

# **2003-2004 SANTA CLARA COUNTY CIVIL GRAND JURY**

## **INQUIRY REGARDING DOMESTIC VIOLENCE SERVICES IN SANTA CLARA COUNTY**

### **SUMMARY**

The 2003-2004 Santa Clara County Civil Grand Jury (Grand Jury) inquired into domestic violence services in Santa Clara County (County). This report describes the composition and work of the Domestic Violence Council, gives an overview of the Green Book Project (a collaborative interagency effort to decrease domestic violence), discusses prevention and educational activities, inventories available short-term shelters and transitional housing, and provides statistical details on domestic violence cases in the County. On the basis of this inquiry, the Grand Jury offers three findings and three recommendations concerning the Domestic Violence Council's annual workplan, the assessment of beds in the county, and the establishment of a specific committee to address the housing issue.

### **BACKGROUND**

The Santa Clara County Domestic Violence Council (Domestic Violence Council) defines domestic violence as "the escalating pattern of behavior where one partner in an intimate relationship controls another through force, intimidation, and/or the threat of violence." At times the force used results in death.

Although most of those charged with domestic violence are men, there are instances where women are the abusers, even as the perpetrator in domestic violence resulting in death. Also, there are incidents involving same-sex relationship violence. However, the majority of the cases at this time are violence perpetrated against women, and at times children, by men.

The Grand Jury undertook this inquiry to determine:

- Composition and role of the Santa Clara County Domestic Violence Council
- Function of the Green Book Project
- Funding sources
- Prevention and education resources
- Emergency and transitional housing
- Support services
- Role of law enforcement jurisdictions
- Statistical information as to domestic violence complaints filed in Santa Clara County by the Office of the District Attorney (DA).

## **DISCUSSION**

To gain more insight into the issue of domestic violence in the County, the Grand Jury conducted an extensive review. Inquiries were directed to facilities that provide shelter for victims of domestic violence to gain information, as well as to get an understanding of what that facility representative felt were the important issues that should be addressed. One common issue mentioned was the need for more emergency and transitional housing. Another issue was the need for more translators to deal with victims with limited or no English speaking skills. The Grand Jury also interviewed representatives from the Sunnyvale, San Jose, Campbell, Los Gatos, Milpitas, and Santa Clara Police Departments to gain a greater understanding of their role in responding to domestic violence calls. The Grand Jury listened to a presentation by the Director of Community Education for the Domestic Violence Council, who also serves as the Director of the Support Network for Battered Women. The Grand Jury also visited the supervising judge of the County Juvenile Dependency Court, who is also the President of the National Council of Juvenile and Family Court Judges, in order to gain an overview of the court's role in issues of domestic violence. This same judge initially recommended establishing a Domestic Violence Council in 1990 and was instrumental in introducing the Green Book Project to the County. These subjects will be addressed later in the report. The Grand Jury attended meetings of the Domestic Violence Council, a lead entity for dealing with domestic violence. Finally, the Grand Jury requested and received domestic violence statistical information from the Office of the District Attorney for the year 2003.

### **Domestic Violence Council**

The Domestic Violence Council is the lead entity for dealing with domestic violence in the County. It was commissioned by the Santa Clara County Board of Supervisors in 1991. The Domestic Violence Council consists of thirty-four members appointed by the Board of Supervisors, for a term of three years. Membership is voluntary and consists of one representative from each of the following:

- Police Chief's Association
- San Jose Police Department
- Sheriff's Office
- District Attorney's Office
- Municipal Court
- Superior Court
- Family Court
- Batterer's Treatment Program
- WATCH or other transitional housing program
- Pretrial Release Services
- The Bar Association
- Public Defender's Office
- Legal Aid
- Criminal Defense Bar
- Family Law Bar

- Social Services Agency
- Probation Department
- Research specialization
- Commission on the Status of Women
- The State Legislature
- Elder abuse
- The Gay and Lesbian community
- The medical community
- One representative who is a former victim of domestic violence
- Two representatives from the faith community
- Three representatives from domestic violence facilities
- Five representatives from the public at large

Their mission statement is, "... to end domestic violence by developing a community that is safe, accountable, supportive, collaborative, empowering, and inclusive of all members." The Domestic Violence Council consists of 14 committees, each with its own chair. These committees are:

