

## **Domestic Violence in Santa Cruz County: Have We Kept the Promise?**

### **Synopsis**

The Grand Jury chose to investigate domestic violence as a result of reviewing three reports: the State Attorney General's Task Force on Domestic Violence released in July 2005,<sup>1</sup> the 2003 and 2004 editions of the Santa Cruz County Community Assessment Project - crime and domestic violence data sections, and the 2003 and 2004 Santa Cruz County Domestic Violence Commission Annual Reports to the Community. The Grand Jury wanted to determine if victims of domestic violence had an opportunity to be safe and if batterers involved in domestic violence were being held accountable. A broad approach was taken and the answers to these questions were only partially answered by this investigation due to limitations imposed on the Grand Jury investigative process. Recommendations are made to further address and improve upon the services related to domestic violence in Santa Cruz County.

The Grand Jury initially looked at the two locally established advisory bodies, the Domestic Violence Commission (DVC) and the Commission for Prevention of Violence Against Women (CPVAW), to determine if they were effective as proactive, watchdog entities on behalf of victims. The CPVAW was found to be proactive and effective. The DVC was found to be minimally effective in several areas and woefully inadequate in many other areas. Subsequently, a large number of recommendations are being made to assist the DVC in re-gaining focus and organizational effectiveness.

Funding, while not the focus of this investigation, was addressed to assess the environment in which all domestic violence-related service providers must function. Limited resources exist beyond the federal, state, and county funding streams that often vacillate with political and economic changes. Although the two primary, local, charitable organizations within the county are well respected and efficiently run, it is difficult for new organizations to be acknowledged or funded. Suggestions for consideration are included.

The Grand Jury then focused attention on organizations that provided direct services to victims. While not an easy path, the Grand Jury found that the opportunity to be safe exists. In general, direct services were found to be good to excellent. Domestic violence service providers would benefit from sharing information, experience, and referrals. Several recommendations are made regarding the need for collaboration as a cost-effective measure.

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<sup>1</sup> Lockyer, Bill, California State Attorney General, Keeping the Promise: Protecting the Victims of Domestic Violence and Holding Batterers Accountable, June 2005.

Batterers' Intervention Programs in Santa Cruz County include both state-certified fifty-two week programs and support groups for batterers. State-certified programs, reviewed by the Probation Department, include consequences for noncompliance with program rules concerning attendance and homework. Since the Grand Jury is specifically excluded from investigating the courts, research was limited to whether batterers' programs are holding batterers accountable. The Grand Jury found that programs are run well by qualified and dedicated staff. However, not every segment of society in Santa Cruz County is served. For example, there is no specific program for gay, lesbian, or transgender batterers. Only one program has groups for female perpetrators.

Finally, the Grand Jury looked at legal components related to domestic violence: law enforcement, legal assistance available to victims, the role of the District Attorney's Family Protection Unit, and the role of the Probation Department in ensuring compliance with mandated fifty-two week intervention programs. Each component plays an important role in determining victim safety and batterer accountability. When each component functions optimally, batterers are held accountable and victims experience a greater degree of safety. To this end, several recommendations are made to strengthen the infrastructure that is in place.

## ***Definitions***

**501 (c) 3 Corporation:** a nonprofit, nonstock corporation in California, organized for religious, charitable, social, educational, recreational, or similar purposes formed under the Nonprofit Corporation Law

**ALTO:** Adults Learning to Take Opportunity; assists with long-term recovery from drug and/or alcohol abuse and confronting violent behavior. Services include a state-certified Batterers' Intervention Program.

**ASR:** Applied Survey Research; an independent, nonprofit research organization

**Batterers' Intervention Program:** a fifty-two week program that consists of two-hour weekly sessions. Batterers are to file proof of enrollment in a Batterers' Intervention Program with the court within thirty days of conviction.

**BWTF:** Battered Women's Task Force, a collective of facilitators that provides support to battered women through weekly support group meetings

**CALWorks:** a welfare program that gives cash aid and services to eligible needy California families

**CAP:** Community Assessment Program, a United Way and county-funded community profile assessment

**CASA:** Court Appointed Special Advocate; a trained volunteer appointed by a judge to become a child's consistent support through the court system

**Children's Network:** an interagency planning council formed to improve the delivery of services to the children and families of Santa Cruz County

**CLETS:** California Law Enforcement Telecommunication System. CLETS allows law enforcement agencies to access information such as criminal checks, Department of Motor Vehicles information, warrant checks, and records of stolen property.

**Community Foundation of Santa Cruz County:** a nonprofit, charitable organization based in Santa Cruz County.

**Court Watch Programs:** volunteers who sit in court and carefully observe court proceedings and record and report court actions. This program serves two purposes: the observer's presence reminds judges and prosecutors of the importance the community places on how cases are handled, and their observations provide invaluable problem analysis.

**CPO:** Criminal Protective Order, issued in criminal courts when sentencing a domestic violence defendant to probation

**CPVAW:** Commission for the Prevention of Violence Against Women, a Santa Cruz City commission formed in 1982

**DdM:** Defensa de Mujeres, a nonprofit agency that provides services to victims of domestic violence. It merged with Women's Crisis Support in 2005.

**Deferred Judgment:** a program in which some people arrested for lower-level drug offenses, such as non-violent offenses and possession for personal use only, may be eligible to plead guilty, accept this program, complete the program, and then have the charges dropped from their record

**DOJ:** Department of Justice. Criminal protective orders must be recorded in a statewide database maintained by the DOJ.

**DV:** domestic violence and emotional abuse are behaviors used by one person in a relationship to control the other. Partners may be married or not married; heterosexual, gay, or lesbian; living together, separated, or dating.

**DVC:** Domestic Violence Commission; a Santa Cruz County advisory commission to the Board of Supervisors

**DVROS:** Domestic Violence Restraining Order System; a Department of Justice tracking system for all domestic violence recorded cases

**EPO:** Emergency Protective Order; can be obtained by a victim at any time from a police officer who responds to a call for assistance. This is a stop-gap measure that can be obtained immediately, after which the victim can seek a TRO.

**Familia Center:** a nonprofit agency that provides services to low-income people within the community

**Family Court:** court where divorce and child custody cases are heard

**Family Court Services:** include mediation, family dispute resolution, and custody evaluations

**Family Law Facilitator:** a program in the Santa Cruz County Superior Court that assists people who do not have attorneys with the following: child support orders; health insurance orders; spousal support orders, custody and visitation orders; and starting, responding to, or finalizing a divorce, separation, or parentage case

**Family Matters:** a now-defunct nonprofit organization that provided services to survivors of domestic violence, most recently to male victims

**Fenix Outpatient Services:** a nonprofit organization whose services include a state-certified Batterers Intervention Program

**First Five Santa Cruz County:** the government agency in Santa Cruz County that administers local revenues from Children and Families First Act

**Formal Probation:** when a Probation Officer is regularly in contact with an offender

**Healthy Kids:** a First Five program designed to provide comprehensive healthcare coverage for children without health insurance

**HRA:** Human Resource Agency; the Santa Cruz County government agency that includes Family and Children's Services, Adult and Long Term Care, Benefit Services, and Careerworks

**HSA:** Health Services Agency; the Santa Cruz County government agency including the following departments: Environmental Health, Public Health, Medical Care, Substance Abuse Prevention and Treatment, and Mental Health

**Informal Probation:** when an offender is not supervised by the county Probation Department or by the court

**JANUS:** a community-based, private, nonprofit organization that treats both alcohol and chemical dependencies

**MOAB:** Men Overcoming Abusive Behavior, a men's peer support group for anger management

**OAH:** Order After Hearing; orders issued in Family Court that include all requirements listed in a restraining order

**OES:** Office of Emergency Services; receives reports of domestic violence by telephone or in writing

**PTA:** Pacific Treatment Associates; a for-profit agency that includes a state-certified Batterers' Intervention Program

**Proposition 36:** This initiative allows most people convicted of first- and second-time, nonviolent, simple drug possession, to receive drug treatment instead of incarceration.

**RO:** Restraining Order, issued in family court in the form of an Order After Hearing. Restrained person shall not contact, molest, harass, attack, strike, threaten, sexually assault, batter, telephone, send any messages to, follow, stalk, destroy the personal property of, disturb the peace of, keep under surveillance, or block movements in public

places or thoroughfares of the person seeking the order. The order expires three years from the date of issuance.

**SAFE Connections for Kids:** a supervised child visitation program

**S.A.N.E.:** Sexual Assault Nurse Examiner

**S.A.R.T.:** Sexual Assault Response Team

**SCCC:** Santa Cruz Community Counseling Center is a nonprofit organization providing a wide range of mental health and social services.

**Survivor:** a positive reference to those who have experienced domestic violence and are seeking to change their circumstances

**SYB:** Simply Your Best; a for-profit agency, services include a state-certified Batterers' Intervention Program for both men and women

**Treatment/Diversion programs:** Judges can "divert" defendants from criminal prosecution to these programs. If convicted of domestic violence, a batterer would have to attend and complete such a program. If a defendant successfully completes the program, the arrest would be wiped off the books; if not, prosecution could be reinstated.

**TRO:** Temporary Restraining Order, issued in Family Court when a victim offers "reasonable proof" of domestic violence. The duration of a TRO is twenty days and can be extended by the judge pending a hearing. Its purpose is to ensure a period of separation, prevent a recurrence of domestic violence, and prohibit personal contact with the victim.

**Vertical Prosecution:** each case is handled by the same prosecution team from the time a complaint is reviewed and sent to the county level until final disposition of the case.

**Victim:** defined under Family Code § 6211 as spouse, former spouse, cohabitant, former cohabitant, person with a dating or engagement relationship

**Victim Advocate:** a trained support person who provides services to survivors of domestic violence. These services may include being present during a S.A.R.T. examination or helping with completion of legal forms and court processes.

**Victim Witness Assistance Center:** a state-funded agency located in the Santa Cruz County District Attorney's Office can assist a victim of violent crime with emergency services, such as food, shelter, clothing, and transportation. The program can also provide counseling, restitution, and an advocate to assist during court proceedings.

**VINE:** a program that offers twenty-four-hour, 365-day a year, toll-free telephone services in English and Spanish to victims of crime and other concerned individuals. Callers can anonymously access vital offender information, including custody status, inmate location, upcoming court events, and sentence expiration. Callers can register to be notified of any change in an offender's custody status, such as release, transfer, escape, court event, or sentence expiration.

**WAWC:** Walnut Avenue Women's Center, a nonprofit family resource center established seventy years ago

**WCS:** Women's Crisis Support; a nonprofit agency established in 1977, provides services to victims of domestic violence; merged with Defensa de Mujeres in 2005

## **Overview**

One in every three women will be affected by domestic violence in her lifetime. On average, more than three women are murdered by their husbands or boyfriends in this country every day. In 2000, intimate partner homicides accounted for thirty-three percent of the murders of women. Between the years 2000 and 2005, two homicides occurred within Santa Cruz County related to domestic violence.

Domestic violence is defined as a pattern of coercive and abusive behaviors that is perpetrated by adults or adolescents against current or former intimate partners in order to control the partner. Of those involved in organizations related to domestic violence, most would agree that power and control are central issues of domestic violence. Behaviors may include repeated physical abuse, psychological abuse, or sexual assault, all of which typically progress in severity, leading to social isolation and potentially resulting in death. Psychological abuse may include behaviors such as: threats, physical or social isolation, ridicule, financial constraints, or public humiliation. The vast majority of assaults on current or former partners are committed against women.

Domestic violence is a serious concern at county, state, and national levels. Three recent reports, two county and one state, each address the issue of domestic violence in Santa Cruz County. The state report is a one-time project authorized by the State Attorney General, while the other two are annual reports within the county. Each publication addresses distinct components of domestic violence. This investigation seeks to determine an accurate picture of domestic violence in Santa Cruz County with a focus on victim safety and batterer accountability.

The Community Assessment Project (CAP), a United Way and county-funded eleven-year community profile assessment, provides data for the county as a whole and then breaks down data by city (Capitola, Santa Cruz, Scotts Valley, and Watsonville). There are two sections relevant to the topic of domestic violence. The first, *Crime Rate*, separately identifies rape statistics; the second, *Domestic Violence*, includes number of calls, cases with weapons, community feelings, and prevalence of child witnesses to domestic violence.

A thirty percent increase countywide in domestic violence calls occurred within the County of Santa Cruz for the reporting year of 2004. Domestic violence calls have increased in all cities except Capitola over the past ten years. The largest increase occurred in the City of Santa Cruz and the smallest in Watsonville. When looking at the past five years, the percentage change reflects a decrease in Capitola, Scotts Valley, and Watsonville while the City of Santa Cruz and the unincorporated areas continue to report an increase in calls. Still, in 2003, the domestic violence call rate for Santa Cruz County

rose by 25.8 percent while the call rate for the state of California fell by 30.4 percent. The number of domestic violence calls reported by cities within the county varies considerably and may be due to differences in reporting and whether sexual assault reports are included within the category of domestic violence or are reported separately. However, the number of calls related to domestic violence reported within the county serves as a point of departure and merits closer scrutiny. Do the increased numbers reflect a greater awareness of community support or do the numbers reflect an actual increase of domestic violence within our population?

The number of domestic violence cases with weapons has decreased in the cities of Capitola and Scotts Valley within the past year but has increased twenty percent in unincorporated areas and fifty percent in the cities of Watsonville and Santa Cruz. In contrast, the number of domestic violence cases with weapons has been dramatically declining for the state as a whole.

When reviewing crime rates as a whole in Santa Cruz County, violent crime, (homicide, rape, robbery, and aggravated assault), has dropped 28.6 percent in the past ten years. The violent crime rate per 1,000 population is 4.6 and has remained relatively stable for the past five years. This appears to be good news. However, the crime of rape has increased within the county 47.6 percent over a ten-year period and nearly twenty-five percent over the past five years. A review of major cities in the county reveals that rape as a crime has increased in every city except the unincorporated area for the past ten years. Five year rates show a less dramatic increase ranging from one hundred (one to two incidents) to two hundred (eight to twenty-five) percent but, nonetheless, an increase. Tables reflecting ten-year rape data are from the Community Assessment Project and are located in Appendix B.

