



Memorandum

TO: PUBLIC SAFETY, FINANCE,
AND STRATEGIC SUPPORT
COMMITTEE

FROM: Anthony Mata

SUBJECT: SEE BELOW

DATE: August 30, 2022

Approved

Date

9/8/2022

**SUBJECT: DOMESTIC VIOLENCE PREVENTION AND AWARENESS
ANNUAL REPORT**

RECOMMENDATION

Accept the annual report on the City's efforts related to domestic violence prevention and awareness for Fiscal Year 2021-2022.

BACKGROUND

Domestic violence (DV), also referred to as intimate partner violence (IPV), is defined by the federal Centers for Disease Control and Prevention (CDC) as abuse or aggression that occurs in a close relationship. The term "intimate partner" includes current and former spouses and dating partners. IPV can vary in how often it occurs and in severity. It can range from one episode of violence that could have a lasting impact to chronic and severe episodes over multiple years. IPV includes four types of behavior: Physical Violence, Sexual Violence, Stalking and/or Psychological Aggression. According to the CDC, about 1 in 4 women and nearly 1 in 10 men have experienced sexual violence, physical violence, and/or stalking by an intimate partner during their lifetime and reported some form of IPV-related impact.¹

According to the Santa Clara County Blue Ribbon Task Force on Intimate Partner Violence, Intimate Partner Violence is defined as: *"An intentional instance or pattern of coercive controlling behavior that can include violence and abuse that is physical, emotional, economic, verbal, and sexual by a current or former partner. IPV can involve stalking, harassment, reproductive coercion, abuse of the legal process and other systems, and technology abuse. IPV can happen to anyone of any race, sexual orientation, religion, gender, gender identity,*

¹ Preventing Intimate Partner Violence, Centers for Disease Control and Prevention,
<https://www.cdc.gov/violenceprevention/intimatepartnerviolence/fastfact.html>

immigration status, and can occur across the life span. IPV affects people of all socio-economic backgrounds and educational levels.”²

The Police Department provides this annual report to the Public Safety, Finance, and Strategic Support Committee to highlight its efforts related to the prevention and intervention of domestic violence.

ANALYSIS

Family Violence Unit – An Overview

In San José, domestic violence or intimate partner violence investigations fall under the purview of the Family Violence Unit (FVU) of the San José Police Department. The Unit’s responsibilities include all types of violence or abuse within familial relationships, and investigators serve in three details for these types of cases: domestic violence; threat management; and child/elder/dependent adult abuse. The Unit is housed at the Family Violence Center.

The Domestic Violence Detail (DV) investigates domestic violence or intimate partner violence incidents committed against anyone who is the spouse, former spouse, cohabitant, former cohabitant, a person with whom the suspect has had (or is having) a child, and a person with whom the person has had (or is having) a dating/engagement relationship; this includes same-sex relationships and juvenile suspects. The Domestic Violence Detail’s approach to these cases is to make an arrest in every situation where it is legally permissible and to ensure survivors have access to resources that may assist them through the legal and/or civil process.

The Threat Management Detail (TM) investigates violations of domestic violence restraining orders, stalking, threats of terror, and issues of workplace violence.

The Child/Elder/Dependent Adult Abuse Detail (Child/Elder) investigates endangerment, neglect, and physical abuse incidents. Investigators in this detail work closely with Santa Clara County Department of Family and Children’s Services (DFCS), Santa Clara County Adult Protective Services (APS), Santa Clara County District Attorney’s Office, Community Care Licensing, and the Santa Clara County Long-Term Care Ombudsman to ensure the safety of these vulnerable survivors and connect them with local services.

Today, the Family Violence Unit is budgeted for 20 sworn personnel and 2 civilian personnel. The Unit is currently staffed by 14 full duty sworn personnel (one lieutenant, three sergeants, and ten officer investigators). These staffing levels have remained unchanged over the past year. There is one modified-duty officer temporarily assigned to the unit. The current staffing, by detail, consists of the following:

² A Report on the Santa Clara County Intimate Partner Violence Blue Ribbon Task Force, June 2017

- Domestic Violence Detail: Six positions—one sergeant and five full duty officers (one modified duty officer temporarily assist this team);
- Threat Management Detail: Three positions—one sergeant and two officers;
- Child/Elder/Dependent Adult Abuse Detail: Four positions—one sergeant and three officers.

