

# VRAP

Victim Rights Advocacy Project

## SUMMARY OF FINDINGS AND RECOMMENDATIONS

June 2021



**EVIDENT  
CHANGE**

# ACKNOWLEDGEMENTS

***\*The Victim Rights Advocacy Project (VRAP) was funded by the Office of Gender-Based Violence Prevention (OGBVP) Research and Policy Grants.***



The VRAP team would like to acknowledge and thank all the survivors and advocates who participated in a focus group or an interview for this project. We deeply appreciate your insight and expertise.

The VRAP team is grateful to Asian Americans for Community Involvement (AACI) and YWCA Golden Gate Silicon Valley for support in convening focus groups with survivors.

Finally, the team recognizes and thanks everyone who participated in a VRAP study session and/or key stakeholder meeting to provide feedback on the project's findings and recommendations. Your thoughtful contributions are reflective of our community's support for improving services and policies for survivors of gender-based violence and have strengthened and enhanced our efforts. We are grateful for your continued partnership.

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# INTRODUCTION

During FY 19/20, Community Solutions received funding through the Office of Gender-Based Violence Prevention's Research and Policy Grants to implement the Victim Rights Advocacy Project (VRAP). The focus of VRAP is to ensure consistent interpretation and application of victim rights, for survivors of intimate partner abuse (IPA), human trafficking (HT), and sexual assault (SA), across governmental and community-based organizations (CBOs) in Santa Clara County. Additionally, VRAP aims to identify opportunities to increase gender-based violence (GBV) survivors' access to culturally responsive victim services, legal representation, civil and criminal court systems, and social service benefits. We believe these goals can be reached through intersectional and multidisciplinary policy development, trainings, and collaboration.

Community Solutions partnered with Evident Change, Maitri, and the South Bay Coalition to End Human Trafficking to implement VRAP in two phases – preliminary research and key stakeholder meetings. The preliminary research phase consisted of focus groups with survivors and interviews with confidential advocates from CBOs to gauge general understanding of victim rights and their application in Santa Clara County. The focus groups provided insight on survivors' knowledge of and access to victim and legal services, as well as how civil and criminal justice systems are working for survivors. Through the advocate interviews, we identified additional

training needs for advocates - and as a result hosted several trainings to increase advocates' understanding of victim rights. The VRAP team also conducted a series of small study sessions with survivors and with representatives of different disciplines to share and discuss the findings from the focus groups and interviews.

As a next step, the VRAP team facilitated several meetings with key stakeholders in Santa Clara County to 1) present the focus group and interview findings, as well as the input from study sessions, and 2) generate feedback on preliminary policy recommendations to address key findings.

The report includes the following information.

- A summary of the four policy recommendation categories that surfaced from this process.
- A summary of the research and the methods used to collect this information.
- A series of finalized policy recommendations, including justifications for each recommendation, suggested implementation strategies, and alignment with relevant state laws and/or local policies, ongoing or existing efforts to address the issue, or related guidelines/recommendations.

Thank you for your time and partnership.

***VRAP Team***



# **SUMMARY OF POLICY RECOMMENDATIONS**

**1.**

**Ensure a Consistent Framework – Uphold a survivor-informed, trauma informed, culturally responsive framework amongst governmental and community-based organizations.**

**2.**

**Provide Prompt and Consistent Survivor Access to Services and Resources**

**3.**

**Uphold an Intersectional, Collaborative Approach to Gender-Based Violence**

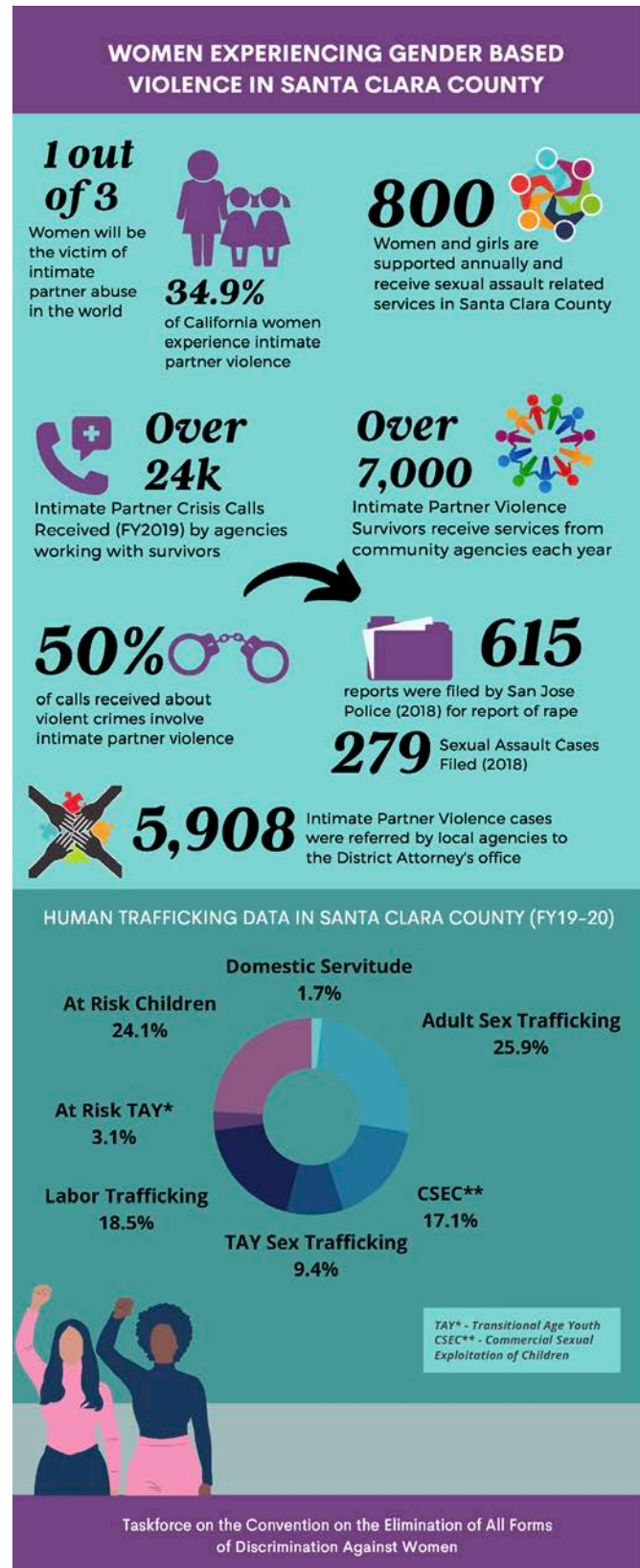
**4.**

**Build Capacity through Professional Training and Community Outreach**

# Women and Gender-Based Violence

Gender-based violence (also known as violence against women) is a global pandemic that affects 1 in 3 women in their lifetime. Instances of gender-based violence (GBV) are prevalent in all parts of the world and disproportionately impact women and girls – though men and boys experience abuse as well. Gender-based violence is rooted in gender inequality, discrimination, and power imbalances. Often GBV happens within the home or other familial settings, and therefore it is not readily identifiable. Also, GBV may be misunderstood or even condoned due to patriarchal socialization and deeply entrenched gender norms. Gender-based violence can take many forms and generate complex intersections. This report addresses policy and programming issues regarding three forms of GBV that commonly occur and intersect: intimate partner abuse, sexual assault, and human trafficking.

“Gender-based violence can take many forms and generate complex intersections”



Infographic provided by Santa Clara County Taskforce on the Convention on the Elimination of All Forms of Discrimination Against Women.





# GLOSSARY OF KEY TERMS

## ***Commercial Sexual Exploitation of Children (CSEC)***

A term that refers to a range of crimes and activities involving the sexual abuse or exploitation of a child for the financial benefit of any person or in exchange for anything of value (including monetary and non-monetary benefits) given or received by any person. CSEC also includes situations where a child, whether or not at the direction of any other person, engages in sexual activity in exchange for anything of value, which includes non-monetary things such as food, shelter, drugs, or protection from any person.<sup>1</sup>

## ***Gender-Based Violence (GBV)***

Any type of violence toward women and girls based on their subordinate or perceived subordinate status in society.

## ***Human Trafficking (HT)***

A term that is defined by the Trafficking Victims Protection Act (TVPA) as Labor Trafficking: The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.<sup>2</sup>

## ***Intimate Partner Abuse (IPA)***

A pattern of abusive behaviors exerted by one individual in order to control or exercise power over their partner in the context of an intimate relationship. Abusive behaviors can be actual or threatened physical, sexual, financial, psychological, emotional, or stalking by an intimate partner or former intimate partner. An intimate partner can be a current or former spouse or non-marital partner, such as a boyfriend, girlfriend, or dating partner.<sup>3</sup> Intimate partners can be of the same or opposite sex.<sup>4</sup>

## ***Sexual Assault (SA)***

A term that includes any nonconsensual completed or attempted penetration of the vagina or anus, nonconsensual completed or attempted oral sex, nonconsensual intentional touching of a sexual nature, or nonconsensual non-contact acts of a sexual nature such as voyeurism and verbal or behavioral sexual harassment. Sexual violence can be perpetrated by anyone, such as a friend/acquaintance, a current or former spouse/partner, a family member, or a stranger.<sup>5</sup>

## ***Sex Trafficking***

The recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act where such act is induced by force, fraud, or coercion, or where the person induced to perform such act has not attained 18 years of age.<sup>6</sup>

## ***T Visa***

The T Visa provides immigration relief for human trafficking survivors.<sup>7</sup>

## ***U Visa***

The U Visa provides immigration relief for survivors of intimate partner abuse and other crimes who assist in a criminal investigation or prosecution.<sup>8</sup>

## ***Violence Against Women Act (VAWA)***

The Violence Against Women Act (VAWA) provides immigration relief for survivors of domestic violence including spousal abuse and child abuse.<sup>9</sup>



# METHODS

**T**he VRAP team implemented a collaborative, multistep process to develop policy recommendations designed to ensure consistent interpretation and application of victim rights in Santa Clara County and to identify opportunities to increase GBV survivors' access to culturally responsive services and systems. This approach included 1) gathering data from survivors and CBO advocates about victim rights through focus groups and interviews, 2) through a series of study sessions, sharing the focus group and interview findings and collecting feedback on the findings, and 3) drawing on the information from focus groups, interviews, and study sessions to draft several policy recommendations and associated implementation strategies. The team then gathered feedback on the recommendations and strategies through several meetings with key stakeholders and used this feedback to refine and finalize the recommendations and strategies. Each step is described in more detail below.

Regarding timing of VRAP efforts, while most of the initial data collection – survivor focus groups and advocate interviews – was completed prior to the local onset of the COVID-19 pandemic in mid-March 2020, the study sessions and key stakeholder meetings occurred during the pandemic's shelter in place orders and were conducted virtually.

## **Focus Groups and Interviews with Survivors**

To learn about GBV survivors' awareness and assertion of victim rights including what worked

well and what could be improved, the VRAP team convened and facilitated seven focus groups with a total of 36 survivors. The number of participants in a focus group ranged from two to nine people. The team led five in-person focus groups at CBOs that provide confidential advocacy services for survivors of GBV – Community Solutions (two groups), Maitri (one group), and YWCA Golden Gate Silicon Valley (two groups) – between November 2019 and March 2020; two groups occurred virtually, convened by AACI, in August 2020. Participants were current or former clients of the organization hosting the focus group and were invited by the host organization to participate in a voluntary focus group. Three groups were conducted in English. Two groups were held in Spanish and one each in Chinese and Vietnamese, all with consecutive interpretation. Each focus group participant received a gift card to thank them for their time and expertise.

## **Interviews with CBO Advocates**

To glean information about advocates' understanding of victim rights, successes and challenges in upholding these rights, and suggestions for improvements, the team conducted individual interviews with 25 confidential CBO advocates from January to April 2020. Advocates who work with CBOs in the county offering confidential advocacy services for GBV survivors received a flyer, by email, with an invitation to participate in a voluntary interview. Interview participants were from AACI, Community Solutions, Maitri, and the YWCA.





# METHODS continued

## **Study Sessions**

From June through August 2020, the VRAP team led 13 small study sessions, convened virtually, with approximately 80 participants, including survivors and professionals from disciplines such as victim services providers, legal services providers, medical providers, city police departments, local elected officials, and county agencies such as the Office of Gender-Based Violence Prevention, Department of Family and Children's Services, district attorney, and probation. The purpose of the study sessions was to share and discuss the findings from the survivor focus groups and advocate interviews. The feedback generated from the study sessions is threaded into the key findings presented in the next section of this report. For a list of agencies/organizations that participated in one or more study sessions, please see Appendix A.

## **Stakeholder Meetings**

Between December 2020 and February 2021, the VRAP team convened and facilitated six online key stakeholder meetings with more than 50 participants to share and discuss the preliminary recommendations and implementation strategies based on the project's findings. Participants included representatives of victim services providers, legal services providers, city police departments, elected officials at the city and county levels, and county agencies such as the Office of Gender-Based Violence Prevention, Department of Family and Children's Services, district attorney, pretrial services, and probation. For a list of agencies/organizations that participated in one or more stakeholder meetings, please see Appendix A.

## **Analysis and Reporting Methods**

Evident Change, the VRAP team's research partner, used a qualitative approach to code and identify the key themes that emerged from the survivor focus groups (N=36) and advocate interviews (N=25). As this is a qualitative, exploratory project without large sample sizes, protecting participants' confidentiality and anonymity was required to encourage candid responses. Therefore, numbers or percentages of responses to specific questions are not reported with the findings; rather, they are reported as themed and aggregated summaries. The analysis categorized responses by participant type; for each theme, survivor responses are reported separately from advocate responses. To indicate the approximate number of focus group or interview participants referenced for a specific theme or finding, semi-quantification terms such as "few" and "many" are used, based on the following guidelines: a) most: refers to more than half of participants; b) many: more than six and less than half of participants; c) several: 4 to 6 participants; and d) few: 2 to 3 participants.

# KEY FINDINGS



## What's Working Well



## Opportunities for Change



## Training Needs for Advocates



## Feedback from Study Sessions

**T**his section summarizes six key findings, listed below, that emerged from the survivor focus groups and advocate interviews.

