

Public Safety, Finance and Strategic Support Committee (PSFSS)
and Santa Clara County's Children, Seniors and Families
Commission Joint Meeting

San José Police Department's Sexual Assault Work Items Update

April 29, 2021
Item: 2b



Presenters: Lieutenant Jaime Jimenez
Crime and Intelligence Analyst Angelie Montesa



AGENDA

- 1) Introduction from City Manager's Office
- 2) Update on Sexual Assault Work Plan
 - 1) City of San José
 - 2) Santa Clara County
- 3) Duty Manual Changes
- 4) SART Exam Coordination Update
- 5) Advocate Referrals Audit
- 6) Strategy to Increase Reporting

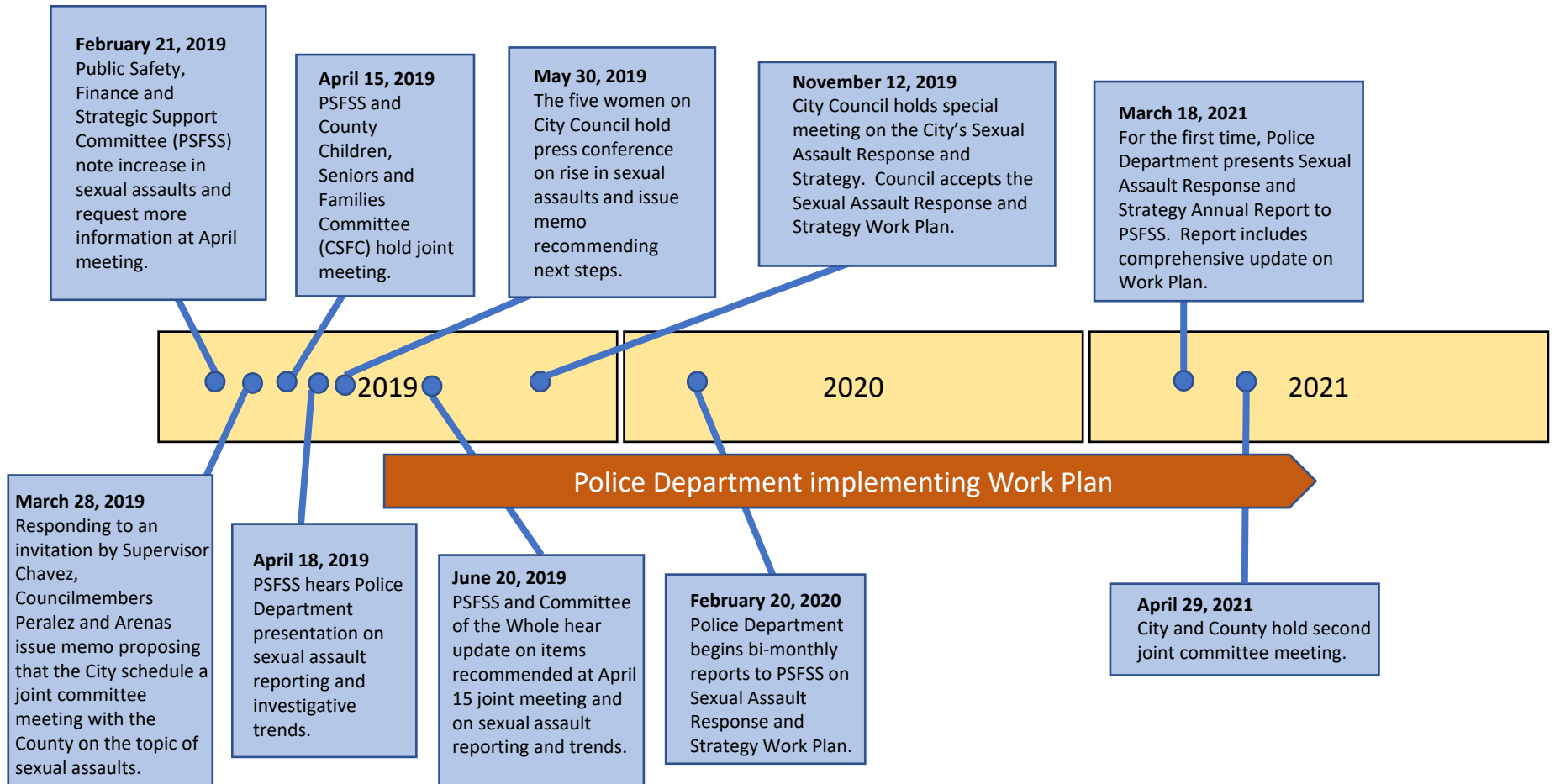


1.) Introduction from City Manager's Office



City of San José

Sexual Assault Response and Strategy Work Plan: Brief History



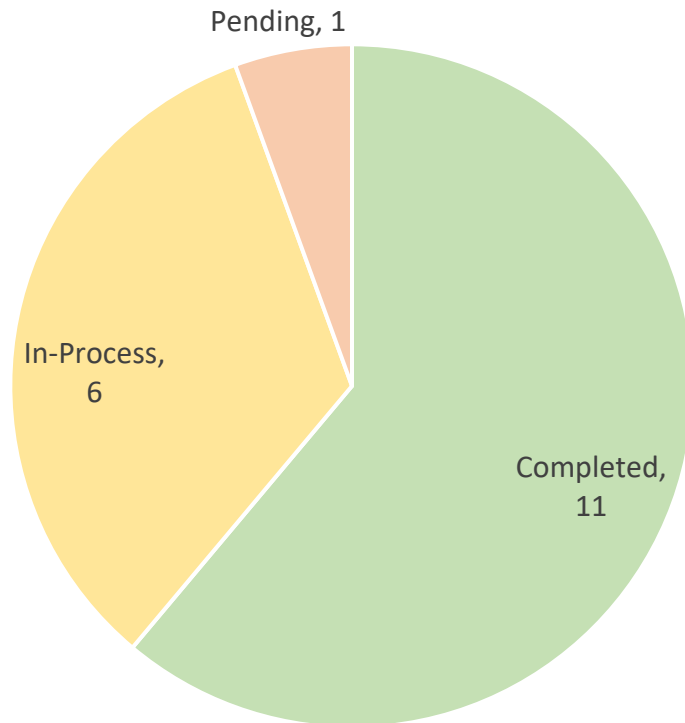
2.) Update on Sexual Assault Work Plan

Work Plans for City of San José and Santa Clara County

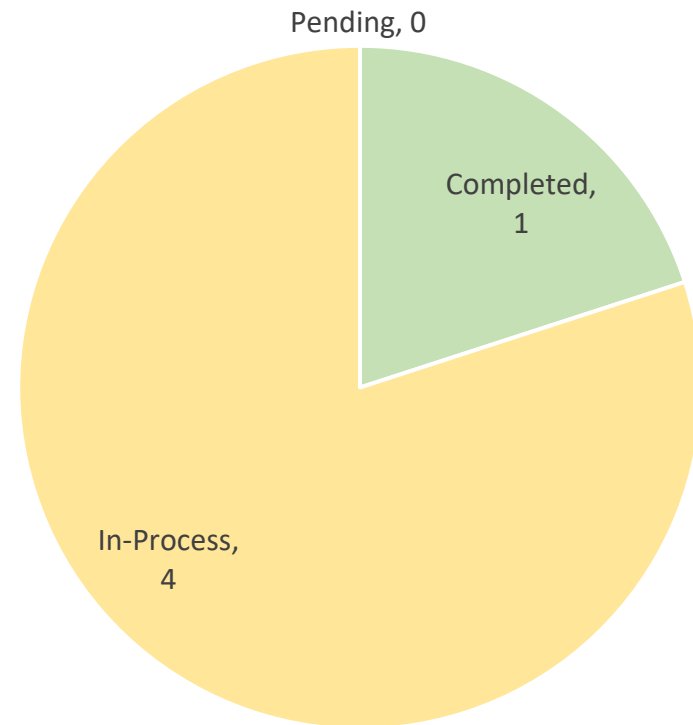


Sexual Assault Strategy Work Items Implementation Status

San José



Countywide



COMPLETED

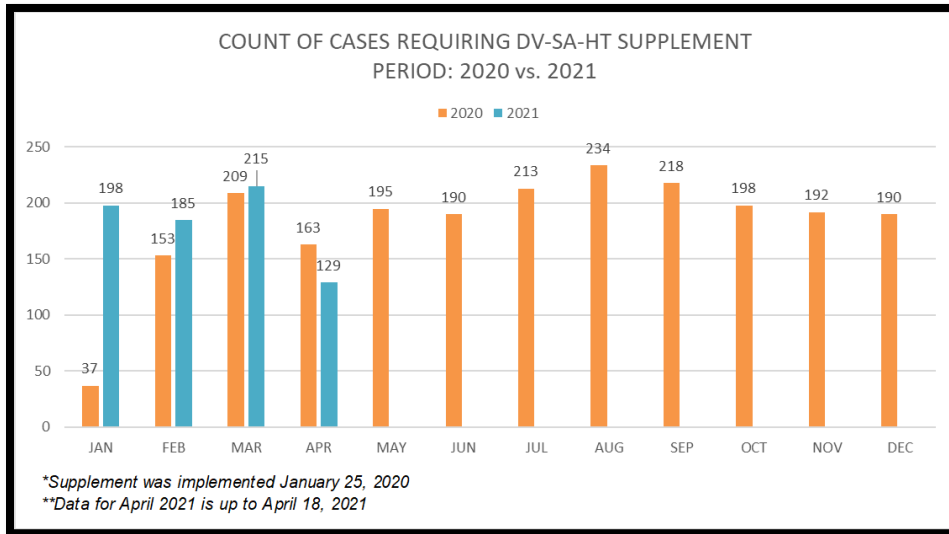
San José Sexual Assault Work Items

Title	Responsibility	Status	Brief Summary
2019 PSFSS Presentation	SAIU	Completed	Presented 2018 vs 2019 Sexual Assault Statistics
2019 Special Meeting	SAIU	Completed	Updated City Council on Sexual Assault Patterns, Statistics, and Work Items, followed by summarized update presented to the County
Domestic Violence Lethality Assessment	FVU	Completed	On the Domestic Violence Response Form
