and community organizations, as measured by the following:

- 8a. The number of LCC meetings to be held by this unit' 0.
- 8 b The number of LCC meetings to be attended by this unit: 12.
- 8c. The number of other administrative contacts with:

- Law Enforcement: 260 (daily).
- Probation: 72.
- Schools: 36.
- Others:- 36-
- Total: 404.

Narrative: Describe how the project will work with law enforcement, probation, the schools, and community-based organizations.

The BASTA prosecutor and others in the GVS unit will serve as liaison with (1) the other component agencies of the BASTA grant; (2) all other law enforcement agencies in Santa Cruz County; and (3) the Santa Cruz Regional Crime Analysis Unit, which collects and furnishes gang data from all county law enforcement agencies. These liaison efforts will assist in tracking gang members who commit crimes in multiple jurisdictions and enable a more accurate picture of gang activity for "predicate acts" and the testimony of gang experts. This liaison function will also allow the BASTA prosecutor to assist with all gang-related cases by coordinating community information that will help determine which gang members should be directed to drug counseling, job counseling, school completion or community organizations. Moreover, the liaison function will also

enhance the BASTA prosecutor's ability to tailor specific probation terms for offenders not sent to the California Department of Corrections or the California Youth Authority.

As the liaison with schools, police, probation, parks, youth services, and other community based counselling services, the BASTA prosecutor and others in the GVS unit will be able to relay information learned in court regarding gang members and the nature of their involvement in crimes so that it can be utilized in designing counseling programs to prevent re-offending. This will also allow the unit to inform probation and police of special conditions of probation that will require strict monitoring.

The BASTA prosecutor will work with the other agencies involved in gang violence suppression and prevention to develop and use data systems which are compatible so that information can be shared and accessed electronically. The Violent Felonies Unit supervisor, as a participant in the Local Coordinating Committee, will assist the committee chair in the coordination of all GVS agencies to ensure that minutes of the committee's meetings are sent to the OCJP GVS branch

The source documentation that will be used to collect information, report data and measure the extent to which this objective is achieved includes the "hardcopy" files maintained by the District Attorney's Office.

Program Objective 9: Witness Protection

Increase coordination with law enforcement agencies to protect cooperating witnesses from intimidation and retribution, as measured by the following:

Activities:

9a. The number of witnesses provided protection services by the GVS unit: 50

9b. The number of witnesses referred to other agencies for protection services: 25

9c. The number of all cases accepted for prosecution, in which the case was dismissed because of the nonappearance or lack of cooperation by a witness(es): 3

9d. The number of cases prosecuted involving witness intimidation: 1

Narrative: Discuss the project's plan for witness protection regarding project-related cases.

As indicated previously, carrying a reduced caseload will allow the prosecutor the time to ensure that each case is properly prepared. This will also enable the GVS attorney to spend more time with victims and witnesses, reassuring them, quelling their fears and, as a result, maintaining their cooperation. The GVS unit will also coordinate witness protection efforts by law enforcement agencies so that a variety of strategies can be pursued to protect witnesses from intimidation or retribution by gang members or associates. Measures implemented will include increased contact and patrol by police and sheriff, follow-up investigation on reports of harassment, more prosecutor contact, assignment of victim/witness advocates and witness relocation, if necessary. The GVS prosecutor will be responsible for developing a protocol for witness protection to be implemented with the GVS unit, law enforcement agencies and the victim/witness program.

The source documentation that will be used to collect information, report data and measure the extent to which this objective is achieved includes the "hardcopy" files maintained by the District Attorney's Office.

OPTIONAL OBJECTIVES

Optional Program Objective 10: Local Needs

A project may establish optional objectives, based upon identified local needs, to address local gang violence problems in the project's target area. Identify your local needs in this section. Ensure that the measurements of the activities selected to accomplish the objectives, are quantifiable.

Narrative: Describe the activities to be used to meet the optional local needs objectives.

BASTA will assist in the coordination of Watsonville's First Annual National Night Out Event, a unique crime/drug prevention event sponsored by the National Association of Town Watch and is scheduled for Tuesday, August 3, 1999. This national Night Out Campaign involves citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations and local officials. It has been organized in over 9,000 communities in all 50 states. The National Night Out event is designated to heighten the community's awareness of crime, drugs and violence and to generate support and participation in local anti-crime programs. This event will strengthen neighborhood participation from local anti-crime programs and strengthen neighborhood spirit, police-community partnerships and send a message to persons who commit crimes that neighborhoods are organized and fighting back. These activities include block parties, cookouts, visits from local law enforcement, parades, flashlight walks, contests and other activities.

