



# Memorandum

**TO:** PUBLIC SAFETY, FINANCE,  
AND STRATEGIC SUPPORT  
COMMITTEE

**FROM:** Edgardo Garcia

**DATE:** November 7, 2018

**SUBJECT:** SEE BELOW

Approved

Date

November 8, 2018

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

## RECOMMENDATION

Accept an annual report on the City's efforts related to domestic violence prevention and awareness for 2017-2018, including a description of the uses of a recent \$5 million County of Santa Clara allocation to support domestic violence prevention and victim support programs and an assessment of how best to align city resources to maximize services to domestic violence survivors and prevent violence.

## BACKGROUND

Domestic violence or intimate partner violence (IPV) is defined by the federal Centers for Disease Control and Prevention (CDC) as violence or aggression that occurs in a close relationship. The term "intimate partner" includes current and former spouses and dating partners. IPV can vary in frequency and severity and occurs on a continuum, ranging from one episode that might or might not have lasting impact, to chronic and severe episodes over a period of years. According to the CDC, nearly 1 in 4 adult women and approximately 1 in 7 men report having experienced physical violence by an intimate partner in their lifetime.<sup>1</sup>

According to the Santa Clara County Blue Ribbon Task Force on Intimate Partner Violence, IPV is defined as<sup>2</sup>: *"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*

<sup>1</sup> Preventing Intimate Partner Violence, Centers for Disease Control and Prevention,  
<https://www.cdc.gov/violenceprevention/pdf/ipv-factsheet.pdf>

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

*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."*

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

## **ANALYSIS**

### ***Family Violence Unit – An Overview***

In San José, domestic violence or IPV 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: 1) domestic violence, 2) threat management, and 3) child/elder/dependent adult abuse. The Unit is housed at the Family Violence Center, located at 1671 the Alameda.

The Domestic Violence Detail investigates domestic violence incidents committed against anyone who is the spouse, former spouse, cohabitant, former cohabitant, person with whom the suspect has had (or is having) a child, and 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 investigate 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), 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 victims and connect them with local services.

FVU is authorized 14 sworn personnel; however, for the majority of 2017-2018, the Unit was comprised of 9 actual sworn personnel: One lieutenant, two sergeants, six investigators (officers). In June 2018, one additional officer was reallocated to the Unit. And just recently in September 2018, two modified duty officers were assigned to the Unit. The additional staff was assigned to the Domestic Violence Detail. In addition to the lieutenant, who supervises the entire unit, the staffing by detail consists of the following:

- Domestic Violence Detail: Six positions - one sergeant, three officers, and two modified duty officers



- 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 2017-2018, in addition to the sworn personnel, the Unit was staffed with an advocate from the YWCA of Silicon Valley, representatives from the Santa Clara County Department of Family and Child Services (DFCS), and a part-time Santa Clara County Deputy District Attorney (DA). 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. For example, recent discussions at the Santa Clara County Domestic Violence Council included the following: discussions of housing for domestic violence survivors; forming an ad hoc committee to make recommendations on what domestic violence training should be provided to law enforcement within the County; and developing recommendations for protocols for retrieving firearms from individuals who are subject to a restraining order.

### ***Family Violence Case Data***

As outlined in Table 1, the Family Violence Unit has a high caseload and the caseload has increased. During Fiscal Year 2017-2018, the Unit received 7,832 cases. These cases include domestic violence, child and elder abuse and neglect, domestic restraining order violations, stalking, domestic threats, and mandatory child abuse and elder/dependent adult abuse cross report cases from the Department of Family and Children Services and Adult Protective Services. Of the cases the Unit received, 7,802 cases (99 percent) were assigned to the Unit's investigators and sergeants to investigate and/or follow-up on. Of the 7,649 cases operationally closed by the Unit, 2,024 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 2016-2017, the Unit received 7,508 cases and assigned 4,718 cases (63 percent) to its investigators and sergeants for further investigation or follow-up, with 1,454 of the 7,315 cases that were operationally closed resulting in criminal filings. In Fiscal Year 2015-2016, the Unit received 7,240 cases and assigned 3,222 cases (44.5 percent) to investigators. Of the 7,315 cases operationally closed, 1,834 resulted in criminal filings. The majority of the increase for cases assigned in FY 2016-2017 and FY 2017-2018 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/ Dependant Adult Detail Sergeant is assigned the cross reported case and reviews each case. The sergeant then assigns the case to an investigator, if warranted, for criminal investigation or contacts 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**

