

Fw: Oppose: Protecting the Public from Sexual Assaults Associated With Uber, Lyft, and Taxi's

Agendadesk <Agendadesk@sanjoseca.gov>

Tue 12/6/2022 3:58 PM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

From: City Clerk <city.clerk@sanjoseca.gov>

Sent: Tuesday, December 6, 2022 2:14 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Subject: FW: Oppose: Protecting the Public from Sexual Assaults Associated With Uber, Lyft, and Taxi's

From: Christine Smith <[REDACTED]>

Sent: Tuesday, December 6, 2022 1:27 PM

To: City Clerk <city.clerk@sanjoseca.gov>

Cc: Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>

Subject: Oppose: Protecting the Public from Sexual Assaults Associated With Uber, Lyft, and Taxi's

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To Whom It May Concern,

The California Partnership to End Domestic Violence (the Partnership) writes to express our strong opposition to the proposed ordinance requiring rideshare and taxi companies to automatically disclose reports of sexual assault that take place on their platform to law enforcement – without the survivor's consent. We urge the City of San Jose to reject this dangerous policy and work with survivors and victim advocates to develop a collaborative and trauma-informed approach.

The Partnership is California's recognized domestic violence coalition, representing over 1,000 advocates, organizations and allied individuals across the state. Working at the local, state and national levels for nearly 40 years, the Partnership believes that by sharing resources and expertise, advocates and policymakers can end domestic violence. Every day we inspire, inform and connect all those concerned with this issue, because together we're stronger.

Victim advocates and experts in domestic violence and sexual assault prevention and response have made it clear, time and again, to our partners in government and law enforcement that our first responsibility must be to protect the dignity of survivors by restoring agency that has already been wrenched away from them. Institutions responsible for promoting best practices for trauma informed care understand that empowering survivors to make their own choices about what treatment to seek and what systems to involve is an essential part of the healing journey. Taking away choices or compelling people to participate against their will poses a serious risk for re-traumatization.

For survivors of sexual violence, privacy and confidentiality of their personal information is more than just an expectation, it is a critical matter of personal safety and security. Rather than compelling survivors to report their incidents to law enforcement, the City of San Jose (and any other government entities) should be encouraging rideshare and taxi companies to create, or expand, partnerships with sexual assault service providers.

Justice, healing, and repair comes in many forms, and survivors deserve an expansion of options, not being forcibly siloed into the criminal legal system. We encourage you to oppose this ordinance.

Please let me know if you have any questions. You can reach me anytime at [REDACTED] or [REDACTED].

Sincerely,

Christine

Christine Smith, MPA

Rincon/Kashia

Pronouns: She/Her/Hers ([Why pronouns matter](#))

Policy Analyst

California Partnership to End Domestic Violence

Email: [REDACTED]

Cell: [REDACTED]

I acknowledge that I work, live, and play on the ancestral homelands of the Nisenan, Maidu, Miwok and Me-Wuk Peoples, who are indigenous peoples of this land, and have lived here since time immemorial. As a Native woman, I humbly keep these Nations in mind as I exist on their homelands.

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FW: firmly opposed to the proposed San Jose ordinance introduced today that would require taxis and rideshare companies to report sexual assaults to law enforcement.

City Clerk <city.clerk@sanjoseca.gov>

Wed 12/7/2022 8:15 AM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

From: Iqra Baig <[REDACTED]>
Sent: Tuesday, December 06, 2022 5:42 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: firmly opposed to the proposed San Jose ordinance introduced today that would require taxis and rideshare companies to report sexual assaults to law enforcement.

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"Sexual assault survivors should be the only ones to control when and how their experiences are reported. Listen to survivors and victim advocates!"

--

Iqra Baig, MNO

Cell Phone: [REDACTED]

Email: [REDACTED]


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FW: 12/7/22 Rules and Open Government Committee Agenda Item C1

City Clerk <city.clerk@sanjoseca.gov>

Wed 12/7/2022 8:14 AM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

 1 attachments (134 KB)

Letter-De-Bug.pdf;

From: Charisse Domingo <[REDACTED]>
Sent: Tuesday, December 06, 2022 7:05 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: Cindi Hunter <[REDACTED]> Colsaria Henderson <[REDACTED]>
Subject: 12/7/22 Rules and Open Government Committee Agenda Item C1

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[External Email]

Good evening,

On behalf of Silicon Valley De-Bug, we are submitting this letter in opposition to this ordinance. Thank you very much.

