

# San José Police Department

Bureau of Investigations,  
Sexual Assault Investigations Unit

## Backup Slides for Item 2(A)

November 5, 2021

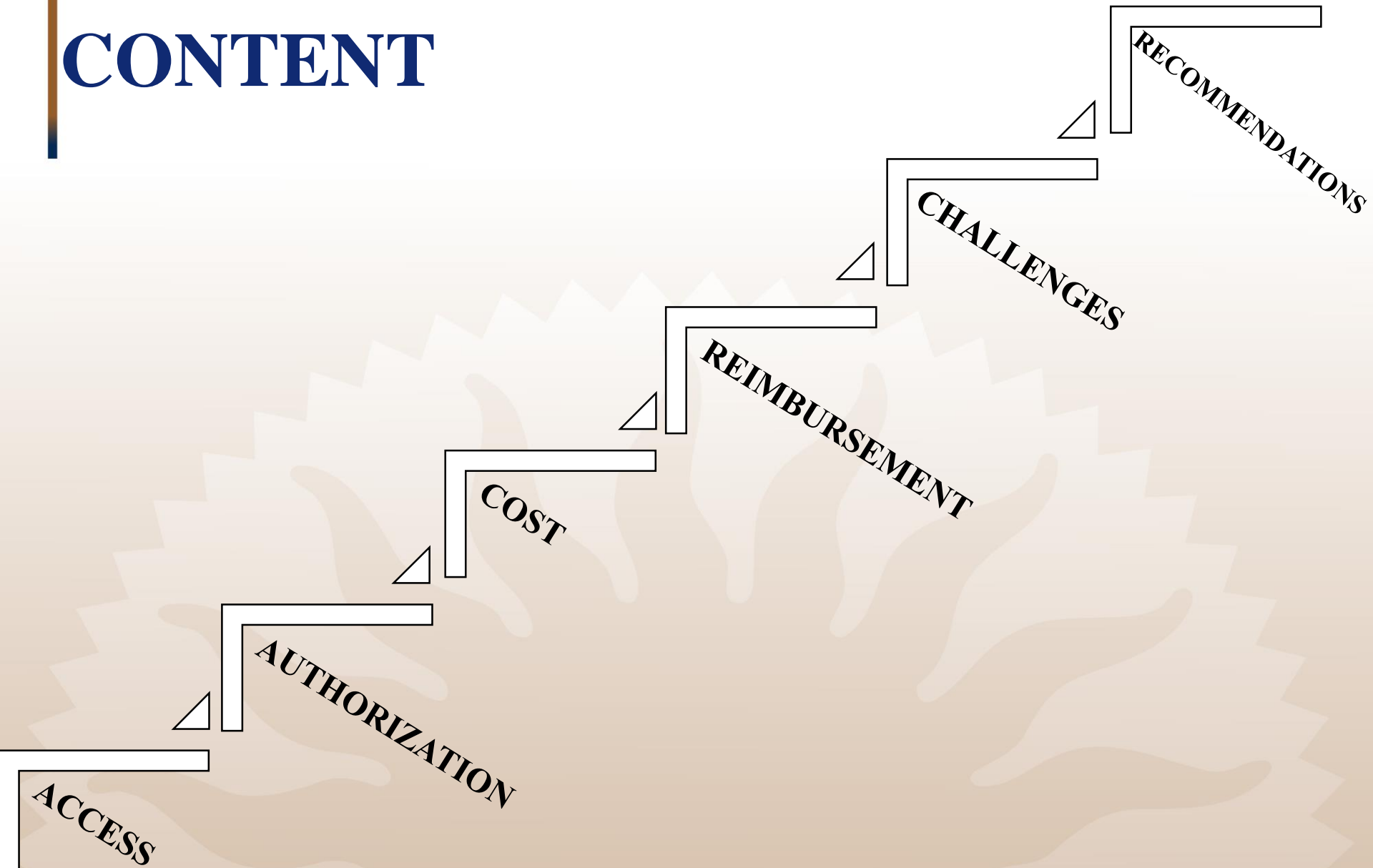


### **PRESENTERS:**

Lt. Jaime Jimenez and CIA Angelie Montesa  
Sexual Assault Investigations Unit (SAIU)



