



SANTA CRUZ COUNTY
Civil Grand Jury

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City Of Santa Cruz: Preventing Rape and Domestic Violence

Where's The Priority?

Summary

By law, since 1981, the City of Santa Cruz is required under Santa Cruz City Ordinance 81-29 to make the prevention of rape and domestic violence one of its highest priorities. In 2023, the Santa Cruz City Council adopted a Five Year Strategic Plan. The Plan makes no mention of rape and domestic violence.

Over the past decade, the City's Commission for the Prevention of Violence Against Women has failed to provide the City Council with solid Annual Reports that document City, community, and police efforts to prevent rape and domestic violence. Recent reports have either included no data or limited data. The 2023 CPVAW Joint Report has no metrics on important trends such as whether the City of Santa Cruz still has a higher than average rate of rapes by strangers. What areas of the city were the crimes committed in? Have there been arrests?

Long-standing Commission programs such as the Safe Place Network of local businesses are currently idle. This year the Santa Cruz City Schools District canceled the Commission's popular self-defense classes for middle and high school students. The in-person classes are being replaced with an online self-esteem video.

The City has ended the Commission's thirty five-year access to redacted police reports of rape and domestic violence. These reports enabled the Commission to evaluate police response, respond to complaints and recommend training if needed.

The Grand Jury submits its findings and recommendations to bring the City of Santa Cruz into compliance with City Ordinance 81-29. The personal safety and well-being of the community is at stake.

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Background

Rape and domestic violence are among the most serious of crimes. Yet they are hidden crimes, ones we would rather not talk about except for high profile cases. When did you last read in the local press about a woman raped in Santa Cruz? Victims of these crimes feel shame, self-blame, fear, and isolation. Perpetrators are rarely arrested, prosecuted, convicted, and sentenced.^[1]

Forty-three years ago, the Santa Cruz community took action to bring rape and domestic violence out of the shadows by making them issues of public concern and public policy. An Initiative was drafted, circulated, and gained sufficient signatures to qualify for the ballot. The Santa Cruz City Council at the time adopted the Initiative rather than put it to a vote of the people. As a result, Santa Cruz City Ordinance 81-29 was passed by the Santa Cruz City Council in 1981.^[2]

The Ordinance required the creation of a City Commission for the Prevention of Violence Against Women (CPVAW or Commission) to carry out specific actions to help prevent rape and domestic violence in the City. The Ordinance mandates that the Santa Cruz Police Department (SCPD) offer full and open cooperation to the Commission. The Ordinance states that: “It shall be the policy of the City of Santa Cruz that the prevention of rape and domestic violence shall be one of its highest priorities.” Sexual harassment was added to the purview of the Commission in the early 2000’s, however it is not codified in the Ordinance.^[3]

Since 2016 there has been a noticeable decline in the Commission’s visibility and programs. There is little collaboration with relevant community agencies. Detailed information and metrics on rape are no longer presented to the community as in past years. The City of Santa Cruz appears to have significantly reduced its support for the Commission’s mandates. There is no mention of the prevention of rape and domestic violence in the City’s published priorities for the next five years.

This investigation was undertaken to document and explore possible reasons for this decline and recommend solutions. This will hopefully bring the Commission and the City back into compliance with its mandate to help prevent rape and domestic violence in the City of Santa Cruz.

Scope and Methodology

The scope of this investigation is:

- To investigate the effectiveness and function of the City of Santa Cruz Commission for the Prevention of Violence Against Women, the Santa Cruz Police Department, and the City of Santa Cruz with respect to the mandates of Ordinance 81-29.
- To investigate the decline in the comprehensiveness and usefulness of the Commission’s required Annual Reports.
- To investigate the decline and abandonment of established Commission programs for community awareness and safety.

- To investigate how data on rape is recorded by the Santa Cruz Police Department, in what form it is sent to the Uniform Crime Reporting Program (UCR) and how it is shared with the Commission.

For this investigation the Grand Jury undertook the following actions:

Interviews

- Conducted interviews

Documents and Reports

- Reviewed City Ordinance 81-29
- Reviewed all available past CPVAW Annual Reports

Program Comparison

- Compared past Commission programs and activities with current programs and activities

Staffing and Budgets

- Examined past and current Commission staffing levels
- Examined past and current Commission budgets

Law Enforcement Data

- Reviewed Santa Cruz police statistics on reported rape and domestic violence and the format for submitting data to the UCR
- Reviewed Federal Bureau of Investigations (FBI) reports on National Incident-Based Reporting System (NIBRS) for Rape

Field Trips

- Attended a Commission meeting
- Listened to all Commission meetings since and including November 2023
- Inquired about Commission resources at local bars
- Visited downtown stores listed as members of the Safe Place Network for current evidence of the program

Investigation

History Of Commission Work

The record of work carried out by the Commission for the Prevention of Violence Against Women is partially captured on its website, which includes Annual Reports to City Council and the CPVAW Historical Timeline.^[4]

The Historical Timeline begins with the Commission's formation in 1981. It stops at 2008. It gives a snapshot of the extensive programming, resources and community outreach that was typical between 1982 and 2008 and which has largely been discontinued.