Respectfully,
Charisse Domingo
Silicon Valley De-Bug

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December 6, 2022

The Honorable Chappie Jones
Chair, Rules & Open Government Committee City of San Jose

Dear Councilmember Jones,

We stand with sexual assault and domestic violence service providers partners in opposing the proposed ordinance requiring rideshare and taxi companies to automatically disclose reports of sexual assault that take place on their platform to law enforcement – without the survivor’s consent. At Silicon Valley De-Bug, we have supported families in navigating the criminal justice system through our organizing model of participatory defense. We support survivors of sexual assault within our De-Bug community. In our experience, the criminal legal process has not been the system that has delivered the most healing and accountability, especially to the survivors of violence.

We are particularly concerned that the Council developed this ordinance without the input of service providers who support survivors with the most delicate of wrap around services, who know firsthand the harms of what this type of ordinance can create. In our experience, when survivors of violence reach out for support, that timeline must happen on their own control. A survivor-centered, trauma-informed response to violence respects the autonomy and privacy choices of people who have been harmed by someone else. This ordinance is a direct opposite to that premise.

We urge you to reject this ordinance.

Respectfully,

Charisse Domingo
On behalf of Silicon Valley De-Bug

FW: Public Comment RE: San Jose City Council ROGC 22-516

City Clerk <city.clerk@sanjoseca.gov>

Wed 12/7/2022 8:15 AM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

From: John L. Finley <[REDACTED]>
Sent: Tuesday, December 06, 2022 11:49 PM
To: City Clerk <city.clerk@sanjoseca.gov>; Emilie Boman <[REDACTED]>
Subject: Public Comment RE: San Jose City Council ROGC 22-516

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[External Email]

Good Evening,

Please find attached written Public Comment submitted on behalf of Uber Technologies, Inc. for tomorrow's Joint Meeting for the Rules and Open Government Committee and Committee of the Whole. We appreciate the opportunity to weigh in on this important matter.

Thank you,

--

Do the right thing. **John L. Finley** (he/him/his)
Public Policy - *California*

[REDACTED] [REDACTED]

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Vice Mayor Chappie Jones
Chair, Rules & Open Government Committee
City of San Jose
Dec 6, 2022

Vice Mayor Chappie Jones and Councilmembers,

We write to respectfully submit public comment opposing the proposed ordinance requiring rideshare and taxi companies to automatically disclose reports of sexual assault to law enforcement without the survivor's consent. Reflecting concerns raised by the advocate community, we urge the City Council to reject this proposal.

In this submission, we set out Uber's current processes for responding to reports of sexual assault and detail our concern with the proposed ordinance.

Uber's commitment to safety

At Uber, we embed safety into everything we do. We're committed to continually improving the safety of our platform for all who use it. Recognizing that no company is an expert in this area, we enlisted guidance from those who have decades of experience working with survivors to help make our policies and processes more survivor-centered. Those organizations include the national groups like National Network to End Domestic Violence, NO MORE, It's On Us, the National Sexual Violence Resource Center, Ujima and RISE, among others. We have also been privileged to work with renowned safety organizations on whose counsel we rely to inform Uber's safety policies, processes and product features. These groups include Mothers Against Drunk Driving (MADD), Governors Highway Safety Association, National Safety Council and others.

Rather than shy away from safety challenges, Uber has led the industry in releasing our first US Safety Report in 2019 to be transparent about the safety incidents that occur on our platform and track our progress on safety. We remained steadfast in our commitment and released our second Safety Report earlier this year. The numbers in both reports show that critical safety incidents on our platform are **statistically extremely rare**. 99.9% of trips in 2019 and 2020 ended without any safety incident. That said, even one critical safety incident is unacceptable because it represents the personal experience of someone in the Uber community. This is why Uber doesn't consider our work on safety done. We continue to proactively partner with safety organizations, law enforcement and elected officials to continuously raise the bar on safety.

Uber's response to reports of sexual assault

Uber does not tolerate sexual assault or sexual misconduct. We take all allegations of sexual assault and sexual misconduct by our users seriously and work to take appropriate action on every report quickly and

fairly. Our approach is grounded in years of engagement and learnings from groups, experts, and organizations that advocate against gender-based violence and work directly with survivors.

