

PANEL TWO

Intersectionality of Sexual Assault, Domestic Violence, and Human Trafficking



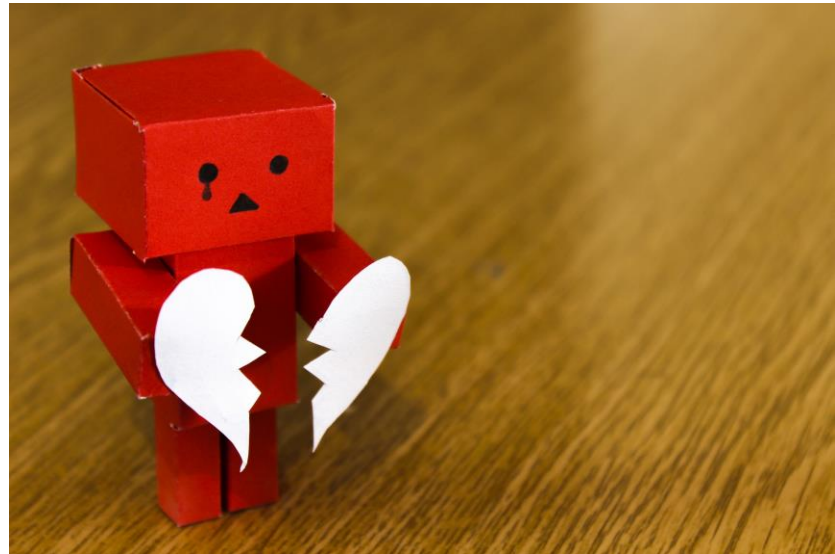
Adult/Adolescent Sexual Assault Forensic Exam (SAFE) Program

Panel 2: Intersectionality of Sexual Assault, Domestic Violence, and Human Trafficking
Special Hearing on Sexual Assault CSFC Committee
April 15, 2019

SAFE Program

Intimate Partner Violence:

1. Physical violence, sexual violence, stalking, and psychological aggression by a current or former intimate partner



SAFE Program

Intimate Partner Violence:

2. Victims may suffer one experience of violence or endure violence that lasts for years



SAFE Program

Intimate Partner Violence:

Affects:

- 1 in 4 women
- 1 in 7 men



1 in 10 high school students*

SAFE Program

CA Penal Code Section 11161.2

Legislature finds:

that adequate protection of victims of domestic violence and elder and dependent adult abuse has been hampered by lack of consistent and comprehensive medical examinations.

SAFE Program

CA Penal Code Section 13701

In 2017, SB 40 amended code to include

law enforcement duty to warn victims of domestic violence that strangulation may cause internal injuries and encouraging the victim to seek medical attention

No standardized process to get exam

SAFE Program

In CA, forensic examiners began closing gaps in access for victims of DV/IPV to receive the same medical forensic exam provided to victims of sexual assault

CA Family Code Section 6930

In 2018, AB 3189 added a new section to code

A minor who is 12 years of age or older and who states he or she is injured as a result of intimate partner violence may consent to medical care related to the diagnosis or treatment of the injury and the collection of medical evidence with regard to the alleged intimate partner violence.

SAFE Program



San Diego County

- Began pilot for Domestic Abuse Forensic Exams in 2017
 - Medical forensic exam
 - Evidence collection
 - Photographs
 - Documentation on state form

SAFE Program



San Diego results (18 months)

- 33 ➡ 73% felony filing rate
 - 10 ➡ 40% plea rate
- ✓ Decrease in DV homicide rate during same time frame



Alameda County Sexual Assault Program

- Implemented medical forensic exams for DV/IPV in 2014
- 59% of victims served scored in the severe to extreme risk categories according to their lethality assessment scores
- Developed and piloted electronic form
 - Domestic Violence Report and Referral (DVRR)
 - Increased victim access to medical care
 - Increased number of victims connected to services
 - 70% consented to referral to Family Justice Center