Some highlights from the timeline are listed below.^[5]

- 1982 Distributed a bilingual Women's Resource Card
- 1983 Emphasis on developing a Self-Defense Program
- 1985 Review of 1983-84 Sexual Assault cases. Many areas of concern identified. An "Officers' Check-list" developed for SCPD
- 1985 Sexual Assault Response Team (SART) initiated and developed
- 1987 Updated "Survivors Feedback Form" for those who reported to SCPD
- 1988 New procedures enabled survivors of domestic violence to obtain an Emergency Protective Order at the scene of the crime
- 1989 Improve services for Latina survivors of domestic violence
- 1990 Self-defense class in Spanish established
- 1992 Outreach to women in Blaine St. Jail
- 1992 Teen Women's Day. Self-defense for women with mental health issues
- 1993-94 Commission coordinator trained SCPD in Domestic Violence awareness
- 1996 Responded to the rapes of three elderly women with media coverage for awareness, teach-ins, and free installation of safety equipment
- 1997 Latina Self-defense program established
- 1998 Self-defense for all female students at Branciforte Junior High
- 2000-01 First Teen Men's Day. CPVAW 20th Anniversary
- 2003-04 Safe Place Network formed
- 2004-05 Bar Coaster Program developed. Banner Program established
- 2005-06 Joint City Committee on Sexual Assault created
- 2006-07 Stakeholders' meeting, 45 representatives from community agencies
- 2007-08 Self-defense in City schools for girls and boys in PE classes established

The Ordinance specifies duties for the Commission and for the SCPD.^{[2] [4]} Performance relative to fulfilling the Ordinance is covered in the following sections.

Decline in Report Quality and Frequency

Ordinance 81-29 requires that the Commission submit an annual report to the City Council documenting in detail City, community, and police efforts to carry out the purposes of the Ordinance. The Ordinance requires the Chief of Police to submit an annual report to the City Council documenting, in detail, police efforts to carry out the purpose of the Ordinance.^[2]

There are no Annual Reports on its website of the Commission's first twenty years of work. The Historical Timeline is the only record from 1981-2005.

The Joint report of 2005-2007 is the earliest listed report. For those years, the CPVAW and SCPD submitted a combined report.^{[6] [7] [8]} Both the 2005-07 Joint Report and the 2005-07 CPVAW Annual Report are comprehensive reports which highlight significant programs and include detailed metrics on reported rape and domestic violence. The

24-page 2005-07 CPVAW Report includes the results of a stakeholders' meeting where forty-five representatives from community agencies, community members, and law enforcement participated in discussions that led to detailed goals and objectives.^[9]

The Joint Reports and Annual Reports of 2008-10 and 2012 are also comprehensive, including detailed data on domestic violence and rape. The 2014-16 Annual Report is briefer than earlier reports. It does include data on rape and domestic violence but not as detailed as in the earlier reports.

Between 2017 and 2020 there are no Commission Annual Reports. In 2018 the Commission hired consultants to do a Needs Assessment. The resulting document references the entire county, does not focus on the city, and has little to add that is new or relevant to the Commission's mandate.^[10]

The 2020-21 and 2022 Reports are brief three-page narratives with no data on domestic violence or rape.^{[6] [7]}

In May, 2024 the Commission and the SCPD completed a brief 2023 Joint Report. More details about this Report are under the section, SCPD and The Commission.^[11]

For the first two CPVAW meetings of 2024, SCPD made available annual statistics on rape, domestic violence, homicide, and stalking. However there have been no comprehensive Annual Reports from the SCPD to City Council from 2012 to 2022.^[12]

Metrics On Reported Rape in the City

Publicly accessible data on the profile of those who commit rape, where, what percentage are arrested and the outcome of arrests is important for community awareness and safety. Such data were provided in detail in earlier Commission reports but are not included in the three recent reports. The Commission has in the past made repeated requests for a tracking system to determine the outcome of an arrest. No such system or data have been provided.^[13]

The actual incidence of rape in the City of Santa Cruz is unknown and can only be estimated. Reference to numbers in the Commission Annual Reports is based on rapes reported to the Santa Cruz Police Department. Reported rape is a smaller percentage of all rapes committed and estimates vary. Data from the Rape and Incest National Network (RAINN) estimate between a quarter to a third of all rapes are reported to law enforcement with differences based on ethnicity, age, class, and degree of physical injury.^[1]

Note: The number of crimes listed may not equal the number of victims. A person may commit more than one crime on one victim.