The Domestic Violence Commission (DVC), an advisory commission to the Board of Supervisors, is composed of members who are representatives of county organizations concerned with the issue of domestic violence. The DVC began issuing an annual report on domestic violence within the county under the auspices of the District Attorney's Office in 2003. To the extent data can be compared from 2003 to 2004, the number of clients placing domestic violence calls to law enforcement agencies increased nearly sixty-three percent while felony arrests decreased twenty-two percent, and misdemeanor arrests remained the same despite the increase in reporting. The 2004 report does not identify cities making felony and misdemeanor arrests in contrast to the previous year when Watsonville had the highest number of felony arrests and Santa Cruz the highest misdemeanor. Of 1,061 cases sent to the District Attorney's Office in 2004, 663 or sixty-two percent were filed as either felony or misdemeanors. The average number of felony domestic violence cases filed by the District Attorney's Office each month decreased by twenty-eight percent. Emergency Protective Orders decreased by twenty-eight percent. Temporary Restraining Orders, often filed with the assistance of an advocate, remained essentially the same (Order After Hearing) and Permanent Restraining Orders, requiring a court process, declined thirty-three percent. The 2005 Domestic Violence Commission Annual Report to the Community, usually distributed in April, had not yet been published

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at the time of this report and was unavailable for comparison to the previous year. A proof copy of the document was requested by the Grand Jury but was denied.

The State of California released a two-year task force report in June 2005 titled, Keeping the Promise – Victim Safety. The report focused on four areas: victim safety, enforcement, health care reporting, and batterer accountability. While data for the report was obtained primarily from ten counties within the state, many specific statistical profiles within the report were obtained from all counties, including Santa Cruz, and reflect comparative regional data. Data that included Santa Cruz County was related to the issuance of restraining orders and the number of unserved orders. Santa Cruz was ranked among counties (thirty-four) with a population of 100,000 or more and was positively identified in the first quartile for the issuance of Criminal and Emergency Protective Orders. The county was identified in the second quartile for the issuance of Family Court Orders After Hearing. Both of the above are positive indicators. A less than desirable ranking, third quartile, occurred for Santa Cruz County in the areas of the number of unserved Criminal Protective Orders (5.4% unserved), as well as the number of unserved Family Court Orders After Hearing (28.9% unserved). A DVC Commissioner stated that strategies to improve the numbers of unserved restraining orders will need to be addressed by appropriate constituents of the legal community.

An additional report, a twenty-year retrospective (1984 -2004) on sexual assault in the City of Santa Cruz, was conducted under the direction of the Commission for Prevention of Violence Against Women. The report was made public in April 2006 and revealed the increasing level of sexual assault in the City of Santa Cruz. The request by the CPVAW to form an investigative task force was deemed to be redundant and unnecessary by the City of Santa Cruz Police Department representative. Subsequently, the request was declined by the Santa Cruz City Council.

In addition to the Santa Cruz County Sheriff's Department, there are four municipal police departments within the county (Capitola, Santa Cruz, Scotts Valley, and Watsonville). California Penal Code § 273.5 identifies domestic violence as a criminal act. Statistical reporting occurs monthly and is sent to the District Attorney's Office where a determination is made to file a complaint or dismiss. Information to stakeholder organizations regarding disposition of a case is available *only if* a mutually agreed-upon procedure for exchange of this information between the District Attorney's Office and the agency is in place.

Many service providers for both victims and batterers exist within the county. Most agencies are non-profit and receive county and/or state funds. A few are privately funded. While never sufficient, funding may come from a variety of sources and is often competitively sought. Court referrals to non-profit and private agencies for batterers and/or victims for counseling, classes, shelter, and/or legal assistance are common.

The Santa Cruz County Grand Jury last addressed the issue of domestic violence in 1995. However, the report addressed only mortality rates in relation to domestic violence.

## **Scope**

In an attempt to reflect an accurate picture of domestic violence in Santa Cruz County, the report is divided into the following sections:

- Advisory bodies
- Funding
- Direct services for victims
- Sexual assault response
- Batterers' Intervention Programs
- Legal system

Victim safety and batterer accountability is the primary focus of this investigation.

Methods utilized to gather information included:

- Interviews
- Literature search
- Document reviews
- Questionnaire
- Site visits

## **Sources [see Appendix A]**

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## **Advisory Commissions: A Finger on the Pulse?**

### ***Background***

For more than twenty-five years, domestic violence advisory groups in Santa Cruz County have advocated for survivors and influenced and guided policy. This section of the report covers two of these bodies, the Santa Cruz City Commission for the Prevention of Violence Against Women (CPVAW) and Santa Cruz County Domestic Violence Commission (DVC).

CPVAW was formed in 1981 by community initiative and became a Santa Cruz City commission in 1982. CPVAW is a self-described, “pro-active think tank that creates solutions to ending violence against women and girls.” Each Santa Cruz City Council member nominates one commissioner for appointment and approval. Seven commissioners, who are all volunteers and must be Santa Cruz City residents, serve four-year terms. Officers, including a chair and vice chair, serve one-year terms. The focus of CPVAW varies with the interest of its members. Presently, the commission is centered on sexual assault more than domestic violence.

According to the bylaws of the commission, its purposes are to:

- prevent sexual assault and domestic violence against women in the City of Santa Cruz;
- ensure quality services for women who have experienced sexual assault and domestic violence in the City of Santa Cruz; and
- make issues of sexual assault and domestic violence public concerns of the citizens of Santa Cruz.<sup>2</sup>

CPVAW programs include: self-defense classes for women and girls, the Safe Place Network, educational events for teen men and women, a grants program, and collaboration with the City of Santa Cruz Police Department (SCPD). With the cooperation of proprietors, CPVAW also distributes coasters at bars citing the penal code for assault upon one who has consumed too much alcohol. In addition, a media release advice packet in both Spanish and English for law enforcement, and educational outreach at high schools has been developed.

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<sup>2</sup> City of Santa Cruz, Commission on the Prevention of Violence Against Women, “Community Resources Brochure,” October 2002.

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On April 25, 2006, CPVAW presented a report on rape and sexual assault to the Santa Cruz City Council. The report indicated an increase in both rape and sexual assault in the city. As a result, CPVAW called for the formation of a task force to address the issue. The report included:

- long-term data regarding the increase in reported rapes in the City of Santa Cruz over a ten- and twenty-year period;
- a comparison of the rate of rape in the City of Santa Cruz with the State of California and five cities of similar character (Huntington Beach, San Diego, San Luis Obispo, Santa Barbara, and Berkeley); and
- demographics (age, location, ethnicity, stranger, non-stranger, brief encounter, etc.) of reported sexual assaults in Santa Cruz for a focused two-year period of 2003 and 2004.<sup>3</sup>

Although all data used in the report was provided by SCPD, questions were raised by the SCPD regarding accuracy and interpretation of the data. Rather than participating in a task force, the SCPD believed that its limited resources should be directed toward victim assistance and investigation.<sup>4</sup> Subsequently, the Santa Cruz City Council denied the task force proposal and proposed an alternate plan. In this proposal, the Santa Cruz City Public Safety Committee and CPVAW will combine to devise an action plan.

The Domestic Violence Commission (DVC), established by the Board of Supervisors in 1994, has approximately twenty-four to twenty-eight volunteer members who represent a variety of domestic violence-related agencies throughout the county. There are three types of membership seats on the DVC: membership by *ex officio* status (based on the office they hold), membership by agency representation, and membership at-large. Members appointed by position serve as long as they hold their qualifying positions. At-large members and agency representatives serve for four years with staggered terms. Terms of office for non-*ex officio* members begin on April 1. A representative from the County Administrative Office holds a position seat. A complete list of members is on the DVC web site.<sup>5</sup>

The DVC has five county-mandated responsibilities [County Code Chapter 2.118.050]:

- helping to increase coordination between agencies, departments, and the courts, and with victims of domestic violence and abuse;
- promoting effective and accessible education and treatment;

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<sup>3</sup> Applied Survey Research, The Commission for the Prevention of Violence Against Women: Report on Rape and Sexual Assault, presentation to the Santa Cruz City Council, April 25, 2006.

<sup>4</sup> See Appendix C.

<sup>5</sup> Santa Cruz County Domestic Violence Commission web site, <http://sccounty01.co.santa-cruz.ca.us/da/dvc/mission.asp>.

- improving responses to domestic violence to reduce incidents of domestic violence;
- examining domestic violence issues and making recommendations to the Board of Supervisors; and
- establishing a committee from among the membership to develop protocols for use by law enforcement officers.

The DVC's major projects include producing an annual report on domestic violence for the past three years, hosting an annual recognition ceremony to honor direct service providers, and procuring several grants. In addition, meetings provide an opportunity for domestic violence-related agencies to network.

### ***CPVAW Findings***

1. CPVAW bylaws state that its goals include preventing domestic violence against women, providing quality services, and ensuring public awareness of domestic violence as well as programs to prevent sexual assault.
2. CPVAW pursues its preventative role through educational outreach.
3. There is an ongoing demand for CPVAW self-defense classes.
4. Grand Jury members observed that CPVAW meetings are well organized and productive.
5. The CPVAW has posted a written mission statement, agendas, and minutes on the CPVAW web site.<sup>6</sup>
6. Terms on CPVAW are staggered so that no more than two commission seats expire at the end of a given year. Commissioners may not serve more than two consecutive terms. The commission bylaws mandate monthly meetings. Commissioners are allowed three absences with notification or two without notification per calendar year.
7. The Grand Jury conducted an informal survey of downtown business sites (identified by the Safe Place Network decal) that showed out of twelve employees at different business establishments, only six were aware of the network and how to respond to an incident. Only one employee offered a brochure. Several employees were completely unaware of what the sticker represented; some offered creative responses.
8. CPVAW provides information on domestic violence in Spanish both on its web site and in its pamphlets.
9. CPVAW has an annual budget of \$70,000 that pays for a half-time administrative assistant, educational outreach, and instructors for self-defense classes. All CPVAW commissioners are volunteers.

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<sup>6</sup> Santa Cruz City Commission for the Prevention of Violence Against Women web site, <http://www.ci.santa-cruz.ca.us/>.

10. According to a CPVAW member, CPVAW “has had significant difficulty in obtaining District Attorney’s Office dispositions and updates.”<sup>7</sup>
11. The CPVAW report to the Santa Cruz City Council states that the rate of reported rape is higher in the City of Santa Cruz than comparative cities, counties, surrounding regions, and the State of California. The 2004 rate in Santa Cruz is 2.10 per 1,000 females while the rate in California is .53 per 1,000 females.
12. Santa Cruz City Police officials stated at the April 25, 2006, Santa Cruz City Council meeting that “the higher number of reported rapes may be due to more victims reporting such crimes and a new electronic reporting system started in 1999 that better captures crime statistics.”<sup>8</sup> The SCPD officials did not have evidence supporting the reason for the increase.
13. One of the reasons the Santa Cruz City Council cited for denying the establishment of the Rape and Sexual Assault Task Force is that it has no jurisdiction to compel some of the potential members of the proposed task force, such as the Santa Cruz City Schools Superintendent, to participate in this project.

### ***DVC Findings***

14. The DVC held a retreat in February 2006 to establish goals and revitalize the commission. Goals agreed upon at this retreat included:
  - improving and reorganizing commission structure;
  - evaluating and improving the annual report to the community, emphasizing the effectiveness of Batterers’ Intervention Programs; and
  - providing the community with education about domestic violence.According to the Executive Summary of the DVC Retreat Preparation Questionnaire Report, “The members’ issues and concerns in 2006 are strikingly similar to the ones reported in 2002.”<sup>9</sup>
15. The goals of the DVC and its subcommittees vary from year-to-year depending on the interests of the chair and the membership.
16. The DVC produces an annual report for the Board of Supervisors that highlights activities, accomplishments, and future goals. The 2003-2004 report was not approved as of October 12, 2005 due to lack of quorum in meetings.
17. The annual report by the DVC to the Board of Supervisors is not on the DVC web site. DVC operating subcommittees are not identified on the web site, and their

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<sup>7</sup> Santa Cruz City Council Meeting Minutes, July 28, 1987.

<sup>8</sup> Santa Cruz Sentinel, “City works to increase rape awareness,” April 26, 2006.

<sup>9</sup> Archer, Kay Bowden, “Santa Cruz County Domestic Violence Commission, 2006 Retreat Preparation Questionnaire Report,” February 2006.

reports, if they exist, are not included in DVC minutes. The DVC web site does not include a full set of DVC agendas and minutes.

18. The Domestic Violence Commission Annual Report to the Community includes information and statistics on advocacy groups, rate of child witness to domestic violence, law enforcement, District Attorney filings, and court protective orders.
19. The DVC web site and annual report to the community are not translated into Spanish.
20. The DVC has no budget. Staff has been provided by the organization to which the chair belongs. Printing of the annual reports has been paid for by a variety of sources: the Sheriff's Department, the District Attorney's Office, and the Community Foundation. The DVC is seeking donations to print the 2004-2005 report to be released in Spring or Summer 2006.
21. Grand Jury members have observed that agendas are not followed and reports from subcommittees were not made at DVC meetings, and action items were not tracked from meeting to meeting. The meetings also lack member attendance and participation.
22. DVC meeting requirements are set by the bylaws of the DVC that state meetings are to be held monthly.
23. On February 11, 2004, the DVC approved a motion to hold six and not twelve meetings per year. Three were to be held in Watsonville. Some commissioners expressed concern that the reduction would impact the work of the commission.<sup>10</sup>
24. The DVC minutes of March 9, 2005, state, "a quorum consists of one person more than one-half of the appointed members (i.e., fourteen members). An absence policy states that if a member is absent from three consecutive regular meetings without good cause, he or she could be removed from the commission.
25. DVC meetings in which a quorum was present are represented below:

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<sup>10</sup> Santa Cruz County Domestic Violence Commission, Minutes, October 12, 2005.

