

# ~~EXHIBIT 42~~



City and County of San Francisco

# Department on the Status of Women

Mayor Gavin Newsom  
Executive Director Emily M. Murase, PhD

## **FAMILY VIOLENCE COUNCIL**

*Addressing Violence throughout the Lifespan*

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### **Comprehensive Report on Family Violence in San Francisco 2010**

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Written by Laura Marshall, MSW

The San Francisco Family Violence Council is administered by the Department on the Status of Women. Visit [www.sfgov.org/dosw](http://www.sfgov.org/dosw) for more information about the Family Violence Council and to download a copy of this report.

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## INTRODUCTION

The Family Violence Council is pleased to provide the 2<sup>nd</sup> annual *Comprehensive Report on Family Violence in San Francisco*. The first report, released in June 2009, marked a major milestone for San Francisco and created a model for surrounding communities. In 2007, San Francisco was the first county to broaden the scope of its Attorney General-mandated Family Violence Council to include child abuse and elder abuse as well as domestic violence, and the *Comprehensive Report on Family Violence in San Francisco* is the first and only report to take a broad view of the statistics and trends related to the full spectrum of family violence in the City.

### **The Work of the Family Violence Council**

#### **Policy Reform**

During Fiscal Year 2009-2010 (FY09-10), the 21-member Council addressed several major policy issues affecting families in San Francisco. Notably, the Council made the creation of a child abuse intervention program a priority, forming the Intervention Committee at the beginning of FY09-10. The California Penal Code requires individuals who have been convicted of child abuse to attend a 1-year intervention program, similar to the batterer's intervention program requirement for individuals convicted of domestic violence. Like the majority of counties in California, San Francisco does not have a child abuse intervention program to be compliant with this code.

The Intervention Committee dedicated FY09-10 to interviewing key informants from several counties that operate child abuse intervention programs to learn best practices, challenges with implementation, and other information that would support local adoption of such programs. Additionally, the Committee heard presentations from San Francisco-based programs that offer services and education to parents. For example, the Parent Training Institute, a project of the Human Services Agency, Department of Public Health's Community Behavioral Health Services, and First 5 San Francisco, is implementing an evidence-based parent education pilot project within San Francisco's Family Resource Centers that may align with the goals of the Intervention Committee.

The value of the Intervention Committee is its multidisciplinary nature. Members include representatives from the District Attorney's Office, the Adult Probation Department, the Police Department, Human Services Agency's Family and Children's Services, the Department of Child Support Services, and advocates from community-based organizations. The broad membership allowed a nuanced discussion of the issue, which will eventually lead to a program that meets the unique and specific needs of San Francisco. The Committee's work continues, but a report of its findings and recommendations is expected in FY10-11.

#### **Tracking Data**

The Family Violence Council has made the tracking and analysis of family violence data a major aspect of its work. The release of the 2009 report highlighted the need of the Council to gain a "real-time" understanding of the scope and nature of help-seeking among San Francisco's survivors of family violence, leading to the development of Family Violence Dashboards.

A dashboard is a tool that agencies and groups use to assess the current status of and determine trend lines for specific indicators. The Family Violence Dashboards track basic data from selected City

agencies on a semi-annual basis. The Council determined that the most relevant data to track semi-annually includes the following:

- Number of calls made to community-based crisis lines
- Number of calls made to 911 or county protective services
- Family Court restraining order statistics
- City social service provision statistics
- Number of cases received by the Police Department's Domestic Violence Response Unit
- District Attorney's Office statistics related to cases received, filed, pled, and brought to trial

The Council used FY09-10 to draft a template that meets the needs of stakeholders, and will continue to expand its use of this important tool in coming years.

### **About the Report**

The 2<sup>nd</sup> annual Comprehensive Report on Family Violence in San Francisco serves as an important tool for policy-makers and community advocates in San Francisco and beyond. By understanding how residents access services, and how City and community-based agencies meet the needs of survivors and hold perpetrators of abuse accountable, the City is better equipped to create meaningful policies, fund appropriate programs, and keep San Francisco residents safe in their homes.

The original annual report, released in June 2009, documented data relating to FY07-08. With the support and cooperation of the members of the Council, and through the implementation of the Dashboards, which allow more timely collection of data, the 2010 annual report includes data for FY07-08, FY08-09, and FY09-10 for most departments and agencies.

This report also expands the sources of data, engaging new agencies in the process of data tracking. For example, data from the CalWORKs office and from the Department of Child Support Services has been included, as has restraining order data from the Family Court. These agencies and programs represent important access points for survivors or perpetrators of family violence.

Throughout FY09-10, the Council has had extensive discussions about the potential duplication of reports between agencies. Currently, no method for tracking individuals from system to system exists, and it is possible, and even likely, that a survivor of domestic violence may be counted in the CalWORKs Domestic Violence Unit statistics, as well as in the Department of Child Support Services caseload, as well as in the 911 or Police Department reports.

This report does not seek to provide an unduplicated count of family violence victims in San Francisco. Rather, it attempts to show the broad scope of family violence, and the type and degree of service-seeking that occurs in San Francisco. There can be some measure of linear analysis when examining criminal justice statistics, as most cases follow a standard path from a 911 call, to a Police Department report, to a case prosecuted by the District Attorney. However, the complexities of family violence and the variables involved make even this well-defined route prone to twists and turns. Though the report is structured in such a way for ease of reading, straight progressions cannot be assumed.

Through an analysis of the data in this report, the Council has drawn a number of conclusions, and suggested key recommendations to address this epidemic of violence. The Family Violence Council hopes that this annual report will focus additional attention on the deleterious impact of family violence on society as a whole. Through education, activism, and systems change, we aspire to end family violence once and for all.

### **San Francisco Family Violence Council Members**

*(San Francisco Administrative Code Article XIX SEC. 5.190-3)*

- Presiding Judge of the Superior Court
- Mayor
- President of the Board of Supervisors
- District Attorney
- Public Defender
- Chief of Police
- Sheriff
- President of the Commission on the Status of Women
- Chief of the Adult Probation Department
- Chief of the Department of Emergency Management
- Director of the Department of Animal Care and Control
- Director of the Department of Public Health
- Director of the Human Services Agency
- Director of the Department of Aging and Adult Services
- Director of the Department of Children, Youth, and Their Families
- Director of Child Support Services
- Superintendent of the San Francisco Unified School District
- Director of the Domestic Violence Consortium
- Director of the Consortium for Elder Abuse Prevention
- Director of the San Francisco Child Abuse Council
- Chair of the Batterer's Intervention Programs Subcommittee

*\*Members may be represented by an official designee.*

## CRIMINAL JUSTICE AGENCIES

### Department of Emergency Management

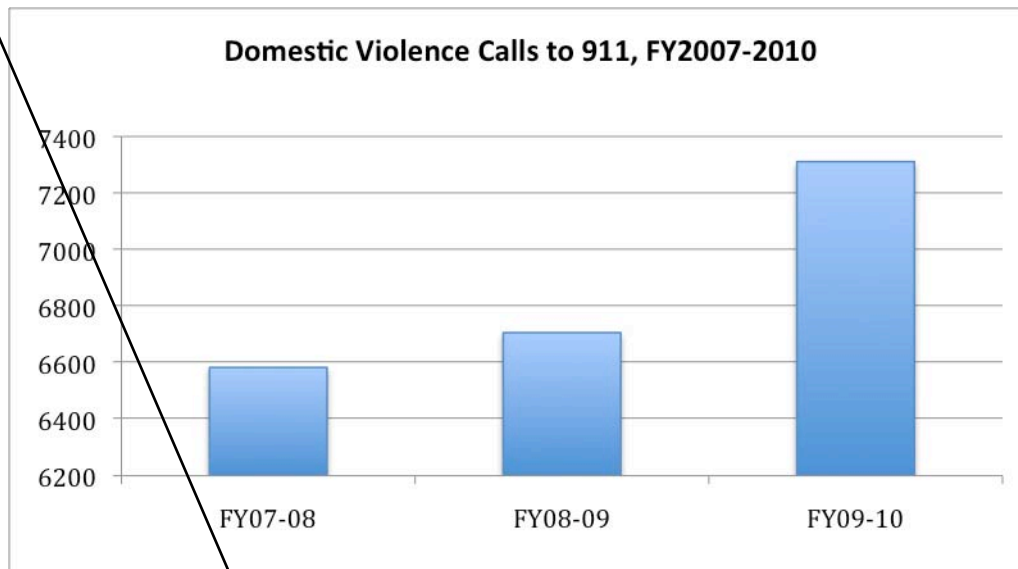
Dispatchers at the Department of Emergency Management's (DEM) Emergency Communications Division assign a code to each call made to 911. There are 14 call types related to domestic violence, with the individual codes indicating whether weapons were used, the type of weapon used, the type of unarmed incident (i.e. assault, threats, break-in), and other requests for assistance. Dispatchers use scripts to determine how calls should be coded. For example, a preliminary question to callers asks the identity and relationship of the perpetrator. If the caller indicates a spouse or partner is involved, the dispatcher uses domestic violence codes. Additional questions clarify the type of domestic violence incident happening.

In Fiscal Year 2009-2010 (FY09-10), 911 dispatchers fielded 7,311 domestic violence calls. Dispatchers labeled over half of these calls (56%) with the 418DV code, indicating a fight or dispute with no weapons involved. Another 34% of domestic violence calls received the 240DV code, indicating an assault of some type occurred. The remaining 9% of calls (474) were dispersed across the remaining domestic violence call types, as shown in Table 1 below.

Over a 3-year period, the types of calls received by 911 have been fairly constant. However, the total number of calls has steadily increased since FY07-08, rising 10% from 6,583 to 7,311.

911 Domestic Violence Calls by Type FY2007-2010							
Call Type	Description	FY07-08		FY08-09		FY09-10	
		#	%	#	%	#	%
418DV	Fight or Dispute – No Weapons Used	3,430	52%	3,616	54%	4,118	56%
240DV	Assault (includes battery or any unwanted physical contact)	2,129	32%	2,163	32%	2,466	34%
650DV	Threats (includes written, verbal, or recorded)	230	3%	199	3%	253	3%
	Miscellaneous Codes	499	8%	363	5%	96	1%
594DV	Vandalism or Malicious Mischief (property damage only)	63	1%	64	1%	78	1%
245DV	Aggravated Assault (severe injuries or objects used to injure)	68	1%	56	1%	70	1%
910DV	Well-Being Check (often at the request of another individual)	26	0%	34	1%	51	1%
416DV	Civil Standby (officer requested to accompany person to retrieve belongings, for example)	29	0%	53	1%	48	1%
222DV	Armed Assailant – Knife	15	0%	24	0%	39	1%
602DV	Break-In	43	1%	74	1%	36	0%
419DV	Fight or Dispute – Weapons Used	17	0%	22	0%	20	0%
219DV	Stabbing	13	0%	11	0%	18	0%
646DV	Stalking	0	0%	16	0%	10	0%
221DV	Armed Assailant – Gun	5	0%	5	0%	5	0%
100DV	DV Alarm (a push-button alarm given to a victim to alert 911)	16	0%	6	0%	3	0%
<b>TOTAL</b>		<b>6,583</b>		<b>6,706</b>		<b>7,311</b>	





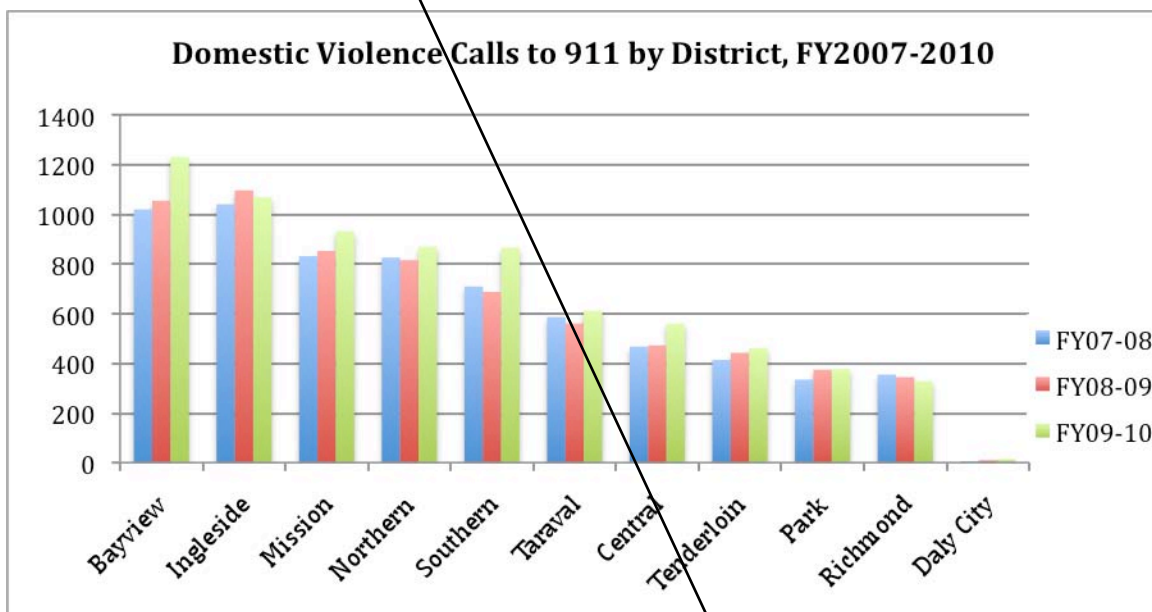
DEM instituted a new call code in October 2008, 646, to track cases of stalking and domestic violence stalking (646DV). Dispatchers have been trained in identifying signs of stalking, to be able to appropriately track these cases from their first entry into the criminal justice system. In FY08-09, dispatchers coded 16 calls for domestic violence stalking, dropping to 10 calls in FY09-10. However, dispatchers used the 646 (non-domestic violence) code much more frequently, coding 440 calls as stalking in FY09-10.

<b>911 Calls Coded for Stalking FY08-10</b>		
	<b>FY08-09</b>	<b>FY09-10</b>
646	302	440
646DV	16	10
<b>Total Stalking Calls</b>	<b>318</b>	<b>450</b>

Though stalking is often a component of domestic violence cases, the call code used represents the most severe aspect of any particular call. For example, if a caller reports elements of stalking but also reports an assault, the call will be coded with 240DV to indicate assault. Because of the method of tracking calls, it is unclear how many serious cases of domestic violence also contain elements of stalking. Also, though a call may be coded as stalking without the DV indicator, police officers often receive additional information about the situation when responding to the call that will lead them to refer such cases to the Police Department's Domestic Violence Response Unit once more of the facts of the case are known.

Though domestic violence occurs in all cultures, socioeconomic brackets, and City neighborhoods, clear trends related to help-seeking among survivors emerge when 911 calls are examined by the station dispatched. Bayview and Ingleside Stations consistently receive the most domestic violence calls. In FY09-10, for the first time, the number of calls dispatched to Bayview Station exceeded those dispatched to Ingleside.

911 Domestic Violence Calls by District FY2007-2010						
District	FY07-08		FY08-09		FY09-10	
	#	%	#	%	#	%
Bayview	1,019	15%	1,054	16%	1,230	17%
Ingleside	1,040	16%	1,096	16%	1,068	15%
Mission	831	13%	852	13%	931	13%
Northern	825	13%	815	12%	869	12%
Southern	709	11%	687	10%	865	12%
Taraval	586	9%	560	8%	611	8%
Central	467	7%	472	7%	559	8%
Tenderloin	413	6%	442	7%	461	6%
Park	334	5%	374	6%	376	5%
Richmond	354	5%	344	5%	327	4%
Daly City <sup>1</sup>	5	0%	10	0%	14	0%
<b>TOTAL</b>	<b>6,583</b>		<b>6,706</b>		<b>7,311</b>	



There are no 911 call codes specific to child abuse or elder abuse. Any call that has elements of family violence receives a “DV” code.

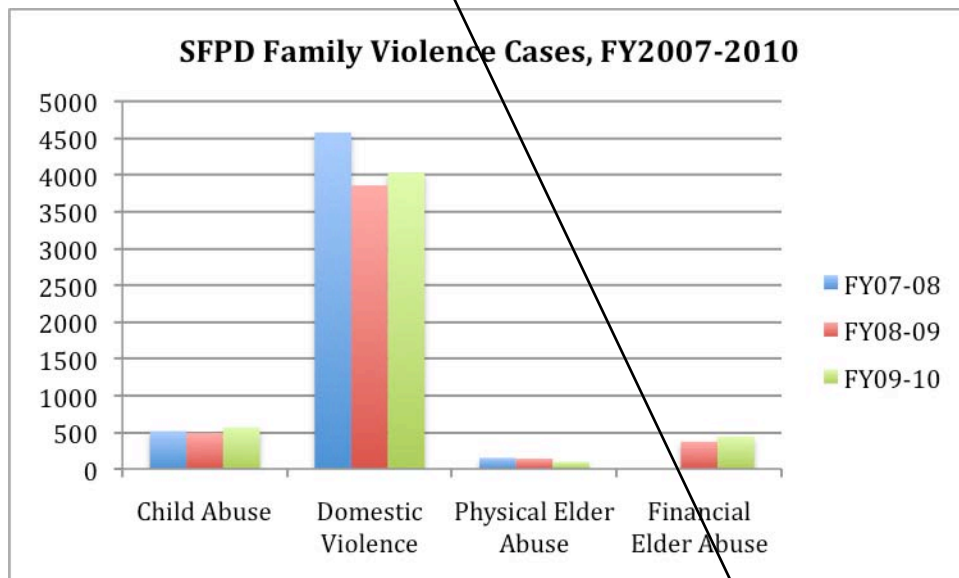
### **San Francisco Police Department**

Three divisions within the San Francisco Police Department (SFPD) review and investigate felony family violence crimes. Felony child abuse cases are referred to the Child Abuse Unit of the Juvenile Section of the Special Victims Unit, felony domestic violence and physicals elder abuse and neglect

<sup>1</sup> Dispatchers may refer a call to Daly City if an incident occurs on or over the City’s southern boundary, or if a suspect is known to have traveled into Daly City.

cases are referred to the Domestic Violence Response Unit (DVRU), and cases of financial abuse of elders are referred to the Financial Crimes Unit.

San Francisco Police Department Family Violence Statistics FY2007-2010			
Child Abuse	FY07-08	FY08-09	FY09-10
Cases Received and Assessed	513	488	564
Cases Investigated by Child Abuse Unit	380	408	515
Percent Investigated by Child Abuse Unit	74%	84%	91%
Domestic Violence	FY07-08	FY08-09	FY09-10
Cases Received and Assessed	4,576	3,856	4,027
Misdemeanor Arrests Referred to DA's Office	555	503	474
Cases Investigated by DVRU	1,653	1,674	1,540
Percent Investigated by DVRU	41%	50%	43%
Elder Physical Abuse	FY07-08	FY08-09	FY09-10
Cases Received and Assessed	150	140	95
Cases Investigated by DVRU	38	38	41
Percent Investigated by DVRU	25%	27%	43%
Elder Financial Abuse	FY07-08	FY08-09	FY09-10
Cases Received and Assessed	Data not available	369	439
Cases Investigated by Financial Crimes Unit		96	140
Percent Investigated by Financial Crimes Unit		26%	32%



### Child Abuse Unit

The Child Abuse Unit received 564 felony child abuse cases in FY09-10.<sup>2</sup> Of these, 515 (91%) merited investigation. This represents a 3-year high for felony child abuse cases, up 13% from FY08-09. The percent of cases warranting investigation has also risen. For example, in FY07-08, the Child Abuse Unit investigated 74% of cases received, jumping to 84% in FY08-09, and 91% in FY09-10.

San Francisco Police Department Child Abuse Unit Statistics FY2007-2010			
Child Abuse	FY07-08	FY08-09	FY09-10
Cases Received and Assessed	513	488	564
Cases Investigated by Child Abuse Unit	380	408	515
Percent Investigated by Child Abuse Unit	74%	84%	91%

The Police Department restructured certain investigative functions during FY10-11. For the FY09-10 period under review for this report, the Child Abuse Unit had 9 inspectors and sergeants to investigate sexual and physical abuse cases. An additional inspector reviewed all child abuse referral reports and was the liaison with various agencies that also investigate or provide services for these cases. A lieutenant oversaw the work of the Child Abuse Unit.

A considerable amount of investigative time and coordinated effort is involved in the investigation of child sexual and physical abuse cases. They are complicated cases involving victims who have often been intimidated, threatened or manipulated by an abuser who is a family member or a person in a position of trust in relationship to the victim. These factors cause victims to be reluctant to disclose their ongoing or past abuse. Many victims are also unable to communicate their abuse because of their age. The amount of time a Child Abuse Unit inspector spends on a case varies depending upon the severity of the crimes, how complicated the case is, the number and age of victims, the timeframe of when the crime was committed versus when it was reported, the cooperation of the involved parties, and other unexpected variables.

In FY10-11, the Child Abuse Unit handles all felony sexual assault cases committed against children under age 18. District station investigation teams handle all felony physical assault cases committed against juveniles.

### Domestic Violence Response Unit

In FY09-10, the Domestic Violence Response Unit (DVRU) received 4,027 cases of domestic violence. All of the domestic violence cases received by the DVRU are reviewed and assessed for investigation according to the protocols established by that unit. For each of the 4,027 cases, DVRU inspectors contacted or attempted to contact the victims identified. Following review and assessment, 1,540 (43%) of the domestic violence cases received by the DVRU were assigned to the DVRU inspectors for active investigation, and 474 (12%) were directed to the District Attorney's Misdemeanor Unit for assignment and investigation by that agency.

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<sup>2</sup> Felony sexual assaults committed against juveniles ages 14 to 17 by adult strangers and non-family members are investigated by the Sexual Assault Unit, and these statistics are not included in this report.

The DVRU has received a relatively steady number of cases, with a high of 4,576 in FY07-08, a low of 3,856 in FY08-09, and a 3-year average of 4,153 cases received annually. Similarly, the number of cases investigated has remained steady, ranging from 41% to 50%.

<b>San Francisco Police Department Domestic Violence Statistics FY2007-2010</b>			
<b>Domestic Violence</b>	<b>FY07-08</b>	<b>FY08-09</b>	<b>FY09-10</b>
Cases Received and Assessed	4,576	3,856	4,027
Misdemeanor Arrests Referred to DA's Office	555	503	474
Cases Investigated by DVRU	1,653	1,674	1,540
Percent Investigated by DVRU	41%	50%	43%

The DVRU is a centralized police investigative unit located at the Hall of Justice. The DVRU had a staff of 15 Inspectors until November 2009, when it was reduced to 11 through attrition and transfers. One Inspector serves as the Assignment Officer, reviewing 350 to 400 incident reports each month, compiling statistics for the unit, and running background searches on all suspects involved in the cases. Because all felony arrest reports are time sensitive and must be presented to the District Attorney's Office within forty-eight hours, each arrest case is assigned to an Inspector for immediate investigation.

The DVRU investigates all felony arrest cases involving abuse committed against any person, including minors, by either a current or former spouse, cohabitant, dating partner, fiancé, or person with a child in common. This includes cases of same sex relationships. The DVRU also investigates cases of physical abuse or neglect of elders, as well as cases of stalking.

No domestic violence report is "just filed." As mentioned above, DVRU inspectors attempt to contact all victims in every domestic violence, elder abuse, and stalking case. The Assignment Officer reviews all reports, checking suspects for probation and parole status. If the suspect is found to be on probation or parole, the Assignment Officer notifies the appropriate agency. If the case meets the DVRU criteria for immediate or active investigation, the Assignment Officer assigns it to an Inspector who conducts a thorough investigation and then presents the case to the District Attorney's Office for warrant consideration.

An investigation consists of interviews with the victim, witnesses, and suspects. DVRU Inspectors seek to corroborate evidence in an attempt to bring an un-biased case to the District Attorney's Office. Inspectors also collect evidence and do computer background checks on all parties involved. The Police Department sends all misdemeanor arrest cases directly to the District Attorney's Office. The DVRU handles misdemeanor cases only when a victim specifically requests that the DVRU open a filed, unassigned misdemeanor case for warrant consideration.

In non-arrest cases that are not assigned for investigation, the Assignment Officer telephones every victim in an attempt to advise her/him about follow-up procedures and referrals. The Assignment Officer makes attempts to contact all victims in every domestic violence, elder abuse, and stalking case.

As mentioned above, the DVRU houses 11 Inspectors. One inspector reviews physical elder abuse and elder neglect cases, meeting bi-weekly with the Elder Abuse Forensic Center to discuss progress in the

criminal investigations. Another inspector oversees the U-Visa program for the entire police department, which assists immigrants who are victims of domestic violence in obtaining temporary visas. All inspectors in the unit are cross-trained in these various duties. In addition to their daily caseload, 3 DVRU inspectors teach Continued Professional Training at the San Francisco Police Academy twice each week, as well as providing training at hospitals, schools, businesses, and advocacy groups. The remaining DVRU inspectors handle the unit's domestic violence, stalking, and elder abuse cases. After business hours (Inspectors are assigned until 10:00 PM), Inspectors are rotated to work "on-call." On-call Inspectors are available to respond directly to the scene of a domestic violence, elder abuse, or stalking incident at any time of day if the incident meets the DVRU Call-Out criteria.

Two domestic violence advocates from La Casa de las Madres have been assigned to work at the DVRU. The advocates assist victims with shelter and numerous other services. SafeStart has one staff member who receives and reviews all cases where there is a child age 6 and under who has been exposed to domestic violence. The SafeStart staff person contacts each family and offers services by members of the SafeStart Collaborative. The DVRU also works closely with Victim Services and Adult Protective Services to ensure victims receive the support services they require.

#### **Elder Abuse and the Financial Crimes Unit**

The San Francisco Police Department does not have a unit dedicated to elder abuse cases. Instead, the Domestic Violence Response Unit responds to physical abuse cases, and the Financial Crimes unit oversees financial abuse cases. The Financial Crimes Unit receives all cases of financial abuse of elders and dependent adults. However, the statistics in this report only include those cases of financial abuse perpetrated by a family member.

In FY09-10, the DVRU received 95 cases of physical elder abuse, investigating 43% of these. The number of cases received by the unit represents a 3-year low, down from 150 case received in FY07-08 and 140 in FY08-09. However, FY09-10 also saw a 3-year high in the number of cases investigated, up from 25% and 27%, respectively.

The Family Violence Council did not request financial abuse data in the *First Comprehensive Report on Family Violence in San Francisco*, and FY07-08 statistics are not available. Over the last 2 years, the Financial Crimes Unit saw a 16% increase in the number of financial abuse cases perpetrated by a family member, from 369 in FY08-09 to 439 in FY09-10. The number of cases investigated also rose, from 26% in FY08-09 to 32% in FY09-10.

<b>San Francisco Police Department Elder Abuse Statistics FY2007-2010</b>			
<b>Elder Physical Abuse</b>	<b>FY07-08</b>	<b>FY08-09</b>	<b>FY09-10</b>
Cases Received and Assessed	150	140	95
Cases Investigated by DVRU	38	38	41
Percent Investigated by DVRU	25%	27%	43%
<b>Elder Financial Abuse</b>	<b>FY07-08</b>	<b>FY08-09</b>	<b>FY09-10</b>
Cases Received and Assessed	Data not available	369	439
Cases Investigated by Financial Crimes Unit		96	140
Percent Investigated by Financial Crimes Unit		26%	32%

## Office of the District Attorney

The Office of the District Attorney (DA) has 3 units to oversee the prosecution of family violence crimes: a Child Assault Unit, a Domestic Violence Unit, and an Elder Abuse Unit. Once received, a case is generally filed for prosecution, referred for probation revocation or parole violation, or declined. Cases might be declined in order to do further investigation, because a witness is uncooperative, for insufficient evidence, or some other reason. This is consistent with other counties, depending on whether the cases submitted are screened prior to submission to the DA's Office.

The data included in the following charts refers to a specific fiscal year. For example, a case may be received and filed in FY07-08, but the case may not be concluded, either through plea bargain, trial, or dismissal, until a subsequent year.

<b>District Attorney's Office Family Violence Statistics FY2007-2010</b>			
<b>Child Abuse Unit</b>	<b>FY07-08</b>	<b>FY08-09</b>	<b>FY09-10</b>
Cases Received	93	109	163
Cases Filed	57	72	69
Cases Pled	10	15	22
Cases Brought to Trial	1	8	5
Convictions After Trial	1	6	5
<b>Domestic Violence Unit</b>	<b>FY07-08</b>	<b>FY08-09</b>	<b>FY09-10</b>
Cases Received	1,553	1,767	1,886
Cases Filed	472	467	488
Cases Pled	444	326	373
Cases Brought to Trial	23	9	22
Convictions After Trial	15	4	14
<b>Elder Abuse Unit</b>	<b>FY07-08</b>	<b>FY08-09</b>	<b>FY09-10</b>
Cases Received	17	34	68
Cases Filed	16	20	45
Cases Pled	10	12	10
Cases Brought to Trial	0	1	2
Convictions After Trial	0	0	1

### **Child Abuse Unit**

The DA's Child Abuse unit has received an increasing number of cases each year, including a 33% increase from FY08-09 to FY09-10. The Child Abuse Unit received 163 cases in FY09-10 and filed 69. The number of cases resulting in conviction from a plea bargain more than doubled between FY07-08 and FY09-10, from 10 to 22. The District Attorney brought 5 child abuse cases to trial in FY09-10, and received 5 convictions after trial during that same time period.

District Attorney's Office Family Violence Statistics FY2007-2010			
Child Abuse Unit	FY07-08	FY08-09	FY09-10
Cases Received	93	109	163
Cases Filed	57	72	69
Cases Pled	10	15	22
Cases Brought to Trial	1	8	5
Convictions After Trial	1	6	5

### Domestic Violence Unit

The Domestic Violence Unit of the DA's Office handles felony and misdemeanor domestic violence cases, including cases of stalking. In FY09-10, the DA's Office received a total of 1,886 domestic violence cases. Beginning in January 2010, the Domestic Violence Unit began tracking stalking cases separately. During this 6-month time period, the DA's Office received 30 stalking cases. Also during this period, 13 stalking cases saw convictions through plea bargains and 2 reached a conviction after trial. Stalking cases handled by the Domestic Violence Unit include both domestic violence stalking and non-domestic violence stalking.

In examining domestic violence cases overall, the DA's Office filed approximately 26% of the domestic violence cases it received and referred 6%. The majority (76%) of cases that were filed resulted in a plea bargain. Of the 22 cases brought to trial, 14 (63%) resulted in a conviction.

District Attorney's Office Domestic Violence Statistics FY2009-2010			
	Domestic Violence Cases <sup>3</sup>	Stalking Cases <sup>4</sup>	Total Cases
Cases Received	1,856	30	1,886
Cases Filed	479	9	488
Cases Referred	111	2	113
Cases Pled	360	13	373
Cases Brought to Trial	19	3	22
Convictions After Trial	12	2	14

The Domestic Violence Unit has received increasing numbers of cases each year, up 18% from FY07-08. In contrast, the percentage of cases filed for prosecution has declined from approximately 30% in FY07-08 to 26% in FY09-10.

<sup>3</sup> This column refers to domestic violence cases worked from July 2009 through June 2010 and stalking cases worked from July 2009 through December 2009.

<sup>4</sup> This column refers to stalking cases worked from January to June 2010. Stalking cases worked from July to December 2009 can not be separated out from general domestic violence statistics.



District Attorney's Office Family Violence Statistics FY2007-2010			
Domestic Violence Unit	FY07-08	FY08-09	FY09-10
Cases Received	1,553	1,767	1,886
Cases Filed	472	467	488
Cases Pled	444	326	373
Cases Brought to Trial	23	9	22
Convictions After Trial	15	4	14

The DA's Office faces challenges to prosecuting domestic violence cases that have led to a reduction in the number of cases filed. Notably, the 2004 United States Supreme Court decision in *Crawford v. Washington* prohibits the use of a victim's statement in court if the victim fails or refuses to testify. Before the *Crawford* ruling, victims did not have to come to court for prosecutors to use their statements made to police officers, Inspectors, or others. Now, victims must testify and be cross-examined for their statements to be used, something many victims are reluctant to face, as the courtroom experience can be re-traumatizing.

In addition to *Crawford*, the Legislature amended the Code of Civil Procedure Section 1219 in 2008 to prohibit law enforcement from compelling testimony from uncooperative victims. This amendment became effective on January 1, 2009, further limiting the DA's Office's ability to file domestic violence cases.

To combat these hurdles, the DA's Office has implemented intensive domestic violence training to first responders at the Police Department to enhance their ability to gather admissible statements and encourage victim cooperation. This intensive training, provided all officers at 2 of the 10 police stations in 2009, will improve the initial police response to domestic violence calls, and should also serve to encourage victim cooperation with prosecution.

### **Elder Abuse Unit**

The Elder Abuse Unit of the District Attorney's Office has received and filed more cases each year over a 3-year period. The number of cases received in FY09-10 increased 300% since FY07-08. The number of cases filed increased 181% since FY07-08. The number of cases pled, cases brought to trial, and convictions after trial has remained relatively consistent over the 3-year period, with 2 cases brought to trial and 1 conviction after trial in FY09-10.

District Attorney's Office Family Violence Statistics FY2007-2010			
Elder Abuse Unit	FY07-08	FY08-09	FY09-10
Cases Received	17	34	68
Cases Filed	16	20	45
Cases Pled	10	12	10
Cases Brought to Trial	0	1	2
Convictions After Trial	0	0	1

In 2007, the District Attorney's Office began participating in the Elder Abuse Forensics Center in San Francisco. Housed at the Department of Aging and Adult Services, the Forensics Center brings

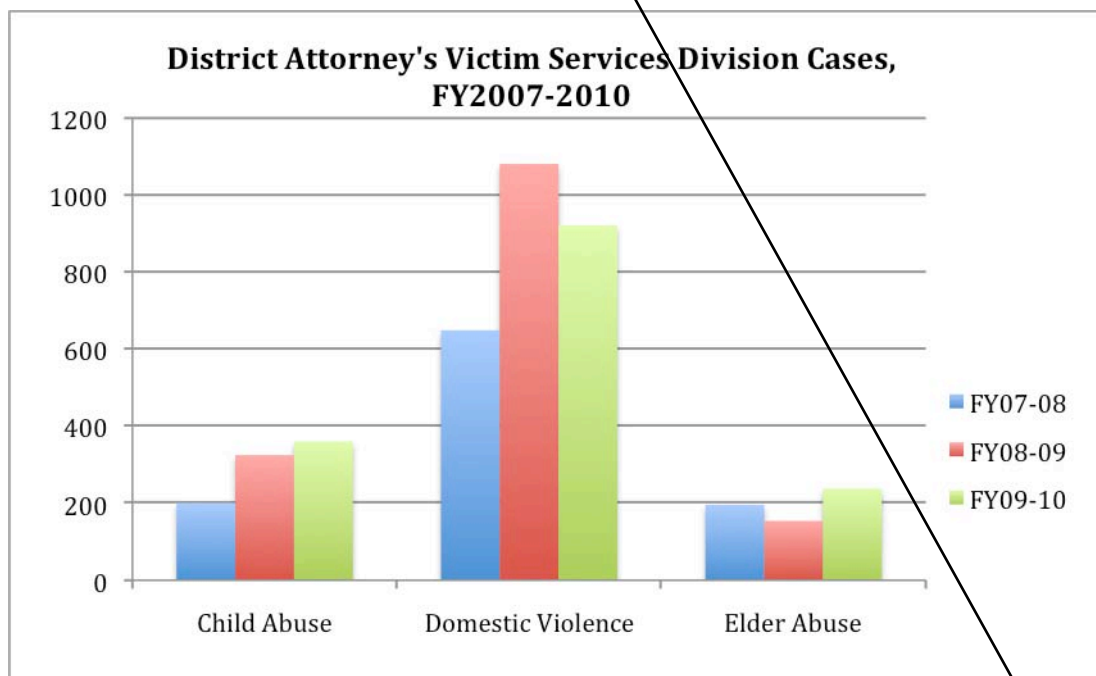
together a multi-disciplinary team to identify and intervene in cases of elder abuse by providing a forum for case reviews, action planning, in-home medical and mental health status evaluations, and evidentiary investigation. The rise in the number of cases received by and filed by the District Attorney's Office Elder Abuse Unit may be attributed to the effectiveness of the Forensics Center in intervening in cases of abuse.

### Office of the District Attorney - Victim Services Division

The Victim Services Division of the DA's Office helps victims of crimes navigate the criminal justice system by offering advocacy and support. All of the advocates have been trained in domestic violence dynamics, with 2 advocates specializing in child abuse and 2 advocates specializing in elder abuse. The advocates handle 480-600 cases each year, some cases requiring little time to orient the client to the criminal justice system and assist with victim compensation, while others can require many, many hours of support long after a case has concluded. Victim Services offers services not only to victims whose cases have been charged, but also to victims whose cases have not and will not be charged, providing access to services regardless of whether the criminal case is strong enough for prosecution.

In FY09-10, Victim Services provided services to 1,519 victims of family violence. Though this number of clients changed little between FY08-09 and FY09-10, the distribution of cases differed year to year. For example, Victim Services saw a 38% increase in the number of elder abuse cases between FY08-09 and FY09-10. This is paired with a 17% drop in domestic violence cases.

District Attorney Victim Services Family Violence Statistics FY2007-2010			
	FY07-08	FY08-09	FY09-10
Child Abuse	200	325	360
Domestic Violence	649	1081	921
Elder Abuse	196	154	238
Total	1,045	1,560	1,519



The table below highlights some demographic data about the clients served by Victim Services in FY09-10. The majority of clients seen for family violence are female, except in cases of elder abuse. Of elders seen by Victim Services, 40% are White and 30% are Asian. Between 27% and 29% of domestic violence victims seen by Victim Services are Black, White, or Latino. Victims seen for child abuse are most frequently Latino or Black.

District Attorney Victim Services Family Violence Statistics FY2009-2010					
Client Demographics		Child Abuse	Domestic Violence	Elder Abuse	Total
<b>GENDER</b>	Female	272	769	116	1,157
	Male	88	152	122	362
	Transgender	0	0	0	0
	<b>TOTAL</b>	<b>360</b>	<b>921</b>	<b>238</b>	<b>1,519</b>
		Child Abuse	Domestic Violence	Elder Abuse	Total
<b>RACE</b>	Black	127	257	40	424
	White	42	269	95	406
	Latino	129	253	24	406
	Asian	50	119	72	241
	Unknown	5	14	7	26
	Other	7	9	0	16
	<b>TOTAL</b>	<b>360</b>	<b>921</b>	<b>238</b>	<b>1,519</b>
		Child Abuse	Domestic Violence	Elder Abuse	Total
<b>AGE</b>	0-17	191	86	0	277
	18-64	145	819	41	1,006
	65+	0	4	167	111
	Unknown	23	12	30	65
	<b>TOTAL</b>	<b>360</b>	<b>921</b>	<b>238</b>	<b>1,519</b>

### Adult Probation Department

The Adult Probation Department (APD) supervises individuals convicted of domestic violence as they complete the requirements of probation. The number of cases supervised by probation officers fluctuates throughout the year as the court refers new probationers and as others complete the requirements of probation. As of June 2010, APD supervised 459 individuals, a decrease of 15% from June 2009. The number of individuals referred to APD for domestic violence supervision increased by 6%, from 239 in FY08-09 to 253 in FY09-10.

Adult Probation Department Domestic Violence Unit FY2008-2010 <sup>5</sup>		
	FY08-09	FY09-10
Total Cases at Year-End	539	459
Total New Intakes during Year	239	253
Completions	127	127
Revocations	46	57
Certified BIPs	7	7
DV Unit Staffing	12	8

When a person convicted of domestic violence is referred to APD, that person is automatically referred to a batterer intervention program (BIP), a 52-week program run by a community agency and certified by APD. If a probationer fails to attend the BIP, or if the probationer commits a crime that violates his or her probation, leading to the issuance of a bench warrant, APD will begin a procedure called a Motion to Revoke Probation. In FY09-10, 57 probationers had their probation revoked and were sentenced to jail time. In the same time period, 127 individuals completed the requirements of their probation.

