

PANEL ONE

Sexual Assault Response Team (SART)



San Jose Police Department Bureau of Investigations,
Sexual Assault Unit

SJPD's Response and Challenges to Sexual Assault Investigations

April 15, 2019



Sexual Assault Investigations Unit

SAIU

- Mission: SAIU is responsible for managing investigations of all sex offenses reported in the city.
- Includes:
 - Violations of sex offender registration requirements
 - Internet and child pornography cases
- Reviews:
 - Commercial sexually-oriented criminal endeavors, such as prostitution, but the purpose is to identify potential victims of Human Trafficking and/or victims of sexual abuse.
- Four (4) Details:
 - General Sex Crimes
 - Megan's Law/290 Detail
 - Child Exploitation Detail/Internet Crimes Against Children (ICAC) Task Force
 - Human Trafficking Task Force (HTTF)



Major Case Investigation

Assignment

- Investigator is assigned case and has three (3) working days to contact victim

Review
Case

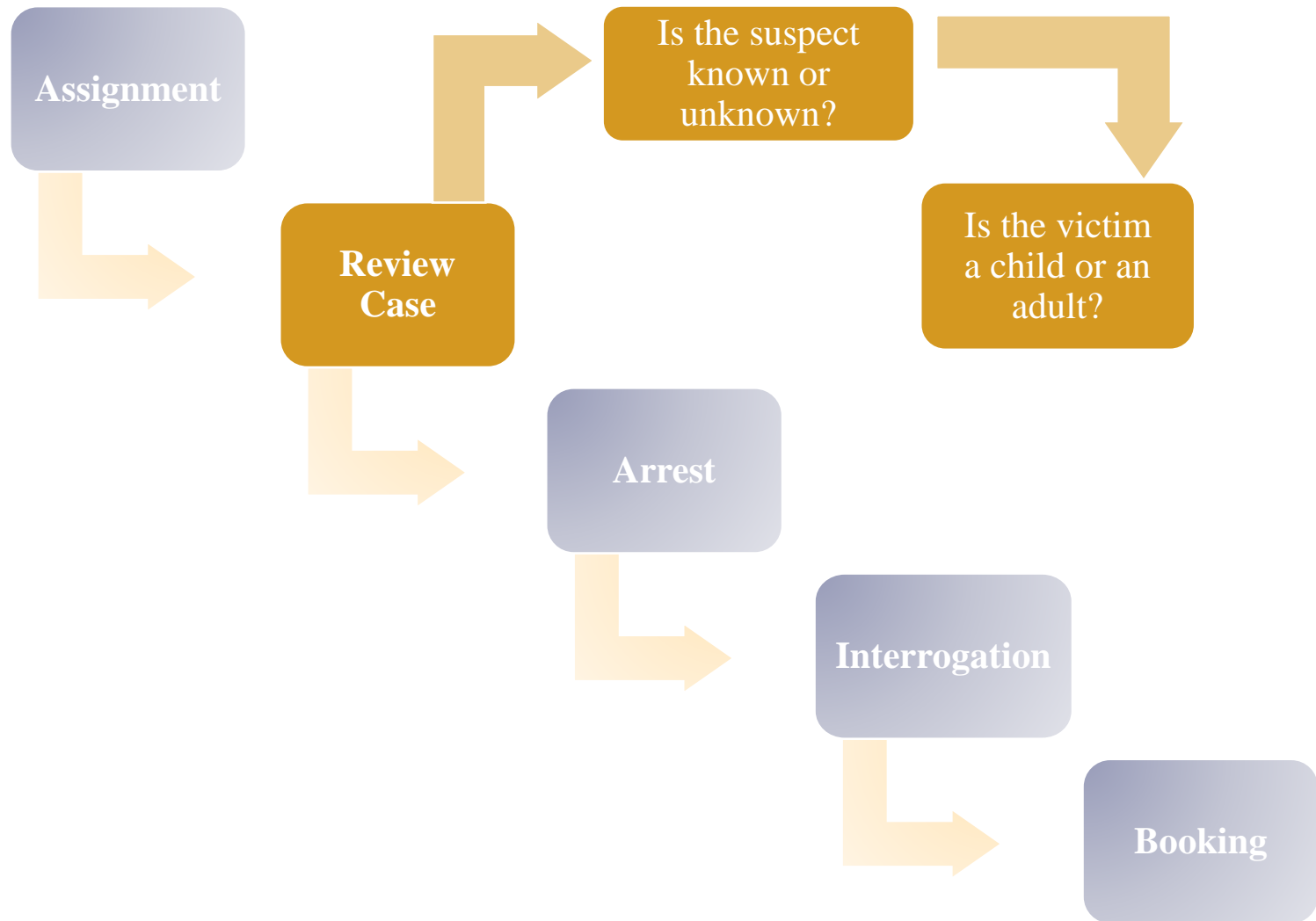
Arrest

Interrogation

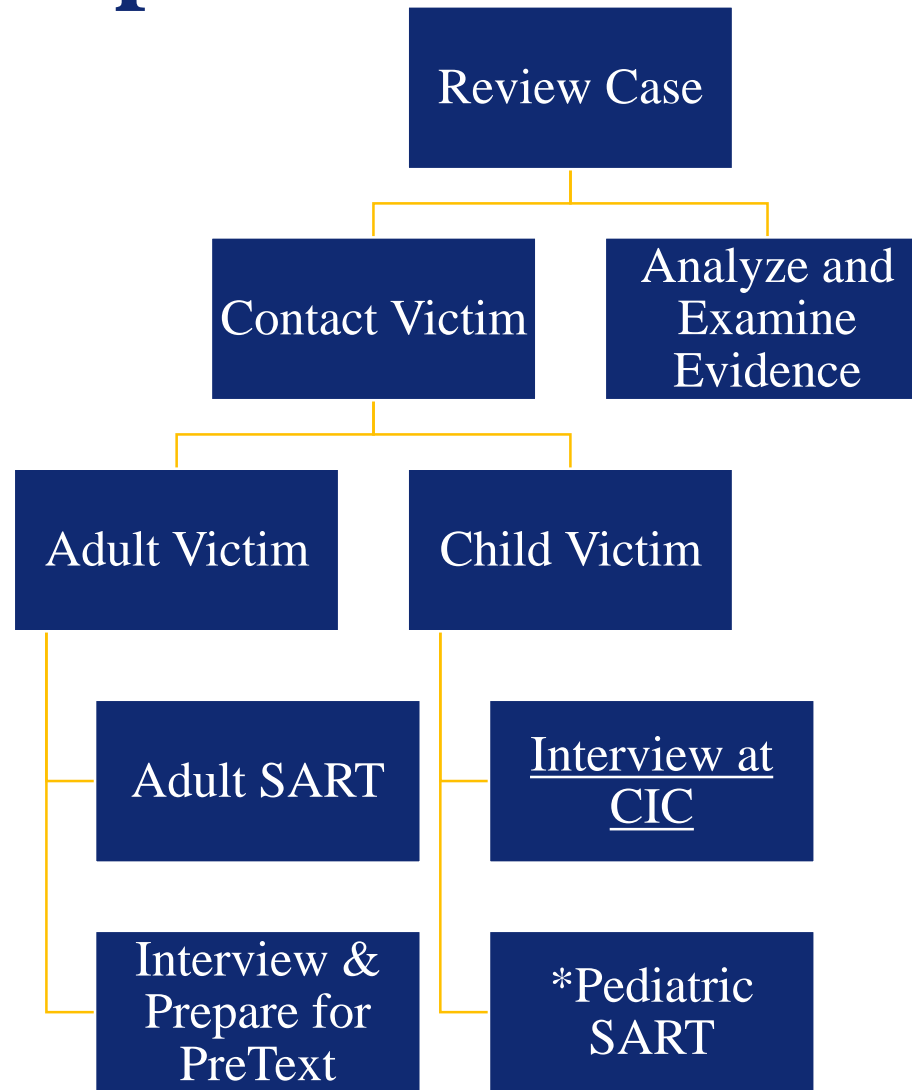
Booking



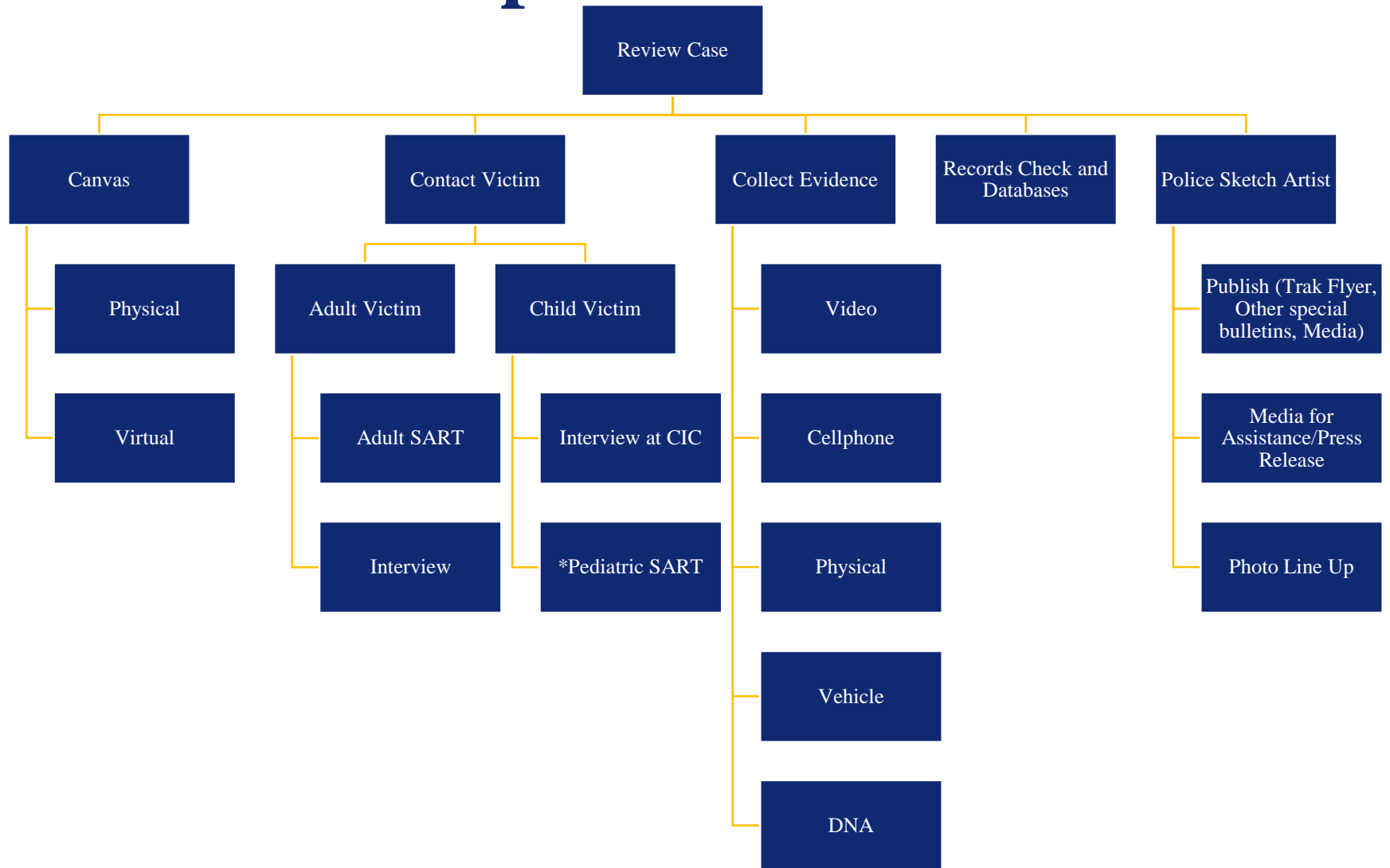
Major Case Investigation



Known Suspect



Unknown Suspect





File with DA's Office



Major Case Investigation



Major Case Investigation



Major Case Investigation



Trauma Informed Approach

- MDI Process: intended to provide a sense of continuity and security for the victim
 - Contributes to the timeliness of criminal investigation, prosecution and treatment of child abuse cases
- Adult Victims vs. Child Victims
- Child Forensic Interview Technique (CFIT)
 - [Thomas Lyon Ten-Step Investigative Interview](#)

