



Travis County Commissioners Court Agenda Request

Meeting Date: November 27, 2012

Prepared By/Phone Number: Vicki Skinner/854-9522

Elected/Appointed Official/Dept. Head: Rosemary Lehmburg

Commissioners Court Sponsor: Judge Biscoe

*Vicki Skinner for
Rosemary Lehmburg*

AGENDA LANGUAGE:

Consider and take appropriate action regarding the transfer of District Attorney's Office and County Attorney's Office Family Violence Protection Team grant positions to the General Fund.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

See attached.

STAFF RECOMMENDATIONS:

The staff recommends approval.

ISSUES AND OPPORTUNITIES:

See attached.

FISCAL IMPACT AND SOURCE OF FUNDING:

The Planning and Budget Office recommends delaying a request for additional funding until we have determined that some or all of the costs cannot be funded through salary savings. The maximum potential request from unallocated reserves for the District Attorney's Office is \$82,366 and for the County Attorney's Office is \$133,083.

REQUIRED AUTHORIZATIONS:

This request was prepared in consultation with the Planning and Budget Office.



Rosemary Lehmborg ★ **Travis County District Attorney**

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M E M O R A N D U M

TO: Travis County Judge and Commissioners

FROM: LaRu Woody, District Attorney's Office

DATE: November 19, 2012

SUBJECT: Family Violence Position Request

The District Attorney's Office requests the transfer of two half-time Assistant District Attorney positions (slots 239 and 281) on February 1, 2013 from the Family Violence Protection Team Grant to the General Fund budget of the District Attorney's Office. These positions will continue to be responsible for providing investigative support and preparation and prosecution of felony family violence cases.

The Austin Travis County Family Protection Team (FVPT) was established in 1999 to create a comprehensive and coordinated approach to family violence that increases services, safety and availability of information to victims of family violence, increases the arrest and prosecution of batterers and holds batterers accountable for their actions. Team partners include Travis County District Attorney's Office, Travis County Attorney's Office, Travis County Sheriff's Office, SafePlace, Texas Rio Grande Legal Aid, Texas Advocacy Project and Austin Police Department.

The District Attorney's Office joined the Team as a co-located partner in August, 2003 with one grant-funded .5 Assistant District Attorney to assist law enforcement in drafting search and arrest warrants, screen cases, obtain Grand Jury subpoenas, train law enforcement on case investigations and prepare and present cases to the Grand Jury. A second .5 grant-funded Assistant District Attorney was added in 2010 to assist with the increase in cases resulting from the expansion of

family violence offenses (including strangulation and continuous family violence offenses) that are punished as felonies.