- Batterer's Intervention
- Children's Issues
- Community Education
- Court Systems
- Death Review
- Medical
- Police/Victim Relations
- Victim Survivor Advocacy
- Victim's Voice
- Workplace Violence
- South County Domestic Violence
- Interfaith
- Immigrant Battered Women
- Executive

Each committee meets individually to address its specific area of concern. Committees also network with one another to address common or overlapping issues. The full council meets monthly when the committees give reports on their activities and accept feedback and questions from other members. There is also a portion of the meeting when the public can address the council with their concerns or comments. At the beginning of each year, each committee is responsible for submitting a work plan. The work plan includes a mission statement, accomplishments for the year just completed, and goals for the current year. Some committee accomplishments for 2003 include:

- Generated a needs assessment survey and distributed it to intervention programs to be completed by perpetrators, to assess perpetrator accountability
- Initiated a committee to develop a symposium on the effect of domestic violence on children

- Provided domestic violence prevention outreach to the agricultural community at Ochoa Migrant Camp in Gilroy
- Conducted domestic violence presentations in middle and high schools throughout the County.

The Domestic Violence Council submits an annual workplan to the Board of Supervisors at the beginning of each year detailing their current goals. One of the goals is to develop and implement a countywide data collection system and domestic violence prevention plan. Another is to implement and enhance domestic violence courts countywide. Two other goals are to identify best practices and gaps in services for domestic violence victims, and to advocate to the Board of Supervisors improvement of services to victims, batterers, children, families and communities. However, after reviewing the *2004 Annual Workplan* that was submitted to the Board on March 5, 2004, there was no linkage between the achievements listed against the prior year's goals.

## **The Green Book Project**

The book titled *Effective Intervention in Domestic Violence and Child Maltreatment Cases: Guidelines for Policy and Practice* has come to be known as The Green Book. The Green Book Project was developed nationally to increase collaboration between courts, child protective services, domestic violence agencies, law enforcement, and community members. According to a national survey of over 6000 families, 50% of men who abuse their wives also abuse their children. This statistic underscores one of the reasons for the creation of the Green Book Project.

In the past, domestic violence advocates believed that child protective professionals were insensitive to abused women and would re-victimize the mother by removing the child. Child protective professionals believed the domestic violence advocate cared less about child safety and more about the adult victim. The Green Book Project is designed to have adult advocates and child advocates work together, instead of at cross purposes. In 1999, over 90 jurisdictions applied for federal grants to implement the project. Santa Clara County was one of six jurisdictions selected nationwide to field test the project. The supervising judge of the County Juvenile Dependency Court promoted the County as an initial site for the project, and then was instrumental in the subsequent implementation of the project. The project's main objective is to carry out crucial recommendations that help reduce child maltreatment, domestic violence, and dependency court cases.

The Green Book Project, which works closely with the Domestic Violence Council (and has some of the same volunteer members), has brought about significant changes in how the County deals with domestic violence. Social workers, attorneys, and judges have been trained in the dynamics of domestic violence. Advocates come to child protection court to support the victim of violence whose children are before the court. The Project has developed protocols with law enforcement, child protection, and domestic violence advocates for responses to emergencies in the community when domestic violence and child abuse are co-occurring. The Project has also developed creative responses to deal with the impact of domestic violence on children. These include special treatment programs for children exposed to violence, and a class for parents

entitled *Parenting Without Violence*. They have also worked with the victim-witness center to ensure funding is available for all persons, adults and children, exposed to violence.

## **Funding Sources**

The funding for domestic violence issues comes from a variety of sources.

- The majority of funding comes from donations. The sources are individuals, foundations, and corporations.
- There are federal grants from the Department of Justice that go straight to the various domestic violence agencies.
- There are federal grants that go to each city as Community Development Block Grants (CDBG). The cities then disburse these grants to the various domestic violence agencies.
- There are federal funds that come from the Office of Criminal Justice and Planning, that go to the State Office of Emergency Services. The state disburses these funds to the various domestic violence agencies.
- On the county level, there are mandated funds. These mandates include, but are not limited to: a portion from the general fund, a percentage from the marriage license tax, and a percentage from domestic violence arrest and restitution fees.