Incident response

When our Incident Response Team (IRT) receives a report of sexual assault, a trained agent begins by identifying the accused party and their associated Uber account. We immediately remove the accused party's access to the Uber app so they cannot take trips while we complete a review. During the case-review process, agents work to obtain the necessary information to make a determination as to whether the accused party should be banned from the Uber app. This may include speaking with the survivor, reporting party, accused party, and any relevant witnesses. Uber will then take action on our platform, including banning driver accounts.

Support for survivors

We agree that it is critical for survivors to understand their options and have access to the support they need to recover from the trauma they have experienced. In 2020, Uber launched a dedicated Survivor Resources Hotline and Fund that offers confidential crisis support and specialized services to survivors, facilitated by RAINN specialists. These specialists are trained to provide survivors with information about their options including law enforcement reporting, the criminal justice process and access to local services and sexual assault service providers. The Support Fund allows survivors to access resources such as therapy, transportation, and a wide range of other accommodations to assist with their healing. Information about who has accessed the hotline and fund is confidential and not shared with Uber. Importantly, support is provided without legal provisions or pre-conditions.

We share the information above with survivors who have reported a sexual assault to Uber, without any attempt to influence their next steps. We are clear with survivors that it is their choice whether or not to report to law enforcement. The characterization of Uber "misleading" survivors is simply incorrect. We make extremely clear that reporting to Uber will not result in a report to law enforcement. Below is an excerpt from the communications shared with survivors. (The full text is attached to this letter).

"Law Enforcement Reporting

We believe the decision to report to law enforcement is entirely up to you. If you decide to report this to police, please provide law enforcement with our online portal address: lert.uber.com.

Through this portal they can connect with our Law Enforcement Response Team to request information they may need for their investigation."

Cooperation with Law Enforcement

Uber has a dedicated global Public Safety Liaison team made up of former law enforcement professionals who work to proactively partner with law enforcement and educate them about how Uber can assist during an emergency or investigation. We also have a Public Safety Response Portal, where public safety officials can quickly and securely submit legal process documents to request trip data and other information that may be critical in investigating potential criminal cases. Uber's 24/7 Law Enforcement Response Team handles these data requests and works with investigators to help them get the information they need through valid legal processes.

Concerns with the proposed ordinance

Uber submits concerns regarding both aspects of the ordinance: i) "requirement to notify law enforcement of the assault allegation, and of contact information of survivor, alleged assailant and non-victim witnesses"

and ii) inform survivors in clear simple language of available local support and the benefits of reporting to law enforcement and undergoing a SART exam. Our comments address each of these provisions in turn.

Uber opposes a mandatory requirement to share survivor information and accounts with law enforcement without survivor consent. As currently worded, this ordinance takes away survivor choice, disregards their right to privacy and risks having a chilling effect on people coming forward to report sexual assaults.

- **This ordinance takes away survivor choice.** Uber does not presume to know what's best for survivors. Safety advocates, organizations and survivors themselves are clear that the decision to report an assault to law enforcement is a deeply personal one. Safety advocates note that following a sexual assault it is very normal for survivors to choose not to report to law enforcement right away, or to not report at all. Reporting to law enforcement can be a retraumatizing and complex decision for survivors of sexual violence, and this can be particularly true for survivors of marginalized communities such as LGBTQI communities and communities of color¹. As such, sexual assault advocates and experts argue that a survivor should have total discretion and control over who to share their story with, and when, and that the ability to make this choice is an important part of the healing process. It is certainly not a choice that any company, politician or prosecutor should make for a survivor.
- **This ordinance disregards the privacy of survivors.** As an app-based ridesharing platform, our users trust Uber with their personally identifying information and data. This is particularly true for anyone reporting sexual assault or misconduct. Anyone using the app -- drivers and riders alike -- has a reasonable expectation that Uber will not share that information with anyone against their will or without their knowledge, particularly in California, following the passage of the California Consumer Privacy Act. The proposed ordinance would compel Uber to hand over the name, contact details, and account of sexual assault to law enforcement -- regardless of survivor consent. This will result in situations where Uber is forced to share highly personal information, even if a victim specifically asks us not to involve law enforcement at that time. This violates a survivor's right to privacy, and forces them to make an unnecessary choice: rescind their report of a sexual assault in order to avoid law enforcement engagement, or continue with their report and engage with a law enforcement investigation against their wishes.
- **This ordinance will have a chilling effect on people coming forward to report sexual assaults.** It is well documented that mandatory reporting, while well-intended, has a chilling effect on reporting of sexual assault. Mandatory reporting to law enforcement risks retraumatizing victims, and is shown to result in worsened outcomes for survivors and families who many choose not to seek support and a higher risk of decreased reporting amongst gender minorities and people of

