

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Edgardo Garcia

**SUBJECT: SEXUAL ASSAULT RESPONSE
AND STRATEGY UPDATE**

DATE: October 8, 2019

Approved

Date

10/8/19

INFORMATION

BACKGROUND

At the February 21, 2019 meeting of the Public Safety, Finance, and Strategic Support Committee (PSFSS Committee) the members took special note that the number of reported rapes in San José has been steadily rising. The Committee requested further information be presented at the April 18, 2019 meeting.

On April 15, 2019 the Santa Clara County Children, Seniors, & Families Committee and the City of San José PSFSS Committee held a joint meeting on the topics of sexual assault, domestic violence, and human trafficking. This meeting produced a number of countywide recommendations related to sexual assault responses.

On April 18, 2019 the Police Department gave a detailed presentation on sexual assault reporting and investigative trends to the PSFSS Committee.

On May 30, 2019 Councilmembers Arenas, Carrasco, Davis, Esparza, and Foley authored a memorandum that was heard and approved by the Rules and Open Government Committee on June 5, 2019. The memo contained three recommendations that directed work on the issue of sexual assault, one of which required a report back to the City Council in an informational memorandum. The recommendations are as follows:

- 1) Agendize a series of public hearings on the rise in reports of sexual and relationship based violence in San José and the City Administration's work to respond to it (to include a June 20 presentation to the PSFSS Committee, a Study Session, and another joint meeting with the County).
- 2) Request the Administration's response and strategy to the rise of sexual assaults be reported to Council as an informational memo this summer, for early review before the Study Session. This report should include process improvements to address intersectional issues of domestic violence and human trafficking when possible, including strangulation

evidence collection, and other key improvements that were brought forward at the joint meeting.

- 3) Formalize a Sexual Assault working group between the City Administration and the County Executive, as well as any other relevant agencies.

On June 20, 2019 the Police Department's presentation to the PSFSS Committee of the Whole covered the countywide recommendations on sexual assault response, the rise in sexual assault reporting locally and across the nation, the Police Department's internal clearance categories for sexual assault investigations, and an update on recent reporting trends.

Also on June 20, 2019, Councilmember Arenas released a memorandum to the PSFSS Committee that made four additional recommendations for work to be performed by the Police Department. The memorandum requested the first two recommendations be undertaken and reported back through the informational memo or the upcoming City Council Special Meeting this fall. The third and fourth recommendations were to be worked into future work plans for the Council or PSFSS Committee. The memorandum was approved with an amendment directing that recommendation two include the possible creation of a workgroup (including the Police Department and Ethnic Based Agencies) to contribute to the development of Trauma Informed and Culturally Competent law enforcement training.

Recommendation one from the June 20, 2019 memo includes seven sub-items, while recommendation two stands as one item plus an amendment. They are as follows:

- 1) Include research into the following questions in the upcoming info memo and/or special council meeting and the research collaboration with the University of Texas San Antonio:
 - a. What role does overcrowding and substandard housing play as a factor in the rise in sexual assaults, especially of minor children?
 - b. How do San José's "distribution of internal status" designations, including lack of victim cooperation, compare to other similar jurisdictions?
 - c. What internal improvements in Police Department practices would improve cooperation from victims? What kinds of trainings could support these improvements?
 - d. What role does cultural responsiveness and cultural competency play in successfully closing cases in a diverse place like San José?
 - e. What intervention ages would have maximum impact? What neighborhoods would be most effective to target of school-based interventions?
 - f. What inter-agencies strategies should be initiated? Which should be led by the City?
 - g. What could a neighborhood-specific strategy look like?
- 2) Include in the summer informational memo steps to explore opportunities for trauma informed and culturally competent law enforcement training response to sexual assault, domestic violence, and human trafficking to serve San José's diverse community in collaboration with ethnic based agencies such as, Asian Americans for Community

Involvement, Gardner Health Services, Indian Health Center, Mekong Community Center, or Ujima.

ANALYSIS

What follows is the Police Department's narrative response to recommendations one through three of the May 30 memorandum and recommendations one and two of the June 20 memorandum. The work items are in underlined text while the *Police Department's responses are italicized*.