- Survivor and advocate engagement
- Working with law enforcement
- Experiences in court
- Restraining orders
- Immigration safety
- Language access

For each key finding, survivor and advocate perspectives are highlighted, with a focus on:

- What is working well
- Opportunities for change
- Training needs for advocates
- Feedback from study sessions

There is also a short section on the impacts of COVID-19. In addition, Appendix A includes a summary of findings from interviews that Maitri conducted with 10 survivors from various South Asian countries who experienced transnational abandonment and sought services from Maitri.

# Survivor and Advocate Engagement



## What's Working Well

### *Survivor Perspectives*

***Receiving support to learn about and assert survivors' rights.*** Many survivors described the importance of having support from an advocate to understand and assert their rights. For example, several survivors stated that their advocate helped them navigate the legal process including obtaining an attorney, filing a restraining order, and accompanying them in court. In addition, a few survivors reported being unaware of their options and rights prior to working with an advocate. One survivor said she would have left her abusive situation sooner if she had known about available assistance and resources.

***Receiving support for emotional needs.*** A few survivors highlighted the emotional support provided by their advocate. One survivor stated that after being in an isolated, abusive situation, having an advocate listen and be there as the survivor regained control over her life was important.

### *Advocate Perspectives*

***Supporting survivor empowerment.*** Many advocates stated that providing survivors with information, options, and resources and supporting survivors to make decisions and use their voice is a positive aspect of helping survivors assert their rights. When asked what generally goes well with this process, one advocate said, “[Survivors] are more empowered in the space. They feel more informed, they have more choices and more control. Their needs are being met in some ways. So much of the process is not about them, especially in the court system. When I say, ‘You have a right to the sentencing report,’ it makes them feel like they have some control.”

***Offering culturally responsive support.*** A few advocates who work with South Asian survivors stated that assuring survivors they will not face retaliation, helping them understand they are worthy of respect and having their own rights, and providing an opportunity to talk with someone who understands their culture are important components of helping survivors assert their rights.



# Survivor and Advocate Engagement



## Opportunities for Change

### *Survivor Perspectives*

**More support in court is needed.** Most survivors did not describe any areas for change related to working with an advocate. Of those who did, several survivors who had IPA cases that went to criminal court reported that they did not have an advocate with them in court.

### *Advocate Perspectives*

**Opportunities to increase trust.** Most advocates did not describe challenges in working with survivors. Of those who did, one said it can be challenging to build trust with a survivor who is in crisis until the survivor understands the support an advocate provides. Another advocate said that at times a survivor may feel they are not being heard or validated by their advocate which may stem from language access needs.



## Training Needs for Advocates

Regarding training, two areas of survivors' rights that advocates said they feel comfortable with and knowledgeable about frequently emerged: 1) rights related to an advocate and/or support person accompanying a survivor in situations such as law enforcement interviews, during medical exams, and in court; and 2) rights related to Marsy's Law. Advocates were asked to describe topics or situations in which they would like additional training. Related to survivor engagement, one or more advocates stated that they would like more training in the following areas.

- Survivors' rights in general
- Marsy's Law
- New legislation that is relevant to survivors
- Housing rights and resources for survivors
- Rights of survivors with mental health and/or substance use issues
- Working with incarcerated survivors
- Trauma-informed advocacy
- How to practice advocacy
- Crisis intervention
- Techniques for coping and self-care

# Survivor and Advocate Engagement



## Feedback from Study Sessions

Related to survivor and advocate engagement, responses from study session participants included the following areas.

***Provide consistent access to advocates.*** Advocates expressed a need to connect with survivors earlier in the process when law enforcement is involved. Advocates were surprised to learn that in some cases survivors may not have an advocate, acknowledged that connecting with survivors can be a challenge, and discussed situating CBO advocates in criminal court to provide survivors with information on restraining orders and other matters. The district attorney's (DA) office stated that DA victim advocates frequently appear in criminal court with survivors.<sup>10</sup>

***Benefits of working with advocates.*** Department of Family and Children's Services (DCFS) social workers and sexual assault response team (SART) nurses described the benefit to survivors, including children and young adults, of working with an advocate. When parents/caregivers of survivors are involved, they can also feel supported by an advocate.

***Connect survivors with services.*** Legal services providers stated that sometimes their survivor clients would benefit from receiving case management or counseling support. However, legal services providers may experience challenges in referring survivors to services; one reason shared was that an agency may want the survivor to contact them directly.

# Working with Law Enforcement



## What's Working Well

### *Survivor Perspectives*

**Positive experiences reporting abuse.** A few survivors described positive experiences with reporting their abuse to law enforcement. For example, one survivor said that when she submitted a police report, the officers believed her immediately and arranged for the abuser to be arrested when the survivor's children were not present. She was satisfied with this outcome.

### *Advocate Perspectives*

**Maintaining open communication.** Several advocates described what works well in their interactions with law enforcement. For instance, advocates appreciate having open lines of communication with detectives to the extent allowed by confidentiality.



## Opportunities for Change

### *Survivor Perspectives*

**Improve responses to reports of abuse.** Several survivors shared that some members of law enforcement did not take their reports of abuse seriously or deterred them from pressing charges. One survivor stated, "It makes me angry when police ask, 'Are you sure?' when they see the bruises and the scratches." Another survivor said that officers were dismissive of her because she was experiencing emotional and verbal abuse rather than physical abuse.

**Increase information sharing about crisis support.** Several survivors stated that when they reported abuse, law enforcement did not connect them with adequate information about crisis support or resources, such as emergency housing. One survivor said that after calling the police for help, she was not allowed to return to her home and did not have a place to stay for several days.



# Working with Law Enforcement



## Opportunities for Change

### *Advocate Perspectives*

**More knowledge about survivors' rights is needed.** Several advocates expressed that working with members of law enforcement who are unaware or are not respectful of survivors' rights can pose challenges. For example, one advocate said that police officers who are new to their roles may not be knowledgeable about victim rights such as allowing an advocate to be present during an interview.



## Training Needs for Advocates

Related to working with law enforcement, one or more advocates stated that they would like additional training on the following topics.

- Survivors' rights when law enforcement is called, including the right to an interpreter
- Survivors' rights related to obtaining a police report
- Survivors' rights related to urine testing
- Survivors' rights related to changing their detective
- Criminal justice system
- Juvenile law (dependency and delinquency systems)
- Advocacy strategies for effectively working with law enforcement



# Working with Law Enforcement



## Feedback from Study Sessions

Related to working with law enforcement, responses from study session participants included the following areas.

***Reporting abuse is challenging.*** Survivors agreed it is often difficult to report abuse to law enforcement and cited concerns such as not being taken seriously or experiencing a lack of understanding about their situation.

***Establish trust and roles before an interview.*** Law enforcement agreed that a survivor who wants an advocate in an interview to provide support should have one. Advocates suggested increasing consistency about when a survivor is connected with a confidential CBO advocate. Before an interview begins, law enforcement and the advocate should establish trust and agree on roles and expectations for the interview.

***Law enforcement serves as a neutral factfinder.*** While survivors expressed concerns with reporting abuse, law enforcement reported that their role is to be a neutral factfinder, which may conflict with the more supportive or emotive role that advocates or survivors would like them to take. Many GBV cases rely on testimonial evidence which involves scrutiny by law enforcement of the survivor's credibility and detailed exploration of facts to bring a strong case to trial. Law enforcement officers cannot be seen as supportive of the survivor as this may appear biased or coercive.

# Experiences In Court



## What's Working Well

### *Survivor Perspectives*

***Receiving support during the court process.*** Many survivors stated that an advocate accompanied them to criminal court. In addition, one survivor described meeting with a victim services provider and the DA's office before court which helped the survivor understand what testifying would involve. Another survivor stated that she and her children could be in a separate room, rather than in the courtroom, during sentencing which helped limit her trauma for that portion of her case.

### *Advocate Perspectives*

***Providing support during the court process.*** Many advocates reported that being in criminal or family court with a survivor helps the survivor feel more comfortable in an unfamiliar setting. The advocate provides emotional support for the survivor and helps relieve their stress, particularly if the survivor does not speak English.

***Survivors' voices are heard.*** A few advocates described beneficial aspects of the court process for survivors such as the opportunity to provide a victim impact statement to the court. One advocate said, "What works well is survivors being able to be heard before or during sentencing. This is often healing for clients. Clients [who participate in this process] have said, 'This is me closing a chapter.'"

"What works well is survivors being able to be heard before or during sentencing. This is often healing for clients."

- Advocate



# Experiences In Court



## Opportunities for Change

### *Survivor Perspectives*

***Increase support for survivors in court.*** Several survivors stated that they did not have an advocate with them in court. One survivor described being intimidated and overwhelmed by the court environment while another said she found it difficult to communicate effectively with the judge assigned to her case.

***Increase accountability for abusers.*** A few survivors expressed frustration that their abusers faced a lack of accountability from the court system. For example, one survivor said her abuser did not attend many of the classes or programs he was mandated to participate in, and the court did not issue consequences for his non-compliance.

### *Advocate Perspectives*

***Improve court experience for survivors.*** A few advocates pointed out that survivors may not feel heard or validated in court for reasons such as not having representation, receiving very limited time to tell their story, and their abuser receiving a shorter sentence than the survivor feels is appropriate. In addition, a few advocates reported that the courtroom experience can revictimize survivors if they must face their abuser or if that person commands the court's attention more than the survivor does.



## Training Needs for Advocates

Related to experiences in court, one or more advocates stated that they would like additional training on the following topics.

- Evidence code (including privilege and confidentiality)
- Criminal justice system
- Use of closed-circuit television for survivors to testify outside of the courtroom
- How to assert survivors' rights
- Civil remedies and options available

# Experiences In Court

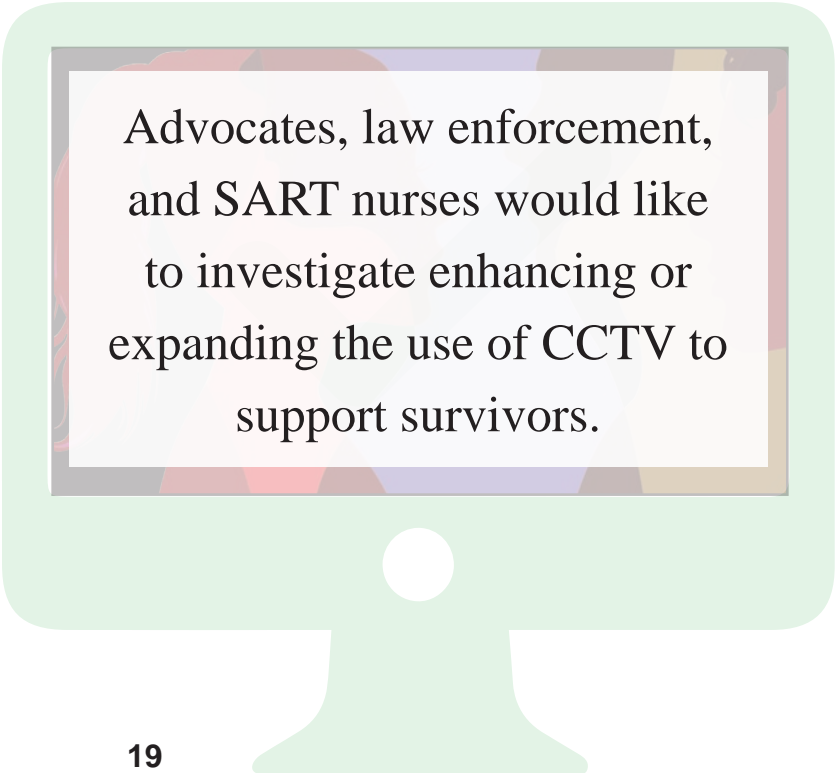


## Feedback from Study Sessions

Related to experiences in court, responses from study session participants included the following areas.

***Challenges feeling heard by the court.*** Attorneys and advocates agreed it can be difficult for survivors to feel heard by the court system (e.g., in criminal, immigration, or family court).

***Explore use of closed-circuit television (CCTV).*** Advocates, law enforcement, and SART nurses would like to investigate enhancing or expanding the use of CCTV to support survivors. Participants noted that due to the COVID-19 pandemic the state superior court issued an order to increase the use of video technology.<sup>11</sup> Use of this technology may pose a challenge as it relates to a defendant's constitutional right to confront evidence and witnesses in court (also known as the confrontation clause).



Advocates, law enforcement,  
and SART nurses would like  
to investigate enhancing or  
expanding the use of CCTV to  
support survivors.

# Restraining Orders



## What's Working Well

### *Survivor Perspectives*

**Support for obtaining restraining orders.** Several survivors stated that obtaining a restraining order was an important aspect of their experience, and a few described what worked well for them. For example, one survivor stated that her advocate helped her file a restraining order while another said she received assistance from a self-help center.<sup>12</sup>

### *Advocate Perspectives*

**Existing processes support survivors in obtaining orders.** Several advocates reported experiencing no difficulties related to supporting survivors in obtaining restraining orders. In most cases, advocates stated that they will make a referral to their organization's legal advocate or legal team to assist the survivor with applying for an order.



## Opportunities for Change

### *Survivor Perspectives*

**Address logistical challenges.** Several survivors described not knowing where to go to request a restraining order or not having assistance to complete the required paperwork.

**Challenges related to violations of an order.** Several survivors expressed difficulty with reporting restraining order violations or having them acted upon. For example, one survivor said that her abuser would call her from a blocked number. Another said that law enforcement refused to take restraining order violations.

**Limitations of an order.** While survivors noted that having an order is useful, it may not provide sufficient protection against further abuse. One survivor stated, "It is good to have a restraining order, but it is just paper. By the time the police arrive, the harm is already done."



# Restraining Orders



## Opportunities for Change

### *Advocate Perspectives*

***Difficulty applying for an order.*** A few advocates described factors that may discourage a survivor from seeking a restraining order such as the volume of forms needed to request an order, the unavailability of forms in different languages, and concerns about immigration safety.

***Court processes complicate pursuit of an order.*** One advocate stated that if a criminal protection order is not issued, the survivor has the option of filing for a temporary civil restraining order ex parte. If the judge grants or partially grants the ex parte order, and the party to be restrained is properly served, the order will stand until the restraining order hearing. However, unlike a criminal protection order, the civil order requires that the survivor face their abuser at the hearing. Another advocate said that if the party to be restrained has a criminal case pending, that person has a right not to participate in a restraining order hearing; as a result, the survivor must return to court to specifically request the order. However, in cases where the ex parte temporary order is granted, it will stand until the criminal case is adjudicated.