<b>YEAR</b>	<b>NUMBER OF MEETINGS</b>	<b>QUORUM</b>
2001	10	10
2002 <sup>11</sup>	10	8
2003 <sup>12</sup>	10	7
2004	7	4
2005	7	5

**Table 1: Domestic Violence Commission Quorum Meeting Record.**

26. The DVC chair and vice chair are elected to one-year terms beginning in April. However, there has been no scheduled meeting in April for the past three years.
27. For the past three years, the DVC has had no latino or gay/lesbian/transgender representatives. Three vacancies on the DVC have been open since January 2005.
28. In November 2005, the DVC had existing subcommittees composed of a commissioner chair and private citizens who may or may not have been members of the DVC. At its February 2006 retreat, subcommittees were formulated consisting solely of commission members.
29. Subcommittees reported on their activities at DVC meetings from 2001 until 2004. The minutes of 2004 and 2005 do not reflect subcommittee action.

### ***CPVAW Conclusions***

1. According to its bylaws, CPVAW's stated focus is on both sexual assault and domestic violence; however, current focus seems to be primarily on sexual assault.
2. CPVAW has a long history of action and accomplishment and serves the City of Santa Cruz conscientiously.
3. Due to turnover in downtown businesses, not all employees in businesses displaying the Safe Place Network decal are as informed as they should be about the network.
4. CPVAW meets regularly according to its bylaws and has sufficient attendance to accomplish its goals. CPVAW reviews its bylaws in a timely manner.
5. CPVAW's documents are readily available to the public. Agendas, minutes, bylaws, and mission statement are on its web site.
6. CPVAW's membership and leadership terms are established to maintain energy and promote infusion of new ideas.

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<sup>11</sup> Two sets of minutes missing in 2002.

<sup>12</sup> One set of minutes missing in 2003.

7. Providing CPVAW information in Spanish is a valuable service to an important segment of survivors.
8. Receiving updates on case dispositions from the District Attorney's Office would allow for better statistical collection and a more complete understanding of domestic violence and sexual assault in the City of Santa Cruz.
9. Both SCPD and CPVAW agree that there is an increase in rape and sexual assault in the City of Santa Cruz. The first step in any action plan to address this problem would be to obtain hard evidence on the reason for the increase.
10. The Santa Cruz City Council does not have the authority to compel county, law enforcement, and school officials to participate in a task force on rape and sexual assault.

### ***DVC Conclusions***

11. The DVC membership is concerned about the structure and goals of the commission and has taken preliminary steps in identifying its problems.
12. The Domestic Violence Commission Annual Report to the Community provides Santa Cruz County with valuable information about the trends in domestic violence reporting, services of local providers, and responses of law enforcement.
13. Translating the Domestic Violence Commission Annual Report to the Community into Spanish would increase its readership in an important constituency.
14. Because the DVC has no budget for publishing its annual report, valuable volunteer time is lost by having to solicit funds.
15. The DVC's mandated responsibilities are not routinely addressed. DVC meetings with the required quorum are not frequent enough to conduct the work of the commission. Comparison of concerns stated at the two DVC Retreats (2002 and 2006) shows that these issues have not been adequately addressed. Evaluating Batterers' Intervention Programs has been a DVC goal for several years.
16. The DVC violates its own bylaws by not meeting on a monthly basis and not meeting in Watsonville.
17. Since 2004, attendance and interest have decreased with the reduction in number of meetings per year. Due to the reduction in number of meetings, the DVC is unable to accomplish its stated goals in depth.
18. Information on DVC activities and organization are not readily available to the public.
19. DVC membership terms are long and can be for extended periods of time leading to disinterest and lack of participation. Vacancies leave the DVC without representation in key areas.

20. A term of one year as DVC chair is not sufficient for the chair to gain experience and to allow for established goals to be implemented.
21. Opportunities for networking are not exploited at DVC meetings.
22. Without hundreds of hours of volunteer work, advisory groups in Santa Cruz County would not exist.

### ***CPVAW Recommendations***

1. CPVAW should address issues of domestic violence so that efforts are equal to those expended on sexual assault.
2. CPVAW volunteers are to be commended for their dedication and accomplishments in increasing awareness of domestic violence and sexual assault in the City of Santa Cruz.
3. CPVAW should continue to serve the City of Santa Cruz and its citizens by maintaining all current programs and by publicizing the activities of CPVAW in a timely and organized manner.
4. CPVAW is to be commended for providing information on domestic violence in Spanish.
5. CPVAW should continue to conduct ongoing education about the Safe Place Network with downtown business employees.
6. The District Attorney's Office should report sexual assault and domestic violence case dispositions to CPVAW and DVC regularly rather than requiring a request.
7. The 2006-2007 Grand Jury should consider investigating the crime of rape and sexual assault in Santa Cruz County.

### ***DVC Recommendations***

8. DVC volunteers are to be commended for recognizing problems with commission function and organization and taking preliminary steps to remedy them.
9. The DVC should establish clear and focused goals and strategies at the beginning of each year and submit them to the Board of Supervisors annually. These goals and objectives should be published on the DVC web site.
10. The Board of Supervisors should hold established commissions responsible for achieving goals and objectives and for following their bylaws.
11. The DVC should post the annual report to the Board of Supervisors on the county web site along with goals, agendas, and minutes. The DVC should base its annual report to the Board of Supervisors on the achievement of previously stated goals. The web site should be updated with these items in a timely manner.

12. The DVC should continue to publish the annual Domestic Violence Commission Report to the Community. The 2005-2006 Grand Jury Final Report is a beginning step in evaluating batterers' intervention programs. The DVC can build on this research to evaluate batterer accountability throughout the legal system. In addition, the report should identify cities making felony and misdemeanor arrests as does the 2003 report rather than just giving totals for the county.
13. The Board of Supervisors should guarantee funding for the annual DVC report to the community.
14. Domestic violence advisory groups should make sure their literature is in both Spanish and English.
15. Individual members of the DVC should insist on compliance with bylaws concerning monthly meetings and attendance. With established goals and productivity as the highest concern, bylaws could be amended if necessary.
16. The DVC should consider changing its bylaws to shorten and stagger terms of office to infuse the DVC with fresh ideas and energy.
17. The DVC should consider re-establishing an executive committee and identifying these members on the DVC web site. It should also consider increasing the number of officers to share responsibilities.
18. The DVC should fill its vacancies and remedy the attendance problem.
19. The DVC should consider amending its bylaws to increase the chair's term of office.
20. The DVC should develop an orientation process for new members.
21. The DVC should require each member to give an annual presentation on the organization he or she represents to update the commission as a whole.
22. Individual members of the DVC should take full advantage of networking opportunities to collaborate, problem solve, and determine whether unaddressed needs of survivors exist.
23. The DVC should include information about its subcommittees on the county web site. It should also include progress reports on projects.
24. DVC volunteers are to be commended for increasing awareness of domestic violence in Santa Cruz County.

**Responses required**

<b>Entities</b>	<b>Findings</b>	<b>Recommendations</b>	<b>Respond Within</b>
Santa Cruz County Board of Supervisors	17 - 18, 23 - 26	10 - 13	60 Days (September 1, 2006)
Santa Cruz City Council	4, 7, 11 - 13	1 - 5	60 Days (September 1, 2006)
Santa Cruz County Domestic Violence Commission	15, 18 - 30	8 - 9, 11 - 12, 14 - 24	90 Days (October 1, 2006)
Santa Cruz City Commission for the Prevention of Violence Against Women	4, 7, 11 - 13	1 - 5	90 Days (October 1, 2006)
District Attorney's Office	10	6	60 Days (September 1, 2006)

## Shallow Pockets, Deep Needs: Funding

An appropriate quote from the Community Foundation of Santa Cruz County's recent 2005 Nonprofit Landscape Study offers a reflective thought in regard to funding of service providers, in general, and for the purposes of this report, to domestic violence service providers. "Providing nonprofits with the technical, financial and volunteer support necessary to help them thrive is ultimately in the best interest of all Santa Cruz County residents."<sup>13</sup>

### **Background**

Organizations providing services related to domestic violence are funded through federal, state, and local grants, private donors, and charitable distributions. Of all the service providing agencies related to domestic violence that were reviewed by the Santa Cruz County Grand Jury, most were among the nonprofit sector, two were for profit, and one was self-sustaining with little or no funds.

The Santa Cruz County Human Resource Agency (HRA) subcontracts with at least sixty Health and Human Services nonprofits to provide a wide range of social services within the county. The Health Services Agency (HSA) funds health-related nonprofits that provide drug and alcohol abuse programs. Funding for these agencies comes from county, federal, and state funding sources. Additional monies from a fee on marriage licenses and from the Probation Department are allocated to domestic violence-related programs in the county. At present, no single-source document identifies the total funding of nonprofits in the county by service provider, the granting agency that allocates funds to their organization, and the mix of public and private monies from various sources. Contracts with nonprofits totaled over six million dollars in fiscal year 2004-2005.<sup>14</sup> Because there is no single-source document, the Grand Jury was unable to determine the percentage of funds specifically allocated to domestic violence service providers. Decisions to allocate county funds are made by the Board of Supervisors and are based on recommendations of budget analysts, department directors, and oversight boards. In this time of budget constraints, legitimate concerns are raised regarding the cost of duplicated services and administrative costs. The recent administrative consolidation (1999) and subsequent merger (2005) of Defensa de Mujeres and Women's Crisis Support provides an example of potential budget efficiency (economy of scale).

"In contrast to other California counties that have experienced a slow down in nonprofit growth, [the number of] Santa Cruz County nonprofits have continued to grow by forty-

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<sup>13</sup>The Community Foundation of Santa Cruz County, 2005 Santa Cruz County Nonprofit Landscape Study.

<sup>14</sup>The Community Foundation of Santa Cruz County, 2005 Santa Cruz County Nonprofit Landscape Study.

five percent in the last fifteen years; fifteen percent in the last five years.”<sup>15</sup> Consequently, those making funding allocation decisions must consider many more organizations than previously.

The nonprofit funding environment is limited and competitive in Santa Cruz County. Currently, only two local charitable organizations, the United Way and the Community Foundation of Santa Cruz County, fund the growth or creative projects, such as a pilot project or new materials, of domestic violence service providers beyond their established funding base. Contributions from local charities and individual contributions represent a minimal percentage of an organization’s total operating budget. Consequently, reliance on federal, state, and local funding sources becomes central to maintaining a core operational budget.<sup>16</sup>

With salaries often higher for comparable positions in nearby larger cities, many organizations rely on the passion and compassion of individuals dedicated to a particular cause. Based on a recent study of nonprofits in Santa Cruz County by the Community Foundation of Santa Cruz County, “one-third of nonprofits operate with an annual budget of less than \$50,000; half with two or fewer staff members, and nearly one-third rely on an all volunteer workforce.”<sup>17</sup>

Establishing a diverse funding base through fund raising, grant writing, and development of marketing and solicitation materials requires staff, time, energy, and specific skill sets. The Grand Jury has deduced that young organizations with less staff, visibility, and minimal strategic short- and long-term goals often flounder and struggle for years before becoming established or disappearing altogether. One such organization, offering a unique service, ceased operation within the past year. The majority of organizations reviewed in this report relies heavily on volunteers within the community to support and implement organizational goals.

Core funding of nonprofit organizations related to domestic violence is established through federal and state grants, service contracts with local government, and private donations. Additional monies could be obtained from two local charitable, funding organizations, the United Way of Santa Cruz County and the Community Foundation of Santa Cruz County. An assessment of these sources follows.

### ***United Way Findings***

1. The Executive Director of United Way has held the position for fourteen years. The organizational structure includes a board of trustees and decision-making committees. A mission statement exists and a recently adopted Fund Distribution Plan document details the process for funding.

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<sup>15</sup>The Community Foundation of Santa Cruz County, 2005 Santa Cruz County Nonprofit Landscape Study.

<sup>16</sup>The Community Foundation of Santa Cruz County, 2005 Santa Cruz County Nonprofit Landscape Study.

<sup>17</sup>The Community Foundation of Santa Cruz County, 2005 Santa Cruz County Nonprofit Landscape Study.

2. United Way has sixteen staff members, half of whom are First Five employees. United Way also staffs the Children's Network.
3. United Way raises approximately \$1.3 million per year through local agencies, employers, businesses, and corporate and private donors.
4. Consideration for initial funding by United Way must meet criteria in one of five funding areas: Youth, Disabled, Homeless Families, Healthy Families, and Elders.
5. In addition to the established funding areas, three United Way initiatives currently underway are: Go for Health, Together for Youth, and Success by Six.
6. An extensive application for funding by United Way must be submitted. The application process is coordinated by the Human Resource Agency and can be shared with and utilized by other city and county funding sources.
7. The United Way currently funds thirty-three organizations, each for a three-year cycle.
8. The Walnut Avenue Women's Center Support Groups have been funded by United Way for the past three years.
9. A designated United Way committee determines if funding for an agency will be renewed for an additional three-year cycle.
10. Individual donors can designate monies to the United Way general fund, to one of the thirty-three agencies selected for funding, or to any other agency in the community.
11. A scheduled one-hour, on-site evaluation of United Way-funded agencies occurs each year by an evaluation team. The evaluation team consists of one United Way employee and three or four volunteer community members who have received a two-hour training. The evaluation form used by the team is thorough in scope. Some volunteer evaluators have served for many years.
12. United Way plays a directive and contributory role in the development and annual distribution of the Community Assessment Project (CAP). The CAP has been produced for eleven years and provides access to trended data related to many social issues of concern to various members of the community.

### ***Community Foundation of Santa Cruz County Findings***

13. The Community Foundation of Santa Cruz County was established in 1982. The current Executive Director has been in the position for ten years. An eighteen-member volunteer board of directors actively guides a staff of 9.3 employees all of whom have nonprofit experience.
14. The Community Foundation recently participated in a study of time/cost analysis to streamline its operations and guide strategic planning.

