



# Memorandum

**TO: PUBLIC SAFETY, FINANCE,  
AND STRATEGIC SUPPORT  
COMMITTEE**

**FROM:** Anthony Mata

**SUBJECT: SEE BELOW**

**DATE:** October 28, 2021

Approved

Date

11/10/2021

**SUBJECT: DOMESTIC VIOLENCE PREVENTION AND AWARENESS  
ANNUAL REPORT**

## **RECOMMENDATION**

Accept the 2020-2021 annual report on the City's efforts related to domestic violence prevention and awareness.

## **BACKGROUND**

Domestic violence (DV) or intimate partner violence (IPV) is defined by the Federal Centers for Disease Control and Prevention (CDC) as abuse or aggression that occurs in a close relationship. The term "intimate partner" includes current and former spouses and dating partners. IPV can vary in how often it happens and how severe it is. It can range from one episode of violence that could have lasting impact to chronic and severe episodes over multiple years. IPV includes four types of behavior: Physical Violence, Sexual Violence, Stalking and/or Psychological Aggression. According to the CDC, about 1 in 4 women and nearly 1 in 10 men have experienced sexual violence, physical violence, and/or stalking by an intimate partner during their lifetime and reported some form of IPV-related impact.<sup>1</sup>

According to the Santa Clara County Blue Ribbon Task Force on Intimate Partner Violence, Intimate Partner Violence is defined as: *"An intentional instance or pattern of coercive controlling behavior that can include violence and abuse that is physical, emotional, economic, verbal, and sexual by a current or former partner. IPV can involve stalking, harassment, reproductive coercion, abuse of the legal process and other systems, and technology abuse. IPV can happen to anyone of any race, sexual orientation, religion, gender, gender identity,*

<sup>1</sup> Preventing Intimate Partner Violence, Centers for Disease Control and Prevention,  
<https://www.cdc.gov/violenceprevention/intimatepartnerviolence/fastfact.html>

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*immigration status, and can occur across the life span. IPV affects people of all socio-economic backgrounds and educational levels.”<sup>2</sup>*

The San José Police Department (Police Department) provides this annual report to the Public Safety, Finance, and Strategic Support Committee to highlight efforts related to the prevention and intervention of domestic violence.

### **ANALYSIS**

#### ***Family Violence Unit – An Overview***

In San José, domestic violence or intimate partner violence investigations fall under the purview of the Family Violence Unit (FVU) of the San José Police Department. The Unit’s responsibilities include all types of violence or abuse within familial relationships, and investigators serve in three details for these types of cases: domestic violence; threat management; and child/elder/dependent adult abuse. The Unit is housed at the Family Violence Center.

The Domestic Violence Detail (DV) investigates domestic violence incidents committed against anyone who is the spouse, former spouse, cohabitant, former cohabitant, a person with whom the suspect has had (or is having) a child, and a person with whom the person has had (or is having) a dating/engagement relationship; this includes same-sex relationships and juvenile suspects. The Domestic Violence Detail’s approach to these cases is to make an arrest in every situation where legally permissible and to ensure survivors have access to resources which may assist them through the legal and/or civil process.

The Threat Management Detail (TM) investigates violations of domestic violence restraining orders, stalking, threats of terror, and issues of work-place violence.

The Child/Elder/Dependent Adult Abuse Detail (Child/Elder) investigate endangerment, neglect, and physical abuse incidents. Investigators in this detail work closely with Santa Clara County Department of Family and Children’s Services (DFCS), Santa Clara County Adult Protective Services (APS), Santa Clara County District Attorney’s Office, Community Care Licensing, and the Santa Clara County Long-Term Care Ombudsman to ensure the safety of these vulnerable survivors and connect them with local services.

Today, the Family Violence Unit is budgeted for 20 sworn personnel and 2 civilian personnel. The Unit is currently staffed by 14 full duty sworn personnel (one lieutenant, three sergeants and ten officer investigators). Approximately one year ago, the Unit was also staffed by 14 full duty sworn personnel. There are two modified duty officers temporarily assigned to the unit. The current staffing, by detail, consists of the following:

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<sup>2</sup> A Report on the Santa Clara County Intimate Partner Violence Blue Ribbon Task Force, June 2017

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- Domestic Violence Detail: Six positions—one sergeant and five full duty officers (both of the modified duty officers temporarily assist this team);
- Threat Management Detail: Three positions—one sergeant and two officers;
- Child/ Elder/ Dependent Adult Abuse Detail: Four positions—one sergeant and three officers.