Sexual Assault/Human Trafficking/Domestic Violence Intersectionality Tool	SAIU/FVU	Completed	Created to implement an assessment in response to Sexual Assault and Human Trafficking during Domestic Violence calls
Report John Project	SVU	Completed	Located on sjpd.org for the community to report suspected prostitution and human trafficking activity.
Univ. TX San Antonio Strategy Study	SVU	Completed	An outsourced study provided by the Department of Criminology & Criminology at the University of San Antonio, Texas.
Clearance Code "K" Study	SAIU	Completed	A deep dive analysis into SJPd cases internally closed as K-Lack of Investigative Resources
Clearance Code "K" Dissection	SAIU	Completed	The study resulted in the creation of 2 new internal statuses: G-Lack of Victim Cooperation-Attempts Made/No Contact and H-Victim Requested Closure
Trauma-Informed Care Training for Detectives	Lt. Lombardo	Completed	Provided to BOI Detectives
SAIU Bisection	SAIU/SVU	Completed	The separation of ICAC/CED Unit, Human Trafficking Task Force, and 290/Meghan's Law Unit created the Special Victims Unit



MEASURING IMPACT AND RESULTS

Domestic Violence, Sexual Assault, Human Trafficking Intersectionality Tool



	2019	2020	2019vs2020 %CHANGE
RAPE	716	649	-9.4%
220PC RAPE ASLT TO COMMIT/ATT	94	80	-14.9%
261 PC RAPE	387	304	-21.4%
262(A)(1) PC RAPE SPOUSE	9	12	33.3%
286 SODOMY	74	71	-4.1%
288A(A) PC ORAL COPULATION	66	72	9.1%
289PC FOREIGN OBJ PENETRATION	68	59	-13.2%
DOMESTIC - 261 PC RAPE	15	36	140.0%
DOMESTIC - 220 PC ASLTOCMMT/ATT	3	15	400.0%

- Overall, the Rape category declined by 9.4% from 2019 to 2020