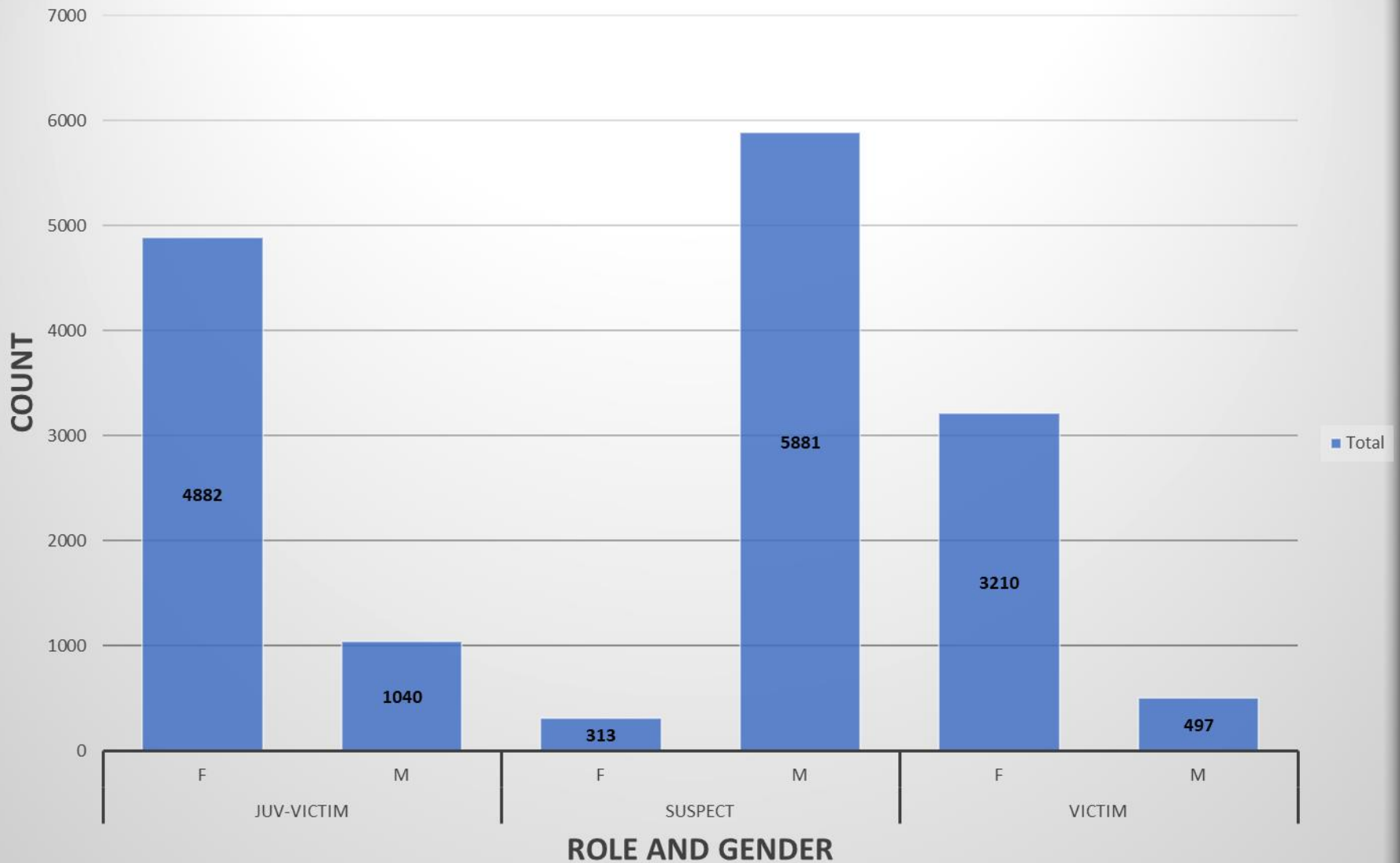


Data and Trends

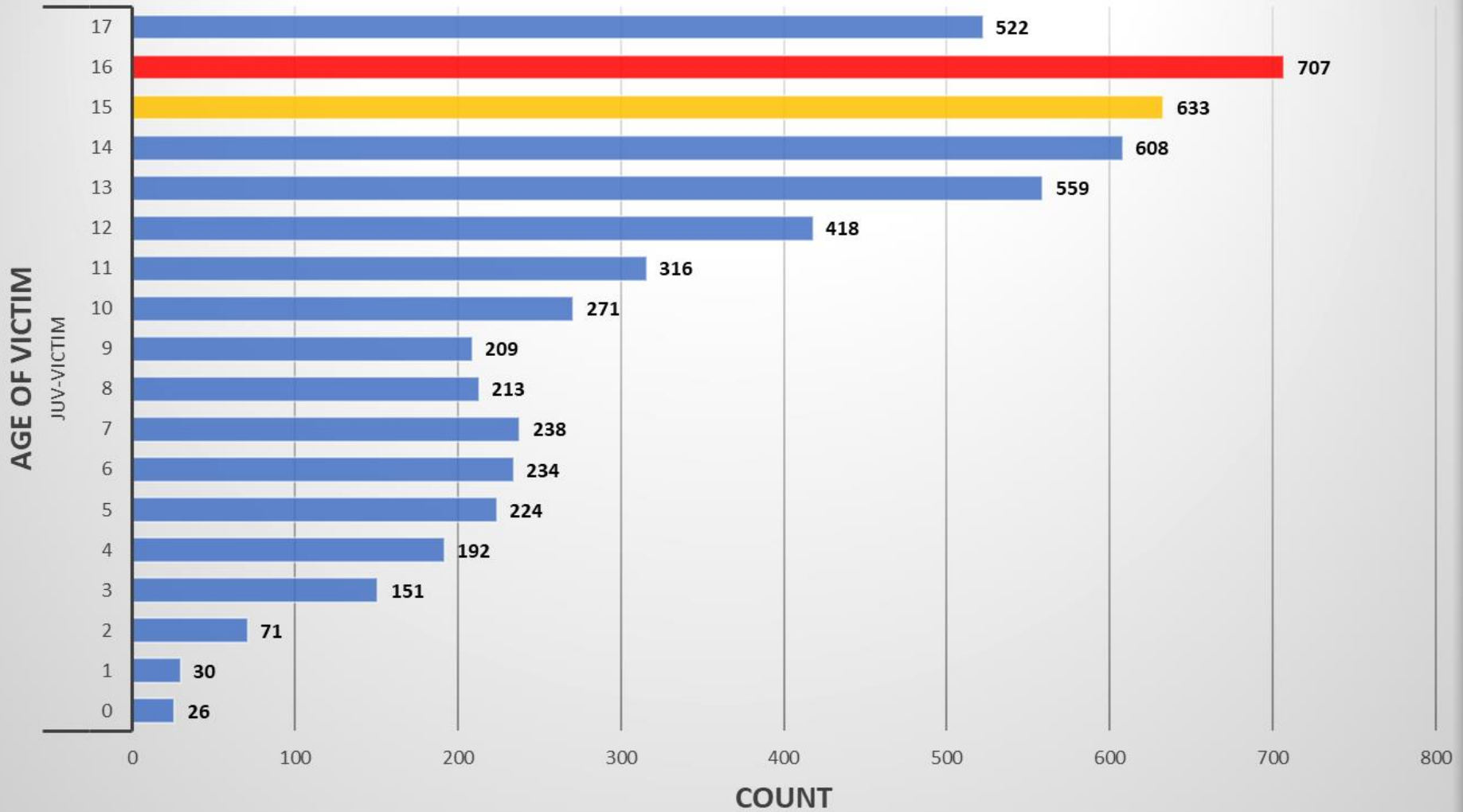
Victims and Suspects



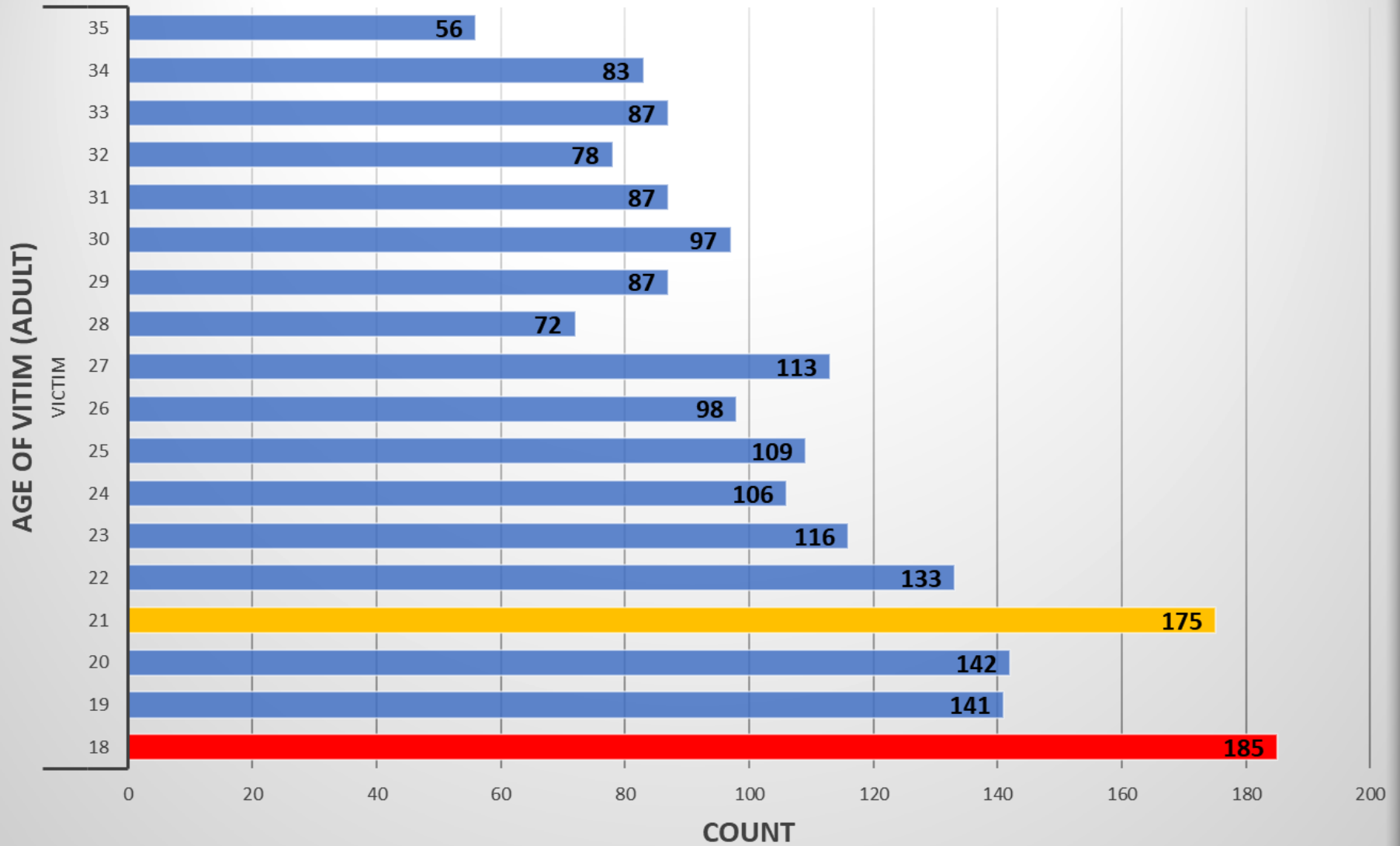
COUNT OF ROLE AND GENDER



COUNT OF JUV-VICTIM BROKEN DOWN BY AGE (0-17)



COUNT OF YOUNG ADULT CATEGORY (18-35)