# CONTENT



# ACCESS TO SAFEs and SJPD PROCESS

- SJPD remains in compliance of all Duty Manual Sections and Standard Operating Procedures (SOPs) related to the approval of SAFEs in addition to the Santa Clara County Sexual Assault Protocol and the CAC-SJPD-Medical Team Agreement

## I. AUTHORIZATION i.e. QUALIFICATION

- A. Acute medical forensic examinations are performed on victims 12 years and older within 10 days of assault.
- B. Standard acute exams are authorized by law enforcement. Forensic exams cannot be billed to victim or victim's insurance.
- C. Non-investigative acute exams may be provided to victims 12 and older at the victim's request without the authorization of law enforcement. These exams cannot be billed to the victim or victim's insurance (see non-investigative reporting of sexual assault).

## YOUR RIGHTS as a Survivor of Sexual Assault

### You Have the Right To:

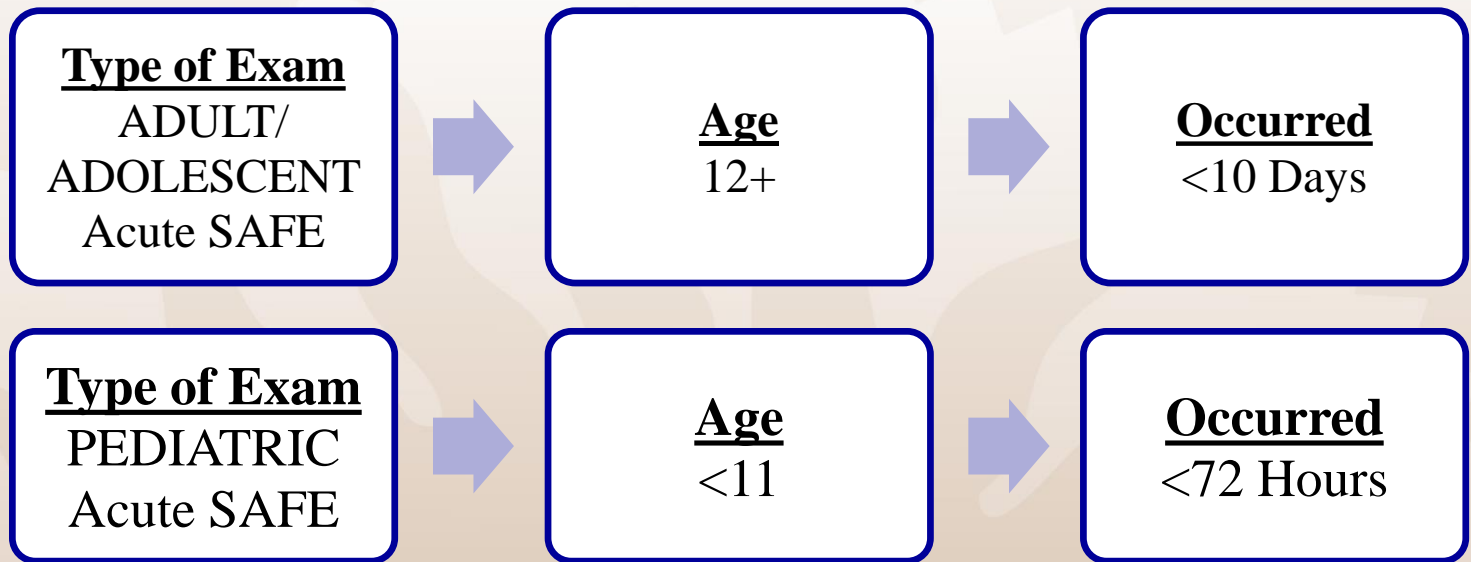
- **Request a person with a gender of your choosing** to be present in the room during any interview with law enforcement or the District Attorney.
- **Request in writing and receive a free copy of the initial crime report.**
- **Seek an Emergency Protection Order** to help keep you safe. Ask a law enforcement officer if you would like one.
- **Seek a Civil Protection Order** with the support of a sexual assault counselor **OR** at the Family Court Clinic in Santa Clara County at:  
[408-534-5709](tel:408-534-5709) or [www.sccscourt.org](http://www.sccscourt.org)
- **Know that DNA evidence** on the body, clothing, and other items may last from 12 hours to 7 days. DNA and other evidence can break-down 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.
- **Ask the status and results** of the testing of all evidence related to your assault. For results contact the law enforcement agency investigating your case.