¹ Zweig, Janine, Lauren Farrell, Kelly Walsh, and Lilly Yu. "Community approaches to sexual assault: VAWA's role and survivors' experiences." *Violence against women* 27, no. 1 (2021): 30-51. <https://journals.sagepub.com/doi/10.1177/1077801220949696> (Accessed: December 6, 2022); Lorenz, Katherine, Anne Kirkner, and Sarah E. Ullman. "A qualitative study of sexual assault survivors' post-assault legal system experiences." *Journal of trauma & dissociation* 20, no. 3 (2019): 263-287. <https://www.tandfonline.com/doi/abs/10.1080/15299732.2019.1592643?src=recsys&journalCode=wjtd20> (Accessed: December 6, 2022)

color.² Uber understands that is an important reason why advocate groups and women's safety organizations oppose this ordinance. Indeed, if this ordinance were to pass, Uber would have to inform any driver or rider reporting a sexual assault that their information would be shared law enforcement. This could lead to victims rescinding their reports, or asking Uber to delete any record of their safety report.

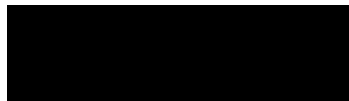
Uber also submits concerns regarding the requirement to insert specific language into communications to survivors that report a sexual assault to TNCs. We support the intention of ensuring a survivor is able to understand their options and make an informed choice about any actions they can take regarding their assault, including the decision to report to law enforcement. That said;

- **Any communications to survivors must be trauma informed, and advised by advocates and safety experts.** The language Uber currently shares with survivors (attached in Annex below) was developed in partnership with local and national safety advocates, with a view to helping Uber take a trauma informed approach to responding to sexual assault reports. We have expressed an openness to work with the Mayor's Office, District Attorney and law enforcement to amend this language, however this conversation must also include advocates and survivor voices.
- **Uber cannot and should not provide legal advice to survivors.** The proposed ordinance suggests that Uber will be required to advise a survivor of sexual assault of their rights under the law, including their right to access a forensic medical examination and an explanation about the timing of that exam. Advocates have told us repeatedly that it is not appropriate for a rideshare or taxi company to advise a survivor on whether they should participate in a criminal justice process or explain what that process might entail. This is why Uber worked with RAINN to develop a support hotline, staffed by RAINN agents, who are best placed to connect the survivor to local advocate groups and walk them through their options.

In summary, Uber strongly opposes the mandatory reporting requirement of sexual assault to law enforcement. This requirement will negatively impact survivors, stripping them of the right to choice and privacy, and will negatively impact public safety more broadly by having a chilling effect on reporting of sexual assault.

We appreciate the opportunity to submit public comments, and look forward to continuing the conversation toward our shared goal of improving public safety and supporting survivors.

Respectfully,



Emilie Boman
Director - Global Safety Public Policy, Uber

² (Lippy, C. et al. (2020) *The impact of mandatory reporting laws on survivors of intimate partner violence: Intersectionality, help-seeking and the need for Change - Journal of Family Violence, SpringerLink.* Springer US. Available at: <https://link.springer.com/article/10.1007/s10896-019-00103-w> (Accessed: December 6, 2022).; Holland , K.J., Hutchison, E.Q. and Torres, M.G. (2021) *Reporting is not supporting: Why mandatory supporting, not mandatory reporting, must guide university sexual misconduct policies.* PNAS. Available at: <https://www.pnas.org/doi/10.1073/pnas.2116515118> (Accessed: December 6, 2022).

CC:

Mayor Liccardo

Mayor-elect, Councilmember Matt Mahan

Councilmember Sergi Jimenez

Councilmember Raul Peralez

Councilmember David Cohen

Councilmember Magdalena Carrasco

Councilmember Devora Davis

Councilmember Mata Esparza

Councilmember Sylvia Arenas

Councilmember Pam Foley

Annex:

Below is a copy of the email we send to survivors who report an incident to Uber which outlines available support and how to report to law enforcement:

Dear XX:

I am following up on a recent conversation you had with my colleague about a safety incident that you reported.

