



COUNCIL AGENDA: 04/06/2021

ITEM: 3.3

FILE NO: 21-638

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Toni J. Taber, CMC  
City Clerk

**SUBJECT:** SEE BELOW

**DATE:** April 6, 2021

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**SUBJECT: Advocate Referrals: Further Improvements to Processes and Data Sharing  
Can Help Connect More Survivors to Services**

## Recommendation

As recommended by the Public Safety, Finance and Strategic Support Committee on March 18, 2021, accept the Advocate Referrals: Further Improvements to Processes and Data Sharing Can Help Connect More Survivors to Services report.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)

[Public Safety, Finance and Strategic Support Committee 3/18/2021 - Item (d)3]



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**Office of the City Auditor**

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**Report to the City Council  
City of San José**

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**ADVOCATE REFERRALS:  
FURTHER IMPROVEMENTS  
TO PROCESSES AND DATA  
SHARING CAN HELP  
CONNECT MORE  
SURVIVORS TO SERVICES**

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**Report 21-02  
March 2021**

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March 11, 2021

Honorable Mayor and Members  
Of the City Council  
200 East Santa Clara Street  
San José, CA 95113

**Advocate Referrals: Further Improvements to Processes and Data Sharing Can Help Connect More Survivors to Services**

In the state of California, survivors of certain crimes have a right to have an advocate present with them during interviews with law enforcement or defense attorneys. These advocates can provide a broad range of services to a survivor such as explaining information about the criminal process, communicating with prosecution or law enforcement, helping the survivor find safe housing or transportation, and connecting the survivor to further resources or support from other agencies.

Law enforcement plays a role in notifying survivors about their rights and referring them to advocate services. In the San José Police Department (SJPd), patrol officers provide resource cards to survivors and may connect a survivor with crisis hotlines or ask if the survivor wants to be contacted by an advocate. Later, detectives may also provide resources about advocates to a survivor.

The purpose of this audit was to assess protocols for and timeliness of community advocate referrals for victims of sexual assault, domestic violence, child/sexual abuse, and human trafficking. This audit was requested by a Councilmember.

**Finding 1: Updates to Internal Processes Would Help Connect Survivors to Advocates.** SJPd provides information about advocacy services throughout an investigation. This allows for multiple opportunities for officers or detectives to connect survivors to advocates. Some improvements to internal processes and resources can help advocates reach more survivors. We found:

- The Duty Manual does not explicitly include guidance to offer advocacy services before any interview. Doing so would align better with Santa Clara County protocols and other jurisdictions we surveyed.

**RECOMMENDATIONS**

To help connect more survivors with advocates, SJPd should:

- Update internal processes to match County guidance and standardize referrals
- Revise and fully translate resource cards into Spanish and Vietnamese

- Resource cards reference the right to an advocate, but would be more helpful with further information and should be fully available in Spanish and Vietnamese.
- Standardizing the process for how detectives refer victims of sexual assault to advocates could help advocates reach more survivors.

**Finding 2: SJPD Provides Additional Resources for Survivors of High-Risk Domestic Violence Cases.** To identify and respond to high-risk domestic violence cases, SJPD uses a lethality assessment and a high-risk response team. For cases assessed as high risk, officers are expected to call the advocate hotline and offer to connect the survivor directly to an advocate at the scene. For the most dangerous situations, advocates with the high-risk response team will respond in-person (or virtually during the COVID-19 pandemic). We found:

- Between September 2019 and November 2020, roughly 1,700 domestic violence incidents were deemed high risk through the lethality assessment.
- Only a portion of high-risk cases receive a response from the high-risk response team. There were 45 responses between September 2019 and mid-November 2020.
- The high-risk response team is operating as a pilot program which is expected to run through the end of FY 2020-21.
- Upon completion of the pilot, the City's advocate partner, YWCA Silicon Valley, is expected to conduct an evaluation of the pilot program.

#### RECOMMENDATIONS

SJPD should work with the YWCA in its evaluation of the high-risk response team pilot program, including:

- Assessing the criteria used to activate the team
- Reviewing the level of service provided to survivors, and whether additional involvement with other agencies is warranted

**Finding 3: Better Data Sharing Will Allow SJPD to Assess Referral Timeliness and Other Areas of Performance.** Both SJPD and its advocate partners collect data that can be useful for assessing the timeliness and utilization of services. However, the sharing of data can be improved on both sides to allow for a better understanding of how well the current system performs. We found:

- YWCA's database shows it took SJPD on average three days in June 2020 to provide YWCA with the lethality assessment from domestic violence incidents. Unfortunately, this information is not included in the data that is currently shared with SJPD, nor does SJPD track it themselves.
- Data provided on sexual assault advocate referrals is limited, and SJPD does not regularly receive data from its advocate partner, Community Solutions, for human trafficking advocate referrals.
- SJPD can provide domestic violence and sexual assault summary reports to YWCA to cross-

#### RECOMMENDATIONS

To allow SJPD to better assess referral timeliness and utilization of advocate resources, the Department should:

- Work with its advocate partners on what data can be shared between the agencies to better assess performance
- Work with community partners to expand outreach and education to targeted communities

reference against client lists to ensure all consenting survivors have been contacted.

- Data can help SJPD target outreach to educate the community about advocate resources.

This report has six recommendations. We plan to present this report at the March 18, 2021 meeting of the Public Safety, Finance, and Strategic Support Committee of the City Council. We would like to thank the Police Department; YWCA Silicon Valley; Community Solutions for Children, Families and Individuals; the City Manager's Office of Racial Equity; and Santa Clara County's Department of Family and Children's Services for their time and insight during the audit process. The Administration has reviewed the information in this report, and their response is shown on the yellow pages.

Respectfully submitted,



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City Auditor

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This report is also available online at [www.sanjoseca.gov/audits](http://www.sanjoseca.gov/audits)

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# Table of Contents

<b>Cover Letter .....</b>	<b>3</b>
<b>Background .....</b>	<b>9</b>
<b>Finding I</b>	
<b>Updates to Internal Processes Would Help Connect Survivors to Advocates.....</b>	<b>17</b>
Survivors May Be Connected to Advocacy Services at Multiple Times in the Investigation Process.....	17
Updating SJPd Protocols Can Further Support Officers in Connecting Survivors to Advocate Resources .....	21
<b>Finding 2</b>	
<b>SJPd Provides Additional Resources for Survivors of High-Risk Domestic Violence Cases .....</b>	<b>27</b>
SJPd's Domestic Violence Response Incorporates Tools to Identify Survivors at Risk of Lethal Violence and Connect Them to Resources .....	27
<b>Finding 3</b>	
<b>Better Data Sharing Will Allow SJPd to Assess Referral Timeliness and Other Areas of Performance .....</b>	<b>33</b>
Expanded Information Sharing Would Enhance SJPd's Ability to Assess Performance.....	33
SJPd Performs Outreach and Education About Crime Prevention.....	39
<b>Conclusion.....</b>	<b>43</b>
<b>Appendix A</b>	
<b>Audit Objective, Scope, and Methodology .....</b>	<b>A-1</b>
<b>Appendix B</b>	
<b>Domestic Violence and Sexual Assault Resource Cards .....</b>	<b>B-1</b>
<b>Appendix C</b>	
<b>Process Flows of SJPd Advocate Referrals for Child Abuse, Child Sexual Abuse, and Human Trafficking.....</b>	<b>C-1</b>
<b>Appendix D</b>	
<b>SJPd Domestic Violence Field Reporting Guide and Lethality Assessment .....</b>	<b>D-1</b>
<b>Administration's Response.....</b>	<b>yellow pages</b>



## **Table of Exhibits**

Exhibit 1: The Domestic Violence and Sexual Assault Resource Cards Include Information about the Right to an Advocate.....	10
Exhibit 2: Domestic Violence Advocate Referrals (Family Violence Unit).....	19
Exhibit 3: Sexual Assault Advocate Referrals (Sexual Assault Investigation Unit).....	20
Exhibit 4: The Number of Reported Cases of Domestic Violence and Rates of Survivors Agreeing to an Advocate Referral Vary (3/30/2017 – 11/19/2020) .....	40

# Background

In the state of California, survivors of certain crimes have the right to have an advocate with them during interviews with law enforcement and with defense attorneys. Under state law, law enforcement officers are required to inform survivors about their right to an advocate, along with other rights.<sup>1</sup>

An advocate can provide a range of services to a survivor, such as explaining information about the criminal process, communicating with prosecution or law enforcement, and helping the survivor find safe housing or transportation. In San José, nonprofit organizations provide these advocacy services to survivors, along with other resources.

The purpose of this audit was to assess the San José Police Department (SJPd) protocols for and timeliness of community advocate referrals for victims of sexual assault, domestic violence, child/sexual abuse, and human trafficking.

## Right to an Advocate

For survivors of domestic violence and sexual assault, the California Penal Code<sup>2</sup> lists several rights and requirements. Among these are:

- Survivors have the right to have an advocate present at any interview by law enforcement authorities, prosecutors/district attorneys, or defense attorneys.
- Law enforcement or the prosecutor/district attorney shall notify the survivor about this right before an initial interview begins (including that it extends to interviews by a defense attorney).<sup>3</sup>

To inform survivors of these rights, SJPd policy is to provide resource cards/pamphlets. Patrol officers are to provide these to the survivor immediately. Officers may also verbally explain to a survivor their rights and the available advocacy services. Detectives may later also provide these resources to a survivor.

These resources list other rights that the survivor has as well, such as the right to an emergency protective order and information about the crime and processing of evidence. The resources also include additional information for a survivor, such

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<sup>1</sup> Under the victim's bill of rights (Marsy's Law), victims of crimes in the state of California have certain rights. These include the rights to prevent the disclosure of confidential information, protection from the defendant, refuse an interview with a defense attorney, and to learn about trial proceedings upon request, among others. SJPd staff report that officers provide victims with a card outlining their rights under Marsy's Law.

<sup>2</sup> California Penal Code Sections 679.04 and 679.05.

<sup>3</sup> An initial investigation to determine whether a crime has been committed, and to determine the identity of the suspects, does not constitute a law enforcement interview for the purposes of the penal code.

as the names and phone numbers of local nonprofits for assistance, contact information to county and state victim services, details on financial assistance provided by the state for survivors, and a space for the officer to write the report number and their name/badge number for the survivor's future reference.

### Exhibit I: The Domestic Violence and Sexual Assault Resource Cards Include Information About the Right to an Advocate

#### VICTIM RIGHTS

Victims of domestic violence have several rights, including the right to ask a judge of the Superior Court to make the following orders:

- An Emergency Protective Order issued at the scene which requires the abuser to leave the residence immediately.
- An order prohibiting the abuser from contacting the victim or other family members or going to the victim's residence.
- An order giving the victim custody of minor children or household animals.
- An order directing the restrained party to pay support for minor children, if that party has a legal obligation to do so.
- An order directing the restrained party to make payments (rent, mortgage, etc.) which come due while the order is in effect.
- An order directing either or both parties to participate in counseling.

Victims also have a right to have:

- A copy of the police report.
- An advocate or support person present for interviews.
- An interpreter.

#### YOUR RIGHTS as a Survivor of Sexual Assault

You have rights. You have the right to get answers, the right to information, and a 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.

#### You Have the Right To:

- Have a Confidential Sexual Assault Counselor (Victim Advocate) AND a person of your choice present during any exam or investigative interview.

You can reach a **Sexual Assault Advocate** 24 hours a day by calling:

**YWCA of Silicon Valley 1-800-572-2782**  
(Serving North County and Central County)  
[www.ywca-sv.org](http://www.ywca-sv.org)

**Community Solutions 1-877-363-7238**  
(Serving South County and San Benito County)  
[www.communitysolutions.org](http://www.communitysolutions.org)

- Request a person of the same or opposite gender as you to be present in the room during any interview with law enforcement or the District Attorney.

Source: Santa Clara County, provided by the San José Police Department

Note: Images shown are only the sections with information about the right to an advocate. The full cards can be found in Appendix B.

SJPD officers may provide additional resource cards to the survivor if they are relevant, such as a card with information about strangulation and suffocation injuries.

### SJPD Staffing

Along with patrol officers, SJPD sworn staff from three units investigate crimes covered in this audit:<sup>4</sup>

- Family Violence Unit (FVU) detectives investigate domestic violence and child abuse cases.
- Sexual Assault Investigation Unit (SAIU) detectives investigate sexual assault cases including when a sexual assault occurs during a domestic violence incident.

<sup>4</sup> These units also have other responsibilities not directly related to the audit topic.

- Special Victims Unit (SVU) detectives investigate human trafficking incidents and internet crimes against children (ICAC).

In addition to detectives that interact with survivors, each of these units also has other staff who are involved in the relationship with advocate partners and/or provide information to advocates about survivors.

In FY 2020-21, there were 22 authorized positions for Family Violence, and 51 authorized positions for Sexual Assaults (including the Special Victims Unit).

### **Training**

SJPD requires all officers to complete trainings on working with survivors of sex crimes and domestic violence. Officers are required to complete trainings covering survivors' right to an advocate, the resources available to survivors, and scenario training. These trainings are covered as part of an officer's academy training. Additionally, officers that join the force are required to complete ongoing training related to communicating with victims of crimes generally.

The Department has also recently started providing trauma-informed training to staff. Although the training is not specific to making advocate referrals, it does cover topics that could help officers in making referrals. This includes understanding how trauma can impact an officer's interactions with the community, as well as emphasizing the importance of listening and demonstrating empathy in interactions with the community. The Special Victims Unit is also working on providing patrol officers training to help officers identify survivors of human trafficking.

Beyond the training offered to all officers, detectives receive additional training when they begin working on investigations relating to sexual assault, and receive guidance from unit staff when beginning work on family violence investigations.

### **Advocate Partners**

To provide advocacy services to survivors of domestic violence and sexual assault, SJPD contracts with the YWCA Silicon Valley (YWCA). The YWCA provides two in-house advocates to SJPD, one that works with the Family Violence Unit and one that works with the Sexual Assault Investigation Unit. These in-unit advocate staff provide advocacy services to survivors and follow up with whatever services the survivor needs. SJPD also calls the YWCA crisis hotline when needed.

Based on the contract terms, domestic violence advocacy services must be made available 24/7 (either through in-person, hotline, or pager services), and with bilingual (including Spanish speaking) staff. The current agreement runs through

June 30, 2021 with a maximum compensation of \$114,162.<sup>5</sup> There is an option to extend the agreement through June 30, 2022.