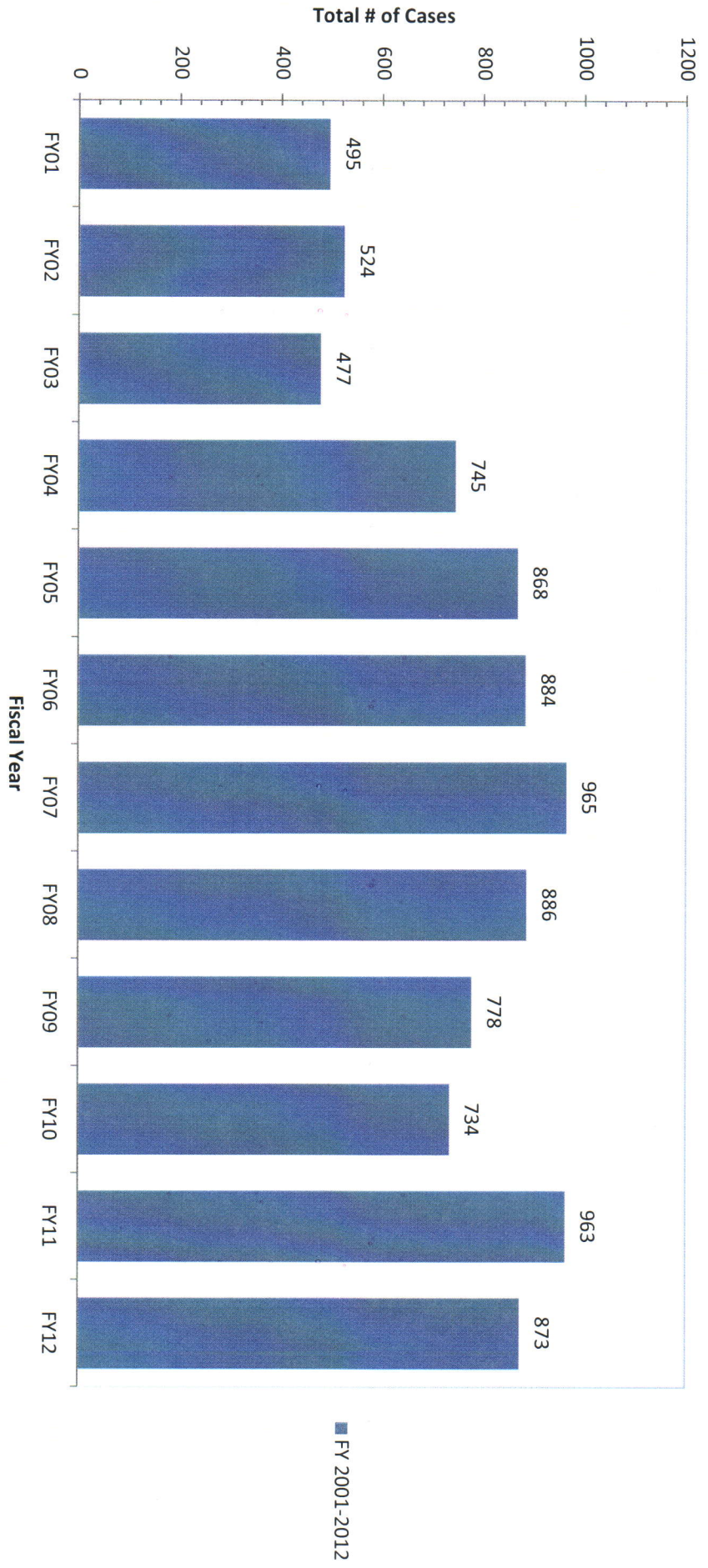
When the District Attorney's Office received federal grant funds for the first family violence position in FY2003, 477 felony family violence cases were indicted by Travis County Grand Juries. Due in large part to the statutory changes, the number of new felony indictments increased to 963 in FY2011, an increase of almost 100% in eight years. The average number of pending felony family violence cases on the County Court of Law Four docket increased from 104 in FY2004 to 284 in FY2012.

Since 2003, the District Attorney's Office has received \$614,475.62 from the Family Violence Protection Team Grant to Encourage Arrest Policies from the U.S. Department of Justice Office of Justice Programs, Violence Against Women Grant Office. The grant funding for the two .5 Assistant District Attorney positions will run out the end of January, 2013 and the application for the FVPT's continuation grant was not approved.