Some of these items are questions and some are requests for specific work. Our projects and initiatives described in the following narrative may be difficult to track, so we have combined our projects and initiatives into an appendix. The appendix is in table format showing each work item's current status and the intended follow-up, either at the Special Meeting in November or with the PSFSS Committee at a later date, as appropriate.

Memorandum: May 30, 2019

RECOMMENDATION 1: Agendize a series of public hearings on the rise in reports of sexual and relationship based violence in San Jose and the City Administration's work to respond to it.

ANSWER: The requested PSFSS Committee of the Whole meeting was held on June 20, 2019. The requested September Study Session was agendized but has been modified to a Special Meeting and moved to November 12, 2019, from 9:00 am to 12:00 pm. This meeting will include presentations on sexual assault patterns and statistics, as well as results from analytical work being conducted by researchers at the University of Texas at San Antonio, including findings and recommended responses or interventions to reduce the incidence of sexual assault in San Jose. An additional joint meeting between the PSFSS Committee and the County Children, Seniors, & Families Committee will be one of the items that will be discussed with the county-wide sexual assault workgroup, to determine timing, scope and participants. The City Manager's Office will help coordinate as appropriate.

RECOMMENDATION 2: Request the Administration's response and strategy to the rise of sexual assaults be reported to Council as an info memo this summer, for early review before the Study Session. This report should include process improvements to address intersectional issues of domestic violence and human trafficking when possible, including strangulation evidence collection, and other key improvements that were brought forward at the joint meeting.

ANSWER: *This informational memorandum provides our general strategy by describing the projects that are: already implemented, in progress, being planned, or that need further assessment.*

To reduce detective's caseloads and thereby improve outcomes of cases, five detective positions were added to the Sexual Assaults Unit in May 2019. Additionally, the Department is in the very early stages of exploring the option to add a lieutenant to our authorized staffing so that we may bisect the Sexual Assaults Unit into more manageable units which will enable those commanders to innovate more effectively.

In preparing this response we recognize a number of important takeaways that inform our strategy:

- *The higher numbers of reported sexual assault may more closely reflect the actual offense rates which previously went unreported.*
- *These increases in reports of sexual assault were likely influenced by a change in the UCR definition of Rape, increased reporting related to social movements, and an increase in population.*
- *These high rates of occurrence demand action by any person, entity, or agency that has the power to affect change.*
- *Local Government, Schools, Non-Governmental Organizations, and the Law Enforcement community must work in concert to reduce the occurrence of sexual assault.*
- *The Department is engaged in a pilot project to deliver intervention training in the schools. Simultaneously, we look forward to using University of Texas - San Antonio data and/or other metrics, to inform an effective expansion of this program in a timely manner.*
- *The Department can improve our response through improved case closure coding, improved analytics, a Trauma Informed Approach to investigations, and a Culturally Competent posture with Non-Governmental Organizations and Survivors.*
- *The Department recognizes the intersectionality of sexual assault, domestic violence, and human trafficking. We are deploying an intersectionality screening tool within the Department and we hope to glean additional intersectionality tools from our collaboration with the county Office of Gender Based Violence Prevention.*
- *The Department recognizes that strangulation is an indicator that an abuser will cross offend between domestic violence and sexual assault. We intend to develop additional tools to address this correlation. We especially look forward to the collaboration with the Office of Gender Based Violence Prevention because changes*

to how we collect and assess strangulation evidence should align with our regional partners.

- *In recognition of the intersectionality between domestic violence and sexual assault, the Department has added a mandatory lethality assessment for all domestic violence investigations. In addition, we are conducting a High Risk Response Team pilot project in which a YWCA advocate (the same organization who provides sexual assault advocacy) is summoned to the scene when the lethality assessment indicates that it was a “High Lethality Incident”.*
- *Because the Department recognizes that victims of human trafficking are at a high risk of sexual assault, we will continue to rescue victims of human trafficking through enforcement of offenses surrounding sex buyer activity and by continuing to pursue human traffickers, pimps, and panderers. Our recent rollouts of the “Report John” and “Safe Places” projects reflect our efforts to innovate in this area.*

RECOMMENDATION 3: Formalize a Sexual Assault working group between the City Administration and the County Executive, as well as any other relevant agencies.