# SJPD TRAINING & ADHERENCE OF STANDARDS

1. Research and Development  
Unit sent a department-wide email with all Duty Manual updates
2. Learning Domains (LD)  
Academy Instruction
3. BOI Mini Academy
4. Patrol Briefings
5. Attended “sergeant staff”
6. CFIT (Child Forensic Interview Training)
7. Review all patrol-initiated reports and make note when policies (such as the Duty Manual Updates) are not being followed
8. Monthly newsletter to disseminate various types of information
9. In-Person Training:
  - CSO Training
  - Dispatcher Training
  - Main Lobby Officer Training

# CURRENT AUTHORIZATION PROCESS

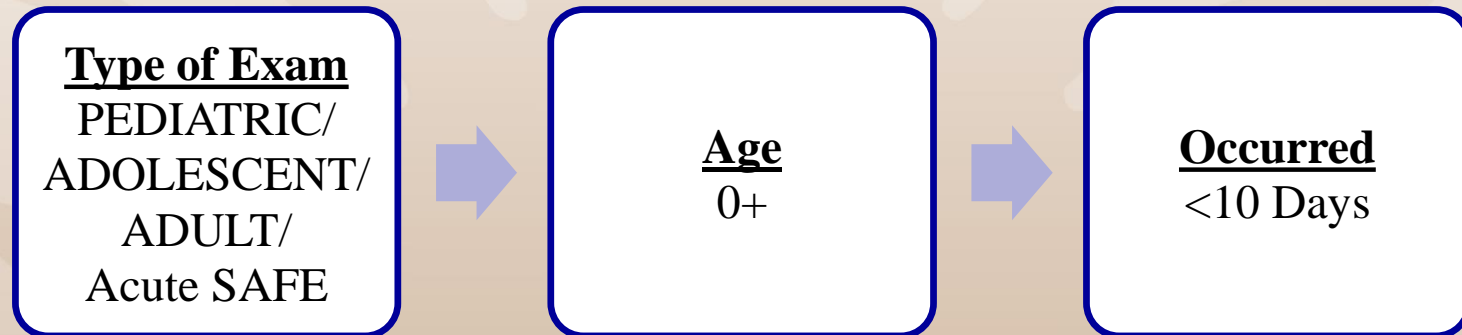
- Acute SAFEs



# RECOMMENDED REVISED AUTHORIZATION PROCESS

Recently, the SJPD, Child Advocacy Center (CAC), and the Medical Team met to discuss the SAFE process for pediatric (0-11) and adolescent (12-17) SAFEs. The SJPD recommended the following:

1. Extend the acute time for pediatric SAFEs from 72 hours to 10 days
2. Provide all children (0-17) who are interviewed at the CAC immediate access to a medical evaluation, regardless if the SJPD qualified the exam or not. SJPD pays for all SAFEs qualified by the SJPD and any exam that yields evidence of Sexual Assault.



# SJPD - MEDICAL HANDOFF

*2-Week Reporting Time Period: Oct. 13, 2021- Oct. 28, 2021*

## 11 cases referred to the Medical team

5 Qualified for Forensic SAFE	5 SAFEs Administered	4 Declines	2 SAFEs In-progress	6 Did Not Qualify/ Positive Hand off
--	----------------------------	---------------	---------------------------	--