The Domestic Violence Unit at APD has seen a decline in staffing over the last several years. As of June 2010, there were 6 deputy probation officers handling cases, 1 deputy probation officer assigned to the court, and 1 supervisor for the unit, for 8 total staff members. This is down from 12 at the beginning of FY08-09. The average caseload in the Domestic Violence Unit is 77 cases per officer, up from 62 cases per officer in 2008.

In September 2010, responding to reports of an increasing number of cases of domestic violence in the Bayview neighborhood of San Francisco, APD received a grant of federal Violence Against Women Act (VAWA) funds, awarded through the California Emergency Management Agency (CalEMA), to intensively supervise small caseloads of probationers with a higher emphasis on domestic violence crimes. APD analyzed the social factors of the probationers supervised by the Domestic Violence Unit and found that 33% of these probationers resided in 3 districts: Bayview (14%), South of Market (10%), and Mission (9%). Based on the high service needs of the Bayview neighborhood, APD identified this region as the primary service area for the grant. Using evidence-based practices to design a victim-centered supervision model, and with a 40:1 probationer to officer ratio, this specialized caseload will eventually be replicated throughout the Domestic Violence Unit.

No dedicated units exist for child abuse, elder abuse, or stalking cases. Instead, these are referred for general supervision. In CY2008, the Adult Probation Department received 19 new stalking cases, 12 new child abuse cases, and 0 new elder abuse cases. In FY09-10, APD supervised 27 active stalking cases, 16 active child abuse cases, and 35 active elder abuse cases. The rise in the number of elder abuse cases corresponds to a general trend of more cases of this type moving through the criminal justice system.

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<sup>5</sup> Due to changes in the APD database, reliable data is not available for FY07-08 and cannot be tracked for the purposes of this report.

## Family Court Restraining Orders

Restraining orders can be an important element of finding safety for survivors of abuse. Both the Family Court and the Criminal Court issue restraining orders. However, only Family Court restraining order information could be collected for this report. The Family Court issues restraining order for domestic violence and for elder or dependent adult abuse.

### **Domestic Violence Restraining Orders**

Survivors of domestic violence can request a temporary restraining order (TRO) from the Family Court. In general, a judge will grant the majority of TROs requested, and the restraining order will remain in place until a hearing scheduled within 25 days of issuance to determine if a permanent restraining order will be granted. There are a number of dispositions possible at the hearing.

- **Granted:** The petitioner receives a permanent restraining order.
- **Denied:** The petitioner does not receive a permanent restraining order, and the temporary order is removed.
- **Off-Calendar:** A case may be removed from the calendar if the petitioner does not attend the hearing, or if the petitioner indicates that s/he no longer wants a restraining order.
- **Pending:** A case may not have been resolved by the close of the fiscal year, June 30.

Other dispositions include some of the following:

- **Continued:** The most common reason for a continuance, or a rescheduling of the hearing, is the inability to find and serve the respondent with the order prior to the hearing date.
- **Dismissal:** The judge may determine the case should be dismissed, or it could be dismissed at the request of the petitioner.
- **Set for Trial:** Instead of a hearing in front of a judge, some restraining order requests require a trial with witnesses and testimony to determine a disposition.

In FY09-10, the Family Court received 1,372 TRO-DV requests. A large amount of these requests (45%) were taken off calendar, and another 37% were granted. Both the number of requests and the dispositions of cases remain relatively constant from FY08-09 to FY09-10.

<b>Permanent Dispositions of Domestic Violence Temporary Restraining Order Requests by Family Court FY2008-2010</b>				
	<b>FY08-09</b>		<b>FY09-10</b>	
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
Requests for TRODV	1,358		1,372	
Granted	481	35%	503	37%
Denied	212	16%	139	10%
Off Calendar	596	44%	624	45%
Other Disposition	66	5%	88	6%
Pending	3	0%	18	1%

The table only includes information related to domestic violence TROs. It does not include TROs requested for civil harassment, for elder abuse, or those requested of the Criminal Court. Domestic

violence TROs are only granted for cases involving intimate partners and family to the second degree, which includes in-laws but not cousins.

### **Elder and Dependent Adult Abuse Restraining Orders**

The Probate Court grants restraining orders in cases of elder abuse. In FY09-10, that Court received 70 requests for restraining orders, granting 37%, denying 4%, and taking 13% off calendar. A large number of cases were continued in FY09-10, just one of the other dispositions for cases.

The number of requests for restraining orders more than tripled between FY08-09 to FY09-10, rising from 23 requests to 70. The percent of orders granted rose slightly, while the number of cases taken off calendar declined by half. In general, the percent of restraining orders granted for elder abuse mirrors that for domestic violence.

<b>Permanent Dispositions of Elder Abuse Temporary Restraining Order Requests by Family Court FY2008-2010</b>				
	<b>FY08-09</b>		<b>FY09-10</b>	
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
Requests for TRO-EA	23		70	
Granted	7	30%	26	37%
Denied	2	9%	3	4%
Off Calendar	6	26%	9	13%
Other Disposition	8	35%	29	41%
Pending	0	0%	3	4%

## **CITY AND COUNTY SOCIAL SERVICES**

The City and County of San Francisco administers agencies designed to protect the welfare of vulnerable populations, such as children, elders, and dependent adults. Statistics from these agencies are included below. Additionally, the Family Violence Council began tracking data from several new service access points for survivors of family violence in FY09-10, including the Department of Child Support Services, the CalWORKs Domestic Violence Unit, and the San Francisco Unified School District.

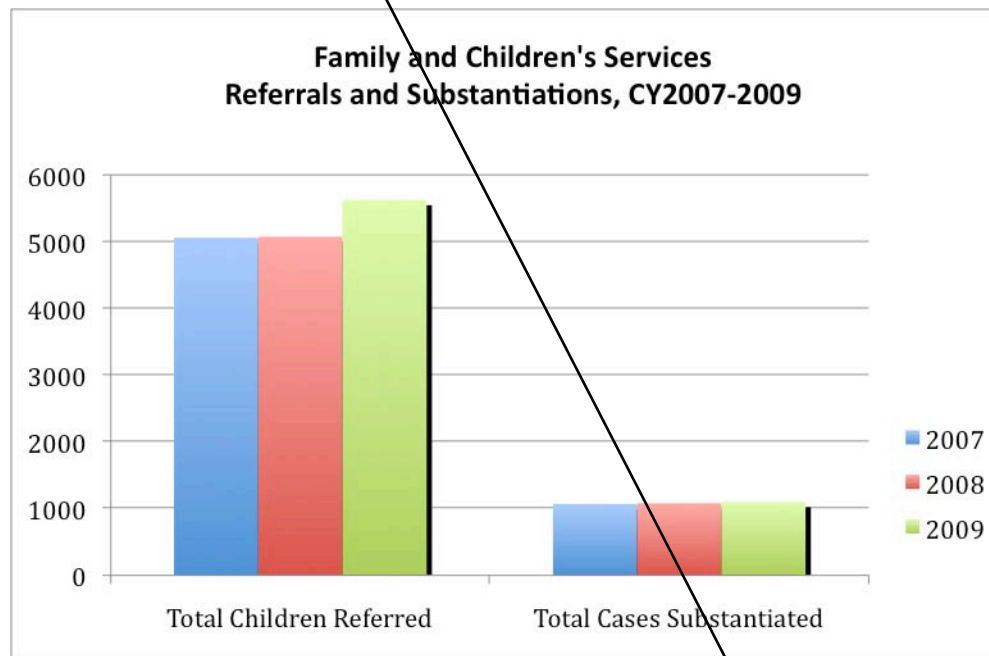
### **Family and Children's Services**

San Francisco Family and Children's Services (FCS), a division of the Human Services Agency, protects children from abuse or neglect, and supports families in raising their children in safe and nurturing homes, in partnership with community-based services. Whenever possible, FCS helps families stay together by providing a range of services from prevention through aftercare to keep children safe within their families or with families who can provide permanency.

Researchers from the University of California at Berkeley Center for Social Services Research tabulate and publicize all child welfare data for the state on an annual basis. Source data included in this section has been organized by calendar year (CY) rather than fiscal year.<sup>6</sup>

In CY2009, San Francisco had an estimated child population (0-17 years) of 136,104. Of those, 5,625 children had documented child welfare referrals, 20% of which were substantiated by FCS. The number of referrals to FCS grew 10% between CY2008 and CY2009, though the rate of substantiation remained relatively constant.

Family and Children's Services Referrals and Substantiations CY2007-2009			
	2007	2008	2009
<b>Total Children Referred</b>	5,058	5,074	5,625
<b>Total Cases Substantiated</b>	1,071	1,081	1,102
<b>% Substantiated</b>	21%	21%	20%



General neglect, at 30%, and physical abuse, at 29%, were the most commonly reported types of abuse in CY2009, a trend that has remained stable over a 3-year span. Of the 5,626 referrals made in CY2009, FCS substantiated 20%; 44% did not meet the definition of abuse or neglect and were unfounded; FCS evaluated 31% of the referrals and found that they did not warrant further

<sup>6</sup> Source for all subsequent child welfare data: Needell, B., Webster, D., Armijo, M., Lee, S., Dawson, W., Magruder, J., Exel, M., Cuccaro-Alamin, S., Williams, D., Zimmerman, K., Simon, V., Hamilton, D., Putnam-Hornstein, E., Frerer, K., Lou, C., Peng, C. & Moore, M. (2010). *Child Welfare Services Reports for California*. Retrieved 9/29/2010, from University of California at Berkeley Center for Social Services Research website. URL: <[http://cssr.berkeley.edu/ucb\\_childwelfare](http://cssr.berkeley.edu/ucb_childwelfare)>

investigation; and 6% of the referrals did not have sufficient evidence to substantiate the abuse (inconclusive).<sup>7</sup>

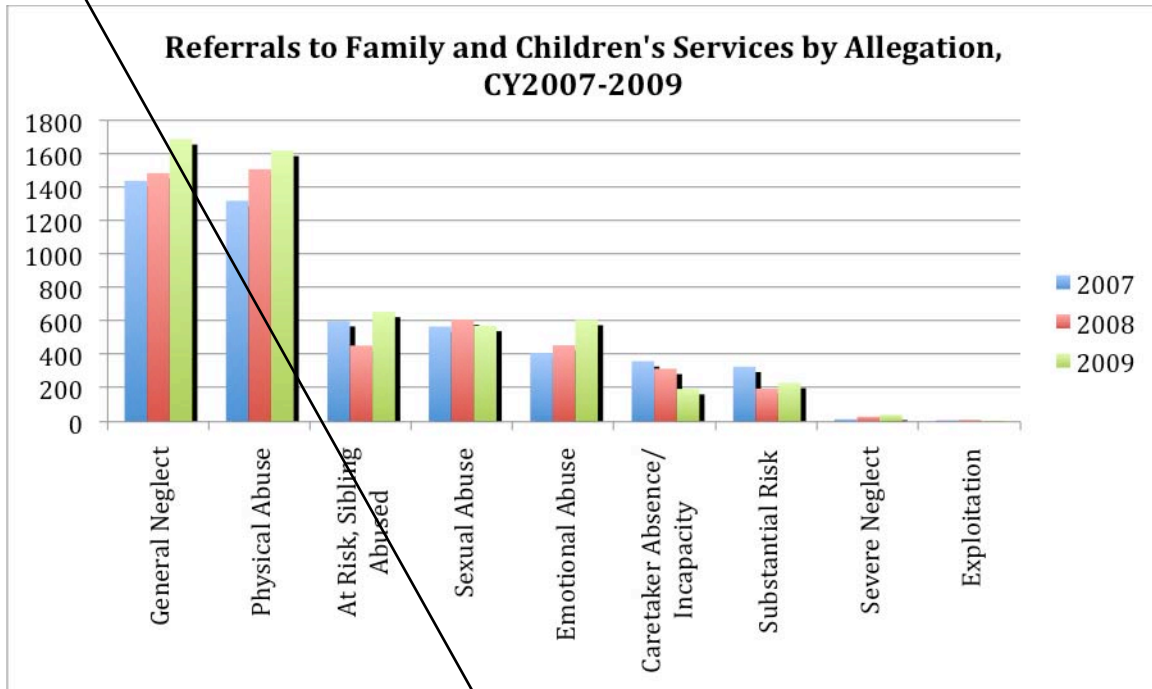
Family and Children's Services Referrals by Allegation and Finding CY2009					
Allegation Type	Substantiated	Inconclusive	Unfounded	Assessment Only	Total Referrals
General Neglect	386	116	646	540	1,688
Physical Abuse	134	79	882	524	1,619
At Risk, Sibling Abused	56	26	457	118	657
Emotional Abuse	411	72	219	177	609
Sexual Abuse	38	23	197	315	573
Substantial Risk	218	2	8	5	233
Caretaker Absence/ Incapacity	113	5	45	33	196
Severe Neglect	16	2	18	6	42
Exploitation	0	1	0	7	8
<b>TOTAL</b>	<b>1,102</b>	<b>326</b>	<b>2,472</b>	<b>1,725</b>	<b>5,625</b>

A review of the types of allegations made over a 3-year time period shows a marked increase in referrals for emotional abuse, rising 33% from 411 referrals in CY2007 to 609 in CY2009. Internal changes in the coding of cases may account for some of this increase. The number of referrals for caretaker absence or incapacity has declined 46% since CY2007, from 362 to 196. Despite these fluctuations, in general, the types of allegations made to CPS remains constant from year to year.

Referrals to Family and Children's Services by Allegation Type CY2007-2009						
Allegation Type	2007		2008		2009	
	#	%	#	%	#	%
General Neglect	1,439	28%	1,485	29%	1,688	30%
Physical Abuse	1,320	26%	1,508	30%	1,619	29%
At Risk, Sibling Abused	602	12%	455	9%	657	12%
Sexual Abuse	569	11%	611	12%	573	10%
Emotional Abuse	411	8%	457	9%	609	11%
Caretaker Absence/ Incapacity	362	7%	317	6%	196	3%
Substantial Risk	329	7%	198	4%	233	4%
Severe Neglect	16	0%	31	1%	42	1%
Exploitation	10	0%	12	0%	8	0%
<b>TOTAL</b>	<b>5,058</b>		<b>5,074</b>		<b>5,625</b>	

<sup>7</sup> Reports count each child with a child maltreatment allegation once for each analysis year. If a child has more than one allegation in a specific year, they are counted one time in the category of the most severe occurrence.





CY2008 is the most recent year that geo-coded child welfare data is available.<sup>8</sup> As in CY2007, referral rates in San Francisco vary widely by ZIP code. The citywide incident rate for CY2008 is 45.8 per 1,000 children, a decrease of 0.9 from CY2007. The neighborhoods that contain the most children with allegations of child abuse or neglect are the Bayview, Ingleside/Excelsior, Visitacion Valley, the Mission, Hayes Valley/Tenderloin, Pacific Heights/Western Addition/Japantown, Potrero Hill, and SOMA. The 94124 ZIP code (Bayview) has an incidence rate of 92.7 per 1,000 children.

<sup>8</sup> The child population data used in this table is from the 2000 Census and may not accurately reflect San Francisco's 2008 child population.

<b>Children with Child Maltreatment Allegations and Incidence Rates by ZIP Code CY2008</b>				
<b>ZIP Code</b>	<b>City</b>	<b>Children with Allegations</b>	<b>Child Population</b>	<b>Incidence per 1,000 Children</b>
94124	Bayview	845	9,112	92.7
94112	Ingleside/ Excelsior	569	15,093	37.7
94134	Visitacion Valley	529	8,783	60.2
94110	Mission	499	13,000	38.4
94102	Hayes Valley/ Tenderloin	233	3,133	74.4
94115	Pacific Heights/ Western Addition/ Japantown	181	3,806	47.6
94107	Potrero Hill	163	2,719	59.9
94103	SOMA	133	2,852	46.6
94109	Nob Hill/Russian Hill	107	4,126	25.9
94117	Haight/Cole Valley	99	2,944	33.6
94122	Inner Sunset	98	7,713	12.7
94132	Lake Merced	96	3,942	24.4
94131	Twin Peaks/Glen Park	95	3,459	27.5
94130	Treasure Island	89	177	502.8
94116	Outer Sunset	82	6,584	12.5
94121	Outer Richmond	77	5,757	13.4
94133	North Beach/ Fisherman's Wharf	72	2,764	26.0
94127	West Portal	62	3,105	20.0
94118	Inner Richmond	55	5,117	10.7
94114	Castro/Noe Valley	39	2,423	16.1
94108	Chinatown	24	1,140	21.1
94123	Marina/Cow Hollow	24	2,058	11.7
94105	Embarcadero/SOMA	11	159	69.2
94111	Embarcadero	8	163	49.1
94129	Presidio	5	584	8.6
94104	Financial District	2	26	76.9
94158		1	101	9.9
ZIP Code Missing, or Out of County		876		
<b>San Francisco</b>		<b>5,074</b>	<b>110,840</b>	<b>45.8</b>
<b>California</b>		<b>486,989</b>	<b>9,739,952</b>	<b>50</b>

### Differential Response

FCS uses a method called "Differential Response" when responding to allegations of abuse. Based on information received during a hotline call or referral, FCS social workers assess the evidence of neglect or abuse. If sufficient evidence does not exist to suspect neglect or abuse, the social worker closes the referral and the case is "evaluated out of the system." In these cases, the family may be referred to voluntary services in the community. If there does appear to be sufficient evidence of abuse or neglect, then FCS opens the case and conducts further assessment and investigation.

Under San Francisco's Differential Response model, the hotline social worker determines the initial response path for all referrals. There are three possible initial response paths.

- **Path 1: Community Response** - When there are no known safety issues and a low to moderate level of future maltreatment, the social worker refers the family to voluntary support services in the community. This is the path for all referrals that are evaluated out of the system.
- **Path 2: FCS and Community Response** - When the safety threat is assessed as moderate to high, FCS opens a referral. The response team may include a Public Health Nurse, CalWORKs worker or other community representative who may already be working with the family.
- **Path 3: FCS Only (and possible law enforcement) Response** - When the safety threat is assessed as high to very high, FCS opens a referral.

FCS began using Differential Response for Path 1 and 2 cases in 2006. This model serves as a strong tool for prevention by supporting families at risk of abuse or neglect even when cases do not rise to the level of FCS action. In FY09-10, the number of cases referred through the Differential Response protocols doubled over the prior 2 years, with the majority seen through Path 1 community responses.

<b>Family and Children's Services Differential Response Referrals FY 2007 - 2010</b>			
<b>Type of Referral</b>	<b>FY07-08</b>	<b>FY08-09</b>	<b>FY09-10</b>
Path 1: Community Response	162	76	529
Path 2: Community and FCS Response	202	216	239
Other Actions	0	19	6
<b>Total Differential Response Referrals</b>	<b>364</b>	<b>311</b>	<b>774</b>

### Emerging Trends in Child Welfare

FCS reports an emerging trend of seeing more cases of adolescents involved in the child welfare system, including in the foster care system, referrals for abuse, and through Differential Response protocols.

Consistently over the past several years, the number of children referred to FCS in the 11-17 age group has topped the number in children in younger age groups. In 2009, referrals in the 11-17 age group made up 39% of all referrals, slightly down from 40% in 2007 and 2008.

<b>Child Abuse Referrals by Age Group CY 2007 - 2009</b>			
<b>Age Group</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
0 – 5	1,626	1,569	1,788
6 – 10	1,415	1,459	1,617
11 – 17	2,001	2,044	2,214
<b>Total Referrals</b>	<b>5,042</b>	<b>5,072</b>	<b>5,619</b>

Foster care entries by children 11-17 represented 38% of all entries in 2009, slightly down from 40% in 2008.

<b>Foster Care Entries by Age Group CY 2007 - 2009</b>			
<b>Age Group</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
0 – 5	202	197	181
6 – 10	82	60	64
11 – 17	155	177	153
<b>Total Referrals</b>	<b>439</b>	<b>434</b>	<b>398</b>

While the overall number of children in foster care has been declining in recent years, due both to demographic changes in San Francisco and to new policies emphasizing early intervention and family support, the number of adolescents coming into foster care has climbed. Youth now form the majority of all children in foster care.

According to FCS, many adolescents come into care for short periods, are reunified with parents, and subsequently return to foster care. FCS conducted a review of case files in 2008 that found that many youth are out of control at home, participating in dangerous behavior without effective parenting to keep them safe. This is an emerging need for a system that has historically intervened with families that have children ages birth to five. In families with younger children, the focus is usually on protecting vulnerable children from mistreatment. In families with older children, the focus is often on helping parents learn how to contain their adolescent's behavior.

A significant number of FY09-10 referrals for Differential Response involved youth 12-17 who faced issues related to truancy, substance use, running away, or police contact. Liaisons implementing Differential Response protocols have had to assist parents in finding appropriate services for the youth, as well as providing proper supervision in communities heavily affected by violence and other criminal activity. Many parents have had to cope with under-employment and debt issues that increase family stress and threaten the families' ability to provide shelter and basic needs.

While many of the City's services for adolescents are geared toward youth development, youth at risk of foster care or other FCS interventions require family support services. FCS is working with Family Resource Centers to adjust to the needs of these families with adolescents.

### **Adult Protective Services**

The Department of Aging and Adult Services – a division of the Human Services Agency – operates the Adult Protective Services (APS) for the county, and is charged with responding to allegations of abuse for seniors and adults 18 to 64 who are dependent or have disabilities.

There are approximately 110,028 seniors age 65 and older living in San Francisco, over 14% of San Francisco's population.<sup>9</sup> This is a growing population, with growing needs. Ensuring the safety of this protected class is one such need. National data suggests that just 1 in 5 cases of elder abuse and neglect are officially reported. Abuse of the "oldest old," those individuals over 85 years old, is believed to occur at a higher rate than other elders, and family members are the most common abusers.<sup>10</sup> According to the DAAS Needs Assessment of 2006, self-neglect is the most commonly reported type of elder abuse, making up about half of the total reports.

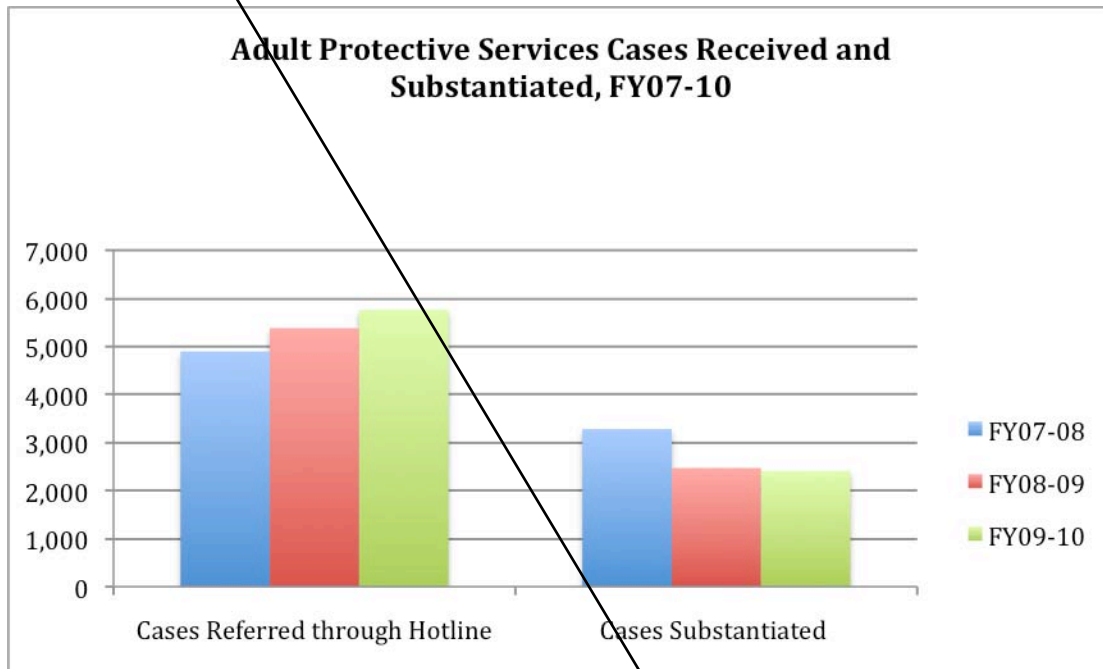
In FY09-10, APS received 5,758 reports of elder abuse or neglect. Though APS responds to all reports made, social workers do not investigate all of them because the individual may have left the county, the allegations may not rise to the threshold of elder abuse, or the police may be the lead investigators. Some reports only require a phone interview. Of the 5,758 reports made, APS investigated 79%. APS workers substantiated the abuse in 2,407 cases (53% of cases investigated).

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<sup>9</sup> U.S. Census Bureau, 2005-2007 American Community Survey, retrieved December 29, 2008 from <http://factfinder.census.gov/>

<sup>10</sup> SafeState (n.d.). Elder Abuse Facts. Retrieved January 5, 2009 from <http://www.safestate.org/index.cfm?navId=58>.

<b>Adult Protective Services Statistics FY 2007-2010</b>			
	<b>FY07-08</b>	<b>FY08-09</b>	<b>FY09-10</b>
<b>Cases Received</b>	4,893	5,378	5,758
<b>Cases Investigated</b>	n/a	3,722	4,559
<b>Percent Investigated</b>	n/a	69%	79%
<b>Cases Substantiated</b>	3,278	2,469	2,407
<b>Percent Substantiated</b>	n/a	66%	53%



The number of cases received by APS has increased by 15% over the 3-year time period, seeing a high of 5,758 calls to the hotline in FY09-10. Similarly, the percent of calls meriting investigation has also increased by 10% in the last 2 years. However, the number of substantiations has declined by 13% in the past 2 years from 66% in FY08-09 to 53% in FY09-10. This suggests that awareness of the program may be increasing, but actual cases of elder abuse may not be on the rise.

### **Department of Public Health**

The San Francisco General Hospital (SFGH) Emergency Department created a model program to address intimate partner violence and the San Francisco Department of Public Health (DPH) Primary Care clinics adopted a routine domestic violence screening protocol that was endorsed by the Health Commission in 1998. However, there has not been funding to develop a digital tracking system for cases of family violence in the healthcare setting. The logistics of recording family violence-related diagnoses in an electronic medical record in a way that protects the safety and privacy of victims are complicated and protocols for this are still under construction.

Several DPH programs do collect relevant statistics to give a small sense of individuals served for family violence. In FY09-10, the Trauma Recovery Program served 772 victims of interpersonal

violence: 372 were seen for sexual assaults, and 400 were seen for either domestic violence or other assaults.

The Child Trauma Research Project (CTRP), operated out of University of California, San Francisco, provides intensive mental health services to children exposed to trauma. In FY09-10, CTRP treated children exposed to domestic violence, and physical and sexual abuse. The following list shows the rate of exposure to this type of violence among the project's participants:

- Exposure to Intimate Partner Violence: 67
- Exposure to Physical Maltreatment: 31
- Exposure to Sexual Maltreatment: 7
- Exposure to 2 or More of These: 30

### **Child Support Services**

The Department of Child Support Services helps parents provide economic support for their children by locating parents, establishing paternity and support obligations, and enforcing support obligations in order to contribute to the well being of families and children. As of June 30, 2010, Child Support Services had 17,915 open cases.

In cases of domestic violence or family violence, enforcing support obligations can lead to elevated levels of risk for survivors and their children. Child Support Services developed the "family violence indicator" (FVI) to be used by case managers to flag cases of domestic violence where the enforcement of child support obligations may be dangerous.<sup>11</sup>

In FY08-09, case managers saw 391 clients exposed to family violence. In FY09-10, 569 new clients were flagged for family violence, a 31% increase.

### **CalWORKs Domestic Violence Unit**

The Human Services Agency administers CalWORKs, the state's welfare and benefits program. CalWORKs operates a Domestic Violence Unit to provide special services to survivors of domestic violence accessing benefits. For example, the welfare program requires recipients to seek and attain employment as a condition of receiving benefits. Survivors of domestic violence may have special needs that could limit their ability to carry out this requirement, such as Post Traumatic Stress Disorder. If a domestic violence survivor applies for CalWORKs, her case is automatically referred to the Domestic Violence Unit, where she can receive specialized case management and a waiver of the work requirement in order to attend counseling services that will help her heal from her trauma.

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<sup>11</sup> When a case participant (the guardian receiving child support) claims domestic or family violence, the case manager marks the FVI in the Child Support Services database. This automatically updates this information in the records of any dependent children in that family as well as the case participant. Therefore, the counts included are participant counts, not case counts. For example, if a case participant makes a claim of family violence and has 1 dependent child, the FVI would be marked in the case participants' file and in the dependent child's file, for a total FVI count of 2.

Human Services Agency Active CalWORKs and Domestic Violence Client Caseloads FY2008-2010		
	FY08-09	FY09-10
Average CalWORKs Caseload	4,607	4,795
Average Domestic Violence Unit Caseload	262	275
Percent of Total	6%	6%

In FY09-10, CalWORKs had an average of 4,795 cases on its rolls, though this number fluctuates month to month as individuals apply for benefits or complete their term. About 6% (an average of 275) of all CalWORKs clients have been referred to the Domestic Violence Unit for case management. In FY09-10, the number of domestic violence cases reached a high of 284 in October 2009 and a low of 251 in January 2010.

The average number of cases seen by CalWORKs as a whole and by the Domestic Violence Unit specifically have increased slightly since 2008, though the percent of domestic violence cases remains at 6% each year.

### **San Francisco Unified School District**

Every 2 years, the San Francisco Unified School District (SFUSD) participates in the Center for Disease Control's Youth Risk Behavior Survey. The survey uses questionnaires to examine risk factors in students' lives. In addition to questions related to substance use, bullying, and exposure to community violence, the survey also asks students to reflect on intimate partner violence they have experienced. The data related to teen dating violence included below has been drawn from the survey administered during the 2008-2009 school year.

Of the 15,777 high school students who responded, 8% indicated they have been hit, slapped, or physically hurt on purpose by their boyfriend or girlfriend during the past 12 months. Of the 10,627 middle school students who responded, 7% indicated some form of physical assault by an intimate partner. This statistic can be broken down by both gender and sexual orientation, as seen in the chart below. Students identifying as lesbian, gay, or bisexual are significantly more likely to experience and/or report intimate partner violence than students identifying as heterosexual.

San Francisco Unified School District Percent of Students Physically Assaulted by an Intimate Partner SY2008-2009		
Middle School (N=10,627)	Male	Female
Heterosexual	8%	5%
Lesbian, Gay or Bisexual	34%	16%
High School (N=15,777)	Male	Female
Heterosexual	8%	6%
Lesbian, Gay or Bisexual	27%	18%

With 15,827 respondents, 6% of high school students were forced to have sex during their lifetime. Additionally, 51% of high school students experienced violence in their communities 1 or more times, with 18% experiencing incidents of community violence 4 or more times during a 12-month period.

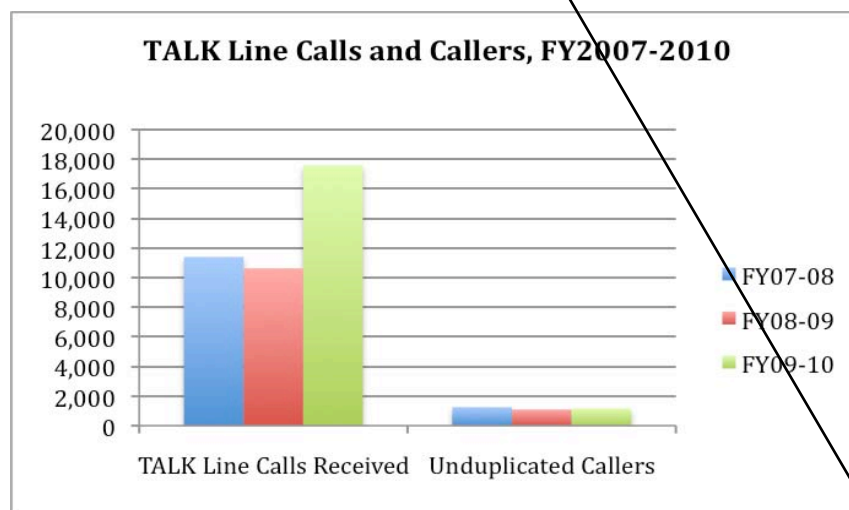
The SFUSD has a variety of violence prevention and intervention services to address the needs of students experiencing violence. Programs include professional development opportunities for teachers and staff, violence prevention curricula for teachers for all grade levels, on-site Wellness Programs, Health Promotion Committees at the high schools and middle schools, Caring School Communities at the elementary schools, support services for lesbian, gay, bisexual, and transgender youth, and grant-funded projects, such as School Community Violence Prevention.

## COMMUNITY-BASED SERVICES

### Child Abuse Prevention and Support Services

The San Francisco Child Abuse Prevention Center (SFCAPC) operates the TALK Line, a 24-hour support hotline for parents to help them cope with the stress of parenting in healthy ways. This prevention measure seeks to stop child abuse before it happens. In FY09-10, the TALK Line had a call volume of 17,583 calls, supporting an estimated 1,161 unduplicated individuals.<sup>12</sup> Though the table shows a 40% increase in calls from FY08-09 to FY09-10, the increase is primarily due to a change in call documentation procedures that better captures actual call volume.

San Francisco Child Abuse Prevention Center Statistics FY2007-2010			
	FY07-08	FY08-09	FY09-10
TALK Line Calls Received	11,398	10,626	17,583 <sup>13</sup>
Unduplicated Callers	1,250	1,093	1,161
SafeStart Families Served	153	153	164



<sup>12</sup> The TALK Line is anonymous and callers are not required to identify themselves.

<sup>13</sup> As noted above, the increase in the number of calls received by the TALK Line in FY09-10 is primarily due to a change in call documentation procedures.



SFCAPC also operates the San Francisco SafeStart Initiative, a program aimed at reducing the incidence and impact of violence on young children, including exposure to domestic or community violence. The SafeStart providers are located at sites throughout San Francisco, including Family Resource Centers, Family Court, the San Francisco Police Department's Domestic Violence Response Unit, and other locations where children exposed to violence can be reached. In FY09-10, SafeStart served 164 families.

The 2009 *Comprehensive Report on Family Violence in San Francisco* noted that Family Resource Centers (FRCs) should be better equipped to meet the needs of families who have experienced violence. Though a continued focus on the training needs and capacity at these agencies remains necessary, the SafeStart program has made significant efforts to increase the capacity of FRCs to respond to children exposed to family and community violence.

SafeStart places advocates at 7 FRCs in San Francisco. These advocates receive special training and support specifically to work with families and children exposed to violence. SafeStart also has a full-time Education and Outreach Coordinator who has provided staff training to various agencies throughout the city. The SafeStart annual training event held in May 2010 focused exclusively on how to better serve families exposed to violence, reaching 110 providers from 43 family-focused agencies, including 20 FRCs in San Francisco.

### **Domestic Violence Prevention and Support Services**

There are 3 emergency shelters for victims of domestic violence and their children in San Francisco, with a combined total of approximately 75 beds available. Through the Violence Against Women Prevention and Intervention (VAW) Grants Program, the Department on the Status of Women distributes City funding to these shelters and collects statistics about the services provided.<sup>14</sup> In FY09-10, the VAW Grants Program supported 3,729 bed nights at the 3 emergency shelters for 192 women and children. The 3 shelters turned 1,130 women and children away, often for lack of space.

In addition to emergency shelter, the VAW Grants Program supported 1 permanent supportive housing program and 3 transitional housing programs for victims of domestic violence in FY09-10. These programs provided 12,801 bed nights, offering long-term shelter and housing to 61 women and children. The 4 programs turned away 247 women and children during FY09-10.

Survivors of violence require a significant amount of support in addition to shelter. In FY09-10, the VAW Grants Program funded 34 community programs to provide prevention and intervention services in San Francisco, including advocacy, legal assistance, case management, counseling, education, and crisis intervention. The 34 programs provided 46,010 hours of service to 29,823 individuals.

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<sup>14</sup> Several other City departments, including the Department of Children, Youth, and Their Families and the Human Services Agency, also support certain services provided by San Francisco's domestic violence programs. The numbers reported here only reflect the investment made through the Department on the Status of Women's VAW Grants Program.

<b>VAW Grants Program Services FY2007-2010</b>			
<b>Emergency Shelter</b>	<b>FY07-08</b>	<b>FY08-09</b>	<b>FY09-10</b>
Shelter Bed Nights	5,927	3,950	3,729
Individuals Served	228	122	192
Turn-aways	630	1,034	1,130
<b>Transitional and Permanent Housing</b>	<b>FY07-08</b>	<b>FY08-09</b>	<b>FY09-10</b>
Housing Bed Nights	9,748	13,307	12,801
Individuals Served	118	89	61
Turn-aways	23	347	247
<b>Crisis Line</b>	<b>FY07-08</b>	<b>FY08-09</b>	<b>FY09-10</b>
Crisis Line Calls	13,997	18,529	14,642
<b>Supportive Services</b>	<b>FY07-08</b>	<b>FY08-09</b>	<b>FY09-10</b>
Hours of Supportive Services	38,521	41,279	46,010

These numbers are limited in that they only capture the services funded by the VAW Grants Program. The 3 domestic violence shelters and the W.O.M.A.N., Inc. domestic violence crisis line responded to a total of 26,340 hotline calls during FY09-10. Additionally, victims may use other access points for services not specific to domestic violence. Many victims never access services at all.

### **Elder Abuse Prevention and Support Services**

In 1997, the Consortium for Elder Abuse Prevention, through its lead coordinating agency, the Institute on Aging, collaborated with APS to establish the ElderShelter to help meet the growing need for emergency housing for elder abuse victims in San Francisco. Many abusers live with their elderly victims, and there are times when elders require temporary housing to protect them from abusive or neglectful situations.

The following table shows statistics for the 3-year period under review for this report, including the final year of the shelter's operation, FY09-10, when 3 senior residents occupied the shelter for 21 bed nights each. Over the last 3 years, 9 elderly victims of abuse have sought shelter there.

<b>ElderShelter Statistics FY2007-2010</b>				
	<b>FY07-08</b>	<b>FY08-09</b>	<b>FY09-10</b>	<b>3-year Total</b>
<b>Total Residents</b>	5	1	3	<b>9</b>
<b>Gender F/M</b>	3/2	0/1	1/2	<b>4/5</b>
<b>Total Bed Nights</b>	187	75	42	<b>304</b>
<b>Average Bednights per Resident</b>	37	75	21	<b>34</b>

The confidential ElderShelter had 2 beds available at any given time. To make a referral or self-referral to the ElderShelter, an individual needed to lodge a complaint of suspected or actual abuse or neglect of an elder or dependent adult with APS. Elders and dependent adults were often admitted to the ElderShelter for physical abuse, emotional abuse, financial abuse, neglect, or harassment or threats by

a caregiver. Additionally, the elder or dependent adult's housing may have needed repair or cleaning in cases of self-neglect or hoarding.

As all actual placements were made through APS, in 2009, APS took over operation of the EderShelter, but, faced with budget reductions, APS was forced to close its doors shortly thereafter. To meet the needs of elder victims of abuse after closing the shelter, APS now provides hotel vouchers and places victims in skilled nursing facilities, among other options.

### **MISSING PIECES**

Victims access services in innumerable ways beyond the scope of this report. The multiple sections of this report highlight the true scope of the issue of family violence. Other sources of data have been considered, but were not included in this report due to time and data collection limitations. In future annual reports, the Council hopes to include information from these sources. For example, there are many other legal avenues for family violence cases in addition to the criminal proceedings. Probate Court records cases of financial abuse of elders. Dependency Court witnesses numerous cases of child abuse. While the Civil Court statistics may overlap with those of the Criminal Court, there are many victims that choose to only pursue civil remedies, and this data should be included.

