

Memorandum

TO: ALL DEPARTMENT PERSONNEL

FROM: David Tindall
Acting Chief of Police

SUBJECT: SEE BELOW

DATE: March 9, 2021

APPROVED

Memo# 2021-006

SUBJECT

DUTY MANUAL REVISIONS – TRAUMA-INFORMED APPROACHES TO DOMESTIC VIOLENCE, CHILD ABUSE, SEXUAL ASSAULT, AND HUMAN TRAFFICKING INCIDENTS

BACKGROUND

The Department is committed to providing the highest level of service to survivors of domestic violence, child abuse, sexual assault, and human trafficking. As such, the Department has adopted a trauma-informed approach in responding to these types of incidents.

A trauma-informed approach recognizes the impact of the event on the survivor not only physically, but also emotionally, socially, and psychologically. This type of response promotes an environment of healing and recovery. An emphasis is placed on respecting the individual and responding in a manner so as to not re-traumatize the survivor. As such, support services are readily accessible and discreetly provided to every survivor of domestic violence, child abuse, sexual assault, and human trafficking.

ANALYSIS

The Duty Manual has been revised to reflect changes described below. Additions are shown in *italics and underlined*. Deletions are shown in ~~strike through~~ form.

S 4312 SEXUAL ASSAULT CASES:

Revised 3-9-21

Communications should be contacted and the appropriate patrol unit should be dispatched to handle the investigation if police presence is needed on-scene. In general, a patrol unit should conduct the investigation where the assault took place within the last 72 hours if there is a possibility that evidence exists. ~~Sexual Assault reports taken at the Information Center should contain a brief synopsis consisting of enough information to establish the "corpus" of the crime.~~ Extensive interviews and/or statements are not necessary for survivors under the age of 14. In these cases, a multidisciplinary interview of the survivor will be conducted by SAIU. Detailed

statements of witnesses, reporting parties, and adult survivors shall be obtained. Any interview of a survivor shall be conducted in a private setting, outside the presence of other civilians in the Main Lobby. SAIU may need to be consulted for advice depending on the case's complexity. The incident shall be documented and investigated in accordance with DM Section L 6000 – Investigation of Sex Crimes.

S 4313 DOMESTIC VIOLENCE:

Revised 3-9-21

Domestic Violence reports are taken when a survivor ~~victim~~ comes into the Main Lobby to report a ~~the suspect lives with the survivor~~ ~~victim~~ or falls within the parameters of domestic violence incident. Officers will take photos of the survivor's ~~victim's~~ injuries. Detailed statements of witnesses, reporting parties, and adult survivors shall be obtained. Any interview of a survivor shall be conducted in a private setting, outside the presence of other civilians in the Main Lobby. The incident shall ~~complaint will then~~ be documented and investigated in accordance with DM Section L 7300 – (Domestic Violence).

L 3024 PHYSICAL CHILD ABUSE, ENDANGERMENT OR NEGLECT:

Revised 3-9-21

Officers assigned to investigate incidents involving physical abuse, sexual abuse, endangerment, child neglect, unjustifiable mental suffering, emotional abuse, child death, parental kidnapping or child abduction shall utilize the Santa Clara County Child Abuse Protocol as a guideline for their investigations. The protocol is detailed and will provide valuable investigative assistance to responding officers. A link to the protocol may be found on the SJPD policies and procedures virtual library.

Officers investigating sexual crimes involving children shall refer to SJPD Duty Manual Section L 6000- Investigation of Sex Crimes, as well as Section 7 (Sexual Abuse) of the Child Abuse Protocol.

Each officer has an individual responsibility to assist survivors through a trauma-informed approach, offer and explain resources to the survivor, conduct appropriate investigative tasks, make arrests when allowed by law, and properly document the incident whenever suspected physical abuse, sexual abuse, endangerment, child neglect, unjustifiable mental suffering, emotional abuse, child death, parental kidnapping or child abduction is discovered or otherwise reported.