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15. Web site and marketing materials for Community Foundation are current and thorough.
16. The Community Foundation of Santa Cruz County funds nonprofit organizations or agencies designated by donors.
17. The range of total funds distributed annually by Community Foundation is \$500,000 - \$4,000,000 depending on monies earned, raised, or received that year.
18. Annual distributions by Community Foundation for all selected competitive grants range from \$500,000 - \$770,000.
19. Funding sources for the Community Foundation include investments, donors, partnerships, and fundraising.
20. The Community Foundation maintains seven fields of interest in which to receive and disburse monies: Arts and Humanities, Community Development, Education, Environment, Health, Historic Preservation, and Human Services.
21. Funds are disbursed by Community Foundation to local nonprofits based on grant application or donor-advised funds.
22. Community Foundation funding for 2003 to domestic violence-related service providers included Walnut Avenue Women's Center, Women's Crisis Support-Defensa de Mujeres, and Familia Center.
23. Community Foundation funding for 2004 and 2005 to domestic violence-related service providers included Walnut Avenue Women's Center, Defensa de Mujeres, and Women's Crisis Support.
24. There is an annual competitive application process for Community Foundation grant funds.
25. After receiving grant funds from the Community Foundation, an agency must wait for three years before submitting another grant application. However, some agencies receive annual distributions from donor-advised funds.
26. Community Foundation staff evaluate the expenditure of distributed funds through site visits and mid-term and final reports. On occasion, site visits are made prior to funding.
27. Other programs and services of benefit to the community offered through the Community Foundation include:
  - management training workshops;
  - grant application workshops;
  - a CD-ROM data base of other funding foundations;
  - a board match program to assist nonprofits in finding board members;
  - estate planning; and

- a list of nonprofits and their purposes to assist donors in making their contribution decision.
28. The Community Foundation underwrote a study of local nonprofits in 1999 and 2005 to assess the local nonprofit landscape.
  29. There is no single-source document that identifies the budgets of domestic violence-related agencies in Santa Cruz County.
  30. Representatives of the United Way and Community Foundation of Santa Cruz County expressed concern regarding the duplication of services within the county and subsequent duplicated administrative costs.

## **Conclusions**

1. Leadership in both organizations is stable.
2. Both organizations are well entrenched within the community, are efficiently run, and provide valuable services to the community.
3. Both organizations maintain a degree of transparency with information readily available through current web site access, printed materials, and media exposure.
4. Many grass roots service agencies in the county rely on yearly funding from United Way. However, it is difficult for a new organization to become one of the thirty-three organizations selected for annual funding.
5. Since funding by United Way is for a three-year cycle, it is important that evaluations yield accurate information. Scheduled one-hour site evaluations may not provide an accurate assessment.
6. The Community Foundation provides an important source of financial assistance to local, stable, 501(c) 3 nonprofits seeking funds for specific projects. It is difficult for young organizations or established non-501 (c) 3 agencies that have no funding source, such as Battered Women's Task Force, to receive small grant consideration.
7. The United Way produces the annual Community Assessment Project (CAP) that provides a broad range of trended and comparative data for the community. In relation to this Grand Jury report, the areas of crime and domestic violence are of import. It is a valuable resource for county organizations and residents.
8. The 2005 Santa Cruz County Nonprofit Landscape study underwritten by the Community Foundation is a valuable point-in-time resource that serves the community.
9. The broad variety of programs and projects offered by the Community Foundation reflects its philanthropic goal of outreach to the community.
10. An overall picture of domestic violence-related funding in a single-source funding document would be useful to the DVC in meeting its goals.

11. In an environment of continuing countywide budget constraints, and the continuing growth in the numbers of nonprofits, a study of duplicated services and administrative costs by nonprofit agencies within the county has not occurred. Representatives from the United Way and the Community Foundation would be likely leaders to initiate and/or participate in such a study.

**Recommendations**

1. The Grand Jury commends the United Way for fulfilling its purpose, for its organization and transparency, and the annual production of the Community Assessment Project and strongly recommends that it maintain its role in this project.
2. The Grand Jury commends the Community Foundation of Santa Cruz County for its organization, transparency, and its broad range of services provided to the nonprofit sector and recommends that it maintain all services.
3. The United Way should consider periodic, spontaneous, rather than scheduled, evaluative site visits.
4. The United Way should consider a small funding category for new or young organizations that provide unique services.
5. The Community Foundation may want to consider a trial program wherein a selected, young (less than four years old) nonprofit, offering a unique service, or an established, productive but unfunded agency could be assisted financially and managerially for a selected period of time.
6. Representatives from both organizations should be active participants in future county-wide discussions on the collaborative efforts of nonprofits and the impact of duplicated services and costs.
7. The DVC should collect budgetary information on direct service providers and Batterers' Intervention Programs to get an overall picture of funding.

**Responses requested, but not required**

<b>Entity</b>	<b>Findings</b>	<b>Recommendations</b>	<b>Respond Within</b>
United Way	9, 11, 30	1, 3, 4, 6	90 Days (October 1, 2006)
Community Foundation of Santa Cruz County	20, 24, 30	2, 5, 6	90 days (October 1, 2006)

**Responses required**

<b>Entity</b>	<b>Findings</b>	<b>Recommendations</b>	<b>Respond Within</b>
Domestic Violence Commission of Santa Cruz County	29	7	90 Days (October 1, 2006)

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## **A Trusted Hand When Needed: Direct Services to Survivors**

### ***Background***

Two primary nonprofit organizations, Women's Crisis Support-Defensa de Mujeres and Walnut Avenue Women's Center, provide a variety of services and programs that enable female victims to address their life situations and, eventually, to rebuild their lives. A third organization that provides direct services to women is the Battered Women's Task Force (BWTF). It is housed within the Walnut Avenue Women's Center. A fourth organization, Familia Center, offers services to low-income families. One additional organization, Family Matters, offered services to male victims, but ceased operation within the past year.

Women's Crisis Support (WCS) was established in 1977 in Santa Cruz. Defensa de Mujeres (DdM) was established in Watsonville in 1990. The two organizations were administratively consolidated in 1999 and officially merged in 2005. Four facilities exist under the umbrella of WCS-DdM: an administrative office in Watsonville, a service provider center in Watsonville, a service provider center in the City of Santa Cruz, and an emergency shelter located within the county. The organization owns the administrative building, the service center in Watsonville, and the shelter. The service center located in the City of Santa Cruz is leased. WCS-DdM has a ten-member board of directors currently working on a five-year strategic plan. Operational bylaws are in existence. The Executive Director has been in the position for nine years. There are approximately thirty-nine staff members, all of whom are bilingual. A newsletter, N.E.W.S. (Networking to Ensure Women's Safety), is published quarterly. Several other brochures and flyers list pertinent information about the organization and the services provided. All services are available in English and Spanish. Services include:

- emergency shelter for women and their children
- telephone and in-person individual crisis support
- legal assistance with document preparation
- individual and group support and counseling
- court advocacy
- victim advocate with Sexual Assault Response Team
- neighborhood outreach
- parenting classes

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- workshops for families
- self-defense classes for adult and teen women
- state-mandated domestic violence training for employees and volunteers
- victim advocate training
- community presentations
- training for law enforcement agencies
- healthy families program
- children's and teen's support groups

Approximately 1,700 clients were provided domestic violence-related services in the year 2004-2005. The most frequently used services were: advocacy, peer counseling, crisis intervention, and legal services. Services were utilized by all ethnicities. In 2005, WCS-DdM provided emergency shelter to fifty-six women and sixty-eight children. Length of stay ranged from one to ninety-one days with an average of twenty-four days. Total bed nights provided were 2,972. The Client Satisfaction Survey, conducted by Applied Survey Research in 2002-2003, reflected quite favorably on the organization. Large numbers of volunteers support the organization.

The Walnut Avenue Women's Center (WAWC) is located in the City of Santa Cruz. It was established seventy years ago as part of the YWCA. It later became independent and assumed its present name. The center owns the building in which it is located. The WAWC currently has an eight-member board of directors that meets monthly. The board operates under established bylaws. The Executive Director has been in the position for thirteen years. Seventy-five percent of the WAWC's thirty-eight employees are bilingual. The WAWC is considered a family resource center and offers a variety of programs including:

- childcare centers
- a family literacy program
- youth programs
- a domestic violence program
- teen mom program
- mentoring program for youth
- parenting classes
- SAFE Connections for Kids (a supervised child visitation program)

WAWC has a satellite presence in Live Oak and at Santa Cruz High School. The center does not have a shelter but collaborates with the WCS-DdM shelter and can provide safe

houses for those in need. Nearly fifty percent of clients served in the domestic violence program are Latina. Ninety percent of those in the Literacy Program and sixty percent of those in the childcare program are Latina. There is a large number of volunteers who serve the center. Services are free unless the ability to pay on a sliding scale is established. WAWC served approximately 1,900 clients seeking domestic violence services in 2005.

Both WCS-DdM and WAWC receive funding through federal, state, and county funding streams. Federal and state funding sources include the Office of Emergency Services and the Department of Health Services – Domestic Violence Division. County funding is administered through the Health Services Agency and the Human Resource Agency. In addition, cities within the county contribute annually to operational budgets. Federal, state, and county funding varies from year-to-year with the political and economic climate. Both organizations receive monies from the United Way and the Community Foundation of Santa Cruz County. Funds from other foundations are sought and received. It is common for one organization to have six or more funding sources. Each source must be tracked, and the organization must be available for audits and site visits by the funding agency. The instability of funding necessitates fundraising activities each year. Although time-consuming, grant writing is a common and necessary endeavor to procure funds for on-going programs and special projects.

The Battered Women's Task Force (BWTF) has been in existence for over fifteen years. It is a collective of ten to fifteen facilitators who provide support to battered women through weekly support group meetings. The meetings are conducted at the WAWC. Those attending the groups are referred to as *survivors* and are assisted through three levels of self-development to process their experiences and strengthen their decision-making for the future. Meetings are confidential and serve to facilitate the *healing process*. Drop-ins are welcome. Grocery supplies from Second Harvest Food Bank are often distributed at the end of meetings. The BWTF has no consistent funding source but may receive small amounts of money from time-to-time through grants. Monies obtained through grants are used to produce materials for the survivors and to increase public awareness. The BWTF has produced an excellent resource book for participants, however, it is currently available only in English.

The Grand Jury developed an open-ended questionnaire in English and Spanish to solicit survivor input. The questionnaires were distributed to facilitators in areas where support groups or shelters were located. The intent was to provide a voice to survivors and to gather information from survivors about problematic areas encountered within the system. Respondents overwhelmingly indicated their appreciation for the centers that offered them services. Respondents from shelters expressed gratitude for having a safe and supportive environment in which to begin healing and to take positive steps. With childcare services offered, the opportunity to attend a support group without the responsibilities of childcare promoted attendance and participation at the service centers. Survivors viewed support groups as a lifeline to continued growth. Legal assistance and

court advocacy were reported to strengthen their resolve and facilitate personal progress. Other amenities such as food distribution, social service and health referrals, and clothing distribution were also appreciated. Frustrations included the large number of agencies to be contacted by survivors to access needed assistance. The lack of transportation was reported to hamper the ability to access assistance, seek employment, access health care, and provide for the welfare of children. Personal frustrations centered around living with fear for personal safety, perceived indifferent response by female police officers, the unknown, and the emotional rollercoaster of deciding to start anew.

Familia Center is a nonprofit organization that was started in 1983 as a satellite clinic of the Women's Health Center in the Beach Flats area. After closing for one year, it reopened in 1993 in the City of Santa Cruz as a health services agency education center. The center has a board of directors and is in the process of purchasing its building. Criteria for employment at Familia Center includes the ability to read, write, and speak English. The eight current employees are bilingual. Familia Center's primary purpose is to provide services to low-income people within the community. Familia Center is part of the Healthy Kids Program through First Five. The center's day care program serves twenty to twenty-five children each day. Additional drop-ins are also welcome. Court referrals to Familia Center are few and are primarily from Child Protective Services and police agencies. The center offers five, six-week parenting classes each year throughout the county. One of the classes is conducted at WAWC. The parenting classes are free. When appropriate, referrals are made to Defensa de Mujeres for shelter services. Other services provided by Familia Center include:

- advocacy and support
- assistance with health insurance enrollment
- a home visitor program to assist families with referrals
- assistance with translation in completing applications and forms
- a school readiness program for children ages three to five
- food and clothing distribution
- educational workshops including computer use for beginners, ESL, diabetes education and nutrition, and vegetarian cooking
- youth enrichment programs include the homework club, teen homework lab, fun Friday, and summer fun

The average number of clients served on a monthly basis is 285. Unduplicated contacts for the year 2004-2005 were 1,626. Eighty-one percent of all clients are Latino and two-thirds of those receiving services are female. Seventy-three percent of all clients receiving services are monolingual Spanish. Ninety-two percent are considered to be in a very low-income bracket despite a majority being employed. The services most utilized were food and clothing assistance. Familia Center coordinates with a large number of other nonprofit organizations within the county. All materials are in English and Spanish.

Funding for Familia Center is from a diverse funding stream that includes federal pass-through monies, state grants, foundation and endowment funds, First Five funds, private donors, and the Community Foundation of Santa Cruz County. Client satisfaction surveys conducted in 2004 and 2005 revealed a strong level of trust with staff at the center.

Family Matters was started in Scotts Valley in 2001 as a nonprofit organization to provide services related to domestic violence. It ceased operation in December 2005. All five staff members were volunteers. The Executive Officer and the Administrative Assistant were bilingual, but only the Executive Officer could translate in confidential settings. Five brochures, available only in English, addressed specific topics. Services provided by Family Matters included crisis intervention for males and females, assistance with legal documents, court advocacy, referrals, and educational outreach. Funding was through small grants and charitable donations. With the exception of one filing fee, services were free. During 2005, focus was on male victims. Although the outreach was unique, law enforcement agencies within the county relate that less than ten percent of domestic violence cases involve the male as victim. It is possible that male victims do not report as readily. Nonetheless, this agency may have remained viable if it had collaborated with other existing agencies to offer services under their name, as does BWTF, or if sufficient funding or assistance for start-up agencies existed within the county. Without paid staff, it is difficult to develop the stability (organizational structure, mission and goal statements, strategic plans, and evaluative measures) required for funding by most organizations.