For the in-house Sexual Assault Investigation Unit advocate, the contract terms stipulate 32 hours a week. This position is funded through a grant from the Department of Justice's Office on Violence Against Women. The funding for the advocate is slated to end September 30, 2021.<sup>6</sup> SJPd staff will also offer YWCA advocacy services to survivors of child sexual abuse.

SJPd also contracts with the YWCA to provide an in-person response to high-risk domestic violence calls through a pilot program. The contract terms stipulate that there be an equivalency of 2.4 full-time crisis intervention advocates (or 96 hours per week) made available after business hours, of which at least one of the advocates should be fluent in Spanish. (This program is discussed further in Finding 2.) The agreement amount is not to exceed \$160,000 and was scheduled to end on January 31, 2021, but SJPd reports the agreement was extended to run through the end of fiscal year 2020-21.

Services YWCA advocates can provide to survivors include:

- Counseling,
- Advocacy,
- Lethality/risk assessment (in addition to what is done by SJPd),
- Safety planning,
- Shelter assistance,
- Legal assistance,
- Restraining order assistance, and
- Referral services to outside agencies (e.g., for services such as case management, emergency assistance, employment and housing assistance, children services, support groups, and client centered crisis counseling).

For survivors of human trafficking, Community Solutions for Children, Families and Individuals (Community Solutions) acts as the County's point agency. When there is a suspected case of human trafficking, or if SJPd is planning an operation to find potential victims of human trafficking, SJPd will call Community Solutions to send an advocate. Advocates are able to answer the survivors' questions, address

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<sup>5</sup> If extended an additional year, the maximum compensation is \$231,750.

<sup>6</sup> This agreement also encompasses a domestic violence advocate at the Family Justice Center Courthouse, and the development of an intersection tool (to identify crimes that intersect domestic violence, sexual assault, and human trafficking). The term of the agreement is from 1/1/2019 through 9/30/2021, with a not to exceed amount of \$415,552.

survivors' urgent needs (e.g., food and shelter assistance), and offer follow-up services for long-term case management.<sup>7</sup>

For planned operations, Community Solutions prepares in advance for a team to respond that would include, as applicable, bilingual advocates and interpreters to provide a culturally sensitive response. Community Solutions coordinates these responses with other partner organizations such as YWCA and Asian Americans for Community Involvement.

SJPD has contracts with YWCA Silicon Valley and Community Solutions for Children, Families and Individuals for other programs as well.<sup>8</sup> These contracts include:

- YWCA to provide clinical counseling services (contract term 6/11/2020 through 6/30/2021, not to exceed \$60,000);
- YWCA to provide sexual assault education to youth (contract term was 3/28/2019 through 6/30/2020 but it was extended to end 6/30/2021, not to exceed \$150,000); and
- Community Solutions to provide coordination support for the South Bay Coalition to End Human Trafficking (contract term 7/1/2020 through 6/30/2021, not to exceed \$50,000).

It should be noted that though YWCA and Community Solutions are the primary advocate partners that SJPD currently works with, there are several other organizations in the San José area that provide advocate services. Survivors may choose to work with these advocates instead, though SJPD's current process does not involve reaching out to these other organizations.

#### *Work with County Agencies*

Santa Clara County Department of Family and Children's Services (DFCS) social workers take the lead on working with families for child abuse cases. The DFCS social workers can provide safety and risk assessments to determine the child's safety and provide referrals to the survivor and family for support services. DFCS and SJPD will work together to jointly respond to and cross report on these cases: each will conduct an investigation as needed and share information when appropriate or as required.

The District Attorney's Office also can provide advocates through its Victim Services Unit. SJPD does provide information about the Victim Services Unit to survivors through resource cards, and SJPD reports that they partner with the

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<sup>7</sup> This includes helping immigrant survivors navigate the criminal investigation process. Immigrant survivors who help with an investigation or prosecution can qualify for a visa and potentially a green card.

<sup>8</sup> In addition to contracts that SJPD has, the City has other contracts with the YWCA, including for housing services for survivors of domestic violence.

Victim Services Unit. These advocates serve as a connection to prosecutors, law enforcement, and other criminal justice agencies. They can connect survivors to local resources, provide case updates, and support survivors during court hearings and testimony. This audit did not focus on these advocates.

### **Crimes and Use of Advocates**

Whether or not a survivor works with an advocate is entirely their decision. While SJPD will explain the services available and the YWCA or Community Solutions will attempt to contact the survivor, the survivor may decide not to speak to an advocate.

#### *Domestic Violence*

In FY 2019-20, there were 4,369 domestic violence crimes reported to SJPD.<sup>9</sup> The YWCA in-house advocate provided 1,700 follow-ups and made 502 referrals (such as for legal help or therapy) during this time, according to SJPD.

Based on SJPD data<sup>10</sup> collected at the time a report is made, in FY 2019-20:

- 73 percent of survivors agreed to be contacted by an advocate when asked,<sup>11</sup> and
- 13 percent of survivors spoke to an advocate immediately (at the scene or when the report was made).

#### *Sexual Assault*

In calendar year 2020, there were 566 reported sexual assault crimes,<sup>12</sup> according to SJPD. As noted in Finding 3, data related to the number of survivors who agreed to be contacted by the YWCA is not actively tracked.

#### *Human Trafficking*

According to SJPD, the human trafficking detectives in the Special Victims Unit followed up on 33 human trafficking offenses in calendar year 2020. It should be noted that human trafficking crimes are generally underreported to law enforcement and can be difficult for law enforcement to identify.

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<sup>9</sup> This represents the total crimes (offenses) reported to law enforcement. One incident could result in multiple crimes if the perpetrator broke more than one law.

<sup>10</sup> Data includes incidents in the SJPD records management system for which a domestic violence supplemental report was filed by an officer.

<sup>11</sup> It should be noted that in some cases, when the advocate receives the survivors contact information from SJPD, the survivor was already working with an advocate because the survivor called the hotline or was already a client.

<sup>12</sup> Sexual assault crimes include attempted sexual assault, rape, sodomy, oral copulation, and foreign object.

### *Child Abuse*

In 2020, an estimated 250 cases of child abuse handled by the Family Violence Unit resulted in criminal filings by the District Attorney's Office or are waiting for a decision from the District Attorney's Office, and a further 100 cases are still under investigation.<sup>13</sup> Social workers with the County's Department of Family and Children's Services (DFCS) work with survivors of child abuse and their families. DFCS shared it is working on data that compares law enforcement's compliance with notifying DFCS of child abuse crimes by city.

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<sup>13</sup> Cases of child sexual abuse are investigated separately by the Sexual Assault Investigation Unit.



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# **Finding I      Updates to Internal Processes Would Help Connect Survivors to Advocates**

## **Summary**

SJPD provides information to survivors of domestic violence, sexual assault, human trafficking, and child/sexual abuse about advocacy resources throughout an investigation. This starts when a patrol officer responds to a crime and provides a survivor with resource cards. Under certain circumstances, officers may contact an advocate at the scene. Though the process has redundancies to ensure survivors have multiple opportunities to connect with an advocate, we found that some improvements to the process would help this effort. This includes updating the Duty Manual to include guidance to offer advocacy services before any interview, updating the resource cards to more clearly explain advocacy services, and fully translating cards into Spanish and Vietnamese. Additionally, standardizing the process for how detectives refer survivors of sexual assault to advocates can help advocates reach more survivors.

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## **Survivors May Be Connected to Advocacy Services at Multiple Times in the Investigation Process**

Depending on the crime that occurred, a survivor may learn about their right to an advocate at different times throughout an investigation. For example:

- SJPD officer provides a resource card at the scene of an incident or when a survivor reports a crime.
- SJPD officer verbally explains survivor's rights at the scene or when a survivor reports a crime.
- SJPD officer calls a crisis hotline for the survivor at the scene.
- An advocate responds in-person immediately after a crime has occurred or when a survivor is identified.
- SJPD officer or medical staff (Sexual Assault Response Team, or SART) calls an advocate for a survivor during a forensic exam.<sup>14</sup>
- A survivor agrees to have an advocate call them at a later date when asked by an SJPD officer.
- An SJPD detective explains advocacy services while completing an investigation, after the initial report is taken by an officer.

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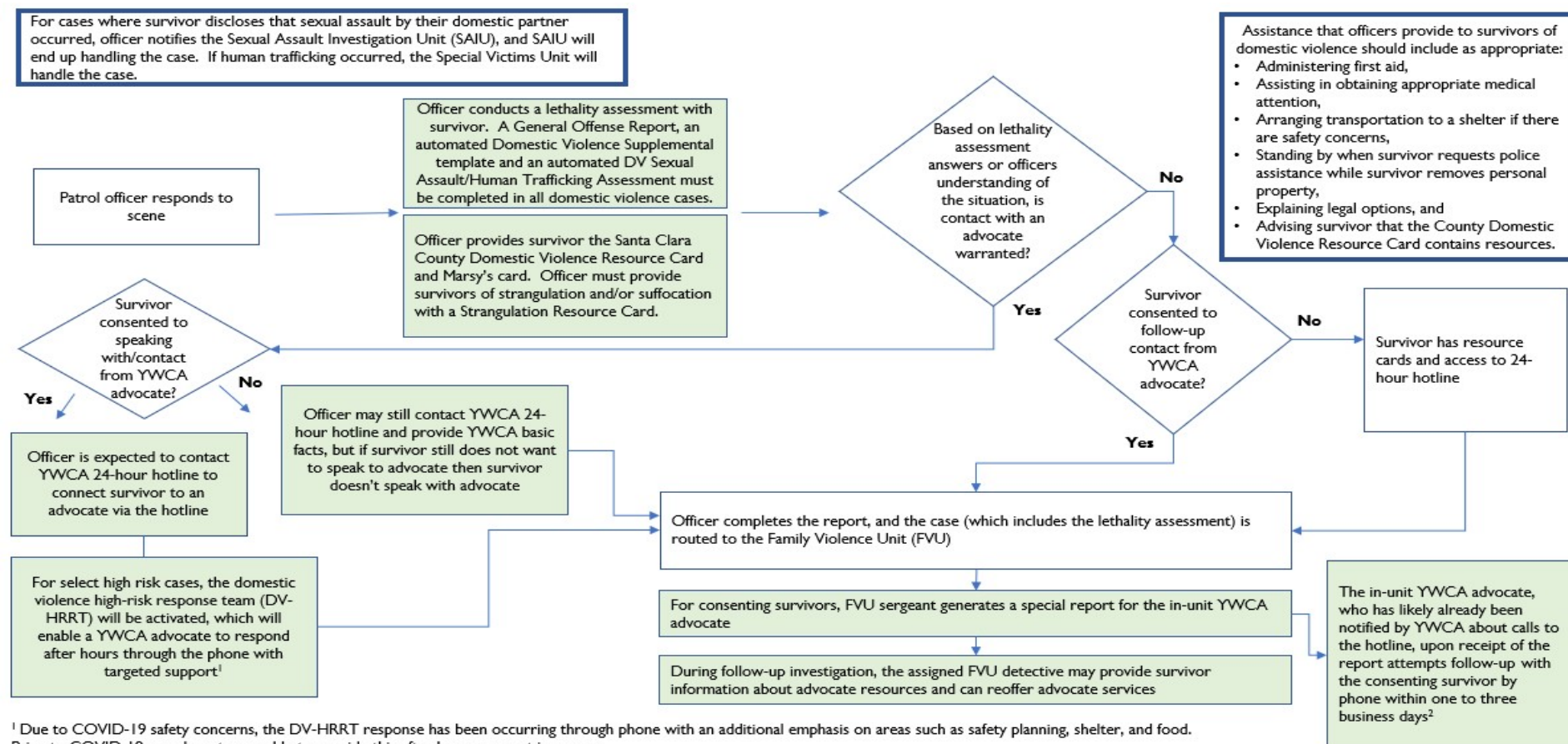
<sup>14</sup> If the survivor chooses to undergo a medical forensic exam without reporting the incident to law enforcement (a right under the federal Violence Against Women Act), SJPD would not be involved. In Santa Clara County, these are called non-investigative reports.

- A social worker from another agency, like the Santa Clara County Department of Family and Children's Services, provides information about advocate resources.
- A survivor seeks nonprofit advocacy services before making a police report.

Exhibit 2 and Exhibit 3 below capture the general process for how domestic violence and sexual assault survivors get connected to an advocate respectively. The process for the other types of crimes can be found in flowcharts in Appendix C. These flowcharts provide an overview of the general advocate referrals process. They do not encompass every scenario in which SJPD would be engaged in nor all of SJPD's duties.

In addition, there are certain materials all survivors receive regardless of the type of crime, such as an incident card. The general rule is that patrol officers should make sure that they provide the survivor resources before the call for service is completed, so the placement of this step may vary depending on the situation.