Budget Narrative

B.A.S.T.A. Prosecution Component

A specific explanatory narrative to support each requested line item is included on the application's budget pages as directed in the Programmatic Instructions.

The resources requested will provide direct support to the BASTA prosecution component during the FY 1999-2000 grant year. The budget will directly support the objectives and activities discussed in this application by financing the program's staffing and operational costs.

The vast majority of the funds will be used to finance the salaries and benefits of the BASTA prosecutor and investigator.

Although the BASTA prosecutor is not completely funded by the grant, based on our commitment to this program and the caseload, we anticipate the grant attorney will work full time on this program and in no case less than .90 FIE. Likewise, the investigator will most certainly provide services beyond the grant allotment.

The BASTA prosecutor will maintain a reduced caseload and will work in close coordination with the other components of the BASTA Program. The prosecutor will utilize "true vertical" prosecution techniques, handling each case from point of referral through screening, charging, all court appearances, disposition and sentencing. The investigator will assist in investigation of select cases, in trial preparation, including interview of Spanish speaking witnesses.

Minimal administrative costs are allocated to training, overhead, operating and audit expenses.

The project prosecutor meets or exceeds OCJP requirements for this program. This includes membership in the California Bar and specific prosecutorial training and extensive trial

experience. Additionally, he is the current grant prosecutor and, as such, completely familiar with the grant requirements and gang prosecution. The investigator will be Spanish speaking, which addresses the predominant ethnic composition of our gang cases.

Mid-year salary adjustments for the grant staff are shown in the line item detail for each grant funded position. These adjustments are consistent with the compensation levels adopted by the Santa Cruz County Board of Supervisors for members of the Assistant District Attorney and investigator payroll class. No additional mid-year salary adjustments are contemplated.

The Legislature and the California State Bar have not yet finalized attorney bar dues for the current year. The amount shown (\$395) is a best estimate based on currently pending legislation. The application does not include any subcontracts or unusual expenditures.

B.A.S.T.A. - Prosecution Component

BUDGET CATEGORY AND LINE-ITEM DETAIL		
A. Personal services - Salaries/Employee Benefits		COST
(1) .90 FTE Assistant District Attorney (Level III)		
<p>The resources requested in this category are to finance direct labor costs for the BASTA prosecutor. That individual will provide direct vertical prosecution services in gang prosecutions, including case intake and screening, "hands on" litigation, representing the District Attorney of this BASTA technical team to external entities and supervision of follow-up investigations, That individual will also perform related duties as detailed in the Budget Narrative and the attached application. Costs are calculated as follows:</p>		
26 Pay periods @ \$31.28	@ 90% =	\$58,556
Administrative Leave: 80 hrs @ \$31.28/hr	@ 90% =	\$2,252
On-call pay: 492 hrs @ \$1.00/hr	@ 90% =	\$ 443
PERS Retirement @ 12.612%	@ 90% =	\$ 7,725
OASDI @ 7.65%	@ 90% =	\$ 4,686
Employee insurance/Annual rate as per MOU	@ 90% =	\$3,339
State Bar dues	@ 90% =	\$ 356
Subtotal		\$77,356
2. .10 FTE DA Inspector (Level II)		
<p>The resources requested in this category are to finance direct labor costs for the GVSP investigator. That individual will provide direct vertical investigatory services in gang violence allegations, including conducting interviews, gathering evidence, and coordinating with other law enforcement agencies. That individual will also perform related duties as detailed in the budget narrative and the attached application. Costs are calculated as follows:</p>		
26 Pay periods @ \$29.38/hr	@ 10% =	\$6,111
POST Differential pay: 2080 hrs x \$1.00/hr	@ 10% =	\$ 208
Bilingual differential pay: 2080 hrs x \$0.70/hr	@ 10% =	\$ 146
PERS Retirement @ 20.425%	@ 10% =	\$1,291
Medicare tax @ 01.45%	@ 10% =	\$ 92
Employee annual insurance rate per MOU	@ 10% =	\$ 668
Auto allowance	@ 10% =	\$ 152
Subtotal		\$8,521
Total Employee Salary and Benefits		\$85,871