- Domestic 261PC Rape increased by 140% from 2019 to 2020 and Domestic 220PC Assault with the Intent to Commit a felony Sex Crime increased by 400%
- The intersectionality tool increased the number of disclosures related to historical sexual assault perpetrated by the survivor's intimate partner.



IN PROGRESS

San José Sexual Assault Work Items

Title	Responsibility	Status	Brief Summary
School Intervention Training	SAIU/SVU	In Progress	Provided in conjunction with the Crime Prevention Unit of SJPd. Currently paused due to COVID-19.
Trauma-Informed Care Training for All Officers	Lt. Lombardo	In Progress	Part 2 of implementation currently in progress for Patrol and other officers of the department
Sub-standard Housing Study	SVU	In Progress	Study went out to RFP in October 2020. No academic institutions were interested in taking study. Feedback revealed scope of study was too broad to complete under current conditions. Scope of study is under review to narrow focus.
Domestic Violence High-Risk Response Team	FVU	In Progress	Began as a pilot program which has been extended to run through June 2021. The FVU has requested funding for the following fiscal year. Currently just waiting for a response.
Vigilant Parent Training (Technology and Devices)	SVU	In Progress	Successfully transitioned to virtual classes in January 2021, with 2-3 classes per month in progress.
Sexual Assault Bill of Rights	SAIU	In Progress	Implementing a 3-prong approach



Sexual Assault Bill of Rights

PC 680.2

Cal. Pen. Code, § 680.2, subd. (a); (d).