## Exhibit 2: Domestic Violence Advocate Referrals (Family Violence Unit)



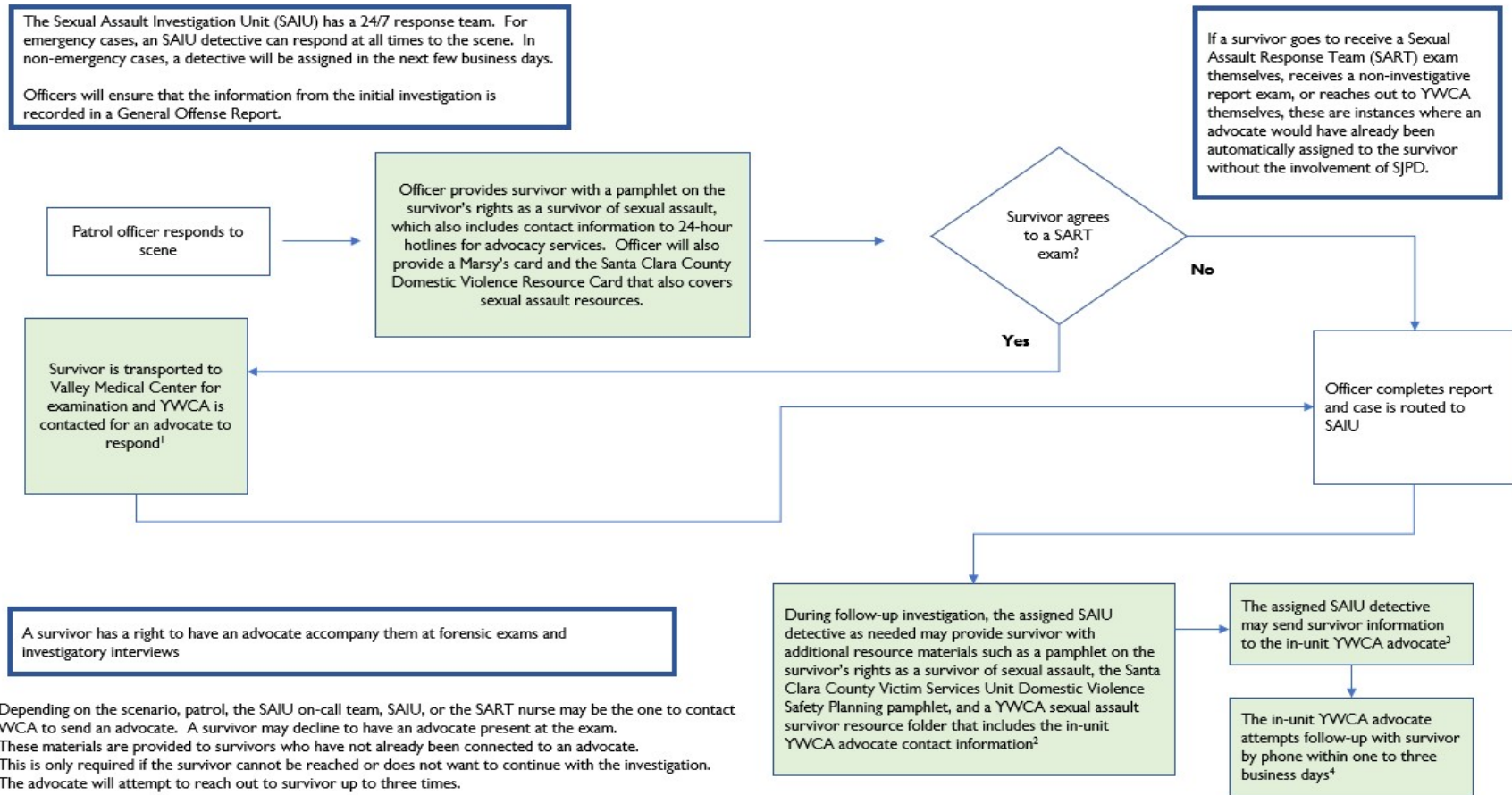
<sup>1</sup> Due to COVID-19 safety concerns, the DV-HRRT response has been occurring through phone with an additional emphasis on areas such as safety planning, shelter, and food. Prior to COVID-19, an advocate was able to provide this after hours support in-person.

<sup>2</sup> The advocate will attempt to reach out to survivor up to three times. For high risk cases, the advocate will reach out three times and potentially more to make contact.

Sources: Auditor summary from SJP Duty Manual, program materials, Council meetings and memos, and interviews with staff and YWCA

Note: The green boxes indicate steps in the process where some form of an advocate referral or connection to services is occurring, including when a survivor is given information about advocates. "DV" stands for domestic violence.

### Exhibit 3: Sexual Assault Advocate Referrals (Sexual Assault Investigation Unit)



Sources: Auditor summary from SJPd Duty Manual, Sexual Assault Investigation Unit Standard Operating Procedure, County's Sexual Assault Protocol, program materials, and interviews with staff and YWCA

Note: This scenario addresses if patrol contacts a survivor. There are other scenarios that this process flow doesn't fully encompass, such as if a survivor reaches out to YWCA first, when a survivor chooses to have a non-investigative report exam, and when the Sexual Assault Investigation Unit on-call team responds after hours. The green boxes indicate steps in the process where some form of an advocate referral or connection to services is occurring, including when a survivor is given information about advocates.

When working with survivors of sexual assault and domestic violence who are minors, SJPd still offers advocate services. For minors who survived a sexual assault, SJPd will also contact the Santa Clara County Department of Family and Children's Services (DFCS). Flowcharts showing the difference in process when a survivor is a minor are shown in Appendix C. DFCS social workers are primarily involved in working with the survivor in cases of child abuse.

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### **Updating SJPd Protocols Can Further Support Officers in Connecting Survivors to Advocate Resources**

As depicted in the preceding flow charts, SJPd's referral process includes redundancy to help ensure that survivors are offered advocacy services over the course of an investigation. This includes first providing resource cards that advise survivors of their right to an advocate and available resources, in accordance with the Duty Manual and state law, and subsequently offering services while performing lethality assessments or follow-up interviews. This redundancy is important because data indicates that survivors continue to be receptive to agreeing to an advocate referral after some time has passed from an incident. If a domestic violence is reported to the police the same day it occurred, 72 percent of survivors agreed to an advocate referral. If a domestic violence is reported to the police a week or more after the incident occurred, 83 percent of survivors agreed to a referral.<sup>15</sup>

However, there are additional steps the Department can take to reemphasize the importance of offering advocacy services as officers and detectives interact with survivors.

### **Updating Procedures Will Further Help Connect Survivors to Advocate Services**

Although SJPd procedures provide multiple opportunities for advocate referrals, currently the SJPd Duty Manual does not include the advocate referral communication language recommended by Santa Clara County's Sexual Assault Protocol and Domestic Violence Protocol for Law Enforcement. The protocols, which were adopted in 2019, include language such as:

- advising survivors of their right to an advocate,
- reminding survivors of their right to an advocate or support person during follow-up interviews, and
- explaining the benefits of having an advocate present during the initial interview and offering to have an advocate present during the interview.

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<sup>15</sup> Data date range is 3/30/17 – 11/19/20.

As an example of why having this language explicitly detailed in the Duty Manual is important is that although a survivor should be notified at the scene of their right to have an advocate present during interviews, it does not appear to be a standard practice to remind survivors of this right prior to the start of a follow-up interview. This is according to Department staff as well as the YWCA.

The duty manuals or internal procedures in other jurisdictions, including the Sacramento, Los Angeles, and San Diego police departments, include similar language to that recommended by the County protocols.

### **Resource Cards Can Better Reflect the CA Penal Code and Be More Inclusive to Non-English Speaking Survivors**

The resource cards and Duty Manual should also be updated to better reflect the language used in the CA penal code. Currently, the domestic violence resource card states that a survivor has a right to an “advocate or support person” whereas the penal code states that this right includes being able to have both persons being present during interviews. The card is also not clear in informing survivors that their right to an advocate extends to interviews performed by defense attorneys, if the survivor consents to an interview.<sup>16</sup> The Duty Manual should also reference the applicable penal codes.

The domestic violence resource card **has partial Spanish and Vietnamese translation**, and the **Vietnamese** sexual assault resource card **omits certain information**

Updates to the resource cards would make them more inclusive to non-English speaking and immigrant residents. The cards should also note that the advocacy services are offered free of charge to survivors. The full domestic violence resource card is only available in English, including the part of the card that notes a survivor’s right to an advocate. Although there is a section in the card that provides information in Vietnamese and

Spanish, this information is limited to how a survivor can check the status of an arrest if one has been made.

The sexual assault resource card is translated into Spanish and Vietnamese; however, the Vietnamese card omits website information related to seeking financial assistance or receiving information on the jail status of offenders. Additionally, improvements to the Vietnamese translation may better communicate information to San José residents.

Both the domestic violence and sexual assault resource cards should be updated to clarify that a survivor’s immigration status does not affect their right to advocacy services and to note that these services are offered at no cost to the survivor.<sup>17</sup>

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<sup>16</sup> Under California’s Marsy’s Law, a survivor has a right to refuse an interview with a defense attorney or any other person acting on behalf of a defense attorney.

<sup>17</sup> It should be noted, that according to SJPd, officers do not ask about immigration status during the investigation.

The cards only mention that the Department is not U.S. Immigration and Customs Enforcement (ICE), and does not communicate that advocacy services are offered free of charge. The Sexual Assault and Domestic Violence Resource Cards can be found in Appendix B.

By updating the Duty Manual and resource cards, the Department can support officers to successfully connect more survivors to advocacy services.

**Recommendation #1: To improve how the City connects survivors to advocacy services, the Police Department should update:**

- a) The Duty Manual to include the advocate referral communication language recommended by Santa Clara County's Sexual Assault and Domestic Violence protocols, and to reference the applicable California penal codes,
- b) The domestic violence resource card to clearly state that the survivor has the right to an advocate and a support person in any interview during the investigation,
- c) The domestic violence and sexual assault resource cards to include language that a survivor's immigration status does not affect their right to advocacy services and that these services are offered at no cost to the survivor.

**Both the domestic violence and sexual assault resource cards should also be fully translated into Spanish and Vietnamese.**

**A Standardized Referral Process for the Sexual Assault Investigation Unit May Connect More Survivors with Services**

SJPD officers may connect a survivor of sexual assault with a YWCA advocate in several ways:

- A patrol officer provides them with a resource card that includes the YWCA phone number;
- SJPD or medical staff, through the SART exam process, contact a YWCA advocate for the survivor to have with them during the exam; and
- A detective in the Sexual Assault Investigation Unit provides information and/or a referral to the YWCA.



### *Sexual Assault Investigation Unit Standard Operating Procedures Guide Detectives on YWCA Relationship*

The Sexual Assault Investigative Unit has standard operating procedures for their relationship with the YWCA advocate, created in conjunction with the YWCA.<sup>18</sup> Per the procedures, if a survivor does not already have an advocate assigned when a detective receives their case, the detective should provide the survivor with certain resources. These include a pamphlet on the survivor's rights as a victim of sexual assault, a domestic violence safety planning card, and a YWCA sexual assault resource folder along with the name and contact information of the in-house YWCA advocate.

If the survivor cannot be reached or does not want to cooperate with the investigation, the procedures require the detectives to provide the YWCA with the survivor's contact information. This is to ensure that the survivor gets connected with resources regardless of whether they are working with the police on the investigation.

However, if the survivor *does* cooperate with the investigation, the procedures do not require that detectives ask the survivor if they can provide the survivor's contact information to the YWCA advocate. This means that, under the procedures, it would be the responsibility of the survivor to reach out to the YWCA, rather than having YWCA reach out to them.

Sexual Assault detectives may still provide a survivor's contact information to the YWCA, even though the procedures do not require it. This does not happen in all cases, though, and it may occur at different stages of the investigation. Additionally, the referral may not include all the information that the YWCA may need. For example, if the referral does not include a teenager's contact information, the YWCA must contact the parent or guardian first which is contrary to their normal process.

Although SJPd and YWCA report that many survivors are already connected to a YWCA advocate through the Sexual Assault Response Team (SART) exam process, updating the Sexual Assault Investigation Unit procedures to standardize their processes will ensure that every survivor has the chance to get a phone call from a YWCA advocate offering services. It would also align with how referrals are made for domestic violence incidents, where SJPd will provide the YWCA with the survivor's contact information upon their consent.

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<sup>18</sup> In addition, the procedures require detectives to update the YWCA advocate when the suspect in a case is apprehended and include in their reports that the survivor was provided resource pamphlets and the YWCA's contact information. Additionally, the procedures contain helpful information about the purpose of advocacy services and the difference between types of advocates that are available to survivors.

**Recommendation #2:** To standardize how referrals are provided to the YWCA for cases of sexual assault, the Police Department should update the Sexual Assault Investigation Unit's standard operating procedures to clarify that detectives should offer to forward a survivor's contact information to the YWCA during all investigations immediately upon receipt of the case.

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## **Finding 2      SJPD Provides Additional Resources for Survivors of High-Risk Domestic Violence Cases**

### **Summary**

To identify and respond to high-risk domestic violence cases, SJPD uses a lethality assessment and a high-risk response team. Between September 2019 and November 2020, officers identified roughly 1,700 domestic violence incidents as high risk. For these cases, officers call the advocate hotline and offer to connect the survivor to the advocate. For select high-risk cases as determined by the community advocate and subject to available resources, a high-risk response team will be activated. This response would mean an advocate would respond in-person, though due to COVID-19 the response has been virtual. The high-risk response team has been operating as a pilot program since June 2019 and is expected to run through June 30, 2021. Between September 2019 and mid-November 2020, the team had served 45 individuals. Upon completion of the pilot, the YWCA is expected to conduct an evaluation to determine program effectiveness. We recommend that SJPD work with YWCA on the evaluation, including (1) determining whether the criteria for referring survivors to the high-risk response team are clear and appropriate, and (2) reviewing the level of service provided to survivors, and whether additional coordination with Santa Clara County agencies or other organizations would be beneficial.

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### **SJPD's Domestic Violence Response Incorporates Tools to Identify Survivors at Risk of Lethal Violence and Connect Them to Resources**

SJPD uses a lethality assessment for its response to domestic violence incidents.<sup>19</sup> SJPD first implemented the lethality assessment as part of its response in 2015 and has continued to make updates to the assessment. The assessment has a set of questions that law enforcement asks survivors in order to assess whether a survivor is in danger of being a homicide victim or of a near lethal event. An answer of “yes” to certain questions would immediately indicate a high level of danger, such as the answer of “yes” to “*Do you think they might try and kill you.*” Another way of identifying an incident as being high risk is if a survivor’s answers of “yes” reach a certain threshold on the assessment.

For incidents identified as high risk, officers are expected to immediately connect a survivor to an advocate through the YWCA hotline at the scene (if the survivor

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<sup>19</sup> The lethality assessment is a shorter version of the Danger Assessment instrument. Dr. Jacquelyn Campbell, a researcher in the field of intimate partner violence, developed the Danger Assessment in 1986 to identify individuals at risk of intimate partner violence. The County’s domestic violence protocol has also identified the lethality assessment as a useful tool and instructs law enforcement to use it in its response to domestic violence.

consents). Even if the survivor's responses did not identify the situation as high risk, officers can still choose to connect a survivor with an advocate through the hotline based on their assessment of the situation.

In addition to a lethality assessment, officers ask survivors questions to determine whether they were sexually assaulted or are being trafficked.

If the survivor states that they were strangled, suffocated, or otherwise had their airways blocked, officers further fill out a strangulation/suffocation assessment. This is to evaluate the severity of the injuries and get a survivor medical help if necessary. Appendix D has the reporting guide that officers use when responding to domestic violence and also the lethality assessment that SJPD uses. This includes the accompanying strangulation/suffocation questions. Officers have been asking domestic violence survivors questions on strangulation since 2005. In 2018, SJPD modified the assessment to include questions on suffocation to ensure the severity of the suspect's actions are fully encompassed and the most appropriate services can be offered to the survivor.

Once an officer has responded to an incident, the case is routed to the Family Violence Unit. A sergeant in the unit then sends the lethality assessment to the in-unit YWCA advocate for follow-up with the survivor.