The Unit employs best practices in family violence services and uses a multi-disciplinary approach to address family violence issues. In fiscal year (FY) 2021-2022, in addition to its sworn personnel, the Unit continued to be staffed with an advocate from the YWCA of Silicon Valley, and a representative from the Santa Clara County Department of Family and Child Services (DFCS). The multi-disciplinary approach utilized by the Unit integrates effective investigation and support services to survivors of family violence in a safe and friendly environment. The law enforcement component of the Family Violence Center is committed first and foremost to the safety of the survivors of family violence. This is accomplished by enforcing appropriate criminal statutes as well as the active referral of survivors to partner agencies within the center for counseling services, safety planning, financial aid, shelter, and restraining order acquisition.

In order to maintain and expand the network of social services, Unit members, other governmental agencies and community partners dedicated to eradicating domestic, intimate partner and family violence have participated in a variety of collaborative committees and partnerships, including the Santa Clara County Domestic Violence Council, Domestic Violence Death Review Committee, Police-Victim Advocacy Committee, Elder Death Review Committee, Adult Protective Services and the Court Systems.

Family Violence Case Data

As outlined in Table 1, the three details of the Family Violence Unit have a high caseload which increased from the prior fiscal year. During FY 2021-2022, the Unit received 9,343 cases. These cases include domestic violence, child and elder abuse and neglect, domestic restraining order violations, stalking, domestic threats, mandatory child abuse and elder/dependent adult abuse cross-report cases from the Department of Family and Children Services and Adult Protective Services.

Throughout the FY, 8,074 cases were assigned to the Unit's investigators and sergeants to investigate and/or follow up. The Unit operationally closed 9,640 cases during the fiscal year. Of those operationally closed cases, 2,188 resulted in criminal filings. (An operationally closed case is one which does not warrant any further resources to investigate or judicially process. In order to be considered operationally closed, a case cannot be in active review, investigation, preparation for submission to the District Attorney, or pending review by the District Attorney. Cases closed operationally by the Department can include cases from previous fiscal years).

12% of the cases initially assigned to FVU in FY 2021-2022 were reassigned to SAIU because the DV case involved sexual assault. The Intersectionality Tool which reports across Domestic Violence, Sexual Assault, and Human Trafficking cases were used to determine which cases would be reassigned from FVU to SAIU.

For a comparison between FY 2021-2022 and the two previous years, see Table 1.

Table 1: Family Violence Unit Caseload (Incidents: DV, TM, Child/Elder)			
	2019-2020	2020-2021	2021-2022
Cases Received	9,620	9,087	9,343
Cases Assigned (Number)	9,600	8,885	8,074
Cases Assigned (Percent)*	99.8%	98%	86%
Closed with Criminal Filing*	2,105	2,182	2,188

* This number can include cases from the previous fiscal year

The percentage of cases closed with a criminal filing was approximately 23% for all 3 FVU teams (DV, TM, and Child/Elder) in FY 2021-2022. This number was down from approximately 24% the prior year. There are many reasons a case might not end up with a criminal filing. For example, many of the cases received by FVU are cross reports from DFCS. A great number of those reports are informational only and were in relation to a family incident being investigated by DFCS that did not violate a criminal statute or may not have met the DFCS threshold for intervening in the family situation.

Another example would be a family disturbance call-for-service where patrol officers respond to a possible DV situation. In that type of situation, the officers investigate to determine if a crime has been committed and they write a General Offense report, even if it appears that no law was broken. This report gets routed to FVU, but it will not result in a criminal filing. This call-for-service is an opportunity to offer resources to the family and could be valuable for detectives and the District Attorney should there be future DV-related calls involving the same individuals.

Table 2 provides a breakdown of the 4,519 reported domestic violence occurrences received in FY 2021-2022 by the four types of cases listed. Battery, Domestic (also referred to as “spousal battery”) is a misdemeanor under the California Penal Code, while domestic violence or “corporal injury on a spouse” with minor or serious bodily injury (SBI) or weapon used is a felony charge. (A domestic violence case is one incident being reported. A domestic violence occurrence is a case where DV could have multiple incidents that are being reported as one even from prior dates).