***Challenges related to violations of an order.*** Once an order has been issued, challenges may also occur. A few advocates said that restraining order violations may not be taken seriously by law enforcement.



## Training Needs for Advocates

Related to restraining orders, one or more advocates stated that they would like additional training on the following topics.

- How to support a client in obtaining a restraining order
- Restraining orders when the other party has weapons
- Safety planning

# Restraining Orders

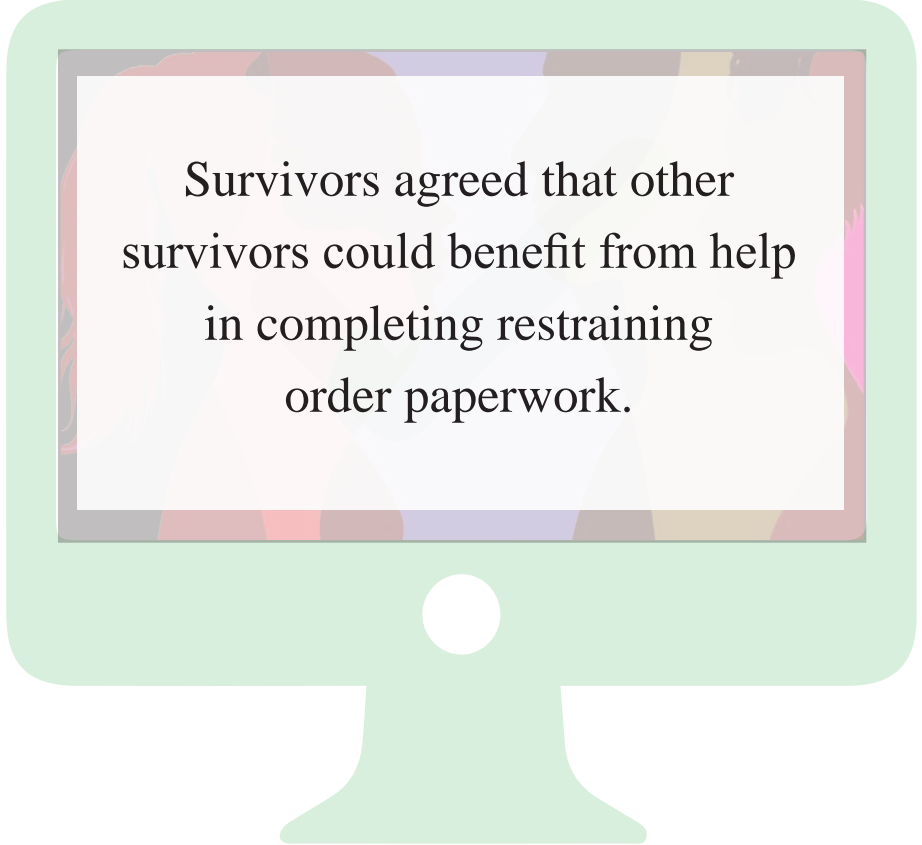


## Feedback from Study Sessions

Related to restraining orders, responses from study session participants included the following areas.

***Support for survivors applying for an order.*** Survivors agreed that other survivors could benefit from help in completing restraining order paperwork.

***Challenges related to violations of an order.*** Advocates agreed that violations may not be taken seriously by responding officers. One advocate said, “This is discouraging [for the survivor] if they aren’t seeing an outcome.” Law enforcement stated that while survivors are usually disappointed if officers respond to a violation after the defendant has left the scene, it is important for survivors to provide a detailed report.



Survivors agreed that other survivors could benefit from help in completing restraining order paperwork.

# Immigration Safety



## What's Working Well

### *Survivor Perspectives*

**Conversations about immigration safety.** Several immigrant survivors reported that during their contact with the court system or service providers, at least one person from one or both entities talked with them about their immigration safety. Survivors said that confidential victim services providers or the Victim Services Unit of the DA's office initiated these conversations.

### *Advocate Perspectives*

**Challenges have decreased over time.** Among advocates who work with immigrant survivors, a few said that either they were not currently noticing challenges related to survivors' immigration safety or that the challenges seem to have diminished over time.



## Opportunities for Change

### *Survivor Perspectives*

**Reduce immigrant survivors' concerns about contacting law enforcement.** Several survivors discussed concerns about reporting their abuse and seeking help from law enforcement due to fears related to their immigration safety. One survivor stated, "The police must stress that your legal status is irrelevant. Often we'll stay quiet due to fear."

### *Advocate Perspectives*

**Increase immigrant survivors' access to information about their rights.** While a few advocates pointed to a possible decrease in challenges related to survivors' immigration safety, most advocates did not express this perspective. Several advocates described immigrant survivors' fears such as being hesitant to file a restraining order, contact law enforcement about abuse or a restraining order violation, or apply for public benefits. Advocates also said that immigrant survivors often are not familiar with resources such as the T Visa, U Visa, or VAWA. One advocate said, "Immigrant survivors aren't aware of services available. There are language barriers. They don't know there are laws available to protect them. It is important to be aware immigrant survivors have an additional set of barriers."

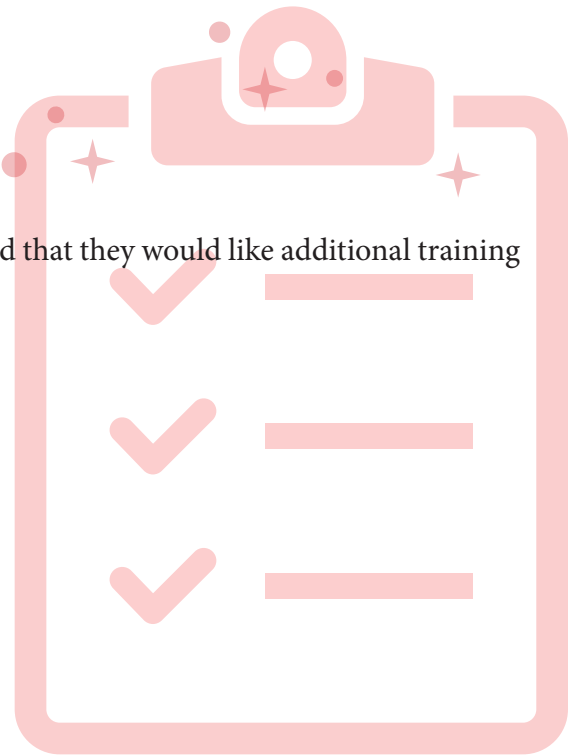
# Immigration Safety



## Training Needs for Advocates

Related to immigration safety, one or more advocates stated that they would like additional training on the following topics.

- Immigration law including laws for survivors
- Public benefits for immigrant survivors
- Public charge
- Violence Against Women Act (VAWA)



## Feedback from Study Sessions

Related to immigration safety, responses from study session participants included the following areas.

***Challenges related to immigration safety have increased.*** Advocates reported that the immigration situation is more challenging than in previous years. Advocates and legal services providers agreed that clients are often fearful to report abuse due to their immigration status.

***Survivors need guidance about options for immigration relief.*** Advocates shared that survivors need information about the requirement to cooperate with law enforcement and the prosecutor in order to have the option to apply for a U Visa. Survivors need this information to make an informed decision.

***Immigration status and interaction with law enforcement.*** Law enforcement stated that because Santa Clara County is a sanctuary county, immigration is not considered during a GBV investigation; police officers will not discuss immigration status with a survivor unless it comes up in the context of a case. Legal services providers stated that it would be helpful for law enforcement to tell a survivor during their initial contact that the survivor's immigration status is not a factor. The DA's office said that the evidence code is used to prevent immigration-related questions from being asked in court.



# Language Access



## What's Working Well

### *Survivor Perspectives*

***Survivors know about and have had language access rights met.*** Most survivors reported being aware of their rights related to language access and having these rights upheld. For example, survivors said they received services in their preferred language or that an interpreter was provided when requested.

### *Advocate Perspectives*

***Language access resources are beneficial.*** Several advocates reported encountering few or no challenges related to language access for survivors. One advocate discussed positive experiences using the language line, which provides third-party interpretation by telephone. Another advocate said, “The interpreters in family court are all trauma informed. They understand the dynamics of domestic violence. When interpreters are more aware of these dynamics, it’s a huge plus.”



## Opportunities for Change

### *Survivor Perspectives*

***Continue to enhance language access.*** While most survivors described positive experiences related to language access, exceptions to this trend emerged. One survivor described difficulty communicating with officers when law enforcement responded to a call at her home. A few survivors did not know they could ask for an interpreter when working with the DA’s office. One survivor reported having a court hearing rescheduled due to lack of an interpreter while another shared an interpreter with the other party during a hearing.

### *Advocate Perspectives*

***Continue to enhance language access.*** A few advocates described language access issues they have observed while accompanying survivors in court, including the use of one interpreter for both parties, hearings being rescheduled due to lack of interpreters, and challenges with scheduling interpretation for languages other than Spanish. In addition, one advocate said that if an interpreter is not available for an interview with law enforcement or the DA, the advocate may be asked to fill this role; if the advocate does not agree to this request, the interview may be postponed. Several advocates discussed concerns with the language line such as the length of time it may take to connect with an interpreter, the formal nature of interpretation by phone, the difficulties involved in interpreting for sensitive situations, and issues related to preserving client confidentiality when working with a third-party service.

# Language Access



## Training Needs for Advocates

Advocates did not identify any areas related to language access in which they would like additional training.



## Feedback from Study Sessions

Related to language access, responses from study session participants included the following area.

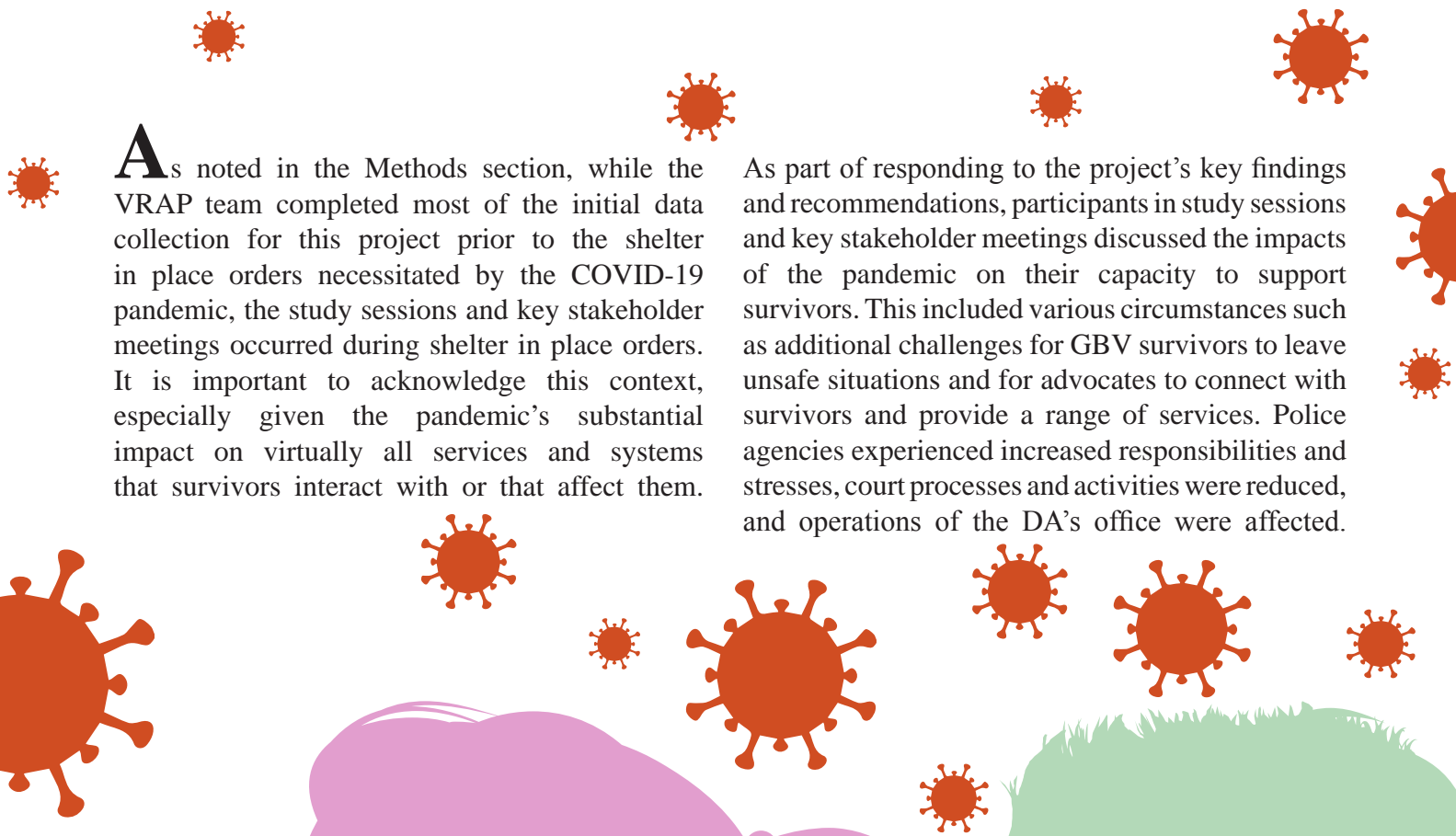
***Language access needs to be expanded.*** Multiple stakeholder groups agreed that language access issues exist. There is a need to increase language access, in languages such as Mandarin and Punjabi, in services for survivors. Law enforcement stated that having an officer who speaks the same language as the survivor is the best approach to interpretation. Law enforcement agreed that advocates should not be asked to interpret except in specific circumstances (such as emergency situations).

“The interpreters in family court are all trauma informed. They understand the dynamics of domestic violence.”

-Advocate



# Impacts of COVID-19 Pandemic



As noted in the Methods section, while the VRAP team completed most of the initial data collection for this project prior to the shelter in place orders necessitated by the COVID-19 pandemic, the study sessions and key stakeholder meetings occurred during shelter in place orders. It is important to acknowledge this context, especially given the pandemic's substantial impact on virtually all services and systems that survivors interact with or that affect them.

