



Memorandum

TO: PUBLIC SAFETY, FINANCE, AND
STRATEGIC SUPPORT COMMITTEE

FROM: Edgardo Garcia

SUBJECT: SEE BELOW

DATE: November 1, 2017

Approved

Date

11-9-17

**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 2016-2017.

BACKGROUND

Domestic violence or intimate partner violence is defined by the federal Centers for Disease Control and Prevention (CDC) as physical violence, sexual violence, threats of physical or sexual violence, stalking, and emotional or psychological abuse by a current or former intimate. This type of violence can occur among heterosexual or same-sex couples and does not require sexual intimacy. It exists along a continuum from a single episode of violence to severe episodes over a period of years. According to the CDC, almost a third of women and more than a quarter of men experienced physical violence by an intimate partner in their lifetime. This includes being hit with something hard, being kicked or beaten, or being burned.¹

According to the Santa Clara County Blue Ribbon Task Force on Intimate Partner Violence, Intimate Partner Violence is defined as²: *"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, technology, and abuse of the legal process and other systems, and technology. IPV can happen to anyone of any race, sexual orientation, religion, gender, gender identity, immigration status, and across the life span. IPV affects people of all socio-economic backgrounds and educational levels."*

¹ Prevent Domestic Violence in Your Community, Centers for Disease Control and Prevention, <http://www.cdc.gov/features/intimatepartnerviolence/>

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

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

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 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 at 1671 The Alameda, Suite 100.

The Domestic Violence Detail investigates domestic 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 legally permissible and to ensure victims have access to resources which may assist them through the legal and/or civil process.

The Threat Management Detail investigates violations of domestic violence restraining orders, stalking, threats of terror, and issues of work-place violence.

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

In FY 2016-2017, the Unit was comprised of 10 sworn personnel: One lieutenant, two sergeants, six investigators (officers), and one modified duty investigator (officer). The staffing by detail consisted of the following:

- Domestic Violence Detail: Four positions—one sergeant, two officers, and one modified duty officer
- Threat Management Detail: Two-and-a-half positions—shared-position sergeant (shared with Child/Elder/Dependent Adult Abuse Detail) and two officers;
- Child/ Elder/ Dependent Adult Abuse Detail: Two-and-a-half positions—shared-position sergeant (shared with Threat Management Detail) and two officers.

The Unit employs the best practices in family violence services and uses a multi-disciplinary approach to address family violence issues. In 2016-2017, in addition to the sworn members of the teams, the Unit was staffed with representatives from the Santa Clara County DFCS, a social worker from APS, and a part-time District Attorney (DA). In October 2016, an advocate from the YWCA of Silicon Valley began working with the Unit at the Family Violence Center. The multi-disciplinary approach utilized by the Unit integrates effective investigation and support services to victims 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 victims of family violence. This is accomplished by enforcing appropriate criminal statutes as well as the active referral of victims 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, Santa Clara County Child Abuse Council, Elder Death Review Committee, Adult Protective Services and the Court Systems.

Domestic Violence Case Data

As outlined in Table 1, the Family Violence Unit has a high caseload and the caseload continues to increase. During Fiscal Year 2016-2017, the Unit received 7,508 cases. These cases include mandatory child abuse and elder/dependent adult abuse cross report cases from the Department of Family and Children Services and Adult Protective Services as well as cases generated by officers in the Patrol Division and Unit. Of the cases the Unit received, 4,718 or 63 percent of the received cases were assigned to the Unit's investigators and sergeants to investigate and/or follow-up on. Of the 7,315 cases operationally closed by the Unit, 1,454 resulted in criminal filings. (An operationally closed case is one which does not warrant any further resources to investigate or judicially process. An operationally closed case may require further *administrative* processing, such as adjudication or property clearance. However, in order to be considered operationally closed, a case cannot be in active review, investigation, preparation for submission to the DA, or pending review by the DA. Cases closed operationally by the Department can include cases from previous fiscal years).

In comparison, in Fiscal Year 2015-2016, the Unit received 7,240 cases and assigned 3,222 (45 percent) cases to its investigators for further investigation, with 1,834 of the 7,315 cases that were operationally closed resulting in criminal filings. In Fiscal Year 2014-2015, the Unit received 6,720 cases and assigned 3,049 (45 percent) cases to investigators. Of the 6,662 cases operationally closed, 1,660 resulted in criminal filings. The majority of the increase for cases assigned in FY 2016-2017 is due to a change in the manner in which mandatory cross reporting from the Department of Family and Children Services, schools and Adult Protective Services are investigated. The Child/Elder/Dependent Adult Detail Sergeant is assigned the cross reported case and reviews each case. The sergeant will then assign the case to an investigator if warranted

for criminal investigation or contact the appropriate agency to ensure the case is dealt with and services are provided for the involved parties. The cases that are not assigned to an investigator do not rise to the level of a criminal investigation or review by the District Attorney's Office.