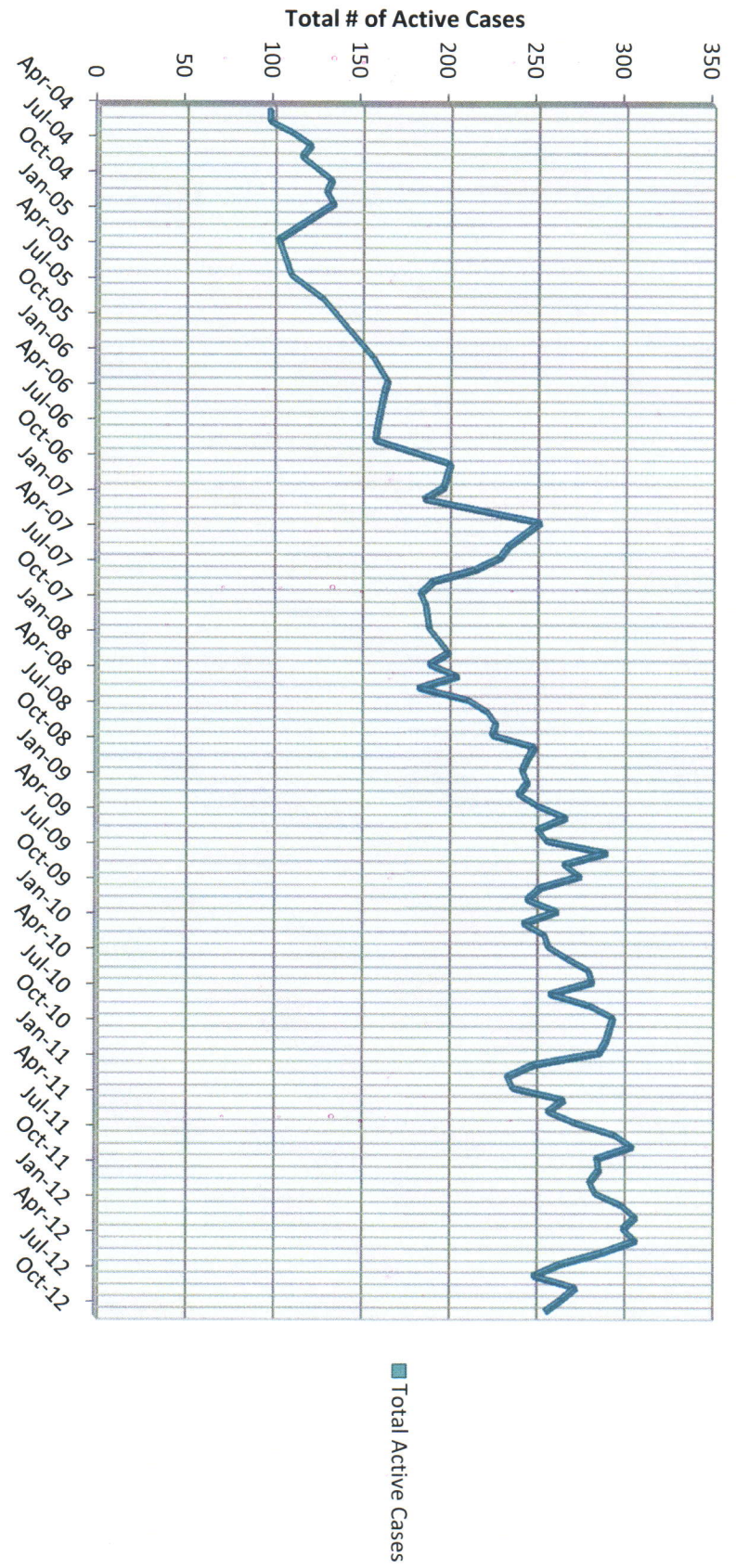
Because it is essential to retain the two .5 positions in order to maintain the current level of investigation and prosecution efforts on these critical offenses, we request transfer of the positions to the General Fund. The salary and fringe benefit costs total approximately \$82,366 for February 1, 2013 through September 30, 2013. The Planning and Budget Office recommends delaying a request for additional funding until we have determined that some or all of the costs cannot be funded through salary savings.

Thank you for your consideration of this request.

Family Violence Indicted Cases FY 2001-2012



County Court-at-Law 4 Total Active Felony Cases





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MEMORANDUM

TO: Travis County Judge and Commissioners
FROM: Erin Martinson, County Attorney's Office
DATE: November 19, 2012
SUBJECT: Family Violence Position Request

In 1997, the Travis County Attorney's Office (TCAO) along with other partner agencies (the FVPT) applied for and received a grant from the U.S. Department of Justice's Office on Violence Against Women. As a result of this funding, for the past 15 years, the FVPT has committed to a collaborative approach aimed at decreasing family violence, sexual assault and stalking in our community. One product of this effort is that a close coordination has developed locally between law enforcement and prosecutors. Another product of this collaboration is the TCAO protective order division has become a model program for prosecutor's offices across the state. Unfortunately, on September 17, 2012, the FVPT learned that our collaboration would no longer be funded.