Finding: Survivors were less likely to accept SAFE in delayed reports

# COST ANALYSIS

- SAIU and SJPD Fiscal have been working for months developing a program to seek reimbursement for SAFEs (NIRs and general SAFEs).
- FINDINGS:
  - 43.5% of invoices are created 60 days after the SART was provided
  - SJPD processes payments within 14 days
  - In 2021, the average number of days between provision of SAFE and receipt of invoice: 119 Days (Min: 22, Max: 234)

TIME BTWN SART AND INVOICE CREATION DATE		
#DAYS	COUNT	%
0-7	18	3.8%
8-14	47	10.0%
15-30	108	23.0%
31-60	92	19.6%
60+	204	43.5%
<b>TOTAL</b>	<b>469</b>	<b>100.0%</b>

DAYS BTWN RECEIPT OF INVOICE & PAYMENT	
TIME PERIOD: FY 17/18-FY20/21	
DAYS BTWN RECEIVED & PAYMENT	COUNT
0	1
2	7
3	25
4	15
5	9
6	24
7	53
8	46
9	76
12	95
13	50
14	68
<b>Grand Total</b>	<b>469</b>

DAYS BTWN SAFE AND RECEIPT OF INVOICE FOR INCIDENTS THAT OCCURRED 2018-2021				
DAYS	2018	2019	2020	2021*
4-30 DAYS	92	48	1	2
31-60 DAYS	44	35	11	6
60-100 DAYS	1	14	24	6
100-150 DAYS	5	22	31	25
150+ DAYS	4	67	27	6

\*Date of last incident is up to Aug 21, 2021 only



# Financial/SJPD Efforts

## SB 90

### Sexual Assault Evidence Kits: Testing

- Reimbursement for officer time to book, process, and transport SAFEs
- Does not reimburse for actual testing

## GRANTS

### Untested Sexual Assault Evidence Grant – Backlog Reduction Program (USAEG-BR)

- Applied for 2 Grants to pay for testing
- Awarded 1 so far which will match funds and test kits from Jan 2016-2019 to keep the Department in compliance with 680PC
- Still waiting for response from 2<sup>nd</sup> application which will allow for testing of the SAFE backlog