Table 1: Family Violence Unit Caseload			
	2014-2015	2015-2016	2016-2017
Cases Received	6,720	7,240	7,508
Cases Assigned (Number)	3,049	3,222	4,718
Cases Assigned (Percent)	45%	45%	63%
Closed with Criminal Filing*	1,660	1,834	1,454

* This number can include cases from the previous fiscal year

Table 2 provides a breakdown of the 3,825 domestic violence cases received in the 2016-2017 Fiscal Year by the type of case. Domestic battery (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. The Department updated its system to ensure the most accurate account of reported incidents by penal code in January 2017. Therefore there are different types of incident descriptions in the table for July 01, 2016, to December 31, 2016, and January 01, 2017, to June 30, 2017.

Table 2: Domestic Violence Cases in San Jose
July 01, 2016-December 31, 2016 and
January 01, 2017 to June 30, 2017

	July 2016	Aug 2016	Sept 2016	Oct 2016	Nov 2016	Dec 2016	Total
Domestic Battery <i>Penal Code 243e(1)</i>	139	176	173	175	144	177	984
Domestic Violence <i>Penal Code 273.5(a)</i>	44	45	33	18	21	28	189
Violation of Restraining Order <i>Penal Code 273.6</i>	89	82	80	94	96	103	544
Total	272	303	286	287	261	308	1,717

	Jan 2017	Feb 2017	Mar 2017	Apr 2017	May 2017	Jun 2017	Total
Domestic Battery <i>Penal Code 243e(1)</i>	61	47	39	44	53	54	298
Domestic Violence, Minor Injury <i>Penal Code 273.5(a)</i>	115	105	121	116	137	127	721
Domestic Violence, SBI or Weapon <i>Penal Code 273.5(a)</i>	22	17	17	20	20	25	121
Violation of Restraining Order <i>Penal Code 273.6</i>	68	70	83	103	82	78	484
Total	266	239	260	283	292	284	1,624

The failure to stop domestic violence from escalating can have deadly consequences for the victim, their children, or other family members. In 2016, according to the California Department of Justice³, domestic violence was a contributing factor in 8 percent of the homicides in California. In cases where the victim-offender relationship was known, 16.5 percent of homicide victims in California were killed by a spouse/partner, parent, or child. In the case of female homicide victims, 37.6 percent were killed by a spouse/partner vs. 1.6 percent 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 acquaintanceships.)

In San José, the total number of homicides in which domestic violence was a contributing factor slightly decreased during Fiscal Year 2016-2017. Domestic violence 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. During Fiscal Year 2016-2017, San José recorded 38 homicides. Of these, domestic violence was a contributing factor in 3 (or 7.9 percent) cases. During Fiscal Year 2015-2016, San José recorded 44 homicides. Of those, 4 (or 9 percent) of the homicides were classified as domestic violence related.

Federal Grant – Status of Funded Project

Much of the work of the Family Violence Unit and its partner agencies and non-profits is focused on prevention and intervention to stop the escalation of the violence cycle. In recent years, the Unit has been aided in those efforts by outside grant funding from the U.S. Department of Justice’s Office on Violence Against Women (OVW).

As noted in previous annual reports, in 2013, the OVW awarded the Unit with a three-year Encourage Arrest Policies and Enforcement of Protection Orders Grant. This \$899,960 grant ended on September 30, 2017. During Fiscal Year 2016-2017, the OVW grant funded a pro-arrest program in which investigators from the Unit worked overtime to procure and serve domestic-violence related arrest warrants. The investigators compiled a list of suspects from their existing case load, conducted a threat assessment of each suspect, prepared an arrest operation packet, and served the warrants. Arresting these domestic violence suspects helps to expedite the criminal justice process. Beginning in July 2016 and running until the end of the grant, September 2017, thanks to the OVW grant funding, Unit investigators conducted 40 domestic violence restraining order arrest warrant operations. These operations resulted in investigators procuring 251 domestic-violence related arrest warrants and made 137 arrests. The Unit has not continued with the pro-arrest program since the funding ended. Staff will look for other grants in order to continue with this program in the future.

In addition, the Unit was able to use the OVW grant to fund two YWCA domestic violence advocates at the new Family Justice Center Courthouse. One of the advocates began working at the courthouse on June 1, 2016. The second advocate began on July 20, 2016. These two

³ *Homicide in California 2016*. <https://openjustice.doj.ca.gov/downloads/pdfs/cd16.pdf>

advocates assist victims with counseling services, safety planning, financial aid, restraining order acquisition, emergency housing, and other referrals.

The OVW grant also provided funding for a domestic violence advocate to be located at the Family Violence Center to assist victims with the same services provided at the Family Justice Center Courthouse. However, Next Door Solutions (NDS), which held the contract to staff the advocate position at the Family Violence Center had a difficult time staffing the position, and as a result, the position was vacant from September 23, 2016 until the end of the grant period.

The advocate positions serve an important role and deliver a multitude of services to domestic violence victims. The funding for the grant funded positions ceased at the end of the OVW grant on September 30, 2017. The Police Department applied for, but was not awarded, additional grant funding beyond September 30, 2017. Staff is looking for additional sources of funding or other means to continue funding advocate services at the Family Justice Center Courthouse.