### ***Women's Crisis Support-Defensa de Mujeres Findings***

1. The Women's Crisis Support and Defensa de Mujeres are one organization.
2. WCS-DdM has a board of directors, established bylaws, and an Executive Director who has been in the position for nine years.
3. WCS-DdM is transparent in its operations. All materials requested by the Grand Jury were promptly submitted and indicated an efficient level of organization and tracking of data.
4. The Women's Crisis Support service center is located in the City of Santa Cruz and offers individual and group counseling to women who have experienced domestic violence or sexual assault.
5. The DdM service center is located in Watsonville and offers individual and group counseling to women who have experienced domestic violence or sexual assault.
6. WCS-DdM offers a wide variety of programs in English and Spanish that serve women, teens, and families.

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7. WCS-DdM provides the sixty-hour, state-mandated training for those planning to work or volunteer in the field of domestic violence. Two training sessions are conducted each year. Approximately thirty-six to forty persons were trained in 2005.
8. Over 1,700 women received support through WCS-DdM in the past year. Additional services were provided to families and those in parenting and self-defense classes.
9. A fifteen-bed emergency shelter exists within the county and is operated by WCS-DdM. The shelter provided bed space to fifty-six women and sixty-eight children in 2005. Total bed nights was 2,972.
10. WCS-DdM trains and is the sole source within the county for Victim Advocates who function as part of the Sexual Assault Response Team. There are over fifty trained Victim Advocates with at least three people on call at all times. All employees of WCS-DdM are advocate trained and can function in the role of Victim Advocate.
11. Information regarding WCS-DdM is available to the public through brochures, flyers, a quarterly newsletter, and its web site [www.wcs-ddm.org](http://www.wcs-ddm.org).
12. WCS-DdM partners with the Commission for Prevention of Violence Against Women (CPVAW) to offer the Safe Place Network among downtown Santa Cruz businesses.
13. The Executive Director of WCS-DdM holds a commissioner seat on the Domestic Violence Commission, has a moderate attendance record, and actively participates in meetings attended.

### ***Walnut Avenue Women's Center Findings***

14. The Walnut Avenue Women's Center (WAWC) is located in the City of Santa Cruz.
15. WAWC has an established board of directors, established bylaws, and an Executive Director who has been in the position for thirteen years.
16. WAWC is a family resource center that offers programs for children, families, and women with issues related to domestic violence.
17. Seventy-five percent of the employees at WAWC are bilingual.
18. WAWC operates three childcare centers. There is a waiting list for childcare. One of the childcare programs is for newborns of teen moms, and another is for toddlers of teen moms.
19. WAWC provides for the presence of a victim advocate within the Santa Cruz County Court building to facilitate immediate assistance in completing legal forms and to explain other court processes. Judges are aware of the advocates' presence and are able to make immediate referrals.

20. WAWC partners with the Commission for Prevention of Violence Against Women (CPVAW) to address sexual assault issues in the workplace. CPVAW supplies a video, and WAWC sends an advocate to speak and answer questions on the topic.
21. The Executive Director of WAWC holds a commissioner seat on the Domestic Violence Commission and has attended and participated sporadically over the past several years.
22. Both WCS-DdM and WAWC have a large number of volunteers. Many volunteers were previously victims of abuse. It is reported that they volunteer to express their belief in, and appreciation for, the support they received.
23. Funding for WCS-DdM and WAWC comes from federal, state, county, and city sources. Additional monies are received from foundations, grants, and private donors. Each source requires tracking, audits, and possible site visits.

### ***Battered Women's Task Force Findings***

24. The Battered Women's Task Force (BWTF) has been in existence for over fifteen years and is located within the Walnut Avenue Women's Center in the City of Santa Cruz.
25. The purpose of the BWTF is to provide support to women who have been abused and to facilitate their *healing process*.
26. BWTF has no consistent funding source.
27. Survivors in support groups at BWTF, surveyed by the Grand Jury, confirm the importance of being able to attend the group sessions.
28. The brochure produced by the BWTF deals thoroughly with the subject of domestic abuse and serves as a resource to participants.
29. The BWTF brochure is only available in English.
30. The director of the BWTF holds an approved commissioner seat on the DVC and has an excellent record of attendance over the past several years.

### ***Survivor Survey Findings***

31. Childcare is provided during all support group sessions at WCS-DdM, WAWC, and BWTF.
32. Survivors, surveyed by the Grand Jury, express gratitude for the services offered through WCS-DdM, WAWC, and BWTF.
33. Survivors, surveyed by the Grand Jury, express frustration about negotiating the myriad number of contacts necessary to secure assistance in rebuilding their lives.

Some of their frustrations related to perceived indifference shown by female police officers during the initial contact.

### ***Familia Center Findings***

34. Familia Center was established in 1983 and is located in the City of Santa Cruz.
35. Familia Center serves low-income families and offers a broad array of programs for children, teens, parents, and adults.
36. All staff at Familia Center are bilingual but are not trained in the state-mandated domestic violence curriculum.
37. There is no domestic violence screening tool as part of the initial application for services at Familia Center.
38. Clients receiving services from Familia Center are predominantly Latino, female, low-income, and monolingual Spanish. The majority of clients is employed.
39. Customer service surveys conducted by Familia Center over the past three years consistently indicate a strong level of trust in staff.
40. Parenting classes are offered throughout the county by Familia Center and are attended primarily by women. One of the classes is conducted at the WAWC site. Parenting classes include information on domestic violence and alcohol abuse during the last class session.

### ***Conclusions***

1. Women's Crisis Support-Defensa de Mujeres is a well established, well organized agency that provides a broad array of domestic violence-related services to the community. The public can readily obtain information about WCS-DdM through their outreach materials.
2. The state-mandated training programs conducted by WCS-DdM for volunteers and potential domestic violence-related employees support employment in the field.
3. Programs conducted by WCS-DdM to train Victim Advocates provide knowledgeable participants in the S.A.R.T. process and ensure an adequate supply of advocates.
4. The emergency shelter and safe houses located within the county serve their intended purpose.
5. Sensitivity to demographics through employment of bilingual personnel, and the availability of agency materials in English and Spanish, demonstrate an inclusive outreach to members of the community seeking domestic violence-related services.
6. Individual and group counseling and support services offered by WCS-DdM, WAWC, and BWTF are well attended and valued by participants.

7. The provision of supervised childcare at service centers promotes attendance at support groups.
8. WAWC is an established, organized agency that has provided services for seventy years. Currently, it serves as a family resource center offering services to children, parents, teens, and victims of domestic violence.
9. Court advocacy provided by WAWC helps to decrease confusion and stress within victims and contributes to time efficiency within the court system.
10. A great deal of time is spent at each organization securing funds, writing grants, tracking expenditures, writing reports, and preparing for audits and site visits. The efforts are duplicated at each entity and for each funding source.
11. The BWTF has a fifteen-year history of providing confidential support in a peer setting that is valued by its participants.
12. With no funding source, BWTF is limited in its production of materials.
13. Survivors are currently dependent on counselors and/or facilitators to express their concerns, frustrations, and needs. Counselors and/or facilitators may or may not be able to advocate for or have access to other appropriate agencies.
14. Representatives of WCS-DdM, WAWC, and BWTF are approved commissioners on the DVC. As providers of direct services to those experiencing domestic violence, their attendance and participation is vital in assisting other DVC commissioners to meet the mandated goals.
15. Familia Center is an established, well organized agency that provides a broad array of services for low-income families.
16. As an agency trusted by its clients, Familia Center could serve as a referring agency to those needing domestic violence-related services. With no employee training or intake screening tool, an opportunity to screen applicants for domestic violence concerns is missing. Without such a tool, employees may not readily recognize the need for a domestic violence-related referral.
17. Parenting classes and childcare centers, provided by Familia Center, are well attended and are strategically located to appeal to clients considering or receiving other domestic violence-related services.
18. Offering related services (such as parenting classes) within other established agencies promotes utilization of services, efficient use of space, and is cost-effective by reducing overhead costs.
19. The organizations providing direct services to victims of domestic violence rely on volunteers to assist with accomplishing their goals.

20. WCS-DdM, WAWC, BWTF, and Familia Center have a history of collaborating with other community agencies to accomplish their goals and may partner with a specific agency for focused projects.
21. It would serve the community if WCS-DdM, WAWC, BWTF, and Familia Center met several times each year to share program offerings, assess programs, discuss potential collaborations, and determine duplicative efforts and costs.

### ***Recommendations***

1. The Grand Jury commends WCS-DdM for their organization, responsiveness, transparency, collaboration with other agencies, and the variety and quality of services offered.
2. The Grand Jury commends WAWC for the variety of services they provide for children, teens, families, and victims of domestic violence, especially court advocacy, and for their collaboration with other agencies.
3. The duplicated efforts of WCS-DdM and WAWC in grant and report writing, as well as fundraising, should be assessed. Creative solutions to reduce time and effort expended by the Executive Directors in these activities should be sought. (An example of such efforts might be a shared position for grant writing or fundraising).
4. The Grand Jury commends BWTF for its long-standing history of volunteerism and its front-line service to survivors.
5. The BWTF should seek small grant funding to provide materials in English and Spanish for participants and for public outreach efforts.
6. Representatives from WCS-DdM, WAWC, and BWTF, who serve as commissioners on the Domestic Violence Commission, should attend monthly meetings regularly, serve as proactive members, and ensure compliance of the commission with stated bylaws.
7. A system should be developed wherein survivors can express their thoughts and frustrations at strategic points in time within the healing process. The input should be collected by group facilitators, forwarded to a representative DVC commissioner, and discussed at DVC meetings.
8. The Grand Jury commends Familia Center for its vast outreach to low-income members of the community and the wide variety of services offered.
9. Familia Center should collaborate with WCS-DdM for domestic violence training for its employees so they may readily recognize a need for referral.
10. As a trusted agency within the community, Familia Center should incorporate a domestic violence screening tool with its intake application for services in order to recognize and refer clients as early as possible to appropriate agencies.

11. The Grand Jury commends the many volunteers of Santa Cruz County who assist domestic violence-related agencies in meeting their goals.
12. The Grand Jury recommends that WCS-DdM, WAWC, BWTF, and Familia Center meet at least twice each year to share program information, discuss program utilization, address common concerns, discuss potential collaboration projects, and assess duplicated efforts and cost.

***Responses requested but not required***

<b><i>Entity</i></b>	<b><i>Findings</i></b>	<b><i>Recommendations</i></b>	<b><i>Respond Within</i></b>
Women’s Crisis Support – Defensa de Mujeres	13, 23, 32-33	1, 3, 6-7, 12	90 days (October 1, 2006)
Walnut Avenue Women’s Center	21, 23, 32-33,	2 - 3, 6 - 7, 12	90 days (October 1, 2006)
Battered Women’s Task Force	26 - 30, 33	4 - 7, 12	90 days (October 1, 2006)
Familia Center	36 - 37, 39 - 40	8 - 10, 12	90 days (October 1, 2006)

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## **A Painful Secret: Sexual Assault Response Team**

### ***Background***

The recently released Commission for Prevention of Violence Against Women (CPVAW) twenty-year study of sexual assault in the City of Santa Cruz and the eleventh annual report by the Community Assessment Project indicate an increase in the number of sexual assaults and rapes in the county.<sup>18</sup> It is unknown what percentage of sexual assault or rape is a component of the broader picture of domestic violence. Specific data linking the two is not reported by any agency. A Sexual Assault Response Team (S.A.R.T.) exists within the county and is composed of a peace officer from the jurisdictional agency, a sexual assault nurse examiner (S.A.N.E.), and a Victim Advocate. The Santa Cruz County Sheriff's Office monitors the budget and implementation of the S.A.R.T. process. Funding for the program is on a pro rata basis from each of four police departments and the Sheriff's Office. In addition, Dominican Hospital and the University of California Santa Cruz contribute annually to the S.A.N.E. budget.

Three registered nurses, with specific training in sexual assault forensic evidence collection and certification in pediatrics, share S.A.N.E. responsibilities within the county. Designated sexual assault examination rooms are maintained by the S.A.N.E. in the Emergency Departments of Dominican Hospital and Watsonville Hospital. When a sexual assault is reported, a peace officer is dispatched to the scene. Once an evaluation has been made by a responding officer or deputy, a sexual assault examination may be authorized by law enforcement. Initially, the S.A.N.E. is notified by dispatch or a peace officer. Response must be within one hour. The evaluation and decision by law enforcement to proceed with an examination begins the S.A.R.T. process. An advocate for the victim is notified by dispatch or the nurse examiner. Victim Advocates have received specific training to provide support to victims of sexual assault and are on-call through Women's Crisis Support-Defensa de Mujeres.

Evidence is collected only with the consent of the victim, and only if a police report is filed. The law enforcement officer makes the determination if a crime has been committed and may file a report regardless of victim consent. Under these protocols, a victim of sexual assault has the right to refuse the collection of evidence and may do so for a variety of reasons including fear of retaliation from an alleged suspect. A victim also has the right to withhold cooperation in a criminal investigation once evidence has been collected. If a police report is filed and evidence is collected, reports are forwarded to the District Attorney's Office for evaluation. As a result, certain time and material

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<sup>18</sup> See tables in Appendix B.

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costs are incurred, regardless of whether the victim recants, is making a false claim, or wishes to proceed. If a police report is not filed, California State Law still requires a mandatory report (Mandatory Report of Injury – Penal Code § 11160).

In contrast to Santa Cruz County protocol, San Francisco County protocol allows victims of sexual assault to determine if they want police involvement prior to examination at the hospital, after examination, or not at all. This allows the control and decision-making to remain with the victim rather than with an outside agent. If police involvement is not desired, evidence is collected, the examination is performed, and a report is telephoned or mailed to the San Francisco Police Department, Domestic Violence Unit in compliance with California State Law, Mandatory Report of Injury. Mandatory reporting does not generate an official police report and does not result in police action unless the victim makes a direct request to a police department. Although mandatory reporting by a health care worker does not require consent of the victim, it is customary for the health care worker to inform the victim of mandatory reporting requirements. Completed mandatory reports are maintained in a confidential file at the hospital or the police department.