Table 2: Summary of Select Domestic Violence Incidents by Total Occurrences for the FY 2021-2022

INCIDENT TYPE DESCRIPTION	2021						2022						TOTAL
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	
243(E)(1) PC BATTERY DOMESTIC	74	57	86	87	78	63	64	60	75	89	71	95	899
273.5(A) PC DV MINOR INJURY	165	146	144	153	138	115	134	129	174	138	146	165	1747
273.5(A) PC DV SBI OR WEAPON	46	63	59	43	46	48	36	40	29	39	43	34	526
273.6APC DV RESTRAIN ORD VIOL	109	98	106	132	119	99	101	106	122	107	131	117	1347
TOTAL	394	364	395	415	381	325	335	335	400	373	391	411	4519

*Incident Type Description Key:

243(e)(1) PC Battery Domestic = Domestic Battery
273.5(a) PC DV Minor Injury = Inflicting minor injury in the context of domestic violence
273.5(a) PC DV SBI or Weapon = Inflicting Serious Bodily Injury or using a weapon in the context of domestic violence
273.6APC DV Restraining Order = Violation of a restraining order in the context of domestic violence
Violation

With the COVID-19 pandemic entering its third year, we have seen an overall increase in the total number of occurrences. Additionally, we have seen an increase in the more serious categories of DV-related incidents. Table 3 shows an overall 3.7% increase in reported DV occurrences in FY 2021-2022 when compared to the prior year. Please note the tables below show the occurrences of the four crime types listed. These crime types vary from the crimes reported in Uniform Crime Reporting (UCR) data presented in other contexts.

Table 3: Annual Comparison of Occurrences Between the 2020-2021 and 2021-2022 Fiscal Years

OCURRENCE TYPE DESCRIPTION	TOTAL JUL 2020- JUN 2021	TOTAL JUL 2021- JUN 2022	% CHANGE
243(E)(1) PC BATTERY DOMESTIC	785	899	14.5%
273.5(A) PC DV MINOR INJURY	1614	1747	8.2%
273.5(A) PC DV SBI OR WEAPON	451	526	16.6%
273.6A PC RESTRAINING ORDER VIOLATION	1507	1347	-10.6%
<u>TOTAL</u>	<u>4357</u>	<u>4519</u>	<u>3.7%</u>

The failure to stop domestic violence from escalating can have deadly consequences for the survivor, their children, or other family members. In 2021, according to the California Department of Justice, domestic violence was a contributing factor in 6.3 percent of the

homicides in California (down from 6.7 percent in 2020).³ In domestic violence homicide cases where the victim-offender relationship was known, 12.9 percent of homicide victims in California were killed by a spouse/partner, parent, or child (down from 14.4 percent in 2020). In the case of female homicide victims, 35.6 percent were killed by a spouse/partner, parent, or child (up from 35.3 percent in 2020) vs. 6.4 percent (down from 7.7 percent in 2020) for male victims. (This data does not include ex-spouses or partners, whom the State categorizes in the “friend/acquaintance” category, which also captures relationships among employers and employees, co-workers, fellow gang members, and other friendships or acquaintances). There were 2,361 homicides reported in California in 2021. This number represents an increase of 7.2 percent from the 2202 reported in 2021.

In San José, there were 28 homicides in the 2021-2022 Fiscal Year which was down from 48 in the 2020-2021 Fiscal Year. Intimate Partner Violence (IPV) homicides are those in which the crime is committed against an adult or minor who is a spouse, former spouse, cohabitant, former cohabitant, a person with whom the suspect has had a child or is having or has had a dating or engagement relationship. Of the 28 homicides this past fiscal year, IPV was a contributing factor in 5 cases which was up from 0 the previous fiscal year.

Table 4: FVU Cases involving Firearms FY 2021-2022

FVU CASES INVOLVING FIREARM PERIOD: FY 2021-2022													
WEAPON	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL
FIREARM (TYPE NOT STATED)	1	1			1	1		1	1		3		8
HANDGUN	4	3		3	1	1	4	2	6	1	7	5	37
OTHER FIREARM			1					1		1	1		4
RIFLE								1					1
Grand Total	5	4	1	3	2	2	4	5	7	2	11	5	51

A total of 51 firearms were used during DV/IPV incidents for FY 2021-2022

Intersectionality Between IPV, Sexual Assault, and Human Trafficking

The Department recognizes that there is often intersectionality between IPV, Sexual Assault (SA), and Human Trafficking (HT). The unit commanders from the Family Violence Unit, the Sexual Assault Investigation Unit (SAIU), and the Special Victims Unit (SVU) all fall under the command of one Police Captain in the Bureau of Investigations. These members of the command staff regularly work together to find ways to better serve survivors of these intersectional crimes.