### **The Lethality Assessment Identifies a Large Number of Cases as Dangerous**

Based on SJPD's records management system, there were roughly 1,700 domestic violence incidents identified as high risk between September 2019 and November 2020. This is based on answering "yes" to certain questions in the assessment (or meeting the threshold number of "yes" answers in the assessment). The data indicates that survivors of high-risk incidents are more likely to agree to be contacted by the YWCA and more likely to speak to an advocate at the scene than survivors of incidents that are not assessed as high risk.

Overall, there were about 2,270 incidents in which the survivor reported that this was not the first domestic violence incident they had experienced, and 730 incidents where the survivor was strangled, suffocated, or had their airways otherwise blocked. Some survivors also reported that this was not the first time they had been strangled/suffocated, that they had difficulty breathing, or had lost consciousness during the incident. Twenty-eight survivors experienced all of these during an incident that was assessed to be high risk.

## SJPD Uses a High-Risk Response Team for the Most Dangerous Incidents

SJPD also has a domestic violence high-risk response team that is operating as a pilot program.<sup>20</sup> Under the program, a YWCA advocate responds in person to select high-risk cases while a patrol officer is on the scene,<sup>21</sup> with the purpose of reaching survivors of such incidents and offering services as soon as possible. The current contract funds 2.4 FTE, or 96 hours per week. The goal is to have one advocate available to respond at any given time after business hours.

Whether to use the high-risk response team is based on factors beyond just the results of the lethality assessment. Some factors used in the determination are if strangulation, suffocation, or a weapon is involved. Another factor is the availability of an advocate. Upon assessing the situation and the available advocate resources, SJPD reports that the YWCA is the one that ultimately determines whether this response will be activated. The goal is to respond to the most high-risk cases based on the available advocate resources.

The high-risk response team responded to **45** incidents between **September 2019** and **mid-November 2020**.

As a result, only a small portion of cases receive a high-risk team response. Between September 2019 and March 2020, the high-risk response team responded in-person to seven incidents that were deemed at high risk of lethality. From the time in-person responses were halted in March to mid-November 2020, the high-risk response team responded virtually to 38 incidents, making a total of 45 responses between September 2019 and mid-November 2020.

## Other Jurisdictions Have Various Approaches for Advocate Referrals for High-Risk Incidents

Police departments across California use a range of approaches for advocate referrals for domestic violence. Some, such as San Diego, use a danger assessment tool like SJPD's lethality assessment to guide their response;<sup>22</sup> others do not. Some jurisdictions also have on-scene responses to domestic violence cases by advocates, such as Los Angeles' Domestic Abuse Response Team (DART) program. DART team members are mobile and work across all of Los Angeles' police divisions on

<sup>20</sup> The contract with YWCA for this pilot was slated to end in January 2021. The Department reports that the program has been extended to end in June 2021, and that they submitted a budget proposal to continue the program for the next fiscal year.

<sup>21</sup> Due to COVID-19 safety concerns, the advocate response for this program has been occurring virtually through phone with an additional emphasis on areas such as safety planning, shelter, and food. SJPD and YWCA expect for an in-person advocate response to resume when conditions improve.

<sup>22</sup> San Diego's officers are not the ones directly administering the danger assessment. Personnel from San Diego's Family Justice Center conduct the assessment. This center is part of San Diego's City Attorney's Office and is a center for survivors to receive a range of resources, including advocate services.

a Thursday-Sunday shift, shadowing patrol cars and offering survivors assistance on-scene or at a safe location.<sup>23</sup>

In some instances, jurisdictions also have a special team that responds to high-risk cases like San José's high-risk response team. San Diego and Chula Vista take a multi-disciplinary approach, bringing together advocates, officers, and other parties such as representatives from the District Attorney's Office, Probation Department, child welfare agencies, or others as part of their high-risk response. These groups meet regularly to discuss and monitor high-risk cases on an ongoing basis and seek to provide a greater level of assistance to those in the greatest danger.

In San Diego, the high-risk team selects cases based on high scores from the Danger Assessment or referrals from team representatives (such as the San Diego Police Department). Chula Vista's team has several ways they take on cases, such as if it is a case recommended by the advocates or from the District Attorney's Office. Tulare County also has a high-risk team that considers factors such as if strangulation is involved, the suspect has prior history of domestic violence, it is a repeat case, or it is a repeat case with rising severity.<sup>24</sup>

### **San José Should Evaluate the High-Risk Response Team Pilot Program to Determine Program Effectiveness**

Based on the agreement with YWCA, the YWCA is required to conduct an evaluation of the pilot program and complete a final report at the conclusion of the pilot. This evaluation will allow SJPd to assess the pilot's performance and effectiveness. We recommend that the evaluation review the level of reach to survivors, such as through looking at which survivors were reached and how many survivors met the criteria for the high-risk response team's activation but did not receive the response. The evaluation should also consider whether the criteria used to activate the high-risk response team are clear and appropriate such that the most dangerous situations are appropriately served.

Furthermore, the evaluation should consider the level of service provided to survivors, including whether additional coordination with Santa Clara County agencies or other organizations could augment services provided to survivors. In a memo to the Public Safety, Finance and Strategic Support Committee in March 2019 regarding the high-risk response team pilot, SJPd described that the "ongoing monitoring and containment of offenders, is primarily accomplished by the Parole, Probation and the Corrections Departments but SJPd may assist if appropriate." It is not clear how regularly this assistance occurs, or how often or whether those agencies, the SJPd, and victim advocates all meet to monitor the highest risk cases.

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<sup>23</sup> DART teams consist of advocates and dedicated DART officers. DART officers receive additional domestic violence training.

<sup>24</sup> During year one of the team's implementation (October 2017 to September 2018), the team monitored 45 cases; on average 4 cases were accepted a month. There were zero domestic violence homicides during this time period; for the prior year, there had been 11 deaths related to domestic violence.

SJPD staff shared that including the District Attorney's Office earlier in the process may be helpful. The initial pilot of the high-risk response team targeted SJPD and YWCA involvement. Determining if other agencies (such as the District Attorney's Office) would be useful to have on the team, and at what point in the process, was meant to occur later.

**Recommendation #3: To support the Police Department's response to domestic violence survivors at high risk of lethal events, the Department should work with the YWCA in its evaluation of the domestic violence high-risk response team pilot program to determine program effectiveness and future resource needs, including:**

- a) Reviewing the level of reach to survivors and assessing whether the criteria for referring survivors to the domestic violence high-risk response team are clear and appropriate, and**
- b) Reviewing the level of service provided to survivors, including whether additional coordination with Santa Clara County agencies or other organizations would be beneficial.**



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## **Finding 3      Better Data Sharing Will Allow SJPD to Assess Referral Timeliness and Other Areas of Performance**

### **Summary**

Both SJPD and its advocate partners collect data that can be useful for assessing the timeliness and utilization of services. However, the sharing of data can be improved on both sides to allow for a better understanding of how well the current system performs. For example, YWCA's database shows that it took SJPD on average three days to provide YWCA with an incident's lethality assessment in June 2020. Upon receipt, YWCA took two days from that point to follow up with the survivor. Unfortunately, this timeliness information is not included in the data that is currently shared with SJPD. In addition, SJPD can provide a summary report of domestic violence and sexual assault survivors who had consented to a referral that YWCA could use to cross-reference against their database.

SJPD's Crime Prevention Unit, as well as other SJPD units, perform outreach to residents about crime prevention. SJPD should expand its work with community partners on outreach about advocacy services for communities disproportionately affected by domestic violence, sexual assault, child/sexual abuse, and human trafficking, or that have lower utilization of advocate services.

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### **Expanded Information Sharing Would Enhance SJPD's Ability to Assess Performance**

Researchers have indicated that there are benefits from strong partnerships between law enforcement and advocate partners in responding to domestic violence, sexual assault and other crimes, such as more positive outcomes for survivors, more connection to services, and greater survivor satisfaction.

SJPD has expressed the importance and value of its partnerships with YWCA and Community Solutions, as have YWCA and Community Solutions about their partnership with SJPD. Each party understands that the other has a role to play in responding to survivors. Each party also collects an assortment of data and other information around advocate referrals and services. However, some of this data is not shared, or not shared in a usable manner such that timeliness of referrals or other program goals can be assessed.<sup>25</sup>

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<sup>25</sup> YWCA aims to follow-up with survivors within three business days of receiving the survivor's information. Prior to the high-risk response team program's in-person response being halted due to COVID-19, advocates were expected to respond in-person as soon as possible, with 30 minutes as the baseline expectation. Community Solutions also has internal expectations for advocate response times.

In other jurisdictions, tracking advocate referral data is largely the responsibility of advocate agencies. Fremont, Long Beach, Los Angeles, Sacramento, and San Diego staff shared that they were unaware of this data being tracked by their police departments, but it was possible that management or other agencies may be tracking the data at some level.<sup>26</sup> However, there were instances of data sharing between cities and the advocate agencies either to meet grant requirements or to report on program performance.

### **SJPD Maintains Various Crime Data**

SJPD tracks a variety of information about crimes that have occurred, and has additional information pertaining to domestic violence incidents. This includes:

- Police narrative reports detailing the incident (which may include information about resources provided to a survivor and whether a hotline was called);
- Standard SJPD case data on the crime (such as date, location) in its records management system (RMS);
- Required supplemental forms for domestic violence cases, such as injuries sustained by the survivor, whether there were prior domestic violence incidents, and whether there are/were any relevant restraining orders;
- Lethality assessments for domestic violence cases;
- Suffocation/strangulation assessments for domestic violence cases when applicable; and
- Sexual assault/human trafficking assessments for domestic violence cases.

Because of the required supplemental reports that are entered into the RMS, information about the severity of domestic violence cases can be extracted and analyzed. For this reason, data presented in this report generally pertains only to cases of domestic violence.

### **Advocate Partners Maintain Client Data That Could Help SJPD Assess Program Performance**

The current agreements with the YWCA have reporting requirements for its advocacy work for domestic violence and sexual assault survivors, as well as the high-risk response team.<sup>27</sup> Under these agreements, SJPD receives different types of data from its advocate partners based on the type of incident.

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<sup>26</sup> For many of the jurisdictions we interviewed, officers generally are expected to capture in the police report whether they provided an advocate referral.

<sup>27</sup> The agreement on the advocate for sexual assault survivors includes reporting on the results of a client satisfaction survey. The Santa Clara County Sexual Assault Response Team (SART) Committee, which SJPD is a part of, and the County's Office of Gender-Based Violence Prevention are also collecting information on the experiences of sexual assault

- *Domestic Violence*

The YWCA submits a monthly advocate referral report to SJPD's Family Violence Unit that includes a program narrative and various data related to services for domestic violence survivors. The data include:

- Number of walk-ins and lethality assessment follow-ups;
- Types of referrals made for survivors (e.g., legal, therapy services), services provided by the advocate (e.g., housing assistance, safety planning), and number of survivors receiving these referrals or services;
- Factors impacting survivors (e.g., safety, employment, health, childcare);
- Results of contact attempts (e.g., spoke to survivor about resources, made an appointment for service, declination of services, voicemail left, invalid phone number);
- Number of survivors that expressed interest in learning updates about their case;
- Nature of the interaction with survivor (e.g., returning survivor);
- Time spent on a call;
- Response date;
- Additional notes from the advocate; and
- Issues encountered.

However, the data provided does not distinguish the number of unique clients or include other information such as the timeliness of services and the lethality assessment score. This makes it difficult for SJPD to assess the utilization and timeliness of advocacy services, as well to determine whether these efforts are reaching higher risk populations or whether additional approaches should be considered.

- *Sexual Assault*

The YWCA provides the Sexual Assault Investigation Unit quarterly and semi-annual data, per grant requirements from the Department of Justice's Office on Violence Against Women. However, like the data provided to the Family Violence Unit for domestic violence, this data is also limited, making it difficult to assess the use of advocacy services for sexual assault survivors.

According to Sexual Assault Investigation Unit staff, they are currently working with the YWCA on getting data on advocate referrals for sexual

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survivors through a survey. The County's SART Committee is a multidisciplinary team that coordinates the County's response to sexual assault and provides recommendations for improvement.

assault crimes, such as a monthly report that includes the type of data that is being provided to the Family Violence Unit. Staff is also interested in receiving utilization data that answers:

- Are survivors accepting services when services are made available or are they are refusing them;
- When YWCA makes contact with a survivor that detectives were unable to contact, did the survivor accept or refuse services; and
- What is the percentage of survivors who continue utilizing services compared to survivors who may not use the services anymore after initial contact.

For child sexual abuse cases, staff report that they are working with the County's Department of Family and Children's Services (DFCS) to more consistently receive information about whether a survivor accepted or denied services (e.g., family services). This would be for cases where there may be no criminal charges filed. In such circumstances, although SJPD would no longer be involved with the investigation, DFCS would still be working with the family.

- *Human Trafficking*

The Special Victims Unit does not regularly receive data from Community Solutions related to advocacy services for human trafficking referrals.<sup>28</sup> Currently, SJPD does not have an MOU with Community Solutions for advocacy services. Community Solutions acts as the point agency for human trafficking advocate referrals in Santa Clara County. Within the County, law enforcement, government agencies, and community-based organizations contact Community Solutions for any human trafficking advocacy needs. Community Solutions will then coordinate with other victim service providers to ensure an advocate can respond that meets the survivors linguistic, cultural, and geographic needs. Community Solutions staff shared that being the point agency is not something Community Solutions receives funding for, and that this system was established through an internal agreement with other victim service providers in the area.

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<sup>28</sup> The South Bay Coalition to End Human Trafficking (SBCEHT) publishes an annual report that includes information provided by member agencies regarding advocacy services provided to human trafficking survivors. Community Solutions is a member of SBCEHT.

### Additional Data Coordination Will Help Both SJPD and Community Advocates Assess Program Effectiveness

Although confidentiality laws restrict<sup>29</sup> the survivor information YWCA can share with SJPD, the YWCA currently has the capability to provide additional data for domestic violence cases.

In June 2020, SJPD took on average **three days** to provide YWCA the report with the lethality assessment. Upon receipt, YWCA took **two days** on average to follow up with the survivor.

For example, YWCA does compile some timeliness data for domestic violence. For lethality assessments provided to the YWCA in June 2020, SJPD took on average three days from the date the survivor reported the incident to provide YWCA the report that includes the lethality assessment. Upon receipt of the report, YWCA took two days on average to reach out to the survivor, which falls within YWCA's timeliness standard of three business days.<sup>30</sup>

The following are the types of data that is available in YWCA's database that could be shared that would help SJPD better assess program effectiveness.