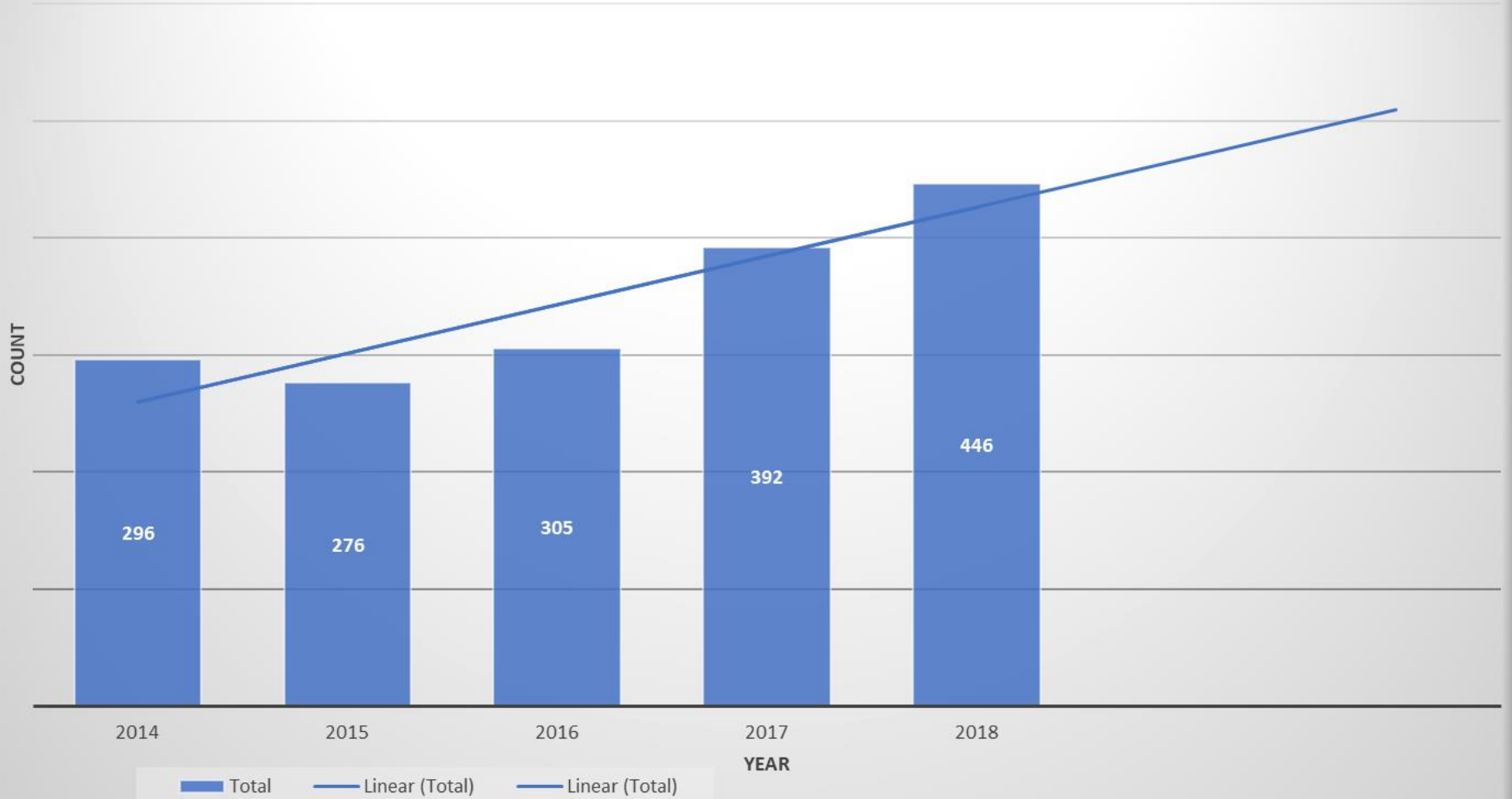


Data and Trends

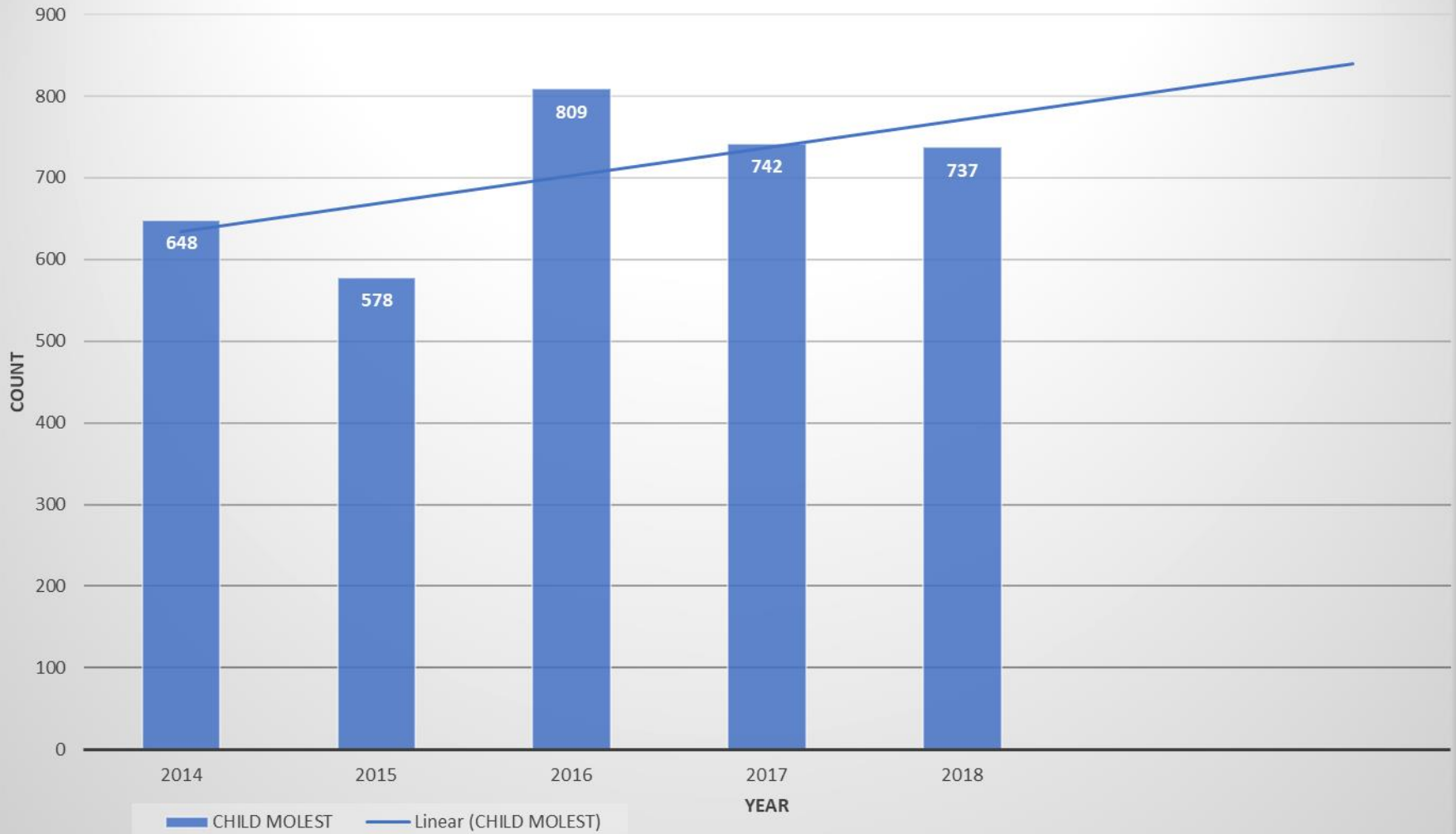
Incidents



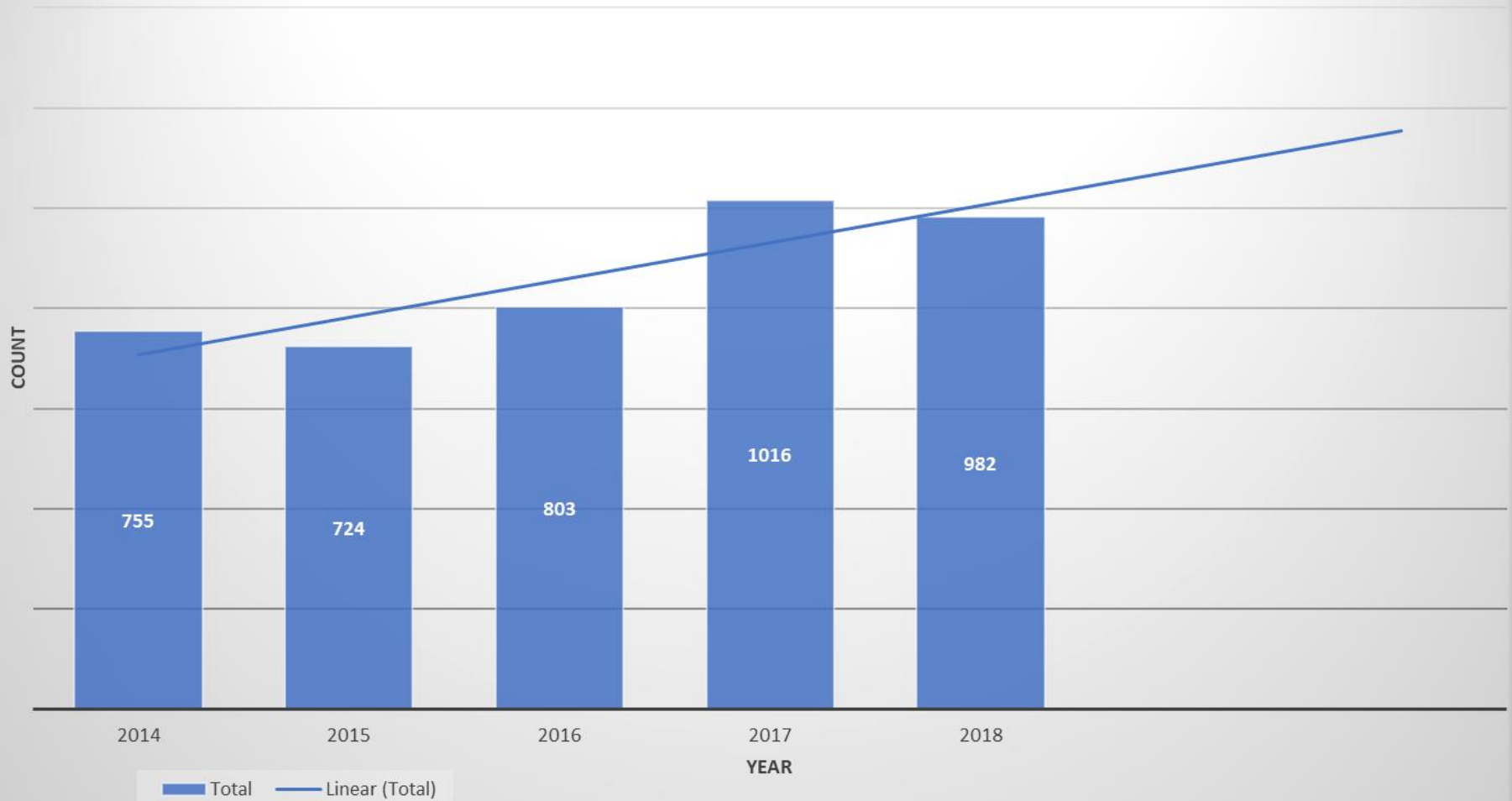
RAPE INCIDENTS WITH FORECAST



CHILD MOLESTATION WITH FORECAST



SEX INCIDENTS WITH FORECAST



Victim/Offender Relationships (2015-2017)