Improving Services to Victims

As indicated earlier, the Family Violence Unit began its partnership with YWCA of Silicon Valley during Fiscal Year 2016-2017. This partnership allows the Family Violence Center to house one full-time bilingual domestic violence advocate. This advocate provides follow-up services to domestic violence victims and their children by initiating telephone contact with all victims consenting to receive services. The advocate provides counseling, lethality/risk assessment, safety planning, restraining order assistance, and assistance to victims in accessing services and other referral services as needed. This advocate provided 1,444 follow-ups, which included catching-up on the back log of cases created by the absence of an advocate between July 01, 2015, and February 19, 2016. Of these follow-ups, the advocate provided services or referrals to 260 victims of abuse. The MOU also calls for the YWCA to staff a 24-hour hotline for calls from victims, potential victims, and/or San José Police Department personnel acting on behalf of a victim in order to provide immediate intervention services by an advocate.

In May of 2017, the Police Chiefs' Association of Santa Clara County adopted the "Domestic Violence Protocol for Law Enforcement 2017."⁴ This protocol includes having first responders conduct a "Lethality Assessment" using a set of questions designed to identify victims of domestic violence who are at the highest risk of being seriously injured or killed by their intimate partners, and immediately connect them to the local domestic violence service programs. The San José Police Department has automated its Domestic Violence Supplemental Report, which includes the County's "Lethality Assessment for First Responders" questions, into the Department's Report Writing System. Per Department Policy, it is mandatory for officers to complete the supplemental form is mandatory.

⁴ Protocol: <https://www.sccgov.org/sites/da/prosecution/DistrictAttorneyDepartments/Documents/DVProtocol-LEA%202017.pdf>

Domestic Violence Conference and Other Prevention Efforts

In the Fiscal Year 2016-2017 budget, \$15,000 in ongoing non-personal/equipment funding was allocated from the General Fund to fund critical events that bring awareness and support to domestic violence prevention and support programs in the City. This funding augmented services provided by the Police Department's Family Violence Unit and included support for the Santa Clara County Domestic Violence Conference that was hosted by the Santa Clara County Office of Women's Policy and Domestic Violence Council, and other prevention and awareness events and activities. In previous years, these efforts had been supported via one-time funding.

In 2016-2017, the Family Violence Unit also collaborated with the Crime Prevention Unit in developing a presentation on preventing teen dating and violence. Between March to May 2017, a Crime Prevention Specialist conducted presentations to over 50 students at San Jose Job Corps. The presentations were well received and provided for interaction between the students and the Police Department. The Department continues to explore and develop further domestic violence prevention and education outreach in order to bring more awareness to domestic violence and intimate partner violence.

Challenges and Moving Forward

Like all units within the San José Police Department, the Family Violence Unit has been impacted by the shortage in sworn staffing. Despite the increase in cases assigned to the Unit's investigators, the Unit's staffing was decreased when sworn staff members were shifted to Patrol. This has led to higher caseloads for each of the investigators. The Unit's sergeants have also taken on some of the cases in order to alleviate the investigators' case load.

As mentioned previously, in Fiscal Year 2016-2017, the Unit was staffed with 10 sworn personnel: One lieutenant, two sergeants, three domestic violence officers/investigators, two threat management officers/investigators, and two child/elder/dependent adult officers/investigators. The Unit is budgeted for 12 sworn personnel, however, two positions were redeployed to patrol over the course of the fiscal year. At its height, the Unit had 15 sworn personnel. The caseloads for the FVU investigators are high, yet the investigators do an outstanding job of keeping up with the high demands of their caseload. The delivery of services would be improved and more time could be spent on each case with more personnel. As the Police Department rebuilds and patrol needs are met, the Department will eventually have the personnel needed to increase investigative staffing.

While the Unit's investigators and advocates provide excellent service for victims after a case is received, heavy caseloads prevent the investigators from having time do proactive outreach and education to the community on all types of family violence (domestic violence, elder abuse, dependent adult abuse, and child abuse). Department staff has limited time for outreach, but continues to explore ways to build on the existing outreach, education, and training the Unit offers to the community regarding domestic violence prevention and other family violence issues. Staff plans to develop and deploy Public Service Announcements in the future. In the past year, Unit staff attended community events and meetings, including a consular event to

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provide education on domestic violence and immigration issues. Staff also provided training to our collaborative domestic violence partners, including the YWCA, AACI (Asian Americans for Community Involvement), and San José State University. Outreach efforts such as these provide information about domestic, intimate partner, and family violence to the community in an accessible manner with a goal of having additional victims find it easier to come forward and seek help.

CONCLUSION

In addition to the information provided in this Annual Report, the Police Department has invited representatives from Santa Clara County, non-profit organizations that work on domestic and family violence, and the City's Housing Department to be available to the PSFSS Committee for questions and information about the multi-disciplinary approach to the critical issue of domestic violence.

COORDINATION

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

/s/

EDGARDO GARCIA
Chief of Police

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