



SAN JOSE POLICE DEPARTMENT

TRAINING BULLETIN

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

SUBJECT: SANTA CLARA COUNTY
INTIMATE PARTNER VIOLENCE
STRANGULATION PROGRAM

DATE: July 23, 2021

BULLETIN #2021-019

The Santa Clara Valley Medical Center (SCVMC) Sexual Assault Forensic Exam (SAFE) Team has developed a strangulation exam guidelines and training to improve healthcare response and support for use in any medical exam involving strangulation. Victim services agencies like the YWCA, Next Door Solutions to Domestic Violence, Community Solutions, MAITRI and AACI, as well as the DA's Office's Victim Services Unit have trained their teams and worked with victims to obtain appropriate services. Lethality assessments conducted by police at the scene of domestic violence crimes, ask victims about their history of strangulation.

In Intimate Partner Violence (IPV) strangulation cases, where no disclosure of sexual assault is made and the injuries are largely internal to the head and neck, forensic medical examinations are not being conducted. Victims are not getting the urgent medical attention needed, and crucial evidence of strangulation is not collected and cannot be presented in court.

The Department recognized the seriousness of IPV strangulation incidents and had Western Division Officers participate in a yearlong pilot program to assist victims in obtaining a forensic medical examination at VMC. Due to the success of the pilot program, the Santa Clara County Board of Supervisors approved to expand the program countywide. The Department is implementing the program citywide.

Effective August 1, 2021, all officers will adhere to the procedures below for IPV strangulation incidents.

A handwritten signature in black ink, appearing to read "A. Mata".

Anthony Mata
Chief of Police

AM:SD:MB

ATTACHMENT: IPV Strangulation Program Procedure

IPV Strangulation Program Procedure

Procedure for Obtaining a Strangulation Medical Forensic Examination

1. Officers will identify victims of strangulation from their investigations of IPV cases however initiated (by 911 call, by walk-in, by hospital referral, by referral by another agency, or otherwise).
2. If the victim is 12 years or older and the strangulation occurred within 14 days of contact with law enforcement, the procedure to obtain a medical forensic examination will begin. If the strangulation occurred outside the 14-day window, and the officer believes an examination might be beneficial, the officer may contact VMC's Emergency Department and consult the on-call SAFE Team examiner to determine if an examination is authorized.
3. Officers will inquire if the victim would consent to a medical forensic examination to determine the extent of injury, to begin medical treatment, and to document the injuries for the investigation.
4. If the victim consents, the officer will transport the victim to VMC's Emergency Department and have the on-call SAFE Team examiner notified via the hospital operator. Officers will make sure that there is a face to face handoff from law enforcement to the SAFE Team examiner that will include a briefing on the facts, as the officer knew at that time. If the officer leaves the hospital, officers will provide the SAFE Team examiner their contact information.
5. SCVMC SAFE Team will contact the Advocacy Point Agency through the YWCA answering service.
6. The on-call YWCA staff will determine the appropriate advocate to respond. The responding advocate will call the SAFE Team examiner or requesting officer to inform them of an estimated time of arrival to the response location and gather any additional information if necessary. The advocate will respond within one hour to the designated area within VMC.
7. SAFE Team examiner will ask for and obtain consent and authorization for a medical forensic strangulation examination, consent that the information from the examination, including photographs, will be shared with law enforcement for their investigation and potential prosecution, and consent that data from the examination can be compiled and only publicly reported in an anonymized and aggregated way.
8. SAFE Team will perform a medical forensic examination, document the examination, and share the forensic information from the examination with the officer for inclusion in their police report, and to the Office of the District Attorney.
9. If follow up medical care is needed, SCVMC, YWCA, Community Solutions, and the Victim Services Unit of the DA's Office will work together to help the victim obtain funds for that follow up medical care from the California Victim Compensation Board. Follow up care will be provided by SCVMC staff or a medical provider on their referral.
10. SCVMC will bill the Office of Gender Based Violence for the cost of the forensic examinations.
11. If the victim needs a ride home, to a shelter, or other safe place from the examination, the ride will be arranged and paid in coordination with SCVMC, YWCA, Community Solutions, and the DA's Office's Victim Services Unit.

SCVMC Initiated Exam:

If SCVMC healthcare providers identify a patient as having suffered an IPV strangulation event, they will make a mandatory report to the appropriate law enforcement agency. Officers will respond to VMC and follow the Procedure for Obtaining a Strangulation Medical Forensic Exam (see above). The SAFE Team will respond within 45 minutes of notification after medical clearance of the patient.