As part of responding to the project's key findings and recommendations, participants in study sessions and key stakeholder meetings discussed the impacts of the pandemic on their capacity to support survivors. This included various circumstances such as additional challenges for GBV survivors to leave unsafe situations and for advocates to connect with survivors and provide a range of services. Police agencies experienced increased responsibilities and stresses, court processes and activities were reduced, and operations of the DA's office were affected.



# KEY STAKEHOLDER MEETINGS

The VRAP team developed four overarching recommendations and associated strategies for implementation with the goals of continuing to improve survivors' understanding of and access to victim rights in Santa Clara County and to identify opportunities to increase GBV survivors' access to culturally responsive services and systems. The recommendations are informed by the project's findings and grounded in an awareness and appreciation of existing local efforts and policies and relevant state and national laws.

## **Stakeholder Meeting Participation and Structure**

Between December 2020 and February 2021, the VRAP team convened and facilitated six online key stakeholder meetings with more than 50 participants to share and discuss a draft of the recommendations and implementation strategies. Participants included representatives of victim services providers, legal services providers, city police departments, local elected officials, and county agencies such as the Office of Gender-Based Violence Prevention, Department of Family and Children's Services, district attorney, pretrial services, and probation. For a list of agencies/organizations that participated in one or more stakeholder meetings, please see Appendix B.

In each stakeholder meeting, the VRAP team presented an overview of the project's findings and recommendations. This information corresponded with a draft VRAP report shared with participants prior to the meetings. When presenting a recommendation during a meeting, the facilitator provided a justification for the recommendation and its alignment with state laws and/or local policies and existing and ongoing efforts in the county.

The facilitator elicited feedback from participants about each recommendation and strategy, including input about the strategy's feasibility, information about related current efforts, and potential challenges in putting the strategy into practice. In all, stakeholders reviewed four recommendations and 25 implementation strategies. VRAP team members took detailed notes of each meeting.

## **Stakeholder Feedback Informed Updates to Recommendations and Strategies**

Following the stakeholder meetings, Evident Change systematically reviewed the notes from all meetings and developed a detailed summary of participants' feedback. The VRAP team collectively reviewed this summary, in tandem with additional input provided after the meetings, and used this information to update the recommendations and strategies.

As a result of stakeholders' feedback, the VRAP team updated one of the four recommendations and 19 of the 25 implementation strategies; the team also added two new strategies. The updates related to three main areas: 1) clarifying or making a recommendation or strategy more specific; 2) expanding or increasing the scope of a recommendation or strategy; and 3) acknowledging existing efforts that relate to or complement a recommendation or strategy. The finalized recommendations and strategies appear in the next section.

For a table comparing the preliminary VRAP recommendations and implementation strategies to the finalized recommendations and strategies, please see Appendix C.





# **SUMMARY OF POLICY RECOMMENDATIONS**

**1.**

**Ensure a Consistent Framework – Uphold a survivor-informed, trauma informed, culturally responsive framework amongst governmental and community-based organizations.**

**2.**

**Provide Prompt and Consistent Survivor Access to Services and Resources**

**3.**

**Uphold an Intersectional, Collaborative Approach to Gender-Based Violence**

**4.**

**Build Capacity through Professional Training and Community Outreach**

# 1.

## **Ensure a Consistent Framework – Uphold a survivor-informed, trauma-informed, culturally responsive framework amongst governmental and community-based organizations.**

### **Justification**

According to the Collective Impact Forum, “Collective impact brings people together in a structured way to achieve social change.”<sup>13</sup> A common agenda and guiding principles are key components of any collective impact initiative. Guiding principles are a broad philosophy that encompasses the collaborative’s beliefs and values. Across the country, nonprofit and governmental organizations working with survivors of gender-based violence have embraced guiding principles that include a commitment to survivor-centered, trauma-informed, and culturally responsive interventions and support.

While organizations can easily define and apply service values internally, ensuring shared interpretation and implementation of collective values continues to pose a significant challenge for many multidisciplinary collaboratives. For example, there are several adaptations of the “survivor-defined” or “victim-defined” concept. In their article, “Survivor-defined practice in domestic violence work: Measure development and preliminary evidence of link to empowerment,” Goodman et al. (2016) describe “survivor-defined” practice as “characterized by an emphasis on client choice, partnership, and sensitivity to the unique needs, contexts, and coping strategies of individual survivors.”<sup>14</sup> The Office for Victims of Crime (OVC) defines victim-defined care as, “A systematic focus on the needs and concerns of a victim to ensure the compassionate and sensitive delivery of services in a nonjudgmental manner.” OVC further emphasizes, “A victim-centered approach seeks to minimize re-traumatization associated with the criminal justice process by providing the support of victim advocates and service providers, empowering survivors as engaged participants in the process, and providing survivors an opportunity to play a role in seeing their traffickers brought to justice.”<sup>15</sup>

The first step in upholding a consistent framework that reflects survivor-informed, trauma-informed, and culturally responsive best practices is development of shared definitions across organizations and systems. Subsequently, the collaborative can identify strategies to increase trauma-informed, survivor-informed, and culturally responsive interventions and services.

Engaging with the criminal justice system or family courts can be an overwhelming, confusing and frustrating process even for those individuals who are familiar with the process. Survivors often feel marginalized in the criminal justice process because they are not one of the main parties to the case, it is the People versus their abuser or exploiter. Often the objectives of the criminal justice system or family court system do not coincide with what a survivor defines as success or justice. There are a number of laws that focus on the rights related to defendants, while victim rights are limited. A survivor’s satisfaction and experience with the criminal justice or family law system is greatly impacted by the amount of information they are provided and their ability to voice their concerns at each step of the process. Communication among all parties involved with the survivor and either system is crucial to a survivor’s experience.

In order to pursue a survivor-centered approach, systems should accommodate and pursue alignment with the survivor’s view of success and justice. Often systems have provided this through victim impact statements during sentencing or policies that do not penalize survivors for not testifying. While having an advocate can help a survivor in navigating the process, there are limits to what an advocate can assist with. There are some processes that are confusing, cumbersome, and by nature of bureaucracy limit access.

## Implementation Strategies

1

Santa Clara County policy makers, governmental agencies, and community-based organizations should develop a shared **“survivor-informed”** framework that can be applied across all disciplines and systems engaging with survivors of gender-based violence.

2

Santa Clara County policy makers, governmental agencies, and community-based organizations should develop a shared **“trauma-informed”** framework that can be applied across all disciplines and systems engaging with survivors of gender-based violence.

3

Santa Clara County policy makers, governmental agencies, and community-based organizations should develop a shared **“culturally responsive”** framework that can be applied across all disciplines and systems engaging with survivors of gender-based violence.

4

Explore culturally responsive, community-based/non-law enforcement intervention models that prioritize survivor voices.

5

Policy makers, governmental agencies, and nonprofit organizations should work together to ensure high-quality interpretation services are available for survivors in all situations including law enforcement calls and interviews, forensic exams, court hearings, direct services, supportive services, and additional resources that survivors may need or access. This would include 1) using the best available resources, 2) ensuring expertise/competency respective to where interpretation services are being offered, and 3) exploring additional opportunities for enhancing and expanding services and capacity particularly for underrepresented languages.

6

Expand the use of supportive resources and technologies for testifying survivors, including in-court advocates, support animals, and closed-circuit television.

7

Assess and expand survivors’ digital literacy and access and ensure a safe space for survivors to use technology.

## Alignment

In the Santa Clara County Intimate Partner Violence Report (IPV Report), the Santa Clara County Blue Ribbon Intimate Partner Violence Task Force established *Survivor-defined, Trauma informed, Equity lens of gender, race, and class applied, and Culturally, linguistically, age, and sexual orientation appropriate responses* as its core and guiding values.<sup>16</sup> Service providers, law enforcement agencies, and governmental organizations, as well as interdisciplinary and multidisciplinary collaboratives, aim to uphold a trauma-informed, survivor-centered, and culturally responsive framework. Additionally, federal, state, and local governmental funders strongly encourage grantee adherence to these principles.

According to the IPV Report, Santa Clara County (SCC) is home to the third-highest immigrant population in the state, and residents collectively speak over 100 languages and dialects. Roughly 53% of SCC residents speak a language other than English, with 21% of individuals self-identifying as having limited English proficiency. Ensuring access to culturally and linguistically responsive services is a requirement for service providers. The County is committed to ensuring survivors have access to culturally and linguistically responsive services. For example, applications for County funding must include a Language and Cultural Proficiency Plan. The IPV Report incorporates a recommendation to augment language assistance and meaningful access to services for limited English proficient survivors.

### Local service providers submitted specific strategies to enhance language access, including:

Create a multilingual language bank

Ensure that court interpreters who are registered (i.e., not certified) have adequate language competencies

Develop and maintain an up-to-date interagency database of language access supports and services

Vet interpreters for fluency in English as well as the needed language

Train interpreters in maintaining boundaries between clients and self, professional interpretation/translation skills, the role of an interpreter versus an advocate, self-care and vicarious trauma, dynamics of IPA and other forms of violence, trauma-informed services, and relevant legal terminology

Offer free 24/7 over-the-phone service to all public and private agencies in the County

Provide a mix of over-the-phone and in-person language support offered by paid, trained staff with consistent schedules



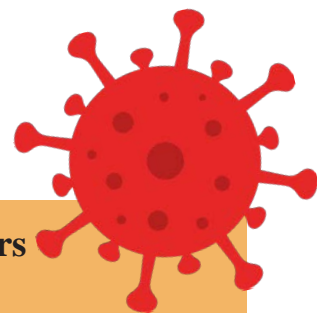
## 2.

## Provide Prompt and Consistent Survivor Access to Services and Resources

### Justification

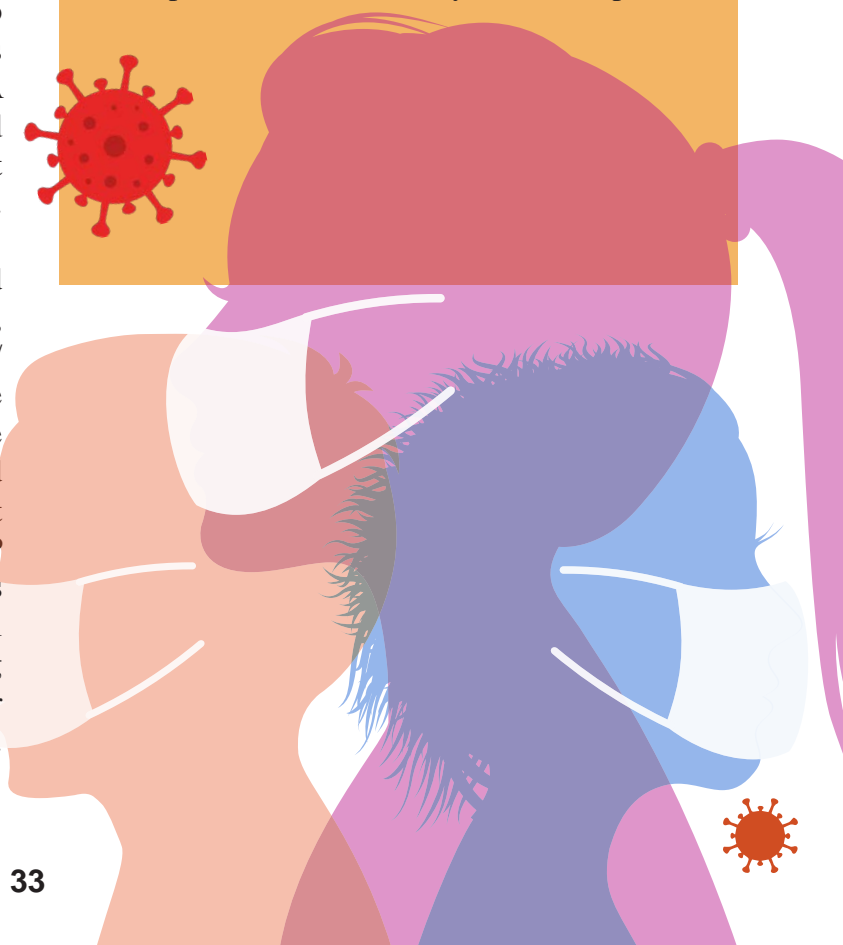
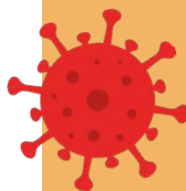
Prompt access to a confidential CBO advocate following survivor identification is essential for many reasons. Advocates assess and provide for urgent basic needs (food, shelter, clothing), safety plan with survivors, and provide confidential peer counseling. Having an advocate to provide support and information can help ease a survivor's stress and make the survivor aware of their options, rights, and resources. Recognizing the need for prompt access to an advocate following identification, as well as advocacy support throughout the criminal justice process, California legislators enacted state laws granting survivors of intimate partner or sexual violence the right to an advocate at key stages. The importance of access to advocacy services is also recognized in SCC law enforcement protocols for IPA, SA, and HT. Unfortunately, IPA and SA survivors are not consistently or clearly notified that they have a right to an advocate and support person both in civil court and criminal proceedings.

Many survivors require legal information and representation in the areas of immigration, employment, family, social service benefits, and/or housing law. Advocates ensure survivors are connected to appropriate legal services to ensure survivors can better understand their rights and options as well as avail themselves of all pertinent remedies, protections, and benefits. The VRAP team also identified additional areas where access is a challenge for survivors – including housing, legal services, and community resources. Implementing the following strategies would increase survivor access to victim, legal, and community resources.



### Additional Access Barriers Related to COVID:

Advocates can't always physically be present with the survivor during a SART exam due to COVID. As a result, the survivor may not always leave with an advocacy follow up plan. The result is less of a warm hand off. We need to continue to explore other advocacy access options.



## Implementation Strategies

1

Ensure survivors have access to confidential and culturally responsive advocates immediately following identification and throughout the criminal justice process. Some strategies to involve advocates more seamlessly include the following.

- Ensure survivors are provided a resource card referring them to advocacy services upon first identification by law enforcement in accordance with California state law (right to an advocate for IPA and sexual assault).
- Ensure the process is streamlined regardless of how a survivor is initially identified and ensure they are consistently connected to a confidential CBO advocate in a timely manner, as well as supported by DA's office (DAO) victim advocates as needed to provide complementary services. Referrals should be clear such that survivors are aware of confidentiality protections and limitations afforded by advocates.
- Service providers should ensure the interpreters they work with have training around trauma, confidentiality, gender-based violence, and cultural responsiveness.