In Santa Cruz County, responsibilities of the S.A.N.E. include: collecting and preserving evidence, maintaining extensive records on specific state-approved forms, and providing testimony in court, if needed. The type of evidence collected is broad in scope and may be collected from the victim and/or the suspect. The average length of time for a S.A.N.E. process is three to four hours. The average length of time for a victim advocate to be present is eight to ten hours. In addition, S.A.R.T members participate in bi-monthly and quarterly meetings to review and critique recent incidents. Crime lab updates, regulation changes, and current policies and procedures are also discussed. Representatives of other community agencies related to sexual assault (law enforcement, health services, Child Protective Services, Family and Children's Services, Women's Crisis Support-Defensa de Mujeres, the District Attorney's Office) are invited to attend the bi-monthly meetings.

In 2004, Victim Advocates responded to sixty-four S.A.R.T. requests. In 2005, Victim Advocates responded to sixty-five requests. The monthly average of calls for Victim Advocate participation is 5.4. Reported sexual assaults for 2004 were ninety-eight; for 2005, ninety. In each of the years 2004 and 2005, the S.A.N.E performed seventy-eight sexual assault examinations each year (2004 and 2005). Crime statistics and domestic violence data are posted monthly to the Sheriff's Department web site, however, the number and location of sexual assaults are not specifically identified. The web site includes a section of frequently asked questions related to sexual assault and domestic violence. The Santa Cruz County Sheriff's Office has reviewed and revised specific documents related to sexual assault. These include: Santa Cruz County Sheriff-Coroner Sexual Assault Investigations, S.A.N.E. budget for 2005-2006 and 2006-2007, and Santa Cruz County Sheriff-Coroner Sex Offenders/Notifications and Disclosures.

## ***Findings***

1. The current process of the S.A.R.T. response is under the auspices of the Santa Cruz County Sheriff's Office.
2. No agency in the county tracks data to determine the number of sexual assaults related to domestic violence.
3. Multiple expenses are incurred by the county when filing a sexual assault police report, regardless of whether the victim cooperates or recants.
4. The S.A.R.T. model utilized in Santa Cruz County is law enforcement driven.
5. The sexual assault response model utilized in San Francisco County is victim driven.
6. The Sexual Assault Investigations Unit of the Santa Cruz County Sheriff's Office works cooperatively with other related community organizations.
7. In Santa Cruz County, the number of sexual assaults, with a breakdown by city and the number of call-outs to a S.A.N.E. and Victim Advocate, are not readily available to the public.
8. The Sheriff's Office has reviewed and revised documents related to sexual assault in a timely manner.

## ***Conclusions***

1. Tracking sexual assault and domestic violence incidents should be an on-going process of the county advisory body, the Domestic Violence Commission.
2. Some expenses incurred by the law enforcement-initiated model could be reduced by adopting a victim-initiated model.
3. The Sheriff's Office includes other community agencies in its meetings and discussions related to sexual assault.
4. Data that accurately reflects sexual assault by location should be made accessible to the public.

## ***Recommendations***

1. The Santa Cruz County Sheriff's Office should select a liaison commissioner from the DVC who would receive and report monthly sexual assault statistics to the Domestic Violence Commission and attend bi-monthly S.A.R.T. meetings.
2. The Santa Cruz County Sheriff's Office should consider a trial program to analyze costs and effectiveness of a victim-driven sexual assault response model.
3. The Santa Cruz County Sheriff's Office should include the city locations of sexual assault incidents in the monthly updates to its web site.

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4. The Grand Jury commends the Santa Cruz County Sheriff's Office for its oversight of the S.A.R.T. program and for its inclusion in meetings of other appropriate agencies within the county.
5. The DVC should collect and analyze monthly sexual assault statistics.

***Responses Required***

<b>Entity</b>	<b>Findings</b>	<b>Recommendations</b>	<b>Respond Within</b>
Santa Cruz County Domestic Violence Commission	2	1, 5	90 Days (October 1, 2006)
Santa Cruz County Sheriff-Coroner	2, 3, 4, 5, 7	1 2, 3, 4	60 Days (September 1, 2006)

## **Power and Control: Breaking a Cycle Batterers' Intervention Programs**

### ***Background***

Batterers' Intervention Programs are an important part of a comprehensive community effort to eliminate domestic violence. Batterers' programs in Santa Cruz County fit a variety of models but have similar goals. This section will cover five programs. Four are state-certified, and one program is predominately a peer support group.

In addition to these five programs, a ten-week program on anger management is offered at the Rountree Minimum Security Facility. This program is a peer support group and is not a state-certified Batterers' Intervention Program. The Pajaro Valley Unified School District conducts this well-attended program that has been existence for ten years.

Minimum standards for Batterers' Intervention Programs were established by California Penal Code § 1203.097(c)(2) that states the court "shall refer persons for diversion only to batterers' programs that have been approved by the probation department."<sup>19</sup> State-certified programs are fifty-two weeks in length, have a mandated curriculum, and require attendance tracking. Topics include, but are not limited to: accepting responsibility, emotional abuse, responsible parenting, anger control, conflict resolution, and cycle of violence.

Adults Learning to Take Opportunity (ALTO), a state-certified program, has been in existence for thirty years. ALTO means stop in Spanish. ALTO's stated purpose is to assist in long-term recovery from behaviors of drug and/or alcohol abuse and to confront violent behavior. It focuses on education rather than therapy and introduces batterers to community support groups. ALTO participants explore their belief systems and decision-making processes as a way of learning to avoid violent behavior. Services include: adult outpatient mental services, youth services, and outpatient recovery (mainly from drugs). All participants in the domestic violence program must accept responsibility for their actions and sign a contract stating such.

ALTO serves approximately 1,700 people per year. Clients must be eighteen years or older. The waiting period to enroll in the program is three to five days. Some participants are referred by a drug court, Family Sobriety Court, or are on a deferred judgment. ALTO shares clients with JANUS and refers the clients to an appropriate twelve-step program. Domestic violence clients are in a fifty-two week program and pay on a sliding scale. Due to an increase in the number of local Batterers' Intervention Programs, the percentage of domestic violence enrollment in overall ALTO programs has dropped in

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<sup>19</sup> California Alliance Against Domestic Violence, Model Guidelines for Batterers' Programs, Modesto, California, May 1994.

recent years from ninety-five to seventy percent per year. Approximately eighteen percent of participants do not complete the program.

ALTO receives funding from the county through the Health Services Agency (HSA), CALWorks, and Proposition 36 monies, as well as from private sources such as the Human Race fundraiser. It also receives funding from private fees charged on a sliding scale. Participants with drunk driving convictions must pay their own fees.

Fenix, Inc. began in the early 1980s and went out of business in 2003. At that time, the Santa Cruz Counseling Center (SCCC) took over the service that was renamed Fenix Outpatient Services (Fenix). According to a Fenix administrator, the transition from Fenix, Inc. to SCCC was seamless. Hermanas Recovery Program, a residential drug and alcohol program, is also under the auspices of SCCC and shares a director with Fenix Outpatient Services. Fenix conducts drug and alcohol outpatient counseling and offers a domestic violence program. The Fenix domestic violence program is a state-certified, fifty-two week Batterers' Intervention Program. It receives referrals from the court. As of May 2006, the program had no waiting list and four openings. The Fenix domestic violence program has four groups conducted in Spanish. Each group can accommodate twelve participants. The group facilitator has over twenty years of experience in domestic violence counseling.

The Fenix domestic violence program costs \$1,350 per year, but the fee can be paid in installments. Fenix sends monthly attendance reports to the Probation Department. In addition, batterers make regular court appearances to report on their progress. Fenix tries to work with participants who cannot continue to pay their fees instead of immediately terminating them from the program.

Fenix receives funding from Santa Cruz County through both HSA and HRA. Hermanas receives funding from San Benito County Substance Abuse and Child Protective Services and Monterey County Health and Human Services as well as from Santa Cruz County.

Men's Overcoming Abusive Behavior (MOAB), established in 1994, is a men's peer support group for anger management. The program began with five volunteer members and has had several name changes in its history. The program is not certified as a fifty-two week Batterers' Intervention Program for men on parole or probation. However, MOAB will confirm a participant's attendance to his Probation Officer. Some meeting facilitators also have experienced, and been helped by, anger management support. The drop-in program has no specific curriculum and meets twice a week at a local church. MOAB receives some court referrals, but most participants attend as a result of word-of-mouth referrals. MOAB meeting participants must maintain their sobriety and not participate in violence. Meetings are usually attended by twenty to thirty-five participants, and there is no waiting list.

Pacific Treatment Associates (PTA), a state-certified program, began as a treatment program for sex offenders in 1988. In 1991, the PTA domestic violence intervention program was added. PTA works with perpetrators, and emphasizes preventing re-offense

through “learning to understand, predict and control abusive behavior.”<sup>20</sup> Program components include education, individual sessions, and enrollment in a twelve-step program. Participants must stay clean and sober and demonstrate a change in their thinking about domestic violence.

The PTA domestic violence group has five staff members. Most of them have Master’s degrees, and all of them have forty hours of core-basic domestic violence training. In addition, they take sixteen continuing education units per year.<sup>21</sup>

PTA receives referrals from the courts and the Probation Department. Generally, the public is unaware of this agency. It has provided some educational outreach to schools, the CASA organization, and churches to publicize the issues of domestic violence and sexual assault. Few participants are self-referred; most are referred by other agencies.

PTA coordinates with other agencies: Family and Children’s Services, federal probation, parole, public defenders, the District Attorney’s Office, and other counties such as Santa Clara, San Benito, and Monterey. PTA is satisfied with the coordination and cooperation among these agencies.

The PTA domestic violence program has served 805 clients since inception and is currently serving forty-two. Approximately twenty percent of its clients have been terminated from the program before completion due to absenteeism, not paying fees, violating probation, or transferring out of county. Attendance for the domestic violence program is set by legislation and is provided to the Probation Department on a monthly basis. If participants have three unexcused absences a year, PTA informs the Probation Department.

PTA is a for-profit organization and does not receive or apply for grants. All funding comes from client fees, and nonpayment is a cause for termination from the program. Domestic violence participants pay \$25-35 per week for a two-hour group session.

Because domestic violence and sexual assault may be linked, with both characterized by aggressive behavior, a program for sexual offenders is also offered by PTA.

Simply Your Best (SYB), a state-certified program, is a private educational service that began in 2001. The program is only for adults and offers a range of classes such as Domestic Violence Intervention, Parenting, Anger Management, Skill Building, Personal Development, Healthy Teens, and a course on aggressive driving prevention. At its inception, SYB was the only domestic violence intervention program in Santa Cruz County that met and exceeded the standards for such programs as established by California law. The SYB Domestic Violence Intervention Program is certified and reviewed by the Probation Department.

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<sup>20</sup> Pacific Treatment Associates, “Introduction to Domestic Violence Prevention Program,” no date.

<sup>21</sup> California Penal Code § 1203.098.

SYB is a service-on-demand organization instituting new classes as necessary. SYB's focus is educational rather than counseling. Assigned homework from facilitators includes reading assignments.

Currently, SYB has fifty-five to sixty clients. More men than women attend the program. There is a separate class for women offenders. The majority of participants is not court ordered. Survivors are notified by mail that their partners are attending the program, and survivors are invited to attend or receive information. However, few survivors attend classes with their partners.

SYB referrals are from County Mental Health, Family and Children's Services, University of California Santa Cruz, the Santa Cruz County Probation Department, and Criminal, Civil, Family Court, Family Court Services, and area businesses. In addition, SYB has printed materials and a web site.

Classes vary in length. Materials and curriculum are predominately in English. The anger management and parenting curriculum are also in Spanish. If demand warranted, SYB would translate materials into Spanish.

Funding is private, and SYB is self-sustaining. SYB programs are offered on a sliding scale of \$20-50. The initial enrollment fee is \$50. Class fees depend on the length of the class. If a client owes a balance of more than \$100, he or she is barred from the next class.

### ***Batterers' Intervention Program Findings***

1. Exact statistics on the numbers of Spanish-speaking batterers in Santa Cruz County are not known.
2. According to Batterers' Intervention Program administrators, the needs of the gay/lesbian/transgender community are not being specifically addressed in any of these five programs. A representative from WCS-DdM reported an increase in the number of lesbians seeking services for domestic violence.
3. Resources exist for men on probation for domestic violence, but currently, there is no state-certified program in local detention facilities.
4. Illiteracy is sometimes a problem for participants in Batterers' Intervention Programs. These programs require written homework assignments. None of the Batterers' Intervention Programs has tutors or other academic support to help clients with dyslexia or other learning disabilities.
5. According to Batterers' Intervention Program administrators, alcohol and drug use are major problems related to domestic violence. Reportedly, eighty percent of men participating in Batterers' Intervention Programs were abusing substances when the domestic violence incident happened.

6. According to a Batterers' Intervention Program administrator, domestic violence intervention programs in the county compete for the same client population and do not systematically network.
7. The fifty-two week Batterers' Intervention Program must be completed before probation can be terminated. The program is considered a term of probation.

### ***ALTO Findings***

8. ALTO has materials in both Spanish and English.
9. ALTO has approximately twenty-three employees including seven full-time and seven part-time certified drug and alcohol state-licensed staff. These staff members must take forty hours of continuing education units (CEUs) every two years to maintain their licenses. ALTO also uses interns.
10. ALTO's success rate is about fifty percent for domestic violence program graduates. An ALTO administrator determines the success rate by manually tracking cases through the District Attorney's Office and compiling statistics. The District Attorney's Office does not provide statistics to ALTO. Determining the success rate of a program is used to adjust curriculum and teaching methods.

### ***Fenix Findings***

11. Fenix has over twenty years of experience in outpatient counseling. The domestic violence group facilitator has over twenty years of experience.
12. The state-certified Fenix domestic violence program serves the Spanish-speaking community. The program is fifty-two weeks in length, and there are consequences for absences and non-payment of fees.
13. The Fenix domestic violence program is self-supporting.

