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FILE NOTE September 10, 2003

Agenda Item September 17, 2003

Title In the matter of approving the use of \$30,000 in lapse to the District Attorney's office to combat domestic violence and directing the budget staff to have the funds appropriated in the next supplemental budget.

From Anette Spickard, Management Analyst I

As of September 5, 2003, preliminary year-end accounting shows the General Fund contains approximately \$3 million of unspent department funds, or "lapse", from FY02-03. Of that \$3 million, approximately half is non-discretionary money that cannot be used for general purposes. Therefore, approximately \$1.7 million is considered General Fund lapse. This equates to an overall 1.7% lapse rate, which is short of the Board target of a 2.0 % lapse rate as assumed by the County's FINPLAN.

The Board may wish to consider all requests for the use of unspent General Fund from FY02-03 at the same time. This will avoid evaluating requests piecemeal and will allow the Board to see the cumulative effect of such proposals on the stability of the General Fund. At this time, County Administration is aware that the Sheriff's office is considering submitting a request to use General Fund lapse as well. The Board could set a deadline for departments to submit such requests and then evaluate them and decide whether or not to grant such requests.

The District Attorney states in the agenda cover memo that his understanding is that the Sheriff's department has "lapsed" more than the required 2%. However, as of September 5, 2003 preliminary year-end accounting (which includes all year-end adjustments and accruals) shows the Sheriff's office lapse is 1.95%.

The Finance and Audit committee is scheduled to review and discuss the preliminary year-end results for all departments at their September 23, 2003 meeting.

cc: Doug Harclerod, District Attorney
 Jan Clements, Sheriff

W.9.a.

AGENDA COVER MEMO

Agenda Date: September 3, 2003

To: Board of County Commissioners

Department: District Attorney

Presented By: Doug Harclerod, District Attorney

Agenda Item Title: **IN THE MATTER OF APPROVING THE USE OF \$30,000 IN LAPSE TO THE DISTRICT ATTORNEY'S OFFICE TO COMBAT DOMESTIC VIOLENCE AND DIRECTING THE BUDGET STAFF TO HAVE THE FUNDS APPROPRIATED IN THE NEXT SUPPLEMENTAL BUDGET.**

I. MOTION

MOVE TO APPROVE ORDER NO. _____ / IN THE MATTER OF APPROVING THE USE OF \$30,000 IN LAPSE TO THE DISTRICT ATTORNEY'S OFFICE TO COMBAT DOMESTIC VIOLENCE AND DIRECTING THE BUDGET STAFF TO HAVE THE FUNDS APPROPRIATED IN THE NEXT SUPPLEMENTAL BUDGET.

II. ISSUE OR PROBLEM

Should Lane County approve the use of \$30,000 in lapse to the District Attorney's Office to leverage a \$50,000 grant for a domestic violence investigator?

III. DISCUSSION

A. Background

For the last five years the District Attorney's Office has received a grant in the amount of \$50,000 per year or more to hire a full-time domestic violence case investigator. In cooperation with the Sheriff's Office, the money has been "passed through" to the Sheriff's budget and the Sheriff has provided the investigator. For the first few years of the grant, the Sheriff's Office was able to cover the costs above the amount of the grant for the investigator. More recently, with budget constraints, the Sheriff has not been able to cover the costs above the \$50,000 grant. In FY 02-03

an add package for \$42,952 was submitted and passed by the Budget Committee and the Commissioners. In FY 03-04 budget process the domestic violence investigator position was eliminated from the Sheriff's Office when most of the add package money was eliminated due to budget cuts.

For the sixth straight year we have been awarded a domestic violence investigator grant in the amount of \$50,000 this year. We need an additional \$30,000 to complete the funding of this important position.

Briefly, this investigator does follow-up investigative work on misdemeanor and some felony domestic violence cases. Without this follow-up work, scores of domestic violence cases are not prosecutable and perpetrators are not held accountable. What this really means is that primarily men who beat up women, although they are initially arrested, are not prosecuted because the investigation is not completed. Such things as photographs, interviews of child witnesses, and locating witnesses for trial do not and will not occur without this domestic violence investigator.

