



# County of Santa Cruz

## DISTRICT ATTORNEY'S OFFICE

701 OCEAN STREET, ROOM 200, P.O. BOX 1159, SANTA CRUZ, CA 95060  
 (831) 454-2400 FAX: (831) 454-2227 E-MAIL: [dat015@co.santa-cruz.ca.us](mailto:dat015@co.santa-cruz.ca.us)

**KATHRYN CANLIS**  
**DISTRICT ATTORNEY**

Michael S. McFarland  
 Chief Deputy-Administration

April 19, 2001

BOARD AGENDA: May 22, 2001

Members of the Board of Supervisors  
 Governmental Center  
 701 Ocean Street, Room 500  
 Santa Cruz, California 95060

RE: FISCAL YEAR 2001-2002 CHILD ABUSER VERTICAL PROSECUTION PROGRAM  
 (CAVP)

Dear Members of the Board:

We are currently in the process of re-applying to the Office of Criminal Justice Planning (OCJP) for fiscal year 2001-2002 funding for our Child Abuser Vertical Prosecution Program. As part of the re-application process, we are requesting your Board to adopt a Resolution ratifying our grant application as submitted and sign the attached Certification of Assurance of Compliance, which OCJP now requires to be part of our application.

The District Attorney's Office is again eligible to receive \$200,000 from OCJP to administer a Child Abuser Vertical Prosecution Program (CAVP) in Santa Cruz County during fiscal year 2001-2002. The District Attorney's Office has been a recipient of CAVP grant funds since 1986 and has received a total of \$1,710,000 to finance an Assistant District Attorney and part of an inspector position to investigate and vertically prosecute the most serious child sexual abuse cases occurring in our community.

The purpose of this program is to: (1) investigate and prosecute child sexual assault cases as aggressively and effectively as possible, (2) take all appropriate steps to minimize trauma to child sexual assault victims, and (3) secure the most appropriate sentences for child abusers. The program will target individuals who commit any of the following acts against children in our community: rape, rape in concert (as defined in Penal Code Section 264.1)



WATSONVILLE OFFICE  
 P.O. BOX 220  
 FREEDOM, CA 95019  
 430 FREEDOM BLVD.  
 WATSONVILLE, CA 95076  
 (631) 763-8120  
 (831) 763-8029 FAX



PUBLIC ADMINISTRATOR  
 P.O. BOX 1159  
 420 MAY AVENUE  
 SANTA CRUZ, CA 95061  
 (831) 454-2442  
 (831) 454-3752 FAX

Members of the Board of Supervisors  
April 19, 2001  
Page 2

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incest, sodomy, oral copulation, genital or anal penetration by a foreign object, lewd or lascivious acts (as defined in Penal Code Section 288), and child molestation (as defined in Penal Code Section 647.6). The program will be implemented in the District Attorney's Office and will employ "true vertical" prosecution techniques. It will be staffed by a highly qualified attorney and investigator.

A copy of our grant application will be placed on file for your review with the Clerk of the Board. We will continue to notify your Board of any changes to the fiscal year 2000-2001 CAVP grant application in accordance with applicable County procedures.

THEREFORE, IT IS RECOMMENDED THAT YOUR BOARD adopt a Resolution authorizing the District Attorney to reapply to the Office of Criminal Justice Planning for fiscal year 2001-2002 Child Abuser Vertical Prosecution funding.

Sincerely,

  
KATHRYN CANLIS  
DISTRICT ATTORNEY

RECOMMENDED:

  
\_\_\_\_\_  
SUSAN A. MAURIELLO  
COUNTY ADMINISTRATIVE OFFICER

cavplr&res.bos01

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

## RESOLUTION NO.

On the motion of Supervisor  
duly seconded by Supervisor  
the following resolution is adopted

RESOLUTION RATIFYING THE DISTRICT ATTORNEY'S REAPPLICATION FOR FUNDS DURING FISCAL YEAR 2001-2002 FOR A CHILD ABUSER VERTICAL PROSECUTION PROGRAM ADMINISTERED BY THE OFFICE OF CRIMINAL JUSTICE PLANNING

WHEREAS, the Board of Supervisors of Santa Cruz County desires to undertake a certain project designated the Child Abuser Vertical Prosecution Program, to be funded in part from funds made available through the Child Abuser Vertical Prosecution Program (CAVP) administered by the Office of Criminal Justice Planning (hereafter referred to as OCJP).

NOW, THEREFORE, THE BOARD OF SUPERVISORS RESOLVES AND ORDERS that the District Attorney of the County of Santa Cruz is -authorized, on its behalf to submit an application for state funds for a Child Abuser Vertical Prosecution Program to the Office of Criminal Justice Planning and is authorized to execute on behalf of the Board of Supervisors of Santa Cruz County the attached Grant Award Agreement, including any extensions or amendments thereof.