SAFE Program

Domestic Violence Medical Forensic Exams in Santa Clara County

- Violence Intervention Program (VIP)
- Early 2000s
- Served approximately 350 patients annually
- Hospital based
- VIP response separate from SAFE Program response
 - Proved difficult to maintain due to cross over and duplication of resources
- ❖ SCVMC SAFE Program currently working with State and community partners
 - develop best practices in DV/IPV response, including requirements for medical forensic exams performed by SAFE nurses

SAFE Program

Recommendations

1. Provide Domestic Violence Medical Forensic Exams through the SCVMC Adult/Adolescent SAFE Program
2. Develop Strangulation Protocol for Health Providers
 - Incorporate into County-wide Domestic Violence for Health Providers Protocol (Domestic Violence Medical Committee)
3. Pursue an expanded multi-disciplinary DV/IPV program by partnering with Alameda and San Diego Counties to implement the DVRR (or a version of it)
 - Work toward developing a model response in California

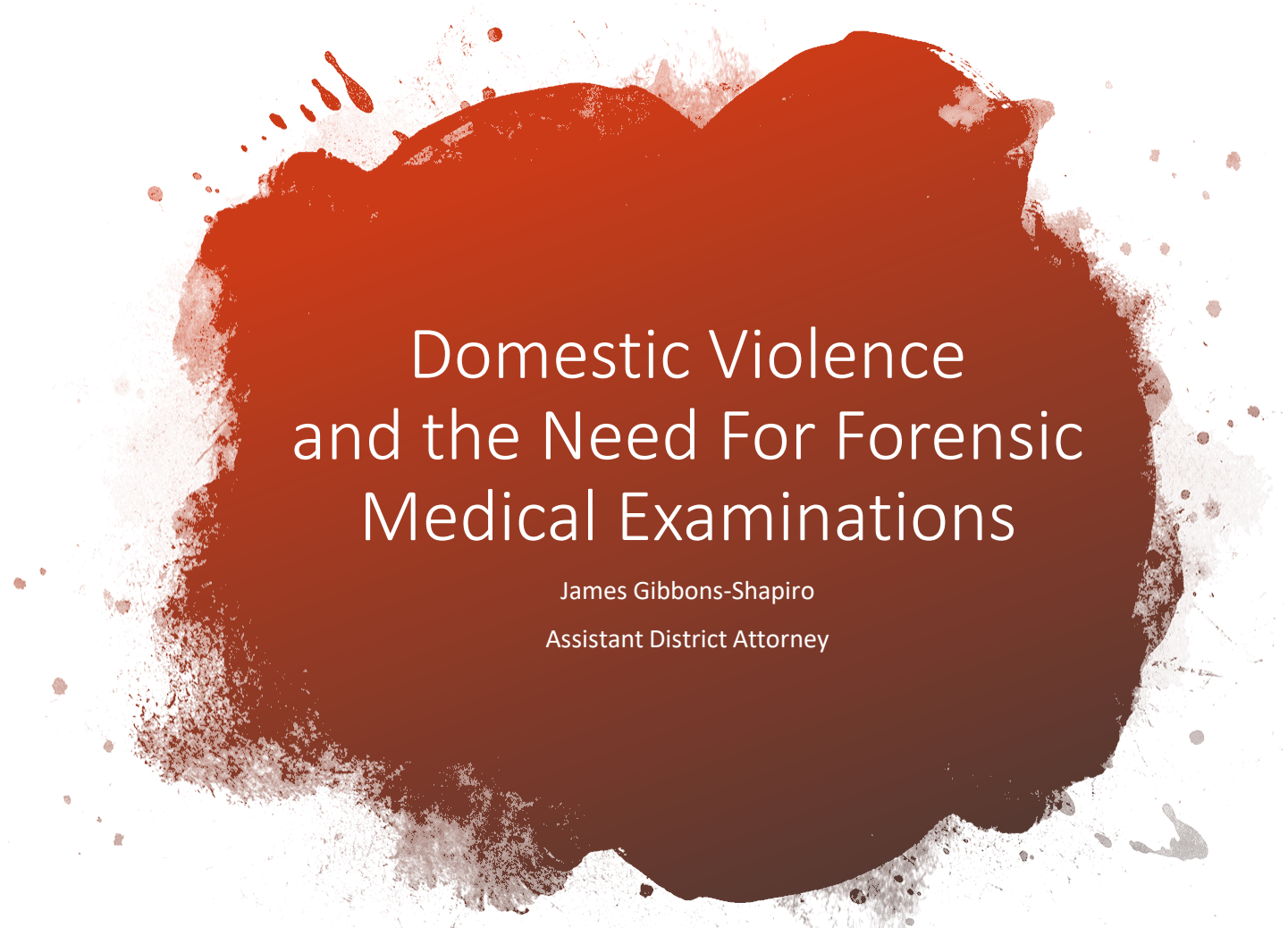
SAFE Program

SCVMC Adult/Adolescent SAFE Program

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A large, irregular red ink splatter or bloodstain graphic serves as the background for the title text. It has a dark red center with lighter, more diffuse edges and several smaller droplets or splatters extending outwards.

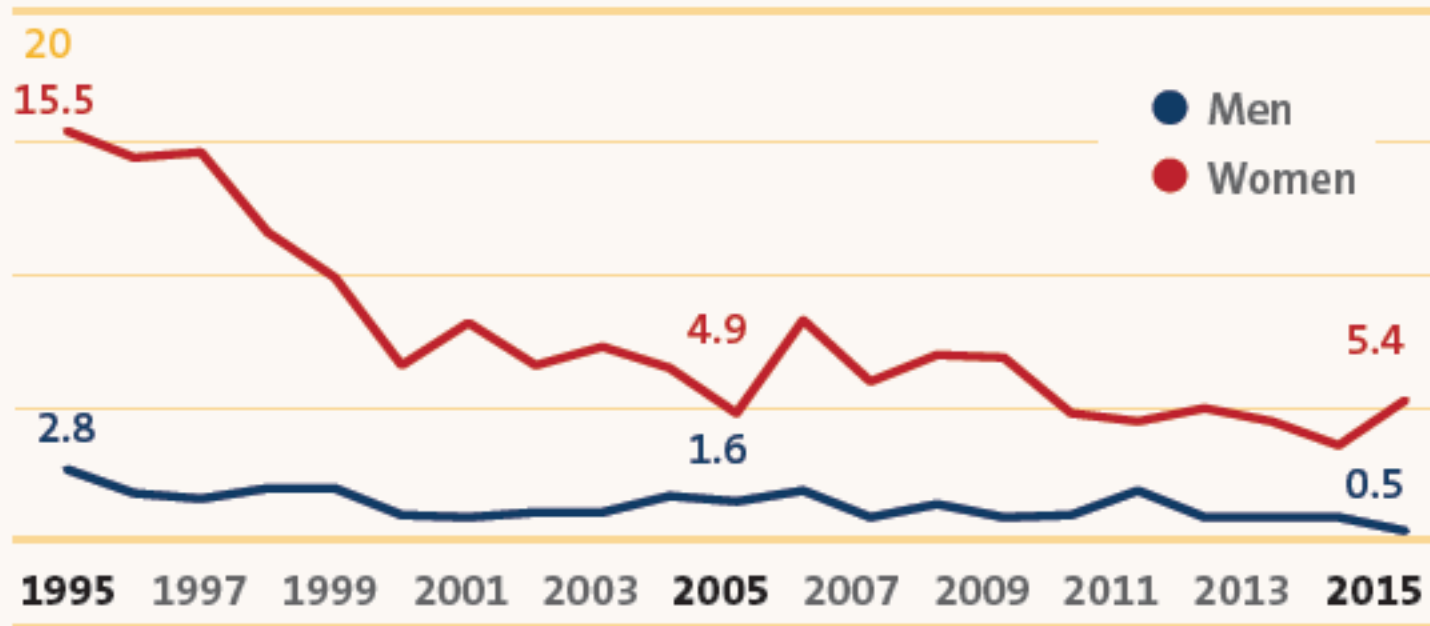
Domestic Violence and the Need For Forensic Medical Examinations