Uber Resources Hotline

I wanted to share information about the Uber Resources Hotline. This hotline is managed by RAINN and can:

- Provide confidential, emotional support from RAINN's support specialists*
- Help you receive reimbursement from Uber for therapy and other services*
- Give you other helpful information and resources You can call the hotline at [REDACTED], Monday-Friday from 9AM-7PM ET using this PIN [XXXXXX]. This PIN is unique to you, and you'll need it each time you call. These services are available until a year from today.*

National Sexual Assault Hotline

In addition to the specific services facilitated by the Uber Resources Hotline, you can always access RAINN's 24/7 National Sexual Assault Hotline by phone ([REDACTED]) or Live Chat for confidential support and referrals to free and low-cost resources through local sexual assault service providers. RAINN can also provide you information about the criminal justice process in case you're considering contacting law enforcement.

Law Enforcement Reporting

We believe the decision to report to law enforcement is entirely up to you. If you decide to report this to police, please provide law enforcement with our online portal address: lert.uber.com. Through this portal they can connect with our Law Enforcement Response Team to request information they may need for their investigation.

You do not need to report to law enforcement in order to call the hotline number above.

You can call me directly at XXX-XXX-XXXX from 8 am - 7 pm MST if you have any questions. Thank you for bringing this to our attention.

FW: Oppose: ROGC 22-516 Protecting the Public from Sexual Assaults Associated With Uber, Lyft, and Taxi's

City Clerk <city.clerk@sanjoseca.gov>

Wed 12/7/2022 8:15 AM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

From: Grace Glaser <[REDACTED]>

Sent: Wednesday, December 07, 2022 7:46 AM

To: City Clerk <city.clerk@sanjoseca.gov>

Cc: Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>

Subject: Oppose: ROGC 22-516 Protecting the Public from Sexual Assaults Associated With Uber, Lyft, and Taxi's

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To Whom It May Concern:

Please see the attached letter from VALOR and 63 California agencies and individuals invested in sexual violence prevention who strongly oppose ROGC 22-516.

We thank you for your time and consideration.

Sincerely,
Grace Glaser

--



Grace Glaser (she/her)

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The Honorable Chappie Jones
Chair, Rules & Open Government Committee
City of San Jose

Dear Councilmember Jones,

As the undersigned California agencies and individuals invested in sexual violence prevention and response, and having experience providing direct support to sexual assault survivors in our communities, we write to you to express our strong opposition to the proposed ordinance requiring rideshare and taxi companies to automatically disclose reports of sexual assault that take place on their platform to law enforcement – without the survivor’s consent. If adopted, this ordinance would completely disregard a survivor’s personal agency in choosing when, how, and to whom they report, and would severely risk re-traumatizing survivors of sexual assault. Further, we are deeply concerned that this ordinance is being crafted without the input of survivors or victim advocates, and implore the City of San Jose to reject this dangerous policy in favor of a more collaborative and trauma-informed approach.

Victim advocates and experts in sexual assault prevention and response have made it clear, time and again, to our partners in government and law enforcement that our first responsibility must be to protect the dignity of survivors by restoring agency that has already been wrenched away from them. Institutions responsible for promoting best practices for trauma-informed care understand that empowering survivors to make their own choices about what treatment to seek and what systems to involve is an essential part of the healing journey. Taking away choices or compelling people to participate against their will poses a serious risk for re-traumatization.

Additionally, for survivors of sexual violence, privacy and confidentiality of their personal information is more than just an expectation; it is a critical matter of personal safety and security. Particularly for survivors who come from communities that have been systematically impacted by overcriminalization and abuse at the hands of law enforcement, there may be many reasons why they would not choose to immediately involve law enforcement upon being assaulted, even if they chose to report the same incident to a rideshare or transportation provider. It is patently clear that reporting to a company is not the same as reporting to law enforcement, and people who make the choice to do either, do so in full knowledge of the difference between the two. In general, rideshare and taxi customers expect to be dealing with rideshare and taxi companies about their experience using the service, but have no reasonable expectation whatsoever that they would be contacted by law enforcement about their ride unless they themselves choose to report a crime.

Survivors of sexual assault have a right to expect that their private information will not be used in any way they did not consent to, and that any communications or information regarding their sexual assault will be kept confidential unless they themselves choose to report. Rather than compelling survivors to report their incidents to law enforcement, the City of San Jose (and any other government entities) should be encouraging rideshare and taxi companies to create, or expand, partnerships with sexual assault service providers.