2

Increase availability of, and access to, comprehensive services and resources for survivors through improved communication and enhanced collaboration.

3

Explore the possibility of a centralized process for emergency shelter requests and utilize centralized housing applications, such as Safe Shelter Collaborative, especially for regional and non-urgent needs.

4

Increase availability of, and access to, comprehensive legal services and resources for survivors through improved communication and enhanced collaboration.

5

Ensure that survivors are informed about the Brady rules regarding disclosure of potentially exculpatory evidence in the District Attorney's possession, including a request for a certification for a U or T Visa. [Often survivors are not aware that this information may be provided to the defense and often they do not want the defendant to know that they are seeking a U or T Visa. This is unrelated to whether the District Attorney or police department will actually sign the certification or not.]

## Implementation Strategies

6

Review state and federal legal requirements to encourage more flexible policies to enable victims' requests to be certified while a case is pending given appropriate circumstances. Ensure that requirements related to "cooperation with law enforcement" in relation to certification are considered in a survivor- and trauma-informed manner, with consistency on expectations set by law enforcement. [Given that requests for certifications must be disclosed to the defense, even if it is ultimately denied, this policy does not prevent disclosure regarding the survivor's immigration status if they are uninformed about the Brady rule. Rather it potentially puts the survivor in a more vulnerable situation where the defendant is aware of the survivor's lack of immigration status; also, the survivor is unable to apply for the U or T Visa while the case is open.]

7

Improve processes for survivors to learn about, apply for, and obtain restraining orders and to report restraining order violations.

8

Identify one legal nonprofit service provider lead for each family justice center and each legal service provider lead can work together to ensure consistency in services and service philosophy provided in all three family justice centers, which includes identifying, recruiting, vetting, and providing training to independent attorneys in areas such as gender-based violence. Look to existing legal clinic models for guidance including recruitment, onboarding processes, and capacity building.

9

Utilize family justice and family violence centers to conduct follow up law enforcement interviews as a way to ensure survivors have advocates available and accessible to them during interviews.



## Alignment

This recommendation aligns with existing state laws that inform intimate partner abuse and sexual assault survivors of their right to have an advocate with them at interviews with law enforcement or the district attorney (PC §679.04, PC §679.05) and to be provided by law enforcement with a “Victims of Domestic Violence” information card (PC §264.2). Currently the South Bay Coalition to End Human Trafficking’s Legislative Subcommittee is working on introducing a state bill that if passed would afford human trafficking survivors the right to an advocate at interviews with law enforcement or the district attorney. This law would bring human trafficking survivors in alignment with IPA and SA survivors.

Locally, this recommendation is in alignment with Santa Clara County’s Law Enforcement Human Trafficking Protocol requirements. Several sections, including §§4.10, 5.4, 5.6, 6.1, 6.2, and 7.2, call for early connection to a confidential advocate upon victim identification by law enforcement. Section 4.10 directs patrol officers to “offer and encourage a confidential victim advocate”. Section 6 covers Operations and In-Person Response and dictates that when law enforcement engages in criminal investigations that involve exploitation of any form, service providers will be brought in at the earliest opportunity to provide the greatest amount of support for victims. The Santa Clara County Domestic Violence Protocol for Law Enforcement requires that patrol officers provide IPA survivors with a resource card containing contact information for local service providers. Also, officers investigating IPA cases are required to remind the victim of the right to have an advocate and support person present during follow up interviews.

Elected officials and county agencies are engaged in ongoing efforts to support GBV survivors and increase survivors’ access to information and services. For example, the Office of Gender-Based Violence Prevention has convened task forces on issues that impact survivors such as housing and self-sufficiency/economic empowerment. Supervisor Cindy Chavez convened the Intimate Partner Violence Blue Ribbon Task Force to assess the county’s current prevention and treatment systems and championed funding for SA services. She also organized joint hearings and meetings on GBV with San Jose City Councilmember Sylvia Arenas, including a presentation on the frequency with which survivors are connected with advocates.

This information led Councilmember Arenas to request an audit of the San Jose Police Department’s (SJPD) protocols for referring survivors to CBO advocates. The audit report provided recommendations for SJPD to improve these processes such as updating its Duty Manual to align with language/guidelines recommended by the County’s Sexual Assault and Domestic Violence protocols, updating the IPA and SA resource cards to include more information for survivors about their right to an advocate, and providing a complete translation of the cards into Spanish and Vietnamese. SJPD has completed or is in the process of completing these recommendations.<sup>17</sup> VRAP policy recommendations and implementation strategies should leverage and enhance existing efforts to support GBV survivors and increase survivor access to information and services.

### Specific groups who could benefit from advocacy

#### Survivors who are incarcerated

Provide support for incarcerated survivors to navigate systems as victim and abuser. Ensure that systems recognize and address trauma for those that offend.

#### Parents of minors and transitional aged youth (TAY), who are trauma survivors

Provide these parents support with parenting skills, how to support children and youth who have been sex trafficked or sexually exploited, and how to navigate criminal and civil court systems.

#### Survivors who are parents

Provide these parents support with parenting skills, how to support children and youth who have been sex trafficked or sexually exploited, and how to navigate criminal and civil court systems.



## Need for Additional Community Resources

In the area of housing, VRAP recommendations include providing culturally sensitive shelters, increasing provision of affordable housing to survivors, and simplifying the application process for affordable housing such as developing a common application.

Related to childcare, recommendations include providing free childcare at shelters, providing ESL classes that also offer childcare, and providing survivors with childcare subsidies.



Another recommendation related to increasing access to immigration remedies for survivors is for the county to certify survivors based on their police report or U Visa and use this documentation to qualify survivors for housing or childcare programs.

Related to legal assistance, recommendations include improving access to self-help centers (such as having more locations and more open hours) and increasing availability of pro bono legal services.

Regarding survivor eligibility for public benefits, a single case study could be conducted and updated as needed so that the survivor is not asked to demonstrate their eligibility multiple times.

# 3.

## Uphold an Intersectional, Collaborative Approach to Gender-Based Violence

### Justification

Gender-based violence can take many forms and generate complex intersections. This report addresses policy and programming issues regarding three forms of GBV that commonly occur and intersect: intimate partner abuse, sexual assault, and human trafficking. When a survivor of gender-based violence is identified and provided with services, presenting needs and trauma are usually not isolated. Gender-based violence survivors commonly present with complex trauma, resulting from adverse childhood experiences that create vulnerabilities that may then be exacerbated by environmental, community, and system response. Roughly 40% of IPA survivors have also been sexually assaulted by their current or former intimate partner. Additionally, IPA survivors often have intergenerational trauma that presents. Services provided to a survivor must extend beyond the

presenting trauma. Providing trauma-informed, victim-centered, and empowerment-based support requires screening for, and addressing, different types and intersections of victimization, vulnerabilities, and environmental or social impacts.

While survivors generally present with one core issue, there are often a number of accompanying needs that must be addressed. Survivors often require advocates to assist with case management and meeting basic needs, but they also may require assistance from any or all of the following: a family law attorney, a victim witness advocate, an immigration attorney, a victim rights or benefits attorney. Streamlining the process of accessing all of the needed services can benefit survivors greatly.



## Implementation Strategies

1

**Develop comprehensive and holistic intersectional strategies to address trauma that extends beyond the survivor's presenting trauma.**

This may include:

- Supporting healthy parenting. Provide support to parents of survivors, especially in cases involving CSEC (e.g., parenting classes and support).
- Supporting healthy parents/guardians. Parents may also be survivors of intimate partner abuse, sexual assault, or human trafficking and would benefit from services to deal with their own trauma.
- Partnering with organizations/agencies such as CBOs, family resource centers, and the Children's Advocacy Center for enhanced programming and accessing support from the California Victim Compensation Board (CalVCB).

2

**Enhance court, legal, and criminal justice processes and policies to improve survivors' experiences by improving communication.**

This may include:

- Informed advocates. Support the survivor's request about how they would like to receive information. For example, if the survivor wants information to come from a DAO victim advocate, while being accompanied by a confidential CBO advocate, this should occur. Or, if the survivor does not want to interact with the DA's office, a confidential advocate can share information with the survivor.
- Case updates. Review the process for survivors to obtain updates on their case and explore possible improvements such as developing a brochure or information card to give to survivors.
- Case outcomes. Review the process for informing survivors when charges are not filed in their case by the District Attorney, including why the decision was made not to file.

## Implementation Strategies

### **Enhance court, legal, and criminal justice processes and policies to improve survivors' experiences by improving access.**

This may include:

- Immigration impact. When there is a criminal case pending, ensure that survivors who have concerns about their immigration status either for themselves or for the defendant receive appropriate referrals to immigration assistance.
- Ensure survivors have access to information. Ensure survivors interacting with the criminal justice system receive accessible, survivor-friendly information on their rights and options as victims and witnesses in criminal cases, Marsy's Law, immigration, custody.
- Ensure juvenile survivors have access to police reports. Allow juvenile survivors access to accurate and detailed police reports – particularly in cases of foreign-born survivors pursuing immigration relief as victims of a crime. This may require legislative change.
- Victim compensation. In this area, 1) ensure advocates are aware that survivors have the option to provide a letter from a therapist stating they need emotional support, which would allow the survivor to apply for victim compensation without going through a criminal process, 2) increase advocates' awareness that survivors can appeal a denial of their victim compensation application even if they do not meet the appeal deadline, and 3) update and disseminate a resource list of therapists who provide services to survivors under this program.
- Restraining orders. Clarify the process to report restraining order violations and provide regular training for stakeholders about the process.
- On site access. While there are computers available to the public in the family court building, they are limited in use. Make them available to survivors so they can link to resources. Currently they can only be used to look up cases.

3



## Implementation Strategies

4

**Enhance court, legal, and criminal justice processes and policies to improve survivors' experiences by prioritizing success and justice for survivors.**

- Abuser accountability. Survivors described the need for increased accountability for the abuser including for not completing court mandated classes or programs. Explore various accountability approaches that consider perpetrators' trauma, impact of toxic masculinity, and intersections of GBV and may have features adaptable to GBV accountability programs.
- Abuser accountability. Improve response and/or consequences for restraining order violations.
- Improve processes for survivors to learn about, apply for, and obtain restraining orders including emergency protective orders and to report restraining order violations.

5

**Improve survivors' experiences and healing by streamlining services.**

- Referrals. Attorneys have had issues referring clients to services; for non-emergency situations, sometimes a client is referred back to the attorneys, or not offered services. These are clients who need support the attorney cannot provide, but there is a gap. Attorneys can't refer to the agency directly because agencies want the client to call in.
- Screening. Confidential advocate screening of all survivors for immigration and family law needs and prompt connection to attorneys if appropriate.

### Alignment

The SCC Blue Ribbon Commission recommends developing a comprehensive strategic vision to prevent IPA by coordinating prevention efforts across different forms of violence (child abuse, human trafficking, sexual assault, elder abuse, gang violence, etc.). This aligns with the purpose and many of the recommendations of VRAP in that it encourages an approach to gender-based violence that focuses on intersections and collaboration across agencies.

Related to accountability, Santa Clara County is one of six counties in the state currently implementing a pilot program through AB 372 to improve the administration of court-mandated classes for people who are convicted of IPA offenses and ordered to participate in batterers intervention programming.<sup>18</sup> The local pilot also seeks to improve engagement with survivors.

# 4.

## Build Capacity through Professional Training and Community Outreach

### Justification

Capacity building through training helps ensure that professionals working with survivors of GBV are equipped to meet the diverse needs of survivors. It is challenging for agencies to provide bespoke trainings on the multitude of needs survivors present with, so providing and coordinating trainings such that agencies maximize resources is ideal. In addition to meeting specialized needs of survivors, training can also help professionals identify intersectional issues (i.e., human trafficking and intimate partner abuse). Similarly, community outreach trainings help build capacity in identifying and responding to situations of gender-based violence.

While advocates play a primary role in helping survivors navigate obtaining needed services and understanding various processes related to the criminal justice or family law system, there is great value in providing survivors with information and training on key areas so they have an opportunity to engage in learning and ask questions to understand how to access services and advocate for themselves in various processes related to GBV.

Often efforts to educate the community on issues like gender-based violence focus on general campaigns that may be translated into more than one language, but often are not. Feedback from advocates and survivors indicates that more targeted messaging to specific communities would be beneficial. Specific communities frame issues in nuanced ways, with regards to tone and messaging that is crafted in a community specific manner.

Survivors discussed their own experiences of not knowing where to turn for help leaving an abusive situation. Campaigns that directly speak to survivors are only effective if survivors see them and are able to absorb the information. There is value in utilizing general campaign strategies like billboards and public transportation and rest stop posters. In addition to traditional techniques, now more than ever, there is value in exploring innovative outreach techniques. Suggestions provided by survivors indicate locations where survivors might go and have the ability to absorb the information provided about resources. Campaigns are considered successful when they are far reaching and connect with a large number of individuals. While there is great value in outreach campaigns, they require extensive resources and funding. In order to maximize impact, having a cohesive plan across Santa Clara County agencies will allow multiple agencies to contribute to one campaign that can build on existing efforts, have collective impact, and reach much further than if each agency pursues a campaign.

There are multiple resources available to advocates on issues related to intimate partner abuse, human trafficking, and sexual assault. They come from a variety of agencies and it can be overwhelming to find the most appropriate resource for a specific need. This can be even more confusing for survivors who are looking for resources. Feedback from advocates and survivors indicate they need timely access to current information resources.

## Implementation Strategies

### **Expand survivor-informed, trauma-informed, and culturally responsive training for system partners on interacting and working with survivors.**

- Multi-Disciplinary training on: Trauma-informed care, working with survivors of GBV, cultural responsiveness.
- Recurring Trainings for Confidential CBO Advocates/Training Academy: Develop an academy for advocates to provide ongoing training. Training should be virtual webinars to be accessible to an organization on a rolling basis to accommodate new staff.