The Unit employs the best practices in family violence services and uses a multi-disciplinary approach to address family violence issues. In 2020-2021, in addition to the sworn personnel, the Unit continued to be staffed with an advocate from the YWCA of Silicon Valley, a representative from the Santa Clara County Department of Family and Child Services (DFCS), and a part-time Santa Clara County Deputy District Attorney (DA). The multi-disciplinary approach utilized by the Unit integrates effective investigation and support services to survivors of family violence in a safe and friendly environment. The law enforcement component of the Family Violence Center is committed first and foremost to the safety of the survivors of family violence. This is accomplished by enforcing appropriate criminal statutes as well as the active referral of survivors to partner agencies within the center for counseling services, safety planning, financial aid, shelter, and restraining order acquisition.

In order to maintain and expand the network of social services, Unit members, other governmental agencies, and community partners dedicated to eradicating domestic, intimate partner and family violence have participated in a variety of collaborative committees and partnerships, including the Santa Clara County Domestic Violence Council, Domestic Violence Death Review Committee, Police-Victim Advocacy Committee, Elder Death Review Committee, Adult Protective Services, and the Court Systems.

### ***Family Violence Case Data***

As outlined in Table 1, the three details of the Family Violence Unit have a high caseload which decreased from the prior fiscal year. During Fiscal Year 2020-2021, the Unit received 9,087 cases. These cases include domestic violence, child and elder abuse and neglect, domestic restraining order violations, stalking, domestic threats, and mandatory child abuse and elder/dependent adult abuse cross report cases from the Department of Family and Children Services and Adult Protective Services.

Throughout the fiscal year, 8,885 cases were assigned to the Unit's investigators and sergeants to investigate and/or follow up on. The Unit operationally closed 8,672 cases during the fiscal year. Of those operationally closed cases, 2,182 resulted in criminal filings. (An operationally closed case is one which does not warrant any further resources to investigate or judicially process. An operationally closed case may require further *administrative* processing, such as adjudication or property clearance. However, in order to be considered operationally closed, a case cannot be in active review, investigation, preparation for submission to the DA, or pending review by the DA. Cases closed operationally by the Department can include cases from previous fiscal years).

For a comparison between Fiscal Year 2020-2021 and the two previous years, see Table 1.

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<b>Table 1: Family Violence Unit Caseload (Incidents: DV, TM, Child/Elder)</b>			
	<b>2018-2019</b>	<b>2019-2020</b>	<b>2020-2021</b>
<b>Cases Received</b>	10,210	9,600	9,087
<b>Cases Assigned (Number)</b>	9,070	9,620	8,885
<b>Cases Assigned (Percent)*</b>	89%	100%	98%
<b>Closed with Criminal Filing*</b>	2,023	2,105	2,182

\* This number can include cases from the previous fiscal year

The percentage of cases closed with a criminal filing was approximately 24% for all 3 FVU teams (DV, TM, and Child/Elder) in Fiscal Year 2020-2021. This number was up from approximately 21.9% the prior year. There are many reasons a case might not end up with a criminal filing. For example, many of the cases received by FVU are cross reports from DFCS. A great number of those reports are informational only and were in relation to a family incident being investigated by DFCS that did not violate a criminal statute or may not have met the DFCS threshold for intervening in the family situation.

Another example would be a family disturbance call where patrol officers respond to a possible DV situation. In that type of situation, the officers investigate to determine if a crime has been committed and they write a General Offense report, even if it appears that no law was broken. This report gets routed to FVU but it will not result in a criminal filing. This call for service is an opportunity to offer resources to the family and could be very valuable for detectives and the District Attorney should there be future DV-related calls involving the same individuals.

Table 2 provides a breakdown of the 4,357 reported domestic violence occurrences received in Fiscal Year 2020-2021 by the four types of cases listed. Battery, Domestic (also referred to as “spousal battery”) is a misdemeanor under the California Penal Code, while domestic violence or “corporal injury on a spouse” with minor or serious bodily injury (SBI) or weapon used is a felony charge.