Justice, healing, and repair comes in many forms, and survivors deserve an expansion of options, not being forcibly siloed into the criminal legal system. The criminal justice system does not have a monopoly on what justice looks like for every individual survivor, and should not impose regulations on businesses that force them to circumvent survivors' choice to report what happened to them to law enforcement.

We appreciate your effort to prioritize survivors' right to choose how to respond after being harmed and we strongly encourage your opposition to this ordinance.

Sincerely,



Sandra Henriquez, CEO
Valor California, a ValorUS® Program

- A Window Between Worlds
- ADZ Law, LLP
- Alliance for Boys and Men of Color
- Andrea Chapman
- Angel Step Inn - SCADP
- Black Women Revolt Against Domestic Violence
- Broken to Boldness LLC
- Center for Community Solutions
- Center for the Pacific Asian Family
- Coalition for Family Harmony
- Community Beyond Violence
- Community Overcoming Relationship Abuse
- Diana Arevalo
- East Los Angeles Women's Center
- Empower Yolo, Inc.
- Family Violence Appellate Project
- Georgina Hernandez
- HAVEN
- Imperial Valley LGBT Resource Center
- Jenesse Center
- Jessica Garcilazo
- Korean American Family Services
- Lassen Family Services, Inc.

Leighia Fleming
Liana Thomason
Live Violence Free
Lumina Alliance
Marianne Vlahos
Michelle Gimenez
Mirror Memoirs
Modoc Crisis Center
Monarch Services
National Compadres Network
NEWS Napa
Next Door Solutions to Domestic Violence
Nic Laflin
North County Rape Crisis & Child Protection Center
Partners Against Violence
Peace Over Violence
Positive Results Center
Projected Sister Family Services
Rape Counseling Services of Fresno
REACH
Riverside Area Rape Crisis Center
Sacred Heart Community Services
Safe Alternatives to Violent Environments
SafeQuest Solano, Inc.
SART Alameda Health System
Shelter From The Storm, Inc.
Shepherd's Door Domestic Violence Resource Center
Standing Together to End Sexual Assault
StrengthUnited
Sure Helpline Crisis Center
The Open Door Network
Tri-Valley Haven
Verity
Waymakers
WEAVE
Wild Iris Family Counseling & Crisis Center
Women's Center - High Desert, Inc.
Women's Center - Youth & Family Services
YWCA Greater Los Angeles
YWCA Golden Gate Silicon Valley

FW: Oppose: Public Comment to ROGC 22-516

City Clerk <city.clerk@sanjoseca.gov>

Wed 12/7/2022 8:19 AM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

From: Tori VandLinde <[REDACTED]>

Sent: Wednesday, December 07, 2022 8:17 AM

To: City Clerk <city.clerk@sanjoseca.gov>

Cc: Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>

Subject: Oppose: Public Comment to ROGC 22-516

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To Whom It May Concern:

Please see attached RALIANCE's Public Comment in Opposition to ROGC 22-516: Protecting the Public from Sexual Assaults Associated With Uber, Lyft, and Taxi's. We appreciate your time and attention to this matter.

--

Tori VandLinde, MPH

Project Manager

Pronouns: she or they

Email: [REDACTED]

Washington DC Office
[REDACTED]

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The Honorable Chappie Jones
Chair, Rules & Open Government Committee
City of San Jose

Dear Councilmember Jones,

RALIANANCE is a national partnership dedicated to ending sexual violence by empowering industries, sectors, and systems to create culture change. RALIANANCE has over 300 cumulative years of expertise in the sexual violence survivor advocacy, response, and prevention movement. We are a trusted advisor to both the movement and to businesses who look to be part of the solution to prevent and end sexual misconduct and promote healing and justice.

Survivors must be empowered to share their story with whomever they want on their own terms. RALIANANCE stands firmly opposed to the ordinance being introduced that would require taxis and rideshare companies to report sexual assaults to law enforcement. Survivors, and survivors only, get to determine what justice looks like to them. No outside entity gets to make that determination.

Survivors demand and deserve dignity and respect in their autonomy throughout the process, not only after a local ordinance has circumvented their right to choose by requiring a business to report what happened to them to law enforcement on their behalf. This ordinance sets a dangerous precedent that poses severe risks to survivors, communities, and their wellbeing.