## **Prevention and Education Resources**

The Domestic Violence Council has a Community Education Committee which participates in information dissemination, public awareness, and community action campaigns. Activities include, but are not limited to production and distribution of posters, safety plans, brochures, bumper stickers, billboards, bus signs, public service announcements, and ads. The committee is involved in library displays and collections and media outreach. The Community Education Committee collaborates with other community groups and agencies with similar goals. One of these agencies is the Santa Clara County Public Health Department. The Department has a Violence Prevention Program–Violence Prevention Network. The network consists of community members working together to provide education and training, raise public awareness, and advocate for violence prevention solutions. One of the network participants is the Billy DeFrank Community Center, which provides training, education, and other services to the gay and lesbian community. The Department of Correction provides violence prevention classes to men and women in custody. The Network for a Hate-Free Community is also a member of the network. Its Institute for Non-Violence is a college-based training program that promotes the development of conflict resolution courses and programs in secondary and higher education for students and faculty. The Ripple Effect is an education, research, and advocacy organization that works toward the elimination of domestic violence using a public health approach. The Public Health Department also runs the Peace Builder Project. It is a comprehensive school-based program that is designed to help reduce violence and aggression in children and adults through the establishment of peaceful behavior by creating a safe, nurturing, and positive environment. Furthermore, it is appropriate to recognize and commend the service providers and all their volunteers who, on a daily basis, reach out to individuals and families in distress.

## **Emergency Shelters and Transitional Housing**

All domestic violence shelters in the county are run by non-profit organizations. There are approximately 58 emergency shelter beds for domestic violence victims and their children in Santa Clara County. There is no shelter available in the County for male victims. Shelter stays usually range from four to six weeks. Representatives interviewed from Support Network for Battered Women, Asian Women's Home, Women's Inc., Next Door, WATCH, and Community Solutions stated that they usually operated at full capacity. However, victims are never turned away. The facilities networked with one another to find an available bed in the County; in some cases motel vouchers are utilized. While at the shelters, victims are offered additional services to address their specific needs. All nonprofit agencies interviewed agreed that the County was in need of additional emergency beds.

There are approximately 236 transitional housing units in the County for domestic violence victims. These units are designed to provide a transition from emergency shelters to a more stable, productive life. Services are offered to provide residents with the skills necessary to complete this transition. Transitional housing stays range from three to five years. At present, there are 96 additional units under construction at four different sites. Agencies interviewed agreed that the County was in need of additional transitional beds.

After reviewing documentation provided by the Domestic Violence Council, the Grand Jury discovered there was not a committee specifically devoted to the issue of housing. This fact underscored why the Grand Jury could not get a clear cut answer as to how many more beds were needed in the County.

## **Support Services Available**

Victims of domestic violence are offered additional personal services in order to promote empowerment and independence. These services are offered both concurrent with the shelter stay or on an outpatient basis. These services include but are not limited to:

- Education and language skills
- Job training
- Legal services
- Public assistance
- Victim Witness Assistance Program
- Transportation
- Child care
- Counseling
- Health care
- Case management and life skills

Some services are designed to help the victim deal with the legalities of the situation, including the prosecution of the perpetrator. Other services are meant to give the victim financial support, especially when the perpetrator is no longer able to provide assistance. Still, other services are

meant to provide emotional support which is essential for the victim's mental stability. Considering the diverse population of the county, language assistance services are also necessary. Several of the agencies interviewed stated there was a need for more translators for victims with limited or no English skills.

These services are offered to the victims as well as to their families, especially children who are directly involved with the abuse. The services are offered in order to promote empowerment and independence.

## **Role of Law Enforcement**

Inquiries were made of representatives from several Santa Clara County law enforcement agencies to gain insight into protocols and procedures for responding to domestic violence calls. Pursuant to Penal Code section 13700, which deals with law enforcement mandates for domestic violence, officers responding to an incident of domestic violence shall prepare a Domestic Violence Incident Report irrespective of the wishes of the victim or the presence or absence of a suspect. In all cases, the officers responding assess the situation to determine what type of action is necessary. State law authorizes arrest of domestic violence offenders based solely on a probable cause determination by the officer that an offense occurred and that the person arrested committed the offense. All officers are mandated to arrest with or without the consent of the victim. In cases where there is no probable cause determination, the officers will provide domestic violence information cards for victims, if warranted, and counsel the parties on options available to address their specific needs. In cases of arrest, the officers assist the victim in obtaining the necessary services that may be required. These include (but are not limited to) issuing a domestic violence information card, providing referrals for emergency shelter (which may include a motel voucher if a shelter room is not available), supplying information on obtaining a restraining order and contacting the DA's office, and general information on the victim's rights, which are also listed on the domestic violence information card. Some county police agencies have a fund set aside specifically for providing assistance to victims of domestic violence.

