



COUNCIL AGENDA: 3/24/20  
FILE: 20-316  
ITEM: 4.1

## Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Edgardo Garcia  
Jim Shannon

**SUBJECT:** SEE BELOW

**DATE:** March 12, 2020

Approved

Date

3-12-20

**SUBJECT: ACCEPTANCE OF THE SAN JOSE POLICE DEPARTMENT SEXUAL  
ASSAULT WORKPLAN AND ASSOCIATED APPROPRIATION  
AMENDMENTS**

### RECOMMENDATION

- (a) Accept the San José Police Department's Workplan for the Sexual Assaults Law Enforcement Training and Supportive Services Program.
- (b) Adopt the following 2019-2020 Appropriation Ordinance Amendments in the General Fund:
  - (1) Decrease the Sexual Assaults Law Enforcement Training and Supportive Services Reserve appropriation by \$690,000;
  - (2) Increase the Personal Services appropriation to the Police Department by \$150,000; and
  - (3) Increase the Non-Personal/Equipment appropriation to the Police Department by \$540,000.

### BACKGROUND

As directed in the Mayor's June Budget Message for Fiscal Year 2019-2020 and approved by City Council, funding of \$690,000 was set aside in the 2019-2020 Adopted Operating Budget for the Sexual Assaults Law Enforcement Training and Supportive Services Reserve, to be allocated upon City Council approval of the San José Police Department's (SJPd) workplan to address the rise in sexual assault cases in San José. This funding was reserved to expand sexual assault education and training, support joint efforts with the Santa Clara County, and for temporary staffing needs, as recommended by the workplan. This memorandum presents the proposed workplan and associated funding requests.

The Department's Sexual Assaults Investigation Unit (SAIU) has received 2,585 sex offense allegations to investigate in 2019, an 18.9% increase from 2018 (2,174). An analysis of sex offense allegations routed to SAIU to investigate between January 2014 and December 16, 2019 also indicates an increase of 51.2% during that period. The SAIU projects investigating approximately 3,000 sex offense allegations in 2020.

Several key actions are proposed below to combat the increase in projected sex offense allegations, consistent with preceding work by the Public Safety, Finance and Strategic Support Committee (PSFSS), SJPD's October 2019 informational memorandum, and the findings and next steps included in the San José Sexual Assault Response and Strategy Report presented to City Council in November 2019.

## **ANALYSIS**

### *Current Response Framework*

Within the Department's Bureau of Investigations, SAIU currently consists of the following workgroups and allocated sworn staffing levels, reflecting prior reallocations in May 2019 and March 2020 to address increased caseload:

<b>SAIU Workgroup</b>	<b>Lieutenants</b>	<b>Sergeants</b>	<b>Officers</b>	<b>Total Staffing</b>
General investigative "Bull Pen" teams	1.0	5.0	25.0	31.0
Internet Crimes Against Children & Child Exploitations (ICAC) team	--	1.0	8.0	9.0
Megan's Law "290" team	--	--	3.0	3.0
Human Trafficking	--	1.0	2.0	3.0
<b>Totals</b>	<b>1.0</b>	<b>7.0</b>	<b>38.0</b>	<b>46.0</b>

It is important to note that while allocated staffing is 46.0 positions, only 38 positions are currently filled. These vacant positions are expected to be filled as recruit academies continue.

SAIU has a team on-call every week. The on-call responsibility rotates between all the teams under the SAIU umbrella. The on-call team fields approximately twenty to thirty after-hours calls per week, and typically handles one to two call-backs per week.

Approximately eighty cases are assigned each month to the four "Bull Pen" teams. The ICAC team handles all school related cases and self-initiated operations that result in the arrest of child predators. The 290 team is responsible for sex offender registration violations and self-initiated operations that result in the arrest of sex offenders that are not in compliance with their registrations. The Human Trafficking team handles rescues of sex-trafficked youth and human trafficking person cases.

The sergeants and lieutenant are responsible for the supervision of the unit and attending committees run by the community partners such as the SART (sexual assault response team) committee, the Human Trafficking Protocol committee, the South Bay Coalition to End Human Trafficking, and various Santa Clara County Department of Family & Children's Services (DFCS) committees for child abuse prevention.