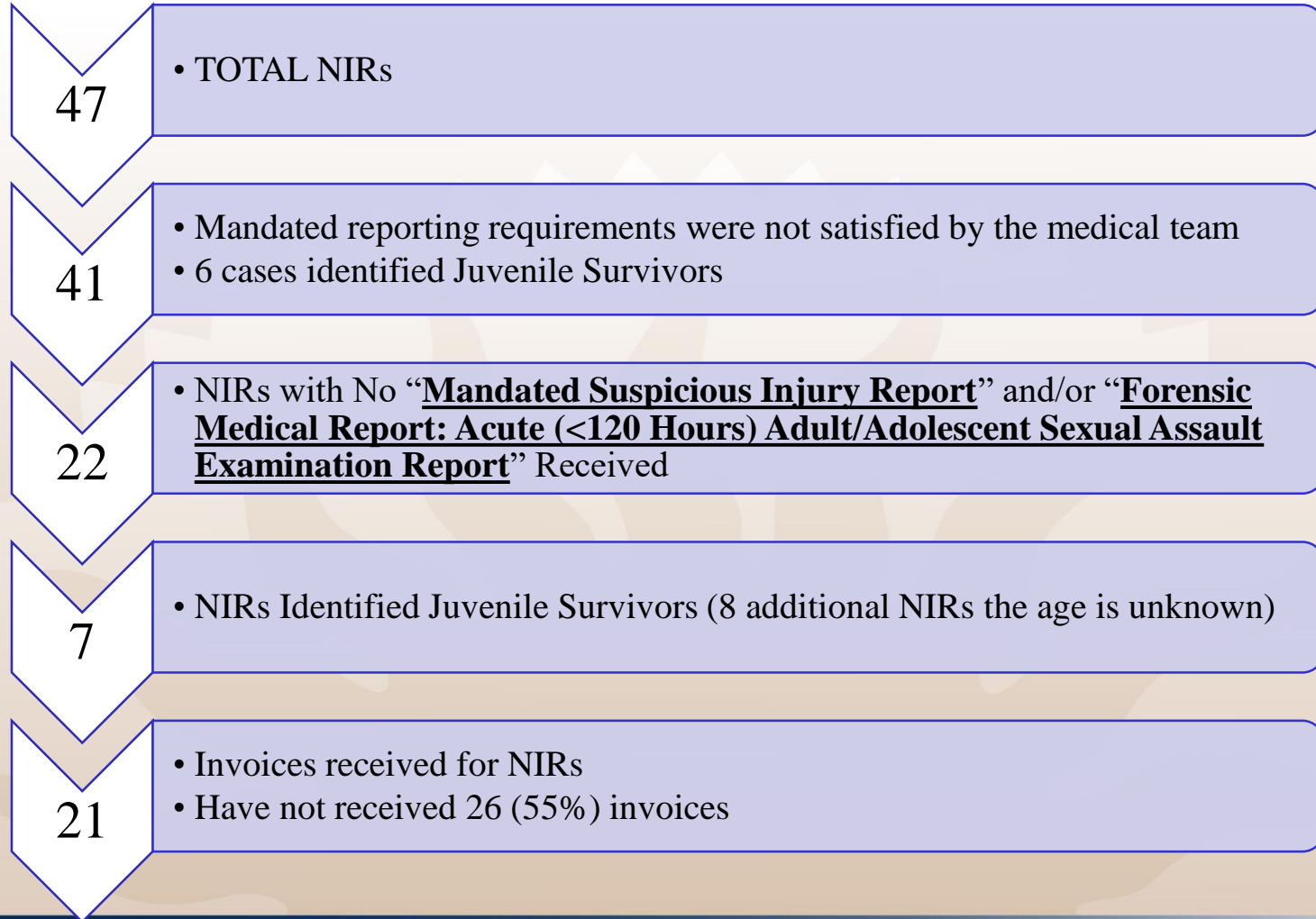
## Cal OES

### Sexual Assault Medical Evidentiary Examination Reimbursement

- Reimburses costs to provide SAFEs
- “The cost of a medical evidentiary examination performed by a qualified health care professional, hospital, or other emergency medical facility for a victim of a sexual assault shall be treated as a local cost and charged to and reimbursed **within 60 days** by the local law enforcement agency in whose jurisdiction the alleged offense was committed.” – Cal OES