**Table 2: Summary of Select Domestic Violence Incidents by Total Occurrences for the 2020-2021 Fiscal Year**

INCIDENT TYPE DESCRIPTION	2020						2021						TOTAL
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	
243(E)(1) PC BATTERY DOMESTIC	62	80	66	54	65	71	70	64	64	64	78	47	<u>785</u>
273.5(A) PC DV MINOR INJURY	161	162	140	143	134	102	109	118	129	114	154	148	<u>1614</u>
273.5(A) PC DV SBI OR WEAPON	31	40	41	41	33	42	31	36	46	40	32	38	<u>451</u>
273.6APC DV RESTRAIN ORD VIOL	125	158	128	141	111	130	113	108	114	139	115	125	<u>1507</u>
<b>TOTAL</b>	<u>379</u>	<u>440</u>	<u>375</u>	<u>379</u>	<u>343</u>	<u>345</u>	<u>323</u>	<u>326</u>	<u>353</u>	<u>357</u>	<u>379</u>	<u>358</u>	<u>4357</u>

\*Incident Type Description Key:

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243(e)(1) PC Battery Domestic = Domestic Battery  
273.5(a) PC DV Minor Injury = Inflicting minor injury in the context of domestic violence  
273.5(a) PC DV SBI or Weapon = Inflicting Serious Bodily Injury or using a weapon in the context of domestic violence  
273.6APC DV Restraining Ord Viol = Violation of a restraining order in the context of domestic violence

When the worldwide COVID-19 pandemic began, there was a legitimate concern that the local shelter-in-place orders could negatively impact our community and cause an increase in IPV. Throughout the pandemic, we have seen an overall decrease in the total number of occurrences, but we have seen an increase in the more serious categories of DV-related incidents. Table 3 shows an overall 0.3% decrease in reported DV occurrences in Fiscal Year 2020-2021 when compared to the prior year. Please note the tables below show the occurrences of the four crime types listed. These crime types vary from the crimes reported in Uniform Crime Reporting (UCR) data presented in other contexts.

**Table 3: Annual Comparison of Occurrences Between the 2019-2020 and 2020-2021 Fiscal Years**

<b>OCCURRENCE TYPE DESCRIPTION</b>	<b>TOTAL JUL 2019- JUN 2020</b>	<b>TOTAL JUL 2020- JUN 2021</b>	<b>% CHANGE</b>
243(E)(1) PC BATTERY DOMESTIC	790	785	-0.6%
273.5(A) PC DV MINOR INJURY	1707	1614	-5.4%
273.5(A) PC DV SBI OR WEAPON	433	451	4.2%
273.6A PC RESTRAINING ORDER VIO	1439	1507	4.7%
<b><u>TOTAL</u></b>	<b><u>4369</u></b>	<b><u>4357</u></b>	<b><u>-0.3%</u></b>

The failure to stop domestic violence from escalating can have deadly consequences for the survivor, their children, or other family members. In 2020, according to the California Department of Justice, domestic violence was a contributing factor in 6.7 percent of the homicides in California (down from 8.9 percent in 2019).<sup>3</sup> In domestic violence homicide cases where the victim-offender relationship was known, 14.4 percent of homicide victims in California were killed by a spouse/partner, parent, or child (down from 16.4 percent in 2019). In the case of female homicide victims, 35.3 percent were killed by a spouse/partner, parent, or child (down from 39 percent in 2019) vs. 7.7 percent (down from 7.6 percent in 2019) for male victims. (This data does not include ex-spouses or partners, whom the State categorizes in the “friend/acquaintance” category, which also captures relationships among employers and employees, co-workers, fellow gang members, and other friendships or acquaintanceships.)

<sup>3</sup> *Homicide in California 2020*. <https://data-openjustice.doj.ca.gov/sites/default/files/2021-06/Homicide%20In%20CA%202020.pdf>

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In San José, there were 48 homicides in Fiscal Year (FY) 2020-2021 which was up from 32 in FY 2019-2020. Domestic violence homicides are those in which the crime is committed against an adult or minor who is a spouse, former spouse, cohabitant, former cohabitant, a person with whom the suspect has had a child or is having or has had a dating or engagement relationship. Of the 48 homicides this past fiscal year, domestic violence was a contributing factor in 0 cases which was down from 2 the previous fiscal year.

***Intersectionality Between IPV, Sexual Assault, and Human Trafficking***

The Department recognizes the intersectionality between IPV, Sexual Assault (SA), and Human Trafficking (HT). The unit commanders from the Family Violence Unit, the Sexual Assault Investigation Unit (SAIU), and the Special Victims Unit (SVU) all fall under the command of one Police Captain in the Bureau of Investigations. These members of the command staff regularly work together to find ways to better serve survivors of these intersectional crimes.

In January 2020, the Department created a report form to be used in all IPV investigations. This form is commonly referred to as the “Intersectionality Tool” or “the tool.” As part of IPV investigations, officers ask every IPV survivor if they have been sexually assaulted by their domestic partner and they ask questions that would indicate if human trafficking might be involved. The answers to these questions are included in the officer’s report and ultimately determine if the FVU, SAIU, or SVU will investigate the case.