Even with the aforementioned resources targeted to combat sex offences, the crime trend continues to tick upward.

*Anticipated Response Framework for 2020-2021 and Allocation of Sexual Assaults Law Enforcement Training and Supportive Services Reserve*

To address this trend, the Department recommends using the Sexual Assaults Law Enforcement Training and Supportive Services Reserve to provide Trauma Informed Care training and equipment/materials for a new Special Victims Unit (SVU), conduct additional research to inform the SJPd's response, and for educational outreach through the South Bay Human Trafficking Coalition.

In the 2020-2021 Proposed Budget Process, the Department has prioritized the establishment of the SVU as an internal reorganization within SAIU that would include reallocating an additional 2.0 officers to the "Bull Pen", and adding another lieutenant to oversee the SVU and another sergeant for the Megan's Law 290 team as shown in the table below.

<b>SAIU Workgroup</b>	<b>Lieutenants</b>	<b>Sergeants</b>	<b>Officers</b>	<b>Total Staffing</b>
General investigative "Bull Pen" teams	1.0	5.0	27.0	33.0
<b>Special Victims Unit</b>	1.0			1.0
Internet Crimes Against Children & Child Exploitations (ICAC) team	--	1.0	8.0	9.0
Megan's Law "290" team	--	1.0	3.0	4.0
Human Trafficking	--	1.0	2.0	3.0
<b>Totals</b>	<b>2.0</b>	<b>8.0</b>	<b>40.0</b>	<b>50.0</b>

The Department's workplan for the Sexual Assaults Law Enforcement Training and Supportive Services programs recommends the following allocations from the Reserve:

**Trauma Informed Care Training (\$181,000)**

Department personnel are exposed to stress, trauma, and interact with victims of trauma daily. Acute and chronic trauma exposure can cause a negative psychological and physiological impact on personnel and upon the victims of crime. Department personnel must learn to identify trauma and learn how to provide Trauma Informed Care. Approximately \$181,000 is recommended to deliver this training in two phases, first to Bureau of Investigations staff and then department-wide to all sworn staff, in early 2020 on an overtime basis. A trauma-informed system is one

that builds awareness and knowledge of trauma to act compassionately toward trauma-impacted victims, recognize trauma within staff, and take well-informed steps toward wellness.

The Department is currently developing the curriculum to teach Trauma Informed Care with the following goals:

- Provide Department personnel with insight and awareness of trauma with the goal of increasing emotional wellness and preventing mental health issues.
- Understand and avoid stress, burnout, anger, the psychological and physiological impact of trauma, vicarious trauma/compassion fatigue, the impact on personal relationships, public safety suicides, and substance abuse.
- Learn to recognize trauma in victims of crimes to help improve criminal investigations, policing skills and leverage community resources to aid victims.
- Increase the cultural competency of officers and understand how culture can impact how a victim internalizes trauma.

Additional staff training will include the *Emotional Survival of Law Enforcement: A Guide for Officers and Their Families*, which will focus on teaching staff how to develop strategies to avoid burnout and emotional isolation, as well as specific Child Forensic Interview Training for staff new to the Sexual Assaults Unit.

### **Special Victims Unit (SVU) Equipment & Materials (\$333,000)**

As shown in the table above, the Department is pursuing the creation of a new Special Victims Unit (SVU) supervised by a Police Lieutenant. SVU's primary focus would be the proactive enforcement, coupled with regional capacity building (a primary deliverable for various state and federal grants) for computer-facilitated sexual exploitation, human trafficking and the investigation of reoffending sexual registrants (290's). Melding the Human Trafficking team with the Megan's Law "290" team, which is currently operating independently, could yield several force multipliers:

- enhancing proactivity to address ICAC traveler cases (perpetrators willing to meet children typically through social media);
- addressing Peer-to-Peer (P2P) child pornography manufacturers (followed by distribution and trading) on multiple P2P undercover chat platforms;
- advancing the computer-facilitated child exploitation cases involving persons in positions of trust;
- expanding bandwidth to address human traffickers; and,
- taking the lead on regional, multi-jurisdictional, large scale operations that garnish media attention, thereby reducing local and regional demands, all while furthering the Department's focus to improve the trauma-informed methodologies in support of victims.