- **Unique identifiers:** Can help the Family Violence Unit assess the number of unique survivors that are being contacted and offered advocacy services. This information is not currently being provided to the Unit, making it difficult to determine how many unique survivors in a given month have been contacted or attempted to have been contacted by the YWCA.
- **The dates SJPD received and provided case information:** This information can help assess the timeliness of advocacy referrals by the Family Violence Unit,<sup>31</sup> as well as the follow-up provided by the YWCA.
- **Lethality assessment scores and demographic information:** Lethality assessment scores can help the Family Violence Unit evaluate whether higher risk survivors are being reached. Demographic information,

Not having **data that includes a unique identifier and response dates** makes it impossible to calculate advocate referral and follow-up timeliness data.

<sup>29</sup> For confidentiality reasons, the YWCA does not include the SJPD case number associated with their clients, so any information collected by SJPD for a case cannot be linked to YWCA's data.

<sup>30</sup> YWCA revised how it tracked data starting in June 2020 to better capture survivor information. Under the former methodology, between 9/29/2019 to 6/23/2020, we estimate that SJPD took four days on average to provide YWCA the report, which includes the lethality assessment. Upon receipt, we estimate that YWCA took on average 12 days to initiate work with a survivor.

<sup>31</sup> SJPD does not track when its staff provided the advocate with the case information, which includes the lethality assessment.

such as primary language and home zip code, can help determine whether certain residents are more likely than others to use these services. This information could in turn be used to help inform outreach efforts.

In addition, the Family Violence Unit does not receive a report on the activity of its high-risk response team. This information will help SJPd evaluate the effectiveness of the program (see Finding 2).

Similar reporting for sexual assault and human trafficking cases would likewise enable SJPd to better assess program effectiveness for timeliness of referrals and utilization of services.

### **Additional Data Sharing From SJPd Can Ensure Survivors Have Been Properly Referred**

Chula Vista and their advocate partner have a reconciliation process to ensure that domestic violence survivors were properly referred. The Chula Vista Police Department provides their domestic violence advocate partner with information of all domestic violence calls, and the advocate partner reviews to ensure all the survivors were connected to an advocate. For SJPd, data is available through the records management system on domestic violence survivors who consented to a referral to the YWCA. According to SJPd, it could be possible to create a summary report of this information. In addition, SJPd shared that providing a similar summary report for sexual assault survivors who consented to a referral would also be possible, though the format may be different. Providing the YWCA with a summary report to reconcile against their database would ensure that all survivors who consented to the referral are accounted for by the advocate partner and SJPd.

**Recommendation #4: To better understand the timeliness of referrals and utilization of advocacy services, as well as to further ensure survivors who received a referral are accounted for, the Police Department should:**

- a) Work with the YWCA to determine what data should be regularly provided to the Department for domestic violence and sexual assault survivors, as well as data on the high-risk response team. This could include data on timeliness, utilization, demographics, lethality assessment score, and services provided, and**
- b) Ensure the YWCA is provided a report of all domestic violence and sexual assault survivors who consented to a referral on a monthly or other regular basis.**

**Recommendation #5: The Police Department should work with Community Solutions to establish a process for regularly sharing data about the timeliness and utilization of advocacy services for human trafficking survivors.**

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### **SJPD Performs Outreach and Education About Crime Prevention**

To educate residents, SJPD performs outreach about crime prevention. This work is done in part by civilian staff in the Crime Prevention Unit, together with units responsible for investigating or responding to certain crimes. Additionally, SJPD works with nonprofit partners to reach out to the community. Community organizations or schools may also work directly with nonprofit partners to provide educational training.

The Crime Prevention Unit holds educational trainings proactively and upon request. These trainings may focus on specific crimes that are prevalent in the community. In other cases, a community organization or school may request training on a particular subject.

In recent years, the Crime Prevention Unit has provided trainings on healthy relationships and sexual assault/consent. These trainings often target high school students, but also have been offered to the community at large. As part of the trainings, Crime Prevention Unit staff discuss resources available to survivors of these crimes.

SJPD also has a contract with the YWCA to perform sexual assault education training to middle and high school students. This contract runs through June 2021.

#### *Citywide and Targeted Outreach*

The Crime Prevention Unit uses crime trends to inform their outreach approach. The Unit has organized community presentations on different areas of prevention,<sup>32</sup> based on trends in crimes. In 2019, the Unit held trainings across the City about domestic violence, though attendance was relatively low. The Unit has also coordinated presentations with the Mayor's Gang Prevention Task Force.

When planning where to target their resources, the Crime Prevention Unit reports that staff also takes into consideration areas of the city that may be disproportionately affected by these crimes. The Crime Prevention Unit has bilingual staff and provide presentations in Spanish and Vietnamese.

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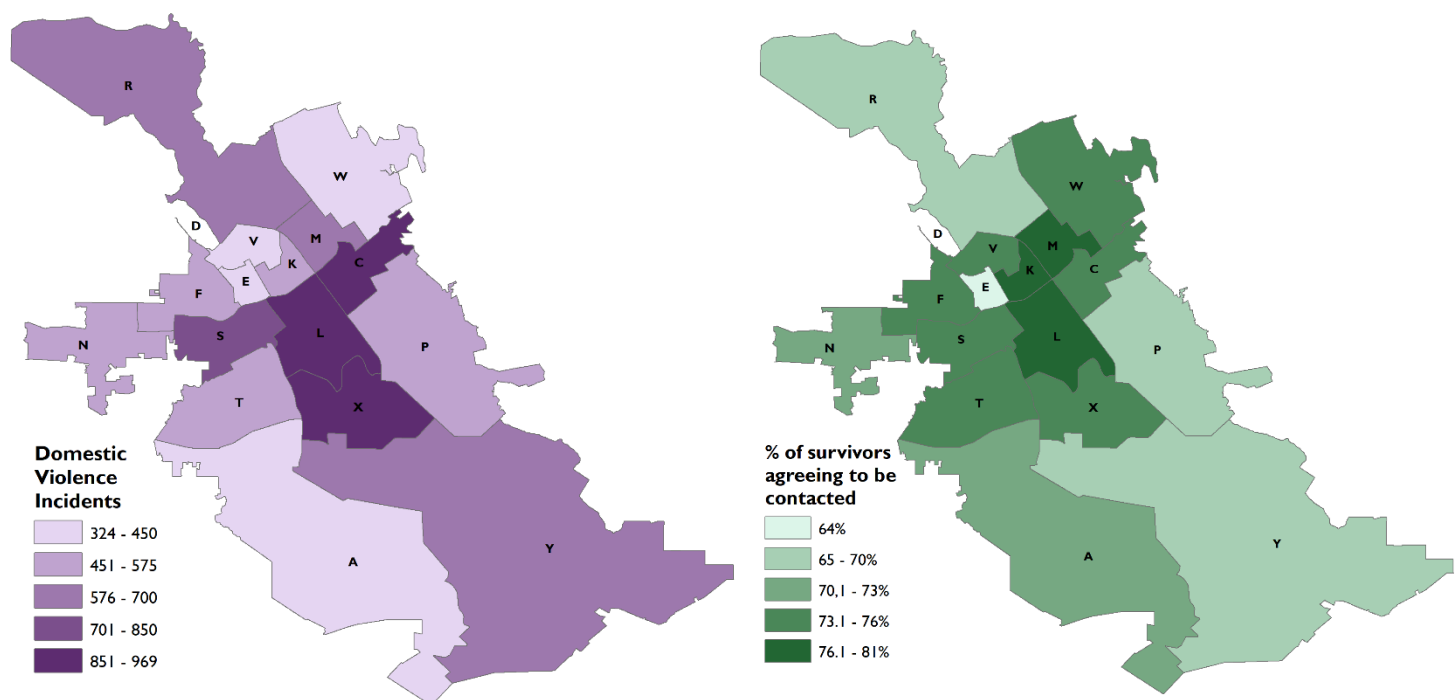
<sup>32</sup> For example, other trainings have been about burglary and robbery.



Though domestic violence incidents are reported throughout the city, there are some areas of San José that have more reported cases than others. The percent of domestic violence survivors that agree to be contacted by the YWCA also varies across the city, from a low of only 64 percent of survivors in Police District E, to a high of over 80 percent of survivors in Police District M.

Using this information could help SJPd further focus their outreach efforts to ensure the most at-risk residents are being reached. Data from the YWCA about their clients and what services are being used in different areas could also be helpful to inform the SJPd education strategy.

### Exhibit 4: The Number of Reported Cases of Domestic Violence and Rates of Survivors Agreeing to an Advocate Referral Vary (3/30/2017 – 11/19/2020)



Source: San José Police Department records management system data. Includes all incidents for which a supplemental domestic violence report was filed with an accompanying lethality assessment. The map on the right shows the percent of domestic violence survivors that, when asked by a police officer, agreed to have their case information provided to the YWCA for later follow-up.

Outreach about crime prevention, including advocacy services, helps educate the community about available resources before a person is the victim of a crime. This way, the burden of educating a survivor about what their options are does not solely fall on sworn Police personnel. This is especially helpful since some survivors, despite a police officer's best efforts, may be more receptive when hearing information from a community partner. Going forward, data about utilization of advocates and where survivors are located (as recommended earlier in this Finding) can help SJPd further target education resources.

**Recommendation #6: The Police Department should expand work with community partners for outreach about advocacy services and crime prevention, targeting communities disproportionately affected by domestic violence, sexual assault, child/sexual abuse, and human trafficking, or that have lower utilization of advocacy services.**

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# Conclusion

SJPD plays a key role in notifying survivors about their rights and referring them to advocate services. Patrol officers provide resource cards to survivors and may connect a survivor with crisis hotlines or ask if the survivor wants to be contacted by an advocate. Later, detectives may also provide information about advocates to a survivor. SJPD provides information about advocacy services throughout an investigation. This allows for multiple opportunities for officers or detectives to connect survivors to advocates. Additionally, the Department is using lethality assessments and piloting a domestic violence high-risk response team to help ensure that survivors of high-risk domestic violence cases are offered and connected to advocacy services. In our review, we identified additional steps the Department can take to help connect more survivors to advocacy services and evaluate the advocacy referral program. This includes updating the Duty Manual to remind detectives to offer an advocate before follow-up interviews, assessing the activation criteria and effectiveness of the high-risk response team, and sharing data to assess the timeliness of referrals and utilization of services, as well as to focus outreach efforts.

## RECOMMENDATIONS

### **Finding 1: Updates to Internal Processes Would Help Connect Survivors to Advocates**

Recommendation #1: To improve how the City connects survivors to advocacy services, the Police Department should update:

- a) The Duty Manual to include the advocate referral communication language recommended by Santa Clara County's Sexual Assault and Domestic Violence protocols, and to reference the applicable California penal codes,
- b) The domestic violence resource card to clearly state that the survivor has the right to an advocate and a support person in any interview during the investigation,
- c) The domestic violence and sexual assault resource cards to include language that a survivor's immigration status does not affect their right to advocacy services and that these services are offered at no cost to the survivor.

Both the domestic violence and sexual assault resource cards should also be fully translated into Spanish and Vietnamese.

Recommendation #2: To standardize how referrals are provided to the YWCA for cases of sexual assault, the Police Department should update the Sexual Assault Investigation Unit's standard operating procedures to clarify that detectives should offer to forward a survivor's contact information to the YWCA during all investigations immediately upon receipt of the case.

**Finding 2: SJPD Provides Additional Resources for Survivors of High-Risk Domestic Violence Cases**

Recommendation #3: To support the Police Department's response to domestic violence survivors at high risk of lethal events, the Department should work with the YWCA in its evaluation of the domestic violence high-risk response team pilot program to determine program effectiveness and future resource needs, including:

- a) Reviewing the level of reach to survivors and assessing whether the criteria for referring survivors to the domestic violence high-risk response team are clear and appropriate, and
- b) Reviewing the level of service provided to survivors, including whether additional coordination with Santa Clara County agencies or other organizations would be beneficial.

**Finding 3: Better Data Sharing Will Allow SJPD to Assess Referral Timeliness and Other Areas of Performance**

Recommendation #4: To better understand the timeliness of referrals and utilization of advocacy services, as well as to further ensure survivors who received a referral are accounted for, the Police Department should:

- a) Work with the YWCA to determine what data should be regularly provided to the Department for domestic violence and sexual assault survivors, as well as data on the high-risk response team. This could include data on timeliness, utilization, demographics, lethality assessment score, and services provided, and
- b) Ensure the YWCA is provided a report of all domestic violence and sexual assault survivors who consented to a referral on a monthly or other regular basis.

Recommendation #5: The Police Department should work with Community Solutions to establish a process for regularly sharing data about the timeliness and utilization of advocacy services for human trafficking survivors.

Recommendation #6: The Police Department should expand work with community partners for outreach about advocacy services and crime prevention, targeting communities disproportionately affected by domestic violence, sexual assault, child/sexual abuse, and human trafficking, or that have lower utilization of advocacy services.

# **APPENDIX A**

## **Audit Objective, Scope, and Methodology**

The mission of the City Auditor's Office is to independently assess and report on City operations and services. The audit function is an essential element of San José's public accountability, and our audits provide the City Council, City management, and the general public with independent and objective information regarding the economy, efficiency, and effectiveness of City operations and services.