The TCAO has enjoyed funding for 1.5 attorneys as part of the FVPT grant. The full-time attorney funded by the grant has been housed with the protective order (PO) division and regularly handles new applications for protective orders as well as filing motions for contempt for failure to pay child support, attorney's fees and court costs, and failure to attend counseling as ordered by the protective order. The half-time attorney funded by the grant was co-located with law enforcement officers and able to assist and advise the Austin Police Department and Travis County Sheriff's Office on evidentiary and legal questions that arise during the investigation of their cases as well as to help other prosecutors with evidence requests and victims seeking protective orders at the FVPT.

In the past 5 years, the TCAO PO division has experienced a fairly dramatic increase in new cases. Specifically, in FY2012, our office filed 935 new applications for POs, a nearly 50% increase in new cases when compared with 655 POs filed by our office in FY2007. Additionally,

legislative changes, that took effect in 2011, have resulted in an increase in the number of victims who now qualify for protective orders and have contributed to our growing caseload. At the same time, our part-time attorney housed at the FVPT has experienced an increase of 650 cases staffed with law enforcement in 2007 to 805 cases in 2011. In October 2009, the part-time attorney added to her duties by participating in a collaborative review of potential felony enhancements with the District Attorney's (DA) Office. Those numbers saw a significant increase from 166 cases in 2010 to 252 cases in 2011. Because of the loss of funding and the overall increase in the protective order caseload as well as the number of cases staffed with law enforcement and the DA's Office, coupled with the highly dangerous nature of these cases, we request that the positions be moved to the general fund in order to continue the same level of domestic violence investigation and prosecution.

The mission of the FVPT is to strengthen partnerships and promote collaboration among criminal justice system components, thereby enhancing the services provided to victims of domestic violence, dating violence, sexual assault and stalking. The goals and objectives of the team are to empower victims to lead successful, violence-free lives, to improve access to law enforcement, counseling, crisis management and legal services, to increase batterer accountability, and to lead the community's zero-tolerance policy toward domestic violence. Throughout the life of this grant, the TCAO has had a strong presence on the team.

The TCAO currently has two extremely important attorney positions that terminated when the grant funds expired on October 31, 2012. The protective order attorney not only assists victims of family violence, dating violence, stalking and sexual assault with new applications for protective orders, but also monitors our protective orders to determine whether a motion for contempt should be filed for non-compliance, processes requests from the victims to modify or dismiss and attends FVPT meetings. Because the TCAO has benefitted from the grant money and from being fully staffed, the supervisor of the protective order division has had the unique opportunity to participate on numerous regional and statewide committees as well as to conduct trainings across the state aimed at prosecutors, law enforcement, private and legal aid attorneys, advocates and judges. Through the trainings, it has become evident that TCAO has a model protective order program not only because we enforce our POs civilly, in addition to criminally, but also because we routinely set up a schedule for visitation and make child support orders in our POs involving children. The TCAO is regularly invited to present about our program and to provide technical assistance to other prosecutor's offices. All of the extra work and training we do to impact the services available to victims of family violence, sexual assault and stalking has been possible because we have had a fully funded and staffed division.

The FVPT hopes to continue to demonstrate a commitment to the strong enforcement of laws and prosecution of cases involving family violence, sexual assault and stalking. The Travis County Sheriff's Office and the Austin Police Department have specifically expressed their desire to continue having ready access to a prosecutor to promote timely staffing of their cases in support of improving their ability to hold batterers accountable. The law enforcement members of the team, as well as other partner agencies, are relying on having a prosecutor co-located

with them in order to continue operating as a team. Other prosecutors in the family violence division, which includes protective orders, are also relying on having a prosecutor located at the team that can assist with gathering evidence that is not readily available or easily accessible to those not housed with law enforcement. Currently, the attorney co-located at the FVPT also meets with victims there to see if they qualify for a PO and has been able to help them apply for the PO without having to come to the TCAO office. This is especially important because it is often difficult for victims to take time off of work, find childcare and transportation necessary to attend multiple office meetings and/or court and securing a PO is a critical piece to escaping a violent relationship.

Because it is essential to continue the 1.5 attorney positions in order to maintain the same high level of services for victims of family violence, sexual assault and stalking in Travis County, we request the transfer of the positions to the General Fund. The salary and fringe benefits costs total 133,082.92 for November 1, 2012 through September 30, 2013.

Thank you for your consideration of this request.