## **Statistical Information**

The American Medical Association and the Department of Justice estimate four million women are assaulted nationally by their intimate partner each year. In the state of California in 2002, there were 196,569 domestic violence-related calls for assistance. Statewide statistics for 2003 are not yet available, but during 2003 the Santa Clara County DA's office reviewed a total of 5393 domestic violence cases, averaging more than 100 reports of domestic violence each week. The DA's office brought charges in two-thirds of the cases (3656), which equates to 70 criminal cases of domestic violence each week in the County. Some reports do not materialize into cases due to lack of evidence. The following data (Tables 1 & 2) include a breakdown of the number and types of cases reviewed in the year 2003.

**TABLE 1**

**DISPOSITION OF CASES REVIEWED BY THE DA'S OFFICE IN 2003**

<b>DISPOSITION OF CASES REVIEWED</b>	<b>TOTAL NUMBER</b>
Misdemeanors Issued	3113
Felonies Issued	543
Cases With No Charges Issued	1737
<b>Total Cases Reviewed</b>	<b>5393</b>

All of the 5393 cases were referred to the DA's office by local law enforcement; however not all calls responded to by law enforcement are referred. Prior convictions include both misdemeanors and felonies.

**TABLE 2**

**DETAILS OF CASES REVIEWED BY THE DA'S OFFICE IN 2003**

<b>CASE DETAILS</b>	<b>TOTAL NUMBER</b>
Prior Domestic Violence Convictions	27
Children Present	1212
Same Gender	30
Visible Or Serious Injury	2020
Pregnant Victim	116
Teen Victim (15-17 yrs.)	78
Deaths	21

The most serious result, death, requires more explanation. In 2002 there were 18 deaths; 17 were gun related. Of the 21 deaths in 2003, which include homicide and suicide, 15 were gun related. It is also important to note that out of these 21 cases, not one had a prior domestic violence police report. The following data (Table 3) is a breakdown of some of the information from the 21 people who lost their lives last year in categories provided by the DA's office.

**Table 3**

**STATISTICS FOR THE 21 DEATHS IN 2003**

<b>SEX</b>	Adult Male	Adult Female	Boys	Girls
	6	10	3	2

<b>RACE/ ETHNICITY</b>	Hispanic	Asian	White	African American	Mixed
	7	6	3	1	4

<b>AGE</b>	3 to 12	21 to 30	31 to 40	41 to 50	Over 80
	5	3	8	4	1

While five children lost their lives to domestic violence last year, eight additional children were present during a homicide or suicide and hence were themselves victimized.

**Speak Up—Save Lives**

The message chosen by last year's Death Review Committee of the Domestic Violence Council was "SPEAK UP—SAVE LIVES". It was such an important concept that the committee decided to retain the message for this year as well. The message will be spread throughout the county by various means, including posters on VTA buses. "SPEAK UP – SAVE LIVES" asks citizens to be brave and take a chance by getting involved in helping a fellow human being suspected of being a victim of domestic violence if or when the need arises. The numbers to call are listed in Appendix A.

## **FINDING I**

The Domestic Violence Council has 13 committees but not one is dedicated to the issue of housing and the number of beds.

## **RECOMMENDATION I**

Add a committee to the Domestic Violence Council that specifically deals with the issue of housing and the number of beds.

## **FINDING II**

According to all interviewed parties who provide housing or services, the fifty-eight (58) emergency housing beds in Santa Clara County are not adequate for the domestic violence victims and their children in this County. However, there was insufficient data available to determine the adequacy of the current 58-bed inventory.

## **RECOMMENDATION II**

The Santa Clara County Domestic Violence Council, in collaboration with the providers of emergency housing services, should provide a detailed analysis of emergency housing needs for victims of domestic violence in Santa Clara County. Further, it is recommended that this analysis be forwarded to the County Executive and the Board of Supervisors for appropriate review and consideration.

## **FINDING III**

While the individual committee annual reports list achievements, the Domestic Violence Council's annual workplan does not. It provides no easy way to measure against the prior year's goals.

## **RECOMMENDATION III**

The Domestic Violence Council's annual workplan should list achievements and should match and measure achievements against their specific goals.

**PASSED** and **ADOPTED** by the Santa Clara County Civil Grand Jury on this 25<sup>th</sup> day of May 2004.

---

Richard H. Woodward  
Foreperson

## APPENDIX A

### **CRISIS HOTLINES**

The following telephone numbers are available to provide assistance to victims of domestic violence.