In accordance with the City Auditor's Fiscal Year (FY) 2020-21 Audit Work Plan, we have completed an audit of the San José Police Department (SJPd) protocols around community advocate referrals. The audit was conducted in response to a Councilmember's request.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The objective of this audit was to assess protocols for and timeliness of community advocate referrals for victims of sexual assault, domestic violence, child/sexual abuse, and human trafficking. To meet our audit objectives, we did the following:

- To gain background information on SJPd and advocate referral processes, we:
  - Reviewed budget and organizational information for SJPd
  - Reviewed information provided to the City Council regarding crime rates and advocate referrals
  - Reviewed resource materials provided to survivors
  - Reviewed past and current contracts with advocate partners
  - Interviewed staff from the Family Violence Unit, Sexual Assault Investigation Unit, Special Victims Unit, and Crime Prevention Unit
  - Interviewed City staff from the City Manager's Office of Racial Equity and the Independent Police Auditor
  - Interviewed staff from YWCA Silicon Valley and Community Solutions for Children, Families and Individuals
- To assess SJPd's internal controls regarding advocate referrals, we:
  - Reviewed the Duty Manual and relevant training bulletins, guidelines, and operating procedures
  - Reviewed the Domestic Violence Field Reporting Guide, Lethality Assessment, Suffocation/Strangulation Assessment, and Sexual Assault/Human Trafficking Assessment
  - Reviewed training provided to SJPd officers
  - Interviewed SJPd supervisory staff

- Reviewed state laws, including relevant sections of the California Penal Code, the Evidence Code, and the state Constitution
- To gather data relating to advocate referrals, we:
  - Analyzed SJPD records management system data for domestic violence cases between 2017-2021 to understand severity of cases, utilization of advocate services, and consent to be contacted by advocates
  - Analyzed YWCA's domestic violence database data between 9/2019-6/2020 to measure advocate referral timeliness, and reviewed monthly reports provided to SJPD
  - Reviewed sample SJPD police reports for domestic violence, sexual assault, child abuse and human trafficking
  - Used mapping software to understand the geographic distribution of cases
- To assess the validity of this data, we:
  - Reviewed data for unusual entries
  - Compared sample cases to records management system data to ensure accuracy
  - Interviewed staff about the collection and recording of data
- To compare SJPD processes against other practices, we:
  - Reviewed County protocols for domestic violence, sexual assault, human trafficking, child abuse, and the joint response between Department of Family and Children's Services and law enforcement
  - Reviewed South Bay Coalition to End Human Trafficking protocols
  - Researched other jurisdictions' practices, including policies and procedures, duty manuals, and available reports
  - Interviewed police department or advocate partner staff from Chula Vista, Fremont, Fresno, Long Beach, Los Angeles, Sacramento, San Diego, Tulare County, and the Jeanne Geiger Crisis Center
  - Researched national, state, and local public reports, including from the Department of Justice, Centers for Disease Control and Prevention, Commission on Peace Officer Standards and Training (POST), and the Santa Clara County's Office of Women's Policy
  - Reviewed past audits from the Independent Police Auditor and Santa Clara County

We would like to thank the Police Department; YWCA Silicon Valley; Community Solutions for Children, Families and Individuals; the City Manager's Office of Racial Equity; and Santa Clara County's Department of Family and Children's Services for their time and insight during the audit process.

# APPENDIX B

## Domestic Violence and Sexual Assault Resource Cards

The full (front and back) Domestic Violence Resource card.

### IF THERE HAS BEEN AN ARREST

Even if the person who committed domestic violence against you is arrested, he or she might be released at any time. For information about an inmate's custody status, or to receive notification of an inmate's release from jail, call the Santa Clara County Victim Notification System (VINE) at 1-800-464-3568.

Aún cuando se arreste a la persona que cometió la violencia doméstica contra usted, él o ella puede ser puesta en libertad en cualquier momento. Para obtener información sobre el estado de custodia de un(a) recluso(a), o para recibir notificación de cuando él o ella saldrá libre, favor de llamar al Sistema de Notificación a las Víctimas del Condado de Santa Clara (VINE por sus siglas en inglés) al 1-800-464-3568.

Ngày cả khi người bị cáo đã phạm tội bạo hành trong gia đình đã bị bắt giữ, đương sự vẫn có thể được thả ra bất cứ lúc nào. Để có tin tức về tình trạng giam giữ của một tù nhân hay để nhận được thông báo về việc trả tự do cho một tù nhân, xin gọi hệ thống cung cấp thông tin cho nạn nhân thuộc Quận Hạt Santa Clara (VINE) 1-800-464-3568.



Rev. 0419

1644 REV 5/18

### VICTIM RIGHTS

Victims of domestic violence have several rights, including the right to ask a judge of the Superior Court to make the following orders:

- An Emergency Protective Order issued at the scene which requires the abuser to leave the residence immediately.
- An order prohibiting the abuser from contacting the victim or other family members or going to the victim's residence.
- An order giving the victim custody of minor children or household animals.
- An order directing the restrained party to pay support for minor children, if that party has a legal obligation to do so.
- An order directing the restrained party to make payments (rent, mortgage, etc.) which come due while the order is in effect.
- An order directing either or both parties to participate in counseling.

Victims also have a right to have:

- A copy of the police report.
- An advocate or support person present for interviews.
- An interpreter.

**The Family Justice Center Courthouse**  
201 N. First St., San Jose, CA 95113

The Family Justice Center Courthouse can provide information and assistance with obtaining a restraining order.

**Restraining Order Help Center**  
(408) 534-5709

### IMPORTANT INFORMATION

DATE: \_\_\_\_\_  
POLICE DEPT: \_\_\_\_\_  
REPORT #: \_\_\_\_\_  
OFFICER: \_\_\_\_\_  
BADGE #: \_\_\_\_\_

### LAW ENFORCEMENT AGENCIES NON-EMERGENCY NUMBERS

California Highway Patrol	(408) 467-5400
Campbell Police	(408) 866-2101
Foothill/De Anza College	(650) 949-7313
Gilroy Police	(408) 846-0350
Los Altos Police	(650) 947-2770
Los Gatos Police	(408) 354-8600
Milpitas Police	(408) 586-2400
Morgan Hill Police	(408) 779-2101
Mountain View Police	(650) 903-6395
Palo Alto Police	(650) 329-2413
San Jose Police	(408) 277-8900
San Jose/Evergreen College	(408) 270-6468
San Jose State University Police	(408) 924-2222
Santa Clara Police	(408) 615-5580
Sheriff's Office	(408) 299-2311
Stanford Police	(650) 723-9633
Sunnyvale Public Safety	(408) 730-7100
West Valley/Mission College	(408) 299-2311

IN AN EMERGENCY CALL 911

### VICTIM SAFETY

Victims of domestic violence and/or sexual assault should report abuse to local police departments. **Local police departments are not ICE.** Local police departments work with the District Attorney's Office to help victims.

For further information, please call Bay Area Legal Aid at 1-800-551-5554.

### DV AND SEXUAL ASSAULT

Domestic violence, sexual assault, and other types of assaults, even when committed by a spouse or person who is known to the victim, are crimes. If you have been a victim of domestic violence or sexual assault, support is available. Call a domestic violence or sexual assault agency for assistance.

### COMPENSATION TO VICTIMS

Victims of domestic violence may qualify for payments from the State of California to cover medical expenses, lost wages, mental health treatment, funeral/burial expenses and rehabilitation costs. Children who see or hear domestic violence incidents may independently qualify for mental health counseling. Victims and their children may also qualify to receive relocation expenses. Victims may request financial assistance to improve home security. Claims should be filed within three years of the date of the crime.

For further information, please call the Victim Services Unit at (408) 295-2656, or the California Victim Compensation Board at 1-800-777-9229.

SANTA CLARA COUNTY

## DOMESTIC VIOLENCE RESOURCE CARD

Information for Victims  
of Domestic Violence

CONDADO DE SANTA CLARA

## GUIA DE RECURSOS PARA VICTIMAS DE VIOLENCIA DOMESTICA

Información para víctimas  
de violencia doméstica

QUẬN HẠT SANTA CLARA

## HỒ SƠ DANH BẰN VỀ BẠO HÀNH TRONG GIA ĐÌNH

Cung Cấp thông tin cho các nạn nhân của  
bạo hành trong gia đình

### SUPPORT AGENCIES 24-HOUR HOTLINE

- AACI (Asian Americans for Community Involvement) (408) 975-2739
- Community Solutions (877) 363-7238
- Maitri (888) 862-4874
- Next Door Solutions to Domestic Violence (408) 279-2962
- YWCA DV / Rape Crisis Support Network Program (800) 572-2782

### FAMILY JUSTICE CENTERS

**SAN JOSE:** (408) 975-2739  
AACI  
749 Story Road, Suite 50, San Jose  
OPEN THURSDAYS  
9:00 a.m. - 12:00 p.m. and 1:00 p.m. - 5:00 p.m.

**NORTH COUNTY:** (408) 749-0793  
YWCA Silicon Valley  
298 S. Sunnyvale Ave., Suite 105, Sunnyvale  
OPEN FRIDAYS 9:00 a.m. - 5:00 p.m.

**SOUTH COUNTY:** (408) 779-2113  
Community Solutions  
16264 Church St., #103, Morgan Hill  
OPEN WEDNESDAYS 9:00 a.m. - 5:00 p.m.

### VICTIM / WITNESS ASSISTANCE

Victim Services Unit: (408) 295-2656  
70 West Hedding Street, Suite 116, San Jose  
Email: victimservices@dao.sccgov.org  
OPEN MONDAY - FRIDAY 8:00 a.m. - 5:00 p.m.

**Santa Clara County District Attorney's Office:**  
Main Office (San Jose) (408) 299-7400  
North County (Palo Alto) (408) 324-6400  
South County (Morgan Hill) (408) 201-0530

Source: Santa Clara County, provided by the San José Police Department



The full Sexual Assault Resource card.

**Sexual assault medical forensic exams  
are available through  
Santa Clara Valley Medical Center  
(408) 885-5000  
Exam Locations:  
Gilroy • San Jose**

**Survivor Resources in Santa Clara County**  
Adult/Adolescent SA Program 408-885-6466  
Center for Child Protection 408-885-6460  
District Attorney's Office 408-299-7400  
Child Protective Services 833-722-5437  
Victim Services Unit 408-295-2656

**Call or look up offender information here:**  
Santa Clara County Jail Booking 408-299-2306  
VINELink.com

Victims of sexual assault and/or domestic violence should report abuse to local police departments.

**Local police departments are not ICE.**  
Local police departments work with the District Attorney's Office to help victims.

Date: \_\_\_\_\_ Incident Date: \_\_\_\_\_  
Type of Incident: \_\_\_\_\_  
Agency: \_\_\_\_\_  
Police Report No.: \_\_\_\_\_  
Officer & Badge: \_\_\_\_\_  
Officer Phone Number: \_\_\_\_\_  
Notes: \_\_\_\_\_

SCCSART Ver. 0818

## **YOUR RIGHTS** as a Survivor of Sexual Assault Santa Clara County

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.

### You Have the Right To:

- **Seek an Emergency Protection Order** to help keep you safe. Ask a law enforcement officer if you would like one.
- **Seek a Civil Protection Order** with the support of a sexual assault counselor **OR** at the Restraining Order Help Center at: [408-534-5709](tel:408-534-5709) or [www.sccscourt.org](http://www.sccscourt.org)
- **Request sex offender registry information** from the prosecutor, if your assailant is convicted and required to register as a sex offender.
- **Seek Financial Assistance** from the California Victim Compensation Board (CalVCB) to cover the costs arising from your assault and the process for applying. Contact Victim Services Unit at: [\(408\) 295-2656](tel:408-295-2656) or [victims.ca.gov](http://victims.ca.gov)  
**NOTE: You may have to take part in the criminal case to qualify for CalVCB.**

### You Have the Right To:

- **Have a Confidential Sexual Assault Counselor** (Victim Advocate) **AND** a person of your choice present during any exam or investigative interview.

You can reach a **Sexual Assault Advocate** 24 hours a day by calling:  
**YWCA Silicon Valley 1-800-572-2782**  
(Serving North County and Central County)  
[www.ywca-sv.org](http://www.ywca-sv.org)  
**Community Solutions 1-877-363-7238**  
(Serving South County and San Benito County)  
[www.communitysolutions.org](http://www.communitysolutions.org)

- **Request a person of the same or opposite gender** as you to be present in the room during any interview with law enforcement or the District Attorney.

### You Have the Right To:

- **Request in writing and receive** a free copy of the initial crime report.
- **Ask the status and results** of the testing of all evidence related to your assault. For results contact the law enforcement agency.
- **Know that DNA evidence** on the body, clothing, and other items may last from 12 hours to 7 days. DNA and other evidence can breakdown over time due to exposure to heat, water, and other materials.
- **Know the evidence related to your assault will be tested.** By law, evidence should be taken to the Crime Lab within 20 days by Law Enforcement and tested within 120 days.
- **Know that evidence related to your assault must be kept** for 20 years, or until age 40 for victims under age 18. In Santa Clara County, the evidence will be kept indefinitely.

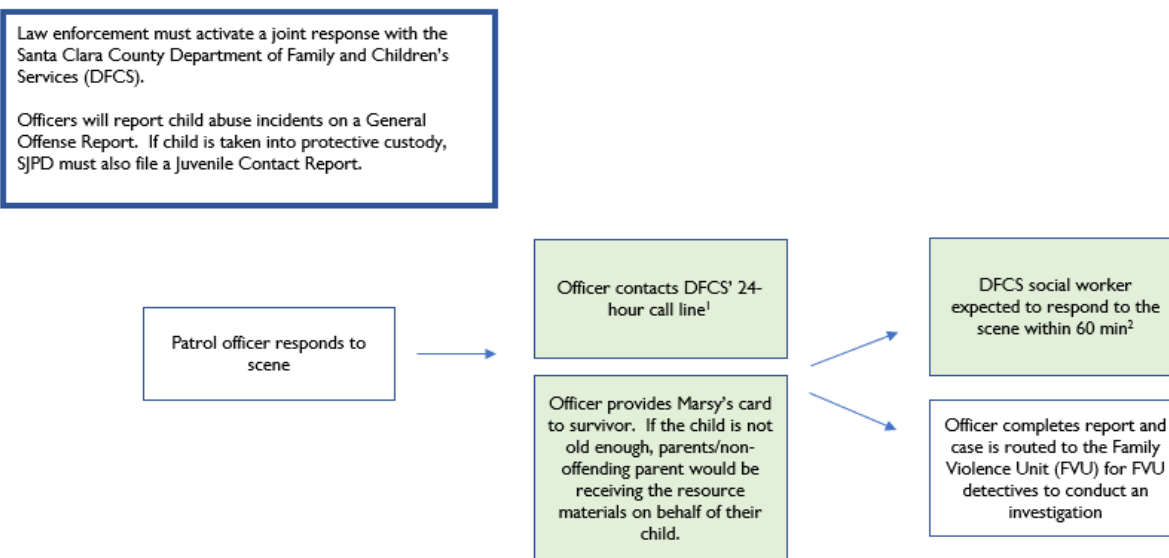
Source: Santa Clara County, provided by the San José Police Department

## **APPENDIX C**

### **Process Flows of SJPD Advocate Referrals for Child Abuse, Child Sexual Abuse, and Human Trafficking**

*These process flows provide an overview of the general advocate referrals process by crime area. They do not encompass every scenario in which SJPD would be engaged. In addition, there are general duties that all patrol officers may perform when responding to a scene, and there are also certain materials all survivors receive regardless of crime area, such as an incident card. The general rule is that patrol officers should make sure that they provide the survivor resources before the call for service is completed, so the placement of this step may vary depending on the situation. Also, in cases when the patrol officer contacts the Department of Family and Children's Services or the advocate group, it may be the dispatcher making contact on behalf of the officer.*

## I. Child Abuse Advocate Referrals (Family Violence Unit)



FVU has a DFCS liaison who works in the office full-time. Normally, DFCS will handle the case throughout, and there will be cross reporting occurring between SJPD and DFCS. There are child abuse cases where DFCS may not be further involved in the investigation. DFCS also works with the survivor's family.