	<b>2015-2016</b>	<b>2016-2017</b>	<b>2017-2018</b>
<b>Cases Received</b>	7,240	7,508	7,832
<b>Cases Assigned (Number)</b>	3,222	4,718	7,802
<b>Cases Assigned (Percent)</b>	44.5%	63%	99%
<b>Closed with Criminal Filing*</b>	1,834	1,454	2,024

\* This number can include cases from the previous fiscal year

### ***Domestic Violence Case Data***

Table 2 provides a breakdown of the 4,099 reported domestic violence occurrences received in Fiscal Year 2017-2018 by the type of case. Whereas the above section provides an overview of all of the cases received by the Family Violence Unit, this section provides more narrow data just on domestic violence occurrences. Most, but not all, of the 4,099 occurrences are assigned to the Family Violence Unit. An occurrence of domestic violence will sometimes be assigned to another unit if it is committed alongside another type of crime.

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.



**Table 2: Reported Domestic Violence Occurrences in San José****July 1, 2017- June 30, 2018**

	July 2017	Aug 2017	Sept 2017	Oct 2017	Nov 2017	Dec 2017	Jan 2018	Feb 2018	Mar 2018	Apr 2018	May 2018	Jun 2018	Total
<b>Domestic battery</b> <i>Penal Code 243e(1)</i>	63	62	56	57	40	52	53	47	58	58	55	58	<b>659</b>
<b>Domestic violence minor injury</b> <i>Penal Code 273.5(A)</i>	134	160	186	164	161	148	119	123	148	142	154	151	<b>1790</b>
<b>Domestic violence SBI or weapon</b> <i>Penal Code 273.5(A)</i>	29	30	17	20	17	11	15	15	19	14	19	18	<b>224</b>
<b>Violation of restraining order</b> <i>Penal Code 273.6</i>	135	136	94	126	98	96	107	95	151	133	137	118	<b>1426</b>
<b>Total</b>	<b>361</b>	<b>388</b>	<b>353</b>	<b>367</b>	<b>316</b>	<b>307</b>	<b>294</b>	<b>280</b>	<b>376</b>	<b>347</b>	<b>365</b>	<b>345</b>	<b>4099</b>

The failure to stop domestic violence from escalating can have deadly consequences for the victim, their children, or other family members. In 2017, according to the California Department of Justice<sup>3</sup>, domestic violence was a contributing factor in 8 percent of the homicides in California. In domestic violence homicide cases where the victim-offender relationship was known, 17 percent of homicide victims in California were killed by a spouse/partner, parent, or child. In the case of female homicide victims, 33.8 percent were killed by a spouse/partner vs. 1.1 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 percentage of homicides in which domestic violence was a contributing factor slightly increased during Fiscal Year 2017-2018. This was due to the lower number of overall homicides that were recorded. 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 2017-2018, San José recorded 32 homicides. Of these, domestic violence was a contributing factor in 3 (or 9.4 percent) of the cases. During Fiscal Year 2016-2017, San José recorded 38 homicides. Of those, 3 (or 7.9 percent) of the homicides were classified as domestic violence related.

### ***Improving Services to Victims***

The Family Violence Unit continued with its partnership with YWCA of Silicon Valley during Fiscal Year 2017-2018. This partnership allows the Family Violence Center to house one full-

<sup>3</sup> *Homicide in California 2017*. <https://openjustice.doj.ca.gov/downloads/pdfs/cd17.pdf>



time bilingual domestic violence advocate. The 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, a lethality/risk assessment, safety planning, restraining order assistance, and assistance to victims in accessing services and other referral services, as needed. This advocate provided 1,514 follow-ups. Of these follow-ups, the advocate provided services or referrals to 201 survivors of abuse. The advocate is funded by the Unit's non-personal/equipment allocation in the General Fund. The memorandum of understanding 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 to provide immediate intervention services by an advocate.