Medical professionals in all areas of the Department of Public Health serve as first responders to victims of family violence, whether it is an individual receiving counseling at the Trauma Recovery Center, a child being examined by CASARC, an elder victim admitted to the Emergency Department for his or her injuries, or a patient reporting to a Healthy San Francisco primary care clinic for a routine check-up. There are innumerable medical access points for victims of family violence throughout the healthcare systems in the City and County, and the Council will make every effort to include this data in future reports. However, the first step is advocating for a centralized reporting structure. As previously reported, San Francisco General Hospital has a model program for addressing cases of intimate partner violence, and we must ensure we capture the full range of data available from this and other programs for the purpose of sharing best practices, as well as ascertaining ongoing gaps.

Family Resource Centers and other family-focused programs in the community, especially programs serving families with children, may not be specifically designed to provide services to victims of family violence, but advocates, in their roles building trusting relationships with individuals, are likely to be access points and providing services on an ad hoc basis. It is crucial that we identify sites and agencies that can intervene in families where children are exposed to parental intimate partner violence, as exposed children are at increased risk for becoming involved in future violent relationships.

The purpose in detailing the areas of missing information shows the pervasiveness of the problem, as well as the value of the Family Violence Council. This report, by simply showing the problem in all its facets, is the first step in helping policy makers and advocates see how much family violence truly occurs in San Francisco.

## STATISTICAL SUMMARY

Selected Annual Family Violence Statistics in Summary FY2009-2010			
	Child Abuse	Domestic Violence	Elder Abuse
Calls Received by Community Providers <sup>15</sup>	17,583	26,340	N/A
Calls Received by CPS, 911, and APS	5,625	7,311	5,758
Cases Substantiated by CPS or APS	1,102	N/A	2,407
Requests for TROs from Family and Probate Courts	N/A	1,372	70
Cases Referred to and Assessed by Police	564	4,027	534
Cases Investigated by Police	515	1,540	181
Cases Referred to District Attorney's Office <sup>16</sup>	69	488	68
Cases Pled	22	373	10
Cases Brought to Trial	5	22	2
Convictions after Trial	5	14	1

## CONCLUSIONS AND RECOMMENDATIONS

The statistics and information provided in this report makes it clear that family violence is a significant and pervasive problem affecting thousands of San Francisco residents. It is important to view these statistics as a continuum of the same system, as child abuse, domestic violence, and elder and dependent adult abuse have numerous intersections. Family violence is a “gateway crime.” Children exposed to domestic violence experience significant trauma, and child abuse is often an indicator for future victimization or perpetration of violence, including community or gang violence. Seniors are not exempt from experiencing domestic violence in addition to other forms of abuse. Thus, we must view these systems of support and intervention as a whole, and attempt to strengthen the system to help keep the home safe for all San Franciscans.

### Summary of Recommendations

The following list summarizes the recommendations the Family Violence Council makes for the City and County of San Francisco. Further discussion of the conclusions of this report and details outlining the implementation of these recommendations can be found below.

1. The Family Violence Council urges the completion of JUSTIS, the City and County’s complex Information Technology system.
2. The Family Violence Council recommends that the Department of Emergency Management implement 911 call codes specific to child abuse and elder abuse.
3. The Family Violence Council urges the Department of Children, Youth and Their Families, through the San Francisco Violence Prevention Advisory Committee (VPAC) identified in the 2008 Violence Prevention Plan, to make family violence a priority issue and recognize the role

<sup>15</sup> Call volumes provided by TALK Line and domestic violence providers noted in Table 11 above. There is no dedicated community-based hotline for elder abuse prevention.

<sup>16</sup> Child abuse cases include felonies and misdemeanors. Domestic violence and elder abuse cases include only felonies.

of family violence as predictor of future community violence and other crimes and victimization.

4. The Family Violence Council supports the current efforts of the City's work to strengthen the capacity of the Family Resource Centers to address the needs of adolescents and their families, as well as the San Francisco Unified School District's work to provide prevention and intervention services in cases of teen dating violence. The Family Violence council urges these and other relevant agencies to address and highlight the unique needs of teens in the child welfare system, and in the realm of intimate partner violence.
5. Because training is a critical component of prevention, City-wide training efforts should be expanded and coordinated.
6. The budget for the City and County of San Francisco must reflect family violence as a priority and that the majority of victims utilize community support services in addition to or in lieu of a criminal justice response.
7. To improve the outcome of cases, the City's response must be coordinated with community providers.

**CONCLUSION: An efficient system for tracking data is critical.** Without real-time information on suspects and victims, all San Franciscans and visitors are at risk.

**RECOMMENDATION: The Family Violence Council urges the completion of JUSTIS, the City and County's complex Information Technology system.**

- Within the next 3 months, the City and County of San Francisco must develop a plan to fund the completion of JUSTIS.
- By June 2011, all San Francisco Police Department data must be input into the hub, a step that will allow all criminal justice departments to begin to connect to the system and share critical information. Quality assurance measurements will be reported weekly on the lag time for input of dangerous felonies, restraining orders, warrants, and other criminal justice system actions.
- By December 2011, JUSTIS shall be entirely live, with complete data input and usage by all criminal justice departments.

**RECOMMENDATION: The Family Violence Council recommends that the Department of Emergency Management implement 911 call codes specific to child abuse and elder abuse.**

- Within the next 3 months, the Department of Emergency management should work with the San Francisco Police Department to develop codes and training for staff.
- By July 2011, the codes should be fully deployed, with data tracked about their usage.

**CONTEXT:** Gathering the data for this report required extensive support and time of numerous individuals at each of the agencies represented. A centralized data tracking system for the criminal justice agencies would streamline this process, an efficiency that would allow more time for investigating cases and supporting victims, and less time counting cases by hand. JUSTIS links the Department of Emergency Management, the Police Department, the Adult Probation Department, the Office of the District Attorney, the Sheriff's Department, and the Courts, providing each with current information about cases moving through the criminal justice system. It is important to note that this recommendation was made in the 2009 report, but only minor movement has been made in the implementation process. The City first began implementation of JUSTIS in 2000, with a 1-year

timeframe for roll-out in the original plans. The project is now nearly 10 years overdue, and its completion must be prioritized.

In the same spirit of data gathering, the Department of Emergency Management should work with the San Francisco Police Department and the child abuse and elder abuse communities to develop dispatch codes for child abuse and elder abuse. Currently, all family violence calls are coded as “domestic violence,” and not until the police report is written does it become clear what type of violence has occurred. Though the majority of reports for these crimes go to Child Protective Services and Adult Protective Services, 911 does receive calls for child and elder abuse, and they should be coded and tracked. This will support statistical data gathering, as well as better inform officers in the field responding to crisis calls.

**CONCLUSION: Family violence can be seen as a precursor to future violence,** and current research suggests that integrated and coordinated responses should address both the manifestations and root causes of the interrelated forms of violence against women and other violence within families.

**RECOMMENDATION: The Family Violence Council urges the Department of Children, Youth and Their Families, through the San Francisco Violence Prevention Advisory Committee (VPAC) identified in the 2008 Violence Prevention Plan, to make family violence a priority issue and recognize the role of family violence as predictor of future community violence and other crimes and victimization.**

- At a meeting within the next 3 months, the VPAC should approve a representative(s) of the Family Violence Council as an official member.
- Within the next 6 months, the VPAC must identify and implement plans for family violence prevention.

**CONTEXT:** The large scope of family violence requires City-wide and multi-dimensional solutions. Both media and City policymakers have focused primarily on street and community violence over the past several years, with little acknowledgement of the role that family violence, in all its forms, plays in perpetuating and normalizing those more blatant and newsworthy images of violence in our society. The *Violence Prevention Plan, 2008-2013*, a result of collaborative analyses of violence patterns in San Francisco, was a critical step forward for the City, since it included the varied voices of those whose lives have been most affected by violence, along with the point of view of criminal justice, health, education, jobs, and housing experts. The Family Violence Council enthusiastically supports San Francisco’s efforts to address violence in a comprehensive way, which will most certainly lead to improved services to those whose lives have been affected by violence, and which we all hope will eventually lead to a significant reduction in violence.

However, while the Council lauds the effort that went into developing the new plan, we urge that, as the process goes forward, the issue of family violence take a much more central role in plans for prevention, victim assistance, case management, and related issues. One of the essential premises of the approach proposed in the Violence Prevention Plan is described as follows: “Because street violence and youth violence often lead to homicide and thus captures almost daily media attention, there is a greater sense of urgency around addressing this type of violence over other forms.”<sup>17</sup>

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<sup>17</sup> City and County of San Francisco Mayor’s Office of Criminal Justice (2008). *2008-13 San Francisco Violence Prevention Plan*. Pg.19.

This report documents over 26,000 domestic violence crisis calls and over 5,000 cases of family violence received by the Police Department annually, demonstrating the magnitude of intimate partner and family violence in San Francisco, as well as its relationship to street and youth violence. The Violence Policy Center reports that “an analysis of female domestic homicides (a woman murdered by a spouse, intimate acquaintance, or close relative) showed that prior domestic violence in the household made a woman 14.6 times more likely...to be the victim of such a homicide.”<sup>18</sup>

The violence prevention efforts of San Francisco will not succeed if we fail to make the connection between the violence that occurs inside the home with the violence that occurs on the street. The City must recognize the intertwining of family and street violence, and view family violence with the same sense of urgency—particularly when the data suggests that it is plaguing the very same communities the Violence Prevention Plan proposes to target, as well as a significantly broader community as well. Studies show that abused and neglected children are more likely to have adult criminal records than those reared without abuse or neglect, and the offenses of these children are also more likely to be violent.<sup>19</sup> It behooves us all to address violence before it starts, and to address it in the home.

**RECOMMENDATION: The Family Violence Council supports the current efforts of City agencies to strengthen the capacity of the Family Resource Centers to address the needs of adolescents and their families, as well as the San Francisco Unified School District’s work to provide prevention and intervention services in cases of teen dating violence. The Family Violence council urges these and other relevant agencies to address and highlight the unique needs of teens in the child welfare system, and in the realm of intimate partner violence.**

- The Family Violence Council shall devote a meeting during 2011 to the topic of the adolescent experience of family violence and intimate partner violence in order to build greater understanding of the issues.

**RECOMMENDATION: Because training is a critical component of prevention, City-wide training efforts should be expanded and coordinated.**

- In 2011, the Family Violence Council shall draft legislation to mandate that all agencies that contract with the City and County of San Francisco to provide services to children, families, elders, and/or dependent adults be required to:
  - Train relevant staff on issues of family violence, and
  - Screen for all forms of family violence during intake or other applicable assessment procedures.

**CONTEXT:** This report clearly documents the multitude of access points a survivor of family violence may use to find safety and support, including criminal justice agencies, county service agencies, medical service providers, and community-based social service providers. However, many agencies not specifically designed to support survivors of violence interact with these individuals and

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<sup>18</sup> Violence Policy Center (2008). Facts on firearms and domestic violence. Retrieved on August 18, 2008 from [www.vpc.org/fact\\_sht/cdomviofs.htm](http://www.vpc.org/fact_sht/cdomviofs.htm).

<sup>19</sup> Widom, C. (1994). Child abuse, neglect, and violent criminal behavior in a midwest metropolitan area of the United States, 1967-1988 [Computer file]. Compiled by Depts. of Criminal Justice and Psychology, Indiana University. ICPSR ed. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor]. doi:10.3886/ICPSR09480.

may become a chosen venue for disclosure for a survivor. A large amount of trust is needed for a survivor of violence, or perhaps a child witness to violence, to reveal the abuse occurring at home, and that trust may develop with staff at a housing, employment, or education provider.

This recommendation seeks to ensure that City contractors whose staff may serve as confidants to survivors have the training needed to handle cases appropriately. However, if the question is never asked, many survivors or witnesses may never step forward. City contractors should also include basic screening for family violence, including child abuse and neglect, domestic violence, and elder/dependent adult abuse, into any relevant intake or assessment protocols.

Though screening for abuse occurs at many community agencies, it often focuses on the most immediate forms of violence: a senior center screens for elder abuse and a youth-focused program screens for child abuse. These practices discount the fact that any person in the home may disclose that families hidden violence. An adolescent may disclose the abuse of his or her grandparent. An elder in the home may disclose the mistreatment of a child. Providers must learn about and screen for all forms of family violence in order to keep the entire family system safe.

**CONCLUSION: Collaboration between community and City agencies is critical to the success of prevention and intervention efforts.**

**RECOMMENDATION: The budget for the City and County of San Francisco must reflect family violence as a priority and that the majority of victims utilize community support services in addition to or in lieu of a criminal justice response.**

- In the next 3 months, the Mayor and Board of Supervisors shall consider the long-ranging impacts and implications of family violence, prioritizing prevention and intervention services provided by the community.
- During 10-11, the Mayor and the Board of Supervisors should work with the Family Violence Council to seek ongoing, sustainable sources of funding for such services to supplement the general fund allocation.

**RECOMMENDATION: To improve the outcome of cases, the City's response must be coordinated with community providers.**

- The response to child abuse requires the intervention and coordination of social services, law enforcement, and medical treatment, a response currently operating on an ad hoc basis in the basement of San Francisco General Hospital. To speed the system's response, better coordinate services, and improve accountability in cases of abuse, the Family Violence Council recommends that the City supports and funds the Child Advocacy Center, a proposed 1-stop shop for the intervention in child abuse and neglect cases. Plans for this center have been developed, and FY11-12 funding would allow the City to improve its child abuse intervention and accountability track record.
- The Elder Abuse Forensic Center is a new program operating on a similar principle as the Child Advocacy Center, but its budget is in danger due to the current financial crisis. The intervention and prevention of family violence must be prioritized, and the Family Violence Council urges the Mayor and Board of Supervisors to maintain this critical program.



- The Intervention Committee of the Family Violence Council has developed a proposal for the implementation of a penal code-mandated child abuse intervention program, a year-long counseling program required for any individual convicted of felony child abuse. The Family Violence Council urges that the recommendations in this proposal be carried out by the named agencies during 2011, with an expected program start date in FY11-12.

**CONTEXT:** Community intervention services are a vital component to family violence intervention and prevention. This is easily seen by the number of calls made each year to just one of the domestic violence crisis lines as compared to the number of reports made to government entities (i.e. 911 or the police department). Criminal justice agencies, child and adult protective agencies, public health providers, and community-based service providers must work together closely, *and must be adequately resourced*, to meet the need for prevention and intervention services.

Violent crime, including family violence, has tremendous societal costs, both tangible and intangible. In 1996, the National Institute of Justice studied the cost of violent crime, and the numbers are startling. Tangible costs include medical care, police response and investigation, property damage, mental health care, victim services, and lost wages and productivity. Intangible costs include reduced quality of life, pain, and suffering. The study found that domestic crime against adults accounted for nearly 15% of the total costs associated with violent crime, \$67 billion annually. This included \$1.8 billion in medical costs, \$7 billion in other tangible costs, and \$58 billion in quality of life costs. Child abuse, including sexual, physical, and emotional abuse, accounted for over \$164 billion annually. As much as 20% of mental health care costs could be attributed to crime, with about half of those expenditures for adult survivors of child abuse.<sup>20</sup> Note that the costs cited reflect the worth of the dollar in 1993, and have not been adjusted for inflation. Also, none of the costs include criminal justice system operational costs.

City government absorbs many of these costs. Crisis services responding to these crimes are critical. However, prevention efforts cannot be ignored. Though current fiscal realities make adequate resources difficult to come by for all populations in need, prevention and intervention services for victims of family violence must be a priority for San Francisco. Safety in one's home is a basic human need that we, as a community, must strive to fulfill.

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<sup>20</sup> Miller, T.R., Cohen, M.A., Wiesema, B. (1996). Victim costs and consequences: a new look. National Institute of Justice Research Report, NCJ 155282. Retrieved February 2, 2009 from <http://www.ncjrs.gov/pdffiles/victcost.pdf>.

# ~~EXHIBIT 43~~

LOUISE H. RENNE  
City Attorney

AMY S. ACKERMAN  
Deputy City Attorney

TO: HONORABLE MEMBERS  
Commission on the Status of Women

FROM: AMY S. ACKERMAN  
Deputy City Attorney

DATE: December 31, 2001

RE: Domestic Violence Investigation

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### INTRODUCTION

On October 22, 2000, Claire Joyce Tempongko was murdered. Her boyfriend, Tari Ramirez ("Ramirez"), who had extensive contacts with the criminal justice system for violence against Ms. Tempongko, is the prime suspect in her death.

On January 15, 1990, Veena Charan was murdered by her husband. He, too, had an extensive history of domestic violence and contacts with the criminal justice system. In 1991, the Commission on the Status of Women ("Commission") investigated the events leading to Ms. Charan's death. The Commission recommended numerous policy and operational changes to the criminal justice agencies and superior court, many of which they adopted. Ms. Tempongko's death has prompted great concern over the effectiveness of the City systems, procedures and policies regarding domestic violence.

In response to Ms. Tempongko's death, Mayor Willie Brown and the San Francisco Board of Supervisors asked the Commission to investigate the City's "response and procedures followed leading to the death of Claire Joyce Tempongko." (Resolution 984-00, Attachment A.) The Commission subsequently asked the City Attorney's Office to assist the Commission with its investigation.

Over the course of the investigation, staff from the City Attorney's Office, including Senior Investigator Blanche Blachman and deputy city attorneys Amy Ackerman and Adine Varah, met regularly with Acting Director of the Commission, Rosario Navarette, for guidance in the investigation. In addition, Ms. Blachman met with the Domestic Violence Review Panel, a group of community experts on domestic violence convened by the Commission to assist in the investigation. Ms. Blachman heard the Panel's suggestions regarding the investigation. The scope of the City Attorney's investigation was shaped by the Commission and community's suggestions.

Initially, most of the City departments involved pledged their support for the investigation. After the inception of this investigation, however, Ms. Tempongko's family filed a claim and a civil suit against the City. In addition, since Ramirez is at large, the homicide prosecution is not complete. Finally, under the Public Safety Officers Procedural Bill of Rights Act, there are significant restrictions on when peace officers can be compelled to answer

TO: HONORABLE MEMBERS  
Commission on the Status of Women  
DATE: December 31, 2001  
PAGE: 2  
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questions. (See Govt. Code sec. 3300 *et seq.*) As a result, the Police Department and District Attorney's Office declined to permit us to interview their members regarding this case.

The scope of our investigation was constrained by the outstanding criminal and civil litigation. As a result, our investigation focused upon creating a comprehensive and detailed report on the history of Ms. Tempongko and Ramirez's contacts with the criminal justice system and the system and its agencies' response to his and Ms. Tempongko's actions. This timeline demonstrates where the system failed. Further information will undoubtedly be gained during the litigation and after its conclusion. Nonetheless, you asked us to report based on the information we have gathered to date. The investigation has uncovered sufficient information to reveal substantial gaps in the functioning of the criminal justice system's response to domestic violence.

While we offer some recommendations for change, we view this report as a starting point for dialogue and action by the criminal justice system. We urge the Commission, perhaps with the support of the Mayor's Criminal Justice Council, to convene the agencies involved to discuss the shortcomings identified in this report and to determine solutions.

### **Scope of the Investigation**

Investigator Blachman conducted interviews with the following individuals knowledgeable about the domestic violence system and/or this case: Judge Mary Morgan, Judge Julie Tang and JoAnn McAllister, Analyst (Superior Court); Carmen Bushe, Division Director of the Services Specialized Units for Adult Probation; Jorge Perez, former Probation Officer for Ramirez (Adult Probation); Darian Mitchell, Aaron Moskowitz, Urban Poole and Bianka Ramirez (Sheriff Department's Resolve to Stop the Violence Program ("RSVP")); Luis Ortega and Antonia Ramirez (Program of Men Against Interfamily Violence ("POCOVI")); Beverly Upton and Marcella Espino Hernandez-Oborn (Woman, Inc.); and Candace Heisler, former Assistant District Attorney. In addition, Ms. Blachman met briefly with Lt. Barbara Davis (San Francisco Police Department) and Susan Breall, Chief of Criminal Division for Crimes Against Women, Children, the Elderly and Intimate Partners (District Attorney's office).<sup>1</sup>

In addition to the interviews, we reviewed thousands of pages of documents, included in three volumes as attachments to this report. We reviewed records from the San Francisco Police Department (Attachments C-N) and the Adult Probation Department (Attachments V, X-EE). These documents included copies of Ramirez's probation file and Police Department's Domestic Violence Referral Unit files. In addition, we reviewed all public record court documents relating to Ramirez's cases. (Attachment FF.) We also reviewed copies of records relating to Ramirez and Ms. Tempongko from the Sheriff's Department RSVP and Manalive programs (Attachment LL), and the Mission Council on Alcohol Abuse - Domestic Violence Program (Attachment NN). We reviewed Police and Adult Probation Department training manuals, protocol memoranda and general orders relating to family violence. We also reviewed media and web site coverage of this matter.

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<sup>1</sup> Again, as noted throughout the report, there are additional areas of inquiry that you may wish to pursue with the Police Department and District Attorney's Office at the conclusion of the litigation.

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The District Attorney's Office declined us access to their files and other documents related to the investigation and prosecution of any criminal case involving Ramirez. The District Attorney did, however, provide some public record information, including protocol relating to domestic violence cases (Attachment S), but not all of the investigative items we requested. (Attachment R.) We reviewed the materials that the office provided. We requested additional documents and/or evidence from the Police Department, but as of this date, they have chosen not to release anything further. (Attachment Q.)

### **Scope of this Report**

This report is divided into two parts. The first part sets forth a factual chronology of the events leading to Ms. Tempongko's death. We have created as comprehensive and detailed report on the history of Ms. Tempongko and Ramirez's contacts with the criminal justice system and the system and its agencies' response to his and Ms. Tempongko's actions as we were able given the constraints imposed by the litigation.

Interspersed throughout the chronology, are comments in italic lettering. These comments state additional areas of inquiry we would have liked to pursue. In addition, the comments note when events depart from department protocol or regulations.

The second part of the Report contains our analysis and recommendations for change. Again, as noted above, we view these recommendations as a starting point for dialogue and action by the criminal justice system.

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### HISTORY OF EVENTS

Claire Tempongko and Tari Ramirez were involved in a tumultuous relationship. We do not know how they met or the exact length of their relationship. Ms. Tempongko's family declined to meet with us to provide us with that information. In an interview with Inspector Lindo of the San Francisco Police Department on April 29, 1999, Ms. Tempongko stated that she and Ramirez had had a relationship for five and one-half months prior to then and had lived together for four months. (Lindo Chronology, Attachment C-2.)

#### **On April 28, 1999, Ms. Tempongko Reports First Incident of Violence to Police.**

On April 28, 1999, Ms. Tempongko first reported to the San Francisco Police Department violence against her by Ramirez. Ms. Tempongko told the police that that night when Ramirez and her brother, Leander Tempongko, arrived at her residence, she refused to let them in because Ramirez had beaten her the prior week. According to the police report, Ramirez broke a back yard window because he could not gain entry. Ms. Tempongko ultimately decided to let them in because she did not want to disturb the neighbors. She reported that she noticed that Ramirez was under the influence of drugs. She told him that she did not want him to live with her any longer. Ms. Tempongko reported that without warning, Ramirez grabbed her by the hair, dragged her outside to the hallway, and pushed her to the ground. He then picked her up, kissed her and left the scene. Tempongko told the police that Ramirez had beaten her several times in the past and that she feared for her safety and the safety of her two children. The police noted the incident as a violation of Penal Code (PC) section 273.5, willful infliction of corporal injury on a spouse/cohabitant. (Incident Report 990516852, Attachment C-7.)<sup>2</sup>

The report states that Leander Tempongko was uncooperative and refused to give a statement to the police. The report lists Tempongko's children, Justin Nguyen (9 years old) and Janine Bersabe (5 years old) as witnesses, but does not state whether the responding officers interviewed them. (Incident Report 990516852, Attachment C-7.)

The officers who responded obtained an Emergency Protective Order, which expired on May 5, 1999. (Attachment C-8).

*Comment: Police General Order 6.09, subsection H.2 requires officers to indicate in the narrative that they gave the victim a domestic violence referral card and advised the victim of follow-up procedures. The narrative of this report indicates that Officer Dharmani explained the details of the Emergency Protective Order, but not whether the officers gave Ms. Tempongko the referral card.*

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<sup>2</sup> Relevant Penal Code sections are included in Attachment P.

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**On April 28, 1999, Ramirez Arrested for Driving Under the Influence.**

After leaving Ms. Tempongko's residence, Ramirez was involved in an accident. The Police apprehended Ramirez at the scene and arrested him for Driving Under the Influence ("DUI"). (Traffic Collision Report 990516664, Attachment C-9.)

Ramirez called Tempongko shortly after the accident (before being apprehended by the Police) and left her a message informing her about the accident and stating that he would return home later. (Incident Report 990516852, Attachment C-7.)

While in custody, Ramirez was belligerent towards his arresting officers. At one point, an officer told Ramirez that his wife had called the police, and he volunteered, "Why, because I punched her?" Officer Brown served Ramirez with the Emergency Protective Order. (Incident Report 990516852, Attachment C-7.)

**Disposition of First Incident of Violence. On April 29, 1999, District Attorney Dismisses Battery Count, Pursues only DUI.**

On April 29, 1999, the Police Department assigned Ramirez's case to Inspector Lindo in the Domestic Violence Response Unit. Ms. Tempongko told Lindo during an interview that she did not sustain injuries on this date, but there had been other unreported acts of violence against her by Ramirez. (Lindo's Chronology, Attachment C-2.)

Inspector Lindo brought the case to the District Attorney ("DA") Domestic Violence Unit. Assistant District Attorney ("ADA") Liz Aguilar-Tarchi reviewed it. Lindo's notes state that on April 29, ADA Aguilar-Tarchi dropped the battery charge and rebooked Ramirez only on the drunk driving and obstruction charges, California Vehicle Code (CVC) Sections 23152(a), driving under the influence (misdemeanor); 23152(b), driving a vehicle with 0.08 percent or more, by weight, of alcohol in his blood (misdemeanor); 20002(a), failing to stop vehicle at scene of accident and notify owner (misdemeanor); and PC 148.9(b), false representation of identity to a police officer (misdemeanor). (Lindo's Chronology, Attachment C-2.)

*Comment: Further areas of inquiry include why the DA dropped the domestic violence charge.*

**On May 18, 1999, Ms. Tempongko Reports Second Incident of Violence to Police.**

On May 18, 1999, approximately three weeks after the first reported incident of domestic violence, Ramirez once again attacked Ms. Tempongko. Police officers were dispatched to her home just after midnight. They noticed glass on the sidewalk, on the stairs leading to the apartment, and in the hallway. Tempongko was "crying hysterically, shaking and very scared." She told the police that she and Ramirez, as well as a friend, witness Miranda, had gone to a club and had been drinking. Ramirez became jealous when someone asked her to dance, and he started a fight in the bar. Ramirez, Tempongko and Miranda left the bar and went to Miranda's apartment. She told Miranda that she did not want to be left alone with Ramirez. Ramirez grabbed Tempongko and took her into another room. He began hitting her head, and then he

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grabbed a beer bottle, broke it in half and threatened her with it. Ramirez then grabbed Tempongko by the hair and pulled her outside onto the sidewalk. She said she thought that he was going to kill her. Ramirez said, "I'm going to burn the house down and hurt your kids." Miranda called the police and tried to get Ramirez to stop. (Incident Report 990603108, Attachment F-9.)

Officers Jimenez, Gullory, Barretta and Cole responded and took statements from Ms. Tempongko and Miranda. Ms. Tempongko told the officers that Ramirez hit her a lot and that she was afraid of him. She informed the officers that Ramirez was arrested on April 28, 1999, and that an Emergency Protective Order was issued at that time. Ms. Tempongko told the police that Ramirez had hit her 18 times during the six months that they had been together and that alcohol was always a contributing factor. (Incident Report 990603108, Attachment F-9.)

The police charged Ramirez with PC 273.5(a), willful infliction of corporal injury on a spouse/cohabitant (felony); PC 245(a)(1), assault with a deadly weapon (felony); PC 236, false imprisonment (felony); and PC 243(e)(1), battery (misdemeanor). Officer Jimenez obtained an Emergency Protective Order, which expired on May 25, 1999, gave Ms. Tempongko a follow-up form, Domestic Violence Referral Card, Victim of Violent Crime Notification form and a copy of the Emergency Protective Order. (Attachments F-9 and 10.)

On May 18, 1999, the Police Department assigned the case to Inspector McDonough of the Domestic Violence Response Unit. According to her chronology, McDonough knew that Ramirez had a court date on May 20, 1999, on the DUI case. On May 18, McDonough interviewed Ms. Tempongko by phone. Ms. Tempongko explained that Ramirez beat her and described visible injuries to her arms, left leg and a lump to her head. Later that afternoon, the police photographed Ms. Tempongko's injuries. (McDonough Chronology, Attachment F-2.)

According to the chronology, McDonough interviewed witness Miranda on May 19, 1999. Miranda corroborated the majority of Ms. Tempongko's statements, but denied seeing Ramirez wave a broken bottle in a threatening manner. He told McDonough that he tried to protect Ms. Tempongko from Ramirez. (McDonough Chronology, Attachment F-2.)

On this same date, McDonough presented the case to ADA Paul Kelly. Kelly reviewed the case and rebooked Ramirez on all of the above-mentioned charges. (McDonough Chronology, Attachment F-2.) The District Attorney filed a Stay Away Order at this time. (Attachment F-8.)

**Ms. Tempongko Reports Prior Incident of Violence that Occurred on May 11, 1999. Police Do Not Document Incident or Charge Ramirez.**

On May 18, Ms. Tempongko also told McDonough about another incident of violence that occurred on May 11, 1999. She reported that her son witnessed the incident. On May 18, 1999, Inspector Mroz interviewed Ms. Tempongko's son about this additional incident. (McDonough Chronology, Attachment F-2.) Neither officer appears to have written an incident report documenting Ms. Tempongko's allegation.



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*Comment: General Orders 1.03, Section 5(d) and 2.01, Section 25, require officers to write reports on all crimes brought to their attention. (Attachment N-1.) Ms. Tempongko told McDonough that she wanted to pursue this case. Further areas of inquiry include why the officers failed to generate a report.*

**On May 24, 1999, Ramirez Violates the Stay Away Order.**

On May 24, 1999, the police charged Ramirez with violating the Stay Away Order after he wrote Ms. Tempongko a letter asking her to meet him at a restaurant.<sup>3</sup> (Incident Report 990632549, Attachment F-6.) The police found Ramirez waiting at the restaurant for Ms. Tempongko. The police arrested him and ultimately booked him for violating the court order. (Incident Report 990632549, Attachment F-6.) This report was forwarded to ADA Kelly for his review. (McDonough Chronology, Attachment F-2.)

**Disposition of Second Reported Incident Occurs on June 18, 1999 (Plea) and July 12, 1999 (Sentence). Court Orders Probation for Single Count of Battery; Guilty Plea to DUI. Court Dismisses All Remaining Violence Counts and Violation of Stay Away Order.**

After one continuance at the request of his Assistant Public Defender, Lidia Stiglich, Ramirez appeared in court on June 7, 1999, and was arraigned. (Court Record, Attachment FF-3.)

On June 18, 1999, Ramirez entered a guilty plea before Judge Wallace P. Douglass to willful infliction of corporal injury on a spouse/cohabitant, a felony. (PC 273.5.) ADA Tiffany Odom was in court. The DA's Office agreed to Ramirez receiving three years probation and dismissing the remaining counts. One of the conditions of his probation was the requirement that he participate in batterers' classes. In exchange for his plea, the ADA dismissed the remaining charges relating to the battery, PC 245(a)(1), assault with a deadly weapon (felony); PC 236, false imprisonment (felony); and PC 243(e)(1), battery (misdemeanor). Judge Douglass ordered Ramirez held in custody until sentencing. (Court Transcript, Attachment FF-19.)

At the June 18 hearing, the parties also agreed to dispose of Ramirez's other remaining charges. The DA's Office agreed to credit for time served in exchange for Ramirez entering a guilty plea to the misdemeanor DUI charge.<sup>4</sup> The plea agreement provided that the DUI matter be transferred to the same courtroom and heard at the time of sentencing on Ramirez's conviction. In light of this negotiated plea, ADA Odom also agreed to dismiss the charge for violating the Stay Away Order. (Court Transcript, Attachment FF-19.)

*Comment: Further areas of inquiry include why the DA dropped the charges and why the office agreed to accept a plea to one count of violence even though there were multiple violent incidents within a short period of time.*

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<sup>3</sup> The letter is provided at Attachment F-7.

<sup>4</sup> The DA's Office had previously dismissed the battery charge relating to the first instance of violence.

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According to the court transcript, Ms. Tempongko was in court when Ramirez entered his plea. ADA Odom told the Judge that she might be nervous about lifting the Stay Away Order. Tempongko was weeping and Judge Douglass asked ADA Odom to "spend a moment with her and see if you can calm her down." When they returned, Ms. Tempongko informed the court that she was not afraid of Ramirez and that she wanted the Stay Away Order lifted. She stated that she was making this request willingly and without threats. The court ultimately vacated the Stay Away Order. (Court Transcript, Attachment FF-19.)

*Comment: Further areas of inquiry include why Ms. Tempongko was crying and what she and ADA Odom discussed prior to the Court's decision to lift the Stay Away Order.*

On July 12, 1999, Judge Douglass held the sentencing hearing. He found Ramirez guilty of one count of 273.5 PC/F and sentenced him to three years probation. Among other conditions of probation, Judge Douglass ordered Ramirez to complete a batterers' program of at least one year's duration and to participate in alcohol treatment. (Court Transcript, Attachment FF-21.) On July 12, Judge Douglass also dismissed the counts relating to violating the stay away order. (Court Records, Attachment FF-3.) Finally, Judge Douglass accepted Ramirez's guilty plea to driving under the influence (misdemeanor) and dismissed the remaining charges relating to the DUI (VC 23152(b), VC 20002(a), and PC 148.9(b)). For that count, Judge Douglass sentenced him to 39 days in jail, for which Ramirez received credit for time already served. (Court Record, Attachment FF-4.)

#### **On July 20, 1999 Adult Probation Receives Case.**

Ramirez's case was referred to Adult Probation. On July 20, 1999, the Probation Department assigned the case to Jorge Perez. Perez had been employed with the Adult Probation Department as a probation officer for approximately 11 years. (Perez interview summary, Attachment PP-3). He served as Ramirez's probation officer until Perez terminated his employment with the Department on July 14, 2000.<sup>5</sup> (Interview summary, Attachment PP-3.)

On July 22, 1999, Perez referred Ramirez to the Mission Counsel on Alcohol Abuse for the Spanish Speaking Domestic Violence Program. (Treatment Program Assignment Sheet, Attachment V-41.) Ramirez was officially admitted to this program on August 2, 1999. (Program Admission Notification, Attachment V-37.) This program discharged him on October 15, 1999, because he had three absences within a two-month period of time. (Notice of Discharge, Attachment NN-20.) The Program sent Perez a copy of Ramirez's Notice of Discharge. (Attachment NN-20.)

#### **On October 16, 1999, Ramirez Cited for Loitering With Intent to Engage in Lewd Conduct. Probation Does Not Learn of Loitering Charge.**

On October 16, 1999, Police Officer Gomez cited Ramirez for loitering at a public toilet with intent to engage in lewd conduct, PC 647(d). The female victim (not Ms. Tempongko)

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<sup>5</sup> His last day in the office was on June 30, 2000; he took his last two weeks as vacation time.

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complained that Ramirez was in the woman's bathroom at a shopping center, watching her. The Incident Report noted that Ramirez was on probation for domestic violence. (Incident Report 991272164, Attachment V-8.)

Officer Gomez took Ramirez into custody, cited and released him. He was scheduled to appear in court on November 23, 1999. (Motion to Dismiss People's Motion to Revoke or Modify Probation as Violative of Due Process, Attachment FF-38.)

*Comment: According to Carmen Bushe, Division Director of the Services Specialized Units for Adult Probation, the Police Department did not bring this incident to the attention of the Probation Department, nor was it entered into the computer database until the arraignment. (Interview statement, Attachments PP-1 and 2)<sup>6</sup>. Bushe said that an officer can only obtain citation information if she runs an "all contacts" query on the computer. A probation officer would have no way of knowing that a probationer under his supervision was arrested unless the probation officer happened to be copied with the incident report, runs a criminal contacts check, or the probationer told the officer about the new arrest. (Interview statement, Attachments PP-1 and 2.) There are no current systems in place to guarantee that a probation officer is informed when someone on his caseload is charged with a new offense.*

Ramirez did not inform Probation Officer Perez about this arrest. Three days after the arrest, on October 19, 1999, Perez requested that the Latino Family Counseling Center (also known as the Mission Counsel on Alcohol Abuse for the Spanish Speaking Domestic Violence Program) readmit Ramirez into their program. (Probation chronology, Attachment V-42.) The program readmitted Ramirez on November 5, 1999. (Program Notice of Action, Attachment V-37.) The last entry in the progress notes from the Mission Counsel Program, dated November 15, 1999, indicates that Ramirez was able to describe his violent behavior and loss of control to the group. (Program progress notes, Attachment NN-6.)

**On November 18, 1999, Ms. Tempongko Reports Fourth Incident of Violence. Ramirez Taken Into Custody.**

On November 18, 1999, Ramirez was once again arrested for battery on Ms. Tempongko. Ms. Tempongko told the responding officers, Officers Tack, Lee, Kiang, Mendribal and Obot, that she and Ramirez had argued, when Ramirez grabbed her hair, pulling her head back and holding it for several seconds. Fearing for her safety, Tempongko left to go to her mother's house. She returned with her mother, Clara Tempongko and stepfather, Ignacio Puig, at which time Ramirez began yelling. Ms. Tempongko left and called the police from a pay phone. (Incident Report 991411964, Attachment H-4.)

Upon her return, Ms. Tempongko reported that Ramirez grabbed her by the shoulders tightly and forced her backwards into the bedroom. He refused to let her leave until the police

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<sup>6</sup> Candace Heisler, a retired ADA who now teaches several classes for the Police Officers Standards and Training stated that citation charges are not entered on a suspect's RAP sheet until after the suspect is processed at arraignment. (Interview statement, Attachment PP-9.) Arraignment generally occurs four weeks after the incident.

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arrived, approximately five minutes later. Ms. Tempongko informed the officers that Ramirez was currently on probation for violence against her. The officers observed numerous empty beer bottles in the apartment and that Ramirez had alcohol on his breath. (Incident Report 991411964, Attachment H-4.)

The Officers had Ms. Tempongko sign a citizen's arrest form to have Ramirez arrested. The Police charged him with battery against a cohabitant/spouse, PC 243 (e)(1) and false imprisonment, PC 236. The Officers gave Ms. Tempongko a Reportee Follow-up Form with the case number, a Victim of Violent Crime Form and a Domestic Violence Referral Form. The Officers also ran a computer check to confirm Ramirez's probation status. The Officers took Ramirez into custody where the Police served him with an Emergency Protective Order. (Incident Report 991411964, Attachment H-4; Attachment H-6). Ramirez was booked into the county jail where he was held until his release on March 15, 2000. (Jail records, Attachment LL-17.)

On November 19, 1999, the Police Department assigned the case to Sergeant Mroz of the Domestic Violence Response Unit. He interviewed Carla Tempongko and Ignacio Puig who confirmed that Ms. Tempongko told them that Ramirez hit her. In addition, they confirmed that Ramirez had locked her in the bedroom against her will. (Mroz Chronology, Attachment H-2.)

Mroz contacted the Probation Department, but was told that their computers had been down since November 18 and that no one could help him. He then referred the case to ADA Kelly who referred it to Adult Probation to revoke Ramirez's probation. The District Attorney requested a Stay Away Order. (Mroz Chronology, Attachment H-2.)

