



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Edgardo Garcia
Chief of Police

**SUBJECT: POLICE DEPARTMENT
DOMESTIC VIOLENCE
EFFORTS**

DATE: May 31, 2016

Approved: _____

Date: _____

5-31-16

At the request of the City Manager's Office, this Manager's Budget Addendum is provided in order to inform City Council about the Police Department's efforts to combat domestic violence and the status of a second Office of Violence Against Women Encourage Arrest Policies and Enforcement of Protection Order Program (OVW) Grant.

BACKGROUND

Domestic Violence is defined as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. The City of San José has identified the instances of domestic violence in the family as a growing problem in society. The San José Police Department (SJPD) maintains the attitude that violent behavior in the home is considered criminal and is not to be tolerated. The Department facilitates this aggressive stance by strictly enforcing the laws meant to protect victims and their families and by utilizing the referral services provided by the community.

Domestic violence crimes are investigated by the Family Violence Unit (FVU) within the Bureau of Investigations. The FVU also operates the Family Violence Center, whose goal is to address family violence issues by serving as the core for a multi-agency effort. FVU focuses on three areas of behavior which most often victimize the family: (a) domestic violence, (b) child/elder/dependent adult abuse, and (c) threat management/stalking. The Department's Family Violence Center is staffed by representatives of FVU, Santa Clara County District Attorney's Office, Santa Clara County Department of Family and Children Services, Adult Protective Services, and a victim advocate from the community-based organization Next Door Solutions to Domestic Violence. This cooperative effort provides all the support services available to victims of family violence in a safe and friendly environment.

FVU is authorized 17 staff (15 sworn and 2 civilians); however, the unit does have vacancies in both the sworn and civilian ranks. The two sworn vacancies have created an increase in workload for the remaining staff as well as an increase in backlog of investigations.

On an annual basis, the Administration provides a report to the Public Safety, Finance, and Strategic Support Council Committee on Domestic Violence Prevention and Awareness. The last report was presented in November 2015¹. Among other updates, this report included a status report of the OVW Grant award from the Department of Justice that was awarded for a three year period commencing October 2013 and concluding September 2016. In November 2016, the Police Department will return to Committee to present the next annual report as scheduled.

Within the General Fund, the Department also supports domestic violence efforts with a line item for victim services. The Department recently conducted a Request for Proposals and has selected a new provider to assist at the Family Violence Center. Pending contract negotiations, the new provider is expected to transition into the Family Violence Center on July 1, 2016. In addition, Police Department funding is included in the 2016-2017 Proposed Operating Budget for support of the annual Domestic Violence Conference and other prevention and awareness events and activities.

The Domestic Violence Death Review Committee of Santa Clara County's Domestic Violence Council reported the following statistics:

Year	Number of Domestic Violence Related Deaths
2011	6
2012	9
2013	11
2014	2
2015	6
2016 through March	1

The one case in 2016 was from a same-sex relationship which brings to light the importance of unique challenges facing the LGBTQ community. The County's Domestic Violence Council as well as its sub-committee, Police-Victims Advocacy Committee, have drafted their 2016-2017 work plans to include highlighting domestic violence related issues within LGBTQ community. It's also important to note that the Department's FVU Commander is actively involved in the County's Domestic Violence Council and serves as the co-chair of the Police-Victims Advocacy Committee.

¹ Link to November 2015 Domestic Violence Report to PSFSS
http://sanjose.granicus.com/MetaViewer.php?meta_id=542710

ANALYSIS

While the Department acknowledges the importance of law enforcement's role in the efforts to combat incidents of domestic-related violence, the unfortunate reality is that current staffing levels have dropped below critical needs. FVU receives and processes almost 7,000 cases a year, most of which are routed electronically. FVU Detectives also take walk-in reports at the Family Violence Center as well as at the County-run Family Justice Center. Each FVU detective carries 60 - 100 cases at a time, which does not allow for aggressive or proactive investigation. Detectives must prioritize and manage their caseload by prioritizing their cases which have a high likelihood of being prosecuted. These cases involve in-custody arrests by patrol officers, cooperative victims, and high-profile cases. The remainder of the cases receive attention as needed or as warranted. This precludes staff from participating in programs, outreach, or additional projects that would preempt investigative work on active cases.