The Department and the YWCA are expanding on their partnership with the development of a Domestic Violence High Risk Response Team. This project was funded with City Council approval of the Mayor's June Budget Message for Fiscal Year 2018-2019. Work on developing the program has begun and an update will be provided to the Public Safety, Finance, and Strategic Support Committee in Spring 2019.

As mentioned earlier, staffing at the Family Violence Unit has improved. Currently the Domestic Violence Detail employs one sergeant, three full duty officers and two modified duty officers. The modified duty officers concentrate on the high number of in-custody cases the Unit receives, which reduces the case load of the full duty officers. This allows the full duty officers to spend more time following-up on cases that require additional investigation in order to obtain a complaint filed from the District Attorney's Office.

Sworn Department personnel completed Domestic Violence Update training in 2017-2018. The training provided updates for the use of best practices when conducting domestic violence investigations.

### ***Domestic Violence Conference and Other Prevention Efforts***

As part of the 2016-2017 Adopted Operating Budget, a proposal for \$15,000 in ongoing funding was approved 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.

Education is important in preventing future violence. In 2017-2018, the Family Violence Unit collaborated with the Crime Prevention Unit in developing a presentation on awareness and preventing teen dating violence. In February and March, Crime Prevention Specialists conducted presentations to approximately 500 students at Oak Grove High School and Andrew Hill High School. 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 to bring more awareness to domestic violence and intimate partner violence.

### ***Housing Issues***

The shortage of reasonably-priced housing in San José is a critical challenge for domestic violence survivors, with many of them falling into homelessness. According to the 2017 San José Homeless Point-in Time Count, survey respondents stated family violence (13 percent) and spousal or partner violence (7 percent) were primary causes leading to homelessness. A supplemental memo issued for the February 9, 2018 Council Study Session on Domestic Violence provided a comprehensive summary of efforts to house domestic violence survivors.<sup>4</sup> This section updates that information with efforts from the current fiscal year.

With the approval of the 2018-2019 Budget, the City Council allocated \$150,000 in one-time money to implement a pilot program that will offer flexible options for emergency housing assistance for up to 100 additional families impacted by domestic violence. The Housing Department is currently in the process of executing a \$150,000 contract with the YWCA to provide services with this funding. The funding will support the YWCA's Women in Supportive Housing Program (WISH) that provides rental assistance and motel vouchers.

In 2018-2019, the Housing Department maintains its grant support for Next Door Solutions to provide permanent supportive housing (\$192,215) and for the Health Trust to provide rental assistance, motel vouchers, and housing placement to low-income HIV/AIDS sufferers or people fleeing domestic violence (\$1,059,300). Both grants are funded through federal Housing Opportunities for People With Aids (HOPWA) funds and Violence Against Women Act (VAWA) funds. The City also continues to provide tenant-based rental assistance (TBRA) vouchers using federal HOME funds. In 2018-2019, the HOME TBRA Program has evolved into a larger Rapid Rehousing System that provides housing subsidies and case management services to employed or employable homeless populations, including domestic violence survivors.

The City is also pursuing construction of permanent affordable housing. The Affordable Housing Investment Plan estimates that it is possible to construct 5,615 affordable units within San José by the 2021-2022 Fiscal Year with both City and non-City funding sources. The Housing Department is taking active steps to implement the Housing Investment Plan, including the recent release of a Notice of Funding Availability of \$100 million to finance the development of affordable housing.

### ***Santa Clara County Funding for Domestic Violence Services***

In June of 2017, the Santa Clara County Board of Supervisors received a report on domestic violence entitled "Working Together to Promote Healthy and Safe Relationships in Santa Clara

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<sup>4</sup> <http://www.sanjoseca.gov/DocumentCenter/View/74883>



County.”<sup>5</sup> The report was a culmination of two years of work by the County’s Blue-Ribbon Taskforce on Intimate Partner Violence. The report made several recommendations to address Intimate Partner violence, including examining best practices nationwide. As part of its effort to implement these recommendations, the Board of Supervisors approved the addition of \$5,125,000 in ongoing money to the County Budget to support domestic violence survivors with response, policy, and outreach efforts.