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

IT IS AGREED that any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and OCJP disclaim responsibility for any such liability.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_ 2001, by the following vote:

VOTE:

AYES:

NOES:

ABSENT:

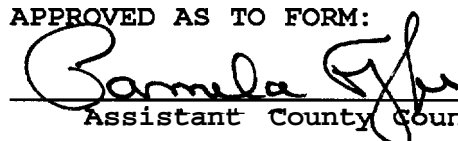
ABSTAIN:

\_\_\_\_\_  
TONY CAMPOS  
CHAIRPERSON OF THE BOARD

ATTEST:

\_\_\_\_\_  
Clerk of Said Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Assistant County Counsel

DISTRIBUTION: District Attorney  
County Counsel  
Auditor, CAO

17

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**CERTIFICATION OF ASSURANCE OF COMPLIANCE**

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

I, KATHRYN CANLIS, hereby **certify** that: (official  
authorized to sign grant award; same person as line 13 on Grant Award Face Sheet)

GRANTEE: COUNTY OF SANTA CRUZ

IMPLEMENTING AGENCY: SANTA CRUZ COUNTY DISTRICT ATTORNEY'S OFFICE

PROJECT TITLE: CHILD ABUSER VERTICAL PROSECUTION

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

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

**I. EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

A. General EEO Rules and Regulations (State and Federal)

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

1. California Fair Employment and Housing Act (**FEHA**) and Implementing Regulations, California Administrative Code, Title 2, Division 4, Fair Employment and Housing Commission.
2. California Government Code Article 9.5, Sections 11135-11139.5 and Implementing Regulations, California Administrative Code, Title 22, Sections 98000-984 13.
3. Title VI of the Civil Rights Act of 1964.

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

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

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

**B.** The following apply to federally funded grants only:

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

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

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

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

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

## 2. Assurance of EEOP for Federal Grants of \$25,000-\$499,999

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

A.A. Officer: Ana Ventura-Phares

Title: Affirmative Action Program Manager

Address: 70 1 Ocean Street. Room 3 10

Phone: 83 1.454.2600

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

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

## 3. Federal Grants of \$500,000 and Above

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

## 4. EEOP Updates for Continuing Federal Grants

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

C. The following apply to **all** OCJP grantees:

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

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

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

- A. Publishing a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations, as required in Government Code Section 8355(a).
- B. Establishing a Drug-Free Awareness Program as required by Government Code Section 83 55(b), to inform employees about all of the following:
  - 1. The dangers of drug abuse in the workplace;
  - 2. The organization's policy of maintaining a drug-free workplace;
  - 3. Any available counseling, rehabilitation and employee assistance programs;
  - 4. Penalties that may be imposed upon employees for drug abuse violations.
- C. Providing as required by Government Code Section 8355(c) that every employee who works on the proposed grant:
  - 1. Will receive a copy of the company's drug-free policy statement;
  - 2. Will agree to abide by the terms of the company's statement as a condition of employment on the contract or grant.
- D. **Notifying** the employee in the statement required that, as a condition of employment under the grant, the employee will:
  - 1. Abide by the terms of the statement; and
  - 2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
- E. Notifying the agency, in writing, within 10 calendar days after receiving notice as required above from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position, title to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, DC 2053 1. Notice shall include the identification number(s) of each affected grant.

Certification of Assurance of Compliance  
OCJP-656 (Rev. 7/97)

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

**III. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

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

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

**Iv. LOBBYING**

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

- A. No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person 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 this federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- C. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers [including subgrants, contracts under grants and cooperative agreements and subcontract(s)] and that all subrecipients shall **certify** and disclose accordingly.

17



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

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR, Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR, Part 67, Section 67.5 10, the applicant certifies that it and its principals:

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

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

**VI. PROOF OF AUTHORITY FROM CITY COUNCIL/GOVERNING BOARD**

The above named organization 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 OCJP, 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 OCJP disclaim responsibility of any such liability. Be it further resolved that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

**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.**

All appropriate documentation must be maintained on file by the project and available for OCJP 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 grantee may be ineligible for award of any future grants if the Office of Criminal Justice Planning (OCJP) determines that any of the following has occurred: (1) the grantee has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

**CERTIFICATION**

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

Official's Signature: Kathryn Canlis

Official's Typed Name: KATHRYN CANLIS

Official's Title: DISTRICT ATTORNEY

Date Executed: APRIL 19.2001

Federal ID Number: 946000534

Executed in the County of: SANTA CRUZ

City/County/CBO Financial

Officer's or City Manager's Signature: \_\_\_\_\_

City/County/CBO Financial

Officer's or City Manager's Typed Name: \_\_\_\_\_

City/County/CBO Financial

Officer's or City Manager's Title: \_\_\_\_\_

17