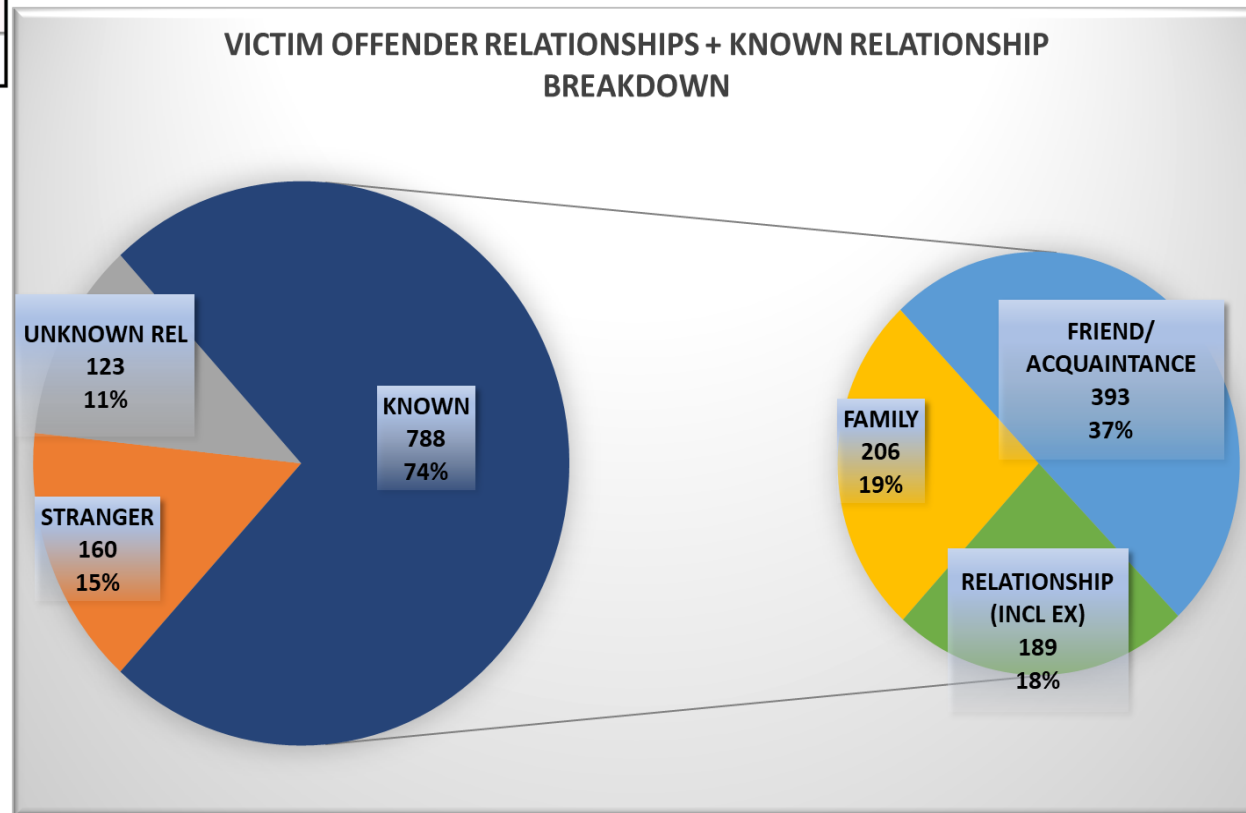
All Victims

RELATIONSHIP	Total	%
KNOWN	788	74%
STRANGER	160	15%
UNKNOWN REL	123	11%
Total	1071	

Known Relation Breakdown

RELATIONSHIP	Total	%
FAMILY	206	19%
FRIEND/ACQUAINTANCE	393	37%
RELATIONSHIP (INCL EX)	189	18%

Total 788



Victim/Offender Relationships Juveniles Only (2015-2017)