At the November 6, 2018 Board of Supervisors meeting, County staff proposed and the Board approved increasing this allocation by \$1,000,000, bringing total County funding for this effort to \$6,125,000. This funding increase will supply additional support to ongoing domestic violence programs and services, provide a one-time funding increase in the current year for the County’s current domestic violence service providers, and fund three additional County positions that will work on domestic violence issues.

The County will award funding for domestic violence programs and services through open and competitive bidding. County staff is currently developing Requests for Proposals (RFPs) and Requests for Qualifications (RFQs) for this money that will be issued within the next few months. Once the request for bids is released, agencies and organizations will have the opportunity to submit proposals to the County for use of the funds.

The County has already given some indication as to how the money would be directed, based on the approved funding. At the November 6<sup>th</sup> Board meeting, County staff presented the below chart, which shows how the \$6,125,000 will be allocated between various types of services.

<b>Table 3: County Allocation of Domestic Violence Funding</b>	
<b>Critical Need Areas</b>	<b>Funding Amount</b>
Prevention – including outcome-oriented outreach; IPV specific prevention funding; and data reporting	\$710,159
Policy – including impact of violence on health outcomes; innovative collaboration grants; and gun violence prevention	\$725,000
Direct Services – including workplace violence response fund; advocates in court; and culturally specific response tools	\$1,904,000
Housing – including flexible funding for economic stability; rental subsidies to retain safe housing; and emergency shelter beds	\$1,612,300
Youth – including LGBTQ teen dating violence; child centered therapy; and Title IX representation	\$708,700
Increased County staffing and one-time augmentation for existing County service providers	\$464,841
<b>Total Expenditure</b>	<b>\$6,125,000</b>

This information has been confirmed by County staff. As the County funds are released, staff will continue to track the County’s efforts to address domestic violence.

<sup>5</sup> [https://harderco.com/sample\\_work/working-together-promote-healthy-safe-relationships-santa-clara-county/](https://harderco.com/sample_work/working-together-promote-healthy-safe-relationships-santa-clara-county/)



### *Alignment of City Resources to Maximize Domestic Violence Services*

As discussed above, additional resources have been added to the Unit and to support domestic violence services. In summary:

- The 2018-2019 Adopted Operating Budget includes \$180,000 to fund a High-Risk Response Team, as approved by the City Council as part of the Mayor's June Budget Message.
- In June of 2018, one additional officer was reallocated to the Domestic Violence Detail.
- In September 2018, two modified duty officers were assigned to the Domestic Violence Detail.

The Family Violence Unit is authorized for 14 sworn staff. The Unit is currently staffed with 12 sworn officers, one of whom is a modified duty officer who has been temporarily reassigned from another unit. The Unit is currently carrying 3 sworn vacancies, but one of those vacancies is temporarily filled by the reassigned officer. The Police Department is continuing its aggressive recruiting efforts in an effort to continue to reduce the number of vacant positions as quickly as possible. The cases received by the Unit have increased by approximately 4 percent, respectively, over the last two fiscal years. The caseload for the FVU investigators is high; despite this, the investigators do an outstanding job of keeping up with the high demands of their caseload. The delivery of services could be improved and more time could be spent on each case with additional full duty personnel.

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 to conduct proactive outreach and education to the community on all types of family violence. Department staff is exploring ways to conduct outreach, education and training to the community on domestic violence prevention and education. Attending community events and meetings, and providing training to our collaborative domestic violence partners, are some of the ways the Department is accomplishing this. Similar to Crime Prevention Specialists raising awareness and helping residents access resources around neighborhood safety, providing information about domestic, intimate partner, and family violence to the community in a similarly accessible manner could encourage additional victims to come forward and seek help, as well as prevent future violence.

Moving forward, staff is exploring adding a Crime Analyst to the Unit through a future budget process. This position could analyze data from the Domestic Violence Supplemental Report, High Lethality Assessment questions, and identify trends in domestic violence cases. This would be a beneficial step to assess the risk potential for suspects in all domestic violence related cases, including stalking, restraining order violations, and other cases. A decision on whether to bring a proposal for this position forward through the budget process would be made in the context of the General Fund budgetary outlook and other city-wide and departmental priorities.

November 7, 2018

**Subject: Domestic Violence Prevention and Awareness Annual Report**

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**COORDINATION**

This memorandum has been coordinated with the City Manager's Budget Office, the Housing Department 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.