The Intersectionality Tool, when used in IPV investigations, has increased the disclosure of sexual assault and human trafficking incidents that may not have otherwise been reported. This has led to a reduced number of IPV cases being assigned to the Family Violence Unit. Today, SAIU typically conducts the entire investigation for incidents with IPV and SA being reported together. Similarly, SVU now typically conducts the entire investigation for incidents where IPV and HT are reported together.

In FY 2020-2021, the Intersectionality Tool identified approximately 88 IPV cases which included a SA allegation involving the same intimate partner. The Intersectionality Tool also identified approximately 30 IPV cases that may involve HT and were investigated by SVU.

The Department is currently working to expand the use of the Intersectionality Tool. Currently, the tool is only initiated on an IPV incident and it is used to look for SA and/or HT. In the near future, the form will be modified, and it will be initiated on all IPV, SA, and HT investigations. This will ensure that our officers ask appropriate questions of survivors to determine if they have been impacted by any of these intersectional crimes. It is expected that survivors will disclose additional crimes that would have otherwise gone unreported. These disclosures will give us an opportunity to better serve survivors through investigating these incidents and providing appropriate resources for the survivor.

### ***Trauma-Informed Approach***

On March 9, 2021, the Department distributed a memorandum to all personnel that described numerous changes to the Duty Manual. On the same day, the Department submitted a separate memorandum to PSFSS to advise that numerous Duty Manual changes were taking place. These Duty Manual changes were related to IPV, Sexual Assault, and Human Trafficking. The common theme of these changes was to ensure Department members responded to, investigated, and documented these types of incidents and to ensure Department members utilized a trauma-informed approach in those incidents. There have been separate memorandums and presentations related to this topic.

### ***Strangulation/Suffocation***

The Department understands the severe danger involved when survivors have been strangled and/or suffocated. Beginning in 2005, as part of every IPV investigation by the Patrol Division, the Department started asking IPV survivors questions about “Strangulation.” In 2015, the Department began requiring the Lethality Assessment to better understand the risk faced by each IPV survivor. In 2018 the Department modified the strangulation investigation to include questions related to “Suffocation.”

In March 2020, the Department created a policy to provide a “Strangulation Resource Card” to all IPV survivors who had been strangled or suffocated. These cards have important information about the dangers faced by strangulation/suffocation survivors. Each card lists facts about strangulation/suffocation, encourages medical treatment, and lists resources for survivors.

In July 2020 the Department began participating in a Strangulation Examination Pilot Program organized by the Santa Clara County District Attorney’s Office. This program provides for specially trained nurses at Valley Medical Center who conduct thorough forensic examinations to look for and document injuries that could be life-threatening. These are the same specially trained nurses who conduct sexual assault examinations. The reports provided by the nurses have already been used in court to help successfully prosecute strangulation cases.

Initially, it was only SJPd’s Western Division that was invited to participate in the program. The reason for the limited participation was the fear that the Pilot Program was too new and might not be able to support participation by the entire Department. Beginning in August 2021, this program expanded and now all four Divisions of SJPd can participate. This ensures that all IPV strangulation/suffocation survivors have access to this important program.

### ***Office of the City Auditor Report***

In March 2021, the City of San Jose, Office of the City Auditor produced a report titled “Advocate Referrals: Further Improvements to Processes and Data Sharing Can Help Connect More Survivors to Services.” This report lists 6 recommendations which discuss how the Department can better connect survivors and advocates. The Department agreed to all 6

recommendations. Each of these recommendations have already been accomplished or are expected to be accomplished by the end of the calendar year 2021.

For example, updated language for the Domestic Violence Resource Cards was recently finalized and the cards are now ready for printing. There will be an English version of the card, but the card will also be fully translated into Spanish, Vietnamese, and Mandarin Chinese. These cards include important updates to inform survivors that services are offered at no cost, that the survivor's immigration status does not affect their right to services, and that the survivor has a right to have a support person and advocate present during interviews.

### ***Improving Services to Survivors***

The Family Violence Unit continued with its partnership with YWCA of Silicon Valley during FY 2020-2021. This partnership is secured by an MOU which allows the Family Violence Center to house one full-time bilingual domestic violence advocate. The advocate provides follow-up services to domestic violence survivors and their children by initiating telephone contact with all survivors consenting to receive services. The advocate provides counseling, lethality/risk assessment, safety planning, restraining order assistance, and assistance to survivors in accessing services and other referral services as needed. The advocate provided approximately 1,257 follow-ups this fiscal year. Of these follow-ups, the advocate provided 324 referrals.