In January 2020, the Department created a report form to be used in all IPV investigations. This form is commonly referred to as the “Intersectionality Tool” or “the tool.” As part of IPV investigations, officers must ask every IPV survivor if they have been sexually assaulted by their domestic partner. They also ask questions to determine if human trafficking might be involved.

³ *Homicide in California 2021*. <https://data-openjustice.doj.ca.gov/sites/default/files/2022-08/Homicide%20In%20CA%202021.pdf>

The answers to these questions are included in the officer's report and ultimately determine if the FVU, SAIU or SVU will investigate the case.

The Intersectionality Tool, when used in IPV investigations, has increased the disclosure of sexual assault and human trafficking incidents that may not have otherwise been reported. This has led to a reduced number of IPV cases being assigned to the Family Violence Unit. Today, SAIU typically conducts the entire investigation for incidents with IPV and SA being reported together. Similarly, SVU now typically conducts the entire investigation for incidents where IPV and HT are reported together.

In FY 2021-2022, the Intersectionality Tool identified approximately 104 IPV cases which included a SA allegation involving the same intimate partner. The Intersectionality Tool also identified approximately 5 IPV cases that may involve HT and were investigated by SVU.

The Department now uses the Intersectionality Tool on all IPV, SA, and HT investigations and the documentation is mandatory. This will ensure that our officers ask appropriate questions of survivors to determine if they have been impacted by any of these intersectional crimes. It is expected that survivors will disclose additional crimes that would have otherwise gone unreported. These disclosures will give us an opportunity to better serve survivors through investigating these incidents and providing appropriate resources for the survivor.

Trauma-Informed Approach

On March 9, 2021, the Department distributed a memorandum to all personnel that described numerous changes to the Duty Manual. On the same day, the Department submitted a separate memorandum to Public Safety, Finance, and Strategic Support Committee (PSFSS) to advise that numerous Duty Manual changes were taking place. These Duty Manual changes were related to IPV, Sexual Assault, and Human Trafficking. The common theme of these changes was to ensure Department members responded to, investigated, and documented these types of incidents and to ensure Department members utilized a trauma-informed approach in those incidents. There have been separate memorandums and presentations related to this topic reminding Department members to utilize a trauma-informed approach

Strangulation/Suffocation

The Department understands the severe danger involved when survivors have been strangled and/or suffocated. Beginning in 2005, as part of every IPV investigation by the Patrol Division, the Department started asking IPV survivors questions about "Strangulation." In 2015, the Department began requiring the Lethality Assessment to better understand the risk faced by each IPV survivor. In 2018 the Department modified the strangulation investigation to include questions related to "Suffocation."

In March 2020, the Department created a policy to provide a "Strangulation Resource Card" to all IPV survivors who had been strangled or suffocated. These cards have important information

about the dangers faced by strangulation/suffocation survivors. Each card lists facts about strangulation/suffocation, encourages medical treatment and lists resources for survivors. Each card is translated into three languages: English, Spanish, and Vietnamese.

In July 2021 the Department continued implementing the Strangulation Examination Program organized by the Santa Clara County District Attorney's Office which began as a pilot program the previous year. This program provides for specially trained nurses at Valley Medical Center who conduct thorough forensic examinations to look for and document injuries that could be life-threatening. These are the same specially trained nurses who conduct sexual assault examinations. The reports provided by the nurses have already been used in court to help successfully prosecute strangulation cases. The survivor is also assisted by an advocate offering resources.

Office of the City Auditor Report

In March 2021, the City of San Jose, Office of the City Auditor produced a report titled "Advocate Referrals: Further Improvements to Processes and Data Sharing Can Help Connect More Survivors to Services." This report lists 6 recommendations that discuss how the Department can better connect survivors and advocates. The Department agreed to all 6 recommendations. Each of these recommendations has been implemented.

For example, updated language for the Domestic Violence Resource Cards has been printed in English, Spanish, Vietnamese, and Chinese (Mandarin). These cards include important updates to inform survivors that services are offered at no cost, that the survivor's immigration status does not affect their right to services, and that the survivor has a right to have a support person and/or advocate present during interviews.