Topics should include:

- Working with incarcerated survivors
  - Working with survivors with mental health issues, disabilities, and/or substance use issues
  - Working with survivors in criminal court
  - Annual training on new legislation
  - Victim rights
  - Immigration safety: Benefits for immigrant survivors; how survivors can qualify for the U Visa
  - Restraining orders: How local law enforcement handles RO violations. Considerations include when a victim moves from county to county, information about civil harassment hearings, information about gun violence restraining orders, and differences in how types of orders are enforced.
  - Language access: How to access the language line; how advocates can intervene if an interpreter is not available; how advocates can work with interpreters; trauma-informed confidential interpretation
  - Understanding role of law enforcement and partnership expectations
- Recurring trainings for Law Enforcement, Prosecution, Probation, Judges, Court Personnel, and Child Welfare on: Trauma-informed and motivational interviewing techniques, role of advocates and partnership expectations, and GBV Law Enforcement Protocols. Provide training for patrol officers on available resources for survivors and how to find/connect with these resources
  - Community Training on: Identifying and responding to situations of gender-based violence, prevention of gender-based violence.



## Implementation Strategies

2

**Provide publicly available information to survivors to build their capacity to understand their rights and advocate for their needs. This should be done with collaboration and coordination across agencies.**

Topics include:

- Reporting and resisting hate crimes
- Know your rights
- How to work with attorneys
- Representation in court
- Testifying in court
- Obtaining a police report
- Appealing a victim compensation case
- Affordable housing
- Prevention of GBV - considering secondary and tertiary prevention
- Peer to peer training on survivors' rights
- Restraining orders – process, types of orders, violations

3

**Increase and leverage public awareness and outreach efforts about survivors' rights by focusing on specific populations to provide targeted, culturally responsive messaging that is accessible.**

- Pilot innovative outreach techniques, given the challenges with COVID-19 and Shelter in Place. Physical spaces such as libraries may not be as effective as perhaps places where parents are picking up resources for their children, such as food banks.
- Post flyers or brochures about survivors' rights and resources at locations such as schools, colleges, English learning classes, places of worship, interfaith events, workplaces, libraries, community centers, hospitals, food banks, and beauty salons.
- Utilize traditional outreach techniques to large audiences, like billboard campaigns, VTA, buses, bus stops. This can be tied to a larger campaign that includes social media and written materials.
- Identify potential corporate partners to pilot innovative outreach efforts. For example, missing kids on milk cartons helped raise awareness about child abduction.
- Partner with medical professionals so they can share information about rights during medical exams and other visits.



## Implementation Strategies

4

**Increase and leverage public awareness and outreach efforts about survivors' rights by targeting locations where survivors may see the information and it is accessible.**

- Conduct targeted outreach to specific communities through ethnic/ language specific media. Partner with agencies who are culturally responsive to those respective communities to cultivate messages that resonate.
- Host community meetings or create community groups to share information.
- Develop and air public service announcements on radio and television stations.

5

**Develop an outreach and training plan for Santa Clara County agencies collectively to maximize and leverage use of resources, promote collective impact, and where applicable align with state training requirements.**

- Collective impact approach to outreach will allow for more breadth in outreach efforts.
- Develop coordinated training system to avoid duplication for advocates who train in the county; use train the trainer method so staff can provide tools to others at their agency to increase agency knowledge.

6

**Create an Advocate Resource Repository, which is accessible in multiple formats, to maintain resources and tools for advocates and survivors.**

**For advocates:**

- Explore existing databases and their current utility. For example, Safe Shelter Collaborative. Other areas include:
  - A database of childcare resources
  - A database of shelters and shelter bed availability
  - A database of interpreters
- Create a comprehensive compendium on survivor rights related to intimate partner abuse, sexual assault, and human trafficking that serves as a “one-stop shop” to answer advocates’ questions.

## Implementation Strategies

6

6 continued -

- Develop handouts for advocates and survivors that clearly state survivors' rights, using simpler terms than the text of the laws, in accessible formats. Streamline existing tools and create simple handouts in multiple languages for survivors. Have survivor input as part of the process.

-Handout topics include Marsy's Law and steps to take if a restraining order is violated.

### For survivors:

- Explore existing apps or websites that focus on connecting survivors to services and making them aware of their rights. Identify whether a new app/site is needed.
- Explore utility of an app or website for survivors that is available in multiple languages. Look at inclusion of video resources.
- Explore possibility of a walk-in center at the police department and increase awareness of existing walk-in centers. (Note: The DA's office has a walk-in center on the first floor of the main DA's office building, located at 70 West Hedding Street in San Jose.)

## Alignment

The SCC Blue Ribbon Commission recommends providing training/cross-training to ensure first responders, practitioners, and educators adequately respond to IPA, including education on racial and health inequities and linkages between multiple forms of violence. This aligns with VRAP recommendations focused on training for law enforcement.

The SCC Blue Ribbon Commission recommends *Strengthening Individual Knowledge and Skills* through training of survivors for economic empowerment, and children exposed to IPA. The VRAP recommendations recommend strengthening individual knowledge and skills as they apply to navigating various systems.

The SCC Blue Ribbon Commission recommends *Promoting Community Education* through the following recommended actions: Implement a violence and abuse prevention community awareness campaign and implement comprehensive strategies to prevent and address IPA in schools (grades K-12). Both recommendations align and intersect with the VRAP recommendations.

The VRAP team worked with the Office of Gender-Based Violence Prevention to develop an implementation plan for the policy recommendations and implementation strategies identified through this process. The implementation plan is available upon request.

# END NOTES

<sup>1</sup> Office of Juvenile Justice & Delinquency Prevention. (n.d.) *Commercial Sexual Exploitation of Children*. <https://ojjdp.ojp.gov/programs/commercial-sexual-exploitation-children>

<sup>2</sup> Trafficking Victims Protection Act, 22 U.S.C. §7102.

<sup>3</sup> Saltzman L.E., Fanslow J.L., McMahon P.M., & Shelley G.A. (1999). *Intimate partner violence surveillance: Uniform definitions and recommended data elements, Version 1.0*. National Center for Injury Prevention and Control, Centers for Disease Control and Prevention; Santa Clara County Task Force on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). (2021). *Gender-based violence prevention for women and girls*.

<sup>4</sup> Basile K.C. & Saltzman L.E. (2002). *Sexual violence surveillance: Uniform definitions and recommended data elements*. National Center for Injury Prevention and Control, Centers for Disease Control and Prevention; Santa Clara County Task Force on CEDAW, 2021.

<sup>5</sup> Basile & Saltzman, 2002; Santa Clara County Task Force on CEDAW, 2021

<sup>6</sup> Trafficking Victims Protection Act, 22 U.S.C. §7102.

<sup>7</sup> Immigrant Legal Resource Center. (n.d.). *U Visa/T Visa/VAWA*. <https://www.ilrc.org/u-visa-t-visa-vawa>

<sup>8</sup> Immigrant Legal Resource Center, n.d.

<sup>9</sup> Immigrant Legal Resource Center, n.d.

<sup>10</sup> In 2020, despite the challenges presented by the COVID-19 pandemic, District Attorney Victim Services provided in-person court support to survivors more than 550 times. This number should be considered in the context of pandemic-related restrictions, reduced court hearings, and reduced numbers of cases going to court. (Santa Clara County District Attorney's Office, personal communication to VRAP team, March 12, 2021)

<sup>11</sup> Judicial Branch of California, California Courts Newsroom. (n.d.). *Judicial Branch Emergency Actions*. <https://newsroom.courts.ca.gov/covid-19-news-center/judicial-branch-emergency-actions>

<sup>12</sup> The restraining orders discussed in this section refer to orders issued in criminal and/or civil court. During focus groups and interviews, survivors and advocates were not asked to specify types of orders.

<sup>13</sup> Collective Impact Forum. (n.d.). *What is collective impact*. <https://www.collectiveimpactforum.org/what-collective-impact>

<sup>14</sup> Goodman, L.A., Thomas, K., Cattaneo, L.B., Heimel, D., Woulfe, J., & Chong, S.K. (2016). Survivor-defined practice in domestic violence work: Measure development and preliminary evidence of link to empowerment. *Journal of Interpersonal Violence*, 31(1), 163–185. <https://doi.org/10.1177/0886260514555131>

<sup>15</sup> Office for Victims of Crime, Training and Technical Assistance Center. (n.d.). *Victim-centered approach*. <https://www.ovcttac.gov/taskforceguide/eguide/1-understanding-human-trafficking/13-victim-centered-approach/>

<sup>16</sup> Santa Clara County Office of Women's Policy. (2017). *Working together to promote healthy and safe relationships in Santa Clara County: A report on the Santa Clara County Intimate Partner Violence Blue Ribbon Task Force*. <https://www.sccgov.org/sites/owp/gbv/Documents/DV/promote-healthy-safe-relationship.pdf>

<sup>17</sup> City of San Jose, Office of the City Auditor. (March 2021). *Advocate referrals: Further improvements to processes and data sharing can help connect more survivors to services*. <https://www.sanjoseca.gov/home/showpublisheddocument/70206/637514887040730000>

<sup>18</sup> California State Association of Counties. (2021). *AB 372 Legislative Report: Year 1*. [https://www.counties.org/sites/main/files/file-attachments/ab372\\_year\\_1\\_legislative\\_report\\_final.pdf](https://www.counties.org/sites/main/files/file-attachments/ab372_year_1_legislative_report_final.pdf)



# APPENDIX A

## VRAP Study on Transnational Abandonment Cases

During January and February 2021, Maitri interviewed 10 survivors from various South Asian countries who experienced transnational abandonment and sought services from Maitri. These women came from different South Asian countries, had different religious affiliations, and spoke four different languages. Each interview was conducted in the survivor's preferred language and focused on eliciting individual experiences as well as recommendations for policy improvements.

The survivors' narratives laid bare the shortcomings of a justice system that is removed from many realities of immigrant lives. Immigration issues and cultural responsiveness encompassing an understanding of laws and realities of another part of the world took center stage in these women's voices. Additionally, the interviews reveal interest in effective community-based intervention models and cultural context as important themes. Case studies from nine of the 10 interviews follow.

### Client 1

She married in South Asia according to religious personal law. There was acute emotional, physical, reproductive, and sexual abuse in the relationship. She stayed in the United States (US) for a few years before being taken to her home country under false pretenses and left there without any immigration documents. She came back to the US on a visitor's visa and began receiving help from a community-based organization (CBO). Currently, she is divorced, received a monetary settlement which is quickly running out, is without any immigration status, and continues to work in unsafe conditions to provide for herself and two children.

*She defines justice as, "Getting immigration [status], needing culturally specific info for attorneys to build the case against perpetrators and make them responsible for the pain which I am going through and make it hard for them to escape after causing so much pain."*

### Client 2

She married in South Asia according to religious personal law. She is highly educated, has a good job, and demanded that her spouse apply for her work authorization in the US before she joins him. Her spouse came back to the US and within a month sent her a divorce notice. With the help of a CBO, she participated in the process from overseas and received the final divorce decree.

*She is trying to let go but worries, "Can you take away the taboo for a divorce? The journey for a divorced woman is very challenging. People look at you in a very different way."*

### Client 3

She came to the US with her spouse and was forced to give up employment to look after their children. She was falsely arrested when her spouse cut himself, called the police, and blamed her. He withdrew her immigration sponsorship without notifying her and sent her to her home country under false pretenses. She filed a custody petition in her home country as her children have US passports and their father threatened to take the children back to the US with him. She is currently in her home country waiting for a final order on custody. She is also working with a CBO for immigration processing.

*She regrets her lack of awareness and says, "[Women] should know the immigration laws, rights in the US. Country laws, domestic violence laws. I went to jail for 16 hours. I regret that day. I didn't realize you can be framed."*



#### Client 4

She married a US citizen and came to the US after a few months. Her spouse was extremely controlling and physically abusive, monitored her every move, and isolated her from her family overseas. Her father traveled to the US and took her back to her home country. She received a notice of nullity filed in the US. She filed a countersuit in her home country. After intervention from CBOs, attorneys, and families, both actions were dismissed. She received a divorce and continues to stay in her home country.

*She is still in shock this happened to her and suggests, "Once people arrive in the US, orientation about the laws, domestic violence including the spouse (husband) should be provided so even they will hesitate to break the law."*

#### Client 5

She married a US citizen in her home country and gave birth to a boy. She suffered physical, emotional, and verbal abuse throughout her time with her spouse and his family. He never sponsored her immigration to the US and filed for divorce. She did not receive any support from him. She continues to stay in her home country.

*She was forced to give up her rights and states, "I was threatened at the end that if I continue to seek child support, he will ask for custody and that made me scared. I wanted to end the case and we agreed that I will never contact him again and he will do the same."*

#### Client 6

She married a US citizen who was related to her through family. Her spouse was developmentally challenged, a fact she learned after coming to the US a year after her marriage. She was emotionally abused by her spouse's family and pleaded to go back to her home country. After two months, she was sent back without financial support or immigration documents. She continued to receive threats and pressure from her spouse's family to pay back their costs of the wedding and travel. She received her final divorce decree after it was left on the street adjacent to her home. She applied for and was granted VAWA immigration relief and currently stays in the US.

*She wishes she got help early on and states, "Government should help the women who go overseas and face challenges. Even when I came back home, if the government would help me that would have been great."*

### Client 7

She married a temporary employment visa holder in the US and traveled with him to the US after their marriage. She thought everything was okay until both traveled to their home country and he served her with divorce papers filed locally before leaving for the US. With the help of a CBO, she connected with the local consulate and was able to retrieve her personal items from the US. She continues to participate in a contentious divorce case in her home country.

*She feels there could have been a different outcome and says, "If someone could reach out to him and ask how we could make things better, convincing him to get back with me."*

### Client 8

Her family selected her future spouse in a matrimonial portal, and she married him in their home country. Her spouse had a temporary work visa for the US and they traveled together after the wedding. She suffered from starvation and physical, emotional, and financial abuse during cohabitation. She was coerced to return to her home country where her spouse filed divorce papers and false criminal charges against her. With the help of a CBO, she came back to the US and is currently awaiting her immigration relief.

*Her experience at the shelter she stayed in retraumatized her. She was moved to a different shelter due to behavioral issues from another guest. "The shelters are not safe for girls like us, culture is very different," she says. "It was nightmarish for me to go through so much."*

### Client 9

She married a US citizen in her home country directly after completing high school. He stayed with her for 2 months and came back to the US promising to begin immigration process. She gave birth to a daughter and continued to pursue reunification. Five years later, she is still waiting. Her spouse has not visited or communicated with the child for the past 3 years.