Every case is reviewed by one of two FVU Police Sergeants, evaluated, and then assigned or closed. Almost half of the cases received are filed with the District Attorney's Office and approximately half of those actually go through the criminal justice process in one form or another. The FVU has operated with two sworn vacancies for the past five years as well as periodic civilian vacancies for the past three years.

As cited earlier in this report, the Department currently manages an OVW grant. This federal grant is in the amount of \$899,960 and was awarded for a three-year period (October 2013 through September 2016). The Department and Next Door Solutions to Domestic Violence are working collaboratively to enhance victim safety and implement pro-arrest policies with these grant funds. In March 2016, the Department applied for a second OVW grant in collaboration with the YWCA of Silicon Valley in order to continue the program. This application grant request was in the amount of \$885,353 for a three-year period commencing October 2016, and concluding September 2019. The project proposes to:

- Provide two (2) Full-Time Advocates at the Family Court and Superior Courthouses. The advocates will provide culturally sensitive, client-defined legal advocacy and support to survivors of domestic violence at the two locations.
- Deploy a law enforcement officer at the newly formed County-run Family Justice Center to enable victims to have direct access to an officer to file criminal reports. Currently victims may wait for hours in the non-emergency call line. This will also provide an opportunity for the Department to build relationships and trust with the community.
- Provide training to first responders, investigators, prosecutors, and members of the judiciary on investigations and prosecution.
- Create informational brochures, mini-billboards, and transit shelters to inform potential victims of sexual assault and domestic violence about the availability of services as it is essential that potential victims know where they can go for assistance and support.

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Sometime during the summer of 2016, the Department will know the results of the latest OVW grant application and notify the City Council accordingly. It should be noted that if the City is not awarded this second OVW Grant, the Police Department will continue to seek other potential grant opportunities for these services. In addition, the Administration will consider a budget proposal next year for these services based on the City's budget condition and other citywide and Police Department priorities at that time.

The Police Department continues to seek other grant funding streams to support victims of domestic violence and ensure that everyone lives a life free of violence. The Department recently collaborated with the District Attorney's Office for a segment of the California's Office of Emergency Services grant as a sub-recipient for funding for the one-time purchase and installation of video and audio recording of the FVU interview room to enhance prosecution of domestic violence cases. The FVU also requested funding to create an informational brochure describing services available at the center in addition to creating a comprehensive "how-to" booklet for victims and potential victims. The booklet will describe for readers such things as how the court process works once a perpetrator is arrested, available advocacy and support groups as well as restraining order assistance and other important topics. The booklet will be the foundation for future online webpages or links for resources.

The County of Santa Clara's District Attorney's Office submitted a request for funding from the State of California Office of Emergency Services to hire a forensically trained child interviewer to conduct critically important interviews at the Child Interview Center, which is managed by SJPD. Child abuse interviews are currently conducted by law enforcement investigators who have varying degrees of experience with child sexual and physical abuse cases as well as tenure on their respective departments. The discussion about the need for a forensic child interviewer in Santa Clara County has been ongoing for over a decade. The ability to relieve the criminal investigators of the responsibility of conducting these extremely sensitive interviews is beneficial in many ways, but it primarily frees them up to work on an already impacted case load, as well as providing the District Attorney's Office with an expert to testify in child abuse cases.

As time allows, the Department's FVU staff will also partner with the County's Adult Protective Services as well as community-based groups for one of two elder abuse grants which are published each year.

CONCLUSION

The Department continues to focus its efforts and resources on domestic violence-related crimes as well as continually seeking additional personnel and/or funding streams to support and improve existing and future programs. The FVU recognizes that its efforts in highlighting the importance and continued prevalence of domestic violence in the community are stronger when staff work collaboratively with outside agencies, social services, and the District Attorney's Office. These efforts include education and intervention-attempts as staff partners with the many community-based agencies with a vested interest in impacting domestic violence. Most of the

personnel assigned to the FVU voluntarily accept speaking invitations at community, state and private colleges, advocacy and non-profit groups, in addition to have ongoing collateral responsibilities as Department recruiters and academy instructors for both newly-hired police officers and public safety dispatchers. This has created a unit that is active in all aspects of the domestic violence community by being fully engaged in an effort to positively influence the lives of those who have been impacted by domestic violence. It is the hope that the continued accessibility of the members of FVU provides a resource for those in need of assistance with any domestic violence issue they may face.

/s/
EDGARDO GARCIA
Chief of Police

For questions, please contact Deputy Chief Shawny K. Williams at 408-277-4002.