

**JOINT MEETING MINUTES OF THE
CITY OF SAN JOSÉ PUBLIC SAFETY, FINANCE AND STRATEGIC SUPPORT
COMMITTEE/ COMMITTEE OF THE WHOLE AND THE SANTA CLARA
COUNTY CHILDREN, SENIORS, AND FAMILIES COMMITTEE**

Joint Special Meeting on Gender-Based Violence and Child Sexual Abuse

SAN JOSÉ, CALIFORNIA

FRIDAY, NOVEMBER 5, 2021

COVID-19 NOTICE

Consistent with AB 361 and City of San Jose Resolution Nos. 79485, 80237 and 80266, this meeting will not be physically open to the public and the (Public Safety, Finance and Strategic Support Committee) Members will be teleconferencing from remote locations.

The Committee meeting was teleconferenced from remote locations and called to order at 10:00 a.m.

Present: Councilmembers - Peralez, Mahan, Jones, Arenas.

Absent: Councilmembers - Jimenez.

City Staff: Deputy City Manager, Jennifer Maguire; Assistant City Manager, Lee Wilcox; Mayor's Office, Paul Pereira; City Attorney's Office, Rosa Tsongtaatarii; and City Clerk's Office, Yasmin Johnson.

Present: County Board Members - Chavez, Ellenberg.

Absent: County Board Members - All present.

County Staff: County Executive, Jeffrey V. Smith; County Superintendent of Schools; Mary Ann Dewan; Director, Department of Family and Children's Services, Daniel Little; Coordinator of Mental Wellness Support Services, Annya Artigas; and Board Clerk II, Dave Leon.

Chairperson Cindy Chavez and Councilmember Raul Peralez provided opening comments.

2. Special Hearing Relating to Gender-Based Violence and Child Sexual Abuse Prevention and Services.

A. Report from the Office of the District Attorney, Santa Clara Valley Medical Center, San José Police Department, and YWCA Golden Gate Silicon Valley relating to the Sexual Assault Forensic Exams (SAFEs) access, authorization, cost, reimbursement from the California Governor's Office of Emergency Services (Cal OES), barriers to access and recommendations relating to removing barriers to accessing SAFEs for survivors.

Assistant District Attorney, Terry Harman; SJPd Sexual Assault Unit, Lieutenant, Jaime Jimenez; Director of Santa Clara County Adult SAFE, Kim Walker; YWCA Director of Support Services, Lindsey Manfield; and SJPd Crime and Intelligence Analyst for Sexual Assaults, Angelie Montesa offered a collaborative presentation and responded to questions that addressed the following: The aftermath of a sexual assault occurrence and the importance of medical forensic care for a survivors well-being and the Police investigation, the applicable laws involving a survivor such as PC 13823.95(A) and PC 13823.95(b)(1), local protocols, the Childrens Advocacy Center (CAC) Agreement, the SAFE Program Pediatric (11 and under, unless non-acute case) and Adult (12 and older) process, the SJPd process, Applicable Guidance's such as PC 13823.95(c), SAFE Survivor Authorization Guidelines, SAFE costs and billing through Valley Medical Center (VMC), Cal OES Reimbursements and recent changes, police perspective challenges, survivor perspective barriers to SAFE's, the District Attorneys expectations to SAFE Access and Sexual Assault Investigations, and SJPd Training and Adherence of those Standards.

Santa Clara County Executive, Jeffrey V. Smith and SJPd Bureau of Investigation, Deputy Chief, Elle Washburn responded to questions regarding recommendation (2A).

Motion: Councilmember Sylvia Arenas made a motion to include the following directions as stated below. Vice Mayor Chappie Jones seconded the motion.

1. To invite the school districts that have been most impacted by COVID-19 and Sexual Assaults to the CAC Leadership Council Meetings.
2. To direct the City Manager to follow up on an Implementation Plan along with the Gender Based Workplan that is to be discussed on the next Joint Special Meeting Agenda with the efforts on the collaborative work plan.
3. To direct the City Manager to follow up on a Joint Special Meeting on Gender Based Violence and Child Sexual Abuse Response and Strategy Workplan and include it on the PSFSS Committee Jan-June 2022 Workplan.

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Friendly Amendment: Councilmember Raul Peralez made a friendly amendment to the motion on the floor. To direct the staff to report back with the efforts and solutions to the funding reimbursements of Sexual Assault Forensic Exams (SAFEs), to address the non-investigative report discrepancies of the mandated reporting requirements and discuss possible solutions, and provide an update to the PSFSS Committee before the Joint Special Meeting to also go through the SARP Committee. The friendly amendment was accepted by the maker of the motion and the seconder.

2A Action: On a call for the question, the motion by Councilmember Sylvia Arenas, as seconded by Vice Mayor Chappie Jones carried unanimously. (4-0-1. Absent: Jimenez)

Motion: Chairperson Cindy Chavez made to motion to include the following directions as stated below. Vice Chairperson Susan Ellenberg seconded the motion.