L 6000 INVESTIGATION OF SEX CRIMES:

Revised 3-9-21

Officers are encouraged to identify, locate, and arrest any person reasonably believed to have committed a sexual assault or other sex crime. Officers assigned to such incidents will remain sensitive to the survivor's ~~victim's~~ emotional trauma and will conduct the investigation in a manner which encourages cooperation of persons involved. Each officer has an individual responsibility to assist survivors through a trauma-informed approach, offer and explain resources to the survivor, conduct appropriate investigative tasks, make arrests when allowed by law, and properly document the incident whenever a suspected sexual assault is discovered or otherwise reported.

L 6009 NOTIFICATION TO SURVIVOR VICTIMS:

Revised 3-9-21

Department members shall provide advocacy referrals in all sexual assault cases. Advocacy is provided via pamphlet, telephone support, or in-person advocacy.

- Pamphlet: Officers shall immediately provide the survivor victim of the crime a sexual assault with a notification card (Form 200-45c) titled "Your Rights as a Survivor of Sexual Assault." In addition to the information provided regarding the Counseling Center, its 24 hour telephone number, is a statement on procedures for the victim to follow and a statement that sexual assault by a person known to the victim (including a spouse) is a crime.
- Telephone Support: Prior to leaving the event, officers shall offer the survivor the opportunity to call an advocate. Refer to the "Your Rights as a Survivor of Sexual Assault" notification card for advocacy information.
- In-person: Refer to DM Section L 6010 – Notification to a Survivor Advocate Rape Victim Counseling Center.

~~This notification is accomplished by supplying the victim(s) with a "Report Receipt/Information for Victims of Sexual Assault", (Form 200-45c), which summarizes the necessary information.~~

L 6010 NOTIFICATION TO A SURVIVOR ADVOCATE RAPE VICTIM COUNSELING CENTER:

Revised 3-9-21

Department members shall ask the survivor if they would like an in-person advocate present during a Sexual Assault Forensic Examination (SAFE). It is the responsibility of the patrol officer assigned to the case to call and request an advocate's response. The officer shall document whether the survivor accepted or declined the advocate services. If an advocate responds in-person, the officer shall document the name and agency of the advocate who responded.

~~Department members shall immediately notify the local Rape Victim Counseling Center whenever a victim is transported to a hospital for examination, if the victim approves of that notification.~~

L 6017 ADVOCACY REFERRALS:

Added 3-9-21

Department members shall provide advocacy referrals to survivors of sexual assault and domestic violence before leaving the scene. Refer to the "Your Rights as a Survivor of Sexual Assault" notification card for advocacy information. The resource card will provide referrals, 24-hour telephone support, and in-person advocacy.

The purpose of the advocate is to provide free, confidential services to all survivors and:

1. Provide emotional support and crisis counseling;
2. Provide interview and court attendance support;
3. Explain survivor's rights and criminal justice process;
4. Connect the survivor to resources with ongoing case management; and
5. Provide guidance on goals and needs.

Refer to Duty Manual Section L 6009 – Notification to Survivors for further details.

L 6018

HUMAN TRAFFICKING:

Added 3-9-21

Officers assigned to investigate incidents involving human trafficking shall utilize the Santa Clara County Law Enforcement Human Trafficking Protocol as a guideline for their investigations. The protocol is detailed and will provide valuable investigative assistance to responding officers. A link to the protocol may be found on the SJPD policies and procedures virtual library.

Officers investigating sexual crimes involving human trafficking survivors shall also refer to SJPD Duty Manual Section L 6000 – Investigation of Sex Crimes.

Each officer has an individual responsibility to assist survivors through a trauma-informed approach, offer and explain resources to the survivor, conduct appropriate investigative tasks, make arrests when allowed by law, and properly document the incident whenever suspected human trafficking is discovered or otherwise reported.

L 7300

DOMESTIC VIOLENCE:

Revised 3-9-21

Domestic violence is recognized as a large and recurring problem in our society. The Department has a responsibility to detect, document and resolve cases of domestic violence. The police response to cases of this nature shall stress the enforcement of laws to protect the survivor ~~victim~~ and shall communicate the attitude that violent behavior in the home is criminal behavior and is not tolerated. Each officer has an individual responsibility to assist survivors through a trauma-informed approach, offer and explain resources to the survivor, conduct appropriate investigative tasks, make arrests when allowed by law, and properly document the incident whenever suspected domestic violence is discovered or otherwise reported.