**On November 22, 1999, DA Files Motion to Revoke Probation Based on Fourth Incident. DA fails to include Loitering Charge in Motion to Revoke.**

On November 22, 1999, ADA Victoria Baldocchi filed a Motion to Revoke Ramirez's probation based on the latest battery incident. (Motion to Revoke, Attachment FF-23.) The DA's Office did not include the loitering charge in its Motion to Revoke. (Motion to Dismiss People's Motion to Revoke or Modify Probation as Violative of Due Process, Attachment FF-38.)<sup>7</sup> The court continued the matter for a supplemental probation report. (Attachment FF-38.)

On November 23, 1999, the court held a hearing on the loitering charge. Ramirez was still in custody after his arrest for the November 18<sup>th</sup> battery, and therefore, did not appear in court. No one informed the court that Ramirez was in custody. Judge Donaldson issued a bench warrant for his arrest. (Attachment FF-38.)

*Comment: Further areas of inquiry include why the DA: (1) failed to include the loitering charge in his Motion or otherwise bring it to the attention of the court; (2) failed to charge Ramirez with the new violent offense and proceeded only on the Motion to Revoke; and (3) whether anyone in the DA's office ran Ramirez's current criminal history prior to this*

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<sup>7</sup> According to Deputy Public Defender ("DPD") Lidia Stiglich's Statement of Facts, Ramirez's RAP sheet was attached to the Motion. (Attachment FF-38.) The RAP sheet included the citation for the loitering charge.

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*scheduled court appearance. Ramirez was in the Sheriff's custody, but the court deputy would have no way of knowing that the defendant was in the county jail. Sheriff's deputies do not run the names of defendants whose names appear on calendar.*

**On February 2, 2000, Court Disposes of Fourth Incident. Court Modifies Probation to Impose Six Months Jail Time.**

After several continuances, on February 2, 2000, Judge Robert Dondero held the hearing on the Motion to Revoke. (Court Transcript, Attachment FF-35.) The Probation Department recommended that the court revoke probation and sentence Ramirez to state prison. The Probation Report contained no information relating to the loitering charge. (Supplemental Probation Report, Attachment V-4.) Similarly, the District Attorney's Office made no mention of the charge. (Court transcript, Attachment FF-35.)

ADA Odom and DPD Stiglich agreed to a lesser disposition than revoking probation, which the court ordered. Judge Dondero modified probation to impose a sentence of six months jail time and a counseling requirement. The court credited Ramirez with 77 days for time served. Ramirez admitted that he violated probation. The Judge noted that Claire Tempongko was in court and agreed to the lesser disposition. (Court Transcript, Attachment FF-35.)

*Comment: The DA's office had information regarding the October 16 citation for loitering and should have known that there was an outstanding bench warrant from the Ramirez's failure to appear on the charge on November 23 when Ramirez was in custody. The Probation Department alleged that it did not know about this charge until much later. Areas for further inquiry include obtaining computer data information from the Police Department to assist in identifying exactly when the police, DA, and Adult Probation ran Ramirez's criminal history. This information would help determine how much information these departments had at each specific court hearing.*

*In addition, the DA's office had a policy to ask for state prison for all repeat domestic violence offenders currently on probation for a domestic violence-related incident. (DA Interoffice Memoranda dated November 7, 2000 and DV Unit Meeting Agenda dated January 6, 1999, Attachment S-4.) Areas for further inquiry include why the DA policy was not followed in this case.*

While in custody in the SF County Jail, Ramirez participated in the Sheriff Department's Resolve to Stop the Violence Program (RSVP). This program provides therapy for violent offenders, including those convicted of domestic violence charges. On February 22, 2000, Ramirez received a Certificate of Achievement from RSVP for his participation in counseling while in custody. (Certificate, Attachment V-10.)

RSVP has a victim support component in addition to its offender program. Marcela Espino Hernandez-Oborn was working for Women, Inc. in collaboration with RSVP as their Victim Restoration Case Manager. (Oborn interview statement, Attachment PP-10.) On February 7, 2000, Oborn left a message for Ms. Tempongko to call RSVP. Oborn followed up with a letter the next day. (RSVP Victim Contact Log, Attachment LL-8.) Bianka Ramirez,

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RSVP Director, spoke with Ms. Tempongko and referred her to Woman, Inc. and to the State Victim Compensation program. Bianka Ramirez reported that Ms. Tempongko told her that she already filed a victim compensation claim after the May 18, 1999 incident, but she never heard back from the DA's office regarding the status of her claim. (Interview statement, Attachment PP-14.) Bianka called Felix Marin, who works for the District Attorney Victim Witness Program, who told her that Ms. Tempongko's claim was approved. (Interview statement, Attachment PP-14.) We could not question Marin to determine the actual approval date or to determine what efforts were made by the Victim Witness Program to inform Tempongko of this approval. On May 2, 2000, Oborn left a message for Tempongko at her home. (RSVP Victim Contact Log, Attachment LL-8.)

**On March 13, 2000, Ramirez Released from Jail.**

On March 9, 2000, Probation Officer Perez ran a computer check on Ramirez and discovered that Ramirez was still in custody. (Perez chronology, Attachment V-42.) On March 13, 2000, Ramirez appeared in court in Department 13, before Judge Desmond. Since Ramirez was never served with the bench warrant from the loitering matter, the court recalled the warrant. He was released from custody on March 13, 2000. (Court records, Attachments FF-9, FF-38.)

Ramirez contacted Perez to let him know that he was out of custody. The following day, he told Perez that he had participated in RSVP while he was incarcerated, and he was now enrolled in the Manalive program.<sup>8</sup> Ramirez had moved back in with Ms. Tempongko after his release from jail. (Probation chronology, Attachment V-42.) On March 21, 2000, he attended his first counseling session at Manalive PREP with facilitator Aaron Moskowitz. (Manalive Client Status Report, Attachment LL-6.)

**On March 28, 2000, DA files Motion to Revoke Probation Based on Loitering Incident.**

On March 28, 2000, ADA Susan Jerich filed a Motion to Revoke Probation based on the October 16, 1999, bathroom loitering incident. (Motion to Revoke, Attachment FF-36.) DPD Stiglich opposed the Motion, arguing it was untimely, as the District Attorney's office was aware of the loitering arrest when it filed its previous Motion to Revoke. Stiglich argued that five months had elapsed since the incident and the filing of the revocation. She stated, "[i]ndeed, there was substantial negligence on the state's part. If the government had checked the Court computer system Mr. Ramirez would not have bench warranted at the misdemeanor arraignment of the October 16, 1999 incident. He was only a few hundred feet away in County jail. There is no excuse for the State not to have produced the defendant for arraignment while in their custody." (Opposition to Motion, Attachment FF-38.)

The court did not dismiss the Motion to Revoke. Judge Donaldson, however, dismissed the loitering charge for lack of a speedy trial on April 14, 2000. (Court minutes, Attachment FF-9.) The DA continued to pursue the Motion to Revoke.

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<sup>8</sup> This program is actually called the Post Release Education Program ("PREP").

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**On May 3, 2000, The Court Remands Ramirez into custody.**

Judge Dondero first heard the probation revocation motion on March 29, 2000. He continued the hearing to May 3, 2000. (Superior court minutes, Attachment FF-16.) On May 3, he ordered the Probation Department to file a supplemental report. He remanded Ramirez into custody and continued the case to June 1. (Attachment FF-16.) The Probation Department recommended that Probation be revoked and sentence (state prison) be imposed. (Supplemental Probation Report, Attachment V-11.) On June 1, the matter was continued to June 28. On June 28, Judge Dondero ordered the matter continued to July 12 for hearing before Judge Sing. (Attachment FF-16.) Judge Sing continued the matter to July 12, July 26 and September 22, 2000. (Attachment FF-16.)

*Comment: The DA created a vertical prosecution unit to handle all felony and misdemeanor domestic violence cases. (Domestic Violence Felony and Misdemeanor Prosecution Protocol, dated September 1999, Attachment S-3.) At each hearing, however, the DA's office was represented by a different ADA, although Stiglich, the assistant public defender, was present at every hearing. Areas for further inquiry include why the DA's Office did not assign one ADA to appear consistently in the prosecution of this case.*

On May 23, 2000, Ramirez voluntarily withdrew from the Mission Council on Alcohol Abuse Domestic Violence Program. The Program terminated him and referred him to Program of Men Against Interfamily Violence ("POCOVI"). (Case notes, Attachment NN-29.) The Program notified Perez of this action. (Program Termination Notice, Attachment NN-29.) Interviews with Antonio Ramirez and Luis Ortega from POCovi confirm that Ramirez never enrolled in their program. (Attachment PP-15.)<sup>9</sup>

**On June 28, 2000, Ms. Tempongko attends RSVP Women's Gathering.**

On June 28, 2000, the victim component of RSVP held a "Women's Gathering" at Women, Inc. for victims to learn more about their program, the batterers classes, and what counseling resources were available to them. Ms. Tempongko attended this event. According to witnesses Bianka Ramirez, Beverly Upton, Women Inc, Director, and Urban Poole, RSVP Case Manager, Ms. Tempongko stated that she did not want to be there, and she did not think that the offender programs worked. Ramirez, Upton and Oborn reported that Ms. Tempongko's body language demonstrated her frustration and anger at having to be there. At one point, she said, "This program doesn't work. My offender made me come here . . . ." (Interview statements, Attachments PP-10, 14 and 16.) The sign in sheet has an asterisk by Tempongko's name indicating that the staff was concerned about Ms. Tempongko, and they spoke with her at the conclusion of the event. (Sign-in sheet, Attachment LL-15.)

Ms. Tempongko told Bianka Ramirez that the system works against victims. She said she had tried everything, including calling the police, but Ramirez refused to stay away from her.

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<sup>9</sup> Probation Officer Perez often cites POCovi as the counseling agency in his chronology notes. (Attachment V-42). However, it appears that Ramirez was actually attending Manalife PREP during the time that Perez thought he was attending POCovi.

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Tempongko said, "Either he will kill me, or I will kill him." She was very afraid of Ramirez. They were living together at the time, and she remained in the relationship for safety reasons. According to Bianka Ramirez, Ms. Tempongko was hoping to make Ramirez want to leave the relationship. (Interview statement, Attachment PP-14.)

Beverly Upton did not participate in the entire discussion with Tempongko, but it was her recollection that Tempongko never said that Ramirez was going to kill her. She said that he still threatened her, but she did not say that he was violent. Upton was worried about Tempongko's safety. (Attachment PP-16.) Oborn left telephone messages for Ms. Tempongko after the Women's Gathering, but Bianka Ramirez did not hear from her until September 27, 2000. (RSVP Victim Contact Log, Attachment LL-8.)

**On June 30, 2000, Perez Leaves Probation Department. Ramirez Case Remains Uncovered Until November 15, 2000, More Than Three Weeks After Ms. Tempongko's Death on October 22, 2000.**

Jorge Perez stated that he officially resigned from the Adult Probation Department on July 14, 2000. He took two weeks vacation prior to his termination date. (Interview statement, Attachment PP-3.) His high-risk caseload remained unsupervised from June 30, 2000. Probation records document that Ramirez's case was unsupervised until the November 15, 2000 Motion to Revoke, more than three weeks after Tempongko's death. (Attachment V-14.) According to Carmen Bushe, the Probation Department did not reassign the remainder of Perez's caseload until February 2001. (Interview statement, Attachments PP-1 and 2.)

On July 11, 2000, ADA Judy Lee called the Probation Department and spoke with the On Duty Probation Officer, Officer Reardon. Lee told Reardon that she was concerned about probation recommending revocation because Ramirez had been complying with other probation requirements. Reardon told Lee that the Department stood by its recommendation regarding the loitering arrest. Reardon stated that it did not know why the charge was apparently missed by probation and not noted in the file. (Probation Chronology, Attachment V-42.)

On this same day, Ramirez had an unexcused absence from the Manalive PREP counseling program. (Manalive Client Status Report, Attachment LL-6.) On August 22, 2000, Ramirez successfully completed Phase I at Manalive PREP, missing only one session. (Attachment LL-6.) According to Facilitator Aaron Moskowitz, Ramirez was an ideal participant who was passionate about the work they were doing in the program. He assisted others in understanding the program concepts. Ramirez was determined to maintain employment and to remain clean and sober from alcohol. (Interview statement, Attachment PP-12.)

Darien Mitchell facilitated Phase II. According to Mitchell, there is a two-week break between the phases. Ramirez only participated in three Phase II sessions: September 19, 26 and October 10, 2000. (Interview statement, Attachment PP-11.) He missed the October 3 and 17, 2000 sessions. (Manalive Client Status Report, Attachment LL-6.)<sup>10</sup> Of interest is the fact that

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<sup>10</sup> It appears that he picked up his two new criminal cases during the transitional two-week break period between the two phases.



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Ramirez was a vocal participant in Phase I, but was described by Mitchell as being extremely quiet. Ramirez casually mentioned to Mitchell that he had several court appearances, but Mitchell did not think they were related to domestic violence. Mitchell did not check with the Probation Department to determine the status of these new cases, and the Manalive PREP staff does not have access to CLETS. (Interview statement, Attachment PP-11.)

**On September 1, 2000, Ms. Tempongko Reports Fifth Incident of Violence. Police Fail to Charge Ramirez Properly.**

On September 2, 2000, Officer Nate Holmes went to Ms. Tempongko's home in response to a violent incident that occurred late on September 1, 2000. He described Tempongko's injuries as consistent with a strangulation attempt. He noted, "Tempongko was crying uncontrollably with blood spilling from her mouth as she held a towel to her mouth to control the bleeding." Ms. Tempongko told the officers that, "Ramirez [ ] forced his fingers down her throat. [Ms. Tempongko] stated she felt he was trying to choke [sic] her to death. Suspect then grabbed her around her neck with both hands and forced her into their bedroom. Suspect Ramirez then applied pressure around her neck to the point where she had difficulty breathing." (Incident Report 001041186, Attachment J-1.) The officer obtained an Emergency Protective Order, but could not serve Ramirez since he fled the scene prior to police arriving. (Incident Report 001041186, Attachment J-1.) The report narrative states that Tempongko told Officer Holmes that Ramirez had a prior history of violence, but "she never followed up with criminal proceedings because Ramirez would apologize every time." (Incident Report 001041186, Attachment J-1.) The officer described the type of incident as "Domestic Violence (secondary only)/False Imprisonment." (Incident Report, Attachment J-1.)

*Comment: It seems odd that Ms. Tempongko would have said she never followed up with criminal proceeding, since by this date, she had filed several police reports, appeared in court several times and typically told officers that Ramirez was on probation for violence against her. General Order 6.12, subsection B.(2) requires an officer to note the probation status of a perpetrator. The report fails to do so. In addition, the report does not indicate that copies were sent to Adult Probation or the DA. These factors suggest that the responding officer did not run a computer check on Ramirez. Further areas of inquiry include questioning the officer about this statement and whether the officer ran a criminal history for Ramirez. If he had, he would have learned about the prior criminal cases, as well as Ramirez's probation status.*

*The Officer-In-Charge of the originating unit is responsible for making sure that each report is written in compliance with the Incident Report Writing Manual. (Incident Report Writing Manual, Attachment N-2.) Further areas of inquiry include why the officer titled the report, "Domestic Violence (secondary only)/False Imprisonment." Penal Code charges are not listed anywhere on the report, yet the narrative appears to describe a felony assault. In an article in the San Francisco Chronicle dated October 25, 2000, ADA Susan Breall, who supervised the DA's domestic violence unit referred to the incident as a "serious felon[y]." (San Francisco Chronicle dated October 25, 2000, Attachment OO-13.)*

Later that day, Officer Ruggeiro went to Ms. Tempongko's home to attempt to arrest Ramirez. In his supplemental incident report, Officer Ruggeiro states that Lt. Hedges-Hiller

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gave him the Emergency Protective Order to serve and a memo, which directed officers to arrest the suspect if he was located. The report states that a copy was sent to the Probation Department. (Supplemental Incident Report 002453129, Attachment J-2.)

*Comment: A copy of this memo was requested from the Police Department, but was not provided to us. Further inquiry should include determining what steps, if any, were taken to locate and arrest Ramirez.*

The Police Department Death Case Summary states that this matter was assigned to the Domestic Violence Response Unit. (Police Department Death Case Summary, Attachment K-1.)

When Officer Ruggeiro provided Ms. Tempongko with a copy of the Emergency Protective Order, she told him that Ramirez stole her purse and several items within her purse. Ruggeiro documented the theft in the supplemental incident report. Ms. Tempongko also told the officer that Ramirez was currently on probation for violence against her. She provided him with the location of places that he frequented. According to the incident report, Ruggeiro notified Insp. Luftus at the Operations Center of this information. (Supplemental Incident Report 002453129, Attachment J-2.) Ramirez remained at large. The Police Department Death Case Summary states that this matter was assigned to the Domestic Violence Response Unit. (Police Department Death Case Summary, Attachment K-1.)

### **Report of Incident Fails to Reach Either Adult Probation or District Attorney.**

The (original) incident report indicates that the matter was assigned to the Domestic Violence Response Unit. (Incident Report, Attachment J-1.) The file from Domestic Violence Response Unit that was provided did not contain a chronology; therefore, we do not know whether the case was reviewed or assigned to an inspector. Furthermore, there is no information on whether the matter was forwarded to the District Attorney or Probation Office.

In an article dated October 25, 2000, the San Francisco Chronicle reported that:

Inspector Sgt. Al Lum, an investigator with the domestic-violence response unit, said he had sent the case to probation rather than Hallinan's office because Tempongko had been drinking the night of the incident, had not been hospitalized and had not called police to check on the progress of the case.

"It's up to her to call or to come in for a follow up," Lum said. "She didn't call, so we couldn't do a work-up."

However, a supplemental report indicates that Tempongko did summon officers a second time about the Sept. 1 domestic-violence case to say that Ramirez had stolen her credit cards and cash.

Lum said she never called his specific unit, however, and therefore he acted properly in sending the case to probation officials. "I personally sent it myself," he said.

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(San Francisco Chronicle article dated October 25, 2000, Attachment OO-12.)

The same article reported:

Carmen Bushe, a division director in the probation department who oversees domestic-violence cases, said that the report was properly stamped to send to her agency but that it never arrived.

"Such a report would instantly necessitate an action on our part to take the defendant back to court on a motion to revoke," Bushe said.

(San Francisco Chronicle article dated October 25, 2000, Attachment OO-12.)

*Comment: Further areas of inquiry include asking police officers specifically who was responsible for forwarding the report to the Probation Department and how it was done. In addition, further inquiry also includes more specific information on how the decision was made to send the matter to Probation and not the DA's office, if that was, in fact, the case. The DA could have pursued an arrest warrant. In the same article in the San Francisco Chronicle, ADA Susan Breall, stated, "This is a terrible tragedy. . . . But tragedies of this magnitude will continue unless serious felonies such as the strangulation case are not merely referred to the Probation Department, but brought to the district attorney for reviewing and charging." (San Francisco Chronicle article dated October 25, 2000, Attachment OO-12.)*

### **On September 7, 2000, Ms. Tempongko Reports Sixth Incident of Violence.**

On September 7, 2000, Officers Moriyama and Schwab responded to Ms. Tempongko's home once again. Their report is titled a "Supplemental" Incident Report and notes that they were dispatched on a "threats" call. The Officers noted the Type of Incident as "Terrorist Threats – 19057." (Supplemental Incident Report 001041227, Attachment J-3.) According to hand written notes from the Domestic Violence Response Unit, the author indicated that he/she could not locate the original incident report. We were not provided with the name of the author of the notes. (Attachment K-2.)

*Comment: If this report was a supplemental as titled, then there should be an original report as well. We do not know if the report was incorrectly titled, or if the original incident report cannot be found.*

The Supplemental report stated that dispatch advised the officers that Ramirez had a history of violence against Ms. Tempongko and she was afraid he was going to hurt her. Ms. Tempongko showed the officers the emergency protective order, which was valid through September 11, 2000. Ramirez was at the scene and smelled strongly of alcohol. He refused to provide the police with proper identifying information, but they successfully identified him. (Supplemental Incident Report 001041227, Attachment J-3.)

The Officers transported him to the Richmond Station and detained him for PC 647(f), drunk and disorderly (misdemeanor) and to ascertain his identity. At the station, Officer Schwab

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served Ramirez with the Emergency Protective Order issued in response to the strangulation incident. The Officers transported him to County Jail-9 where he was booked on PC 647(f) and PC 148.9(a), false representation of identity to peace officer. (Supplemental Incident Report 001041227, Attachment J-3.)

*Comment: The arresting officers appeared to be aware of the strangulation incident as they served Ramirez with the Emergency Protective Order issued in response to that incident. Domestic Violence Response Unit notes state that the incident "should have been 422 felony arrest [threat of serious bodily injury against immediate family member], not just 647 & 148.9(a)." (Attachment J-3.) The Domestic Violence Response Unit Death Case Summary similarly notes this error. (Attachment K-1.) Further areas of inquiry include whether the officers questioned Ramirez about that matter and whether they considered that prior matter when booking him.*

The report notes that the case was assigned to Domestic Violence Response Unit and copies of the incident report were sent to the DA and to the Own Recognizance (OR) Program. (Incident Report, Attachment J-3.) According to notes on a copy of this report provided by Domestic Violence Response Unit, the case was "thrown out – [by the District Attorney for] lack of corpus dismissal." A San Francisco Chronicle article dated October 26, 2000, quoted District Attorney Terence Hallinan as stating, "It was treated as a minor misdemeanor' and was dropped." (San Francisco Chronicle article dated October 26, 2000, Attachment OO-11.) Ramirez was released from custody on September 8, 2000.

*Comment: Further areas of inquiry include why the DA's office (1) failed to investigate the matter further; (2) dropped the matter; (3) chose not to pursue a Motion to Revoke Probation; and (4) whether it reviewed Ramirez's history prior to dropping the charge.*

On September 13, 2000, Ramirez called the Probation Department and spoke with On Duty Probation Officer, P. Douchette.<sup>11</sup> According to the chronology, Ramirez lied to Douchette when he told her that he had no further contacts with the police, and he was no longer involved with Ms. Tempongko. Douchette instructed him to come see the On Duty Probation Officer on October 13, which he failed to do. She did nothing to verify that what he told her was true. (Probation Chronology, Attachment V-42.)

*Comment: According to Carmen Bushe, there are no policies or protocols requiring a probation officer to run a criminal history check on a probationer when they report monthly as required. (Interview statement, Attachments PP-1 and 2.) In this instance, Ramirez had actually been named as a suspect in two new cases. If this information had been entered into the database, and if Douchette had run Ramirez, then the Probation Department could have taken steps to revoke his probation at this time.*

On September 19, 2000, Ramirez began Phase II of Manalife PREP.

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<sup>11</sup> Perez, Ramirez's former probation officer, had been gone for over two months and no other probation officer had been monitoring Ramirez's case.

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**On September 22, 2000, Court Disposes of Motion to Revoke Based on October 16, 1999 Loitering Incident. District Attorney, Public Defender and Court Appear Unaware of Two September Incidents. Court Modifies Probation to 30 Days Jail Time to be Served in Sheriff's Alternative Work Program.**

On September 22, 2000, Ramirez appeared in court on the Motion to Revoke that had been continued from its original date of March 29, 2000. (Court record, Attachment FF-41.) (The modification was requested based on the loitering in the public toilet charge.) ADA Judy Lee appeared especially for ADA Odom. (Attachment FF-41.) It does not appear as if the DA, the deputy public defender, or the court were aware of the two incidents of violence in September.

According to an October 24, 2000 article in the San Francisco Chronicle "no one told the judge of the incidents that had taken place earlier in September at Tempongko's apartment." The article states that Deputy Public Defender Stiglich said, "Everyone missed it. We had no other information about any other reports." (Attachment OO-13.) The court transcript makes no reference to the September incidents, although it indicates that there was an off-the-record discussion at the bench, prior to the disposition being reached. (Attachment FF-40.)

*Comment: Further inquiries include why the DA failed to bring the prior arrests to the court's attention. The DA was aware of the second incident of violence, having dismissed the charge.*

At the conclusion of the September 22 hearing, Judge Sing ordered Ramirez's probation modified to 30 days jail time to be served in the Sheriff's Work Alternative Program ("SWAP"). (Court transcript, Attachment FF-40.)

On September 26, Ramirez attended his second session of Phase II, Manalive PREP. (Manalive Status Report, Attachment LL-6.) The next day, Ms. Tempongko called Woman, Inc. and left a message for Oborn to call her. Oborn returned the call on September 27, 28 and October 2, but she did not speak with her. (RSVP Victim Contact Log, Attachment LL-8.) On October 3, Oborn called Darien Mitchell at Manalive and was told that Ramirez was attending the second stage of their program. That night, Ramirez failed to show up for his group session. (Manalive Client Status Report, Attachment LL-6.)

Ms. Tempongko spoke with Bianka Ramirez on October 3 and they arranged to meet the next morning at 7:00 A.M. Unfortunately, Ms. Tempongko did not show for their appointment. Bianka called her at home and Ms. Tempongko stated that she did not feel well. She said she would call Bianka back and reschedule. Ms. Tempongko never called back. (Interview Statement, Attachment PP-14.)

On October 10, 2000, Ramirez attended his third session at Manalive PREP. (Manalive Client Status Report, Attachment LL-6.) The next day, he failed to go to Adult Probation as instructed to check in with the Officer of the Day. (Probation chronology, Attachment V-42.) On October 17, Ramirez had another unexcused absence at Manalive PREP. (Manalive Client Status Report, Attachment LL-6.)

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**On October 22, 2000, Ms. Tempongko is Murdered.**

Five days after that, on October 22, 2000, Claire Tempongko was murdered.

**On November 15, 2000, the Court Orders Ramirez's Probation Revoked.**

On November 7, 2000, the Adult Probation Department sent Ramirez a Notice to Appear on November 15 for a Motion to Revoke Probation. (Notice, Attachment V-15.) On November 15, 2000, Judge Moscone ordered probation revoked per a report issued by Supervising Probation Officer Brenda White. Stiglich and Odom were present in court. (Court record, Attachment FF-16.) Ramirez remains at large.

**Review After Ms. Tempongko's Death.**

According to Lt. Barbara Davis, on October 23, 2000, ADA Liz Aguilar-Tarchi called for a meeting between Marie Lavin, Davis and herself to discuss the history of events leading up to the murder. They reviewed their respective files and Aguilar-Tarchi took meeting notes. When Lt. Davis later asked for a copy of these notes, Aguilar-Tarchi told her that her boss, Susan Breall, told her not to share these notes with anyone. (Interview with Lt. Barbara Davis, Attachment PP-5.) Lt. Davis and Insp. Al Lum drafted their own chronology. (Attachment K-1.) Lt. Davis said that their work may be incomplete. (Interview with Lt. Barbara Davis, Attachment PP-5.)

According to Lt. Davis, there were disagreements regarding who received the September 2000 incident reports. The Probation Department and the DA's Office claimed that they never received them. She described the process as follows: To her knowledge, the reporting officer was responsible for titling the report, "DV" and for indicating who would receive a copy. The patrol officer should fax a copy to the detail for felony booking, but she said that this does not always happen. Once the report is received in the Report Entry Unit, it is time stamped and copies are made and then placed in the appropriate divisions mailboxes for pick up. The Domestic Violence Response Unit assignment officer is supposed to send copies to Probation and the DA. Incident Report 001041186 (9/2/00) and 001041227 (9/7/00) were date stamped by the Report Entry Unit on September 2, 2000 - 1125 hours and September 8, 2000 - 1856 hours, respectively. (Attachments J-1-3.)

The Domestic Violence Response Unit Death Case Summary indicated that the September 1<sup>st</sup> case was forwarded to Probation. (Attachment K-1.) Probation and the DA claim that they did not receive a copy of the report. The report was only coded to Domestic Violence Response Unit, which was going to assign this case as a work-up case.

*Comment: Further areas of inquiry include: what procedures were followed for forwarding this case to Adult Probation? What types of cases are forwarded prior to work up? If the case was never assigned, on what grounds was that decision made? What attempts were made to contact Tempongko in between the September 1<sup>st</sup> and 7<sup>th</sup> incidents?*

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## **ANALYSIS AND RECOMMENDATIONS**

As noted above, we cannot provide a complete analysis of the City's response to domestic violence cases, and, specifically, to this case, because of the pending litigation. Below we suggest areas for further investigation and discussion, highlight apparent problems, and offer initial recommendations for changes. We begin with global recommendations for the Police, DA and Probation Departments and then address each agency individually. Again, we view these recommendations as initial suggestions for the Commission and the criminal justice agencies to discuss. Finally, we note changes departments have already instituted in response to this case.

### **I. GLOBAL RECOMMENDATIONS FOR THE POLICE, DA AND PROBATION DEPARTMENTS**

A review of the chronology demonstrates that the most striking factor is how ineffectively the three main criminal justice departments appeared to work together in this case. Each department dealt with the same defendant and victim, played a role in monitoring the conduct of the defendant, assessed the risk the defendant posed, and shared responsibility for ensuring public safety. Yet each department appeared to operate almost independently without effectively communicating vital information to each other. Interestingly, as described directly below, each department seemed to suffer from some of the same problems.

First, the departments appeared to fail to communicate adequately vital information needed to monitor Ramirez and assess the risk he posed. As noted above, the Probation Department did not learn of the loitering arrest in a timely fashion. (P. 9, above.) Police were unable to speak with Probation about the November 18<sup>th</sup> incident, because Probation's computers were down. (P. 10, above.) In addition, the agencies were unable to ensure that the DA and/or Probation learned of the September 1<sup>st</sup> incident. (Pp. 17-18, above.)

Second, the departments seemed to have differing standards for assessing the seriousness of the incidents and the risk Ramirez posed. As noted above, for example, the police investigator assessed the strangulation incident and found the risk low enough not to forward the matter to the DA for charging. In contrast, the DA's office considered the incident a serious felony. (See pp. 17-18, above.) Similarly, the Probation Department found the loitering and November 18<sup>th</sup> incidents serious enough to recommend state prison, while the DA assessed the incidents less seriously.

Third, each department seemed to make decisions without adequately reviewing Ramirez's entire history of violence. Due to the pending litigation we do not know what information police officers reviewed prior to making decisions. However, it seems conceivable that officers involved in the September incidents were not fully aware of Ramirez's history. Probation Officer Bushe has noted that the Probation Department does not consistently receive information regarding new arrests of probationers. The Department did not learn of the loitering incident in a timely fashion. Similarly, the DA's Office failed to include the loitering incident in

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the original Motion to Revoke. In addition, it did not review Ramirez's history when deciding to dismiss the September 7<sup>th</sup> incident.

Finally, each department relied on other departments to act, without following up to ensure that the others' acted. There appeared to be no system in place to ensure action is taken. For example, the Police had no system to ensure that the reports were actually received by the other departments. In addition, based on what we have learned to date, there appears to be no system for the DA to ensure that Probation files on cases it refers to them.

**(1) Develop a Regular and Effective System of Communication.**

We suggest that the three departments develop a system of communication to discuss and solve systemic problems involving domestic violence cases. Each department has a specialized unit responsible for handling domestic violence matters. We suggest that the unit heads from each department meet regularly. Those leaders could discuss systemic problems, as well as individual cases. In addition, those meetings could be used to develop a consensus regarding risk assessment. Regular meetings should increase communication and trust between agencies.

**(2) Work Toward Coordinating Computer Data Systems.**

We suggest the criminal justice departments continue to evaluate the adequacy of their computer systems and work toward coordinating them to ensure that each agency receives the information it needs. Ideally, the computer data system should include an instant notification mechanism to flag defendants on probation and parole and then instantaneously notify these departments of the violation. The Probation Department is responsible for notifying the courts when a person re-offends, regardless of the charge. Even if a probation officer has to wait for a copy of a police report, immediate notification will allow a probation officer to take action in a timely manner. Such a system would ensure that the probation officer was made aware of the offense.

We are aware that the City has established a Governance Council to establish policy related to the implementation and operation of the Justice Tracking Information System ("JUSTIS"). (See S.F. Admin. Code sec. 2A.85.) The goal of JUSTIS is to develop and operate an integrated criminal justice information system serving criminal justice agencies in San Francisco. Ideally, when the JUSTIS system is fully operational, these agencies should be able to share access to vital data. We encourage these agencies to implement the system as quickly as possible.

**(3) Develop Written Standards to Address When Police Should Send Matters to Probation and/or DA. Alternatively, the Police Should Send All Incidents Involving Probationers to Both Probation and the DA.**

There appear to be systemic problems in how the officers evaluate whether they will notify the DA and/or Probation of new incidents.



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Currently, it appears it is up to the discretion of individual police officers whether to forward a report to Adult Probation and or the DA.<sup>12</sup> According to Carmen Bushe, during the time of this case, the Probation Department had to wait for the police or DA to forward it a copy of any new police report. Police officers often failed to forward reports of minor infractions or misdemeanor citations, leaving Probation to find out about them by "pure chance or coincidence." (Interview statement, Attachment PP 1-2.) In addition, in the past, the Domestic Violence Response Unit used to "file" all misdemeanor cases when the victim did not follow-up with the unit (i.e. did not pursue them). (Interview statement, Attachment PP-5.)

We strongly suggest that the agencies reach consensus on when the Police should forward reports to both agencies. We suggest that the departments include community experts in these discussions to hear their views on what incidents require prosecution. The Police Department should codify the protocol and train officers to ensure compliance.

Alternatively, if the agencies decline to work together to develop a protocol regarding the sending of incident reports, we suggest the Police Department forward all reports involving a probationer to both the Probation Department and the DA.

#### **(4) Develop Systems to Ensure Reports are Sent and Received.**

Until the computer systems can be coordinated, we suggest that the three Departments develop a system to ensure that all necessary information and reports are sent and received.

At the time of the incident, Lt. Davis stated that it was the responsibility of the Domestic Violence Response Unit's assignment officer to place a copy of the incident report in the Probation Department and DA's mailboxes in the Records Room at the Hall of Justice. She said that they never had a problem with this issue prior to this incident. (Interview statement, Attachment PP-5.)

As a result of this incident, the Police Department has implemented changes regarding documentation of receipt of incident reports by other departments. It now requires that the recipient sign a form documenting what reports were delivered. The Police Domestic Violence Response Unit maintains this form. This measure is certainly a step in the right direction, but Carmen Bushe has reported that even after this procedure was put in place, police officers have placed reports under the Probation Department's doorway. (Interview statements, Attachments PP-1 and 2.) The Probation Department has also created its own log, which lists the reports received from the Police and DA. (Attachment PP-1 and 2.)

We suggest that the three departments work together to develop a delivery and tracking system to ensure reports are delivered to and received by each department.

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<sup>12</sup> At this time, we do not know whether the Domestic Violence Response Unit has any Unit Orders addressing this area.

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**(5) Consider Sharing Resources to Ensure Each department has Full Criminal History at Each Stage of a Case.**

As noted above, each department appeared to make decisions without reviewing and considering Ramirez's complete history. As noted below, we recommend each department develop and implement standards requiring staff to run criminal checks at set points of a case. We suggest the departments consider whether they could share resources to ensure checks are done without duplicating resources.

**(6) Assess Department Training on Domestic Violence and Cross-train on Each Departments' Role.**

As noted more specifically below, each department should review and assess its training on domestic violence. In addition, we suggest that each department train its staff on the role and duties of the other departments so that all staff are aware of each departments' roles and duties. Cross-training could help ensure that the Departments evaluate the seriousness of offenses similarly.

**(7) Consider Establishing a Central Victim Assistance Office or Program to Assist Victims Throughout the Arrest, Criminal and Probation Process.**

Each department interacts with the victims of domestic violence. Due to the pending litigation we were unable to assess victim follow-up by the Police Department and the quality of victim services provided by the District Attorney. We note, however, that Ms. Tempongko was required to deal with three agencies, as well as additional community service agencies, and multiple personnel from those agencies throughout this case.

We suggest better assistance might be offered by establishing a central victim assistance office or program that could assist victims from the time of the first police contact, through the court process until the end of the offenders' participation in the criminal justice system. Obviously, this suggestion needs further study and discussion. We recommend that the departments discuss the matter with each other and community domestic violence experts.

## **II. SAN FRANCISCO POLICE DEPARTMENT**

**(1) Review Domestic Violence Training With the Assistance of the Commission and Women's Community.**

As noted more specifically above in the fact chronology, the Police Department's response in this case suggest several deficits in its response. These include shortcomings in documenting one incident of violence (pp. 6-7. above); advising the victim of her options (p. 4); and documenting incidents adequately (pp. 15-16, 18). These deficiencies suggest the Police Department would benefit from reevaluating its training on Domestic Violence.

Further useful information would be gained by interviewing officers to determine (1) whether officers looked at the patterns of violence against Tempongko, rather than evaluate

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each incident individually; (2) what efforts they took to develop each and every case; (3) how they evaluated each incident to determine whether to forward the case to the DA and/or Adult Probation; (4) what role substance abuse by Ramirez and/or Ms. Tempongko has on their decisions and (5) what specific information they provided to the DA's Office, and how this may have influenced the DA's decisions whether to prosecute a case.

We also suggest interviewing officers to determine whether the POST Training for First Responders adequately prepares them for responding to domestic violence incidents. The training covers threat assessment, criminal charges that apply to DV situations, such as stalking, harassment, strangulation, etc. In her interview, trainer Candace Heisler stated that the area of strangulation in domestic violence cases is relatively new, and the Police Department may not devote enough time to this issue. (Interview statement, Attachment PP-9.)

In addition, we suggest interviewing Insp. Al Lum to determine (1) what happened to the two September police reports that the DA and the Probation department claim they did not receive and (2) why he decided not to present the strangulation case to the DA. As noted above at p. 17, according to the Chronicle Inspector Al Lum said "he had sent the case to probation rather than Hallinan's office because Tempongko had been drinking the night of the incident, had not been hospitalized and had not called the police to check on the progress of the case." (San Francisco Chronicle article dated October 15, 2000, Attachment OO-12.) We suggest Lum be interviewed regarding these statements.

We suggest the Police Department evaluate completely its training on domestic violence to determine its effectiveness for officers in the field. We strongly urge the Police Department to have the Commission and domestic violence advocates review the adequacy of its training and participate in revising it. Inclusion of these groups is particularly important, not only because of their expertise, but because this case has caused many women and domestic violence victim advocates to lose faith in the ability of the Police to respond to family violence. In addition, we suggest that the Police Department review personnel training records to determine if any officers need refresher-training classes.

Training should be reviewed to determine whether it adequately addresses (1) both the legal and social aspects of domestic violence; (2) strangulation and stalking crimes; (3) effective responses; (4) the impact of substance abuse on domestic violence; and (5) victim sensitivity.

We suggest the Department also review dispatcher training to make sure it adequately addresses domestic violence victims' issues. The information obtained by a dispatcher in the initial call for assistance is critical in building a criminal case against the offender.

## **(2) Ensure officers Follow General Orders Regarding Incident Report Writing.**

As noted above, some of the police incident reports appear flawed in some aspects. More specifically, officers (1) appeared to fail to document the incident of violence that occurred on May 11, 1999 (pp. 6-7, above); (2) appeared to fail to appropriately identify the type of incident in the reports of September 2 and 7, 2000 (pp. 15-16); (3) seemed to title the September 7<sup>th</sup> report as a "Supplemental" incident report when there appears to be no original incident report

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(p. 18); and (4) seemed to lack detail regarding the threats Ramirez made in the September 7<sup>th</sup> report (p. 18). In addition, ADA Breall reported that since Ms. Tempongko's death, the ADA who does misdemeanor bookings told Breall that she reviewed two incidents reports recently in which the suspect was only charged with being drunk in public, yet the narrative of the report contained the elements for a domestic violence charge. (Meeting summary, Attachment PP-4.)

The Police Department must ensure that officers write accurate and comprehensive incident reports. These reports are the foundation on which a criminal prosecution is based, and they must be as detailed as possible. Supervisors must take the time to review these reports with a critical eye towards identifying all relevant charges and making sure that the elements of the crime are described in detail.