B. Analysis

Preliminary year-end information indicates the "cash carry over" for the Sheriff's Office will exceed 2% for FY 02-03. We request the use of \$30,000 of this cash carry over in excess of 2% in the District Attorney's Office budget to fund the domestic violence investigator position. The Sheriff has indicated that with this additional money plus the grant money, he will be able to staff this investigator position for the rest of FY 03-04.

C. Alternatives/Options

1. Approve the use of \$30,000 in lapse to the District Attorney's Office to combat domestic violence and direct the budget staff to have funds appropriated in the next supplemental budget. The \$30,000 will be combined with the \$50,000 grant and a domestic violence investigator will once again be working in the District Attorney's Office.
2. Reject the motion and in all likelihood the \$50,000 grant will be lost.

D. Recommendation

It is the recommendation of the District Attorney that the Board approves the motion presented approving the use of \$30,000 in lapse to the District Attorney's Office and directing the budget staff to have funds appropriated in the next supplemental budget.

IV. IMPLEMENTATION/FOLLOW-UP

If the motion is approved we expect to once again have an investigator investigating domestic violence cases in the District Attorney's Office in the next few weeks and more perpetrators will be prosecuted.

V. ATTACHMENTS

1. Board Order
2. Governor Kulongoski's letter awarding the \$50,000 grant.

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.)	IN THE MATTER OF APPROVING THE
)	USE OF \$30,000 IN LAPSE TO THE
)	DISTRICT ATTORNEY'S OFFICE TO
)	COMBAT DOMESTIC VIOLENCE AND
)	DIRECTING THE BUDGET STAFF TO HAVE
)	THE FUNDS APPROPRIATED IN THE NEXT
)	SUPPLEMENTAL BUDGET.

WHEREAS, the District Attorney's Office has received a \$50,000 federal grant to help fund a domestic violence investigator position; and

WHEREAS, the District Attorney's Office needs an additional \$30,000 to complete the funding of the domestic violence investigator position; and

WHEREAS, the preliminary year end accounting estimate of unspent General Fund from FY02-03 is approximately \$1.7 million, or 1.7 % of the FY 02-03 General Fund operating budget, and

WHEREAS, domestic violence is the number one cause of injury to women in the United States; and

WHEREAS, children who witness the abuse of their mothers are likely to develop serious emotional problems; and

WHEREAS, it is important to investigate and prosecute domestic violence offenders;

THEREFORE, it is hereby

ORDERED that the District Attorney's Office is approved to use an additional \$30,000 of General Fund to combat domestic violence and the budget staff is directed to have the funds appropriated in the next supplemental budget.

DATED this ____ day of September, 2003.

APPROVED AS TO FORM
Date 9/10/03 county
Teresa Smith
OFFICE OF LEGAL COUNSEL

Peter Sorenson, Chair
LANE COUNTY BOARD OF COMMISSIONERS

THEODORE R. KULONGOSKI
GOVERNOR



RECEIVED

JUL 11 2003

LANE COUNTY
DISTRICT ATTORNEY

July 10, 2003

Douglass Harclerod, District Attorney
Lane County District Attorney's Office
125 E 8th Ave
Eugene, OR 97401

Dear Mr. Harclerod:

It is my pleasure to inform you that \$50,000 in federal funds has been allocated to the Lane County District Attorney's Office. These funds have been made available to the State of Oregon through the STOP Violence Against Women Formula Grant Program, which is administered by the Criminal Justice Services Division of the Oregon State Police.

This notice does not constitute a legally binding grant agreement for these funds. Staff from the Criminal Justice Services Division will forward a *Grant Award Conditions and Certifications* (agreement) to finalize the grant agreement for your program. It is not until the grantee and the Director of Criminal Justice Services Division sign the grant agreements that funds will be available for expenditure.

This award places the Lane County Domestic Violence Investigation and Prosecution Unit Program in the forefront of Oregon's efforts to fight domestic violence and sexual assault. I look forward to hearing of your accomplishments.

Sincerely,

Theodore R. Kulongoski
Governor

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