### ***MOAB Findings***

14. MOAB has literature on anger management in both Spanish and English.
15. At present, MOAB does not receive public funding. Participants are requested to make a donation at each meeting. A portion of donations is given to the church in which they meet. In the past, MOAB received a grant from CPVAW to place an ad in Good Times.
16. MOAB is not a state-certified program and does not formally coordinate with other agencies that deal with domestic violence.

### ***Pacific Treatment Associates Findings***

17. The state-certified PTA domestic violence program has been in existence since 1991. Most of the domestic violence staff have Master's degrees and appropriate training. PTA is a for-profit organization and does not receive or apply for grants. Its focus is educational. Court-referred participants experience consequences for not following the program guidelines.
18. Once a client's probation is completed, PTA does no formal follow up. There is no established avenue for PTA to receive status reports from the District Attorney's Office. PTA informally asks participants for information on their progress but cannot always verify facts.

### ***Simply Your Best Findings***

19. SYB staff are trained and certified human development professionals and anger management consultants. Five of the staff have backgrounds in education. Independent contractors have Master's degrees in education. Three of the facilitators are bilingual. The director's background is in education and counseling.
20. Court referrals to SYB pay on a sliding scale, and progress reports are sent to the referring agency. Clients may be concurrently attending Alcoholics Anonymous or Narcotics Anonymous and must obtain a signature for attendance. An unexcused absence can be cause for removal from the program. In the fifty-two-week program, participants can have five excused absences and are terminated if a sixth occurs. Clients must pay a class fee for absences. Not completing a homework assignment is considered an absence.
21. SYB is developing a relapse prevention program. A program representative stated that follow-up is important to find out if skills learned by participants are actually being used with positive results.

### ***Conclusions***

1. Valuable volunteer and paid staff time is taken up by tracking cases when those statistics could be provided by the District Attorney's Office. Knowing case dispositions assists state-certified Batterers' Intervention Programs evaluating and improving the success of their programs.
2. It is unclear whether every segment of society in Santa Cruz County needing treatment is adequately served by Batterers' Intervention Programs.
3. Batterers' Intervention Program staff would benefit from sharing information, experience, and referrals.
4. Batterers' Intervention Program staff spend a lot of time processing paperwork associated with funding, often undergoing similar audits from different agencies.

5. Domestic violence is an ongoing problem that lasts longer than fifty-two weeks. Outreach and follow-up for graduates of domestic violence intervention programs might help prevent relapses.
6. A participant's problems with alcohol and substance abuse complicate treatment in a domestic violence intervention program.
7. ALTO is a long-standing and successful program in Santa Cruz County. ALTO is a valuable resource for Spanish-speaking batterers. ALTO participants who do not follow program guidelines experience consequences that help emphasize batterer accountability.
8. Fenix provides a valuable service to the Spanish-speaking community. Fenix participants who do not follow the program guidelines experience consequences that help emphasize batterer accountability.
9. MOAB facilitators are a dedicated group of volunteers who have been serving Santa Cruz County for over ten years with few resources. They provide support groups for batterers who wish to change their behavior. Participants attend these support groups voluntarily.
10. PTA is a well-established program with trained staff. Its curriculum is well designed. Experiencing consequences for not following program guidelines helps to make batterers accountable for their actions.
11. SYB staff is certified and trained to facilitate and lead classes in anger management and domestic violence intervention. They have both academic credentials and experience. SYB holds its participants accountable for attendance, homework, and fees.

### ***Recommendations***

1. To enable evaluation of the success of Batterers' Intervention Programs, the District Attorney's Office and local law enforcement should provide these state-certified programs with case dispositions and progress reports on their participants.
2. The domestic violence intervention community should coordinate efforts to ensure that all segments of society are served and that services are not duplicated.
3. The County of Santa Cruz and Batterers' Intervention Programs should work to ensure adequate services to Spanish-speaking batterers.
4. The Santa Cruz County Sheriff's Office and Batterers' Intervention Programs should work to ensure improved services for incarcerated batterers.
5. Batterers' Intervention Programs should consider providing academic support for participants with learning disabilities.
6. Batterers' Intervention Programs should explore the need for programs for gay, transgender, or lesbian batterers.

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7. Advisory bodies and domestic violence providers should put continuing emphasis on drug and alcohol issues.
8. Advisory bodies and domestic violence intervention providers should share program information, experience, and referrals in a systematic manner.
9. ALTO is to be commended for its work in assisting participants through their recovery from drugs, alcohol, and violent behavior.
10. Fenix is to be commended for its dedication and service to the Spanish-speaking community.
11. MOAB facilitators are to be commended for their long-standing dedication in volunteering to support batterers in eliminating their violent behaviors through peer support and suggested behavioral changes.
12. MOAB should consider outreach to and coordination with other domestic violence intervention providers. Graduates of other programs could be referred to MOAB as a source of continuing support.
13. PTA should be commended for hiring qualified and credentialed staff.
14. PTA should be commended for providing a valuable resource to assist the community in ending domestic violence.
15. SYB should be commended for hiring qualified and credentialed staff.
16. SYB should be commended for its continuing dedication to improving its curriculum to try to address all components that lead to domestic violence and for providing a valuable resource to the community.

**Responses required**

<b>Entities</b>	<b>Findings</b>	<b>Recommendations</b>	<b>Respond Within</b>
Santa Cruz County Board of Supervisors	3, 7, 10, 18	1	60 Days (September 1, 2006)
Santa Cruz County Probation Department	2, 3, 4, 7	2, 3, 5, 6	90 Days (October 1, 2006)
Santa Cruz County Sheriff-Coroner	3, 7	4	60 Days (September 1, 2006)
Santa Cruz County District Attorney	5, 10, 18	1	60 Days (September 1, 2006)

***Responses requested but not required***

<b><i>Entities</i></b>	<b><i>Findings</i></b>	<b><i>Recommendations</i></b>	<b><i>Respond Within</i></b>
ALTO	2 - 4, 6	2 - 8	90 Days (October 1, 2006)
Fenix	2 - 4, 6	2 - 8	90 Days (October 1, 2006)
MOAB	2 - 4, 6	2 - 8	90 Days (October 1, 2006)
Pacific Treatment Associates	2 - 4, 6	2 - 8	90 Days (October 1, 2006)
Simply Your Best	2 - 4, 6	2 - 8	90 Days (October 1, 2006)

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## **To Serve and Protect: What's Law Got To Do With It? The Legal System**

### ***Law Enforcement Protocol***

California Penal Code<sup>22</sup> defines a domestic violence offender as follows:

Any person who willfully inflicts upon a person who is his or her spouse, former spouse, cohabitant, former cohabitant, or the mother or father of his or her child, corporal injury resulting in a traumatic condition, is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000) or by both that fine and imprisonment.

Interviews were conducted with five local law enforcement agencies regarding their protocol in responding to domestic violence calls. The five agencies interviewed were the City of Santa Cruz Police Department, the Santa Cruz County Sheriff's Office, Scotts Valley Police Department, Capitola Police Department, and the Watsonville Police Department. Additionally, interviews were conducted with representatives from the Santa Cruz County District Attorney's Office, the Family Law Facilitator, and the Santa Cruz County Probation Department.

Law enforcement agency representatives stated that they follow the countywide Domestic Violence Protocol for Law Enforcement, Santa Cruz Law Enforcement Chief's Association, last updated in May 2002. Listed below are procedures that all interviewed law enforcement agencies are to follow when responding to a domestic violence call.

1. When responding to a domestic violence call, the dispatcher verifies whether a restraining order has been issued by contacting the California Law Enforcement Telecommunication System (CLETS). All restraining orders issued are entered into CLETS.
2. Prior to arriving at the scene of a domestic violence call, the responding officer receives all pertinent information about the reported incident from the dispatcher. The dispatcher is responsible for obtaining as much information from the caller as possible to assist the officer. The officer is fully informed about: the address of the incident; the reporting party; summary of the event; the need for an ambulance;

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<sup>22</sup> California Penal Code § 273.5, subdivision (a), Felony to Inflict Corporal Injury on Current or Former Spouse or Cohabitant; Conditions of Probation.

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presence of a suspect; if weapons are involved or present in the home; if there is a suspicion of drugs or alcohol; the presence of children at the scene; if a restraining order is on file; and the criminal status of the suspect. Jurisdiction is determined by location of incident.

3. Once an officer has arrived at the scene, he or she determines: the location of the victim, suspect, and any witnesses; if weapons are in the home or involved in the incident; if there are any injuries so aid may be provided; and the need to separate victim, witnesses, and suspect. An audio tape recording is used to memorialize the interviews.
4. When conducting interviews with the victim and perpetrator, officers observe the following: victim's and suspect's conditions and demeanors, including victim's emotional state, torn clothing, condition of make-up, and any injuries.
5. If it is difficult for the officer to determine which party is the victim, the officer must establish:
  - a. which party is in actual fear of the other; whether one party escalated the level of violence, i.e., did one party retaliate to a provocation;
  - b. who made the 911 call;
  - c. a comparison of victim's and perpetrator's physical appearances;
  - d. any history of violence by one of the parties against the other, if one party is usually the aggressor; and,
  - e. if there are injuries, do they appear to be defense wounds.
6. The officer should obtain a photograph of the suspected perpetrator and have the victim identify that person as being the person who committed the acts described. By having the victim positively identify the person, the case can proceed without the victim if that becomes necessary.
7. The officer obtains a copy of the restraining order, if any, and verifies proof of service. If there is no restraining order on file, the victim is advised how to obtain one. The officer also has the authority to issue an Emergency Protective Order (EPO) for the victim if requested. The EPO will provide the victim protection for five days, sufficient time to obtain a Temporary Restraining Order (TRO).
8. If there is a restraining order on file that has not been served, the officer informs the restrained person of the order and its terms. There are two avenues to verify the existence of the order; the protected person produces a copy of the order, or the officer verifies the existence of the order by contacting the dispatcher. The restrained person can be served with the restraining order by the investigating officer. In that case, the officer completes a proof of service and files it with the Superior Court.
9. The victim is advised of the following:

- a. he or she has a right to request confidentiality pursuant to Penal Code § 293 and Government Code § 6524(f); and
  - b. prosecution of the suspect is the decision of the District Attorney's Office. The victim should never be asked if he or she wishes to "press" or "drop" charges or if he or she will cooperate in the prosecution of the offender.
10. The officers supply victims with an Emergency Resource Card. The Emergency Resource Card is in both English and Spanish and lists contact information for:
- a. all advocacy groups;
  - b. Victim Witness Assistance;
  - c. health care providers;
  - d. Child Protective Services;
  - e. Adult Protective Services;
  - f. Santa Cruz City Commission for the Prevention of Violence Against Women; and
  - g. definitions of sexual assault and domestic violence.

Additionally, victims of domestic violence can contact Victim Information and Notification Everyday (VINE) to obtain offender information. This service is a free, twenty-four telephone service that allows the victim to check on the custody status of an offender in the Santa Cruz County Jail. The victim can register for automatic notification when an inmate is released, transferred, or escapes. This service is provided through the Santa Cruz County Sheriff's Office.

11. The officer shall follow his or her department's procedure for notifying an advocacy agency to provide telephone, or in-person, crisis support for the victim. Most law enforcement agencies have a memorandum of understanding with an advocacy agency to provide twenty-four hour crisis support.

Once the above procedures have been followed with the victim, the suspect is taken into custody. The suspect is read his or her Miranda rights, and evidence is collected. The officer prepares a crime report, which includes the Domestic Violence Incident Report form. The officer, in preparing the report, must maintain objectivity in reporting and avoid personal opinions regarding comments from victim or suspect. The Domestic Violence Incident Report form is used by all local law enforcement agencies.

The Domestic Violence Protocol for Law Enforcement also includes:

- a policy statement
- definitions
- mandatory reporting of domestic violence by health care providers

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- 911 operator/dispatcher response
- procedure for follow-up investigation
- enforcement of restraining orders
- victim assistance
- training
- “officer involved” cases (a domestic violence allegation involving a peace officer)

Additionally, the protocol directs each agency to develop a policy of report writing to classify whether the situation is a crime, an incident, or for information only. Reports are forwarded to the District Attorney’s Office.

All agencies interviewed indicate that a “pro arrest policy” exists within the county. A “pro arrest policy” refers to a philosophical position in which physical arrest is encouraged in every situation where an arrest is legally permissible.

Four out of the five law enforcement agencies contact an advocate from the Women’s Crisis Support-Defensa de Mujeres (WCS-DdM) to assist victims. The City of Santa Cruz Police Department is the only agency with an in-house advocate who is a full-time employee, on-call twenty-four hours a day, seven days a week and who regularly attends Domestic Violence Commission meetings.

Santa Cruz County Sheriff’s Office has created a protocol specifically for sexual assaults. This department gives training to WCS-DdM; it is a two-hour training that is conducted twice a year. Sergeants receive training updates through the District Attorney’s Office and also attend seminars and conferences with the encouragement of the department. The Sheriff’s Office receives approximately 357 domestic violence calls a year.

Santa Cruz County Sheriff’s Office uses the “Tiburon” interagency communication system to obtain information on suspects. All other county law enforcement agencies use the “Alliance” interagency communication system that allows each agency to share and access information. Law enforcement agencies did not see the different communication systems as an obstacle to obtaining information through CLETS.

All other law enforcement agencies interviewed receive training from WCS-DdM, attend seminars and conferences specific to domestic violence, and meet with advocates from WCS-DdM.

### ***The Court Process***

Once an individual has been arrested, the arresting agency prepares a report and forwards it to the District Attorney’s Office for review and filing. The District Attorney has forty-eight hours to file charges against the alleged perpetrator. The decision to file a case is determined by the supervising Assistant District Attorney or the District Attorney based on a preponderance of evidence. Filed case statistics, as well as “no file” cases, are

entered into a database system known as the “Damien” system. These statistics are provided to the Domestic Violence Commission for its annual report. Additionally, a Victim Witness Assistance representative receives a copy of the police report and contacts the victim to assess needs. The victim is eligible to receive relocation money and counseling. Victim Witness Assistance has two counselors in Santa Cruz, one in Watsonville, and volunteers.