*She wants someone to knock on his door and have a conversation with him, "The parents-in-law have kept in touch with me throughout. If I could just talk to him, things will be fine," she says. I wish someone would help."*

### Needs arising from survivors' interviews:

- Encourage culturally responsive community based intervention models for specific immigrant groups.
- Set up a pro bono, low bono/low-cost group of lawyers to help people who are unable to travel from their home countries and face cases in the US.
- Explain rights in simple terms and make information available in handouts.
- Create a special provision by court order for people to travel to the US for court proceedings and require the other party to pay for transport and living expenses.
- Explore alternative methods to handle international marriages.
- Foster a justice system and community with zero tolerance for sexism, racism and religious discrimination.

Maitri plans to share these findings with relevant stakeholders over the next few months and collect input on next steps.

# APPENDIX B

## **Participating Agencies/Organizations in VRAP Study Sessions and Key Stakeholder Meetings**

### **Study Sessions (June-August 2020)**

Asian Americans for Community Involvement (AACI)  
Bay Area Legal Aid  
Child Abuse Prevention Council of Santa Clara County  
Community Solutions  
Domestic Violence Intervention Collaborative  
Maitri  
Next Door Solutions to Domestic Violence  
Office of Supervisor Cindy Chavez (Santa Clara County Board of Supervisors)  
Office of Councilmember Yvonne Martínez Beltrán (Morgan Hill City Council)  
Pro Bono Project  
San Jose Police Department  
Santa Clara County Department of Family and Children's Services  
Santa Clara County District Attorney's Office (Victim Services Unit, Human Trafficking Unit)  
Santa Clara County Office of Gender-Based Violence Prevention  
Santa Clara County Probation Department  
Santa Clara County Superior Court (Criminal Division, Family Division, Juvenile Division)  
Santa Clara Valley Medical Center  
Step Forward Foundation  
WomenSV  
YWCA Golden Gate Silicon Valley

### **Key Stakeholder Meetings (December 2020-February 2021)**

AAA Approach  
Asian Americans for Community Involvement (AACI)  
Community Solutions  
Dependency Advocacy Center  
Futures Without Violence  
Katharine & George Alexander Community Law Center  
Law Foundation of Silicon Valley (Legal Advocates for Children & Youth)  
Morgan Hill Police Department  
Next Door Solutions to Domestic Violence  
Office of Councilmember Rebeca Armendariz (Gilroy City Council)  
Office of Councilmember Sylvia Arenas (San Jose City Council)  
Office of Supervisor Cindy Chavez (Santa Clara County Board of Supervisors)  
Pro Bono Project  
San Jose Police Department  
Santa Clara County Commission on the Status of Women  
Santa Clara County Convention on the Elimination of All Forms of Discrimination (CEDAW) Task Force  
Santa Clara County Department of Family and Children's Services  
Santa Clara County District Attorney's Office (Victim Services Unit)  
Santa Clara County Division of Equity and Social Justice  
Santa Clara County Office of Gender-Based Violence Prevention  
Santa Clara County Office of Pretrial Services  
Santa Clara County Probation Department  
Step Forward Foundation  
YWCA Golden Gate Silicon Valley

The VRAP team seeks to comprehensively represent all participants in study sessions and key stakeholder meetings. For additions or updates to this appendix, please contact Caroline Glesmann ([cglesmann@evidentchange.org](mailto:cglesmann@evidentchange.org)).

# APPENDIX C

## Original and Revised VRAP Policy Recommendations and Implementation Strategies

Recommendation/ Strategy Number	Original	Revised (revisions are bolded)
<b>Recommendation 1</b>	Ensure a Consistent Framework - Uphold a survivor-defined, trauma informed, culturally responsive framework amongst governmental and community-based organizations.	Ensure a Consistent Framework - Uphold a <b>survivor-informed</b> , trauma-informed, culturally- responsive framework amongst governmental and community-based organizations.
<i>Strategy 1</i>	Santa Clara County policy makers, governmental agencies and community-based organizations should develop a shared “survivor-defined” framework that can be applied across all disciplines and systems engaging with survivors of gender-based violence.	Santa Clara County policy makers, governmental agencies and community-based organizations should develop a shared “ <b>survivor-informed</b> ” framework that can be applied across all disciplines and systems engaging with survivors of gender-based violence.
<i>Strategy 2</i>	Santa Clara County policy makers, governmental agencies and community-based organizations should develop a shared “trauma-informed” framework that can be applied across all disciplines and systems engaging with survivors of gender-based violence.	No changes
<i>Strategy 3</i>	Santa Clara County policy makers, governmental agencies and community-based organizations should develop a shared “culturally responsive” framework that can be applied across all disciplines and systems engaging with survivors of gender-based violence.	No changes
<i>Strategy 4</i>	N/A	New strategy: <b>Explore culturally responsive, community-based/non-law enforcement intervention models that prioritize survivor voices.</b>
<i>Strategy 5</i>	Policy makers, governmental and nonprofit organizations should work together to ensure high-quality interpretation services are available for survivors in all situations including law enforcement calls and interviews, forensic exams, court hearings, and direct services.	Policy makers, governmental and nonprofit organizations should work together to ensure high-quality interpretation services are available for survivors in all situations including law enforcement calls and interviews, forensic exams, court hearings, direct services, <b>supportive services, and additional resources that survivors may need or access. This would include: 1) using the best available resources, 2) ensuring expertise/competency respective to where interpretation services are being offered, and 3) exploring additional opportunities for enhancing and expanding services and capacity particularly for underrepresented languages.</b>



Strategy 6	Increase the use of closed-circuit television in courtrooms as a way for victims, particularly minors, to testify without facing their abuser.	<b>Expand the use of supportive resources and technologies for testifying survivors, including in-court advocates, support animals, and closed-circuit television.</b>
Strategy 7	N/A	New strategy: <b>Assess and expand survivors' digital literacy and access and ensure a safe space for survivors to use technology.</b>
<b>Recommendation 2</b>	Provide Prompt and Consistent Survivor Access to Services and Resources	No changes
Strategy 1	Ensure survivors have access to confidential and culturally responsive advocates immediately following identification and throughout the criminal justice process. Some strategies to involve advocates more seamlessly include having three-way phone follow up interviews with the victim, law enforcement, and an advocate and placing advocates in the criminal courthouse.	Ensure survivors have access to confidential and culturally responsive advocates immediately following identification and throughout the criminal justice process. Some strategies to involve advocates more seamlessly include <b>the following</b> . <ul style="list-style-type: none"> <li>• <b>Ensure survivors are provided a resource card referring them to advocacy services upon first identification by law enforcement in accordance with California state law (right to an advocate for IPA and sexual assault).</b></li> <li>• <b>Ensure the process is streamlined regardless of how a survivor is initially identified and ensure they are consistently connected to a confidential CBO advocate in a timely manner, as well as supported by DA's office (DAO) victim advocates as needed to provide complementary services. Referrals should be clear such that survivors are aware of confidentiality protections and limitations afforded by advocates.</b></li> <li>• <b>Service providers should ensure the interpreters they work with have training around trauma, confidentiality, gender-based violence, and cultural responsiveness.</b></li> </ul>
Strategy 2	Increase availability of, and access to, comprehensive services and resources for survivors.	Increase availability of, and access to, comprehensive services and resources for survivors <b>through improved communication and enhanced collaboration.</b>
Strategy 3	Explore possibility of centralized crisis line for emergency shelter requests and utilize centralized housing apps such as Safe Shelter Collaborative.	Explore possibility of centralized <b>process</b> for emergency shelter requests and utilize centralized housing applications, such as Safe Shelter Collaborative, <b>especially for regional and non-urgent needs.</b>

Strategy 4	Increase availability of, and access to, comprehensive legal services and resources for survivors.	Increase availability of, and access to, comprehensive legal services and resources for survivors <b>through improved communication and enhanced collaboration.</b>
Strategy 5	Ensure that survivors are informed about the Brady rules regarding disclosure of potentially exculpatory evidence in the District Attorney's possession, including a request for a certification for a U or T Visa. [Often survivors are not aware that this information may be provided to the defense and often they do not want the defendant to know that they are seeking a U or T Visa. This is unrelated to whether the District Attorney or Police Department will actually sign the certification or not.]	No changes
Strategy 6.	Remove the policy that cases need to be closed before a certification can be signed. [Given that requests for certifications must be disclosed to the defense, even if it is ultimately denied, this policy does not prevent disclosure regarding the survivor's immigration status if they are uninformed about the Brady rule. Rather it potentially puts the survivor in a worse situation where the defendant is aware of the survivor's lack of immigration status but also the survivor is unable to apply for the U or T Visa while the case is open.]	<b>Review state and federal legal requirements to encourage more flexible policies to enable victims' requests to be certified while a case is pending given appropriate circumstances. Ensure that requirements related to "cooperation with law enforcement" in relation to certification are considered in a survivor- and trauma-informed manner, with consistency on expectations set by law enforcement.</b> [Given that requests for certifications must be disclosed to the defense, even if it is ultimately denied, this policy does not prevent disclosure regarding the survivor's immigration status if they are uninformed about the Brady rule. Rather it potentially puts the survivor in a worse situation where the defendant is aware of the survivor's lack of immigration status but also the survivor is unable to apply for the U or T Visa while the case is open.]
Strategy 7	Improve processes for survivors to learn about, apply for, and obtain restraining orders and to report restraining order violations.	No changes
Strategy 8	Identify one nonprofit service provider to serve as a lead contractor. Legal lead contractor would identify, recruit, vet, train and supervise independent attorneys providing legal services through family justice centers.	Identify one <b>legal nonprofit service provider lead for each family justice center and each legal service provider lead can work together to ensure consistency in services and service philosophy provided in all three family justice centers, which includes identifying, recruiting, vetting, and providing training to independent attorneys in areas such as gender-based violence. Look to existing legal clinic models for guidance including recruitment, onboarding processes, and capacity building.</b>

Strategy 9	Utilize family justice and family violence centers to conduct follow up law enforcement interviews as a way to ensure survivors have advocates available and accessible to them during interviews.	No changes
Recommendation 3	Uphold an Intersectional, Collaborative Approach to Gender-Based Violence	No changes
Strategy 1	<p>Develop upstream strategies to address trauma that extends beyond the survivor's presenting trauma. This may include:</p> <ul style="list-style-type: none"> <li>• Supporting Healthy Parenting/Guardians. Provide support to parents of survivors, especially in cases involved CSEC in the way of parenting classes and support.</li> <li>• Supporting Healthy Parents/Guardians. Parents may also be survivors of domestic violence, sexual assault or human trafficking and would benefit from services to deal with their own trauma.</li> </ul>	<p>Develop comprehensive and holistic intersectional strategies to address trauma that extends beyond the survivor's presenting trauma. This may include:</p> <ul style="list-style-type: none"> <li>• Supporting healthy parenting. Provide support to parents of survivors, especially in cases involving CSEC (e.g., parenting classes and support).</li> <li>• Supporting healthy parents/guardians. Parents may also be survivors of intimate partner abuse, sexual assault, or human trafficking and would benefit from services to deal with their own trauma.</li> <li>• <b>Partnering with organizations/agencies such as CBOs, family resource centers, and the Children's Advocacy Center for enhanced programming and accessing support from the California Victim Compensation Board (CalVCB).</b></li> </ul>
Strategy 2	<p>Enhance court, legal, and criminal justice processes and policies to improve survivors' experiences by improving communication. This may include:</p> <ul style="list-style-type: none"> <li>• Informed Advocates - Often survivors rely on advocates to be the intermediary for information. Therefore, when a system partner wishes to reach a survivor that has an advocate, they should reach out to the advocate prior to contacting the survivor such that the advocate can be informed and available to the survivor. Advocates will ensure all relevant and applicable release is signed.</li> <li>• Case Updates - Create a simple process for survivors to obtain updates on their case.</li> <li>• Case outcomes - Survivors should be informed regarding why their case was closed or not pursued by the District Attorney, which can help provide the survivor with a sense of closure.</li> </ul>	<p>Enhance court, legal, and criminal justice processes and policies to improve survivors' experiences by improving communication. This may include:</p> <ul style="list-style-type: none"> <li>• Informed advocates. <b>Support the survivor's request about how they would like to receive information. For example, if the survivor wants information to come from a DAO victim advocate, while being accompanied by a confidential CBO advocate, this should occur. Or, if the survivor does not want to interact with the DA's office, a confidential advocate can share information with the survivor.</b></li> <li>• Case updates. <b>Review the process for survivors to obtain updates on their case and explore possible improvements such as developing a brochure or information card to give to survivors.</b></li> <li>• Case outcomes. <b>Review the process for informing survivors when charges are not filed in their case by the District Attorney,</b></li> </ul>

		including why the decision was made not to file.
Strategy 3	<p>Enhance court, legal, and criminal justice processes and policies to improve survivors' experiences by improving access. This may include:</p> <ul style="list-style-type: none"> <li>• Immigration Impact. When there is a criminal case pending, ensure that survivors who have concerns about their immigration status either for themselves or for the defendant receive appropriate referrals to immigration assistance.</li> <li>• Ensure survivors have access to Information. Ensure survivors interacting with the criminal justice system receive information on their rights to participate or refuse to participate as witnesses in criminal cases, Marsy's laws, immigration, custody.</li> <li>• Ensure juvenile survivors have access to police reports. Allow juvenile survivors access to accurate and detailed police reports – particularly in cases of foreign-born survivors pursuing immigration relief as victims of a crime. This may require legislative change.</li> <li>• Victim compensation. In this area, advocates recommended: 1) giving survivors the option to provide a letter from law enforcement that they need emotional support, which would allow the survivor to apply for victim compensation without going through a criminal process and 2) increasing the timeframe for survivors to appeal a denial of their victim compensation application.</li> <li>• Restraining Orders. Develop an easier way to file restraining order violations.</li> <li>• On site access. While there are computers available to the public in the family court building, they are limited in use. Make them available to survivors so they can link to resources. Currently they can only be used to look up cases.</li> </ul>	<p>Enhance court, legal, and criminal justice processes and policies to improve survivors' experiences by improving access. This may include:</p> <ul style="list-style-type: none"> <li>• Immigration impact. When there is a criminal case pending, ensure that survivors who have concerns about their immigration status either for themselves or for the defendant receive appropriate referrals to immigration assistance.</li> <li>• Ensure survivors have access to information. Ensure survivors interacting with the criminal justice system receive <b>accessible, survivor-friendly</b> information on their rights <b>and options as victims and</b> witnesses in criminal cases, Marsy's Law, immigration, custody.</li> <li>• Ensure juvenile survivors have access to police reports. Allow juvenile survivors access to accurate and detailed police reports – particularly in cases of foreign-born survivors pursuing immigration relief as victims of a crime. This may require legislative change.</li> <li>• Victim compensation. In this area, 1) <b>ensure advocates are aware that survivors have</b> the option to provide a letter from <b>a therapist stating</b> they need emotional support, which would allow the survivor to apply for victim compensation without going through a criminal process, 2) <b>increase advocates' awareness that survivors can</b> appeal a denial of their victim compensation application <b>even if they do not meet the appeal deadline, and</b> 3) <b>update and disseminate a resource list of therapists who provide services to survivors under this program.</b></li> <li>• Restraining orders. <b>Clarify the process to report restraining order violations and provide regular training for stakeholders about the process.</b></li> <li>• Onsite access. While there are computers available to the public in the family court building, they are limited in use. Make them available to survivors so they can link to resources. Currently they can only be used to look up cases.</li> </ul>
Strategy 4	<p>Enhance court, legal, and criminal justice processes and policies to improve survivors' experiences by prioritizing success and justice for survivors.</p>	<p>Enhance court, legal, and criminal justice processes and policies to improve survivors' experiences by prioritizing success and justice for survivors.</p>



