



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Edgardo Garcia  
Jim Shannon

**SUBJECT:** SEE BELOW

**DATE:** April 23, 2020

Approved

Date

4/23/20

**SUBJECT: SAN JOSE POLICE DEPARTMENT SEXUAL ASSAULT WORKPLAN  
AND ASSOCIATED PRIORITY APPROPRIATION AMENDMENTS**

## **RECOMMENDATION**

- (a) Accept the San José Police Department's priority spending plan for the Sexual Assaults Law Enforcement Training and Supportive Services Reserve.
- (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 \$515,000;
  - (2) Increase the Police Department's Personal Services appropriation by \$150,000; and
  - (3) Increase the Police Department's Non-Personal/Equipment appropriation by \$365,000.

## **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 to establish a Sexual Assaults Law Enforcement Training and Supportive Services Reserve. This reserve was to be allocated upon City Council approval of the San José Police Department's Sexual Assault Response and Strategy work plan to address the rise in sexual assault cases in San José. That work plan was heard and approved by the City Council on November 12, 2019 at a Special Council Meeting.

The Department's Sexual Assaults Investigation Unit (SAIU) 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.

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

**SAIU Allocated Sworn Staffing**

<b>SAIU Workgroup</b>	<b>Lieutenants</b>	<b>Sergeants</b>	<b>Officers</b>	<b>Total Staffing</b>
General (SAIU)	1.0	5.0	25.0	31.0
Internet Crimes Against Children & Child Exploitations (ICAC)	--	1.0	8.0	9.0
Megan’s Law (290)	--	--	3.0	3.0
Human Trafficking (HT)	--	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 while allocated staffing is 46 sworn positions, only 38 sworn positions are currently filled. Vacant positions are expected to be filled once Police Recruits are released into the patrol structure, based on needs and priorities, and the Department’s staffing plan.

SAIU detectives are available after business hours through an established “on-call” team. Every week, the on-call responsibility rotates among the SAIU workgroup. The on-call team fields approximately twenty to thirty after-hour calls per week, and typically return to work (call back) once or twice a week to handle cases needing immediate follow up or in-custody cases.

Approximately 80 cases are assigned each month to the four SAIU workgroups (SAIU/ICAC/290/HT). 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 HT team handles rescues of sex-trafficked adults and youth, and human trafficking person cases. All other remaining SAIU cases are investigated by the SAIU (General) detectives.

The Police Sergeants and Police Lieutenant are responsible for the supervision of the Unit and for 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 committee, and various Santa Clara County Department of Family & Children’s Services (DFCS) committees for child abuse prevention.

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

To address the rise in sexual assault cases, as previously mentioned, the Department created a Sexual Assault Response and Strategy work plan and prioritized expenditures from the Sexual Assaults Law Enforcement Training and Supportive Services Reserve to support that plan. The recommended priority expenditures will: 1) Secure equipment and materials for a new Special Victims Unit (SVU); 2) Allow for evidenced-based sexual assault research in order to conduct data-informed responses; 3) Provide sexual assault educational outreach through Department resources and a collaboration with the South Bay Human Trafficking Coalition; and 4) Provide Trauma Informed Care training.

As part of the 2020-2021 Proposed Budget Process, the Department has prioritized the establishment of a Special Victims Unit (SVU) as an internal reorganization within SAIU that would include reallocating an additional two Police Officers to SAIU (General) and adding a new Police Lieutenant to oversee the SVU (see table below). In anticipation of this reorganization, a new Police Lieutenant position was temporarily added this spring to advance the establishment of the SVU and will be proposed to be made permanent as part of the City Council’s approval of the upcoming budget. A new Police Sergeant position is also needed to oversee the Megan’s Law 290 team, but is not anticipated to be able to be added next fiscal year and instead will be proposed to be added based on future budget allocations as funding allows.

**2020-2021 Proposed Budget  
SAIU Allocated Sworn Staffing**

<b>Sexual Assault Investigations Unit</b>	<b>Lieutenants</b>	<b>Sergeants</b>	<b>Officers</b>	<b>Total Staffing</b>
General (SAIU)	1.0	5.0	27.0	33.0
<b>Special Victims Unit (SVU)</b>	<i>1.0</i>			1.0
Internet Crimes Against Children & Child Exploitations (ICAC)	--	1.0	8.0	9.0
Megan’s Law (290)	--		3.0	3.0
Human Trafficking (HT)	--	1.0	2.0	3.0
<b>Totals</b>	<b>2.0</b>	<b>7.0</b>	<b>40.0</b>	<b>49.0</b>

### **Special Victims Unit (SVU) Equipment & Materials (\$153,000)**

As shown in the table above, the Department is pursuing the creation of a new Special Victims Unit (SVU) supervised by a new 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.