Since this case, the Police Department has trained officers on and implemented use of a new Domestic Violence Supplemental Checklist. (Attachment M-1.) This form will greatly assist in the collection of evidence at the scene of the crime. The checklist will be attached to all incident reports and should provide the DA with critical information on the suspect's history of violence.

### **(3) Reexamine Procedures, Policies and Training regarding Victim Follow Up.**

The events of this case indicate that at least some responding officers and domestic violence investigators may have lacked sufficient understanding of how to effectively assist victims of domestic violence. As noted above at pp. 17, Insp. Al Lum was quoted in the San Francisco Chronicle as stating, "It's up to her to call or to come in for a follow-up. She didn't call, so we couldn't do a work-up." It is unknown at this time what was specifically done by officers to try and reach Tempongko after the September 1<sup>st</sup> incident.

The responsibility for establishing contact cannot fall solely on the shoulders of the victim. Officers must make all efforts to contact victims and witnesses of domestic violence assaults. Currently, cases are filed (i.e. not pursued) when inspectors are unable to establish contact. There are many legitimate reasons why a victim of domestic violence may not want to participate in legal action. All efforts should be made to talk with victims to ensure that they understand how the system can work on their behalf. Again, we suggest the Police Department work with the Commission and community advocates for battered women to discuss ways to more effectively reach and assist victims.

### **(4) Work with the Department of Human Services to Review Existing Policies Relating to Child Witnesses of Family Violence.**

As noted above, we conducted no interviews with family members or responding officers regarding the homicide investigation. The family has alleged at public hearings that Ms. Tempongko's children were treated inappropriately the evening of Tempongko's murder when they were left in the care of a neighbor. Family members have also voiced concern that the children, key witnesses to the homicide, were not protected after the event, and a security meeting at their school did not take place in a timely fashion. Finally, Ms. Tempongko's

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children appear to have been present during each violent incident, yet, no City agency appeared to have offered services to them.

An analysis of these allegations exceeds the scope of our investigation. Generally speaking, we suggest that the police and department of human services review their existing policies to make sure that the needs of children are identified and protected in violent situations. The City's Safe Start project is currently working with City departments and community agencies to improve and coordinate their responses to child witnesses of family and community violence.

### III. DISTRICT ATTORNEY'S OFFICE<sup>13</sup>

#### (1) Implement and Enforce a Firm "No Drop" Policy.

The DA's Office Domestic Violence Felony and Misdemeanor Prosecution Protocol states, "The prosecutor has full control of the cases and prosecutes them to the fullest extent possible." (Attachment S-3.) The Protocol also states, "The charging decision is made by trial attorneys who are experienced at handling domestic violence cases. Where a case is provable, it will be charged." (Attachment S-3.) In addition, the protocol states that if a case is not filed, the "reasons for the decision will be noted in the file. If a case is not initially filed, it may still be charged with a subsequent domestic violence case if the reasons for the earlier dismissal no longer apply and the defendant's due process/speedy trial rights are not violated." (Attachment S-3.)

In her brief interview, ADA Breall said that the DA has a "no drop" policy, but there may be situations where it is not implemented. For example, she said that they might choose to drop a case where the victim does not want to cooperate rather than issue a body attachment to force her participation. (Meeting summary, Attachment PP-4.)

As described more fully above, the facts of Ms. Tempongko's case suggest that the ADAs handling the matter violated the "no drop" policy. First, the DA's office dropped the initial domestic violence charge from April 28, 1999. (P. 5, above.) Second, it dropped the additional charges and agreed to a plea bargain on just one count of battery regarding the second reported incident. (Pp. 7-8, above.) Third, it failed to pursue the November 18, 1999 incident as a separate offense and pursued it only through a Motion to Revoke Probation. (Pp. 10, above.)

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<sup>13</sup> In an article by Tanya Brannan, posted on the Purple Berets web site, she states that DA Hallinan spoke with her in some detail over the telephone after the Commission held a press conference at which she was critical of the DA's Office. (Attachment OO-16.) Brannan states that she and Hallinan discussed the Tempongko case in great detail. Brannan writes, "Hallinan admitted they had made mistakes . . . ." Brannan states that Hallinan agreed to the following recommendations: (1) that he immediately bring his domestic violence conviction rate up; (2) that he enforce a policy that, when domestic violence probation is violated with another violent incident, the prosecution will move to revoke the probation and file new felony charges on the latest incident; (3) that he set a policy that all domestic violence probation violations be sent to his office for charging; and (4) that he randomly spot-check cases in the office, starting with all domestic violence probation cases. (Attachment OO-16.)

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Finally, the Office appeared to violate the policy when dismissing charges relating to the final reported incident before Ms. Tempongko's murder. (P. 19, above.)

We suggest interviewing the ADAs involved in the case to determine how decisions were made to drop charges. In particular, why did the DA's Office (1) drop the charge relating to the initial report of violence; (2) drop the additional counts in the plea agreement relating to the second incident of May 18, 1999 - was the ADA aware of the April 28 incident when she entered into the plea bargain regarding the May 18 incident? (3) Did the ADA who reviewed the November 18, 1999 incident review Ramirez's full history when deciding to proceed only by way of Motion to Revoke? (4) Was the ADA responsible for dismissing the matters relating to the final incident prior to Ms. Tempongko's murder aware of Ramirez's prior history? (5) Do ADAs review a suspect's entire history before determining whether to proceed? (6) Do they review past police reports and CADs?

On October 8, 1999, the San Francisco Chronicle reported that:

...Hallinan has a lower conviction rate in domestic violence cases than any other district attorney in the state, convicting about 1 in 4 people arrested for felony spousal abuse. ... The district attorney declined to prosecute 55 percent of all felony domestic violence arrests lodged with this office, more than three times the state rate of 15.3. In addition, nearly 32 percent of all domestic violence complaints filed by the San Francisco district attorney's office were dismissed before trial or as part of the plea bargaining process -- the largest percentage of dismissals in any highly populated county in the state and almost twice the statewide average of 18.7 percent.

(San Francisco Chronicle article dated October 8, 1999, Attachment OO-15.) Hallinan and his staff responded that the numbers were misleading. The article quoted Richard Iglehart, at that time Hallinan's Chief Assistant, as stating, "A more appropriate method of determining conviction rates is to calculate convictions as a percentage of complaints filed, because those are cases that have been reviewed thoroughly by prosecutors who determined there was sufficient evidence to proceed." (San Francisco Chronicle article dated October 8, 1999, Attachment OO-15.)

When the Chronicle journalists in the above article calculated the data using the method Iglehart urged, the City still ranked 51<sup>st</sup> out of 58 counties in its conviction rate. (Attachment OO-15.) This same article also said:

San Francisco has a low conviction rate in spousal abuse cases because the district attorney's office declines to file complaints in many serious cases and frequently ignores its own "no-drop" policy in those cases it does file, dismissing domestic violence charges - and other

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serious criminal allegations - to get convictions on the remaining counts.

DA offices throughout the state handle the prosecution of domestic violence cases differently. For example, in the article, San Mateo County District Attorney Jim Fox stated "[his] formula for success is simple: His office files complaints in the vast majority of cases it receives from county law enforcement agencies, and it refuses to dismiss domestic violence charges, even if the victims are unwilling to testify against their abusers. We will go forward with those cases to a jury trial. We will not plea-bargain them down to assaults just to get convictions." (San Francisco Chronicle article, Attachment OO-15.)

We suggest that the DA enforce its "no drop" policy regarding dropping domestic violence cases and ensure that his staff is trained in and follows the policy.

**(2) Enforce DA Policy to Request State Prison When A Defendant on Felony Probation Violates a Stay Away Order or Later Commits A Domestic Violence-Related Crime.**

The DA has a policy to request state prison for all repeat domestic violence offenders who are currently on probation for a domestic violence related incident. On November 7, 2000, ADA Breall sent a memo reiterating this policy to all ADAs in the Domestic Violence Unit. She said:

This memo serves as a reminder of our policy to ask for state prison for all repeat domestic violence offenders who are currently on probation for a domestic violence related incident. We should also request state prison when the defendant is on DV felony probation and subsequently violates a stay away order, or later commits a domestic violence related crime. Please see the attached DV Unit Meeting Agenda from Liz Aguilar-Tarchi dated January 6, 1999.

(Memo, Attachment S-4.) The January 6, 1999 memo states:

Felony MTR Assignments - Cases where we have not filed the new case but are proceeding to the Felony Motion to Revoke are being assigned by me on a rotating basis to each Felony ADA.

(a) Let's not make Felony MTRs a revolving door. If a case warrants revocation, (E.G. REPEAT DV OFFENDER, REPEATED VIOLATIONS OF Stay Away Order, or other lethality factors are present) PUT IN THE HEARING AND ASK FOR STATE PRISON. If the Judge decides not to, at least you have made your record BY PROCEEDING ON THE HEARING.

(Attachment S-4.)

It appears that this policy was not followed in Ms. Tempongko's case. As noted above, after the November 18<sup>th</sup>, 1999 incident, the Probation Department recommended that Probation be revoked and Ramirez be sent to state prison. The ADA agreed to a plea bargain modifying

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probation. (See p. 11.) After the loitering incident, on September 22, 2000, the ADA again agreed to a modification of probation. (See pp. 19-20.)

We suggest that the Office codify its policy in its Protocol, train its attorneys on it, and enforce the policy.

**(3) Run Defendant's Criminal History Prior to Every Court Appearance and Ensure all Incidents Are Presented to the Court in a Timely Fashion.**

During several points in this case, the DA's office was unaware of new criminal conduct by Ramirez. It appeared to be unaware of the loitering incident when proceeding of the first Motion to Revoke Probation (pp. 10-11, above) and of the September 1<sup>st</sup>, 2000 incident when disposing of the Motion to Revoke Probation on September 22, 2000 (pp. 19-20.)<sup>14</sup> Although the DA knew of the September 7<sup>th</sup> incident, it failed to review it in the context of Ramirez's complete history. Certainly, the lack of awareness of these incidents impacted the DA's handling of this matter.

The DA's Office should provide the court with current and up to date criminal histories. Similarly, it should ensure that it presents each criminal incident, whether as a new offense or part of a Motion to Revoke Probation, in a timely fashion. Hopefully, a new computer system will assist in this process by coordinating this information with the court calendar. Regardless, the DA's Office should set aside the necessary resources to guarantee that judges have current criminal histories for every defendant at each and every court hearing. We suggest that the DA run defendants' criminal histories even when matters have been continued from a previous hearing date.

**(4) Enforce Commitment to Vertical Prosecution.**

The DA Protocol describes the office's commitment to Vertical Prosecution. Ideally, unit attorneys appear at all arraignments, hearing and trials. Motions to Revoke Probation are supposed to be handled by the domestic violence unit whenever possible. (Attachment S-3.) In addition, the California Department of Justice awarded the DA's Office a grant under its Spousal Abuser Prevention Program. As a condition of the grant, the DA agreed to vertical prosecution of domestic violence cases. (Program Guidelines.)

We do not know if the various ADAs who handled Ramirez's hearings were all from the Domestic Violence unit. We do know, however, that numerous ADAs appeared at various hearings, while the same deputy public defender appeared on behalf of Ramirez. (See chronology, above.) An ADA who does not have a complete history or understanding of the defendant's prior assaults on the victim may drastically influence the outcome.

We suggest that the DA reexamine its commitment to vertical prosecution and ensure his attorneys adhere to it.

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<sup>14</sup> Certainly the fact the Police apparently did not forward the September 1<sup>st</sup> incident report to the DA and titled the September 7<sup>th</sup> incident incorrectly as a drunk and disorderly incident impacted the DA's handling of the matter.



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**(5) Enforce Policy to Avoid Unnecessary Continuances.**

According to its Protocol, the DA's Office is to avoid unnecessary continuances. (Attachment S-3.) According to Superior Court JoAnn McAllister the most critical time for a victim is between arrest and sentencing. She said, "If there's been a new incident, and it's sitting on a desk, she's in danger more so than if there had been no prompt reaction. . . . There are periods when there is more danger than others." (Interview statement, Attachment PP-8.)

The court continued Ramirez's probation revocation hearing for six months. (See p.13.) We do not know why this hearing was continued so many times. We suggest interviewing the ADAs involved to determine the cause for the multiple continuances and the turnover of ADAs.

We suggest that the DA's office review, train ADAs on and enforce its policy regarding continuances.

**(6) Review and Assess Efficacy of Victim Training and Services.**

The DA's Office has a Victim Advocacy Unit. No interviews were conducted with the staff of the DA Victim Advocacy Unit because of pending litigation. A review of the Victim Advocacy Unit's Policy and Procedures Manual describes the duties of advocates and how they are to document their contacts with victims. (Attachment S-5.) We suggest that staff members be interviewed regarding their contact with Ms. Tempongko.

The DA's Felony and Misdemeanor Prosecution Protocol contains useful information regarding victims of domestic violence. (Attachment S-3.) We suggest additional investigation regarding the amount of training ADAs receive regarding the victims of domestic violence. In particular, the transcript of the June 7, 1999 plea hearing is troubling, as it describes Ms. Tempongko as weeping when the court was considering whether to lift the Stay Away Order. Judge Douglass asks ADA Odom "to spend a moment with her to see if you can calm her down." (Attachment FF-19.)

Without questioning ADA Odom as to why Ms. Tempongko was crying and so upset, we cannot assess the efficacy of the DA's victim advocacy. We note that Victim Services Unit offers support to victims during court hearings. (Attachment S-9.) It does not appear that Ms. Tempongko had such support at the hearing. We suggest investigating whether she was offered the services. We suggest inquiring about the content of the conversation, what use Odom made of the Victim Services Unit and whether she feels better assistance could have been offered to Ms. Tempongko.

**(7) Spot Check Domestic Violence Cases to Ensure They Are Handled Properly.**

As noted above, the DA's Office did not appear to handle aspects of the case according to established protocol. We suggest that the Office spot check cases to ensure they are handled properly. Managers should review cases to make sure that ADAs are following policies and that criminal cases are aggressively prosecuted.

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#### IV. ADULT PROBATION DEPARTMENT

As noted above, we conducted interviews with Carmen Bushe, Division Director of Community Services Specialized Units, and Jorge Perez, Ramirez's former probation officer. Marie Lavin, Perez's supervisor and the supervisor overseeing his caseload, is still on leave from the Department, and on advice of her personal attorney, she declined to be interviewed at this time. It should be noted that the Probation Department answered questions specifically related to how they handled Ramirez's case, and candidly discussed staffing and systemic problems within their department.

Carmen Bushe was asked to state her opinion as to what went wrong. She said, "I believe that the incident reports were assessed individually without having the privilege of reviewing this defendant's pattern of behavior and criminal background. And so, consequently, it was not given the proper assessment that would indicate that this victim was in danger." She wondered what specific background information was provided to the various police officers when they responded to the calls for service. Also, once the cases were assigned to the Police Domestic Violence Response Unit, she wondered whether they were assigned to an inspector who knew the history of abuse. And as far as probation was concerned, they did not have an officer in place to receive the incident reports, if in fact they were sent there. (Interview statement, Attachment PP 1-2.)

##### **(1) Develop and Implement Written Standards of Supervision, Train Staff on them, and Review Cases for Compliance.**

On October 2, 2000, the San Francisco Controller's Officer issued an audit report. (Attachment W.) The report concluded, "The Adult Probation Department weak management systems and lack of oversight have led to inadequate supervision of criminal offenders, which could jeopardize public safety and has resulted in loss of revenue to the City." (Attachment W.)

At the time of the audit, the Probation Department did not know how many offenders it supervised, even though that is its primary mandate. (Audit Report, Attachment W.) The Department lacks a systematic method of tracking probationers' compliance, and their computer information system is insufficient and outdated. (Audit Report, Attachment W.)

In addition, Probation Department staff reported a concern that "the lack of clear policies and procedures means that employees are passing along their individual practices, whether correct or not, thus perpetuating inconsistency and inaccuracy." (Audit Report, Attachment W.) The Department maintains old written policies that are no longer applicable. For example, Policy 104.20, New Arrest of Persons' on Probation, issued on March 6, 1985, and was active at the time of Ms. Tempongko's murder. (Attachment Y.) This policy discusses the duties of the Court Services Unit, a unit that was disbanded approximately ten years ago. When the unit was active, one of its duties was to identify probationers who were charged with new felony arrests and to immediately notify their probation officer of the new arrest. (Attachment Y.) No one at the Probation Department provides this critical service at this time. There is no new policy providing guidance to probation officers on how to handle new arrests. Instead, they receive

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individual instruction from their supervisor. Since supervisors handle matters differently, there is no uniform policy.

We recommend that the Department develop written standards of supervision. The Department should consider putting together a checklist of minimum standards that should be fulfilled on every case on a monthly basis. We suggest that the Department consult with the court, other criminal justice experts and community advocates when developing these standards of supervision. In addition, we suggest that the procedures require supervisors to review caseloads on a regular basis to make certain that these standards are being enforced.

**(2) Develop and Implement Policy Regarding Frequency of Criminal History Checks.**

As noted above, the Probation Department was unaware of new incidents of violence during several periods throughout Ramirez's case.

Currently, probation officers are required to run a criminal history check only prior to writing a report for a Motion to Revoke Probation. (Interview statement, Attachment PP-1 and 2.) If the matter is continued, the report remains in the file, but officers do not routinely run another check on the defendant to determine if additional charges were picked up between court matters. There is no written policy requiring probation officers to run criminal history checks as a means of monitoring a defendant's criminal activity. A probation officer currently relies on instinct and whether a defendant is participating in his program to determine if the officer should run a criminal check on the defendant.

If a reliable computer notification system is developed, probation officers will automatically be notified of new incidents and, therefore, will not need to run criminal histories. Unless and until such a system is implemented, we suggest that the Department develop and implement a written policy regarding how officers should maintain accurate criminal background checks on probationers.

**(3) Create a Incident Report Receipt Log and Tracking System.**

As noted above, the Probation Department could not determine whether it received the September incident reports involving Ramirez.

According to Carmen Bushe, all incident reports that are forwarded to Adult Probation from the Police Department Domestic Violence Unit and the DA's Office are delivered to the Probation Department's front reception desk. A staff person determines who the assigned probation officer is, and then forwards the report to the appropriate unit. If the case is for the Probation Department's Domestic Violence Unit, the staff member routes the report to the Unit's secretary, who identifies the probation officer and places the report in the officer's mail folder. Probation officers are supposed to pick up their mail daily. In cases where there is no current probation officer assigned, or if a probation officer is on vacation, the incident reports are supposed to be handled by a supervisor. They are supposed to review the report and assign the necessary work to another probation officer. This process could take up to two days. (Interview

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statements, Attachments PP-1 and 2.) Perez recalled that it was not unusual to see an incident report sitting in folders for extended periods of time. (Interview statement, Attachment P-3 .) If a probation officer does not receive an incident report, they probably would not know that their probationer was scheduled for court on a new matter.

The Police Department created and maintains a form that lists incident reports delivered to the Adult Probation Department on a daily basis. Probation Department staff members are supposed to sign upon receipt of these reports. (Attachment M-2.) According to Bushe, the Probation Department has also created its own log, which lists the reports received from the Police and DA. (Attachment PP-2.)

We suggest that the Probation Department expand this log to include a tracking system documenting what happens to these reports internally. We suggest that the log indicate the date the report was received, when it was forwarded to the unit, when it was reviewed by a supervisor, and finally, when it was delivered to the appropriate probation officer. Such a system would guarantee that the Probation Department could track reports and make certain they were delivered to probation officers in a timely fashion.

**(4) Implement a Policy Requiring Officers to Note in Case Narratives When They Receive Incident Reports.**

As noted above, the Probation Department cannot determine how and when it learned of Ramirez's loitering arrest. Probation officers are not required to document receipt of new reports.

We suggest that the Probation Department implement a policy requiring probation officers to note in a probationer's file when an incident report was received and the action taken. A tracking system and notations in the case file would have enabled the department to evaluate what happened in this case in order to identify any potential system problems.

**(5) Advocate for Adequate Staffing and Case Assignments.**

As noted above, the Probation Department had no officer assigned to Ramirez's case from the end of June 2000 until November 2000. The remainder of Perez's caseload was left unassigned until February 2001. (Interview statement, Attachment PP-1 and 2.) At the time he left the office, he was responsible for supervising 110 probationers. Six months earlier, he was responsible for supervising 180 individuals. (Interview statement, Attachment PP 3.)

According to Carmen Bushe, in March 2001, the Domestic Violence Unit had assigned to it fourteen probation officers with approximately 100 offenders on each officers' caseload. Bushe reported that at that time, the office had 25 vacancies and has difficulty retaining employees. Some of these high-risk caseloads were unassigned at the time of the interview. These unassigned caseloads are under the direction of the "Officer of the Day," a person who fields walk-in and telephone calls. Probation Department policy and the Domestic Violence Unit Protocol require probation officers to have monthly contact with offenders. (Attachments Y and EE.) The Department does not enforce this requirement with respect to caseloads that are

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unassigned. Defendants are told to call in and speak with the Officer of the Day, but no one tracks the offenders to determine if they comply.

The City should adequately fund the Probation Department to ensure that high-risk offenders are supervised. A ratio of one probation officer for 100 or more probationers is too high for effective monitoring. If the caseloads are reduced, then higher supervision standards should be established and reviewed on a regular basis. In the interim, the Probation Department needs to determine how to supervise unassigned caseloads.

Finally, the Probation Department must keep the court informed about its case coverage and supervision level. We do not know if the Court was aware of the lack of supervision over Ramirez's case. Such information is likely to impact court disposition of matters involving probationers.

**(6) Review Policy to Consider Requiring Probation to Initiate a Motion To Revoke Probation Based on Any New Criminal Contact.**

Motions to Revoke Probation can be filed by either the DA or the Probation Department. During the time of this case, the Probation Department had no written policy on when to file a Motion to Revoke. According to Carmen Bushe, as a result of Tempongko's death, the Probation Department changed its policy to require probation officers to file a Motion to Revoke whenever a domestic violence offender has a new domestic violence incident. (Interview statement, Attachments PP-1 and 2, Attachment &-6.) We suggest that the Probation Department review this policy to determine whether Probation should file on *any* new criminal contact.

**(7) Require Domestic Violence Training for Probation Officers in the Domestic Violence Unit.**

The Probation Department provides domestic violence training for probation officers when available. It is voluntary, but well attended when offered. (Interview statement, Attachment PP-2.) The Department should coordinate their training with the Police Department, the DA's Office, the court and community groups to guarantee that everyone has a consistent understanding of all the components involved in domestic violence cases. Community resource specialists should be consulted and used as resources to ensure that the victim's role is understood by all. Domestic violence training should be mandatory for all probation officers working in the Domestic Violence Unit.

**(8) Consider Creating a Victim Advocate Position.**

Currently, a probation officer is only required to send a victim a notification letter, which provides them with the probation officer's name and contact information. If the victim has any questions, it is her responsibility to contact the probation officer. (Interview statement, Attachment PP-2.)

We suggest that the Department consider creating a staff position to work with victims to try and establish a more personal relationship with them. This increased communication could

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decrease the potential for further violent incidents. The victim could inform the probation officer of participation in counseling programs, and describe behavior at home. Ideally, this communication could increase the possibility of early intervention in potentially lethal situations.

**(9) Establish Better Communication with Social Service Agencies.**

Luis Ortega and Antonio Ramirez from POCovi stated during their interview that it was often difficult to get a return call from probation officers. Also, they are not consistently informed when their client has been rearrested. All they know is that the client does not appear for four weeks, but they do not know why. (Interview statement, Attachment PP-15.)

We suggest that the Probation Department work with service agencies to improve communication. Obviously, this recommendation relates to the staffing issue. Increased monitoring and communication would benefit probation and program facilitators; both can be more effective when they have more knowledge about the actions of the offender.

**V. SAN FRANCISCO SUPERIOR COURT**

Judges are the ultimate authority in the criminal justice system and have a significant impact on how domestic violence cases are handled in our City. We conducted interviews with Judges Mary Morgan and Julie Tang. (Attachments PP-6 & 7.) Both Judges have sat in the Domestic Violence Court, and they have extensive background in this area of the law. In addition, we interviewed JoAnn McAllister, Analyst with the San Francisco Superior Courts, who was hired to assess the Domestic Violence Court.

**(1) Establish a Unified Domestic Violence Court to Supervise Felony and Misdemeanor Defendants.**

In June 1997, the court approved a plan to create a Domestic Violence Court for misdemeanor cases. "The goal of the domestic violence court is two-fold: to ensure victims' safety; and hold offenders accountable." (Attachment GG.) If a defendant is granted probation on a misdemeanor domestic violence charge, part of his sentence requires participation in a 52-week offender-counseling program. In addition, the defendant must make regular and frequent scheduled court appearances. (Judge Morgan Interview statement, Attachment PP-6.) This intensive judicial supervision has proven to be extremely beneficial. Judges are able to monitor a defendant's participation in counseling, and if they re-offend, the Judge can take prompt action. Because defendants are monitored by the special court, generally, the same judicial officer is responsible for monitoring all aspects of the case. (Interview statement, Attachment PP-6.)

JoAnn McAllister, Analyst with the San Francisco Superior Courts, was hired in November 2000 to gather and assess data to evaluate the effectiveness of the Domestic Violence Court, the Probation Department's monitoring of the court-ordered batterer intervention

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programs and the effectiveness of the compliance programs.<sup>15</sup> McAllister stated, “we know from the research on domestic violence and the criminal justice system that court supervision and probation supervision are extremely important in deterring further violence. It’s just a given. . . . So definitely, judicial oversight is a critical factor.” (Interview statement, Attachment PP-8.)

To assist the court in effectively supervising the probationers, the Domestic Violence Court has an assigned probation officer who is responsible for running the criminal history of people who are scheduled to appear on calendar. This enables the court to have the most up-to-date criminal history for each defendant. (Interview statement, Attachment PP-6.)

Although they have been convicted of more serious offenses, the supervision of defendants on *felony probation* is markedly less intense. These probationers are not supervised by the Domestic Violence court. Consequently, their cases are not routinely monitored by the court. Nor must they appear before the same judicial officer. Interestingly, state law requires the batterers’ programs to report to the court, as well as the prosecutor and probation department, when the probationer violates a protective order or fails to comply with the program requirements. (Penal Code sec. 1203.097(a)(1)(B).) Practically speaking it appears impossible for programs to do so under the present situation where there is no specialized court. Finally, there is no requirement that anyone run the criminal history of the individuals appearing before the court. As evident from Ramirez’s cases, there is no guarantee that judges are receiving complete criminal histories for defendants that appear before them.

We suggest that the San Francisco Superior Court create a Domestic Violence court to supervise both felony and misdemeanor defendants. We recommend that this Domestic Violence Court have a full time probation officer assigned to it to pull criminal records of all defendants appearing in court and maintain close contact with the defendant’s probation officer. Communication between social service agencies, the court and the probation department would improve merely from the court’s requirement that the offender provide regular progress reports regarding their program participation and progress.

In addition, we suggest that the Superior Court consider having civil matters relating to domestic violence cases be heard by the Domestic Violence Court. The unification of the civil and criminal courts on this issue could streamline the process by which victims and their families may obtain restraining orders and permit more effective court monitoring of those restraining order. According to Judge Morgan, this unification has been implemented successfully in other counties. (Interview statement, Attachment PP-6.) The courts should consider conducting a study to determine the feasibility for San Francisco. Even if the court decides not to merge civil and criminal domestic violence matters, the court could explore ways in which to expedite and simplify the process for obtaining and monitoring restraining orders.

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<sup>15</sup> McAllister provided a draft copy of an overview of San Francisco Domestic Violence Response Process, which was prepared for the Department of Child Youth and their Families in November 2000. (Attachment GG.) This document provides an excellent overview of the criminal and civil response to domestic violence incidents.

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**(2) Develop a Protocol For the Lifting of Restraining Orders.**

As noted above, at the June 18, 1999, hearing, the court lifted the stay away order against Ramirez, despite Ms. Tempongko's obvious upset. (See p. 8, above.) According to Judges Morgan and Tang, the lifting of Stay Away Orders is a problematic area for judges. (Interview statements, Attachment-PP 6 and 7.) Both judges acknowledge that there is no judicial protocol regarding the lifting of Stay Away Orders, which leaves a great deal of room for judicial discretion. A judge's training in the area of domestic violence, on a legal, psychological and social level, greatly influences how he or she responds to these court matters. Currently, domestic violence training is not mandatory. (See Recommendation No. 3, below.)

Judge Morgan stated that she does not like to lift a stay away order, but acknowledged that there might be some circumstances in which this is necessary to reunite a family. When she does lift such an order, she requires the defendant to make weekly appearances to ensure that the defendant stays on track and understands that the court is watching. (Interview statement, Attachment PP 6.) Judge Tang stated that she requires the victim to state on the record why she did not want a Stay Away Order. She also evaluates the dedication of the defendant, the program status and the Probation Department and Family Violence Project's recommendations regarding this issue. In addition, she noted that if a victim is visibly emotional in court, she puts the matter over for another day to make sure the victim is making this decision without duress. (Interview statement, Attachment PP-7.) Both Judge Morgan and Judge Tang agreed that the issue was complicated. (Interview statements, Attachments PP-6 and 7.)

The court should consider developing a protocol for how to handle Stay Away and Restraining Orders. Perhaps judges could create guidelines, or a list of questions to ask victims, which would assist them in obtaining information that would guide their decision making process. It would also be beneficial to cite the reasons for lifting a Stay Away Order on the record. The court should request that the victim be in court, and try to determine if she/he is making this request freely and without duress.

**(3) Require that Judicial Officers Handling Domestic Violence Matters Be Trained in Domestic Violence.**

Both Judge Morgan and Judge Tang stated that judicial training on domestic violence is available and adequate. It is, however, voluntary. (Interview statements, Attachment PP-6 and 7.) The Office for Victims of Crime Bulletin states, "Judges should play a leadership role in ensuring that police, prosecutors, defense counsel, judges and court administrators receive joint training so that all have a comprehensive picture of what happens to a victim as he or she navigates through the criminal justice system." (Attachment JJ.)

The Superior Court should review the available domestic violence training and consider making such training mandatory for all judges, or at least for those judges handling domestic violence matters. The training should include sensitivity towards crime victims. Emphasis would be on making sure that victims' rights are explained to victims completely. Training should also provide a comprehensive review of the criminal justice system's response to domestic violence and the impact of alcohol and substance abuse on domestic violence.



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**(4) Work with the Police Department, DA and the Probation Department to Coordinate Computer Data Systems and Implement System-Wide Statistical Data Collection.**

Currently, it appears that the Police Department, DA and Probation Department collect their own data relating to domestic violence cases. It does not appear that this information is shared or analyzed as a whole to determine strengths and weaknesses, as well as an analysis of the success rate of the community offender programs.

McAllister is currently evaluating the systems of the Adult Probation Department and the Court. Next, she plans on working with the Probation Department to formulate a committee that will implement a new certification process for batterers' programs. McAllister stated, "...everything needs to be brought up to a certain standard before we can even begin to look at how effective our system is." She continued, "We have systemic gaps and systemic lack of knowledge. . . .the base of this all is to have a data collection system and also a community that communicates. So that we're communicating between all of the major players, courts, police, DA, batterer programs, probation and all. That would definitely be an improvement on the present fragmentation." (Interview statement, Attachment PP-8.)

The City should evaluate the computer data system and include a methodology for system wide data collection. We suggest that an individual or committee evaluate these data on a regular basis and make public recommendations as a result of analysis of the data.

**(5) Work with the Probation Department to Increase Staffing Levels.**

As noted above in the section addressing the Probation Department, the Probation Department's level of staffing is far from adequate. Furthermore, we do not know if all members of the Superior Court bench are aware of how inadequate the staffing levels are and the extent to which probationers' cases are left unsupervised.

We suggest the Court work with the Probation Department to address staffing levels. In addition, we suggest that the Court ensure that all of its judicial officers are aware of this issue.

**(6) Encourage Defendant Participation in Parent Education Classes When Appropriate.**

Judge Morgan recommended that the court encourage defendant participation in parent education classes. She noted that, often, women choose to remain with a battering partner. She believes we should provide them with learning tools that could have a positive impact on the family as a whole. These classes could involve both the victim and offender, as well as children, if appropriate. She noted that children are greatly impacted by violence in the home, even if they are not a direct recipient of the violent behavior. (Interview statement, Attachment PP-6.) The court could supervise these parent education classes by requiring regular progress reports.

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## VI. SOCIAL SERVICE AGENCIES

We conducted interviews with staff from POCovi, RSVP, Manalife, and Woman, Inc., and reviewed documents from the Mission Council on Alcohol Abuse and RSVP. The batterers program staff all said that Ramirez was an excellent participant who took the program seriously. His progress reports were typically very good. (Attachments LL-5 & PP-11, 12, 15). He was written up by staff once for a minor violation for calling a female staff member a "bitch." (Attachment LL-7.) He even went so far as to help others understand the program concepts. (Interview statement, Attachment PP-12.) As we note above, however, during several points in his treatment, Ramirez was non-compliant. (See pp. 8, 15, above.) Staff from the service agencies were shocked, and extremely upset when they learned about Ms. Tempongko's murder.

When Ramirez was attending the RSVP program at San Bruno, Luis Ortega was the facilitator of the Spanish-speaking group. He stated that at one point, Ramirez voiced suicidal thoughts to Ortega. He informed a deputy and the RSVP staff, and he thought that Ramirez was evaluated by the Jail Psychiatric Unit. (Interview statement, Attachment PP-15.) According to Bianca Ramirez, RSVP would not typically call the probation officer with that information, and the probation officer would have no way of learning about it.

It is critical that suicidal information be shared with probation officers because this is one of the factors that need to be considered when evaluating lethality issues. If a probation officer doesn't know about these issues, he/she cannot properly monitor an offender when they are released from custody. RSVP recently funded a position for probation officer to work out of the RSVP program to ensure that the Probation Department has better coordination with RSVP and Manalife. (Interview statement, Attachment PP-14.) This is an excellent step towards better communication and coordination between the in-custody and out-of-custody DV programs.

### **(1) Evaluate Batterers' Programs to Determine their Effectiveness.**

As stated directly above, Ramirez's service providers stated that he was an excellent participant. His providers were shocked when they learned of Ms. Tempongko's murder. That he performed so well, yet continued his violence (the two incidents in September, as well as the homicide) demonstrates that the programs were not effective for him.

In addition, as noted throughout the chronology, Ramirez's violent episodes were accompanied by alcohol use. During his interview, Urban Poole stated that he believes that the Manalife and RSVP programs insufficiently address mental health and substance abuse issues. (Attachment PP-13.)

As noted above, the court is currently evaluating the effectiveness of the battery programs. Such an evaluation is necessary so that judicial officers will have better information to guide them when determining whether placing a defendant on probation and ordering him to complete a batterers' program is an effective disposition. In addition, we suggest that service organizations work closely with the courts and Probation Department to make sure that their programs adequately address substance abuse and mental health issues.

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**(2) Ensure Staff Understand Legal Parameters of Domestic Violence Victim-Counselor Privilege and Work with the Probation Department to Determine When Victim's Communications Should Be Shared.**

As noted above, Ms. Tempongko attended a "women's gathering" hosted by RSVP and held at Women, Inc. RSVP invited all victims of batterers attending the RSVP program. The invitation letter stated that the "Women's Gathering is completely confidential . . . ." (Attachment LL-14.) Prior to this gathering, on February 7, 2000, Bianca Ramirez sent Ms. Tempongko a letter that stated, "My relationship with you and the services that I provide you are completely confidential." (Attachment LL-11.) Staff from RSVP's batterers programs also attended the Women's Gathering. These staff members did not have a client relationship with Tempongko, and they rarely have contact with victims.

As noted above, Ms. Tempongko made statements at this gathering that were heard by the offender program staff, as well as the other victims, Victim Restoration Program staff, and Woman, Inc staff. She indicated that she was forced to come to the event by her offender, and she was clearly unhappy being there. Later, to a more intimate group of counseling staff, she indicated that she feared that either he was going to kill her, or she would kill him. (See pp. 13-14, above.)

California law establishes a domestic violence victim-counselor privilege. (See Evid. Code sec. 1037 et. seq.) The privilege protects "confidential communication" between the victim and the counselor in the course of their relationship. (Evid. Code sec. 1037.2.)<sup>16</sup> The law defines that "confidential communication" as "information transmitted between the victim and the counselor in the course of their relationship and in confidence by a means which, so far as the victim is aware, discloses the information to no third persons other than those who are present to further the interests of the victim in the consultation or those to whom disclosures are reasonably necessary for the transmission of the information or accomplishment of the purposes for which the domestic violence counselor is consulted." (*Ibid.*)

It does not appear that Ms. Tempongko's comments when participating in the Women's Gathering were confidential communications protected by law.

The question remains, should the offender program staff have called Ramirez's probation officer and voiced their concern about Ms. Tempongko's safety? It is difficult to know if such intervention is helpful or puts victims at greater risk. We suggest that program staff be trained on the legal parameters of the domestic violence victim-counselor privilege. We also suggest that offender program staff, advocates for battered women and the Probation Department discuss the issue and develop some standards on when such information should be shared.

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<sup>16</sup> The law provides that the court may compel disclosure of information received by a counselor which constitutes relevant evidence of the facts and circumstances involving a crime perpetrated against the victim or other household member, if the court determines that the probative value of the information outweighs the effect of disclosure of the information on the victim, the counseling relationship, and counseling services. (Evid. Code sec. 1037.2.)

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## VII. CONCLUSION

There are some unanswered questions regarding whether or not the City could have responded better to the calls for help from Claire Tempongko. While no one knows if any action taken by the City would have prevented her tragic death, this investigation has determined that citywide changes are necessary, and that systems can always be improved regarding the City's response to domestic violence.

The recommendations discussed above are not necessarily new ideas to those who have worked in the field of domestic violence, but they present an overview of the areas that need to be developed and reviewed. We cannot assume that our systems are effectively working without a constant review and critical analysis of their efficiency. We must learn from other counties and states with successful programs, and most importantly, we must continue to engage in dialogue with community advocates to better understand how law enforcement and the criminal justice system can protect victims of domestic violence. Even if we never have answers to the numerous questions regarding how specific departments responded to Tempongko's charges against Ramirez, certainly enough has been learned to begin creating policy and implementing necessary changes. This review must be continual and inclusive of law enforcement, the courts, social service agencies, community groups, and the victims themselves. Hopefully, this commitment will create structures that improve San Francisco's response to domestic violence.

# ~~EXHIBIT 44~~

**~~Justice and Courage:~~**  
**~~A Blueprint for San Francisco's~~**  
**~~Response to Domestic Violence~~**

**~~March 2002~~**

**~~Commission and Department on the Status of Women~~**

~~“What happened to my daughter was a personal tragedy for our entire family. The system failed her. My daughter asked for protection and did not get it. My hope is that lessons can be learned and policies implemented that will prevent other people from enduring what happened to my daughter and my family.”~~

~~*Clara Tempongko, Mother of Claire Joyce Tempongko*~~

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~~This report is dedicated to Claire Joyce Tempongko and the countless victims of domestic violence: the survivors, partners, mothers, fathers, aunts, uncles, cousins, children, and friends who have lost loved ones to domestic violence.~~

~~This report honors the courage of survivors of domestic violence and provides a vision for justice and an end to violence.~~



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## **~~Mission Statement~~**

~~The mission of the San Francisco Commission and Department on the Status of Women is to ensure the equal treatment of women and girls in San Francisco and foster their socioeconomic, political, and educational advancement through policies, legislation, and programs, focusing on women and girls in need.~~



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1. ~~San Francisco Police Department, February 2001. *Crime Bulletin,*  
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2. ~~Helen Lelehuk, May 2001. "Brown Proposes System To Track  
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The San Francisco Commission and Department on the Status of Women were stunned by the murder of Claire Joyee Tempongko by her ex-boyfriend, Tari Ramirez, in front of her two young children in October 2000. We were sadly reminded of a similar murder that occurred in 1990 when there was no citywide response to domestic violence. At that time, the Commission and Department conducted an investigation into the murder of Veena Charan by her estranged husband, from which a coordinated intervention system was created. Although a citywide response to domestic violence was then developed, Claire's death demonstrates that significant problems still exist within the system. Because of the Commission and the Department's twenty-five years of experience working to stop violence against women, we knew we would once again take on the responsibility of reviewing the city's response to domestic and family violence.