1. To refer the SARP Committee all the resources necessary to address all SAFE Exams, to include financial personal as appropriate, and all appropriate agencies that may be impacted.
2. To report back to the Childrens, Seniors, and Families Committee in January with an update on the process, to discuss resource investment strategies that are inclusive of all cities, and to not only consider just the initial SAFE Exams but also the treatment to ensure people aren't discouraged to receive services out of fear of paying for the treatment.

2A Action: On a call for the question, the motion by Chairperson Cindy Chavez, as seconded by Vice Chairperson Susan Ellenberg, was passed unanimously. (2-0.)

B. Report from the San Jose Police Department and field or school experts relating to response protocol and reporting of child sexual abuse.

Chairperson Cindy Chavez provided an introduction of the next series of speakers.

Santa Clara County Director, Department of Family and Children's Services, Daniel Little offered a presentation and responded to questions that addressed the following: The reporting of child abuse by schools, guidelines regarding involuntary sexual activity, incest, and voluntary sexual activity, the difference between what is considered a mandated report or non-mandatory report for children younger than 14 years old and children 14 or 15 years old, a mandated reporters role, the Hotline Tool, what happens after a call and report is made (10 day referral), response types from CPS, information on the Child Advocacy Center, national training resources, and DFCS Social Worker Training.

Santa Clara County Superintendent of Schools; Mary Ann Dewan offered a presentation and responded to questions that addressed the following: The mandated reporter role of school personnel, when to report, and current trends and patterns before and during the COVID-19 pandemic.

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SJPD Crime and Intelligence Analyst for Sexual Assaults, Angelie Montesa; SJPD Sexual Assault Unit Lieutenant, Jaime Jimenez; and SJPD Captain, Brian Matchett offered a presentation and responded to questions that addressed the following: The SJPD response protocol for child sexual abuse cases, PC11166 and PC11165.9 regarding mandated reporting, SJPD response protocols, existing options and alternatives, and prevention education strategies.

Alum Rock Union School District, Board of Trustees President, Corina Herrera-Loera; and Alum Rock School District, Coordinator of Mental Wellness Support Services, Annya Artigas offered a presentation and responded to questions that addressed the following: Mandated Reporters at schools, Physical and Non-Physical Abuse, current trends of reporting during the COVID-19 school closures and reopening's, and perspectives from the field.

Motion: Chairperson Cindy Chavez made to motion to include the following directions as stated below. Vice Chairperson Susan Ellenberg seconded the motion.

1. To discuss how to better refine mandated reporting, the training, and the response times for all parties involved.
2. To refer the social services agencies and police agencies to the Child Advocacy Centers Working Groups.
3. To include a discussion and understanding of mandated reporting for both the SARP and CAC Committees to help shape the conversations that come back to the Childrens, Seniors, and Families Committee prior to a Joint Special Meeting in December.
4. Invite the (MHSA) Mental Health Services Act Committee to the December Joint Special Meeting so that young people and anyone that is interested can attend the meeting.

Friendly Amendment: Vice Chairperson Susan Ellenberg made a friendly amendment to the motion on the floor. That funding response considerations are to also include: funding for therapist positions as well as opportunities through the workforce development to pipeline individuals to become social workers and therapists. Those additional considerations are to be discussed at the Joint Special Meeting in December. The friendly amendment was accepted by the maker of the motion.

2B Action: On a call for the question, the motion by Chairperson Cindy Chavez, as seconded by Vice Chairperson Susan Ellenberg, was passed unanimously. (2-0.)

2C Action: Chairperson Cindy Chavez made a motion to defer 2C to the next committee meeting. Vice Chairperson Susan Ellenberg seconded the motion.

C. Report from the Office of Gender-Based Violence Prevention relating to the issuance of a future comprehensive Request for Proposals for gender-based violence prevention and intervention service.

ITEM (2C) DEFERRED TO THE DECEMBER CHILDRENS ADVOCACY CENTER MEETING.

3. Public Comment

1. Paul Soto stated his views on how different socioeconomic classes are treated regarding the reporting of Sexual Assaults.
2. Urvish Kumar addressed the implementation of programs in the County, law violations that could be possibly happening advertently and inadvertently, and the lack of educational resources.
3. Erica Elliot spoke to the need for increased access to specialized behavioral health services that focus on gender based violence.
4. Raeena stated the importance of also training parents to notice signs of abuse as well.
5. Perla Flores thanked Councilmember Sylvia Arenas and Cindy Chavez for their commitment to culturally responsive policies, services, rights, and support for survivors of gender based violence.
6. Sharan Dhanoa addressed the need for fostering multidisciplinary opportunities and partnerships on the issues of sexual assault and dedicating funding for those coordination's and legal needs for the victims.
7. Kimberly Gutierrez spoke to the need for support services, collaborative approaches to serving survivors, and advocacy services.

ADJOURNMENT

Chairperson Cindy Chavez adjourned the Special Meeting at 12:14 p.m.

Approved at the 1/25/22 Council Meeting

Councilmember Raul Peralez, Chair
Public Safety, Finance and Strategic Support Committee

RP/yj/PSFSSMin11-5-21