# NIRs (Non-Investigative Reports)

## Time Period: July 2017- Present

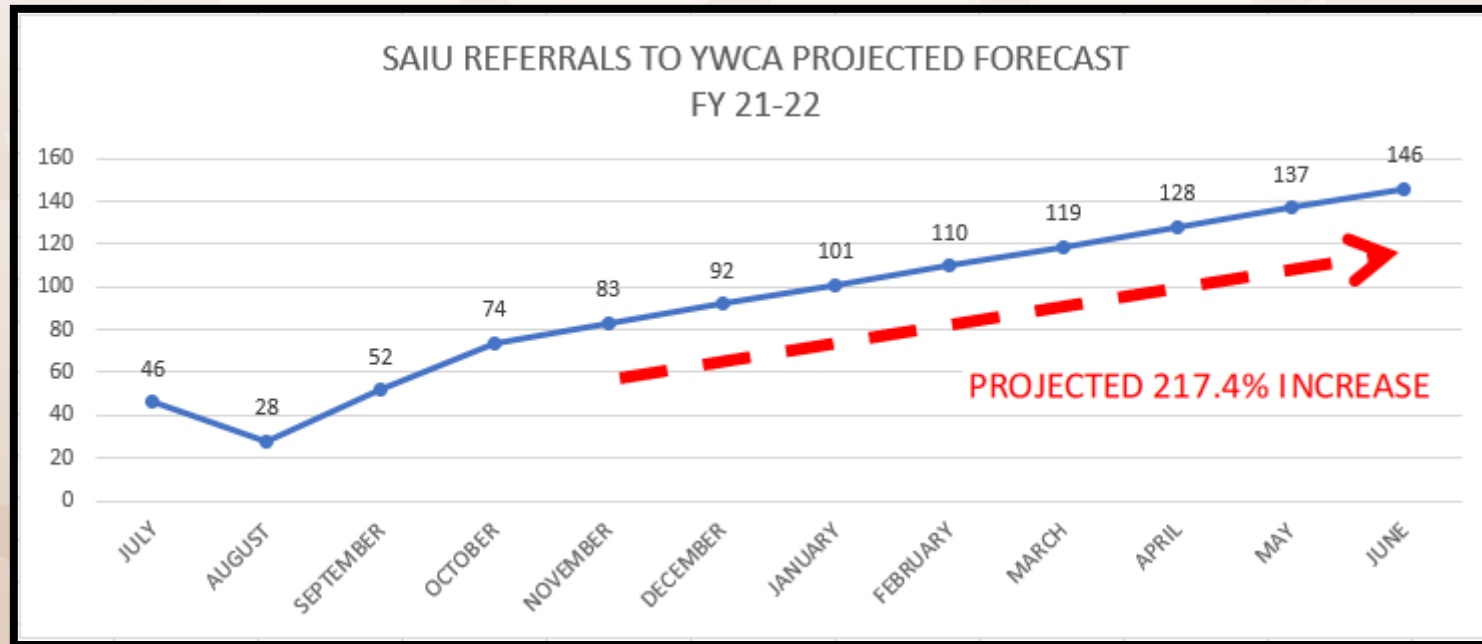


# CHALLENGES

1. **Speed of Policy Changes:** Time it takes to change policy is slow (NIR Sub-Committee)
2. **Data Sharing:** Lack of shared data from adult SAFE team
3. **Efficiency:** Inability to receive medical reports via encrypted email or from a portal (such systems exist between the DA and Crime Lab)
  - 43.5% of invoices will not be reimbursable per CAL OES regulations
4. **Limited Information:** Inadequately filled out suspicious injury reports from adult SAFE team
5. **Access:** Lack of immediate access to children 12-17 when reporting a Sexual Assault under the NIR (as required by law and the Santa Clara County Child Abuse Protocol)
6. **Lack of Resources:** Due to the increase in referrals, there are not enough victim advocates and funding to keep up with the projected increase

# YWCA ROLE AND EFFORTS

- Referrals to YWCA increased 253% (from last 2 FY)
- With a projected average rate of increase of 9 referrals per month, the YWCA currently and will continued to struggle to keep up the response to the referrals due to staffing shortages, funding, and resources



# SURVIVOR STORIES

*\*Names have been changed to protect confidentiality*

## *Erin's Story*

*Having been tormented by flash backs, auditory hallucinations and unrelenting fear since being sexual assaulted and held captive in her own home; Erin\* has experienced addiction, suicidal ideation and deep feelings of hopeless for years. With therapy, she has been able process the trauma of her assault and has hope for the future. Her flashbacks have significantly decreased, and she has learned tools to regulate when triggered. She is now looking to go back to school.*

# SURVIVOR STORIES

*\*Names have been changed to protect confidentiality*

## *Lisa's Story*

*A survivor of domestic violence (physical and emotional) and has seen a fair share of mental health professionals over the years. Lisa\* recently began receiving therapeutic services in November 2020, and has spoken to the emotional safety she experiences here at the YWCA. This safety has allowed her to talk about what she endured. She has started healing from the trauma she experienced as a result of domestic violence.*

# SURVIVOR STORIES

*\*Names have been changed to protect confidentiality*

## *Rosalie's Story*

*Came to the YWCA for therapy services after an arrest and subsequent jail time of the person who was abusing her. Rosalie came in with several risk factors including parents that were addicted to narcotics and unstable relationships throughout her life. This caused low self esteem, and the fear of being alone. Her abuser reinforced her low self-esteem and isolated her from her support system. Therapy is providing her with the opportunity to heal and begin to have hope for a different life.*



# RECOMMENDATIONS

1. Provide more resources and funding to agencies that provide victim advocacy services
2. Create a more efficient way to charge for and invoice SAFEs
3. Improve writing of Suspicious Injury Reports
4. Improve methods to share data from Adult SAFE Team





**THANK YOU**

Questions?