Improving Services to Survivors

The Family Violence Unit continued with its partnership with YWCA of Silicon Valley during FY 2021-2022. This partnership is secured by a Memorandum of Understanding (MOU) which allows the Family Violence Center to house one full-time bilingual domestic violence advocate. The advocate provides follow-up services to domestic violence survivors and their children by initiating telephone contact with all survivors consenting to receive services. The advocate provides counseling, lethality/risk assessment, safety planning, restraining order assistance, and assistance to survivors in accessing services and other referral services as needed. The advocate provided approximately 1,441 follow-ups this fiscal year. Of these follow-ups, the advocate provided 641 referrals.

The partnership also calls for the YWCA to staff a 24-hour hotline for calls from survivors, potential survivors, and/or San José Police Department personnel acting on behalf of a survivor in order to provide immediate intervention services by an advocate. The advocate is funded by the Unit's non-personnel/equipment appropriation in the General Fund.

Domestic Violence- High-Risk Response Team

A Domestic Violence High-Risk Response Team (DV-HRRT) is a nationally recognized model aimed at reducing lethality and improving service delivery to survivors of IPV. The DV-HRRT program allows us to have a YWCA advocate available to quickly respond to hotline calls in person to meet the survivor of a high-lethality situation during non-business hours.

One-time funding of \$120,000 was approved as part of the FY 2021-2022 Adopted Operating Budget. On-going funding of \$125,000 has been approved as part of the FY 2022-2023 Adopted Operating Budget.

Prior to the COVID-19 pandemic, the YWCA was able to respond to the field and meet with IPV survivors. These in-person meetings allowed the advocates to establish a rapport with survivors, assist with appropriate safety plans, better evaluate the condition of the survivors, and offer the most appropriate services.

When the COVID-19 lockdowns went into effect, the in-person responses had to be halted for the safety of survivors and advocates. During that time, the telephone hotline remained active. To offer the extra assistance that would be done in person by the DV-HRRT, the YWCA placed an extra emphasis on safety planning and how they prioritized the referral internally. The result was an increase in resources such as therapy, counseling, motel bed nights, legal services, food provisions, transportation, etc. for survivors.

Due to easing restrictions, and more information about COVID-19, we determined it was safe enough to re-institute in-person DV-HRRT responses on May 17, 2021. In-person DV-HRRT responses continued throughout FY 2021-2022. If requested, an advocate would respond in a field situation to provide resources and service referrals in person. The in-person responses should help us achieve our goal of providing appropriate services for IPV survivors.

Domestic Violence Conference and Other Prevention Efforts

The County of Santa Clara Office of Gender-Based Violence Prevention and the Domestic Violence Council host an annual Domestic Violence Conference for our county. In years past, the conference was held in person.

For 2021, the 28th Annual Domestic Violence Conference was scheduled for October 15th and 22nd. The conference remained virtual, and the theme was “Exploring the Intersections of Domestic Violence.”

Education is important in preventing future violence. In FY 2021-2022, the Family Violence Unit continued to collaborate with our Crime Prevention Unit who conducted presentations on awareness, preventing teen dating violence, and “Healthy Relationships.” Prior to COVID-19, Crime Prevention Specialists conducted these presentations in person. These presentations have resumed depending on the COVID-19 climate and restrictions. The presentations have been well

received and provided for interaction between the students and the Police Department. The YWCA and Police Department Family Violence Unit participated in National Night Out providing outreach and resources on DV & IPV.

Challenges and Moving Forward

The number of DV occurrences reported to the Unit has increased by approximately 3.7% this fiscal year. The caseloads for the FVU investigators remain high, yet the investigators continue to do an outstanding job of keeping up with the high demands. As future budget processes begin, this priority will continue to be evaluated and considered against other priorities.

While the Unit's investigators and advocates provide excellent service for survivors after a case is received, heavy caseloads prevent the investigators from having adequate time to conduct proactive outreach and education to the community on all types of family violence. The Family Violence Unit continues to work with our partners to explore new ways to educate our community and encourage additional survivors to come forward and seek help as well as prevent future violence.

COORDINATION

This memorandum has been coordinated with the City Manager's Budget Office and the City Attorney's Office.

/s/
Anthony Mata
Chief of Police

For questions, please contact Lieutenant Juan Ceballos, Family Violence Unit, San José Police Department, at (408) 277-3700.