Domestic violence cases are handled by the “Family Protection Unit” within the District Attorney’s Office. Currently, there are three Assistant District Attorneys in this unit with one supervisor. Of the three, one bilingual Assistant District Attorney splits time between the Santa Cruz County Courthouse and the Watsonville Courthouse. Training is provided through the California District Attorney’s Association and is offered twice a year. However, an Assistant District Attorney initially assigned to the Family Protection Unit is not required to have a background in prosecuting domestic violence cases. Training occurs during that Assistant District Attorney’s assignment, and on-the-job training is considered invaluable. Domestic violence cases are described as being the most difficult to prosecute. Currently, there are twenty-five to thirty cases for each of three Assistant District Attorneys. Most cases do not reach the trial stage. A plea bargain is common. Probation is used more often in sentencing than incarceration.

The Family Protection Unit of the District Attorney’s Office relies on the arresting agency to follow protocol in writing reports and collecting evidence. As much evidence as possible must be collected. Tape recording, as well as taking photographs, is essential in prosecuting these cases successfully.

Grant monies are sought by and awarded to the District Attorney’s Office. Common funding sources are: Violence Against Women (VAWA); California Spousal Abuser Prosecution Program (SAPP), established by California Penal Code § 273.8 and the 1994 Battered Women’s Protection Act; and the Office of Emergency Services. Assistant District Attorneys in the Family Protection Unit do not participate in the grant-writing process and do not receive progress reports subsequent to grant implementation. It was announced at the January 2006 DVC meeting that the District Attorney’s Office had been awarded a three-year \$300,000 grant. The grant was to provide funding for the South County District Attorney’s Office to employ a Spanish-speaking Assistant District Attorney, Investigation Inspector, and support staff to help Latino victims of domestic violence. The positions have yet to be filled. In addition, the District Attorney’s Office has received grant monies (\$70,000) from the Violence Against Women Vertical Prosecution Program. The grant is called “No Mas” and is also proposed to partially fund a prosecutor, investigator, and advocate, all of whom would be Spanish speaking, for the Watsonville office. Outreach to the community will emphasize the fact that immigration status is irrelevant to the prosecution of domestic violence crimes. Performance timelines for the grants are not known.

Since November 2005, approximately three hundred domestic violence related cases have been heard by the courts. The Family Protection Unit has the highest caseload of any

felony or misdemeanor unit in the District Attorney's Office. Domestic violence cases are difficult and time intensive for the District Attorney's Office to prosecute partly because there are no mandatory sentencing requirements. While a sexual assault case may have strict sentencing mandates, the charge in domestic violence cases could be reduced from a felony to a misdemeanor by the presiding judge.

According to a District Attorney's Office representative, sexual assault in domestic violence cases is rarely reported. If a victim were to report sexual assault rather than a slap or push, the prosecution of the domestic violence charge could carry a more severe sentence. Domestic violence cases are also difficult because of the emotional issues present. Approximately, eighty percent (80%) of domestic violence victims recant or are uncooperative in the prosecution process. Nevertheless, even if a victim recants, the case can go forward without his or her cooperation.

Although a batterer is rarely female, there are currently three cases pending in which a female perpetrator is being charged with domestic violence. Gay/lesbian/transgender cases are rare.

The victim commonly chooses an advocate from WCS-DdM or WAWC to assist her through the court process. That advocate attends all court proceedings to support the victim. Additionally, the advocate communicates with the prosecuting Assistant District Attorney to keep the victim informed as to the case status.

A victim can obtain a temporary or permanent restraining order by contacting the WCS-DdM, the Family Law Facilitator, WAWC, or by retaining an attorney. Additionally, WCS-DdM and WAWC provide assistance by guiding victims of domestic violence through the paperwork and court process. Once a restraining order is issued, the court clerk is responsible for entering it into CLETS. An advocate will assist the victim in obtaining and serving a temporary restraining order and will attend all court hearings to make sure the final orders are processed and served on the perpetrator.

The Family Law Facilitator has been in existence since 1977. This free service assists people attempting to obtain court orders for divorce, domestic violence concerns, and child support matters. The two facilitators, who are attorneys, do not represent these individuals in court. The facilitator's office is located in the county building, and individuals are seen on a first-come, first-served basis. The facilitator sees individuals at the Watsonville courthouse on Thursdays. One part-time facilitator is bilingual. Three volunteer attorneys who work four hours per week are basically training in family law practice. University of California Santa Cruz interns also assist in the facilitator's office for approximately three months. The office receives about 2,000 calls a month and assists approximately ten to thirty people a day, five days a week.

When a victim has requested a temporary restraining order and the perpetrator has been served, the victim must then go to court to obtain the restraining order. Typically, the final restraining order is valid for three years from the date it is issued and can be renewed by making an application to the court.

A temporary restraining order protects the individual for approximately twenty days. The term of this temporary order can be extended by a judge if the protected person cannot locate and serve the perpetrator. Once the perpetrator has been served, the victim, or his or her legal representative, and the perpetrator must appear before a judge of the Superior Court. The perpetrator has a right to respond to the allegations in the victim's temporary orders, and it is up to the judge to review and process both the allegations and responses. A judge reads both declarations prior to the court hearing and attempts to determine exactly what occurred. If, at the end of the hearing, the judge concludes that a CLETS Order After Hearing (DV-130) should be issued, one is prepared and then must be served on the perpetrator. If the perpetrator is present in court at the time of the issuance of the restraining order, service is effective immediately. If the perpetrator is not present in court, service of the restraining order on the perpetrator is required. A peace officer, or any person not a party to the action, can serve the perpetrator with the order and file the proof of service with the Superior Court Clerk's Office. The clerk then enters that information into the CLETS database. Violation of the restraining order is a crime.

The Santa Cruz County Probation Department provides information and recommendations for sentencing purposes. Approximately 5,000 adult cases are currently divided among 100 to 120 staff. In the beginning of 2006, 122 of those cases were domestic violence cases.

When a person has been convicted of a domestic violence crime, that individual must enroll in and complete a fifty-two week Batterers' Intervention Program as a term of his or her probation. The batterer's attendance and participation is monitored by court review and agency calls. Additionally, the Probation Department certifies programs for batterers and makes referrals for batterers and their victims. The Probation Department reviews the curriculum of the program to ensure that it conforms to state mandates. When a probationer is first enrolled in the program, that individual meets weekly with an assigned officer, then monthly, and finally, every three months.

## ***Findings***

1. Representatives from all interviewed law enforcement agencies state that their agencies follow the countywide Domestic Violence Protocol for Law Enforcement - Santa Cruz County Law Enforcement Chief's Association.
2. Victims are given an Emergency Resource Card that includes a referral to advocacy agencies.
3. An officer responding to a domestic violence call can provide the victim with an Emergency Protective Order that allows the victim sufficient time to obtain a temporary restraining order.
4. Once a restraining order has been issued, the Court Clerk's Office is responsible for entering all restraining orders in CLETS. Law enforcement agencies can then access this system when responding to a domestic violence scene.

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5. Each agency incorporates the Domestic Violence Incident Report form in its crime report.
6. All law enforcement agencies indicated that they have a “pro arrest” policy.
7. Representatives from all interviewed law enforcement agencies state that their agencies stay current on changes in the community by meeting with local advocacy groups.
8. The Santa Cruz County Sheriff’s Office meets with WCS-DdM and WAWC for training purposes. Sergeants also receive training updates through the District Attorney’s Office.
9. The City of Santa Cruz Police Department has an in-house advocate who is on-call twenty-four hours a day, seven days a week. All other agencies contact local advocacy groups for victim assistance/support.
10. A VINE information card, prepared by the Santa Cruz County Sheriff’s Office, is not being distributed to victims by any of the law enforcement agencies.
11. According to a representative from the District Attorney’s Office, the Family Protection Unit relies on the arresting agency to follow protocol in collecting evidence. Tape recording, as well as taking photographs, is essential in prosecuting domestic violence cases successfully. The domestic violence protocol states that an audio tape recording is to be used to memorialize interviews.
12. According to a representative from the District Attorney’s Office, Santa Cruz County Sheriff deputies do not always record interviews when responding to a domestic violence call.
13. Victims who recant do not stop or prevent the prosecution of the batterer.
14. WCS-DdM, the Family Law Facilitator, and WAWC assist individuals seeking protection through the court process.
15. According to a representative from the District Attorney’s Office, that office has no set procedure for communicating with local advocacy groups. The District Attorney’s Office is aware of these services and appreciates an advocacy presence in the courtroom on behalf of the victims. The majority of their contact with these agencies is to supply copies of restraining orders and updates of the batterer’s case. Case information is public record.
16. Within the District Attorney’s Office, the Family Protection Unit, consisting of three attorneys and one supervisor, has the highest caseload in the District Attorney’s Office.
17. The Grand Jury has been informed that a need exists for Spanish speaking Assistant District Attorneys, investigators, and advocates.
18. The “No Mas” grant is intended to pay for a Spanish-speaking Assistant District

Attorney, investigator, and victim advocate. Sixty percent of the cases filed are from the Latino community in the City of Watsonville.

19. According to the “No Mas” grant application, key factors that contribute to domestic violence include: high unemployment (sixteen percent), a large population of young people, low educational attainment, substance abuse, and poverty.
20. Victim Witness Assistance, located in the District Attorney’s Office, reviews police reports and contacts victims to provide financial assistance and counseling.
21. Superior Court Judges issue temporary restraining orders, as well as process a case to its completion. Judges hearing criminal cases will review a family court file if children are involved.
22. When interviewing law enforcement agencies, a concern was raised as to differences in restraining orders issued on the same case in both criminal court and family court. The protected person may have exceptions contained in a family law-issued restraining order that would not be reflected in the criminal restraining order due to child visitation outlines. When children are involved, the CLETS Order After Hearing (Form DV-130) has a provision that alerts the responding officer that there is a child visitation agreement out of family court.
23. Representatives from the District Attorney’s Office and the Probation Department state that these offices have excellent communication and are working closely to ensure that batterers complete the requirements of Batterers’ Intervention Programs.
24. According to the Probation Department, lack of resources to help domestic violence offenders make improvements in their lives is a continuing concern. Children who have witnessed violence in the home can become victims or violent themselves.
25. The State Attorney General’s Task Force Report on Domestic Violence (2005) emphasizes the importance of holding batterers accountable.

## **Conclusions**

1. Although all local law enforcement agencies state that they follow the Domestic Violence Protocol for Law Enforcement as well as their own department’s protocols, some exceptions have been reported.
2. The VINE card is a valuable resource that gives victims information that can help ensure their safety.
3. Not tape recording an interview during a domestic violence call is contrary to the protocol. Gathering as much evidence as possible, including tape recording, is necessary to successfully prosecute cases. If a victim recants, the tape recording is invaluable.
4. The use of an in-house advocate by the City of Santa Cruz Police Department has provided valuable assistance in handling domestic violence cases from the time of

arrest and in the report writing process.

5. The confusion in the aftermath of a domestic violence incident will be lessened if a victim has current copies of all restraining orders easily accessible.
6. Law enforcement agencies would benefit from a training session on the various Domestic Violence Forms.
7. Domestic violence advisory bodies would benefit from knowing more about the “No Mas” grant and any other domestic violence-related funding in the county and how it is being used.
8. Due to the high volume of cases handled by the Family Protection Unit, adequate staffing is essential.
9. The constant presence of an advocate in domestic violence court proceedings as a support for the victim is critical.
10. The Family Law Facilitator has proven to be a valuable resource for people who cannot afford the services of a private attorney and are seeking assistance in obtaining a divorce, domestic violence orders, and child support orders.
11. Holding batterers accountable for their actions contributes to victim safety.

### ***Recommendations***

1. All local law enforcement agencies should be commended for promoting awareness of the following: the countywide domestic violence protocol, the creation of additional agency policies, the collection of evidence, and report preparation.
2. The City of Santa Cruz Police Department’s in-house advocate should be commended for assisting the department and victims in these emotionally charged cases.
3. Law enforcement agencies should add the VINE information card to their victim information procedure.
4. Law enforcement agencies should continue to ensure comprehensive evidence collection.
5. Law enforcement agencies and the courts should continue to advise victims to keep current copies of their restraining orders on their persons to assist a responding officer.<sup>23</sup>
6. The District Attorney should make information about the “No Mas” grant, and any other domestic violence-related grants, more readily accessible to domestic violence advisory bodies.

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<sup>23</sup> CLETS Order After Hearing, Page 2 of 5, Section 9.

7. Advocacy groups, law enforcement, and the District Attorney's Office should improve interagency communication in their continuing efforts to assist victims of domestic violence.
8. The District Attorney's Office should periodically monitor caseloads to make sure that staffing is adequate for the number of cases.
9. The Probation Department should continue to hold batterers accountable for meeting all requirements of probation.

**Responses required**

<b>Entities</b>	<b>Findings</b>	<b>Recommendations</b>	<b>Respond Within</b>
Santa Cruz County Board of Supervisors		1 - 9	60 Days (September 1, 2006)
City of Capitola Police Department	7, 9 - 11, 22	1, 3 - 5, 7	90 Days (October 1, 2006)
City of Santa Cruz Police Department	7, 9 - 11, 22	1 - 5, 7	90 Days (October 1, 2006)
City of Scotts Valley Police Department	7, 9 - 11, 22	1, 3 - 5, 7	90 Days (October 1, 2006)
City of Watsonville Police Department	7, 9 - 11, 22	1, 3 - 5, 7	90 Days (October 1, 2006)
Santa Cruz County Sheriff-Coroner	7 - 12, 22	1, 3 - 5, 7	60 Days (September 1, 2006)
Santa Cruz County District Attorney	11, 13, 15 - 19, 23	6, 7, 8	60 Days (September 1, 2006)
Santa Cruz County Probation Department	23 - 25	9	90 Days (October 1, 2006)