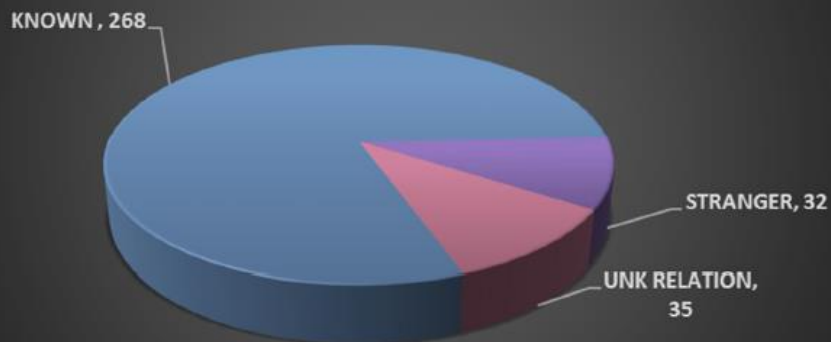
Juvenile Victims Only

RELATIONSHIP	Total	%
KNOWN	268	80%
STRANGER	32	10%
UNK RELATION	35	10%
Total	335	

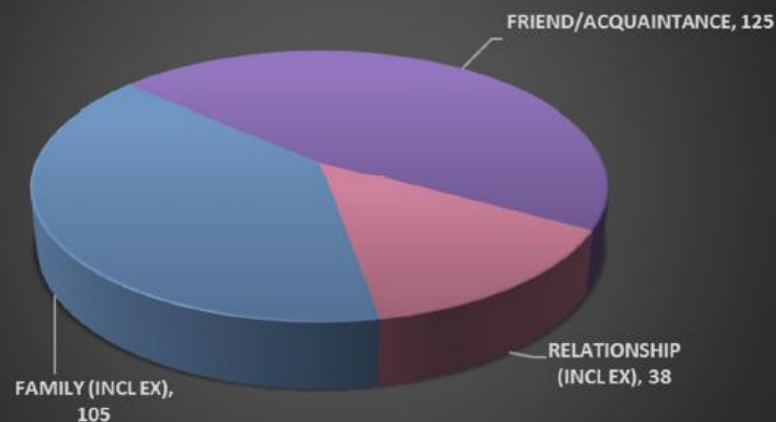
Known Relation Breakdown

RELATIONSHIP	Total	%
FAMILY (INCL EX)	105	31%
FRIEND/ACQUAINTANCE	125	37%
RELATIONSHIP (INCL EX)	38	11%
Total	268	

Victim/Offender Relationships
Juveniles Only



Victim/Offender Known Relationships
Juveniles Only



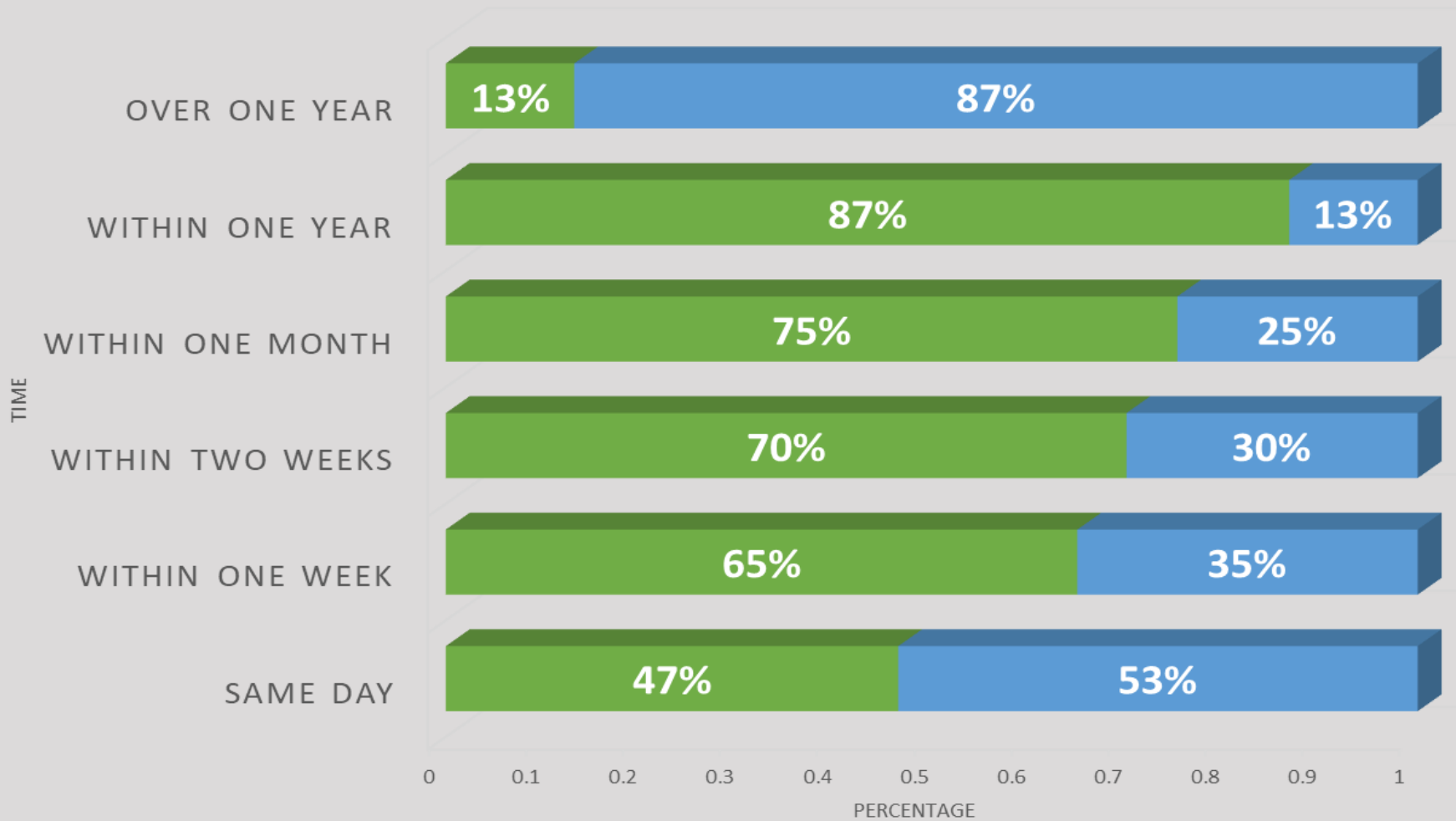
Data and Trends

Reporting

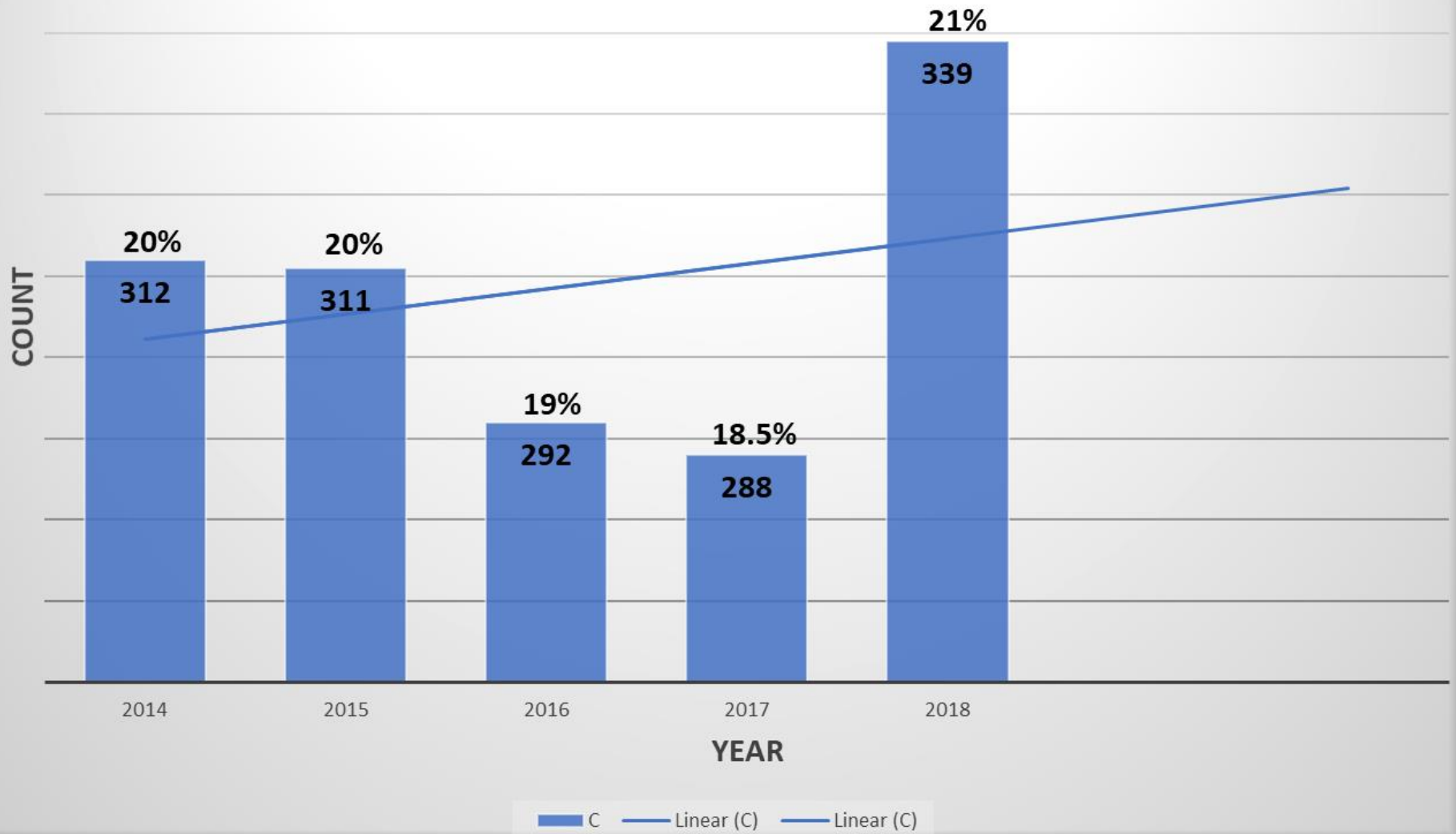


REPORTING TIME LAPSE

■ Reporting ■ Not Reporting



CLEARANCE TREND



Recommendations for Improvement

- Partner with YWCA to increase outreach
 - High School and Middle School aged youth
 - Include Social Media Use training for parents
- Specialized Training (CSI Work & CFIT Style Interviews): Patrol Division, Police Academy Training, and Field Training Program
- Continue study on location of occurrence by zip code



Questions?