The DFCS social worker provides expertise in assessment and knowledge of community resources. The goal, where possible, is to avoid placing a child in temporary custody. If the child is to remain at home, the social worker can make referrals to community resources for families.

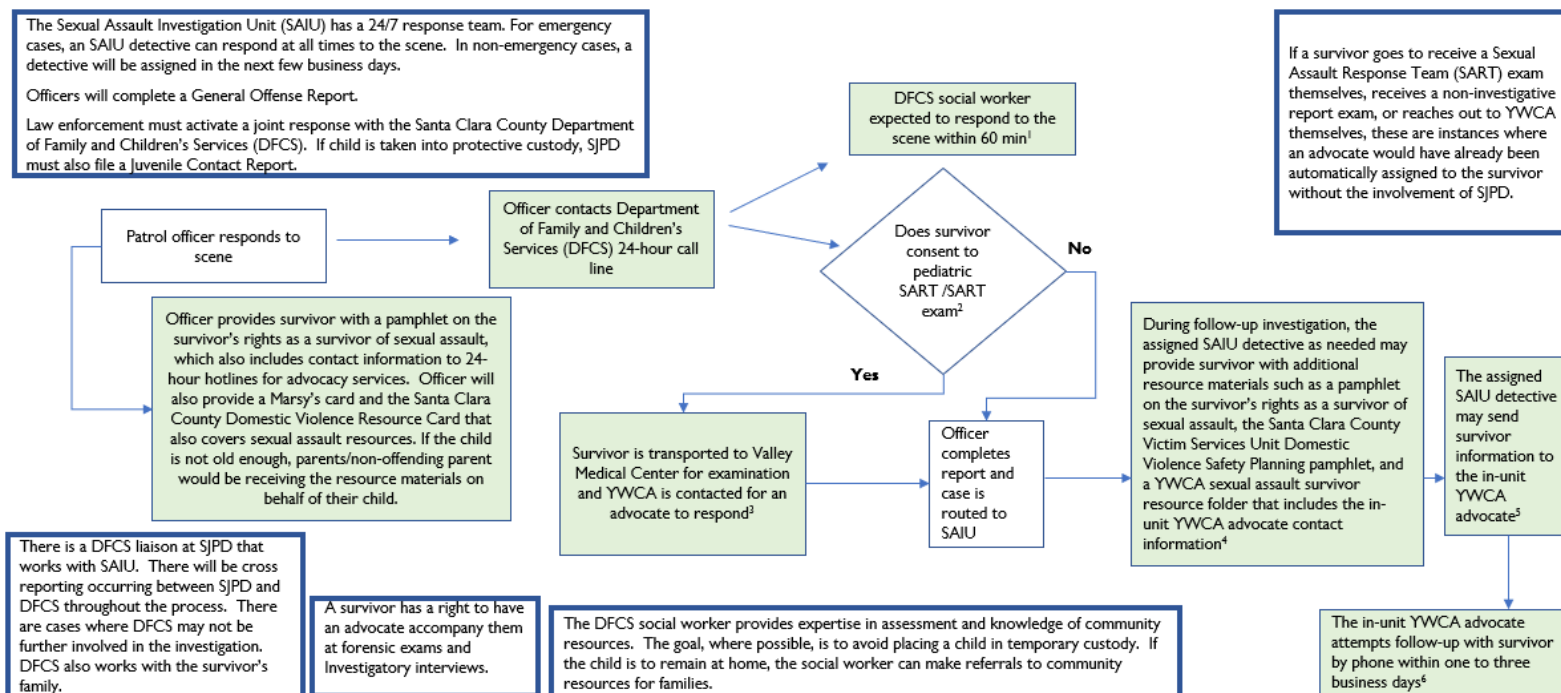
<sup>1</sup> Patrol should be making a notification to DFCS in every child abuse case. If detectives receive a child abuse case where DFCS was not notified, the detective will make the notification to DFCS.

<sup>2</sup> DFCS may choose to respond over the phone or in-person.

Sources: Auditor summary from SJPD Duty Manual, County's Child Abuse and Joint Response Protocols, and interviews with staff and DFCS

Note: The green boxes indicate steps in the process where some form of an advocate referral or connection to services is occurring, including when a survivor is given information about advocates.

## 2. Child Sexual Abuse Advocate Referrals (Sexual Assault Investigation Unit)



<sup>1</sup> DFCS may choose to respond over the phone or in-person.

<sup>2</sup> Non-suspect parental/guardian consent is required for survivors aged 11 years or younger. In acute cases (a case is considered acute based on when the offense occurred and the survivor's age), the SART team will conduct an immediate SART exam after obtaining authorization from SJPD. In non-acute cases, the detective drives the decision-making in consultation with the other multi-disciplinary interview personnel (DFCS and the District Attorney's Office).

<sup>3</sup> Depending on the scenario, patrol, the SAIU on-call team, SAIU, or the SART nurse may be the one to contact YWCA to send an advocate. A survivor may decline to have an advocate present at the exam.

<sup>4</sup> These materials are provided to survivors who have not already been connected to an advocate.

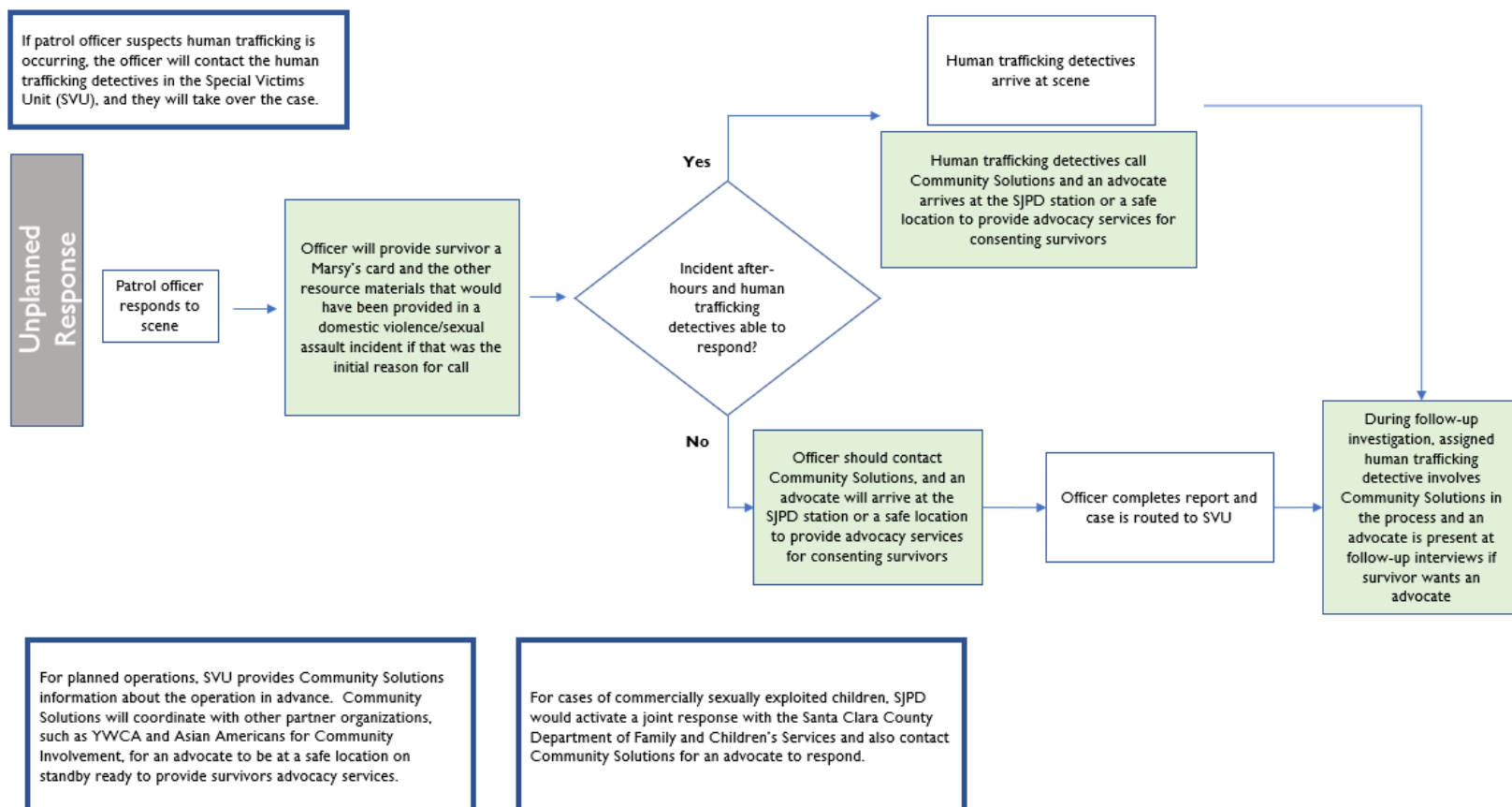
<sup>5</sup> This is only required if the survivor cannot be reached or does not want to continue with the investigation.

<sup>6</sup> The advocate will speak with the survivor's parent/guardian if survivor is under 12 years old or, if over 12 years, the survivor consents for the advocate to speak with their parent/guardian. The advocate will attempt to reach out to survivor up to three times.

Sources: Auditor summary from SJPD Duty Manual, Sexual Assault Investigation Unit Standard Operating Procedure, County's Child Abuse, Joint Response, and Sexual Assault Protocols, program materials, and interviews with staff, DFCS, and YWCA

Note: This scenario addresses if patrol contacts a survivor. There are other scenarios that this process flow doesn't fully encompass, such as if a survivor reaches out to YWCA first, when a survivor chooses to have a non-investigative report exam, and when the Sexual Assault Investigation Unit on-call team responds after hours. The green boxes indicate steps in the process where some form of an advocate referral or connection to services is occurring, including when a survivor is given information about advocates.

### 3. Human Trafficking Advocate Referrals (Special Victims Unit)



Sources: Auditor summary from SJPd Duty Manual, County's Commercially Sexually Exploited Children Protocol, Council meetings and memos, and interviews with staff, Community Solutions, and DFCS

Note: The Vice Unit handles planned operations at illicit massage parlors that involve human trafficking. Like the Special Victims Unit's process for planned operations, the Vice Unit also contacts Community Solutions in advance for such operations. The green boxes indicate steps in the process where some form of an advocate referral or connection to services is occurring, including when a survivor is given information about advocates.

## APPENDIX D

### SJPD Domestic Violence Field Reporting Guide and Lethality Assessment

#### I. SJPD Domestic Violence Field Reporting Guide

##### Domestic Violence (DV) Field Reporting Guide for GO

Read the following to the victim: "Can we forward this police report to our Victims"

Advocate and have them contact you to explain the resources and services available to you? ☐ YES ☐ NO

DOES VICTIM CONSENT TO PHONE BLOCK FROM COUNTY JAIL? ☐ YES ☐ NO

VICTIM GIVEN: ☐ Domestic Violence Card ☐ SJPD Case Number ☐ Strangulation Card ☐ SJPD FVU #408-277-3700

RELATIONSHIP BETWEEN VICTIM (V) AND SUSPECT (S) (check all that apply)					
<input type="checkbox"/> Dating	<input type="checkbox"/> Cohabitants	<input type="checkbox"/> Engaged	<input type="checkbox"/> Spouse	<input type="checkbox"/> Child in common	
<input type="checkbox"/> Formerly dating	<input type="checkbox"/> Former cohabitants	<input type="checkbox"/> Formerly engaged	<input type="checkbox"/> Former Spouse	<input type="checkbox"/> Same sex	
Length of relationship: Years _____ Days/Weeks/Months _____			Prior history of violence documented? <input type="checkbox"/> YES <input type="checkbox"/> NO		
Prior history of DV or DV incidents? <input type="checkbox"/> YES <input type="checkbox"/> NO			Investigating Agency: _____		
Number of prior incidents: _____			Case Number(s): _____		
VICTIM (check all that apply)			SUSPECT (check all that apply)		
<input type="checkbox"/> Afraid	<input type="checkbox"/> Abrasion	<b>Under the Influence:</b> <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Both <input type="checkbox"/> Unknown  <b>Language:</b> <input type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Vietnamese <input type="checkbox"/> Other: _____	<input type="checkbox"/> Afraid	<input type="checkbox"/> Abrasion	<b>Under the Influence:</b> <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Both <input type="checkbox"/> Unknown  <b>Language:</b> <input type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Vietnamese <input type="checkbox"/> Other: _____
<input type="checkbox"/> Angry	<input type="checkbox"/> Bruise(s)		<input type="checkbox"/> Angry	<input type="checkbox"/> Bruise(s)	
<input type="checkbox"/> Apologetic	<input type="checkbox"/> Complaint of Pain		<input type="checkbox"/> Apologetic	<input type="checkbox"/> Complaint of Pain	
<input type="checkbox"/> Calm	<input type="checkbox"/> Concussion		<input type="checkbox"/> Calm	<input type="checkbox"/> Concussion	
<input type="checkbox"/> Crying	<input type="checkbox"/> Fracture		<input type="checkbox"/> Crying	<input type="checkbox"/> Fracture	
<input type="checkbox"/> Fearful	<input type="checkbox"/> Gunshot wound		<input type="checkbox"/> Fearful	<input type="checkbox"/> Gunshot wound	
<input type="checkbox"/> Hysterical	<input type="checkbox"/> Internal injury		<input type="checkbox"/> Hysterical	<input type="checkbox"/> Internal injury	
<input type="checkbox"/> Irrational	<input type="checkbox"/> Laceration		<input type="checkbox"/> Irrational	<input type="checkbox"/> Laceration	
<input type="checkbox"/> Nervous	<input type="checkbox"/> Ligature mark		<input type="checkbox"/> Nervous	<input type="checkbox"/> Ligature mark	
<input type="checkbox"/> Not cooperative	<input type="checkbox"/> Petechiae		<input type="checkbox"/> Not cooperative	<input type="checkbox"/> Petechiae	
<input type="checkbox"/> Threatening	<input type="checkbox"/> Puncture wound	<input type="checkbox"/> Threatening	<input type="checkbox"/> Puncture wound		
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Redness	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Redness		
<input type="checkbox"/> Pregnant	<input type="checkbox"/> Scratch/minor cut		<input type="checkbox"/> Scratch/minor cut		
	<input type="checkbox"/> Swelling		<input type="checkbox"/> Swelling		
	<input type="checkbox"/> None		<input type="checkbox"/> Unknown		
	<input type="checkbox"/> Other: _____		<input type="checkbox"/> None		
			<input type="checkbox"/> Other: _____		
Personal (hands/feet/body) weapons used? <input type="checkbox"/> YES <input type="checkbox"/> NO Other weapons used? <input type="checkbox"/> YES <input type="checkbox"/> NO Describe: _____					
MEDICAL TREATMENT for VICTIM					
<input type="checkbox"/> None <input type="checkbox"/> Refused <input type="checkbox"/> Will Seek Own Doctor <input type="checkbox"/> First Aid <input type="checkbox"/> Fire/Paramedic/EMS Response					
<input type="checkbox"/> Transported to Hospital <input type="checkbox"/> Admitted to Hospital -List name: _____					
RESTRAINING ORDERS (check all that apply)					
<b>Status:</b> <input type="checkbox"/> Current <input type="checkbox"/> Expired <input type="checkbox"/> Denied by Judge			<b>Type:</b> <input type="checkbox"/> EPRO <input type="checkbox"/> DVRO <input type="checkbox"/> Criminal Protective Order <input type="checkbox"/> None		
<input type="checkbox"/> Granted <input type="checkbox"/> Served <input type="checkbox"/> Not Served <input type="checkbox"/> (V) Declined			<input type="checkbox"/> Civil Harassment Order <b>Terms:</b> <input type="checkbox"/> Peaceful <input type="checkbox"/> No Contact		
Issuing Court: _____		City: _____	Order or Docket No: _____		
WITNESSES			CHILDREN		
Witnesses present during domestic violence? <input type="checkbox"/> YES <input type="checkbox"/> NO			Children at scene? <input type="checkbox"/> YES <input type="checkbox"/> NO How many? _____		
Name: _____			List name(s)/DOB(s) of ALL children on GO and DV supp. _____		
Relationship to (V)(S): _____					
Contact info: _____					
FOLLOW UP INFORMATION					
(V) will be at temporary address: <input type="checkbox"/> YES <input type="checkbox"/> NO Temp Address Type: <input type="checkbox"/> Family <input type="checkbox"/> Friend <input type="checkbox"/> Hotel/Motel <input type="checkbox"/> Shelter <input type="checkbox"/> Other					
If YES: Address _____ City _____					
List two (2) people who are SAFE to contact if the victim cannot be reached. This is <b>very helpful</b> for PD or DA investigators.					
1. Name: _____		Number: _____		Relationship: _____	
2. Name: _____		Number: _____		Relationship: _____	