ANSWER: *The county-wide Sexual Assault working group held its first meeting on September 13, 2019. The following staff represented the City of San José at that meeting:*

- *Lt. Paul Cook, San José Police Department R&D Unit*
- *Lt. Brian Anderson, San José Police Department Sexual Assault Unit*
- *Angelie Montesa, San José Police Department Crime and Intelligence Analyst*
- *Peter Hamilton, San José City Manager’s Office*

At the work group, County staff announced a proposal to create an Office of Gender Based Violence Prevention which would include dedicated staff to work on the issue of gender based violence. This proposal was approved by the Board of Supervisors at their September 24, 2019 meeting. County staff also presented a funding plan, which was also approved by the Board at the September 24, 2019 meeting. The chart below outlines the County’s funding plan.

Category	FY 2020	FY 2021
<i>Direct services – rape crisis centers</i>	<i>\$1,725,000</i>	<i>\$2,300,000</i>
<i>RFP – Community Prevention</i>	<i>\$375,000</i>	<i>\$1,500,000</i>
<i>County Initiatives and Pilots</i>	<i>\$600,000</i>	<i>\$750,000</i>
<i>Trainings, Evaluations, and Capacity Building</i>	<i>\$150,000</i>	<i>\$450,000</i>
Total	\$2,850,000	\$5,000,000

Memorandum: June 20, 2019

RECOMMENDATION 1: Include research into the following questions in the upcoming info memo and/or special council meeting and the research collaboration with the University of Texas San Antonio.

ANSWER: *The Police Department has engaged researchers from the University of Texas at San Antonio (UTSA) to work with our Crime Analysis Unit to examine 6-8 years of sexual assault data using a variety of statistical, analytic, and mapping techniques. The overarching goal of the work will be to identify, if possible, any patterns, trends, or changes in the data over time that might allow for the development of responses or interventions to reduce the incidence of sexual assaults in San José.*

RECOMMENDATION 1a: What role does overcrowding and substandard housing play as a factor in the rise in sexual assaults, especially of minor children?

ANSWER: *The Department recognizes that the high incidences of child sexual assault is in need of intervention. We see value in studying this item, but this complex analysis is outside the scope of the Department's workforce and would need to be performed by analytic professionals.*

As mentioned above, the Department has retained UTSA as a consultant, but analysis of how substandard housing factors into sexual assaults is no simple task, as it would require a different research strategy and different source data than the current work the consultant is engaged in. It is a much larger project than could be performed within this summer's timeline restrictions. If the City Council wishes for the Department to pursue this avenue, we will need to initiate another consultant study that will require additional funding and sufficient time to go through the RFP process.

RECOMMENDATION 1b: How do San Jose's "distribution of internal status" designations, including lack of victim cooperation, compare to other similar jurisdictions?

ANSWER: *The types of Internal Status codes used to track case management vary between jurisdictions because agencies evolve independently. This makes it difficult to measure "lack of victim cooperation" across agencies. If we choose to pursue this line of analysis, similar jurisdictions to take into consideration should be Dallas, Austin, Seattle, Fort Worth and Phoenix.*

The Department is currently working on dissecting Internal Status K, which is used to indicate a case that was closed due to lack of investigative resources. Lack of investigative resources can mean any number of things, including lack of staffing, lack of victim/witness cooperation, lack of strong leads, or lack of evidence. Through the

dissection of this internal status designation, the Department will develop more specific and informative designations. We anticipate implementing these new classifications at the beginning of 2020 so that by 2021 we will have a full calendar year of data suitable for comparison to other jurisdictions. The Department proposes revisiting this issue with the PSFSS Committee after having at least one year to collect an informative dataset.

RECOMMENDATION 1c: What internal improvements in PD practices would improve cooperation from victims? What kinds of trainings could support these improvements?

ANSWER: We believe we can improve victim cooperation by expanding the Trauma Informed Approach training that is typically given to sexual assault investigators. Our first step is to give this training to all detectives in the department. Our second step will be to deliver similar training department-wide. Trauma Informed Approach techniques require complex and comprehensive training, which is why the law enforcement profession has traditionally limited this course work to detectives. There is a dearth of off-the-shelf training programs that are apropos to line officers, so we are exploring how to innovate such training and how to overcome the hurdles of adding it to an already full schedule of legislatively mandated training. The Department intends to begin training detectives in early 2020, but we still need to develop course content for line officers. Deploying this solution will most likely require additional trainers and training time. As development of the line officer course progresses, the Department will scope the resources required to deliver this training and evaluate potential budget proposals in the context of the overall budget situation and other funding priorities.