### **EMERGENCY POLICE RESPONSE – 911**

<b>Asian Women’s Home</b>	<b>(408) 975-2739</b>
<b>Support Network for Battered Women</b>	<b>(650) 940-7850</b>
<b>Spanish</b>	<b>(800) 572-2782</b>
<b>TDD</b>	<b>(650) 490-7857</b>
<b>Next Door Solutions to Domestic Violence</b>	<b>(408) 279-2962</b>
<b>Community Solutions (South County)</b>	<b>(408) 683-4118</b>
<b>YWCA Rape Crisis Center</b>	<b>(408) 287-3000</b>
<b>South County Rape Crisis Center</b>	<b>(408) 779-2115</b>
<b>Adult Protective Services</b>	<b>(800) 414-2002</b>
<b>Family Court</b>	<b>(408) 534-5600</b>
<b>Suicide Crisis Service</b>	<b>(408) 279-3312</b>
<b>Victim Witness Assistance Center</b>	<b>(408) 295-2656</b>
<b>CONTACT (Hotline for all hotlines)</b>	<b>(408) 279-8228</b>
<b>National Domestic Violence Hotline</b>	<b>(800) 799-7233 (SAFE)</b>

## References

### Documents

- California Penal Code website: [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html)
- Department of Justice website: [www.ojp.usdoj.gov/bjs/abstract/ipv.htm](http://www.ojp.usdoj.gov/bjs/abstract/ipv.htm)
- Domestic Violence Council – 2004 Work plans for all Committees.
- Domestic Violence Council–Death Review Committee Final Report January 1-December 31, 2003.
- Domestic Violence Legislation website: [www.ilj.org/dv/dvvaw.html](http://www.ilj.org/dv/dvvaw.html)
- Office of the Attorney General website:  
[www.caag.state.ca.us/cjsc/publications/candd/cd02/odbases.pdf](http://www.caag.state.ca.us/cjsc/publications/candd/cd02/odbases.pdf)  
[www.caag.state.ca.us/cjsc/publications/candd/cd02/tabs/55.pdf](http://www.caag.state.ca.us/cjsc/publications/candd/cd02/tabs/55.pdf)
- Santa Clara County Domestic Violence Council (Domestic Violence Council) Annual Workplan 2004.
- 
- SCC gov – Institute for Non-Violence website:  
[www.sccvector.org/channel/0,4770,chid%3D16027%26sid%3D12496,00.html](http://www.sccvector.org/channel/0,4770,chid%3D16027%26sid%3D12496,00.html)
- SCC gov – Public Health Department website:  
[www.sccvector.org/content/0.4745,ccid%3D341328,00.html](http://www.sccvector.org/content/0.4745,ccid%3D341328,00.html)
- Support Network for Battered Women–October 23, 2003 Public Hearing Domestic Violence Transcripts.
- Support Network for Battered Women Informational Pamphlet.
- The Domestic Violence Project of Silicon Valley California website:  
[www.growing.com/nonviolent/index.htm](http://www.growing.com/nonviolent/index.htm)
- The Greenbook initiative website: [www.thegreenbook.info/santa\\_clara.htm](http://www.thegreenbook.info/santa_clara.htm)
- Women’s Rural Advocacy Programs website: [www.letswrap.com/dvinfo/stats.htm](http://www.letswrap.com/dvinfo/stats.htm)

## Interviews

- Detective and Officer with the Campbell Police Department, November 21, 2003.
- Detective with the Santa Clara Police Department, December 2003.
- Detective with the Sunnyvale Police Department.
- Development Director, Support Network for Battered Women, March 18, 2004.
- Director, Support Network for Battered Women, and Chair of the Community Education Committee, Domestic Violence Council January 14, 2004.
- Member, District Attorney's Office Domestic Violence Unit and Chair of the Death Review Committee, Domestic Violence Council March 03, 2004.
- Representative from Asian Women's Home.
- Representative from Community Solutions.
- Representative from Next Door Solutions.
- Representative from Women's Inc.
- Sergeant with the Los Gatos/Monte Sereno Police Department, November 21, 2003.
- Sergeant with the Milpitas Police Department, December 16, 2003.
- Sergeant with the San Jose Police Department.
- Supervising Juvenile Dependency Court Judge, September 24, 2003.