B.A.S.T.A. - Prosecution Component

BUDGET CATEGORY AND LINE-ITEM DETAIL		COST
B. Operating Expenses		
<p>The resources requested in this category are to finance mandatory continuing legal education for the BASTA prosecutor and investigator at such training courses as may be required by OCJP in connection with this grant program. Costs are calculated as follows:</p> <p>OCJP mandated training conference for one Assistant District Attorney</p> <p>(A) Registration @ \$75 for assigned staff \$ 75</p> <p>(B) Lodging for 3 days @ \$100 for assigned staff \$300</p> <p>(C) Flight costs @ \$300 for assigned staff \$300</p> <p>(D) Per diem for 3 days @ \$42 for assigned staff \$126 \$801</p> <p>OCJP mandated training conference for one DA Inspector</p> <p>(A) Registration @ \$75 for assigned staff \$ 75</p> <p>(B) Lodging for 3 days @ \$100 for assigned staff \$300</p> <p>(C) Flight costs @ \$300 for assigned staff \$300</p> <p>(D) Per diem for 3 days @ \$42 for assigned staff \$126 \$801</p> <p>CDAAGang Violence training conference for one Assistant District Attorney</p> <p>(A) Registration @ \$120 for assigned staff \$120</p> <p>(B) Lodging for 3 days @ \$100 for assigned staff \$300</p> <p>(C) Flight costs @ \$300 for assigned staff \$300</p> <p>(D) Per diem for 2 days @ \$42 for assigned staff \$ 84 \$804</p> <p>CDAAGang Violence training conference for one DA Inspector</p> <p>(A) Registration @ \$120 for assigned staff \$ 1 2 0</p> <p>(B) Lodging for 3 days @ \$100 for assigned staff \$ 3 0 0</p> <p>(C) Flight costs @ \$300 for assigned staff \$300</p> <p>(D) Per diem for 2 days @ \$42 for assigned staff \$ 8 4 \$804</p>		
Total all transportation and travel		\$3,210

B.A.S.T.A. - Prosecution Component

BUDGET CATEGORY AND LINE-ITEM DETAIL		
B. Operating Expenses (continued)		COST
<p>The resources requested in this category are to finance the mandated audit required by state and county authorities. The cost estimate is based on the OJCP Program Plan (Part II, February, 1998, pg. 30) required by state and county authorities.</p>		
2:	Audit costs	\$1,500
3.	Office supplies	\$1,550
<p>Projects may charge indirect costs not to exceed 5% of the actual total direct project costs, excluding equipment.</p>		
4.	Indirect cost	\$4,600
TOTAL ALL OPERATING EXPENSES		\$10,873.16
TOTAL ALL CATEGORIES		\$96,750.00

OJCP-7303a (Rev. 7/97)
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[NOTE: All programs are required to complete this form (OCJP-653).]

Complete the Other Funding Sources form (OCJP 653) to report the total funds available to support the activities related to accomplishing the goals and objectives of the Grant Award Agreement. In the Grant Funds column, report all other funds available to support the project by category and then calculate the totals by category in the Program Total column. Total each column down to arrive at the total program funds available.

BASTA PROSECUTION COMPONENT

OTHER FUNDING SOURCES			
BUDGET CATEGORY	GRANT FUNDS	OTHER FUNDS	PROGRAM TOTAL
Personal Services	\$85,877	-0-	85,877
Operating Expenses	3,210	-0-	3,210
Equipment	-0-	-0-	-0-
TOTALS:	96,750	-0-	96,750

OCJP-653

(Rev, 1194)

THIS FORM DOES NOT BECOME PART OF THE GRANT AWARD.

NOTE: THIS REQUEST INCLUDES 77,400 IN GRANT FUNDS AND 19,350 IN LOCAL MATCH.