No other private business is a mandated reporter of non-dependent adult sexual assault, and this should remain. Experts in the anti-sexual assault advocacy movement recognize the harm mandated reporting has on survivors and communities. These harms often silence survivors and dissuade them from reporting what happened to any entity, which allows violence to thrive in silence. RALIANANCE strongly believes that if passed, this ordinance will silence survivors.

In the last decade, we've witnessed more and more businesses ground themselves in their responsibility to prevent and respond to sexual assault, and they do so by consulting with experts such as RALIANANCE, local rape crisis centers, state coalitions, and other national advocacy organizations. RALIANANCE and others live the work of trauma-informed survivor support, advocacy, and sexual violence prevention every day. We respectfully request that our voice, and the voices of local community-based and California sexual assault advocacy agencies,

Ending Sexual Violence in One Generation.

are earnestly heard and taken seriously. We thank the city for their passion in protecting public safety, and we respectfully ask the committee to pay grave attention to the pleas of local community-based and national advocates: mandating businesses to report sexual assaults directly to authorities without survivor consent and autonomy creates more barriers to safety while unduly harming survivors. No one except for the **survivors themselves** should be making choices about whether and when to initiate contact with law enforcement.

Sincerely,



Tori VandLinde, MPH
Project Manager

FW: Submitting Public Comment: Rules and Open Gov't Committee Agenda Item C.1 - Opposing Mandatory Reporting of sexual Assaults by TNCs

City Clerk <city.clerk@sanjoseca.gov>

Wed 12/7/2022 9:08 AM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

From: Vaughn Villaverde <[REDACTED]>

Sent: Wednesday, December 07, 2022 9:06 AM

To: City Clerk <city.clerk@sanjoseca.gov>

Subject: Submitting Public Comment: Rules and Open Gov't Committee Agenda Item C.1 - Opposing Mandatory Reporting of sexual Assaults by TNCs

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Dear City Clerk,

Please accept this letter submitted on behalf of AACI President & CEO Sarita Kohli regarding agenda item C.1 at today's Rules and Open Government Committee meeting. Thank you and please let me know if you have any questions.

Best,

VAUGHN VILLAVERDE, MPH (he/him/his)

Director of Advocacy

AACI

Office: [REDACTED]

Mobile: [REDACTED]

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December 7, 2022

The Honorable Chappie Jones, Chair
Rules and Open Government Committee
San José City Council
200 East Santa Clara Street
San Jose, CA 95113

Subject: Item C.1 (ROGC-22-516) – OPPOSE Mandatory Reporting of Sexual Assaults by TNCs

Dear Councilmember Jones,

On behalf of Asian Americans for Community Involvement (AACI), I am writing to voice our concern over the mayor's proposed ordinance that would force transportation network companies (TNCs), which include taxis, Lyft, and Uber to disclose the personal information of survivors of sexual assault to law enforcement. Although the intent to bring perpetrators of sexual assault to justice is a worthy goal, **it is critical that any strategy or policy that seeks to address this issue center on survivors' wellbeing, safety, and choice.**

The mayor's proposed ordinance would compel TNCs to "immediately notify law enforcement of the assault allegation, and of contact information of the survivor, alleged assailant, and non-victim witnesses." However, enacting such a blanket mandate to divulge survivors' personal information takes away their power and choice over how and when their experiences are shared and/or acted upon. Doing so also has a high likelihood of adding to survivors' trauma by essentially silencing them and taking away their agency in the situation. Support, healing, and justice come in many forms, and survivors deserve an expansion of options centered on their individual needs rather than being forcibly siloed into the criminal legal system. Doing so would potentially trigger legal processes for which the survivor would not be prepared, and which takes focus away from ensuring survivors have access to critical support and counseling services.

As an organization that works with survivors of gender-based violence and that often works with organizations that provide support to survivors of sexual assault, AACI strongly believes that mandatory reporting ultimately harms survivors. We, along with a host of organizations that provide services to survivors strongly urge the City of San José not to view this as a primarily criminal legal issue, and instead focus on expanding support services and prevention programs. Simply put, sexual assault survivors should be the only ones to control how and when their experiences are shared and they should be the only ones to control how that information is acted upon. We thank the San José City Council for your engagement on this issue and hope our advocacy serves as a reminder to trust survivors and center policy on their healing and recovery.

Sincerely,



Sarita Kohli
President & CEO