SVU will function covertly and will be housed in an off-site, already established, covert facility. Victim interviews will still be conducted at the San Jose Police Department or the Child Interview Center (CIC). Combining the Human Trafficking (HT) 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 and human trafficking victims 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 add a temporary Police Lieutenant that will oversee the newly created SVU. This position will provide management across all aspects of the SVU workgroup, reduce the span of control for the current SAIU Police Lieutenant, and will provide collaboration with County partners and SAIU. As part of the 2020-2021 Proposed Operating Budget, the Administration intends to bring forward a recommendation to permanently add the Police Lieutenant to establish the Special Victims Unit as mentioned earlier.

Additionally, one-time funding will be needed for the reconfiguration of the SAIU office space (\$50,000) and for equipment and materials to support SVU. This will include one vehicle and analytic software. One new vehicle will be added to support SVU's operations and field work (\$36,000). This vehicle will be assigned to the SVU Lieutenant and will prove essential for conducting undercover operations in the field. Additionally, because SVU detectives will work out of an off-site facility, SVU staff will not have direct access to the SAIU vehicle fleet.

The acquisition of a social media analytic software program and associated hardware as well as GPS trackers will provide undercover officers the ability to proactively search out potential human trafficking victims and assist their investigations (\$67,000).

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

The Department is also proposing to partner with an academic institution to conduct further evidence-based 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 using the Department's Trauma Informed Care training curriculum.

Department specific data collected from this research will be used to determine efficiency and effectiveness of our limited resources. The amount allocated is based on prior studies conducted by researchers to determine best practices and to determine resource effectiveness. Findings from the study may be brought back to PSFSS or Council to better understand our sexual assault response.

### **Sexual Assault Educational Outreach (\$62,000)**

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. The Human Trafficking Unit will focus its marketing and outreach beginning with pushing out the Department's new Human Trafficking brand and logo (created and softly rolled out in September 2019).

Outreach monies will be utilized to conduct the following advertisement and outreach efforts;

- Billboard advertising;
- Public Service Announcement (PSA)'s will be created utilizing existing resources. The Department has already created PSA's that have gone out to the community as part of the Department's message regarding victim resources.
- Outreach and education via Facebook analytics;
- School outreach postcards;
- Tri-fold resource guides for first responders and victims;
- Educational Podcasts pushed out via the Departments social media platform; and
- Human Trafficking survivor collaborative interview and training for patrol first responders (as part of phase 2 Trauma Informed Care training)

### **Trauma Informed Care Training (\$150,000)**

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. 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.

A total of \$150,000 is recommended to deliver this training in two phases, first to Bureau of Investigations staff on regular time; and then to the remaining staff Department-wide in late 2020 to early 2021. Due to the Bureau of Field Operations' 24-hour rotating schedule (approximately 1,000 sworn and civilian) – a significant amount of the training will be delivered during overtime hours.

The Department's Trauma Informed Care training curriculum was designed to meet 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.
- As a second phase to the training, the Department's Trauma Informed Care Subject Matter Experts (SMEs) will partner with our Human Trafficking non-profit partners to provide more enhanced training to front line personnel on Human Trafficking victimology, trauma and acute and chronic impacts.

### **CONCLUSION**

Consistent with the intended purposes for the Sexual Assaults Law Enforcement Training and Supportive Services Reserve, the prioritized spending plan above will provide equipment and materials for a new Special Victims Unit (SVU), support additional evidence based research to inform the SJPD's response to sexual assault, support educational outreach through a collaboration with the South Bay Human Trafficking Coalition, and support Trauma Informed Care training. These components will allow the Department to increase capacity for sexual assault investigations and victim interactions. Additional resources and equipment to further

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augment the SVU and SAIU, including investigative staffing, may be recommended through a future budget process.

### **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 April 28, 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 and repair of the additional vehicle, and for software licenses and hardware maintenance, will be incorporated into future budgets. Expenses related for the temporary Police Lieutenant in 2019-2020 will be absorbed within the Police Department's existing General Fund budget. A recommendation to permanently add the Police Lieutenant is anticipated for City Council consideration as part of the 2020-2021 Proposed Budget process. The remaining unused portion of the Sexual Assaults Law Enforcement Training and Supportive Services Reserve totaling \$175,000 will be recommended for disposition as part of the 2019-2020 General Fund re-balancing actions or 2020-2021 General Fund balancing actions that are required due to the COVID-19 budget impacts that have been previously discussed with the City Council.

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**BUDGET REFERENCE**

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

Fund #	Appn #	Appn. Name	Current Appn.	Recommended Budget Action	2019-2020 Adopted Operating Budget Page	Last Budget Action (Date, Ord. No.)
001	0501	Police Department Personal Services	\$393,876,433	\$150,000	VIII - 354	2/11/20; Ord. No. 30361
001	0502	Police Department Non-Personal/ Equipment	\$28,363,779	\$365,000	VIII - 354	10/22/19; Ord. No. 30325
001	8568	Sexual Assaults Law Enforcement Training and Support Services Reserve	\$690,000	(\$515,000)	IX - 71	6/18/19; Ord. No. 30286

**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.



JIM SHANNON  
Budget Director

/s/

EDGARDO GARCIA  
Chief of Police

For questions, please contact Deputy Chief Heather Randol at 408-277-4202.