RECOMMENDATION 1d: What role does cultural responsiveness and cultural competency play in successfully closing cases in a diverse place like San José?

ANSWER: The Trauma Informed Approach encompasses a component of cultural responsiveness and cultural competency. For example, some principles of the Trauma Informed Approach are Cultural Humility and Equity. These principals involve understanding how different cultures respond to trauma and having ways to sensitively respond to each. By understanding the variants in cultural responses, we are then able to develop strategies more suitable to each survivor of a particular ethnic background.

RECOMMENDATION 1e: What intervention ages would have maximum impact? What neighborhoods would be most effective to target of school-based interventions?

ANSWER: The Department is launching a pilot program in which the YWCA provides school-based interventions to middle & high school aged youth. The pilot program is being delivered in the Oak Grove School District and the East Side Union School District. After the pilot program concludes, we look forward to using the UTSA results or other metrics to develop an evidence-based plan for what ages and neighborhoods to target.

RECOMMENDATION 1f: What inter-agencies strategies should be initiated? Which should be led by the City?

ANSWER: *The Department is already involved in the interagency effort to develop the Child Advocacy Center. We believe the effort to create a network of Ethnic Based Agencies (EBAs) focused on victim advocacy, resources, and referrals should also be a regional effort. We will ask the newly formed Santa Clara County Office of Gender Based Violence Prevention to develop a network of EBAs that are culturally responsive to events of sexual assault. During the Trauma Informed Approach Training (item 1c), officers could then be trained on which EBA to contact for support.*

RECOMMENDATION 1g: What could a neighborhood-specific strategy look like?

ANSWER: *The Department's vision is a strategy that reaches the entire community but has the agility to be neighborhood specific. We believe the Department can work in concert with the YWCA, Community Solutions, VMC and other similar agencies so each can support the efforts of the other. This could be made neighborhood specific by selecting neighborhoods of focus based on crime trends by Zip Code.*

RECOMMENDATION 2: Include in the summer info memo steps to explore opportunities for trauma informed and culturally competent law enforcement training response to sexual assault, domestic violence, and human trafficking to serve San Jose's diverse community in collaboration with ethnic based agencies such as Asian Americans for Community Involvement, Gardner Health Services, Indian Health Center, Mekong Community Center, or Ujima.

ANSWER: *When exploring the collaboration with Ethnic Based Agencies (EBAs), the next steps to create a trauma informed and culturally competent law enforcement response should include:*

- *Community associations and organizations are invaluable to our objectives, but gaining their acceptance and cooperation requires time and energy. This network of EBAs should be provided to law enforcement personnel, who in turn should be trained to know which EBA to contact for support. These agencies will be the network that is culturally responsive to events of Sexual Assault.*
- *EBAs should have an understanding of behavioral health according to race, ethnicity, and culture. Each EBA should be able to contribute knowledge, expertise and experience with regard to how each culture attaches different meanings to trauma and how the responses to trauma vary across cultures. In turn, such understanding will reduce the misinterpretation of traumatic stress responses.*
- *The Department should collaborate with EBAs to provide an up-to-date and current profile of the cultural composition of the community. This must be established in terms of describing the community's population by race and ethnicity, age, gender, religion,*

refugee and immigrant status, housing status, income levels, unemployment, languages spoken, literacy, schools, and businesses in order to have a fully culturally competent law enforcement response.

- *There must be ongoing recruitment of additional EBAs to ensure that the breadth of services remain accessible, appropriate, and equitable. This is important when ensuring that services and information are culturally and linguistically responsive. Such as having an ability to communicate with individuals who do not speak English, who are illiterate or have limited literacy, or who are deaf/hearing impaired.*
- *The Department should connect the Crime Prevention Team to work with each EBA in outreach and education efforts. This should include an assessment of the Social Media presence of each EBA to determine whether they: provide information in different languages, conduct presentations in different languages, and update presentations to stay current with technological trends in message delivery.*

SOURCE: Some of the above information is derived from the Substance Abuse and Mental Health Services Administration's Treatment Improvement Protocol which lists these steps as being Culturally Competent responses to trauma and providing Trauma Informed Care.¹

AMENDMENT TO RECOMMENDATION 2: The possible creation of a workgroup (including Police Department and ethnic based agencies) that contributes to the development of Trauma Informed and Culturally Competent law enforcement training.