The Commission and Department received full support from San Francisco Mayor Willie L. Brown, Jr. and the Board of Supervisors, particularly Supervisor Gavin Newsom and former Supervisor Michael Yaki. We would like to thank Mayor Brown for his quick response in addressing some of the immediate problems that were brought to his attention after Claire's death and to his long-term commitment to implementing this report's recommendations. A special thanks goes to Treasurer Susan Leal for her continued support and involvement.

This report represents hundreds of hours of work that could not have been completed without the efforts of many people. The Commission and the Department formed the Review Panel, made up of leaders from the domestic violence community, which oversaw the investigation of Claire's murder and reviewed and made recommendations regarding the city's domestic violence policies and procedures. I wish to express my gratitude to the members of the Review Panel, particularly Ken Theisen for his commitment to this work; to Supervisor Gavin Newsom who secured funding for the investigation, the public hearing, and the production and dissemination of this report; to my fellow Commissioners for their support; and to the Department on the Status of Women staff, particularly Rosario Navarrette, the Department's Interim Executive Director, for her leadership. I would like to recognize members of the City Attorney's Office for their outstanding efforts in handling the investigation: Louise Renne, former City Attorney, who was committed to the integrity of the process; Blanche Blachman, for conducting a thorough investigation; and Deputy City Attorney Amy Aekerman for writing a comprehensive report. I am also appreciative of all of the city departments who participated in the investigation.

~~The Commission and Department on the Status of Women believe that this report portrays a complete picture of where gaps exist in San Francisco's response to domestic violence and that the implementation of the outlined recommendations is essential to ensure that these gaps are closed in order to prevent future deaths. Our most critical recommendation is to promote public accountability by creating an oversight body that would include community members and city departments addressing domestic violence.~~

~~Finally, I would like to commend Claire's mother, Clara, and her family for their courage, in a time of deep loss and pain, in advocating for all women and their families who have experienced domestic violence.~~

~~Dorka Kechh  
Chair, Review Panel  
Vice President, Commission on the Status of Women~~

## Acknowledgements

The Commission and Department on the Status of Women wish to thank Mayor Willie L. Brown, Jr. for his commitment and leadership ensuring that the city works to protect battered women and their children through a coordinated domestic violence response system. Mayor Brown is clearly dedicated to developing San Francisco as a model for effective domestic violence intervention. His continued support is essential to the successful implementation of the critical recommendations contained in this report.

The Review Panel donated many hours toward the completion of this report. The Review Panel was deeply committed to establishing accountability for effective domestic violence intervention systems and carried a vision of creating cutting edge programs and services in San Francisco. We would like to especially thank Ken Theisen, Bay Area Legal Aid, for his tenacity and dedication to systemic changes that will save lives. A special thanks to the other members of the Review Panel: Ricardo Carrillo, Ph.D.; Donna Diamond, formerly of San Francisco Domestic Violence Consortium and Partners Ending Domestic Abuse; Terry Person, Community United Against Violence; and Rebecca Rolfe, formerly of San Francisco Women Against Rape.

We thank the City Attorney's Office, particularly former City Attorney Louise Renne for being responsive to the Department on the Status of Women and agreeing to conduct the investigation. Her efforts to create an internal mechanism allowing staff assigned to this investigation to work independently from other staff that may be involved in legal actions regarding the Tempongko case resulted in an effective and thorough investigation. Additionally, we wish to acknowledge the leadership demonstrated by the City Attorney in taking the risk of not only conducting the investigation, but also providing additional questions and recommendations to the Commission and Department in an effort to improve the citywide response to domestic violence. We thank the current City Attorney, Dennis J. Herrera, for continuing to provide the necessary leadership in this effort to prevent domestic violence homicides and to protect our most vulnerable residents.

A very special thanks goes to Amy Ackerman, Deputy City Attorney, and to Blanche Blachman, Investigator for the City Attorney's Office. Ms. Ackerman gave many hours of her time to provide an investigative report that was factual, concise, and well written despite the number of challenges presented in organizing an investigation of this scope and depth. Ms. Ackerman's hard work and leadership in this effort is truly appreciated. Ms. Blachman reviewed hundreds of documents and interviewed many representatives of city departments, law enforcement, and community based organizations in order to piece together the puzzle of the events that led to the murder of Claire Joyce Tempongko. We acknowledge the difficult task that Ms. Blachman took on in trying to portray an accurate picture of the city's response to Ms. Tempongko and her family and how this tragedy came to be. Ms. Ackerman's and Ms. Blachman's work and efforts form the heart of this report, laying a foundation for all of us to be held accountable for ensuring the safety and well being of domestic violence survivors in our community.

We appreciate Susan Leal, San Francisco Treasurer, for her recognition of the impact domestic violence has on the city and for her work to increase the reward for information on Tari Ramirez from \$10,000 to \$25,000. Additionally, her support of the investigation and the implementation of the recommendations has been critical to this process.

We applaud the courage of Clara Tempongko and her family who took a very tragic personal loss and became an active living voice for victims and their families. Ms. Tempongko's participation in forming the Justice for Claire Joyee Tempongko Campaign helped raise awareness of the devastation domestic violence leaves in its wake and has had a significant impact in San Francisco. Ms. Tempongko calls us all to action, motivating many people in the community and the government to work together with a common goal and vision. We thank the Family Violence Prevention Fund for its model approaches, programs and work on a national, state, and local level to end domestic violence and for helping the Tempongko family through this tragedy to advocacy.

We thank the Commission on the Status of Women members for their support and leadership in bringing the truth to light on behalf of those who no longer can speak for themselves. A very special thanks goes to Dorka Keehn, Commission Vice President and Chair of the Review Panel, for her leadership in ensuring that community involvement and input was a part of this process.

Finally, a very special thanks to the Department on the Status of Women staff whose team spirit resulted in this report, particularly Holly Friel and Carol Sacco, for their invaluable assistance in this project. We give another very special thanks to Rebecca Rolfe for her hard work and dedication in keeping us focused in this process and in writing this report.

## Executive Summary

In October of 2000, Claire Joyce Tempongko was murdered, allegedly by her estranged boyfriend, Tari Ramirez. Ms. Tempongko was stabbed to death in front of her two children, aged five and ten. Mr. Ramirez, who was seen fleeing the scene, is still at large and is believed to have left the country.

This murder shocked and angered the community and everyone who works to stop violence against women. We are angry that another woman was murdered by someone who professed to love her. We are angry that two children witnessed their mother being stabbed to death. We are angry because Claire Joyce Tempongko made repeated attempts to stop the violence in her life and because ultimately all of the services and systems designed to protect her failed to do so.

The murder of Ms. Tempongko is painfully reminiscent of the 1990 murder of Veena Charan. Both women were murdered by their intimate partners, both were murdered in front of their children, and both attempted to access the criminal justice system and services to stop the violence they were experiencing.

Ten years ago, Veena Charan's murder sparked an extensive review of the criminal justice system's response to domestic violence. The San Francisco Domestic Violence Consortium (DVC), a citywide coalition of service providers assisting battered women and their children, initiated the investigation. They asked the Commission on the Status of Women (COSW) to review the circumstances leading to Ms. Charan's death, specifically the way the criminal justice system responded to her attempts to seek help. The COSW formed a committee to conduct an investigation and review the responses to domestic violence by the Police Department, the District Attorney's Office, the Adult Probation Department, the courts, and the Department of Social Services (now called the Department of Human Services). The resulting investigation was published in a document titled *San Francisco's Response to Domestic Violence: The Charan Investigation*, the first report in the nation to examine the systemic response to a domestic violence homicide.

A major finding of the Charan investigation was that many domestic violence homicides are preventable. The Charan report identified problems within the city's response to domestic violence, specifically the lack of consistency and coordination between the various agencies, which hinders the system's ability to successfully intervene in situations of escalating violence. The Charan report made over one hundred recommendations for changes to the civil and criminal justice and social service systems. Among the areas covered by the recommendations were: interagency/department communication and coordination, data collection, access to services, training, and the creation of an interdisciplinary task force.

The 1991 Charan report provided the city with an opportunity to create a model citywide response to domestic violence. By 2000, many of the recommendations in the Charan report had been implemented, including some significant changes in the criminal justice and social service systems. The Police Department, the District Attorney's Office, and the Adult Probation Department created specialized domestic violence units within each department. The courts instituted a Domestic Violence Court specifically to hear domestic violence related misdemeanor

cases. Training programs were created for law enforcement, bringing together community members and law enforcement personnel in interdisciplinary training teams. Many new programs were developed between 1990 and 2000 including programs designed to address the treatment of violent offenders, more culturally accessible and community specific services, and increased capacity for existing programs.

The murder of Ms. Tempongko ten years later confirms that, while many positive changes have been made, much remains to be done. Some of the recommendations from the Charan report were never implemented including a recommendation to create an oversight body to coordinate the work of individual departments and programs. Without an oversight body, or a formal structure to take its place, communication and coordination between the components of the criminal justice system continued to be a serious problem. Other recommendations were implemented but follow through became inconsistent over time. There was no formal mechanism to evaluate how the recommendations were implemented or to review whether implementation of the recommendations was effective in achieving an improved systemic response.

By April of 1999, when Ms. Tempongko first sought assistance from the criminal justice and social service system, many services and programs were in place. The fact that the system ultimately failed her points to serious problems and failures in what needs to be a seamless system.

Ms. Tempongko contacted the police at least six times from April of 1999, when she filed the first police report regarding Mr. Ramirez's violence, to October of 2000, when Mr. Ramirez allegedly killed her. In addition to filing police reports, Ms. Tempongko actively participated in police investigations, obtained a Stay Away Order, sought assistance through the Victim/Witness Compensation Program, and initiated contact with programs providing counseling and assistance to victim/survivors of domestic violence. At the time that he allegedly killed her, Tari Ramirez was on probation for domestic violence crimes and had participated in treatment programs for domestic violence offenders.

After Ms. Tempongko's murder, the City and County of San Francisco and community members mobilized to address the apparent problems in the city's domestic violence intervention services—focusing on the criminal justice system. The Family Violence Prevention Fund provided leadership to community members and domestic violence agencies in creating the Justice for Claire Joyce Tempongko Committee. Treasurer Susan Leal worked with community members to increase the reward offered for information leading to the arrest of Tari Ramirez and worked to ensure funding for the JUSTIS system, a computer system designed to coordinate information sharing between the components of the criminal justice system. Mayor Willie L. Brown, Jr. pledged his support for improving domestic violence services provided by the city including full staffing for the specialized Domestic Violence Response Unit in the Police Department, culturally sensitive training on domestic violence, and the completion of the JUSTIS system.

Supervisor Michael Yaki asked the Commission and Department on the Status of Women (Commission and Department) to investigate the criminal justice and social service systems'



response to domestic violence in general and Ms. Tempongko in particular. Supervisor Gavin Newsom led the effort to secure funding for the Department to take on this work.

In February of 2001, the Commission and Department convened a Review Panel to assist in the investigation. Community experts on violence against women were asked to participate on the Review Panel, which was charged with assisting the Department in evaluating the criminal justice and social service systems' response to domestic violence, identifying gaps in services and barriers to people accessing available services, and developing recommendations to remove those barriers and gaps.

In addition to convening the Review Panel, the Department asked City Attorney Louise Renne to conduct an investigation into the criminal justice system's response to, and interactions with, Ms. Tempongko and Mr. Ramirez. Ms. Renne fully supported the investigation, providing a senior investigator, Blanche Blachman, and a deputy city attorney, Amy Aekerman, to conduct the investigation and to prepare the report. Ms. Renne ensured the integrity of the investigative process by creating formal separations between the staff assigned to conduct the investigation and staff who may be called upon to represent San Francisco in any legal matters pertaining to Ms. Tempongko's murder.

Although all city departments pledged their initial support and participation in the investigation, the Police Department and the District Attorney's Office did not fully participate. These departments cited the ongoing criminal investigation and prosecution (since Tari Ramirez is still at large), legal restrictions on when peace officers can be compelled to answer questions, and a pending civil suit against the City and County of San Francisco filed by Ms. Tempongko's family as factors in their decision to limit their participation in the City Attorney's inquiry.

The Review Panel met with Ms. Blachman at the beginning of the investigation to provide general background information and expertise in domestic violence. Ms. Blachman conducted extensive interviews with staff from the participating departments and met with representatives of the Police Department and the District Attorney's Office. She reviewed thousands of pages of documents provided by the departments including public records regarding the Police Department's and the District Attorney's handling of Mr. Ramirez's cases.

The investigation is summarized in the City Attorney's report, which is provided in the appendix to the full *Justice and Courage* report. The report provides a comprehensive and detailed outline of the history of Ms. Tempongko's and Mr. Ramirez's interactions with the criminal justice system. It clearly outlines the system's response to Ms. Tempongko and her family, the protocols that were in place, and the degree to which actual practices deviated from the established protocols. Most importantly, the City Attorney's Report clearly demonstrates that there are serious flaws and problems in our domestic violence intervention and service delivery system.

In addition to the investigation conducted by the City Attorney's Office, the Review Panel assisted the Commission and Department in conducting a press conference and public hearing on domestic violence on May 15, 2001. The hearing provided members of the public with an opportunity to testify about their experiences with city departments and community based organizations regarding domestic violence services. The issues raised at the public hearing

centered around several areas including the need for coordination and communication between the different criminal justice departments; review of existing policies and protocols; methods to ensure that existing policies and protocols are followed consistently; training, particularly on cultural awareness and victim sensitivity; and the clear and consistent need for more services, particularly for marginalized communities and children. Overall, participants in the hearing expressed a strong need for leadership in the criminal justice and social service systems to make violence against women a priority issue.

The Commission and Department worked with the Review Panel to synthesize the information from the City Attorney's report, the public testimony at the hearing, and best practices models into a series of recommendations for changes in the criminal justice and social service systems' response to domestic violence. The full *Justice and Courage* report includes one hundred recommendations including general interagency recommendations as well as recommendations specific to the Adult Probation Department, the Department of Human Services—Child Protective Services, the District Attorney's Office, the Emergency Communications Department, the Medical Examiner, the San Francisco Police Department, the San Francisco Sheriff's Department, the San Francisco Superior Court—Criminal Division, the San Francisco Superior Court—Family Division, and community-based services.

The recommendations define a blueprint for a model response to domestic violence. Successful implementation requires the active participation of community-based service providers and the full support of city departments. Implementation of the recommendations may require additional costs or reallocation of existing resources; however, they will ultimately result in an overall reduction of expenses by making the domestic violence intervention systems more effective and reducing the number of domestic violence cases brought to the criminal justice system.

The recommendations in the report focus on five primary areas: 1) development of an oversight body, 2) communication and coordination between departments and programs, 3) protocols and policies, 4) resources including personnel and training, and 4) data collection and management.

One of the most critical ingredients for successful implementation will be the full commitment of each program and department to collaboration, accountability, and evaluation. San Francisco has been successful at creating specialized units and programs addressing domestic violence, however gaps in services and lack of communication between departments have created serious problems. In some cases, protocols exist but are not followed consistently and few mechanisms have been developed to evaluate their effectiveness or to analyze how they are being utilized. Additionally, while individual agencies and departments may have a commitment to evaluating the effectiveness of their own programs, there has been no overall system of evaluation or public accountability.

To address the need for collaboration and accountability, we recommend the development of a multidisciplinary oversight committee. The oversight committee would have responsibility for overseeing the implementation of these recommendations, and for ensuring that the recommended changes occur in a collaborative context. To be effective, these changes must take place within a context of cross-disciplinary input, open communication, and public accountability. Law enforcement, prosecution, the courts, and victim service providers must all

actively participate in making changes to San Francisco's domestic violence services delivery system.

The full report lists recommendations in the following areas:

**Oversight Committee:** A multi-disciplinary oversight committee under the authority of the Commission and Department with responsibility for implementing the recommendations in this report and for evaluating and analyzing the impact of the implementation. The committee's work would culminate in a final evaluation of the implementation of these recommendations and a reassessment of violence against women service delivery, crisis intervention, and criminal justice response systems in San Francisco.

**Interdepartmental Communication and Coordination:** Agencies and departments working on domestic violence issues need to develop consistent and timely methods to share information between and across departments. These methods should ensure that information regarding changes within each department's policies and procedures can be shared with other departments, support a collaborative interdepartmental approach to service delivery, and allow for the members of the service delivery systems to identify and respond to trends and problems as they arise.

**Resources:** Departments and programs need to evaluate the staffing necessary to adequately meet domestic violence caseloads. Additionally, departments and programs with specialized units need to fully staff their units with active duty employees able to commit their time and expertise fully to domestic violence cases. Domestic violence training curricula for all departments need to be evaluated to ensure that trainings minimally include an overview of domestic violence, victim sensitivity, cultural awareness, information relevant to the specific role the department staff play in addressing domestic violence, relevant policies and protocols, and cross training on the role of other service providers or criminal justice agencies. Training curricula should be developed for initial training/orientation of new staff or officers, ongoing training for existing staff or officers, and specialized advanced training for staff or officers assigned to work with a large number of domestic violence cases.

**Protocols:** Existing protocols need to be reviewed to ensure that they adequately address the effective investigation, prosecution, and other forms of intervention for domestic violence. Protocols should be written wherever possible and all appropriate staff should be adequately trained on their purpose and application. Protocols should be reviewed internally as well as in an interdepartmental context to ensure that they meet the needs of the specific department and support effective work in other related departments. Evaluation mechanisms should be developed to ensure that actual practices in each department meet the criteria established in the protocols.

**Data Collection:** The criminal justice departments need to coordinate their data collection and information management systems to ensure interdepartmental access to current, accurate, and complete information on criminal cases pending or active within the system. Additionally, data should be collected to allow for accurate analysis and evaluation of the effectiveness of existing service delivery systems.

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## **Background and History of Domestic Violence Intervention Systems in San Francisco**

In January of 1990, Veena Charan was murdered by her estranged husband, Joseph Charan. What made this domestic violence murder stand out from the many other domestic violence murders in San Francisco were the circumstances. Ms. Charan had actively sought the assistance of the criminal justice system, the family court, and social services. She had been successful in separating from her husband, who had been physically violent to her. She was granted custody of their nine-year-old son, obtained a restraining order, and pursued the options available to ensure her own safety and the safety of her son. In spite of her efforts, Joseph Charan continued to demonstrate an escalating pattern of violence that ended with his murder of her in the schoolyard of their son's school, in front of their son, other school children, and teachers. After murdering her, he committed suicide. Part of the tragedy of Ms. Charan's murder is that, had it not been for the extraordinary setting of her homicide, we might never have heard about it. She would have been lost in the nameless and faceless statistics of the 3.9 million women who are battered, stalked, and/or killed by their intimate partners each year.

Because of its extenuating circumstances, Ms. Charan's murder was one of the few domestic violence stories that made the headlines. The media coverage of the murder helped to focus public scrutiny on the fragmentation and problems in the civil and criminal justice systems' responses to domestic violence. Members of the San Francisco Domestic Violence Consortium, a citywide coalition of service providers assisting battered women and their children, asked the Commission on the Status of Women (Commission) to investigate the circumstances leading to Ms. Charan's death, specifically the criminal justice system's response to the violence in her life.

The Charan investigation was the first in the nation to look into the systemic response to domestic violence in direct relation to a domestic violence homicide. The Commission formed a committee to conduct the investigation and review the responses of the Police Department, the District Attorney's Office, the Adult Probation Department, the courts, and the Department of Social Services (now called the Department of Human Services) to domestic violence. The Family Court, the civil branch of the courts, did not participate in the investigation, citing confidentiality requirements, however the Criminal Courts did participate. The result of the investigation was The Charan investigation report (Charan report) published in 1991 (see appendix for the Charan report executive summary).

Perhaps the most significant finding in the report was that many domestic violence homicides are preventable. Joseph Charan clearly demonstrated a pattern of abuse and violence. Ms. Charan actively sought intervention from the civil and criminal justice and social service systems, creating multiple opportunities for effective intervention. These opportunities were never realized due to significant problems in the systems' fragmented response. The Charan report identified many of these problems, detailing over one hundred recommendations for change in the civil and criminal justice and social service delivery systems.

These recommendations covered five primary areas: 1) interagency/department communication and coordination, 2) data collection, 3) access to services, 4) training, and 5) creation of an interdisciplinary task force. The following details the general recommendations in each of these

areas:

**Communication and Coordination:** Agencies and departments need to share information regarding their work on domestic violence; to coordinate their efforts so that domestic violence victim/survivors are given accurate, timely and consistent information; to cooperate with each other in investigation, prosecution, provision of social services and probation supervision of domestic violence related cases; and provide cross-training across departments and issues.

**Data Collection:** There is a lack of accurate and timely data collection or sharing of information between different components of the criminal justice system. These data collection problems negatively impact individual criminal justice cases as well as the ability to analyze patterns and trends in domestic violence overall.

**Access to services:** More culturally accessible services are needed within the civil and criminal justice and social service systems, particularly around cultural differences, language barriers, and sexual orientation.

**Training:** Domestic violence advocates should be involved in developing and implementing training for law enforcement on topics such as cultural sensitivity, dynamics and effects of domestic violence, training on specific department protocols, and language translation of civil and criminal justice materials and proceedings.

**Oversight Committee:** There is a need for an Oversight Committee with the authority to evaluate whether the systems are effective at protecting battered women and their children, and to oversee changes and improvements to the domestic violence services provided by the city.

Following the Charan investigation, the Commission requested that the Family Violence Project of the District Attorney's Office conduct a study of all domestic and family violence related homicides. They found that of all of the categories of homicides, domestic violence was the largest category accounting for 64% of total homicide cases. This study affirmed that Ms. Charan's murder was not an aberration, but that she was one of many women murdered by their partners every year. It also documented that domestic and family related homicides are preventable. One or more violent incidents are usually reported prior to a domestic violence related homicide. These early incidents provide opportunities for intervention, which could prevent further violence, including murder. These findings made the need for systemic changes in law enforcement's response all the more critical.

The 1991 Charan report provided the city with the opportunity to create a model response to domestic violence that was a coordinated and collaborative effort. All of the departments that participated in the Charan investigation acknowledged the need to create a citywide response to domestic violence. Community-based programs and advocates stood prepared to assist San Francisco in improving the response to domestic violence in order to prevent further domestic and family violence related homicides.

City departments had varied reactions to the Charan report, with most of the departments citing funding as a major barrier to implementing some of the recommendations outlined in the report.



From 1992 to 1996 changes that did not require additional funding were implemented. These efforts were conducted in partnership with law enforcement and community advocates. During the same period, the Commission on the Status of Women stabilized its existence by becoming chartered in 1994 and establishing the Department on the Status of Women (DOSW). The Department served as a critical link between city departments and the domestic violence community in the implementation of the Charan report recommendations.

By 2000, many of the Charan report recommendations had been implemented including some significant changes in the criminal justice and social service systems. The Police Department, the District Attorney's Office, and the Adult Probation Department created specialized domestic violence units within each department. The courts instituted a Domestic Violence Court specifically to hear domestic violence related misdemeanor charges. Training programs were created for law enforcement, bringing together community members and law enforcement personnel in interdisciplinary training teams.

Many new programs were developed during the past ten years. Programs designed to address treatment of violent offenders were instituted including Resolve to Stop the Violence Project (RSVP), a domestic violence program of the Sheriff's Department for offenders in custody. Culturally accessible services were developed or expanded to address the needs of victim/survivors of domestic violence including the Asian Women's Shelter, Mujeres Unidas y Activas, and same sex domestic violence programs at Community United Against Violence. These services and others moved toward addressing the issues of language accessibility, cultural accessibility, and community specific services. Existing service providers were able to increase their capacity as a result of increases in funding created by the federal Violence Against Women Act. In addition, the City and County of San Francisco increased funds for violence against women services. Increasingly, service providers began focusing on the effects of domestic violence on the whole family by addressing the needs of children who witness violence and the larger impact domestic violence has on the larger community.

California State Senator Hilda Solis introduced legislation in 1995 authorizing California counties to establish Domestic Violence Death Review Teams (DVDRT). The role of the DVDRTs was and is to investigate specific cases of domestic violence related deaths, including an in-depth analysis of the possible causes, and to review systemic responses. The California Attorney General's Office was given responsibility for overseeing the implementation of the DVDRT in the counties, which included the developing of guidelines and protocols, collecting data, and providing counties with technical assistance in the establishment of their DVDRT. With the establishment of their DVDRT, Santa Clara County became the model for other counties to follow.

The efforts to institute these reforms was helped by a significant increase in public awareness of domestic violence due to media coverage of high profile domestic violence homicides, including that of Nicole Brown Simpson, and the O.J. Simpson trial in the mid 1990s. The public attention created by media coverage of these cases raised the profile of domestic violence, generated wider support for domestic violence programs, and led to a significant increase in state funding for domestic violence shelter and intervention programs.

One of the major recommendations in the Charan report was the creation of a citywide oversight committee on domestic violence. Although several citywide, interagency bodies were started, including the Family Violence Council and the Domestic Violence Death Review Team, they did not fulfill the role of an oversight committee. The lack of an oversight committee has been one of the most significant obstacles to the implementation of an effective, coordinated citywide response to domestic violence. Without an oversight committee, each department implemented specific recommendations without a coordinated vision for developing departmental protocols and practices. Interdepartmental communication systems were never institutionalized, leading to a lack of effective information sharing between the many components of the civil and criminal justice systems. Without the oversight committee there was limited ability to review the implementation of new policies and protocols that were created. There was no assurance that recommendations were being followed and the ability to evaluate their effectiveness was lost. While trainings were developed collaboratively, each department was left on its own to implement, evaluate, and follow through on them. As a result, many training programs became inconsistent after a few years.

The efforts of individuals and departments to implement the recommendations in the Charan report should be applauded. Much change has been affected and the systems in place today are clearly an improvement upon the systems that were in place in 1990. Unfortunately, much work still remains to be done.

The murder of Claire Joyce Tempongko in October of 2000 is eerily reminiscent of the murder of Veena Charan ten years earlier. As with Veena Charan, Claire Joyce Tempongko's death is not an isolated incident, but it does demonstrate that there are still major gaps within San Francisco's citywide response to domestic violence.



## **Summary of the Murder of Claire Joyee Tempongko**

On Sunday, October 22, 2000, Claire Joyee Tempongko was stabbed to death in front of her two children, ages five and ten. Neighbors heard Ms. Tempongko's screams and called the police. Responding police officers found her dead in her apartment.

Witnesses saw 28-year-old Tari Ramirez running down the street with a bloody kitchen knife, which was later recovered by police. Three days after the murder, the police issued an arrest warrant for Tari Ramirez, who is the primary suspect in Ms. Tempongko's murder. Mr. Ramirez is still at large and is suspected to have fled to Mexico.

Prior to her murder, Ms. Tempongko contacted the police regarding Mr. Ramirez's violence towards her on at least six occasions, beginning on April 28, 1999. In her early communications with the police, Ms. Tempongko told the police that Mr. Ramirez had hit her eighteen times in the first six months of their relationship, which began sometime in late 1998. In addition to filing police reports, Ms. Tempongko actively participated in police investigations, obtained emergency protective orders and a Stay Away Order, sought assistance through the Victim/Witness Compensation Program, and participated in programs providing counseling and assistance to victim/survivors of domestic violence.

Over the following eighteen months, Ms. Tempongko contacted the police at least five more times to report additional incidents of violence by Mr. Ramirez including hitting, attempting strangulation, violating a restraining order, and making threats against her and her children. The last incident she reported to the police occurred on September 7, 2000—just six weeks before her murder. It appears that Ms. Tempongko's children witnessed most of the reported incidents and that adult witnesses, including Ms. Tempongko's parents, her brother, and a friend, were present for at least three of the reported incidents.

In addition to the reports Ms. Tempongko filed, Tari Ramirez had at least one other encounter with law enforcement. On October 16, 1999, he was arrested for loitering at a public toilet with intent to engage in lewd conduct, a charge unrelated to Ms. Tempongko.

The City Attorney's report, which is included in the appendix of this report, contains a full chronology of the events that Ms. Tempongko reported to the police as well as a detailed report on the interactions Ms. Tempongko and Mr. Ramirez had with the criminal justice system. The following description of the events leading to Ms. Tempongko's death summarizes this information.

Ms. Tempongko first contacted the police on April 28, 1999. She reported that she had refused Tari Ramirez entry to her home because he was under the influence of drugs. He had broken a window attempting to gain entry. Fearing that the neighbors would be disturbed, she allowed him into the house and told him that she did not want him to live with her anymore. Without warning he grabbed her by the hair, dragged her into the hallway, knocked her down, and left the scene. After leaving her home, Mr. Ramirez was involved in an automobile accident and arrested for driving under the influence.

On May 18, 1999, Ms. Tempongko again reported to the police that Mr. Ramirez had attacked her. She reported that he hit her head, threatened her with a broken beer bottle, pulled her by her hair and threatened to burn down her house.

On July 12, 1999, the Superior Court sentenced Mr. Ramirez to three years of probation for one count of felony spouse abuse as a result of the May 18 incident of violence. As a condition of his probation, the court ordered him to participate in a batterer treatment program and alcohol treatment program. The District Attorney's Office had previously dropped the battery charge relating to the April 28 incident. The District Attorney's Office also dismissed the charges relating to a May 24, 1999 violation of a Stay Away Order. The court sentenced Mr. Ramirez to time already served in exchange for a guilty plea on the driving under the influence charge.

On February 2, 2000, the court modified Mr. Ramirez's probation as a result of another battery incident that had occurred on November 18, 1999. On November 18, Mr. Ramirez grabbed Ms. Tempongko's hair and pulled her head back. Fearing for her safety, Ms. Tempongko left to go to her mother's house. She returned with her mother and stepfather after calling police from a pay phone. Upon her return, Mr. Ramirez forced her into the bedroom and refused to let her leave until the police arrived. The court modified probation to require Mr. Ramirez to serve six months of jail time and to continue participation in a batterer treatment program.

While in jail, Mr. Ramirez participated in the Resolve to Stop the Violence Project (RSVP). Both prior to his incarceration and upon his release in March 2000, he was enrolled in community-based batterer treatment programs. His evaluations from the batterer treatment programs are mixed, with some evaluating him as an ideal participant passionate about the work they were doing, while others evaluated him as extremely quiet or non-responsive. His participation in these programs was a condition of his probation and on at least one occasion Mr. Ramirez's probation officer advocated that he be readmitted to a program from which he had been discharged due to absences from mandatory sessions.

Mr. Ramirez was never prosecuted for the remaining two incidents that Ms. Tempongko reported to the police. On September 1, 2000, police responded to Ms. Tempongko's home and found her crying uncontrollably with blood spilling from her mouth. She reported that Mr. Ramirez had attempted to strangle her to the point that she had difficulty breathing. In a follow-up interview with the police, Ms. Tempongko added that Mr. Ramirez had stolen her purse and items in her purse at the time of the assault on September 1.

Ms. Tempongko called the police again on September 7, 2000 to report that Mr. Ramirez was making threats against her. Mr. Ramirez, who remained on the scene until the police arrived, smelled strongly of alcohol. The police arrested him for drunk and disorderly conduct and false representation of identity to a police officer and served him with an Emergency Protective Order issued as a result of the September 1 incident.

At the time of Ms. Tempongko's murder, Mr. Ramirez was on probation for a domestic violence felony conviction and was enrolled in a community-based batterer treatment program. Although Mr. Ramirez clearly demonstrated a history of violence, he had not been reassigned to a new probation officer after June 30, 2000 when his probation officer left the Adult Probation

Department. Mr. Ramirez continued without a probation officer until November 15, 2000, three weeks after the murder of Claire Joyee Tempongko, when the Adult Probation Department filed a Motion to Revoke Probation.

Following Ms. Tempongko's murder, which was witnessed by her children, her family expressed concern for the safety and well being of her children. The police report of her homicide made no mention of her children other than as witnesses to the homicide. Among the family's concerns was that on the night of Ms. Tempongko's murder the police left her children in the care of neighbors for many hours before they attempted to locate a family member. Additionally, the family expressed concern that it took months for the police to contact the children's school to develop a safety plan with the teachers and security personnel in case Tari Ramirez attempted to contact or harm the children.

At the time of her murder, Claire Joyee Tempongko was a 28-year-old Filipina woman, and a mother of two young children who had what should have been a long life ahead of her. Her mother describes her as being a good mother, daughter, sister, and friend. She had her own apartment, a new job, and a network of family and friends in the Bay Area who cared for her. She had a vision for her own future and the future of her children including dreams of her son becoming a medical doctor and her daughter becoming an administrator. She was working hard to make this future a reality. In her communications with law enforcement and social service providers, she expressed her fear of Tari Ramirez and her concern for her own safety and the safety of her children. She knew she was in trouble, but everything she tried to do to stop the violence failed to work.

Unfortunately she is not alone. An estimated 3.9 million women are physically abused each year—about one every eight seconds—and an estimated 683,000 women are sexually assaulted each year—about one every forty-six seconds. On average, more than three women are murdered by their domestic partners in the United States every day. Domestic violence affects thousands of women in San Francisco each year, resulting in between eight and nine thousand calls to the police on domestic and family violence related complaints.

While it is too late to save Ms. Tempongko's life, it is not too late to end the violence in the lives of other victims of domestic violence. The investigation into Ms. Tempongko's death and the criminal justice system's handling of her numerous police reports clearly shows a need for major improvements in the civil and criminal justice and social service systems' response to domestic violence.

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## **The City and County of San Francisco's Response**

After the murder of Claire Joyee Tempongko in October of 2000, Supervisor Michael Yaki requested that the Commission and Department on the Status of Women (Commission and Department) conduct an investigation into the citywide response to domestic violence, similar to the 1991 Charan investigation. In order to make the investigation possible, Supervisor Gavin Newsom secured additional short term funding for the Department on the Status of Women. To assist in the investigation, the Commission and Department convened community leaders in the field of violence against women on a committee it called the Review Panel.

The goals of the Review Panel were to evaluate the criminal justice and social service systems' response to domestic violence, to identify gaps in services and barriers to people accessing available services, and to make recommendations to remove those barriers and gaps. The Commission and Department requested that the City Attorney's Office conduct the initial investigation. Louise Renne, then City Attorney, assigned an investigator whose work included information gathering and interviews with the city departments that had interacted with Ms. Tempongko and with Ms. Tempongko's surviving family. Ms. Renne went to great lengths to protect the integrity of the investigation by creating formal separations between the staff working on the investigation and staff who might be involved in representing San Francisco in any legal proceedings related to Ms. Tempongko's death. The City Attorney's Office submitted a report to the Commission on the Status of Women in January of 2002 containing the results of the investigation as well as their analysis and recommendations. The City Attorney's report to the Commission is included in the appendix of this report.

The Review Panel was created with representatives from community-based organizations and staff from the Department on the Status of Women, and was chaired by Dorka Keehn, a member of the Commission on the Status of Women. The Review Panel developed questions for all of the parties involved (law enforcement, community-based service agencies, etc.) to help guide the City Attorney's investigator in the inquiry process. The Review Panel also planned and implemented a public hearing and established recommendations for corrective action to be included in the final report.

The Commission and Department on the Status of Women held a press conference and public hearing on May 15, 2001. At the press conference, Mayor Willie L. Brown, Jr. affirmed his commitment to improving domestic violence services including ensuring full staffing in the Police Department Domestic Violence Response Unit, supporting culturally sensitive training on domestic violence issues for the criminal justice system, and supporting a computer database to track domestic violence cases. The public hearing gave consumers, community members, and service providers an opportunity to provide testimony about their experiences with city departments and community-based services. Media clippings from the press conference and the Executive Summary of the public hearing can be found in the appendix.

The primary areas of concern raised at the public hearing were the need for the following: 1) coordination and communication between the different criminal justice departments; 2) review of existing policies and protocols; 3) methods to ensure that existing policies and protocols are being followed consistently; 4) training, particularly on cultural awareness and victim sensitivity;

and 5) more services, particularly for marginalized communities and children. Perhaps the strongest overall theme expressed during the public hearing was the need for leaders in the criminal justice and social service systems to make violence against women a priority.

At the public hearing, members of Claire Joyee Tempongko's family provided powerful testimony about the criminal justice system's response to the violence in Ms. Tempongko's life and the system's apparent lack of concern for the safety and well-being of her children. Her family spoke about the number of times Ms. Tempongko asked for help, the seriousness of the violence at each incident, the burden placed on her to follow up on the felony crimes committed against her, and the impact of the ongoing violence and murder on her children. Additionally, the family denounced the insensitivity of the police department's response to Ms. Tempongko's children on the night of her death and the apparent lack of security for them following her death. The family feels that the children, who witnessed their mother's murder, were at risk of further violence from the suspect, Tari Ramirez, who is still at large and had previously threatened to hurt the children.

It was clear from public testimony at the hearing that law enforcement, including representatives from the Police Department, the District Attorney's Office and the Adult Probation Department, are not consistent in implementing department protocols. The issues raised at the hearing were not only relevant in Ms. Tempongko's homicide but they also have much broader implications for the City and County of San Francisco. Battered women testified that the Police Department and the District Attorney's Office consistently failed in their responsibilities to victims of domestic violence related crimes. One woman testified that there was a total of six significant errors made by police officers and assistant district attorneys in investigating and prosecuting her abusive partner. The errors were committed by many different individuals within each of the departments, which demonstrated to her that these are systemic issues for the departments as a whole and not just the responsibility of the individuals involved in her case.

An example of systemic issues that need to be changed is that battered women who attempted to become independent of their batterers continued to have to deal with their former partners regarding issues related to shared child(ren) and other legal and familial commitments. Rather than supporting women in their efforts to end the violence, the civil and criminal courts often undermined these efforts. Rose Cassidy submitted written statements to the Department (included in the appendix) that demonstrate this experience. After leaving her husband, who had been physically abusive to her, Ms. Cassidy found that her husband became abusive to their daughter. Additionally, their son, who grew up witnessing his father's violence, physically assaulted Ms. Cassidy. Ms. Cassidy's experience with the police and courts was that they minimized the violence she and other family members experienced, thus participating in the victim blaming that has traditionally served to invalidate the experience of battered women and their children.

Testimony from members of the public, along with written statements submitted to the Department on the Status of Women, were incorporated into the recommendations of this report.

The City Attorney's investigation reveals law enforcement's response (Police Department, District Attorney's Office, Adult Probation Department, and the courts) to Ms. Tempongko and



her family, the protocols that were in place, and the degree to which actual practices deviated from the established protocols.

Initially, city departments pledged their support for the investigation, however full participation was negatively affected by several factors. Since Tari Ramirez, the prime suspect, is still at large, the criminal investigation and prosecution of Ms. Tempongko's homicide is still open. After the investigation began, Ms. Tempongko's family filed a civil suit against the City and County of San Francisco. Finally, the Public Safety Officers Procedural Bill of Rights Act provides significant restrictions on when peace officers can be compelled to answer questions. As a result, the Police Department and the District Attorney's Office declined to allow interviews with staff members regarding this specific case and denied access to some files and documents related to the investigation and prosecution of criminal cases involving Mr. Ramirez. Although the Police Department and the District Attorney did not fully participate in the City Attorney's investigation, both were responsive to the Commission and Department in our preparation of this report and have expressed their full support for improving the criminal justice system's response to domestic violence.