Thomas Lyon Ten-Step Investigation

1. Don't Know
2. Don't Understand
3. You're Wrong
4. Ignorant Interviewer
5. Promise To Tell The Truth
6. Practice Narratives
7. Allegation
8. Allegation Follow-Up
9. Follow-up with Tell Me More & What Happened Next Questions
10. Multiple Incidents

[Return to Slide](#)



Response Process- Search Warrants

Investigator
prepares
documents

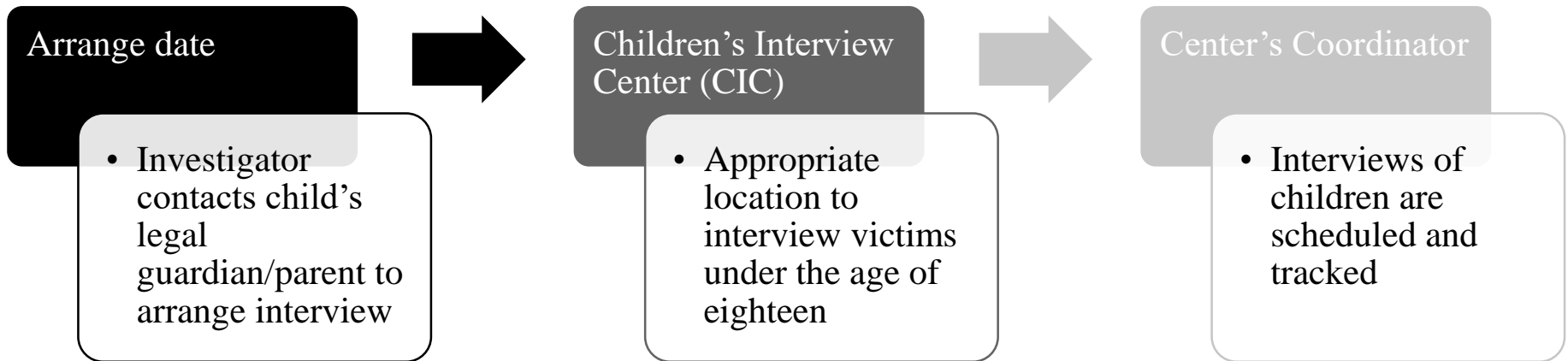
- Draft Affidavits
- Warrant Forms

Unit Supervisor
reviews
documents

Investigator
approaches
District
Attorney's Office
for Approval



Interviews of Children



BACK



Adult/Adolescent Sexual Assault Forensic Exam (SAFE) Program

Panel 1: County Multidisciplinary SART and services provided to survivors
Special Hearing on Sexual Assault CSFC Committee
April 15, 2019

SAFE Program -- Background

- Since 1987, SCVMC has operated Adult/Adolescent Sexual Assault Forensic Exam (SAFE) program
- Acute medical forensic exams for victims 12 years and older, within 10 days of assault
- SAFE Team is part of the County multidisciplinary Sexual Assault Response Team (SART) that is defined under California Penal Code §13898
 - Comprised of core partners:
 - SAFE Team
 - Rape Crisis Clinics
 - Law Enforcement Agencies
 - Crime Laboratory
 - District Attorney's Office

SAFE Program – Who Are We?

Sexual Assault Forensic Examiners (SAFEs) are:

- Qualified healthcare professionals (PC 13823.5)
 - Medical Doctors
 - Nurse Practitioners
 - Physician Assistants
 - Registered Nurses*
- Trained to perform the specialized medical evidentiary exam for victims of sexual assault or attempted sexual assault (PC 13823.7)

SAFE Program – Who Do We See?

- Most identify as female (97%)
- Age 14-25 years
- 75% know their assailant



SAFE Program – What Do We Do?

Role of the SAFE:

- Provide medical evaluation and care
- Ensure patient is provided their rights as a victim of sexual assault
 - Right to a sexual assault advocate during exam
- Contact sexual assault advocate to respond
- Collect evidence
- Treat for STIs, pregnancy, and HIV
- Ensure connection to victim witness agency
- Provide follow up
- Testify

SAFE Program – Types of Exams

- Medical Forensic Exam
- Medical Exam Only
- Non-Investigative/Anonymous
 - Violence Against Women Act (VAWA)



 Consent is Always Required

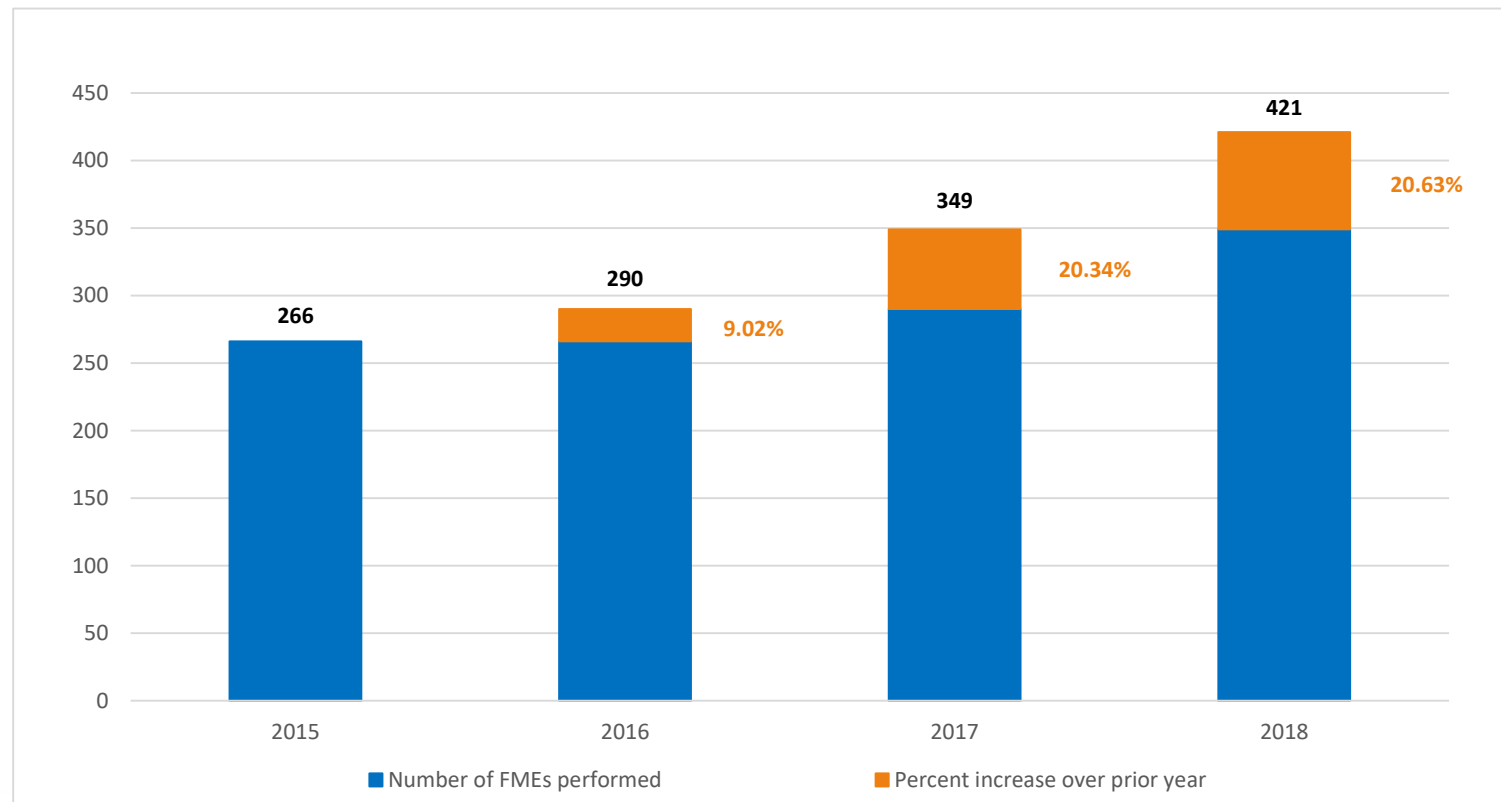
SAFE Program – Medical Forensic Exams

- Lab work
- Medical Forensic History-Taking
- Physical exam
- Photographs
- Evidence collection
 - Clothing
 - Swabs
 - Trace evidence
- Shower
- Clothes and food

SAFE Program – Response Data (2015-2018)

- 20% annual increase in exams performed over the last 2 years
- 35% increase in exams done in QTR1 2019 over QTR1 2018

Number of Medical Forensic Exams performed



SAFE Program – Where Do We Respond?