ANSWER: This amendment was made verbally from the dais and at the time it was made, Chief Garcia stated that he would respond back after reviewing the recommendation. The Department intends to respond to this amendment at the Special Meeting.

CONCLUSION AND NEXT STEPS

The Department is grateful for this opportunity to reiterate our commitment to reducing sexual assaults in the City of San José and to describe our efforts which are already in progress. It is important to note the implications of the extensive new work proposed as part of this effort. Procuring and completing a more complex consultant study and expanding Trauma Informed training department-wide will also require additional resources.

¹ Substance Abuse and Mental Health Services Administration. C CCC Treatment Improvement Protocol (TIP) Series 57. HHS Publication No. (SMA) 13-4801. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2014

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Subject: Sexual Assault Response and Strategy Update

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As discussed earlier in this memo, staff will return to the City Council at the November 12, 2019 Special Meeting with additional analysis conducted by University of Texas at San Antonio researchers. The meeting will also include a brief overview of sexual assault patterns and statistics and the ongoing work described in this memorandum.

/s/

EDGARDO GARCIA

Chief of Police

For questions, please contact Lieutenant Brian Anderson, Sexual Assaults Unit Commander at (408) 537-1383.

Attachments:

Appendix A: Sexual Assault Response and Strategy Work Items

APPENDIX – A

Sexual Assault Response and Strategy Work Items

WORK ITEM	STATUS	FOLLOW-UP
June 20, 2019 PSFSS Presentation	Implemented	N/A
Agendize a Special Meeting	Set for November 12, 2019	N/A
Schedule another joint meeting with PSFSS & SCC BOS Children, Seniors & Families Committee	Will engage with Santa Clara County Sexual Assault Working Group to discuss timing, scope and participants. City Manager’s Office will coordinate, as appropriate.	PSFSS Committee
Formalize a Sexual Assault Working Group with the County	Implemented – First session was September 13, 2019	PSFSS Committee
Expanding number of detectives in the Sexual Assaults Unit	Implemented in May 2019	N/A
Bisecting the Sexual Assaults Unit	Pending further assessment	Special Meeting
Intersectionality Tool	In Development	Special Meeting
Domestic Violence - lethality assessment (including strangulation)	Implemented	N/A
Strangulation evidence collection	Pending action by the county-wide workgroup	PSFSS Committee
Domestic Violence – High Risk Response Team	Pilot program in progress	PSFSS Committee
Report John Program – Human Trafficking intersectionality	Implemented	N/A
UTSA study to develop responses and interventions	In Progress	Special Meeting
Study to assess sub-standard housing factor	Not in the scope of the current UTSA study. Pursuing this recommendation will require additional work and resources	N/A
Internal Status K dissection	In progress, target: January 1, 2020	N/A
Study to assess Internal Status K: - against other jurisdictions - for effects on outcomes	Pending implementation of our new internal status system and the collection of a new dataset	PSFSS Committee
Trauma Informed Approach Training for Investigators	Planning in progress, targeted to begin training in January 2020	N/A
Trauma Informed Approach Training Department-wide	Planning in progress, working on course development and scoping funding requirements	N/A

APPENDIX – A

Sexual Assault Response and Strategy Work Items

WORK ITEM	STATUS	FOLLOW-UP
Cultural Responsiveness/Competency role in closing cases	Cultural Responsiveness/Competency will be part of our Trauma Informed Approach and part of our Ethnic Based Agencies build out. An assessment should wait until after those programs are implemented	PSFSS Committee
School Age Interventions	YWCA pilot program in progress, expansion will be based on analytic data and the after-action assessment of the pilot program	PSFSS Committee
Child Advocacy Center Implementation (regional effort)	In-Progress	Special Meeting
Ethnic Based Agency build out	Pending – requires coordination with Office of Gender Based Violence Prevention	N/A
Creation of an Ethnic Based Agencies workgroup	Pending outcome of request to Office of Gender Based Violence Prevention	N/A