The partnership also calls for the YWCA to staff a 24-hour hotline for calls from survivors, potential survivors, and/or San José Police Department personnel acting on behalf of a survivor in order to provide immediate intervention services by an advocate. The advocate is funded by the Unit's non-personnel/equipment appropriation in the General Fund.

### ***Domestic Violence- High-Risk Response Team***

A Domestic Violence High-Risk Response Team (DV-HRRT) is a nationally recognized model aimed at reducing lethality and improving service delivery to survivors of IPV. The DV-HRRT program allows us to have a YWCA advocate available to quickly respond to hotline calls in person to meet the survivor of a high-lethality situation during non-business hours.

As directed in the Mayor's June Budget Message for FY 2018-2019, as approved by the City Council, a total of \$160,000 in one-time funds to establish a DV-HRRT and \$20,000 in Police overtime to support the effort was included in the 2018-2019 Adopted Operating Budget. Additional one-time funding of \$120,000 was approved as part of the 2021-2022 Adopted Operating Budget. An outside entity called "Arboreta Group" was hired to conduct an evaluation of our DV-HRRT program. The final report is expected to be released very soon. It will offer information on the strengths of the program and information that can be used to help improve the program.



Prior to the COVID-19 pandemic, the YWCA was able to respond to the field and meet with IPV survivors. These in-person meetings allowed the advocates to establish rapport with survivors, assist with an appropriate safety plan, better evaluate the condition of the survivors, and offer the most appropriate services.

When the COVID-19 lockdowns went into effect, the in-person responses had to be halted for the safety of survivors and advocates. During that time, the telephone hotline remained active. To offer the extra assistance that would be done in-person by the DV-HRRT, the YWCA placed an extra emphasis on safety planning and how they prioritized the referral internally. The result was an increase in resources such as therapy, counseling, motel bed nights, legal services, food provisions, transportation, etc. for survivors.

Due to easing restrictions, and more information about COVID-19, we determined it was safe enough to re-institute in-person DV-HRRT responses on May 17, 2021. The in-person responses should help us achieve our goal of providing appropriate services for IPV survivors.

### ***Domestic Violence Conference and Other Prevention Efforts***

The County of Santa Clara Office of Gender-Based Violence Prevention and the Domestic Violence Council host an annual Domestic Violence Conference for our county. In years past, the conference was held in person. For 2020, the 27<sup>th</sup> Annual Domestic Violence Conference was held virtually with free webinars that were scheduled between October 2<sup>nd</sup> and October 30<sup>th</sup>. This allowed an opportunity for far more people to attend the conference.

For 2021, the 28<sup>th</sup> Annual Domestic Violence Conference was scheduled for October 15<sup>th</sup> and 22<sup>nd</sup>. The conference remained virtual, and the theme was “Exploring the Intersections of Domestic Violence.”

Education is important in preventing future violence. In 2020-2021, the Family Violence Unit continued to collaborate with our Crime Prevention Unit who conducted presentations on awareness and preventing teen dating violence and “Healthy Relationships.” Prior to COVID-19, Crime Prevention Specialists conducted these presentations in person. This was not possible when schools were shut down, but now that schools are open again, the in-person presentations can resume. The presentations had been well received and provided for interaction between the students and the Police Department.

### ***Challenges and Moving Forward***

The number of DV occurrences reported to the Unit has decreased by approximately 0.3 percent this fiscal year. The caseloads for the FVU investigators remain high, yet the investigators continue to do an outstanding job of keeping up with the high demands. The delivery of services could be improved, and more time could be spent on each case with additional full-time personnel, as future funding allows.

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While the Unit's investigators and advocates provide excellent service for survivors after a case is received, heavy caseloads prevent the investigators from having enough time to conduct proactive outreach and education to the community on all types of family violence. The Family Violence Unit continues to work with our partners to explore new ways to educate our community and encourage additional survivors to come forward and seek help as well as prevent future violence.

**COORDINATION**

This memorandum has been coordinated with the City Manager's Budget Office and the City Attorney's Office.

A handwritten signature in black ink, appearing to read 'A. Mata', is positioned above the printed name and title.

Anthony Mata  
Chief of Police

For questions, please contact Lieutenant Robert Lang, Family Violence Unit, San José Police Department, at (408) 277-3700.