During the investigation, full interviews were conducted with representatives of the Superior Court, the Adult Probation Department, the Sheriff's Department, men's batterer treatment programs and domestic violence victim service providers. The investigator also met briefly with representatives of the San Francisco Police Department and the District Attorney's Office. The City Attorney's Office reviewed thousands of pages of documents provided by the participating agencies including public records related to the investigation and prosecution of the complaints filed against Mr. Ramirez and information that the Police Department and the District Attorney's Office agreed to make available.

The City Attorney's report creates a comprehensive and detailed outline of the history of Ms. Tempongko's and Mr. Ramirez's contacts with the criminal justice system. The report also outlines the system's and agencies' responses to Ms. Tempongko's and Mr. Ramirez's actions. In spite of the limited participation from the Police Department and the District Attorney's Office, the City Attorney's report provides a clear and comprehensive picture of the criminal justice system's response to domestic violence and reveals substantial gaps and problems.

### **Community Response**

The community reacted strongly to news about Ms. Tempongko's murder. Domestic violence victim service providers and advocates, community members, and activists joined together in outrage. The Family Violence Prevention Fund (FVPPF) took the lead in establishing the Committee for Justice for Claire Joyce Tempongko, organizing members of the Filipino-American community, and convening vigils in Ms. Tempongko's memory.

Initially a reward of \$10,000 was created for information leading to the arrest of Tari Ramirez. Treasurer Susan Leal and the FVPPF, with the support of Mayor Willie L. Brown, Jr., worked to increase the reward to \$25,000 in February of 2001.

In response to Ms. Tempongko's death, the FVPPF organized the *Not in My Home, Not in My*

~~Town~~ campaign against domestic violence. The campaign seeks to prevent domestic violence and improve the city's response to domestic violence through advocacy and public education. As a measure of the very personal nature of domestic violence, the campaign asks San Franciscans to sign a pledge promising to stop domestic violence: *Not in My Home, Not in My Town*. The campaign reached out at public events throughout San Francisco and thousands of people signed pledge cards committing them to ending domestic violence. As an outgrowth of this campaign, the FVPPF sponsored bringing V-Day, Eve Ensler's annual awareness event to stop violence against women and girls, to San Francisco in February of 2002.

The FVPPF also convened a series of discussions with community leaders on domestic violence issues. Community leaders involved included funders, service providers, and people in key policy and/or decision making roles.

To achieve the successful and full implementation of the recommendations in this report, we will need the continued active participation and support of all the community members as well as the Mayor, the Board of Supervisors and city departments involved in responding to domestic and family violence. We have the opportunity for San Francisco to become a national leader in our response to domestic and family violence. Our mission must be to create a system that effectively protects women and children from continued domestic violence and ends the violence in our families long before it escalates to a life or death situation.



## Recommendations

San Francisco has demonstrated a historic commitment to building an effective response to domestic violence. While many important gains have been made, much remains to be done. We now have an opportunity to create a national model of cutting-edge services and effective interventions for domestic violence.

These recommendations define a model domestic violence response, which will require individual city departments and agencies to commit to internal reviews and change as well as necessitate broad-based, collaborative interdepartmental revisions to service delivery systems. A model response will require government agencies and community-based service providers working together to implement recommendations and to ensure that the implementation meets established goals. We believe that it is within our power to create a model that will significantly increase the safety, health, and well-being of victim/survivors of domestic violence. Our goal is to save lives and to effectively intervene in situations of domestic and family violence long before violence escalates to murder.

While some of the recommendations will require a considerable reallocation of existing resources, implementation of these recommendations will save money in the long run. The criminal justice system is the most costly of all domestic violence interventions and in most domestic violence situations numerous incidents of violence are reported to the police. If we can successfully resolve domestic violence cases earlier, we can substantially decrease the need to involve the criminal justice system, thus saving money over the long term.

Of all of the recommendations provided here, two stand out as the most critical. The first is a commitment to evaluation, accountability, and collaboration. In the past ten years we have seen major expansion of the programs and services available for domestic violence survivors. In spite of these improvements, gaps in services and lack of communication between departments and programs have created serious problems. In many cases, protocols exist but are not being followed consistently and few mechanisms have been developed to evaluate their effectiveness or to analyze how they are being utilized. Additionally, while individual agencies and departments may have commitments to evaluating the effectiveness of their individual programs, there has been no overall system of evaluation or accountability. The City Attorney's report clearly speaks to this issue in its recommendations. While the work of the Death Review Team is important in reviewing specific domestic violence cases, it lacks enforcement to mandate change within individual departments and has not led to public accountability or to widespread change in service delivery systems. The City Attorney's report clearly demonstrates the fact that a series of seemingly small failures can significantly undermine the effectiveness of the criminal justice system, in this case leading to the system's failure to stop the clear pattern of violence demonstrated by Tari Ramirez against Claire Joyce Tempongko.

To address the need for collaboration and accountability, our second critical recommendation is the development of a multi-disciplinary oversight committee. The San Francisco Charter mandates that the Commission and Department on the Status of Women develop and recommend policies and practices for San Francisco regarding domestic violence and other forms of violence against women. In carrying out this mandate, the Commission and Department have a twenty-

five-year history of active involvement in recommending policy changes on violence against women and of working in partnership with city departments and community-based agencies to implement recommended policy changes. Both the City Charter's mandate and the Commission and Department's long history and demonstrated leadership on this issue support the need for the Commission and Department to continue to have a strong leadership role in creating and implementing this oversight committee. The Commission has adopted a resolution that would create an oversight body under the direction of the Commission and Department and staffed by the Department in order to continue this vital work.

The oversight body would have responsibility for overseeing the implementation of the recommendations contained in this report, ensuring that the recommended changes occur in a collaborative context. To be effective, these changes must take place within a context of cross-disciplinary input, open communication, and public accountability. The components of the criminal justice system are so closely interlinked that changes in one department will require the active support and cooperation of other departments. Victim services agencies must be included in all of the implementation to ensure that the perspectives and experiences of victim/survivors and those who assist them, are represented and that services provided directly to victim/survivors are appropriately linked to the criminal justice system.

The oversight committee will ensure public accountability for the implementation of these changes. For this reason, the committee must have strong leadership and active participation from a broad range of city departments and community-based agencies involved in domestic violence services. The committee will hold the individual agencies and programs responsible for implementation of departmental recommendations as well as support overall systemic change.

The recommendations presented in this report were compiled from the City Attorney's report, the public hearing, the Review Panel, and best practices identified by the Review Panel. The Commission and Department want to thank the City Attorney's Office for their report and recommendations. Additional information regarding specific implementation of the City Attorney's recommendations can be found in their report.

All of these recommendations must be implemented within the constitutional rights accorded to both victims and defendants. They also must be carried out within the boundaries of the California Penal Code and all other laws defining criminal investigation and prosecution and the civil rights of United States citizens and residents. Any conflict between these recommendations and civil rights accorded by law must be conceded to civil rights.

These recommendations focus primarily on domestic violence between adults—individuals aged eighteen and over. While we recognize that dating violence is a serious issue for teens and strongly support an analysis of service and intervention strategies for teens, we were unable to undertake that issue within the scope of this report.

## Interagency Recommendations

1. ~~Create a multi-disciplinary oversight committee under the authority of the Commission and Department with responsibility for implementing the recommendations in this report and for evaluating and analyzing the impact of the implementation. The committee should include representatives from the Mayor's Office, the Board of Supervisors, the Commission on the Status of Women, city departments including the Police Department, the District Attorney's Office, the Adult Probation Department, the Sheriff's Department, the courts, the Department of Public Health, and representatives from community-based programs including violence against women intervention and advocacy service providers, shelters, men's programs, and violence against women prevention programs. The committee's work will culminate in a final evaluation of the implementation of these recommendations and a reassessment of the violence against women service delivery, crisis intervention, and criminal justice response systems in San Francisco.~~
2. ~~Establish written protocols for regular and effective communication between the Police Department, the District Attorney's Office, the Adult and Juvenile Probation Departments, the Sheriff's Department and the courts (civil, criminal and juvenile divisions). At a minimum, these protocols should provide a mechanism for interdepartmental tracking of cases and criminal history of defendants and regular communication between the heads of the specialized domestic violence units to share information regarding changes to processes and protocols of each department.~~
3. ~~Establish written protocols for agreements between the Police Department, the District Attorney's Office and the Adult Probation Department regarding how each department will address probationers who are involved in new offenses or violations of probation. At a minimum protocols should provide:~~
  - a) ~~a mechanism for sharing of information;~~
  - b) ~~an outline of each department's role in responding to these situations;~~
  - c) ~~timelines for sharing information and action to be taken;~~
  - d) ~~guidelines that address both prosecution for new offenses and revocation of probation or parole;~~
  - e) ~~a tracking system to document interdepartmental communication, and~~
  - f) ~~the resolution of each case.~~

~~This documentation should be reviewed regularly to ensure that the protocols are adequate to affect a timely and effective response and that cases are resolved satisfactorily.~~

4. ~~Develop collaborate agreements between the components of the criminal justice system (Police Department, District Attorney's Office, Adult Probation Department, and Superior Court) and social service and victim service programs. These agreements should establish effective referral processes and coordinate communication to victim/survivors of domestic violence. At a minimum, this referral process should specify how victim/survivors will be informed of their full options and legal rights, how victim/survivors will be referred to existing support services, what types of follow-up contacts will be made, and how referral~~

~~and communication with victim/survivors will be documented.~~

- ~~5. Establish an evaluation process to monitor the implementation of individual agency and interdepartmental protocols regarding domestic violence and regularly evaluate the effectiveness of existing policies and service delivery systems. Evaluation procedures may include auditing individual agency performance, evaluation of individual cases, spot checks, or other methods.~~
- ~~6. Establish departmental complaint procedures for each component of the criminal justice and social service systems that victim/survivors can use to address instances in which they feel that they have not received adequate response to a domestic violence situation. Departments should develop internal databases to track complaints and resolution of complaints. Complaints should be reviewed regularly within the individual departments to assess for breakdowns in the policies and procedures and/or for individual performance issues and between departments to assess the service delivery systems overall.~~
- ~~7. Cooperate in the development and implementation of a compatible computer system(s), such as the Justice Information System (JUSTIS), to ensure that effective tracking of current and accurate data can be shared between the Police Department, the District Attorney's Office, the Adult Probation Department, the Sheriff's Department, and the courts (civil and criminal divisions). This system should allow for access to information regarding criminal activity within the City and County of San Francisco as well as jurisdictions outside of San Francisco. This system should provide instant notification to the appropriate departments when a probationer or parolee is involved in any reported crime.~~
- ~~8. Review existing policies, and where needed, establish new policies for the Police Department, the District Attorney's Office, the courts and social services related to child witnesses of family violence. Training should be provided to all staff in all departments on the effect of exposure to domestic violence on children. Where possible and appropriate, departments and programs should work collaboratively with SafeStart and the Greenbook Project as well as other child welfare programs.~~
- ~~9. Review and enforce employee policies on domestic violence and violence in the workplace to ensure that employees who are victim/survivors of domestic violence are accorded their full legal rights. Ensure that every legal effort is made to hold employees who are domestic violence offenders accountable in their workplace.~~
- ~~10. Review domestic violence training for staff in all components of the civil and criminal justice and social service systems. Advocates who work against domestic violence must be included in the review of existing trainings, in developing new or revised training protocols, and in providing trainings. Funding should be made available to ensure that advocates and domestic violence experts are able to participate fully in developing and implementing trainings. All trainings must include:
  - ~~a) victim sensitivity;~~
  - ~~b) cultural diversity;~~~~

- ~~e) dynamics of domestic violence;~~
- ~~d) the connections between domestic violence and substance abuse; and~~
- ~~e) cross training on the role of other services and/or systems which victim/survivors of violence encounter.~~

- ~~11. Develop programs to reduce the burn out and secondary trauma of staff assigned to domestic violence units. Work on issues of domestic violence is extremely challenging, personally and professionally. Staff of any criminal justice agency, social service agency, or community-based program who deal with domestic violence issues on a regular basis should have access to stress reduction programs, counseling, and other programs or services which address or reduce the impact of secondary trauma. In addition, staff assigned to work in specialized units or programs should be given the opportunity to rotate assignments frequently and/or other accommodations should be made available to reduce burnout and vicarious trauma.~~
- ~~12. Establish clear protocols within each agency having direct contact with domestic violence victim/survivors supporting the right of all victim/survivors to seek assistance regardless of citizenship status, residency status, or country of origin. These policies should be well publicized and efforts made to ensure that victim/survivors who are immigrants or refugees are aware of their legal right to seek services without having to provide immigration documents or endanger their immigration status.~~
- ~~13. Increase resources for community based domestic violence agencies. A recent study completed by the Department on the Status of Women titled *Violence Against Women and Girls in San Francisco: Meeting the Needs of Survivors* documents a need to invest more resources in San Francisco violence against women service delivery systems. The report clearly documents barriers that survivors of domestic violence face when seeking support and the need for additional programs and funding to reduce or eliminate these barriers.~~
- ~~14. Evaluate civil and criminal justice and social service systems regarding their accessibility to people who do not speak and/or read English. Develop and implement a plan to improve access to services for non-English speakers and/or readers.~~
- ~~15. Establish clear protocols and tools for components of the criminal justice system, social service system, victim services programs, and batterer treatment programs to assess for the primary aggressor. Review criminal justice statistics regarding mutual arrests to evaluate for systemic problems related to the determination of primary aggressor and/or situations erroneously defined as mutual battery/combat. Evaluate protocols and tools regularly, including feedback from victim service programs and offender treatment programs.~~
- ~~16. Evaluate civil and criminal justice and social service systems regarding their accessibility to people with physical and mental disabilities. Develop and implement plans to improve access to services for people with disabilities.~~

## **San Francisco Police Department**

1. ~~The Police Department should develop protocols to assess all police reports for the relationship between the defendant and the victim. The Domestic Violence Response Unit (DVRU) should receive information on all cases involving a domestic relationship (marital, partner, or dating) between the defendant and the victim regardless of the type of crime. Protocols should address communication and cooperation between the DVRU and any other units that may also receive domestic violence related cases.~~
2. ~~All domestic violence cases should be assigned to a DVRU inspector within 48 hours after the alleged commission of a crime or the reporting of a crime. Protocols for the assignment of cases to the DVRU should allow for expedient and effective communication regarding the reporting of the crime to the DVRU.~~
3. ~~Written protocols for communication of reports and information regarding incidents of violation of parole or probation for domestic violence probationers must be developed. These protocols should specify that information on any reported incident be sent to the appropriate parties, even if the incident represents a seemingly minor infraction or misdemeanor.~~
4. ~~New protocols should be developed and/or existing protocols enhanced to specify procedures for DVRU inspectors to follow up with victims of domestic violence. Follow up should happen as soon as possible after an alleged crime is reported and inspectors should actively follow up with all victims of domestic violence crimes. Protocols should clearly indicate that follow up contact is the responsibility of the Police Department and the burden should not be placed on the victim to follow up on police reports.~~
5. ~~Protocols regarding the investigation of domestic violence crimes should be reviewed and investigation questions standardized. All victims reporting domestic violence related crimes should be asked for complete information regarding the current alleged crime, any prior history of reported or unreported crimes, and any questions or concerns the victim may have regarding the domestic violence situation. Referrals should be provided based on any issues raised by the victim. These questions and the victims' responses should be fully documented.~~
6. ~~All domestic violence crimes assigned to the DVRU should be assigned using a model of vertical investigation so that only one inspector is assigned to investigate each new report of a domestic violence violation related to an alleged perpetrator.~~
7. ~~Protocols for the temporary placement of a child(ren) should be reviewed and, where appropriate, revised to address situations when parents are not able to care for a child(ren) due to homicide, injury, arrest, or other circumstances related to domestic violence.~~
8. ~~All victims of domestic violence crimes should be provided with a referral card in a language that she or he is able to read. If the officer determines that the victim may not be able to read, referrals should be provided verbally as well as in written form.~~
9. ~~Referral cards should be updated regularly and new languages should be added based on an~~



evaluation of significant populations living and/or working in San Francisco.

- ~~10. The Domestic Violence Response Unit should be staffed fully with active duty inspectors who actually work in the unit full time as opposed to with inspectors who are assigned to the unit but are temporarily working in another area or are on leave. Review the current allocation of twenty inspectors to the unit to ensure this capacity adequately supports the caseload.~~
- ~~11. Staff evaluation tools specific to the investigation of domestic violence should be developed. All staff of the DVRU should have regular performance reviews that use standard evaluation tools as well as specialized domestic violence evaluation tools.~~
- ~~12. The need for more victim advocates in the DVRU should be assessed. These advocates should be part of a collaborative effort between the criminal justice system and victim service programs. The Police Department should actively participate in the collaboration. Advocates should work directly out of the DVRU but should be employed by victim service providers and/or community-based agencies. The collaborative partners should assess the number of advocates needed. An initial recommendation would be no less than five advocates working in the unit full time.~~
- ~~13. Existing training on domestic violence should be reviewed and evaluated. Trainings should be evaluated by the Police Department and the oversight body, and, if needed, revised for:
  - ~~a) the Police Academy (recommend 16 hours minimum on domestic violence);~~
  - ~~b) advanced Officer trainings (recommend eight hours of domestic violence training annually), and~~
  - ~~c) inspectors assigned to the DVRU (recommend 40 hours of specialized domestic violence training at the time they are assigned to the unit).~~~~

~~Training should address the legal and social aspects of domestic violence, strangulation and stalking crimes, effective responses to domestic violence, the impact of substance abuse on domestic violence, and victim sensitivity.~~
- ~~14. The Police Department should conduct regular department-wide trainings on stalking and Emergency Protective Orders as appropriate and necessary to ensure that all officers understand these important domestic violence issues and criminal justice tools.~~
- ~~15. The Police Department should review data collection procedures and, where necessary, expand data collection to include documentation of the number of:
  - ~~a) domestic violence calls to the police;~~
  - ~~b) domestic violence police reports;~~
  - ~~c) domestic violence related arrests;~~
  - ~~d) misdemeanor domestic violence charges;~~
  - ~~e) felony domestic violence charges;~~
  - ~~f) Emergency Protective Orders (EPOs) requested;~~~~

- g) EPOs granted,
- ~~h) domestic violence reports investigated by the DVRU, and~~
- ~~i) domestic violence cases presented to the District Attorney's Office regardless of outcome.~~

~~16. Procedures should be established to regularly and systematically review police reports to ensure that responding officers write accurate and complete incident reports.~~

~~17. Evaluation tools should be developed to review and evaluate violence against women cases to ensure that all protocols are followed and cases are handled properly.~~



## **Emergency Communications Department**

1. ~~All emergency and non-emergency police dispatchers should receive domestic violence training.~~
2. ~~The Emergency Communications Department should review data collection procedures and, where necessary, expand data collection to include documentation of all domestic violence related 911 calls.~~

## **District Attorney's Office**

1. ~~Review and enhance existing policies and procedures leading to effective prosecution including vertical prosecution, clear “no drop” policies, policies to avoid unnecessary continuances, and other policies to ensure timely and effective prosecution. Establish evaluation mechanisms to ensure that these policies are followed consistently.~~
2. ~~Create a system to track the assignment of cases to ensure that all domestic violence related cases are assigned to an attorney in one of the domestic violence vertical prosecution units.~~
3. ~~Develop protocols regarding use of stalking charges and enhanced penalties for repeat offenders. Develop or enhance existing protocols to ensure that each domestic violence case is reviewed for all possible options including prosecution for new offenses committed by defendants on parole or probation; stalking charges; and request for additional penalties and state prison sentences due to prior offenses.~~
4. ~~Review policies to support the active prosecution of cases in which probationers are charged with new offenses without relying on the Adult Probation Department to file for revocation of probation. In these cases, close communication and coordination should be supported between the Adult Probation Department and the District Attorney's Office.~~
5. ~~Develop guidelines for determining the action to be taken regarding child abduction charges in cases where domestic violence is involved, particularly where the abused parent may be attempting to protect themselves and/or their child(ren).~~
6. ~~Develop or enhance existing protocols so that prior to any court appearance, including consideration of bail, any assistant district attorney working on a domestic violence case has all current, accurate and complete information relevant to the charges including but not limited to:~~
  - a) ~~prior criminal history,~~
  - b) ~~the existence of restraining orders,~~
  - c) ~~any failure to appear in court when ordered,~~
  - d) ~~probation status in San Francisco or any other jurisdiction,~~
  - e) ~~family court rulings, and~~
  - f) ~~any pertinent civil cases including lawsuits and restraining orders.~~
7. ~~Develop protocols to evaluate whether assistant district attorneys are bringing all relevant and permissible materials to the attention of the court at each stage of the prosecution and sentencing.~~
8. ~~Develop or enhance existing protocols to ensure that victim/survivors are informed through verbal and written communication of their right to address the court regarding sentencing. Victim/survivors should be offered assistance in preparing any written or verbal statements to the court regarding sentencing.~~

- ~~9. Review services provided through the criminal justice victim assistance programs including an evaluation of services available to children who witness or are exposed to domestic violence and accessibility of services regarding cultural competency, language capacity, and access for people with physical disabilities. Develop and implement a plan to address any problem areas and ensure greater utilization of victim assistance services.~~
- ~~10. Review and evaluate existing training on domestic violence. Mandatory initial trainings (recommend 40 hours) and annual advanced trainings (recommend eight hours) should be provided for all prosecutors, investigators and advocates assigned to domestic violence misdemeanor and felony cases. In addition to these trainings, the District Attorney should make funds available for staff assigned to domestic violence cases to attend specialized and advanced trainings provided by organizations and trainers outside the department.~~
- ~~11. Develop staff evaluation tools specific to the prosecution of domestic violence cases. All staff working on domestic violence cases should have regular performance evaluations, that utilize general department evaluation mechanisms and specialized domestic violence evaluation tools.~~
- ~~12. Review data collection procedures used by the District Attorney and, where necessary, expand data collection to include documentation of the following domestic violence statistics:~~
  - ~~a) arrests;~~
  - ~~b) re-bookings;~~
  - ~~c) cases dropped and justification;~~
  - ~~d) cases not charged and justification;~~
  - ~~e) cases dismissed by the court;~~
  - ~~f) misdemeanor convictions;~~
  - ~~g) felony convictions;~~
  - ~~h) sentencing including county jail, state prison, or probation;~~
  - ~~i) fines assessed and the amount of each fine;~~
  - ~~j) cases not pursued where probation was revoked; and~~
  - ~~k) cases pursued where probation was also revoked.~~
- ~~13. Establish evaluation tools, including spot checks, to review and evaluate violence against women cases to ensure that all protocols are followed and cases are handled properly.~~

## **Adult Probation Department**

1. Develop written standards of supervision for domestic violence cases including minimum standards that should be fulfilled on a monthly basis. The Adult Probation Department should develop these standards with input from the courts, other criminal justice experts, and community advocates.
2. Improve communication between the Adult Probation Department and social service agencies including batterer treatment programs. This communication must allow for the timely sharing of information regarding specific probationers as well as better communication on protocols, policies, and program review and evaluation.
3. Create an incident receipt log and tracking system to document when the Adult Probation Department receives reports from other departments and to track internal routing of all reports through the department.
4. Develop or enhance existing protocols to ensure that no domestic violence probationer is unsupervised at any time. The department should develop a risk assessment tool specific to domestic violence using the best available research on batterer characteristics and/or consultation with experts in batterer intervention. The risk assessment tool should be used along with other appropriate factors to determine the minimum level of supervision for each probationer. No domestic violence probationer should be unsupervised and domestic violence cases should not be “banked” or otherwise left without direct, active supervision.
5. Establish a system for probation officers to routinely and regularly run a criminal history check of all assigned probationers. Probation officers should be able to access current, complete, and accurate criminal histories including relevant civil records such as restraining orders. Ideally criminal history checks would occur prior to each scheduled contact with a probationer. Criminal history checks should be done before any court appearance.
6. Review and enforce protocols regarding revocation of probation for domestic violence offenses where probation has been violated due to any offences, not just domestic violence related offences. Revocations must be timely in order to ensure that probationers do not repeatedly violate probation.
7. Develop policies to support revocation of probation in cases in which probationers are charged with new offenses without relying on the District Attorney’s Office to pursue prosecution of the new offenses. In these cases, close communication and coordination should be supported between the Adult Probation Department and the District Attorney’s Office.
8. Revise existing protocols regarding probation officers’ communication with domestic violence victim/survivors to ensure that the following areas are addressed: ways victim/survivors can report violations of probation and/or re-offenses, options for victim/survivors to contact the probation officer responsible for the case of their abuser, and ways to access services or programs available for victim/survivors. Develop written

~~materials to be distributed to victim/survivors regarding the resources and remedies available to them as victim/survivors of a domestic violence crime. Develop a tracking system to see whether probation officers provide this and all other information and materials specified in department policies.~~

- ~~9. Screen all probationers for histories of domestic and sexual violence regardless of their conviction. Develop adequate services and referrals for probationers who have been victimized by sexual assault or violence within their family. Probationers who disclose that they have been violent in the past should be referred to appropriate services even when participation in those services is not mandated in the terms of their probation.~~
- ~~10. Fully staff the domestic violence units with probation officers who are able to commit their time fully to the unit (i.e. probation officers who are not on leave or assigned other responsibilities that take them away from the domestic violence unit on a regular basis). Regularly review the staff and case assignments within the domestic violence units to ensure that existing staff commitments adequately support the caseload for both misdemeanor and felony domestic violence probationers.~~
- ~~11. Evaluate victim advocacy services provided by the department to determine if a victim advocate or victim liaison position is necessary to improve communication between victim/survivors and the Adult Probation Department.~~
- ~~12. Review and evaluate existing training on domestic violence. Trainings should be developed for new probation officers (recommend 16 hours minimum on domestic violence), ongoing trainings for all probation officers (recommend four hours of domestic violence training annually) and for probation officers assigned to the DVRU (recommend 24 hours of specialized domestic violence training when assigned to the unit and at least eight hours of advanced training each year). In addition, the department should make funds available for probation officers to attend specialized trainings outside of the department.~~
- ~~13. Develop staff evaluation tools specific to the supervision of domestic violence cases. All staff with domestic violence caseloads should be evaluated regularly utilizing general department evaluation mechanisms and specialized domestic violence evaluation tools.~~
- ~~14. Review data collection procedures currently used by the Adult Probation Department and, where necessary, expand data collection to include documentation of the following domestic violence statistics:~~
  - ~~a) probationers on domestic violence felonies;~~
  - ~~b) probationers on domestic violence misdemeanors;~~
  - ~~c) probation revocations;~~
  - ~~d) probationers sent to jail for violations of probation;~~
  - ~~e) probationers whose probation is extended after violation of probation;~~
  - ~~f) probationers convicted of another crime while on probation and the type of crime committed;~~
  - ~~g) cases where revocation is denied, and~~

- ~~h) cases of offenders who completed probation and were later sentenced to an additional probation sentence for another crime.~~
- ~~15. Establish evaluation tools to review and evaluate violence against women cases to ensure that all protocols are followed and cases are handled properly. These tools should incorporate feedback from victim/survivors, service providers including offender treatment programs, and probationers.~~
- ~~16. Develop an evaluation tool for offender treatment programs. Batterer intervention programs should be required to maintain and submit, on a regular basis, information on offenders sufficient for the Adult Probation Department to evaluate the effectiveness of the program's interventions. The Adult Probation Department should maintain data on program assignments, dropouts, completion records, and recidivism rates of offenders assigned to each program. This information should be available to the public.~~
- ~~17. Engage the expertise of other criminal justice agencies, victim services agencies, and expert consultants in batterer intervention and the development of educational and rehabilitative programs to assess the quality and effectiveness of current certified programs and new programs that apply for certification.~~

## **San Francisco Superior Court—Criminal Division**

1. Establish protocols for regular and effective communication between the Criminal Court and the Civil Family Court, the Police Department, the District Attorney's Office, the Adult Probation Department, the Sheriff's Department and the Department of Human Services. At a minimum, these protocols should provide a mechanism for interdepartmental tracking of cases, criminal history of defendants, and sharing of information regarding changes in departmental processes and protocols.
2. Establish a Domestic Violence Court to handle felony and misdemeanor domestic violence cases. This court would build upon the model of the existing Domestic Violence Misdemeanor Court allowing for closer supervision of all domestic violence defendants and probationers.
3. Review current resources and staff committed to the Adult Probation Department to ensure it has adequate resources to supervise domestic violence cases effectively.
4. Conduct an annual review and evaluation of the Adult Probation Department's handling of domestic violence cases. Establish procedures to monitor the department's Domestic Violence Unit's compliance with offender supervision protocols and require the department to provide the court with information on the effectiveness of certified batterer intervention programs and their compliance with penal code requirements.
5. Ensure that adequate translation services are available for domestic violence victim/survivors and witnesses.
6. Ensure that protocols to refer offenders to Family Court for modifications of Stay Away Orders with regards to minor children do not compromise victim safety or provide support to batterers, allowing them to continue to intimidate their victims.
7. Prioritize domestic violence cases when scheduling trial dates.
8. Develop standards for domestic violence cases including protocols for lifting restraining orders, requiring defendant participation in education (including parenting classes where appropriate) and rehabilitation programs, and assessing fines. Fines should be assessed in all appropriate cases and funds should be directed toward services for victim/survivors of domestic violence.
9. Develop standards for criteria to assess in making bail decisions including the potential for re-offense, existing restraining orders or open applications for restraining orders, and a defendant's prior history.
10. Create a standard questionnaire to be used in sentencing, which would support full disclosure of relevant information from the District Attorney's Office and/or the Adult Probation Department.

- ~~11. Develop alternatives to incarceration of victims and/or witnesses in domestic violence cases. Victim/survivors who fail to testify against their abusers should not be charged with contempt of court.~~
- ~~12. Review and develop trainings on domestic violence for all court personnel working with violence against women cases. Trainings should be developed and implemented with participation from victim service agencies. San Francisco resources such as the SafeStart and the Greenbook Project should be used for specific training on issues related to children who witness or are exposed to domestic violence.~~
- ~~13. The Superior Court should review data collection procedures and, where necessary, expand data collection to include documentation of the following statistics regarding domestic violence:~~
  - ~~a) domestic violence cases handled by the courts each year;~~
  - ~~b) arrest warrants for domestic violence issued by the court;~~
  - ~~c) dismissals of domestic violence cases;~~
  - ~~d) domestic violence cases plea bargained;~~
  - ~~e) convictions resulting in state prison sentences, county jail terms, suspended sentences, probation, community services, mandated participation in offender treatment programs, and/or assessment of fines;~~
  - ~~f) total amount of fines assessed by the court annually;~~
  - ~~g) probationers who have probation revoked and the reasons for the revocation;~~
  - ~~h) defendants who have Stay Away Orders issued against them;~~
  - ~~i) defendants who have Stay Away Orders against them lifted;~~
  - ~~j) defendants who fail to successfully complete an offender treatment program;~~
  - ~~k) domestic violence defendants who fail to pay fines assessed against them;~~
  - ~~l) domestic violence defendants who fail to appear in court as ordered; and~~
  - ~~m) average jail and prison sentences for convictions resulting in jail or prison time.~~



## **San Francisco Superior Court—Family Division**

1. Establish protocols for regular and effective communication between Family Court and the Criminal Domestic Violence Court, the Police Department, the District Attorney's Office, the Adult Probation Department, the Sheriff's Department and the Department of Human Services. These protocols should minimally provide a mechanism for interdepartmental tracking of cases and sharing of information regarding changes in departmental processes and protocols.
2. Consideration of the safety of domestic violence victims and their children as primary in any decisions made in the Family Court including visitation decisions. Court personnel should work closely with programs such as SafeStart and the Greenbook Project to ensure that children's issues are handled with sensitivity and appropriate cultural considerations are taken into account.
3. Ensure that adequate translation services are available and that separate certified translators are provided to all parties in cases that involve domestic violence, both in court and in mediation.
4. Ensure that all Family Court personnel are familiar with all mediation and resolution resources including the Mediation Model.
5. Review and develop training programs on domestic violence for all court personnel working with violence against women cases. Training should be developed and implemented with participation from victim service agencies and should include consultation with experts on batterer characteristics and appropriate intervention with batterers. San Francisco resources such as SafeStart and the Greenbook Project should be utilized for specific training on issues related to children who witness or are exposed to domestic violence.
6. The Superior Court should review data collection procedures and, where necessary, expand data collection to include documentation of the following statistics regarding domestic violence:
  - a) Emergency Protective Orders (EPO)s requested each year,
  - b) EPOs denied,
  - c) restraining order applications received,
  - d) restraining orders denied,
  - e) restraining orders granted,
  - f) requests to have restraining orders dissolved, and
  - g) restraining orders that were dissolved.

## **San Francisco Sheriff's Department**

1. Establish protocols for regular and effective communication between the Sheriff's Department and the Police Department, the District Attorney's Office, the Adult Probation Department, and the courts (civil and criminal divisions). At a minimum, these protocols should provide a mechanism for interdepartmental tracking of cases and criminal history of defendants and for sharing of information regarding changes in departmental processes and protocols.
2. Establish a protocol to ascertain whether a defendant is in custody when they fail to appear in court.
3. Establish or enhance existing policies to ensure a warrant check is run on anyone being released from custody.
4. Establish evaluation tools for all offender treatment programs conducted in collaboration with the Sheriff's Department. Evaluation should demonstrate the efficacy of the program and should include input from victim/survivors.

## **Medical Examiner**

1. ~~Establish protocols for regular and effective communication between the Medical Examiner's Office and the Police Department, the District Attorney's Office, the Adult Probation Department, and the courts (civil and criminal divisions).~~
2. ~~Develop or enhance existing protocols to evaluate and document any domestic violence connection to all deaths (particularly from violence, suicide, or substance abuse) even if the death is not obviously attributable to a domestic violence homicide. These statistics would document the connection between the experience of domestic violence and deaths from violence, suicide, or substance abuse. Additionally, domestic violence clearly contributes to many victim/survivors and their children becoming homeless. Wherever possible, the Medical Examiner should document the effect of domestic violence in the death of homeless people.~~
3. ~~Document these statistics and report them annually to an oversight committee or the Department on the Status of Women.~~

## **~~Department of Human Services—Child Protective Services~~**

- ~~1. Establish protocols for regular and effective communication between the Department of Human Services and the Police Department, the District Attorney's Office, the t Probation Department, the Sheriff's Department and the courts (civil and criminal divisions). At a minimum, these protocols should provide a mechanism for interdepartmental tracking of cases and sharing of information regarding changes in departmental processes and protocols.~~
- ~~2. Develop protocols regarding all legal options for ensuring the safety and well-being of children in situations where a non-abusive parent may be victimized in a domestic violence situation. These protocols must prioritize the safety of child(ren), especially in cases where the child has been a witness or exposed to domestic violence.~~
- ~~3. Review and revise protocols for emergency response in situations where a parent(s) is killed, seriously injured, or arrested. At a minimum, protocols should provide for:~~
  - ~~a) trained staff to respond to an emergency situation and provide immediate assessment/intervention;~~
  - ~~b) a review of emergency placement options to balance the best quality of care and highest safety available for the child(ren);~~
  - ~~c) policies regarding placement of child(ren) with a parent or others who have a history of domestic violence aggression, and~~
  - ~~d) permanent placement at the earliest possible opportunity.~~
- ~~4. Review and evaluate existing training on domestic violence. All Child Protection Services staff and any other division within the department working directly with or supervising domestic violence related cases should receive comprehensive initial training and ongoing trainings. The Department of Human Services should make funds available for staff to attend specialized and/or advanced violence against women and family violence trainings annually.~~

## **Community-Based Services**

1. Review protocols, policies, and statutory requirements regarding confidentiality and communication between victim services and law enforcement to ensure that information about ongoing criminal incidents is provided where appropriate.
2. Provide intervention, shelter, transitional housing, and legal services for victim/survivors of domestic violence who have histories or current experiences with substance abuse or sex work.
3. Provide more culturally appropriate and multilingual accessible services for all victim/survivors of domestic violence. A study issued by the Department on the Status of Women titled *Violence Against Women and Girls in San Francisco: Meeting the Needs of Survivors* identifies that the communities most significantly underserved by existing programs are: sex workers, adult survivors of sexual assault, child and adolescent survivors of sexual assault, the disabled, the elderly, youth, lesbians, bisexuals, transgender women, recent immigrants, Muslim women, Asian American women, Native American women, African American women, and Latina women.
4. Provide more prevention and outreach programs addressing violence against women including domestic violence, sexual assault, and child physical and sexual abuse. Education and intervention programs are needed for youth exposed to domestic violence in their home or community. Specialized, community-specific programs are needed to address communities of color; the gay, lesbian, bisexual, transgender, and queer communities; and people with physical or developmental disabilities.
5. Review existing criminal justice advocacy services provided to victim/survivors to ensure that advocacy services are comprehensive, coordinated, seamless, and support victim/survivors throughout their interaction with the criminal justice system.

~~BLANK~~

## Conclusion

It has been said that a chain is only as strong as its weakest link. Domestic violence services should form a strong chain with victim services, social services, and the criminal justice system working together to make up the interconnecting links. Victim/survivors should be able to access the system at a number of different points and should be able to pass easily from one link to the next as their needs and situations demand. Victims and families should be able to rely on the strength and integrity of the chain as a whole in order to address the violence occurring in their homes and their communities.

The metaphor of the chain is particularly true for the criminal justice system, which victims of domestic violence frequently turn to only after exhausting other resources. By the time domestic violence situations are reported to the criminal justice system a pattern of physical violence has already been established. The heavy charge placed on the criminal justice system is that victims' lives depend upon the system's ability to affect an immediate end to the violence. The links of the chain that represent the criminal justice system must restrain violence, as a breakdown in these links places the lives of victim/survivors and their children in danger.

Since the Charan investigation report was issued in 1991, the City and County of San Francisco has prided itself on the establishment of one of the first systemic responses to domestic violence. While many important gains were made, the work is far from complete. Some of the general recommendations identified in the Charan report were implemented; others continue to need to be addressed. The areas of communication and coordination, data collection, training, access to services, and policy and protocol development all require on-going scrutiny, evaluation, and monitoring.

New areas identified in *Justice and Courage: A Blueprint for San Francisco's Response to Domestic Violence* include the utilization of technology for information management and the creation of an oversight committee. These are critical to the success of the recommendations outlined in the report. The oversight body is charged with ensuring that each link of the chain is strong and that the links work together to form a unified whole addressing violence against women. An oversight body maintains public accountability for the system and helps to hold each component of the system to the standards and services required to address domestic violence effectively within our communities.

In addition to providing background on the history of San Francisco's systemic response to domestic violence and the horrific murders of Veena Charan and Claire Joyee Tempongko, this report is a blueprint for a more cohesive, accountable, citywide response to domestic violence. *Justice and Courage* outlines practical recommendations and obtainable goals for city departments and the social service community to strengthen the chain and improve the response to violence against women. The recommendations outlined herein address important key issues such as centralized communication between agencies, standardized responses, tracking and documentation of domestic violence cases at all phases, children who have witnessed or experienced domestic violence, the prioritization of domestic violence cases throughout the social service and criminal justice systems, and, perhaps most importantly, the creation of a multi-disciplinary oversight body led by the Commission and Department on the Status of

Women to facilitate collaboration amongst the agencies involved and to foster public accountability.

For Claire Joyee Tempongko and her family, the chain snapped in a final incidence of horrifying violence. The City Attorney's investigation into the system's response to Ms. Tempongko's attempts to seek help show that there are many points of weakness and instability within the chain. Ms. Tempongko's death is not due to any one catastrophic error but instead to a series of breaches, which compounded into a failure of the system as a whole. It is all of our responsibility now to begin to address these deficiencies, link by link, as the many different agencies, departments, and individuals addressing the problem of domestic violence work together to forge a strengthened and improved chain.

The Commission and Department on the Status of Women feel it is our responsibility and obligation to continue to work to strengthen the City and County of San Francisco's response to domestic violence. It is the responsibility and obligation of each of us, as individuals, to work to end domestic violence in our homes, our workplaces, our schools, and throughout our communities. Only then will there be no more victims like Veena Charan, Claire Joyee Tempongko, and those who loved them.



