

San José City Council

San José Police Department Duty Manual Updates Report

April 13, 2021
Item: 4.1



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BACKGROUND

- As directed by the City Council with its approval of a memorandum from Councilmember Arenas on August 18, 2020, this item updates the committee on Duty Manual amendments that achieve the following two objectives:
 1. Requiring officers to respond to and investigate all calls for service for domestic violence, child abuse, sexual assault, and human trafficking for potential high lethality and write a police report if a crime occurred, and;
 2. Ensuring a trauma-informed approach to an officer's response by providing survivors with access to an in-person advocate and/or a referral to such advocate by telephone, pamphlet, or resource card before the officer leaves the scene regardless if the survivor asks for the referral services.
- This report also includes updates on related Duty Manual changes that don't fall under one of the above two categories.

OBJECTIVE #1

Objective #1: Requiring officers to respond to and investigate all calls for service for domestic violence, child abuse, sexual assault, and human trafficking for potential high lethality and write a police report if a crime occurred.

Responsive Duty Manual Amendments

Section	Purpose of Amendment
L 7307 Domestic Violence Reporting	Officers required to respond to, investigate, and document all calls for service involving domestic violence. Note: This section already contained the requirement and did not need to be amended.
L 7300 Domestic Violence	Modified to require officers to respond, investigate and document all calls for service.
S 4313 Domestic Violence	Modified to interview survivors in a private setting and require investigation.
L 3024 Physical Child Abuse, Endangerment, or Neglect	Modified to require officers to respond to, investigate, and document all calls for service.
L 6000 Investigation of Sex Crimes	Modified to require officers to respond to, investigate, and document all calls for service.
S 4312 Sexual Assault Cases	Modified to specify using a multidisciplinary interview for juvenile survivors, interview in private setting, and require investigation in accordance with L6000.
L 6018 Human Trafficking	Added to require officers to respond to, investigate, and document all calls for service.

OBJECTIVE #2

Objective #2: Ensuring a trauma-informed approach to an officer's response by providing survivors with access to an in-person advocate and/or a referral to such advocate by telephone, pamphlet, or resource card before the officer leaves the scene regardless if the survivor asks for the referral services.

Responsive Duty Manual Amendments

Section	Purpose of Amendment
L 7300 Domestic Violence	For each type of incident, language was added to the relevant section reminding officers of their individual responsibility to assist survivors through a trauma-informed approach, offer and explain resources to the survivor, conduct appropriate investigative tasks, make arrests when allowed by law, and properly document the incident whenever suspected domestic violence, child abuse, sexual assault, or human trafficking is discovered or otherwise reported.
L 3024 Physical Child Abuse, Endangerment, or Neglect	
L 6000 Investigation of Sex Crimes	
L 6018 Human Trafficking	
L 7308 Notification to Survivors	Both sections explicitly discuss providing survivors with access to an in-person advocate and/or a referral to such advocate by telephone, pamphlet, or resource card before the officer leaves the scene regardless if the survivor asks for the referral services.
L 7311 Assistance to Survivors of Sexual Assault	

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OBJECTIVE #2

Responsive Duty Manual Amendments (Continued)

Section	Purpose of Amendment
L 6009 Notification to Survivor	Both sections discuss providing survivors with access to an in-person advocate and/or a referral to such advocate by telephone, pamphlet, or resource card before the officer leaves the scene regardless if the survivor asks for the referral services.
L 6010 Notification to Survivor Advocate	
L 6017 Advocacy Referrals	Section added to create a requirement for Department members to provide advocacy referrals to survivors of sexual assault and domestic violence before leaving the scene.
R 1526 Domestic Violence Resource Card	Modified to require officers to not only provide the cards to the survivor, but explain them as well.
R 1527 Sexual Assault Report Receipt	
R 1526.5 Strangulation Resource Card	Section added, requiring officers to provide resources to survivors of strangulation and/or suffocation.

OTHER RELATED DUTY MANUAL UPDATES

Section	Purpose of Amendment
A 3003 Duties of the CSO	Being modified to expedite documentation of non-investigative sexual assault reports.
A 3007 Dispatchable Calls for CSOs	
L 4113 Gun Violence Restraining Orders	Added, creating a requirement for officers to inquire if any firearms are accessible and/or on the premises of a domestic violence incident. If there are, officers are directed to take custody of those firearms, pursuant to a Gun Violence Restraining Order, and book them for safekeeping.
L5704 Booking Firearms for Safekeeping – Domestic Violence Incidents	
L 6002.5 Non-Investigative Report	Being created to establish a new means by which survivors may report a sexual assault, while remaining anonymous
L 7307 Domestic Violence Reporting	Modified to implement a new intersectionality tool.
R 1536 DV Supplemental Template and DV Sexual Assault Human Trafficking Assessment Template	Modified to update domestic violence forms for use of the intersectionality tool.
R 1536.5 Domestic Violence Field Reporting Guide and Sexual Assault Human Trafficking Assessment	

Questions?