80% - 77,400 - GVS FUNDS RQSTD
20% - 19,350 - MATCHING FUNDS
100% - 96,750 - TOTAL PROSECUTION COMPONENT BUDGET

PROJECT SUMMARY

1. PROJECT YEAR

- New
- Year 2
- Year 3
- Other

2. PROJECT TITLE ,

Broad-Based Apprehension, Suppression, Treatment and Alternatives (BASTA)

3. GRANT PERIOD

July 1, 1999 To June 30, 2000

4. APPLICANT

Name: County of Santa Cruz District Attorney's Office
Phone: 83 1.454.2400 **Fax #:** 83 1.454.2227
Address: 701 Ocean Street, Room 200
 Santa Cruz, CA 95060

5. FUNDS REQUESTED

\$86,000

6. IMPLEMENTING AGENCY

Name: Santa Cruz Co. District Attorney's Office **Phone:** 83 1.454.2400 **Fax #:** 831.454.2227
 (Prosecution Component)
Address: 701 Ocean Street, Room 200, Santa Cruz, CA 95060

7. PROGRAM DESCRIPTION

The purpose of this program is to (1) identify current gang members and intervene in their activities in order to eliminate the threat they pose to themselves and the community and (2) give at-risk youth and their families the information and skills they need to prevent future gang involvement. The BASTA program (which is the Spanish word for "enough") is a multi-component initiative of the Santa Cruz County District Attorney's Office, Sheriff's Office, Probation Department, the Pajaro Valley Unified School District, the City of Watsonville Police Department, the City of Watsonville Parks, Recreation and Neighborhood Services Department, and Fenix Services. These agencies will provide integrated law enforcement, prosecution, probation, education and community-based services to address the goals of this program.

8. PROBLEM STATEMENT

Organized gangs, gang violence and gang-related drug use and trafficking have a long history in the program's target area. Many area families include third generation gang members, making the problem so entrenched that extraordinary resources are required to provide effective intervention. The target area has eleven Hispanic gangs. Total gang members and associates number approximately 754 and there are another approximately 254 non-member associates, giving the area an at-risk population of 1,008. Most gang members are between 14 and 24 years old, with juveniles comprising approximately 19% of the gang population. Offenses included murder, forcible rape, possession of firearms and/or deadly weapons, robbery, burglary, aggravated assault, narcotics and a wide range of misdemeanor violations.

9. OBJECTIVES

Resist the pretrial/prehearing release of at least 35 charged project defendants/minors. Eliminate or reduce the use of plea bargaining, limiting such dispositions to a maximum of 10. Increase to 30 the number of convictions or sustained petition for project defendants. Increase the length of sentences or commitments and the ratio of maximum sentences or commitments in project cases, with at least 38 defendants sentenced to incarceration. Reduce the GVS prosecutor's average caseload to fifty cases, as opposed to the Office felony average of 287 cases. Achieve true vertical prosecution from arraignment to sentencing in at least 45 cases. Utilize PC 186.22 "criminal street gang validations" in at least 5 cases. Coordinate closely with other program components. Provide protection for 50 program witnesses. Assist in Watsonville's "First National Night Out," a community-wide crime and drug abuse prevention event.

PROJECT SUMMARY

10. ACTIVITIES

Program activities include: participating in case planning and evaluation with the other BASTA components; coordinating with other law enforcement agencies involved in gang-related cases; providing "true vertical" prosecution, from filing through disposition, in over 90% of all program cases; resisting pretrial/prehearing release motions; limiting plea negotiations; increasing conviction rates and sentence lengths; coordinating witness protection matters; assisting in community crime and drug prevention initiatives within the project area.; collecting and maintaining required source documentation; and performing administrative/reporting tasks as required by OCJP.

11. CATEGORY

12. PROGRAM AREA

_____ N/A

13. EVALUATION

The grant solicitation did not require a formal evaluation. However, the program will be continuously reviewed by top management in the District Attorney's Office. It will also fully comply with all OCJP reporting and monitoring requirements. Source documentation will be maintained at several levels, including case files, intake logs, and the District Attorney's automated case tracking system. The program and its staff will comply with my future evaluation to be conducted or sanctioned by OCJP.

14. NUMBER OF CLIENTS TO BE SERVED

_____ 60,814 _____
(Population of Service Area)

15. PROJECTED BUDGET

	Personnel Services	Operating Expenses	Equipment	TOTAL
Funds Requested	\$74,651	\$2,749		\$77,400
Other Grant Funds				
Other Sources (list in-kind, fees, etc.)	\$8,295	\$305		\$8,600

16. NAME OF RESPONSIBLE OFFICIAL

Signature: *Ronald L. Ruiz*

Date: May 5, 1999

Typed Name: RONALD L. RUIZ

Title: District Attorney