The Department has reprioritized existing funding to install a temporary Police Lieutenant that will oversee the newly created SVU. This position will provide investigative capacity across all aspects of sexual assault and exploitation crimes, reduce the span of control for the current SAIU

Police Lieutenant, and create this secondary arm for proactive sexual assault investigations. As part of the 2020-2021 Proposed Operating Budget, the Administration intends to bring forward recommendations to permanently add the Police Lieutenant along with another Police Sergeant to establish the Special Victims Unit.

One-time equipment and materials will be required to support the SVU: reconfiguration of the SAIU staffing and reception areas (\$50,000); and, six new vehicles to support operations and field work (\$216,000). Additionally, acquisition of a social media analytic software program and associated hardware will provide undercover officers the ability to proactively search out potential human trafficking victims, and GPS trackers will aid investigative work (\$67,000).

### **Data-Informed Responses (\$150,000)**

The Department is also proposing to partner with an academic institution to conduct further research into several topic areas that may include the following:

- Documenting new or persistent challenges the Department is facing in handling sexual assault cases.
- Identifying age groups and communities for targeted outreach and education programs.
- Understanding how relationships between the police, victims, and prosecutors are evolving over time with respect to responding to reports of sexual assault violence.
- Examining the role of community characteristics to present to stakeholders and develop data driven decisions with respect to San José's distinct diverse population.
- Identifying best practices that are emerging in the handling of sexual assault violence cases used the Department's Trauma Informed Care training curriculum.

Data collected from this research will be used to further assign resources for maximum impact. A report and presentation would be made to City Council at a future study session. Report recommendations would be reviewed for priority feasibility.

### **Sexual Assault Educational Outreach (\$26,000)**

The Department additionally plans to collaborate with the South Bay Human Trafficking Coalition to create advertisements, an outreach campaign, and increase advocate response to on-site law enforcement human trafficking operations involving victim rescues.

## **CONCLUSION**

Consistent with the intended purposes for the Sexual Assaults Law Enforcement Training and Supportive Services Reserve, the recommended spending plan will provide Trauma Informed Care training, equipment and materials for a new Special Victims Unit (SVU), support additional research to inform the SJPd's response to sexual assault, and support educational outreach

through the South Bay Human Trafficking Coalition. These components will allow the Department to increase capacity for sexual assault investigations and victim interactions.

### **EVALUATION AND FOLLOW-UP**

This memorandum will not require any staff follow up.

### **CLIMATE SMART SAN JOSE**

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

### **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the March 24, 2020 City Council Meeting.

### **COORDINATION**

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

### **COMMISSION RECOMMENDATION/INPUT**

The memorandum does not require input from a board or commission.

### **COST SUMMARY/IMPLICATIONS**

Ongoing costs associated with the maintenance/repair of additional vehicles, and for software licenses and hardware maintenance, will be incorporated into future budgets. Expenses related to the temporary Lieutenant in 2019-2020 will be absorbed within the Police Department's existing General Fund budget. Recommendations to permanently add the Lieutenant and another Sergeant are anticipated for City Council consideration as part of the 2020-2021 Proposed Budget process, subject to budgetary constraints.

**BUDGET REFERENCE**

The table below identifies the fund and appropriations recommended to be amended as part of this memorandum.

Fund #	Appn #	Appn. Name	Current Total Appn	Rec. Budget Action	2019-2020 Adopted Operating Budget Page	Last Budget Action (Date, Ord. No.)
001	8568	Sexual Assaults Law Enforcement Training and Supportive Services Reserve	\$690,000	(\$690,000)	IX - 71	6/18/2019, Ord. No. 30286
001	0501	Police – Personal Services	\$393,876,433	\$150,000	VIII - 354	2/11/2020, Ord. No. 30361
001	0502	Police – Non-Personal/Equipment	\$28,363,779	\$540,000	VIII - 354	10/22/2019, Ord. No. 30325

**CEQA**

Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment.

/s/  
EDGARDO GARCIA  
Chief of Police

  
JIM SHANNON  
Budget Director

For questions, please contact Captain Randall Schriefer at 408-277-4202.