Current

- SCVMC
 - Primary site where medical forensic exams are performed

Expansion

- North County
 - SCVMC working with Stanford Hospital Administration to find a dedicated location for SAFE program to use
- South County
 - Dedicated exam room in the Valley Health Center Gilroy Clinic
 - Location to serve victims in South Santa Clara and San Benito Counties
- Other
 - SCVMC has been working with Santa Cruz to establish a partnership and re-open a SAFE location in Santa Cruz County

SAFE Program

Recommendations

1. Build capacity of SAFE Program to manage increased demand for services
 - Focus on recruiting and retaining SAFEs
 - Increase number of on-call examiners to allow simultaneous response
 - Respond closer to patient locations
 - Shorten wait times for patients seeking exams
2. In conjunction with SAFE Program, develop training program for examiners
 - Shorten the time to onboard new examiners
 - Collaborate with local, regional, and State partners to advance examiner skills
 - SJSU
 - Outside County SAFE Teams
 - CCFMTC

Sexual Assault Advocacy

Presented By:

Linh Tran-Phuong

Rape Crisis Centers

YWCA Silicon Valley	Community Solutions
<p>North/Central County: San Jose, Palo Alto, Sunnyvale, Mountain View, Saratoga, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Santa Clara, Cupertino, Campbell, Monte Serreno</p> <p>*Also provides service to juvenile hall and adult detention facilities*</p>	<p>South County: Morgan Hill, Gilroy, San Martin, Unincorporated South Santa Clara County</p>

Our Service Mandates

We must not fail to provide:

- 24/7 crisis hotline
- 24/7 accompaniment services
- 24/7 advocacy services

Clarification #1:

We do not only respond to SAFEs

- Fall 2017-18:
 - 711 in-person responses
 - 356 were SAFEs, 355 were not
 - 607 responses were YWCA, 104 Community Solutions
- We also respond to initial reportings, Law Enforcement interviews, DA interviews, court accompaniment requests, Title IX interviews, etc.

Clarification #2:

Not all of our clients are involved in criminal justice

- Only 37% of rapes are reported to the police.
- Most of our services do not have a criminal justice component.
- Our services do not end when a criminal case ends.



343 responses for SAFEs in 2017-18



607 in-person responses in 2017-18



Recommendations

Ensure that Rape Crisis Centers are adequately funded.

We currently receive \$0 from the county for sexual assault services.

For every instance that a SART partner agency interacts with a survivor, **we are legally mandated to match that number**. Because of this, our capacity must meet/**exceed** the survivor service capacity of other SART partners.

PROSECUTION OF SEXUAL ASSAULT



April 15, 2019

ANATOMY OF CRIMINAL PROSECUTION

- **Prosecution requires that a Law Enforcement Agency [LEA] has done an investigation.**
- **Case brought over for filing from the LEA (referrals)**
 - In custody (timeline for issuing)
 - Out of custody (timeline for issuing)
- **Three Options when case comes over**
 - Issue/File a Case
 - Send back for follow up (timeline)
 - In vs. Out of Custody
 - Decline to File

ANATOMY OF CRIMINAL PROSECUTION

- Do we think that a crime occurred? Can we prove it **beyond a reasonable doubt**?
- Will 12 SCC jurors vote unanimously to convict?
- Factors Considered May Include:
 - ✓ Manner and timing of disclosure
 - ✓ Relationship between the suspect and the victim
 - ✓ Statements by suspect, admission(s)
 - ✓ SART [Sexual Assault Response Team] Report
 - ✓ Fresh Complaint Witness
 - ✓ 1108-Prior Sex Offenses

CASE REVIEW & PROSECUTION

Year	Reviewed Cases	Issued Felonies	Issued Misdemeanors	Declined to File
2015	721	282	171	268
2016	851	319	137	395
2017	850	289	154	407
2018	1,070	319	231	520

SART EXAMINATIONS

1. Physical Examination – Analysis by SART Examiner

- Scrapes, Bruising, Lacerations
- Offender admits having sexual intercourse with the victim, but claims that it was consensual.

2. DNA – Crime Lab Analysis

- Identity of Offender – Stranger Rape
- Offender denies having sexual intercourse with the victim.

CRIME LAB POLICY

- May 2018: Testing of all kits within 30 days unless specified criteria exist; such as:
- (1) the victim participated in a SART exam for non-investigatory purposes per the Violence Against Women Act (VAWA 1994),
- (2) the victim withdraws consent, or
- (3) the case adjudicated via a guilty plea or jury conviction.

SART KIT TESTING

- In May 2018 we had approximately 300 cases that were in the queue at the Crime Lab.
- Dedicated Team of Analysts at Crime Lab – SART Team
- Supervisor Chavez spearheaded funding to use an outside Lab to help clear the queue.

As of April 10, 2019

- **Average turn-around time for in-house SART analysis: 50 Days**
- **108 Kits have been sent to outside lab [Bode]**
- **151 Kits in the queue [unassigned]**
- **Estimation of when unassigned kits reaches 0: End of 2019**

WE CAN DO EVEN BETTER RECOMMENDATIONS

1. One Roof

- Now, the victims are interviewed at the police department and transported to VMC for a SART exam. Police interviews, forensic exams, and other victim services should be under one roof.

2. Sexual Assault Survivor App

- We need to use technology to provide better services to victims. What is the status of my case? When is my next court date? Do I need to me there? Has my SART kit been tested? Who is my prosecutor? What's the easiest way to get in touch with my DDA?

WE CAN DO EVEN BETTER RECOMMENDATIONS

3. Soft Waiting Rooms at Courthouses

Victims should have a calm, welcoming environment before they testify. Refurbishment needed for designated spaces in San Jose, and North and South County Courthouses.

* Emily Doe [Brock Turner case]

THANK YOU!

Contact information

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SART COMMITTEE

Kim Walker & Linh Tran-Phuong

What is a SART?

- Sexual Assault Response Team (Penal Code 13898.2)
- Each county may establish one
- Main purposes:
 - To foster collaborative responses to sexual assault
 - To set county-wide standards for effective, trauma informed interventions

Background on SCC SART

- County had no sexual assault protocol, no convening of partners.
- YWCA and the SCVMC SAFE Program identified a need for formal infrastructure and came together with rape crisis centers, forensic examiners, law enforcement, and DA's Office to start a county SART committee.
- YWCA secured grant funding through CalOES to support collaborative outcomes.
- First SCC SART meeting convened June 13, 2016

Agencies Involved (So Far!)

- SCVMC SAFE Program
- SCC Pediatric SAFE Program
- YWCA Silicon Valley
- Community Solutions
- SCC DA's Office
- SCC Crime Lab
- California Highway Patrol
- Campbell PD
- Gilroy PD
- Los Altos PD
- Los Gatos and Monte Sereno PD
- Milpitas PD
- Morgan Hill PD
- Mountain View PD
- Palo Alto PD
- San Jose PD
- SCC Sheriff's Office
- Santa Clara PD
- Sunnyvale DPS
- Foothill-DeAnza PD
- San Jose-Evergreen PD
- San Jose State PD
- Stanford DPS
- West Valley-Mission PD
- SCC Office of Women's Policy

Achievements to Date

Police SART Process: Quick Reference Guide

Adult/Adolescent Victims of Sexual Assault ages **12 AND older** should have exam *immediately* but can be seen for *acute* exam within 10 days of sexual assault

- LE should seek immediate SART exam. Record on-scene interview then transport victim to VMC Emergency Department.
- If possible, victim should NOT eat, drink, wash or brush teeth prior to the exam. Collect all first void urine samples and save for the SART nurse.
- At VMC, notify ED charge nurse of SART. Ensure victim is registered on hospital computer. Accompany victim to the Family Room. Call VMC 408-885-5000 via cell or "0" via hospital phone (say "Operator") and speak with the on-call SART nurse. SART nurse will notify the Advocate if not already done so.
- Notify department blood tech to respond and draw blood for LE. Re additional tubes (2 "gold" + 1 "lavender") are drawn and save them for the nurse.
- LE should remain at VMC until exam is completed and evidence/packages collected from the SART Nurse.
- Book evidence at Crime Lab or responding LE's evidence room to be preserved and refrigerated.

YOUR RIGHTS as a Survivor of Sexual Assault

You have the right to get answers, the right to information, and the right to know. This card explains your rights, options, and helpful resources available to you under California Law (Penal Code 680.2).

You Decide

It's your choice to:

- Get a physical exam
- Be part of a criminal case, or
- Report the assault

**No matter what you choose,
you keep your rights.**

A law enforcement officer or medical provider must provide you with a card that clearly spells out your rights.

SANTA CLARA COUNTY SEXUAL ASSAULT PROTOCOL

Adopted March 2019

Main Project:

SCC Sexual Assault Response Protocol

- Outlines how each partner agency responds to sexual assault.
- Serves as a memorandum of understanding among agencies.
- Also serves as an informational guide.
- Just finished a Train-the-Trainer event.
- In the process of acquiring signatures.

Future Directions

- Update the protocol annually.
- Continue to strengthen multidisciplinary coordination.
 - Who isn't at the table?
- Review trends and data.
- Report to Board of Supervisors.