This is **NOT** an official police report. This side is for note taking purposes only  
Do NOT submit this form to OSSD

SJPD Form 204-24C (7/20)

Source: SJPD

Note: Officers use the Domestic Violence Field Reporting Guide for note taking purposes. These questions help them fill out the Domestic Violence Supplemental Template, which is a mandatory form in domestic violence cases. The lethality assessment questions (see Appendix D-2) are on the back of the reporting guide.

## 2. SJPD Lethality Assessment

LETHALITY ASSESSMENT (MANDATORY SECTION)	
Date:	Case:
Officer:	Agency:
Victim Name:	Offender Name:
Victim's Preferred Language:	
Victim's Safe Numbers to Call:	
(Cell):	(Home/Work):
Ask the victim ALL these questions verbatim Legend: NA= No Answer, UNK=Unknown	
<i>If victim answers YES to ANY of questions 1-3, call the YWCA 24-hour DV Crisis HOTLINE (1-800-572-2782) and have a counselor speak with victim.</i>	
1. Have they (your current or previous partner) ever used a weapon against you or threatened you with a weapon? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
2. Have they threatened to kill you or someone else? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
3. Do you think they might try to kill you? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
<i>If victim answers YES to 4 or more of questions 4-14, call the YWCA 24-hour DV Crisis HOTLINE (1-800-572-2782)</i>	
4. Do they have a gun or can they easily get one? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> MAYBE <input type="checkbox"/> NA	
5. Have they ever tried to "choke" or strangle you? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
(Note: If this happened recently, complete the strangulation portion below).	
6. Are they violently or constantly jealous or try to control most of your daily activities? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
7. Have you left your partner or moved out? If YES, when? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA <input type="checkbox"/> UNDECIDED	
8. Are they unemployed? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA <input type="checkbox"/> UNK	
9. Have they tried to commit suicide? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA <input type="checkbox"/> UNK	
10. Do you have a child/children from other/prior relationships? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
11. Do they know the child/children is/are not theirs? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA <input type="checkbox"/> UNK	
12. Do they follow or spy on you? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA <input type="checkbox"/> UNK	
13. Do they leave you threatening messages? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
14. Is there anything else that worries you about your safety <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA	
If so, what?	
15. If we call a DV Advocate for you now, would you talk to them? <input type="checkbox"/> YES <input type="checkbox"/> NO	
16. Did victim speak with a hotline counselor at the scene? <input type="checkbox"/> YES <input type="checkbox"/> NO	
<b>Officers are ENCOURAGED to call the hotline whenever they believe the victim is in a potentially lethal situation regardless of the victim's responses: YWCA 24-hour DV Crisis HOTLINE: 1-800-572-2782</b>	
STRANGULATION – SUFFOCATION INVESTIGATION	
1. Was the victim's airflow/breathing restricted? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA <input type="checkbox"/> UNK <span style="float: right;">*NA= no answer</span>	
If YES, how? <input type="checkbox"/> Strangle (pressure/force applied to neck area) <input type="checkbox"/> Suffocate/smother (person prevented from getting oxygen)	
Manner/method of strangle/suffocate/smother: <input type="checkbox"/> Hand(s) <input type="checkbox"/> Forearm(s) <input type="checkbox"/> Body weight <input type="checkbox"/> Unknown <input type="checkbox"/> Object: _____	
<input type="checkbox"/> Other: DESCRIBE in detail in GO:	
2. Did victim lose consciousness? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK	
3. Did or does victim have difficulty breathing? <input type="checkbox"/> YES <input type="checkbox"/> NO	
4. Did victim defecate or urinate during the incident(s)? <input type="checkbox"/> YES <input type="checkbox"/> NO	
5. Did the suspect say anything during the incident(s)? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, what?	
6. Have there been prior strangulation, suffocation/smothering attempts? <input type="checkbox"/> YES <input type="checkbox"/> NO If YES, when?	
7. Does victim have any of the following? <input type="checkbox"/> Difficulty breathing <input type="checkbox"/> Throat/neck pain <input type="checkbox"/> Vomiting <input type="checkbox"/> Difficulty swallowing	
<input type="checkbox"/> Hoarse/raspy voice <input type="checkbox"/> Broken blood vessels in eyes or face <input type="checkbox"/> None <input type="checkbox"/> Other (describe):	
The above symptoms could indicate the existence of a life-threatening medical condition.	
8. Was emergency medical attention summoned? <input type="checkbox"/> YES <input type="checkbox"/> NO	
REMINDERS:	
1) "Strangle" should be used in all official police reports and courtroom testimony. If (V) said "choked," use quotes.	
2) To ensure legal documents are issued for the correct person, suspect's identity MUST be verified (e.g. photo flash to (V), tattoos, unique descriptors--linked to PFN/DL/other ID).	

**This is NOT an official police report. Do NOT submit this form to OSSD**  
**A copy of this side must accompany the affidavit at booking or Warrants Unit**

SJPD Form 204-24C (7/20)

Source: SJPD

# Memorandum

**TO: JOE ROIS**  
**CITY AUDITOR**

**FROM: David Tindall**

**SUBJECT: SEE BELOW**

**DATE: March 9, 2021**

APPROVED



DATE

3-9-21

**SUBJECT: RESPONSE TO AUDIT REPORT – ADVOCATE REFERRALS: FURTHER IMPROVEMENTS TO PROCESSES AND DATA SHARING CAN HELP CONNECT MORE SURVIVORS TO SERVICES**

## **BACKGROUND**

The City Auditor conducted an audit of the San Jose Police Department's protocols around community advocate referrals. The objective of the audit was to assess protocols for and timeliness of community advocate referrals for survivors of sexual assault, domestic violence, child/sexual abuse, and human trafficking.

The Department reviewed the audit entitled *Advocate Referrals: Further Improvements to Processes and Data Sharing Can Help Connect More Survivors to Services*, which resulted in the six recommendations outlined below. The following are the Department's responses to those recommendations. Consistent with other priority-setting processes, the green, yellow, and red light system is utilized to illustrate the Department's operational readiness to undertake the workload demands for each recommendation. A projected target completion date is also provided for each recommendation.

## **RECOMMENDATIONS AND RESPONSES**

**Recommendation #1: To improve how the City connects survivors to advocacy services, the Police Department should update:**

- a. The Duty Manual to include the advocate referral communication language recommended by Santa Clara County's Sexual Assault and Domestic Violence protocols, and to reference the applicable California penal codes,
- b. The domestic violence resource card to clearly state that the survivor has the right to an advocate and a support person in any interview during the investigation,



- c. **The domestic violence and sexual assault resource cards to include language that a survivor's immigration status does not affect their right to advocacy services and that these services are offered at no cost to the survivor.**

**Both the domestic violence and sexual assault resource cards should also be fully translated into Spanish and Vietnamese.**

**Department Response:** The Department agrees with this recommendation.

**Green:** The Department has updated the Duty Manual to include advocate referral language consistent with County protocols and reference to the applicable Penal Codes. The Department will work with its partners on the County's Domestic Violence Protocol Working Group to update the resource card so that it properly references Penal Code section 679.04. The Department will work with its County partners to ensure the respective resource cards are updated to clearly state that the survivor has the right to an advocate and a support person in any interview during the investigation and include language that a survivor's immigration status does not affect their right to advocacy services and that these services are offered at no cost to the survivor. Finally, the *Sexual Assault Resource Card* is currently translated in English, Spanish and Vietnamese. The *Domestic Violence Resource Card* is currently written in English only. The Department will coordinate with our County partners (who create these resource cards) to include these language improvements.

**Target Date for Completion:** December 2021

**Recommendation #2: To standardize how referrals are provided to the YWCA for cases of sexual assault, the Police Department should update the Sexual Assault Investigation Unit's standard operating procedures to clarify that detectives should offer to forward a survivor's contact information to the YWCA during all investigations immediately upon receipt of the case.**

**Department Response:** The Department agrees with this recommendation.

**Green:** It is the current practice of Sexual Assault Investigations Unit (SAIU) detectives to offer to forward a survivor's contact information to the YWCA upon receipt of a case. As such, the Department has documented this procedure by adding it to the SAIU Standard Operating Procedures.

**Target Date for Completion:** Completed

**Recommendation #3: To support the Police Department's response to domestic violence survivors at high risk of lethal events, the Department should work with the YWCA in its evaluation of the domestic violence high-risk response team pilot program to determine program effectiveness and future resource needs, including:**

- a. **Reviewing the level of reach to survivors and assessing whether the criteria for referring survivors to the domestic violence high-risk response team are clear and appropriate, and**

- b. Reviewing the level of service provided to survivors, including whether additional coordination with Santa Clara County agencies or other organizations would be beneficial.**

**Department Response:** The Department agrees with this recommendation.

**Green:** The High-Risk Response Team (HRRT) has a limited amount of funding through the end of the 2020-2021 fiscal year. Consideration of future funding will be considered as part of the 2021-2022 Budget process, but is a high priority for the Department and Administration. For the remainder of this fiscal year and assuming funding will continue next year, the Department will work with the YWCA to develop a plan to address this recommendation as we look to continue the program, emphasizing the need for in-person response.

**Target Date for Completion:** December 2021

**Recommendation #4:** To better understand the timeliness of referrals and utilization of advocacy services, as well as to further ensure survivors who received a referral are accounted for, the Police Department should:

- a. Work with the YWCA to determine what data should be regularly provided to the Department for domestic violence and sexual assault survivors, as well as data on the high-risk response team. This could include data on timeliness, utilization, demographics, lethality assessment score, and services provided, and**
- b. Ensure the YWCA is provided a report of all domestic violence and sexual assault survivors who consented to a referral on a monthly or other regular basis.**

**Department Response:** The Department agrees with this recommendation.

**Green:** The Department will work with the YWCA to determine what information should be shared between agencies to improve our victim service delivery model. The SAIU and Family Violence Unit (FVU) commanders will consistently review the intersectionality tool to ensure cases involving their respective units are properly referred to the YWCA. The Department will work with the YWCA to provide lists of domestic violence survivors on a regular basis.

**Target Date for Completion:** June 2021

**Recommendation #5:** The Police Department should work with Community Solutions to establish a process for regularly sharing data about the timeliness and utilization of advocacy services for human trafficking survivors.

**Department Response:** The Department agrees with this recommendation.

**Green:** The Department will work with Community Solutions to establish a Memorandum of Understanding/Agreement to regularly share data regarding the timeliness and utilization of advocacy services for human trafficking survivors.

**Target Date for Completion:** December 2021

**Recommendation #6:** The Police Department should expand work with community partners for outreach about advocacy services and crime prevention, targeting communities disproportionately affected by domestic violence, sexual assault, child/sexual abuse, and human trafficking, or that have lower utilization of advocacy services.

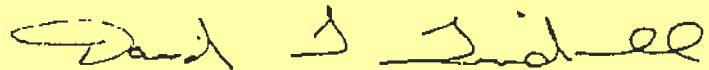
**Department Response:** The Department agrees with this recommendation.

**Green:** The Department will continue its partnerships with groups such as, but not limited to, the South Bay Coalition to End Human Trafficking, Community Solutions, the YWCA, Asian Americans for Community Involvement, and the Step Forward Foundation with a “direct focus” toward culturally-based outreach using a data-driven approach to target communities disproportionately affected by domestic violence, sexual assaults, child/sexual abuse, and human trafficking. An outward facing marketing campaign, as part of City Council approved funding allocated to SAIU, is currently in discussion amongst these groups. The Department will ensure SAIU, the Special Victims Unit, and FVU coordinate internal efforts with our Crime Prevention Unit to ensure a best practices outreach approach.

**Target Date for Completion:** December 2021

## **CONCLUSION**

The Police Department thanks the City Auditor’s Office for its review of advocate referrals. The recommendations provided will ensure the highest levels of support and services for survivors of domestic violence, sexual assault, child/sexual abuse, and human trafficking. We look forward to advancing these best practices and increasing the collaboration between our Department, community partners, and advocacy services.



David Tindall  
Acting Chief of Police

DT:SD:RS