- Mandates that all local law enforcement agencies develop a card that explains in a clear language the rights of sexual assault victims, and makes this card accessible to each provider in its jurisdiction responsible for medical evidentiary or physical examinations arising out of sexual assault.

History

- During the 2021 City Roadmap from COVID-19 to Recovery priority setting process, the City Council approved Councilmember Peralez's recommendation to move Councilmember Arenas' proposal to review and evaluate the City's implementation of the Sexual Assault Bill of Rights into the current Sexual Assault Response and Strategy Workplan

Execution

- 3-Prong Approach (Next Slide)



Sexual Assault Bill of Rights

3-Prong Approach



PENDING

San José Sexual Assault Work Items

Title	Responsibility	Status	Brief Summary
Increase Quantity of Sexual Assault Detectives by 6 + 1 Sergeant	SAIU	Pending	Request submitted to increase size of unit, dependent upon overall Department resources

SAIU

- Authorized to have 31 sworn and 5 non-sworn personnel.
- Currently staffed by 24 sworn and 5 non-sworn personnel

SVU

- Authorized to have 18 sworn and 2 non-sworn personnel.
- Currently staffed by 17 sworn and 2 non-sworn personnel

FVU

- Authorized to have 20 sworn.
- Currently staffed by 16 sworn



COMPLETED and IN PROGRESS County Sexual Assault Work Items

Title	Responsibility	Status	Brief Summary
Formalize Workgroups	SAIU	Completed	Countywide Meetings and SART Committee Meetings
Child Advocacy Center	SAIU	Completed	3 Executed MOUs between the City and the County

Title	Responsibility	Status	Brief Summary
Ethnic-Based Agency Workgroup and Buildout	SAIU	In Progress	Working with the County Office of Gender-Based Violence Prevention
Strangulation Evidence Collection	FVU	In Progress	Western Division Pilot Project for In-Field Evidence Collection
Follow-up Joint Meeting Between PSFSS and Santa Clara County's Children, Seniors and Families Commission	SCC Supervisor Cindy Chavez	In Progress	Scheduled for April 29, 2021



3.) Duty Manual Changes



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	

Continued on next page...



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	



4.) SART Exam Coordination Update



Standard Operating Procedure (SOP)

- Created after conversation with the Santa Clara Valley Medical Center's Pediatric Medical Team, Supervising Deputy District Attorney assigned to Sexual Assaults, and members of Department of Family and Children Services (DFCS)
- Assists members of SAIU in deciding which Pediatric SART exams to approve
- Expands upon SAIU's previous practice by adding value-based decision making in consultation with the Multi-Disciplinary Interview team
- Prioritizes open communication and ongoing collaboration
- Established a designated SAIU contact person for the Pediatric Medical Team



5.) Advocate Referrals Audit

Three (3) findings and six (6) recommendations



FINDING #1 Updates to Internal Processes Would Help Connect Survivors to Advocates	RECOMMENDATION #1 To improve how the City connect survivors to advocacy services, the Police Department should update: **Both the domestic violence and sexual assault resource cards should be fully translated into Spanish and Vietnamese	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.	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 immediate upon received of the case.		COMPLETED
FINDING #2 SJPD Provides Additional Resources for Survivors of High-Risk Domestic	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 resources 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.	Target Date for Completion: December 2021
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.	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.		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.		Target Date for Completion: December 2021



RESOURCE CARD COORDINATION

- To fulfill and implement the recommendations 1b and 1c from the Advocate Referrals Audit, the Department and the County will need to coordinate on resource card revisions and updates.
- Conversations are currently underway regarding best practices for county protocol

Relevant Sections of Resource Cards Distributed by Patrol Officers

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.scscourt.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
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
Community Solutions 1-877-363-7238
(Serving South County and San Benito County)
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.



6.) Strategies to Increase Reporting



STRATEGIES TO INCREASE REPORTING

- Increase SAIU, FVU, and SVU capacity in the area of Crime and Intelligence Data Analytics to provide timely information to Community Based Organizations and the Crime Prevention Unit for education and prevention as resources allow.
- Increase capacity in the Department's Crime Prevention Unit as resources allow.
- Work more closely with all ethnic-based agencies (Emphasizing Asian Service Providers)



Questions?