James Gibbons-Shapiro
Assistant District Attorney

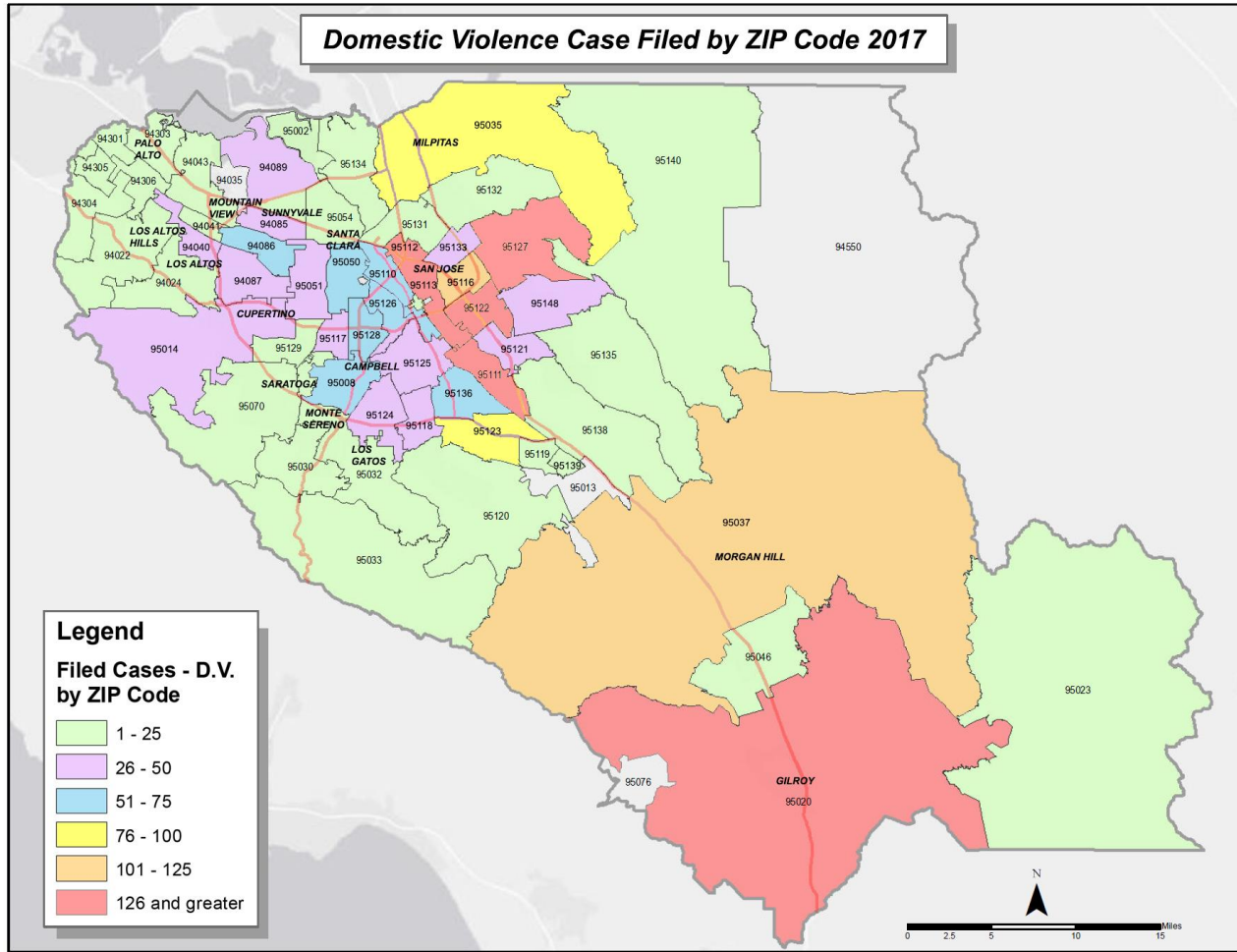
Nationwide, and in our County, reported Domestic Violence has decreased in the last 20 years