# ~~EXHIBIT 45~~



# *Safety for All*

**Identifying and Closing the Gaps in San Francisco's Domestic  
Violence Criminal Justice Response**

***San Francisco Domestic Violence  
Safety and Accountability Audit Report  
January 2007***

Department on the Status of Women  
Justice and Courage Oversight Panel  
City and County of San Francisco



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City and County of San Francisco

# Department on the Status of Women

*Mayor Gavin Newsom*

*Executive Director Emily M. Murase, PhD*

January 19, 2007

Justice and Courage Oversight Panel  
Department on the Status of Women  
25 South Van Ness Avenue, Suite 130  
San Francisco, CA 94102

Dear Justice and Courage Oversight Panel Members,

As you know, in October of 2000, a young woman named Claire Joyce Tempongko was viciously murdered, allegedly at the hands of her ex-boyfriend Tari Ramirez. The tragedy of Ms. Tempongko's death is that until the time of her murder, she had tried to do everything society says is "right" for a victim to do in order to try to separate herself from her abusive boyfriend – she called the police repeatedly, sought help from battered women's programs, and pushed to make people see that Ramirez was a dangerous individual.

In reaching out for assistance and protection from government and community agencies before her death, Ms. Tempongko subsequently set in motion years of reform efforts in the City and County of San Francisco that have radically changed the way that domestic violence cases are responded to and handled by the local criminal justice system. Although all such deaths are senseless, the legacy of Claire Joyce Tempongko is that battered women in San Francisco today have more options for protection because of her.

In 2001, the San Francisco Commission on the Status of Women issued the Justice and Courage Report systematically detailing the ways in which the criminal justice response had failed to successfully intervene in the Tempongko-Ramirez case. After years of work overseeing the implementation of recommendations related to the

criminal justice system and other agencies, the Justice and Courage Oversight Panel transitioned into the evaluation stage of its work in 2005-2006. The Panel, with the full support of the Mayor and each criminal justice agency – the Department of Emergency Management, the Police Department, the District Attorney's Office, the Sheriff's Department, and the Adult Probation Department – opted to undertake a domestic violence Safety and Accountability Audit in order to evaluate where San Francisco was in its response to domestic violence cases.

The Safety and Accountability Audit is a cutting edge, in-depth way to analyze how practitioners in a system are organized to think and act on safety when intervening in a domestic violence case. The Audit uses a team approach whereby members of criminal justice agencies and community-based programs come together to conduct interviews, observe processes, and analyze texts produced by agency workers, resulting in a process that is simultaneously research, planning, and community organizing. This report on the San Francisco Domestic Violence Safety and Accountability Audit is a direct descendent of the work that began with the murder of Ms. Tempongko.

All of the City departments that were audited gave the Audit Team unprecedented access to internal policies, protocols, case files, and staff. The departments and seven community-based organizations also dedicated one to two staff members apiece to be on the Audit Team, which in the end meant far more staff time than the original eight days estimated to complete the work of the Audit. That no agency ever balked at continuing to dedicate the resources needed to conduct the Audit is a testament to the high priority given to domestic violence cases.

The following report details five overarching gaps in safety and accountability that the Audit Team identified as bridging the entire criminal justice system response from 911 through probation. The ways in which these gaps occur are centered in how the institutions themselves are organized, and not in the way any one individual intervener responds to domestic violence. The examples that follow are sometimes disturbing, but they speak the truth of the lived reality of battered women and their families as they seek help and safety through the criminal justice system.

This report represents a blueprint for change for the San Francisco criminal justice system's response to domestic violence. It is the Audit Team's hope that just as all involved entered into the process of the Audit in a spirit of cooperation and with a goal to help make victims in San Francisco safer, these same principles will apply in the implementation of these recommendations.

"Safety for All," is dedicated to the memory of Claire Joyce Tempongko and all the other victims of battering who have sought help from the San Francisco criminal justice system.

Respectfully submitted,

Patricia E. Erwin, PhD  
Audit Coordinator  
Domestic Violence Safety and  
Accountability Audit  
San Francisco Department on the Status  
of Women

## EXECUTIVE SUMMARY

### History of San Francisco Domestic Violence Reform Efforts

The City and County of San Francisco has a long history of domestic violence reform efforts. In 1990 the City undertook one of the first fatality reviews in the country following the murder of Vena Charan by her estranged husband. The Charan Investigation prompted the District Attorney's Office and the police and probation departments to each institute specialized domestic violence units in order to streamline their departments' response to domestic violence cases. Ten years later, following the murder of Claire Joyce Tempongko, the Justice and Courage Report (convened by the San Francisco Commission on the Status of Women) found that while many of the Charan Investigation reforms had brought about needed changes, other recommendations were never implemented and there were previously unrecognized gaps in the system.

*"In reaching out for assistance and protection from government and community agencies before her death, Ms. Tempongko subsequently set in motion years of reform efforts in the City and County of San Francisco that have radically changed the way that domestic violence cases are responded to and handled by the criminal justice system here."*

Under the auspices of the Justice and Courage project, representatives from community-based organizations worked together with all of the City and County's criminal justice agencies

to implement the recommendations made in the Justice and Courage Report. This work has included reviewing all written protocols of the departments (Protocol Committee), assessing current and needed training for each department (Resources Committee), and working to establish a data collection system to track relevant domestic violence statistics within the City (Data Collection Committee).

By 2005, much of the work of these committees either was completed or was at the next stage of implementation. For example, the Protocol Committee had finished reviewing each department's written and unwritten protocols (the latter through oral presentations to the group) and written a report summarizing its findings.



The Resources Committee had identified the need for a cross-training collaborative to fill the need for additional training for criminal justice practitioners, as well as to provide a forum for workers to learn with and from one another. In 2006 the Department on the Status of Women successfully obtained a grant from the Blue Shield of California Foundation to establish the Cross-Training Institute, with trainings planned for 2007 and 2008 based on the findings of the Safety and Accountability Audit. The Data Collection Committee had completed its work with JUSTIS, a city-wide data collection and sharing system, by providing a domestic violence module to be used within the system.<sup>1</sup>

The Justice and Courage Oversight Panel was mandated by the original report to evaluate the work of the committees, and thus the criminal justice system. As such, the San Francisco Domestic Violence Safety and Accountability Audit represents that evaluation.

***“The Audit uncovers how accountability is built into the handling of cases at three levels—how practitioners are accountable to victims, how institutional workers are accountable to each other, and how the criminal justice institutions hold abusive partners accountable for their violence against victims.”***

## **Domestic Violence Safety and Accountability Audit**

The Domestic Violence Safety and Accountability Audit was developed in the 1990s by Ellen Pence, PhD, of Praxis International. The Audit methodology not only allows practitioners and domestic violence experts to look at whether protocols are in place that promote effective responses to domestic violence, but also to assess whether those protocols have re-organized workers in a way to think and act on safety in their everyday case processing.

Additionally, the Audit uncovers how accountability is built into the handling of cases at three levels – how practitioners are accountable to victims, how institutional workers are accountable to each other, and how the criminal justice institutions hold abusive partners accountable for their violence against victims.

Finally, the Audit methodology does not send a lone researcher in to assess a system, but rather relies upon a collaboration between those highly trained in the methodology working with interveners from the system and advocates from the community to form an Audit Team that reviews the system together.

The Audit focuses on eight ways in which all institutional workers are organized: 1) Linkages, such as who communicates or transmits information to whom; 2) Administrative Practices, such as internal protocols or procedures; 3) Rules and Regulations, such as state or federal law; 4) Concepts and Theories, such as the guiding beliefs of the institution, such as law and order; 5) Training and Education, for example, what specialized or even general training workers receive; 6) Accountability, including to the victim, the batterer to the victim, and each agency to another; 7)

*In addition to these local benefits, the project should allow San Francisco to once again contribute to the national effort to re-think the role and capability of the criminal justice system in protecting victims of domestic abuse and deterring offenders from future violence and abuse.*

Resources, includes technology, staffing, etc.; and 8) the Mission, Purpose, and Function of the agency.

### **San Francisco Domestic Violence Safety and Accountability Audit**

The purpose of the San Francisco Domestic Violence Safety and Accountability Audit is to provide policy makers in the local criminal justice agencies with a comprehensive analysis of how the efforts they have made over the past four years have translated into practices that either do or do not centralize institutional attention to victim safety and offender accountability in the processing of domestic abuse cases.

This analysis will be the basis for policy makers to make decisions regarding: 1) how to more effectively embed intended reform efforts into the daily work routines of practitioners within their respective agencies; 2) how to enhance and standardize coordination of interventions across agencies; and 3) how to alter reform practices that result in unintended consequences or fail to centralize attention to the safety and accountability goals of the larger domestic violence collaborative. In addition to these local benefits, the project should allow San Francisco to once again contribute to the national effort to re-think the role and capability of the criminal justice system in

protecting victims of domestic abuse and deterring offenders from future violence and abuse.

#### Audit Question

In deciding to undertake an Audit, a community must first identify a question it wants to ask of the criminal justice system (or any other institutional system). For example, in one Audit of a child protection system's (CPS) handling of domestic violence cases, the community asked, "How does CPS's handling of domestic violence cases work to keep mothers and children together?"

In San Francisco, the Justice and Courage Oversight Panel drew from the mandate presented in the report examining the Tempongko homicide and decided to examine cases in which there is ostensibly a high risk to the victim of either future serious assault or death. As such, the San Francisco Audit Question was:

**"If we believe that certain factors make a particular victim more vulnerable, how do we identify the presence of those factors and how then do we adapt our response?"**

#### Audit Scope

It was not possible for the Audit Team to examine the audit question at every stage of criminal justice intervention both because an Audit is very labor intensive and because the San Francisco Audit was undertaken with limited resources. Instead, the Audit Team identified three key points of institutional action to review:

- **911 call through police patrol arrest decision;**
- **Felony investigation through prosecutor rebooking;**
- **Motion to revoke process by probation or prosecution.**

The Audit Team was made up of the following representatives:

- Department of Emergency Management (DEM)
  - Supervisor
  - Dispatcher

- Police Department (SFPD)
  - Station Sergeant
  - Captain, Juvenile and Family Services Division
- District Attorney's Office (DA)
  - Assistant District Attorney, Managing Attorney of the Domestic Violence Unit
  - Chief, Victim Services Division
- Adult Probation Department (APD)
  - Supervisor, Domestic Violence Unit
  - Probation Officer, Domestic Violence Unit
- Department on the Status of Women (DOSW)
- Sheriff's Department (SFSD)
- Asian Pacific Islander Legal Outreach (APILO)
- Asian Women's Shelter (AWS)
- Cooperative Restraining Order Clinic (CROC)
- Free Battered Women (FBW)
- Greenbook Project
- La Casa de las Madres
- Positive Directions Equals Change

Team members were split into three teams to cover the three points of institutional action (e.g., 911 to arrest; felony investigation to rebooking, and motions to revoke probation). In an Audit, one of the keys to an effective process is for practitioners on the team to look at a part of the system other than that in which

***“ . . . practitioners began to see the ways in which their own work is linked to other parts of the system and how that work could be organized differently to ensure better communication and, ultimately, more safety for victims and accountability for abusers.”***

they work.

For example, on the San Francisco Audit Team, one of the two representatives from DEM/911 was on the felony investigation team and the other was on the Motion to Revoke (MTR) team. These representatives also were interviewed as part of the Audit by the 911 team, but by asking them to investigate another part of the criminal justice process from the one in which they work, practitioners began to see the ways in which their own work is linked to other parts of the system and how that work could be organized differently to ensure better communication and, ultimately, more safety for victims and accountability for abusers.

All members of the Audit Team were bound by confidentiality agreements to not disclose information about victims, suspects, criminal justice system workers, or any internal policies or protocols reviewed by Team members. No names or other identifying information were used in Audit Team discussions or in the body of this report.

#### Audit Data Collection

The Audit uses multiple methods for collecting data, including interviews, observations, and text analysis. Some communities conduct Audits over several months, spacing out interviews, observations, and meetings over the course of six months to a year. Other communities conduct an Audit Week “blitz,” in which the team conducts the bulk of its interviews and observations in a one-week time span; San Francisco chose the latter.

For one week in September 2006, the 17 members of the Audit Team, the Audit Coordinator, and two nationally recognized domestic violence experts from Praxis International conducted close to 85 interviews and observations of personnel throughout the criminal justice system. Interviews were conducted with front line workers, supervisors, judges/commissioners, and those at the command staff level in order to obtain a big-picture view of the agency mission and goals. Observations were conducted in all of the participating departments, including observing 911 call-takers and dispatchers,

*The Audit Team conducted approximately 85 interviews and observations, and reviewed 50 911 calls and CAD reports, 50 police reports and more than 60 probation supplemental reports.*

going on ride-alongs with patrol officers (e.g. riding in the car with the patrol officer during his/her shift), shadowing workers while they conducted their work (such as inspectors, prosecutors, and probation officers), and observing in court.

The Team also conducted extensive text analysis, with each sub-team reviewing all of the relevant policies and procedures for the individual departments. In addition, 911/Emergency Management, the Police, and the Adult Probation Department all provided the Audit Team with randomly selected domestic violence cases for their review (all of which were redacted of identifying information). The Team, therefore, reviewed 50 calls to 911 and the accompanying computer-aided dispatch or CAD reports, 50 police reports (10 each from five different stations), and more than 60 probation supplemental reports<sup>2</sup>.

Furthermore, the Team conducted three focus groups with domestic violence victims who have used the criminal justice system. One of these groups was with Limited English Proficient (LEP) Asian Pacific Islander (API) women, another with LEP Latinas, and the third with a group of mostly African-American women who had been arrested for domestic violence but who identified as victims of abuse<sup>3</sup>. A fourth focus group was held with representatives of the Public Defender's Office.

During the Audit Week, the individual sub-teams met frequently to discuss their observations, ask additional questions, and begin to outline their findings. On three additional days after the Audit week, the Team reconvened to finalize its findings and recommendations and to review draft reports. The Audit Team collectively agreed upon all findings and recommendations.

## **Audit Report – Findings and Recommendations**

This report summarizes the Audit Team's work and identifies gaps to be addressed in the ongoing effort to improve domestic violence interventions in San Francisco. Throughout the full report we have used quotes and excerpts from focus groups, individual interviews, 911 calls, police reports, and probation supplemental reports, as well as Audit Team member observations to support our findings. Each gap explored in the body of this report is described in the following way:

- Statement of the gap.
- How is it a problem? For which victims of battering?

- What contributes to the gap?
- How do we close the gap?

## **Recognizing a Strong Foundation**

Throughout the Audit, the Team saw ample evidence of the strong foundation that has been built through many years of coordination and cooperation in responding to domestic violence cases in the City and County of San Francisco. The Justice and Courage Oversight Panel has played a critical role in leading these reform efforts, and the Panel's vision and commitment to the Audit, supported the Team throughout the entire process.

In all, 18 individuals from 13 different community and criminal justice system

***"The commitment and perseverance with which criminal justice practitioners approach their work is particularly noteworthy because . . . the technology and resources provided to the majority of criminal justice personnel in our City are woefully inadequate."***

agencies dedicated countless hours to seeing this process through to the end. When the Audit Team met for a day-long session in October after the Audit Week, it became clear that an additional meeting (or more) would be needed; every member of the agreed on the spot to

reconvene, and committed themselves to whatever needed to be done to complete the Audit. This remarkable response from each Team member would not have been possible without a long history of interagency collaboration.

The unprecedented access given and openness of the departments that were audited speaks to years of cooperation not only amongst the departments, but also with the community. Any agency, be it governmental or non-profit, risks exposing itself in unforeseen ways when it agrees to participate in a Domestic Violence Safety and Accountability Audit. That the four government agencies that were asked to participate in the Audit did so incredibly willingly speaks volumes about their trust in the community and dedication to increasing safety for victims of domestic violence.

The Audit Team also noted the commitment and perseverance with which workers in the system approach their jobs. This commitment and perseverance is particularly noteworthy because, as the Audit Team documents, although San



San Francisco abuts Silicon Valley – arguably one of the most technologically advanced communities in the world – the technology and resources provided to the majority of criminal justice personnel in our City are woefully inadequate. One of the Audit Team's consultants from Minnesota was "shocked" by San Francisco's limited criminal justice system resources, including the state of courtrooms, office equipment, staffing levels, and general working conditions within the Hall of Justice (HOJ).

***"The focus of any Audit is on the institution and its processes, not on the***

The Audit Team also noted many other strengths within the City's criminal justice response to domestic violence. First, Audit Team interviews and observations indicated a general lack of victim blaming by workers in the system. While some interveners expressed confusion or a lack of understanding about why a victim stays or returns to an abusive partner, the Team did not observe overt hostility towards victims. Second, of the 50 police reports reviewed by the Team, only one included a dual arrest situation. Best practices strongly discourage dual arrests in domestic violence cases, as they may ongoing victims of abuse at risk. Many communities in the U.S. often struggle with very high dual arrest rates in these cases, and although not a quantitative study, the Audit Team's rough review indicates this may not be the case in San Francisco.

## **Discovering Gaps**

The Audit Team also discovered gaps in the fabric of safety that the City and County of San Francisco has tried to weave for domestic violence victims who utilize the criminal justice system. Our findings center on five aspects of safety that need additional attention in order to create the most safety-driven and victim-oriented criminal justice response possible. The findings and recommendations were all agreed upon collectively by the entire Audit Team and should be taken in the spirit of cooperation and desire for positive change in which they are made.

***"The recommendations made herein serve as a roadmap for the City to better serve victims of domestic violence and to close the gaps between safety for all***



A note of caution: The focus of any Audit is on the institution and its processes, not on the individual workers involved. Readers of this report may have an underlying desire to try to identify a source, or a tendency to dismiss a finding as “just an anecdote.” The Audit Team encourages readers to resist such responses. The Audit Team took great care in deciding what information to include in the report and removed any findings which it did not believe there was enough information to support. The specific examples cited throughout the report are representative of many more that the Team saw, heard, or read throughout its intensive week of data collection.

## **Conclusion**

Any community that chooses to undertake a Domestic Violence Safety and Accountability Audit should be applauded for its desire to make positive social change on behalf of victims of abuse. San Francisco is one such community. The level of cooperation and outright enthusiasm exhibited by all participants in the Audit process has been unprecedented and should serve as a model for future endeavors in this arena.

The recommendations made herein serve as a roadmap for the City to better serve victims of domestic violence and to close the gaps between safety for all and safety for some. This road will not be easy or quick to build, but it will be worth it.

One framework in which almost all of the above recommendations could be encompassed is to consider a City-wide Memorandum of Understanding between criminal justice system departments and community-based organizations on how to identify, investigate, and respond to domestic violence and stalking-related calls. Such an inter-agency agreement would set a new standard for communities everywhere and propel San Francisco to the forefront as the model for a community-wide domestic violence response.

### **Endnotes:**

<sup>1</sup> Unfortunately, the JUSTIS system remains unfinished, and as the Audit Team reports, data collection in some departments continues by hand.

<sup>2</sup> A probation supplemental report is requested by the court when a defendant has violated his/her terms of probation. The report summarizes the defendant's progress while on probation and makes recommendations

<sup>3</sup> Throughout this report victims of domestic violence will be referred to by the female pronoun. The use of this gendered pronoun reflects the Audit Team's belief that the majority of victims of domestic violence are females in heterosexual relationships. The Team understands that domestic violence also occurs within same-sex relationships, however, and that in some cases the female partner is the abuser of her male partner.

**GAP: THE CRIMINAL JUSTICE SYSTEM IS NOT ORGANIZED TO HELP PRACTITIONERS IDENTIFY KEY FACTORS OF SAFETY AND DANGER IN DOMESTIC VIOLENCE CASES ON A CONSISTENT BASIS, AND THEREFORE INFORMATION IS NOT AVAILABLE FOR PRACTITIONERS TO ASSESS DANGEROUSNESS IN CASES THROUGHOUT THE CRIMINAL JUSTICE SYSTEM.**

The Audit question for San Francisco asked, “If we believe that certain factors make a particular victim more vulnerable, how do we identify the presence of those factors and how then do we adapt our response?”

The Audit Team found, in short, that as it exists today, San Francisco’s criminal justice system does not *systematically* identify those factors that may make a victim more vulnerable to future harm and, therefore, does not adequately adapt its response based on the risk to a victim. From 911 to police, investigation to prosecution and to probation, opportunities to collect information relating to risk and dangerousness that could help the system promote safety for victims routinely are missed by practitioners in all audited agencies.

Based on its findings, the Audit Team makes the following recommendations to close this gap:

I. Administrative Practices:

1. Develop a domestic violence script for 911 operators with input from community-based advocates and other criminal justice practitioners as needed.
2. Update patrol officers’ Domestic Violence Supplemental Report (in accordance with state law) to ensure more comprehensive assessment of risk at the scene of an incident; possibly identify three key questions to help responding officers assess risk/safety that would be incorporated into the report format; and ensure all changes are documented in a Departmental Bulletin.

3. Institute “vertical investigation” within the police department’s Domestic Violence Response Unit (DVRU) in order to track repeat cases, identify high risk offenders, and connect more effectively with vertical prosecution.
4. Cease using the “victim declination form” within the DVRU (i.e., a form that victims sign indicating that they do not intend to participate in or “cooperate with” prosecuting the suspect in the case).
5. Include a domestic violence risk/danger assessment tool in the Adult Probation Department’s Probation Supplemental Reports, and institute risk assessment protocol for all criminal justice agencies, including training to cover the usage of such assessments.
6. Develop a written protocol to include the Police Department and the Courts for the issuance of Emergency Protection Orders (EPOs).
7. Recommend mandatory training on domestic violence and related issues for all judges and commissioners who are assigned to issue EPOs.
8. More information is needed on the number and nature of Gone on Arrival (GOA) cases, (e.g., where the suspect is not present when the police officers respond to the scene), such as the number of such cases, dispatch priority level, and follow-up by subsequent interveners, such as DVRU inspectors or the prosecutor’s office.

## II. Training

1. Identify and allocate more money for quality domestic violence training across all criminal justice system agencies, including dedicated funding for ongoing, regular domestic violence training.
2. Require DVRU Inspectors to receive updated and specialized domestic violence training on an annual basis.

3. Ensure that all criminal justice system agencies participate fully in the San Francisco Department on the Status of Women (DOSW) Cross-Training Institute, including providing trainers and sending workers to participate as trainees.
4. Create a permanent community-based Training Network between the criminal justice system and community-based organizations (CBOs) serving domestic violence survivors, with a training coordinator that includes cross-training between CBO personnel and criminal justice personnel.
5. Within the police department, prioritize the domestic violence portion of the bi-annual, 40-hour training for patrol officers; prioritizing includes moving the domestic violence segment from its Friday afternoon time-slot to a segment earlier in the week and expanding the allotted training time.
6. Document annually *all* domestic violence-related training within each criminal justice system department, including training topics, hours allocated, and whether they were roll-call, in-house, or individual trainings.
7. Identify two to three officers to serve as on-site domestic violence experts for each Police Station (or the four stations with the highest number of domestic violence calls), to attend the Institute of Criminal Investigation (ICI) trainings on domestic violence and other related topics, and to be available to do on-site, Station training. In addition, these on-site experts could, in coordination with DVRU, provide 24/7 on-scene to domestic violence cases, as needed.
8. Provide intra-net and web-based domestic violence training to criminal justice system agencies.
9. Within the District Attorney's Office, create domestic violence training DVDs to be distributed to each police station and the Department of Emergency Management with updates on domestic violence legislation, guidelines for taking photographs and collecting other forms of evidence, etc.

### III. Resources

1. Provide confidential, secure interview rooms for DVRU Inspectors, DVRU advocates from La Casa de las Madres, and staff from the District Attorney's Victim Services Division.
2. Explore options to provide adequate space and staffing to the DVRU and La Casa VAs, to include administrative support, safe and ample waiting area, and a place for children while parents are waiting or being interviewed.
3. Ensure safe access and waiting areas for victims and their children at the Hall of Justice, particularly in regards to the DVRU and Department 13.

### IV. Communication

1. Enhance communication between criminal justice system agencies by:
  - a. Developing written protocols on communication between criminal court and family court, including updated technological communication, such as access to all court-related computer networks.
  - b. Providing voice mail to patrol officers and email accounts to all criminal justice system personnel, with internet access *at work* to email.
  - c. Sharing rosters of email and direct phone lines among criminal justice system personnel for DVRU inspectors, prosecutors, probation officers, and others.
  - d. Implementing a feedback system to patrol officers from DVRU inspectors and prosecutors regarding the investigation of domestic violence cases.

2. Enhance communication between criminal justice system agencies and community-based organizations (CBOs) that serve domestic violence survivors by:
  - a. Regularly updating all CBO Resource/User Guides available to criminal justice system agencies; consider standardizing one resource guide across all criminal justice agencies. This could be enhanced by the use of a communications network or website to quickly update information as needed.
  - b. Developing a 24/7 Victim Advocacy response system to strengthen linkages between patrol officers and advocates from all community-based domestic violence organizations, with participation by all community-based organizations, police, 911, and other relevant agencies.
  - c. Expanding linkages between victim advocacy services within the criminal justice system (i.e., advocates from La Casa de las Madres and Victim Services within the District Attorney's office) and confidential community-based organizations serving domestic violence victim, especially in high-risk cases.
3. Enhance communication between criminal justice system agencies and victims by:
  - a. Producing a simplified flow chart for victims to be able to follow case, (e.g., where the case is in the system at each particular moment).
  - b. Developing a system for notifying victims when defendants are released from jail.
  - c. Creating written protocol and training for all departments on victim contact, said protocols should consider victim contact by multiple criminal justice agencies and strive to reduce repeat or contradictory phone contacts with victims.

**GAP: INTERVENERS THROUGHOUT THE CRIMINAL JUSTICE SYSTEM RESPONSE DO NOT ADEQUATELY UNDERSTAND THE CRIME OF STALKING, AND THEREFORE DO NOT SUFFICIENTLY INVESTIGATE, DOCUMENT, OR RESPOND TO STALKING CASES.**

The Audit Team found that cases of stalking or stalking-related behavior are systematically “disappeared” from the criminal justice system, beginning with 911 and proceeding throughout the rest of the system. This occurs due to a lack of codes to identify stalking cases, no training on stalking for criminal justice system interveners, administrative procedures that rotate which prosecutors and investigators review police reports, and an overall focus on individual criminal incidents, which often leads to interveners downplaying the potential dangerousness of behaviors that, viewed cumulatively, comprise stalking cases.

Based on its findings, the Audit Team makes the following recommendations to close this gap:

1. A Stalking Task Force currently exists as part of the District Attorney’s Stalking Grant. The Audit Team recommends expanding and/or reviving this Task Force to ensure key decision-makers from criminal justice system agencies and community representatives are part of this body, including representatives from 911/DEM (who are not currently on the Task Force), CBOs, and others.
2. Create a comprehensive, system-wide protocol on identifying, documenting, and charging stalking cases, including a specific stalking code for 911/DEM. This comprehensive protocol could be developed either as part of the Stalking Task Force or by a separate group.
3. Develop a script for 911 call-takers for stalking-related calls such as harassing phone calls, threats, etc., with input from community-based advocates and other criminal justice interveners.

4. Provide mandatory training and cross-training for all criminal justice system interveners on stalking as part of the Stalking Task Force or a separate group. All training should be in conjunction with criminal justice practitioners and community-based organizations.
5. Create a systematized way of ensuring that all identified stalking victims are identified as such despite the level of crime charged (e.g., misdemeanor or felony) and are connected with community-based advocacy services (e.g., La Casa de las Madres and/or other organizations).
6. Identify or develop, in conjunction with probation and community-based organizations, expanded treatment options for defendants convicted of stalking, including a specialized program to treat these defendants.
7. Provide training for La Casa de las Madres victim advocates in all aspects of the criminal justice system processes, including advocacy for victims of stalking, and develop comprehensive written protocols for reviewing cases and contacting victims.
8. Develop a way to identify misdemeanor stalking cases and refer them to the DVRU for vertical investigation by DVRU Investigators.



## **GAP: LIMITED ENGLISH PROFICIENT (LEP) SPEAKERS WHO ARE VICTIMS OF BATTERING FACE MULTIPLE BARRIERS AT EACH STAGE OF INTERVENTION, INCLUDING LIMITED ACCESS TO INTERPRETATION, TRANSLATED MATERIALS, PERTINENT INFORMATION ABOUT CRIMINAL JUSTICE SYSTEM PROCESSES, AND CULTURALLY COMPETENT WORKERS.**

The Audit Team found that the gap between Limited English Proficient (LEP) victims of domestic violence and safety widens with each stage of criminal justice system intervention. The increased risks for victims who are Limited English Proficient are exacerbated by a lack of in-depth cultural competence by practitioners who are responding to victims and their needs, as well as insufficient interpretation/translation services.

Based on its findings, the Audit Team makes the following recommendations to close this gap:

1. Systematize the pathway for securing interpreters and translators across all criminal justice systems, from 911 through the courts. This could include making the AT&T language line the interpreter line for the entire criminal justice system (e.g., DEM, police, district attorneys), rather than having different resources for each department. In the meantime, the Audit Team recommends that if the District Attorney's Office or the Probation Department need interpreter services, they call the Department of Emergency Management which can help secure interpretation.
2. Review the certification and training requirements for the "City certified interpreter roster" to determine if domestic violence training is included, available, and/or required for City certified interpreters, and determine whether the roster is accessible to all Departments.

3. Improve linkages between community-based organizations and City departments/agencies to ensure culturally appropriate services and support, particularly regarding LEP domestic violence victims. This includes improving awareness of existing services through training and outreach to agency workers, ensuring materials are available in different languages, and linking advocates from community-based organizations with victims to provide safety planning, help dispel myths about the criminal justice system, and explain the legal process.
4. Develop a 'flag' to identify LEP victims in each of the criminal justice system's computer systems, starting with DEM, in order to facilitate timely interpretation services, awareness of additional time that may be needed, and linkages to community-based resources, etc.
5. Update all Victim Resource Cards to include the District Attorney's Victim Services Division and 311 (non-emergency City services). In addition, all translations of criminal justice system documents should include pictures where possible, since direct translations from English to another language may be confusing or inaccurate. (Pictures may also benefit illiterate victims.).
6. Establish a written protocol within all criminal justice system departments for working with LEP victims that takes into account their different needs, additional time required for interpretation and explanations of the criminal justice system, etc.; how staff access interpreter services, and other relevant issues. Such protocol should be developed in conjunction with community-based organizations that have a history of working with LEP domestic violence victims.

7. Establish ongoing and regularly updated cultural competency training in all criminal justice system departments in conjunction with community-based organizations that have a history of working with LEP domestic violence victims. Domestic violence training could be incorporated into existing cultural competency training provided by CBOs at the Police Academy and elsewhere within the criminal justice system.
8. Establish a Task Force made up of key agencies and community-based organizations to ensure Audit Team recommendations regarding LEP victims are implemented within San Francisco and its relevant criminal justice agencies.

## **GAP: CRIMINAL JUSTICE EFFORTS TO HOLD BATTERERS ACCOUNTABLE TO COMPLYING WITH COURT ORDERS ARE LACKING AND THEREFORE COMPROMISE VICTIM SAFETY.**

The Audit Team found that systematically, batterers are not being held accountable to either the criminal justice system, or subsequently their victims, for their violence. Victim safety is compromised when defendants repeatedly re-enroll in batterer intervention programs (BIPs) despite various probation violations, as well as when there is a lack of clear communication and protocols between intervening agencies.

Based on its findings, the Audit Team makes the following recommendations to close this gap:

1. Create a San Francisco Domestic Violence Court benchbook that outlines courtroom procedures for domestic violence cases, including handling arraignments, probation reviews, and Motions to Revoke, as well as inter-court communications.
2. Recommend to the Judicial Council to update the existing statewide Domestic Violence Benchbook, and recommend inclusion of information regarding domestic violence probation and the monitoring of defendants.
3. Ensure courtroom access to the California Law Enforcement Telecommunication System (CLETS) and the Civil Court computer system by select court personnel, e.g. court clerk, court probation officer, and provide training to clerks on the standardization of court records.
4. Review and update defendants' batterer intervention program (BIP) progress reports, including information about program termination/completion and other reports to the courts, in conjunction with judges, probation, BIP personnel, and community-based advocates.

5. Review and update Adult Probation Department supplemental reports to include analysis of risk and dangerousness posed in individual domestic violence cases, and to include input by batterer intervention program personnel and community-based advocates;
6. Develop an inter-departmental protocol between the Adult Probation Department and the District Attorney's Office that establishes procedures for the handling of Motion to Revoke hearings in both misdemeanor and felony cases.
7. Recommend that judges assigned to domestic violence court receive domestic violence training prior to taking over in Department 13, to include training by the National Council of Juvenile and Family Court Judges (NCJFCJ) when possible.
8. Explore models to ensure higher compliance of defendants for enrolling in and completing batterer intervention programs, including the development of a domestic violence priority warrant system.
9. Explore models for the creation of a crisis line and drop in programs for batterer defendants.
10. Identify additional funding sources for the Adult Probation Department to ensure substance abuse testing.
11. Develop a program, in conjunction with the Adult Probation Department and community based advocacy programs, for rigorous batterer intervention program oversight, including re-certification and training.
12. Explore models whereby the Adult Probation Department provides all batterer intervention programs, similar to the model currently employed within the San Francisco Jail.

13. Create additional linkages, communications, and accountability between court, victims, batterer intervention programs, the community-based advocacy community, and children's services through standing meetings, a court-watch program, or other initiatives to be developed.
14. Refurbish Department 13 and devote adequate resources to the dedicated domestic violence court (including personnel, technological resources, and safe waiting places for victims).
15. Within the District Attorney's office, staff Department 13 with an in-court paralegal similar to the Public Defender's Office.
16. Explore models for alternative community-based programs to enhance batterer accountability; these programs could be in addition to the 52-session batterer intervention program.
17. Ensure that judges in domestic violence court have necessary information about batterer intervention programs (e.g., location, cost for defendants, specialized groups, language access, etc.).
18. Develop a field policy protocol for Adult Probation Department officers regarding responding to domestic violence cases.

## **GAP: CRIMINAL JUSTICE SYSTEM RESPONSES TO DOMESTIC VIOLENCE INCIDENTS DO NOT ACCOUNT FOR THE COMPLEXITY OF RISK ENCOUNTERED BY VICTIMS OF BATTERING FROM VARIOUS SOCIAL AND CULTURAL POSITIONS.**

The Audit Team found that for victims of domestic violence who either face additional barriers in life (such as those that result from being an undocumented immigrant), or those whose lives are otherwise more complex (such as being lesbian, gay, bisexual, transgender, or queer/questioning – LGBTQ), criminal justice system responses do not adequately account for the increased risk of danger that often accompanies such complexities.

While the Audit question did not go in depth into any one particular area of vulnerability for domestic violence victims (for example, by examining how homelessness impacts safety for victims), during its data collection the Audit Team found many ways in which the complexities of an individual's life impacted the criminal justice response to their domestic violence situation. In most cases that the Team observed, these complexities typically served to widen the gaps between safety and services for the victim, rather than close them.

Based on its findings, the Audit Team makes the following recommendations to close this gap:

1. Provide education and training for all criminal justice practitioners on traditionally underserved and underrepresented communities, including the impact of domestic violence in these communities.
2. Ensure training and education on the identification of same-sex/LGBTQ victims for all criminal justice system agencies, to include the identification of resources and supportive services for victims.

3. Conduct additional research on criminal justice system responses to traditionally underserved and underrepresented communities in San Francisco, including how issues of victim safety and batterer accountability are or are not accounted for by city departments.
4. Convene a local dialogue group in collaboration with the California Partnership to End Domestic Violence – Bay Area Public Policy Research Committee, and the San Francisco Domestic Violence Consortium, to include batterer intervention programs, victim service programs, criminal justice system agencies, children's groups, elder abuse groups, and other groups as identified, to explore the following questions: What is accountability? What does safety mean in different communities?



# ~~EXHIBIT~~ 46



**Executive Directive 07-05**  
**Domestic Violence Safety and Accountability**


June 12, 2007

By virtue of the power and authority vested in me by Section 3.100 of the San Francisco Charter to provide administration and oversight of all departments and governmental units in the executive branch of the City and County of San Francisco, I do hereby issue this Executive Directive to become effective immediately:

*The City makes several findings about domestic violence response by criminal justice agencies. The Domestic Violence Safety and Accountability Audit, released in January 2007, details five overarching gaps in safety and accountability that bridge the City's criminal justice system response. The report presents a 1-to 5-year blueprint for change in the City's criminal justice domestic violence response to enhance the safety of all victims. I address key recommendations below.*

1. The Commission on the Status of Women Justice & Courage Oversight Panel shall include in its work overseeing the implementation of all recommendations related to the San Francisco Domestic Violence Victim Safety and Accountability Audit. I require all agencies to cooperate fully with the Oversight Panel. As a first step, I expect departments to respond to the Audit by specifying implementation strategies and timelines to the Justice & Courage Oversight Panel within the next two months.
2. Criminal justice agencies shall conclude a citywide Memorandum of Understanding (MOU) to codify inter- and intra-departmental responses to both domestic violence and stalking incidents within the City. Such an MOU would be developed in collaboration with community-based organizations to establish clear protocols to identify, investigate, and respond to domestic violence and stalking-related calls, making San Francisco a model for a community-wide domestic violence response.
3. The Police Department shall ensure that patrol officers receive a minimum of two hours of POST-certified stalking training, developed in collaboration with community-based agencies over the next year. The Audit Team saw numerous cases in which victims reported stalking that was not properly identified as such by law enforcement. Given the high correlation between stalking and lethality, it is imperative that stalking cases be correctly identified and investigated to enhance victim safety.
4. Criminal justice agencies shall fully support and participate in the Domestic Violence Response Cross-Training Institute. Through a partnership with the Blue Shield of California Foundation, the Department on the Status of Women has secured funding to provide highly interactive training on domestic violence and stalking to criminal justice personnel, based on recommendations generated from the Audit. I direct all relevant agencies to send personnel to attend this training.

5. The City Administrator's Office shall establish a list of centralized, high-quality interpretation vendors for all criminal justice agencies, including the Department of Emergency Management for non-emergency calls, the San Francisco Police Department for patrol and investigations, the District Attorney's Office, the Public Defender's Office, and the Adult Probation Department. The 2005 U.S. Census survey shows that, 26 percent of San Franciscans speak an Asian Pacific Islander language, of these almost 60 percent speak English less than very well. Spanish speakers in the City represent 12 percent of the population, and almost 47 percent report not speaking English very well. The Audit found interpretation services for domestic abuse victims inconsistently available and of poor quality. In order to bolster victim safety for all, San Francisco's response to domestic violence must be language appropriate.
6. The Police Department and the City's Real Estate Division shall work collaboratively and expediently to locate appropriate office space for the Domestic Violence Response Unit (DVRU) to secure victim safety and include sufficient space for victim advocates. The Audit found that the current office space for the DVRU does not sufficiently account for victim safety or the confidential nature of victim advocacy. The needs of victims must be accounted for.
7. The Adult Probation Department shall develop a plan to ensure oversight and annual re-certification of the City's batterer intervention programs. The Audit found a systemic lack of accountability of batterer intervention programs, including reviews of defendant enrollment and re-enrollment in programs during probation. One study found that over 50 percent of enrollees did not complete their programs, leaving victims even more vulnerable to their batterers. Already, the Chief Probation Officer has taken preliminary steps to address this critical area.
8. The Department on the Status of Women (DOSW) shall initiate a planning process around a 24-hour a day, 7-day a week victim advocate response to domestic violence calls to 911 and the police. The Audit found that first responders, including 911 operators and patrol officers, are mostly unaware of the range of services available to domestic violence victims. In partnership with the City's community-based domestic violence intervention service providers, DOSW shall explore the provision of consistent referrals to resources for victims.



Gavin Newsom  
Mayor