L 7308

NOTIFICATION TO ~~SURIVOR~~ VICTIM:

Revised 3-9-21

Any officer responsible for the initial preliminary investigation of a domestic violence incident shall ~~ease will~~ inform the survivor ~~victims~~ of the various forms of help available to them. Notification will be accomplished by supplying and explaining the Santa Clara County ~~victims with the Countywide~~ Domestic Violence Resource Card ~~that summarizes the necessary information~~. When an officer is unable to directly supply such notification (i.e., unconscious person), either the next of kin will be notified (not the suspect) or the Domestic Violence Resource Card will be placed in the survivor's ~~victim's~~ belongings. Officers responsible for the initial investigation will record the fact that a Domestic Violence Resource Card was given to the survivor ~~victim(s)~~. Department members shall provide advocacy referrals to survivors of sexual assault

and domestic violence before leaving the scene. Refer to the Santa Clara Domestic Violence Resource Card for advocacy information. The resource card will provide referrals, 24-hour telephone support, and in-person advocacy.

The purpose of the advocate is to provide free, confidential services to all survivors and:

1. Provide emotional support and crisis counseling;
2. Provide interview and court attendance support;
3. Explain survivor's rights and criminal justice process;
4. Connect the survivor to resources with ongoing case management; and
5. Provide guidance on goals and needs.

L 7311 ASSISTANCE TO SURVIVORS VICTIMS OF DOMESTIC VIOLENCE:
Revised 3-9-21

Officers have the responsibility of providing assistance to survivors victims of domestic violence and shall do so in the following manner:

- Administer first aid if appropriate and circumstances permit.
- Assist in obtaining appropriate medical attention if a survivor victim claims to have an injury, whether visible or not.
- Assist in making arrangements to transport the survivor victim to an available shelter if they express a concern for their safety or if the officer determines a need exists. Do not list the actual address of the shelter in the report; the name of the shelter will be sufficient to complete a "Crime Report."
- Stand by for a reasonable amount of time when a survivor victim requests police assistance while removing essential items of personal property.
- Explain legal options available to the survivor victim including the private person's arrest process, temporary and emergency restraining orders, stay-away orders, and in cases of arrest, the follow-up procedures and ensuing criminal proceedings.
- Advise the survivor victim that the Santa Clara County Countywide Domestic Violence Resource Card lists 24-hour advocate hotlines, information for Family Justice Centers, local Victim/Witness Assistance and State of California Victim Compensation Board resources, as well as survivor rights the "State Victim Assistance Program" and available community resources.
- Use the Lethality Assessment tool, located in the Domestic Violence Field Reporting Guide (Form 204-24c), in every domestic violence investigation. Contact the Department's contracted advocacy group, when appropriate. As noted on the form, officers are encouraged to call the hotline whenever they believe the survivor is in a potentially lethal situation, regardless of the survivor's responses to the Lethality Assessment questions.
- Conduct the Strangulation/Suffocation Investigation by asking the questions found in the Domestic Violence Field Reporting Guide (Form 204-24c). If strangulation/suffocation occurred, provide the survivor with the Santa Clara County Strangulation Resource Card, advise the survivor that they may have internal injuries, and encourage them to seek medical attention.
- Advise the survivor of their rights outlined in Penal Code section 679.05, which allows them to have a domestic violence advocate and a support person

present at any interview by law enforcement authorities, prosecutors or defense attorneys. (Note: an initial investigation to determine whether a crime has been committed and the identity of the suspect shall not constitute a law enforcement interview for the purpose of that section.)

R 1526 DOMESTIC VIOLENCE RESOURCE CARD:
Revised 3-9-21

This form will be given and explained to a survivor ~~victim~~ of domestic violence at the time the report is completed by the officer.

R 1527 SEXUAL ASSAULT REPORT RECEIPT (FORM 200-45c):
Revised 3-9-21

This form will be given and explained to a survivor ~~victim~~ of a sexual assault at the time the report is completed by the officer.

ORDER

Effective immediately, all Department personnel shall adhere to the above Duty Manual sections.



David Tindall
Acting Chief of Police

DT:SD:JJ:RL