Intimate Partner Victimization by Sex^A

rate per 1,000 people



Domestic Violence Affects Every Community in Our County





Our Understanding of Domestic Violence and Strangulation is Better

- 2000-2013: 520 felony cases/year
- 2013-2017: 950 felony cases/year

The difference? Better understanding of the seriousness of strangulation cases that do not involve a visible external injury.

But to win a felony domestic violence case, the prosecution must prove a “traumatic condition” beyond a reasonable doubt.

Recommendation:

Create a pilot program with a local law enforcement agency to transport victims of strangulation to Valley Medical Center to do a forensic medical examination to include:

- Photographs of all injuries
- Examination and photography of inside of throat
- Evaluation of damage to hyoid bone or other structures
- Examination, photography, and documentation of burst capillaries in the eyes and face (petechiae)
- Any other examination that may be warranted (SART, other)

Domestic Violence

Sergeant Shawn Flores #1993

Santa Clara County Sheriff's Office

Domestic Violence leads to other crimes

- Child abuse
 - Physical, mental, emotional
- Sexual Assault
- Murder
 - Intimate partner, children, law enforcement

DV Related Incidents

- Riverside County Study 1993-2013
- Looked at Officers killed in line of duty
- 50% were killed by a suspect with DV criminal history
 - Focused on strangulation history
 - Approximately 11 Officers killed

Recommendations

- Training on the Dangers of Strangulation
 - Training Institute on Strangulation Prevention
 - To include : First responders, dispatchers, follow-up investigators, and prosecutors.
- Teaming up with Medical and District Attorney
 - Need for medical exams to gather stronger evidence to keep suspects incarcerated



Community Solutions

A Collaborative, Intersectional Approach to Gender Based Violence

Perla Flores

Community Solutions

South Bay Coalition to End Human Trafficking



VIVIANA

IN 2014, 44-YEAR OLD VIVIANA WALKED INTO COMMUNITY SOLUTIONS' MORGAN HILL OFFICE LOOKING FOR SUPPORT AFTER JORGE, HER ABUSIVE PARTNER, THREATENED TO USE THE LEGAL PROCESS TO OBTAIN FULL CUSTODY OF THEIR ONE-YEAR OLD SON AND HAVE HER DEPORTED. VIVIANA SHARED THAT JORGE HAD BEEN HER HIGH-SCHOOL SWEETHEART IN MEXICO. AFTER DECADES OF NOT HEARING FROM HIM, HE REACHED OUT AND THEY BEGAN A LONG-DISTANCE RELATIONSHIP. EVENTUALLY, JORGE CONVINCED VIVIANA TO MOVE TO THE US AND MARRY HIM. WHEN SHE ARRIVED, SHE FOUND OUT THAT HE WAS ALREADY MARRIED. HE THEN BEGAN PHYSICALLY, SEXUALLY, AND EMOTIONALLY ABUSING HER. HE PRESSURED HER TO WORK FOR FREE AT HIS JANITORIAL BUSINESS. SHE HAD NO FRIENDS OR FAMILY IN THE AREA.



WHY SCREEN FOR INTERSECTIONS?