	<ul style="list-style-type: none"> <li>• Abuser accountability. Survivors described the need for increased accountability for the abuser including for not completing court-mandated classes or programs.</li> <li>• Abuser accountability. Improve response and/or consequences for restraining order violations.</li> <li>• Improve processes for survivors to learn about, apply for, and obtain restraining orders and to report restraining order violations</li> </ul>	<ul style="list-style-type: none"> <li>• Abuser accountability. Survivors described the need for increased accountability for the abuser including for not completing court-mandated classes or programs. <b>Explore various accountability approaches that consider perpetrators' trauma, impact of toxic masculinity, and intersections of GBV and may have features adaptable to GBV accountability programs.</b></li> <li>• Abuser accountability. Improve response and/or consequences for restraining order violations.</li> <li>• Improve processes for survivors to learn about, apply for, and obtain restraining orders <b>including emergency protective orders</b> and to report restraining order violations.</li> </ul>
<i>Strategy 5</i>	<p>Improve survivors' experiences and healing by streamlining services.</p> <ul style="list-style-type: none"> <li>• Referrals. Attorneys have had issues referring clients to services; for non-emergency situations, sometimes a client is referred back to the attorneys, or not offered services. These are clients that need support the attorney cannot provide, but there is a gap. Attorneys can't refer to the agency directly because agencies want the client to call in.</li> <li>• Screening. Confidential advocate screening of all survivors for immigration and family law needs and prompt connection to attorneys if appropriate.</li> </ul>	No changes
<b>Recommendation 4</b>	Build Capacity through Professional Training and Community Outreach	No changes
<i>Strategy 1</i>	<p>Provide training for system partners on interacting and working with survivors:</p> <ul style="list-style-type: none"> <li>• Multi-Disciplinary training on: Trauma Informed Care, working with survivors of GBV, cultural responsiveness.</li> <li>• Trainings for Advocates /Training academy: Develop an academy for advocates to provide ongoing training. Training should be virtual webinars to be accessible to an organization on a rolling basis to accommodate new staff. Topics should include: <ul style="list-style-type: none"> <li>- Working with incarcerated survivors;</li> <li>- Working with survivors with mental health issues, disabilities, and/or substance use issues;</li> <li>- Working with survivors in criminal court</li> <li>- Annual training on new legislation</li> </ul> </li> </ul>	<p><b>Expand survivor informed, trauma-informed, and culturally responsive</b> training for system partners on interacting and working with survivors:</p> <ul style="list-style-type: none"> <li>• Multidisciplinary training on: Trauma-informed care, working with survivors of GBV, cultural responsiveness.</li> <li>• <b>Recurring</b> trainings for <b>confidential CBO</b> Advocates / Training academy: Develop an academy for advocates to provide ongoing training. Training should be virtual webinars to be accessible to an organization on a rolling basis to accommodate new staff. Topics should include: <ul style="list-style-type: none"> <li>- Working with incarcerated survivors</li> <li>- Working with survivors with mental health issues, disabilities, and/or substance use issues</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>- Victim rights</li> <li>- Immigration safety: Benefits for immigrant survivors; how survivors can qualify for the U Visa</li> <li>- Restraining orders: How local law enforcement handles RO violation. Considerations: when a victim moves from county to county, information about civil harassment hearings, information about gun violence restraining orders, and differences in how types of orders are enforced.</li> <li>- Language access: How to access the language line; how advocates can intervene if an interpreter is not available; how advocates can work with interpreters; trauma informed confidential interpretation</li> <li>- Understanding Role of Law Enforcement and partnership expectations <ul style="list-style-type: none"> <li>• Trainings for Law Enforcement on: trauma informed and motivational interviewing techniques, role of advocates and partnership expectations and GBV Law Enforcement Protocols.</li> <li>• Community Training on: identifying and responding to situations of gender-based violence, and prevention of gender-based violence.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Working with survivors in criminal court</li> <li>- Annual training on new legislation</li> <li>- Victim rights</li> <li>- Immigration safety: Benefits for immigrant survivors; how survivors can qualify for the U Visa</li> <li>- Restraining orders: How local law enforcement handles RO violations. Considerations: when a victim moves from county to county, information about civil harassment hearings, information about gun violence restraining orders, and differences in how types of orders are enforced.</li> <li>- Language access: How to access the language line; how advocates can intervene if an interpreter is not available; how advocates can work with interpreters; trauma-informed confidential interpretation</li> <li>- Understanding role of law enforcement and partnership expectations <ul style="list-style-type: none"> <li>• <b>Recurring</b> trainings for Law Enforcement, <b>Prosecution, Probation, Judges, Court Personnel, and Child Welfare</b> on: Trauma-informed and motivational interviewing techniques, role of advocates and partnership expectations and GBV Law Enforcement Protocols. <b>Provide training for patrol officers on available resources for survivors and how to find/connect with these resources.</b></li> <li>• Community Training on: Identifying and responding to situations of gender-based violence, and prevention of gender-based violence.</li> </ul> </li> </ul>
Strategy 2	<p>Provide information to survivors to build their capacity to advocate for their needs as they relate to:</p> <ul style="list-style-type: none"> <li>• Reporting and resisting hate crimes</li> <li>• Know your rights</li> <li>• How to work with attorneys</li> <li>• Representation in court</li> <li>• Testifying in court</li> <li>• Obtaining a police report</li> <li>• Appealing a victim compensation case</li> <li>• Affordable housing</li> <li>• Prevention of GGV- considering Secondary and Tertiary prevention</li> <li>• Peer to peer training on survivors' rights exams</li> <li>• Restraining orders – process, types of orders, violations</li> </ul>	<p>Provide <b>publicly available</b> information to survivors to build their capacity to <b>understand their rights and</b> advocate for their needs. <b>This should be done with collaboration and coordination across agencies. Topics include:</b></p> <ul style="list-style-type: none"> <li>• Reporting and resisting hate crimes</li> <li>• Know your rights</li> <li>• How to work with attorneys</li> <li>• Representation in court</li> <li>• Testifying in court</li> <li>• Obtaining a police report</li> <li>• Appealing a victim compensation case</li> <li>• Affordable housing</li> <li>• Prevention of GBV- considering secondary and tertiary prevention</li> <li>• Peer to peer training on survivors' rights</li> <li>• Restraining orders – process, types of orders, violations</li> </ul>

<p><i>Strategy 3</i></p>	<p>Increase public awareness and outreach efforts about survivors' rights by focusing on specific populations provide targeted, culturally responsive messaging.</p> <ul style="list-style-type: none"> <li>• Pilot innovative outreach techniques, given the challenges with Covid-19 and Shelter in Place. Physical spaces such as libraries may not be as effective as perhaps places where parents are picking up resources for their children, food banks.</li> <li>• Post flyers or brochures about survivors' rights and resources at locations such as schools, colleges, English learning classes, places of worship, interfaith events, workplaces, libraries, community centers, hospitals, food banks, and beauty salons.</li> <li>• Utilize traditional outreach techniques to large audiences, like billboard campaigns, VTA, buses, bus stops. This can be tied to a larger campaign that includes: social media and written materials.</li> <li>• Identify potential corporate partners to pilot innovative outreach efforts. For example, missing kids on milk cartons helped raise awareness about child abduction.</li> <li>• Partner with medical professionals so they can share information about rights during medical.</li> </ul>	<p>Increase <b>and leverage</b> public awareness and outreach efforts about survivors' rights by focusing on specific populations to provide targeted, culturally responsive messaging <b>that is accessible</b>.</p> <ul style="list-style-type: none"> <li>• Pilot innovative outreach techniques, given the challenges with COVID-19 and Shelter in Place. Physical spaces such as libraries may not be as effective as perhaps places where parents are picking up resources for their children, such as food banks.</li> <li>• Post flyers or brochures about survivors' rights and resources at locations such as schools, colleges, English learning classes, places of worship, interfaith events, workplaces, libraries, community centers, hospitals, food banks, and beauty salons.</li> <li>• Utilize traditional outreach techniques to large audiences, like billboard campaigns, VTA, buses, bus stops. This can be tied to a larger campaign that includes social media and written materials.</li> <li>• Identify potential corporate partners to pilot innovative outreach efforts. For example, missing kids on milk cartons helped raise awareness about child abduction.</li> <li>• Partner with medical professionals so they can share information about rights during medical <b>exams and other visits</b>.</li> </ul>
<p><i>Strategy 4</i></p>	<p>Increase public awareness and outreach efforts about survivors' rights by targeting locations where survivors may see the information.</p> <ul style="list-style-type: none"> <li>• Targeted outreach to specific communities through ethnic/language specific media. Partner with agencies who are culturally responsive to those respective communities to cultivate messages that resonate.</li> <li>• Hosting community meetings or creating community groups to share information.</li> <li>• Developing and airing public service announcements on radio and television stations.</li> </ul>	<p><b>Increase and leverage</b> public awareness and outreach efforts about survivors' rights by targeting locations where survivors may see the information <b>and it is accessible</b>.</p> <ul style="list-style-type: none"> <li>• Targeted outreach to specific communities through ethnic/language specific media. Partner with agencies who are culturally responsive to those respective communities to cultivate messages that resonate.</li> <li>• Hosting community meetings or creating community groups to share information.</li> <li>• Developing and airing public service announcements on radio and television stations.</li> </ul>
<p><i>Strategy 5</i></p>	<p>Develop an outreach and training plan for Santa Clara County agencies collectively to maximize use of resources and promote collective impact.</p> <ul style="list-style-type: none"> <li>• Collective impact approach to outreach will allow for more breadth in outreach efforts.</li> <li>• Develop coordinated training system for advocates in the county; use train the trainer</li> </ul>	<p>Develop an outreach and training plan for Santa Clara County agencies collectively to maximize <b>and leverage</b> use of resources, promote collective impact, <b>and where applicable align with state training requirements</b>.</p> <ul style="list-style-type: none"> <li>• Collective impact approach to outreach will allow for more breadth in outreach efforts.</li> </ul>

	method so staff can provide tools to others at their agency to increase agency knowledge	<ul style="list-style-type: none"> <li>• Develop coordinated training system to avoid duplication for advocates who train in the county; use train the trainer method so staff can provide tools to others at their agency to increase agency knowledge</li> </ul>
Strategy 6	<p>Create an Advocate Resource Repository to maintain resources and tools for advocates and survivors.</p> <p>For advocates:</p> <p>Explore existing databases and what their current utility is. For example, safe shelter collaborative.</p> <ul style="list-style-type: none"> <li>▪ A database of childcare resources</li> <li>▪ A database of shelters and shelter bed availability</li> <li>▪ A database of interpreters,</li> </ul> <p>Create a comprehensive compendium on survivor rights related to domestic violence, sexual assault and human trafficking that serves as a “one-stop shop” to answer advocates’ questions.</p> <ul style="list-style-type: none"> <li>• Handouts for advocates and survivors that clearly state survivors’ rights, using simpler terms than the text of the laws, in accessible formats. Streamline existing tools and create simple handouts in multiple languages for survivors. Have survivor input part of the process.</li> <li>▪ Handout topics include Marsy’s Law and steps to take if a restraining order is violated.</li> </ul> <p>For survivors:</p> <ul style="list-style-type: none"> <li>• Explore existing apps or websites that focus on connecting survivors to services and making them aware of their rights. Identify whether a new app/site is needed.</li> <li>• Explore utility of an app or website for survivors that is available in multiple languages. Look at inclusion of video resources.</li> <li>• Explore possibility of a walk-in center at the police department or DA’s office.</li> </ul>	<p>Create an Advocate Resource Repository, <b>which is accessible in multiple formats</b>, to maintain resources and tools for advocates and survivors.</p> <p>For advocates:</p> <p>Explore existing databases and their current utility. For example, safe shelter collaborative.</p> <p><b>Other areas include:</b></p> <ul style="list-style-type: none"> <li>▪ A database of childcare resources</li> <li>▪ A database of shelters and shelter bed availability</li> <li>▪ A database of interpreters</li> <li>• Create a comprehensive compendium on survivor rights related to <b>intimate partner abuse</b>, sexual assault, and human trafficking that serves as a “one-stop shop” to answer advocates’ questions.</li> </ul> <p><b>Develop</b> handouts for advocates and survivors that clearly state survivors’ rights, using simpler terms than the text of the laws, in accessible formats. Streamline existing tools and create simple handouts in multiple languages for survivors. Have survivor input as part of the process.</p> <ul style="list-style-type: none"> <li>▪ Handout topics include Marsy’s Law and steps to take if a restraining order is violated.</li> </ul> <p>For survivors:</p> <ul style="list-style-type: none"> <li>• Explore existing apps or websites that focus on connecting survivors to services and making them aware of their rights. Identify whether a new app/site is needed.</li> <li>• Explore utility of an app or website for survivors that is available in multiple languages. Look at inclusion of video resources.</li> <li>• Explore possibility of a walk-in center at the police department <b>and increase awareness of existing walk-in centers. (Note: The DA’s Office has a walk-in center on the first floor of the main DA’s Office building, located at 70 West Hedding Street in San Jose.)</b></li> </ul>