- ENSURE THAT PROVIDERS ADDRESS DIFFERENT FORMS AND INTERSECTIONS OF VIOLENCE AND TRAUMA
- ENSURE THAT SURVIVORS CAN EXPLORE ALL POSSIBLE PROTECTIONS, LEGAL REMEDIES, AND SOCIAL BENEFITS AVAILABLE TO THEM
- CONNECT SURVIVORS TO OTHER SERVICES AND PROGRAMS BASED ON THE SURVIVOR'S INDIVIDUAL NEEDS AND ELIGIBILITY (E.G. HOUSING, VOCATIONAL TRAINING PROGRAMS, SA ADVOCATES)
- CONNECT SURVIVORS TO LEGAL SERVICE PROVIDERS BASED ON SURVIVOR'S INDIVIDUAL SITUATION (E.G. IMMIGRATION, FAMILY LAW, EMPLOYMENT LAW, HOUSING, SOCIAL SERVICE BENEFITS)



VICTIM NEEDS SCREENING TOOL

- SOUTH BAY COALITION TO END HUMAN TRAFFICKING SPENT TWO YEARS DEVELOPING A TOOL THAT IDENTIFIES POTENTIAL IPV/SA/HT
- TOOL WAS LAUNCHED WITH A TRAINING IN 2016
- CS COLLECTED 97 SURVEYS FROM JUNE 2018 TO FEBRUARY 2019
- AACI, CS, AND YWCA COMMITTED TO COMPLETING THE TOOL WITH OPEN CLIENTS OVER 18 YEARS OLD

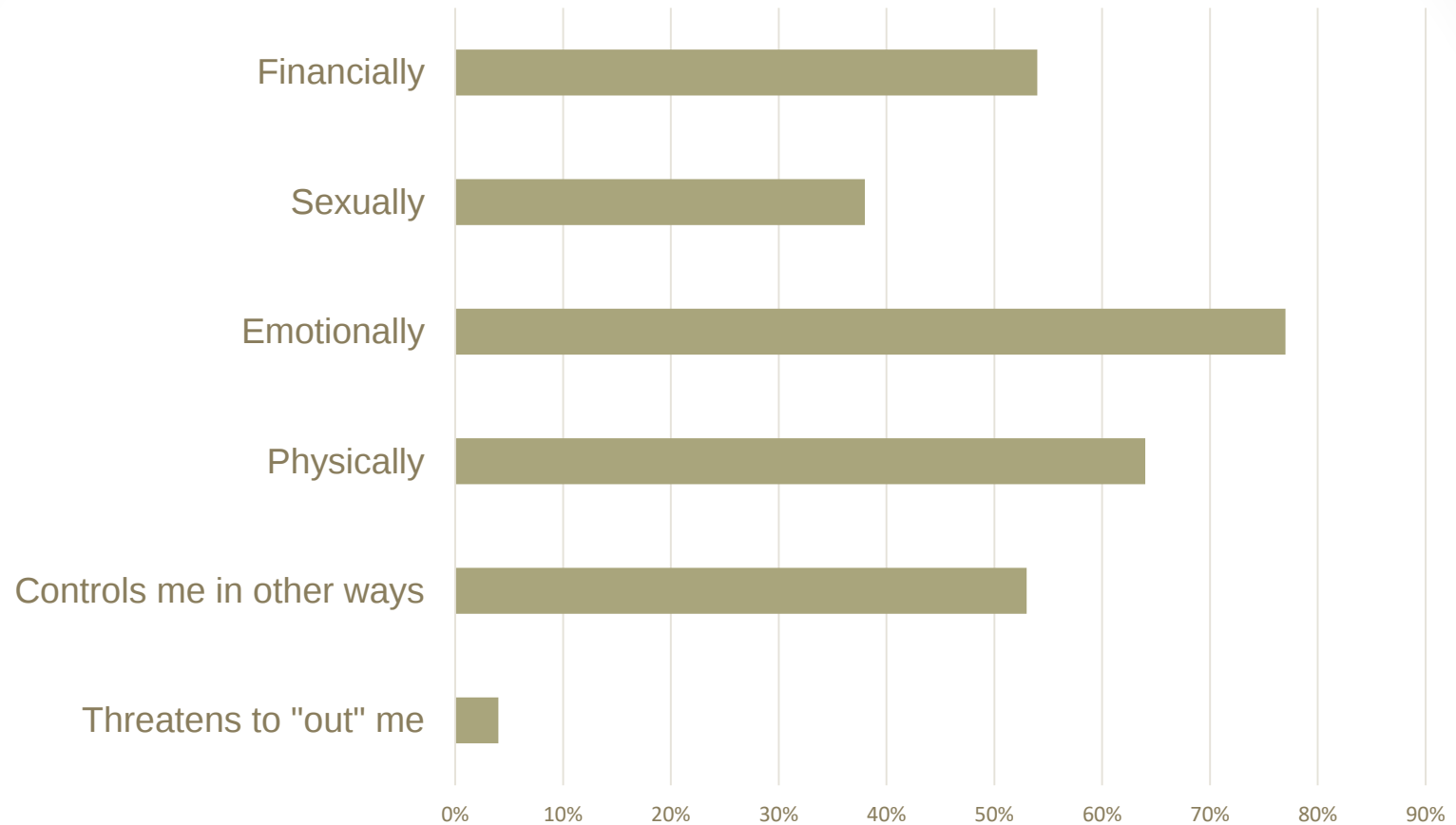


VICTIM NEEDS SCREENING TOOL

- QUESTIONS 1-3 FOCUS ON INTERSECTIONS
- QUESTIONS 4-6 FOCUS ON IPV
- QUESTIONS 7-12 FOCUS ON SEX/LABOR TRAFFICKING
- QUESTIONS 13-15 FOCUS ON SA
- QUESTIONS 16-22 CAPTURE DEMOGRAPHICS
- QUESTIONS 22-28 CAPTURE SCREENER INFORMATION



Responses on Abuse by Partner or Ex-partner



DID THE SCREENING TOOL RESULT IN A REFERRAL?

Internal Referral		External Referral	
DV Advocate	12%	DV Agency	4%
SA Advocate	9%	SA Agency	4%
HT Advocate	5%	Legal Services	5%



OTHER EFFORTS ON INTERSECTIONAL SCREENING

- SANTA CLARA COUNTY COC – 5 QUESTION SURVEY
 - ENSURE POTENTIAL IPV/SA/HT SURVIVORS GO INTO CONFIDENTIAL QUEUE
 - ENSURE CRISIS RESPONSE WHEN NEEDED DUE TO SAFETY OR URGENT CONCERNS AROUND IPV/SA/HT
 - FACILITATE WARM HANDOFF FOR NON-URGENT IPV/SA/HT NEEDS
- SAN JOSE POLICE DEPARTMENT/YWCA SA/ST SCREENING TOOL
 - TRAIN PATROL OFFICERS TO THINK INTERSECTIONALLY AROUND SA/ST
 - ENSURE CRISIS RESPONSE WHEN NEEDED DUE TO SAFETY OR URGENT CONCERNS AROUND IPV/SA/HT
 - FACILITATE WARM HANDOFF FOR NON-URGENT IPV/SA/HT NEEDS



NEXT STEPS

- CONTINUE TRAININGS TO IPV/SA/HT PROVIDERS ON INTERSECTIONS SCREENING TOOL
- COMPLETE INTERSECTIONS SCREENING TOOL FOR LE AND CONDUCT TRAININGS
- CONDUCT MONTHLY TRAININGS FOR COC PROVIDERS
- IDENTIFY OTHER SECTORS IN WHICH SCREENING TOOL CAN BE ADAPTED
- ESTABLISH DATA TRACKING MECHANISMS FOR ALL INTERSECTIONS SCREENING TOOLS



Challenges/Recommendations

- Challenges

- Lack of comprehensive and coordinated screening and support for IPV/SA/HT survivors
- Lack of funding flexibility
- Lack of funding for SA
- Multiple advocates assigned to one client

- Recommendations

- Ensure consistent screening/triaging for IPV/SA/HT survivors amongst service providers
- Provide more flexible funding options that would allow one advocate to support different forms and intersections of GBV