Detailed information up to 2016

Based on redacted police reports (all personal information removed) the Commission until 2016 gathered detailed metrics on rape and domestic violence. These metrics gave important information to the community about these crimes. Information on rape included:

- Location of the crime by police beat (West, East, Beach, Central, Downtown)
- Time of year

- Whether perpetrator and victim were local or visitor
- Age and ethnicity of perpetrator and victim
- Whether weapons or alcohol were involved
- Whether the perpetrator was a stranger, a brief encounter (less than 24 hours) or an acquaintance
- Percentage of arrests

The Figures which follow illustrate the detail and approach taken in earlier reports.

Detailed Information on Rape in Past Reports: From Joint Report 2008-2010

Figure 1 provides three data points on whether the person committing rape was an acquaintance, briefly encountered within 24 hours or a complete stranger. Such information is important for community awareness, preparedness, and crime prevention.

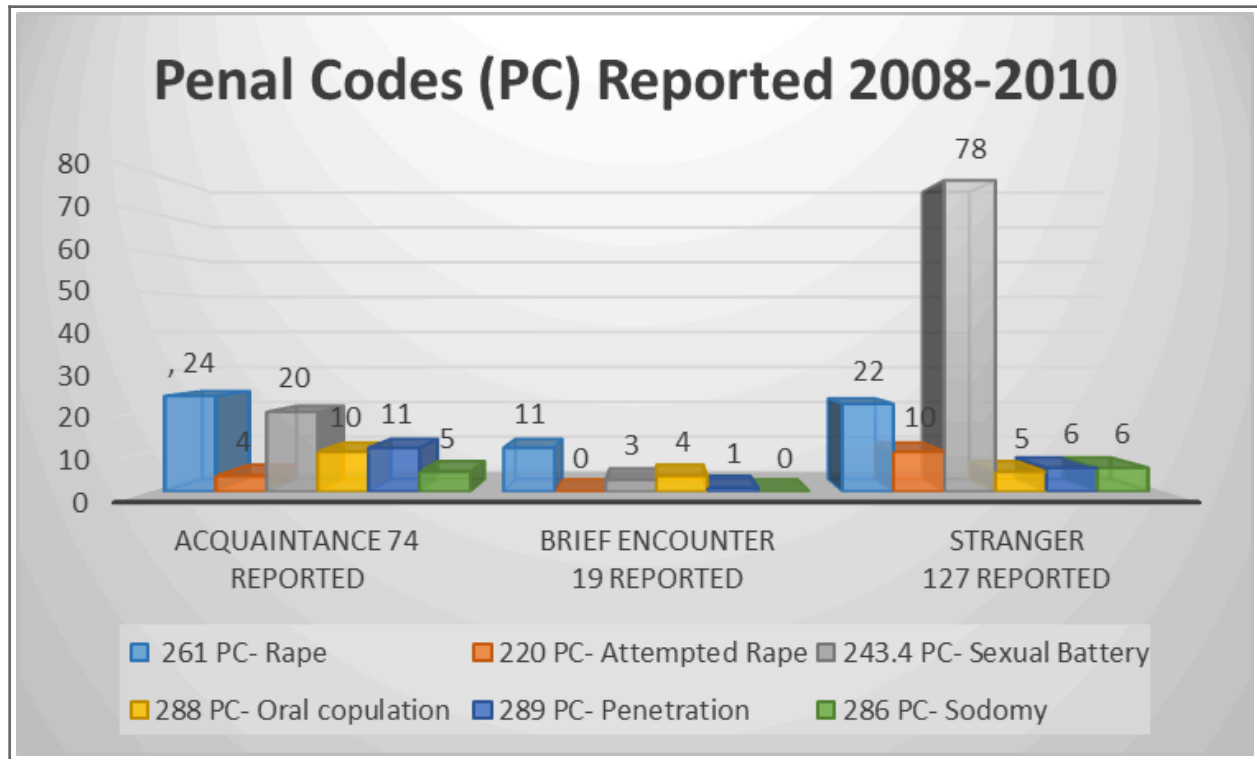


Figure 1. Reported Penal Codes on Sexual Assault 2008-2010.^[14]

Figure 2 indicates whether the perpetrator and the victim were local residents or visitors. Such information helps replace assumptions with facts.

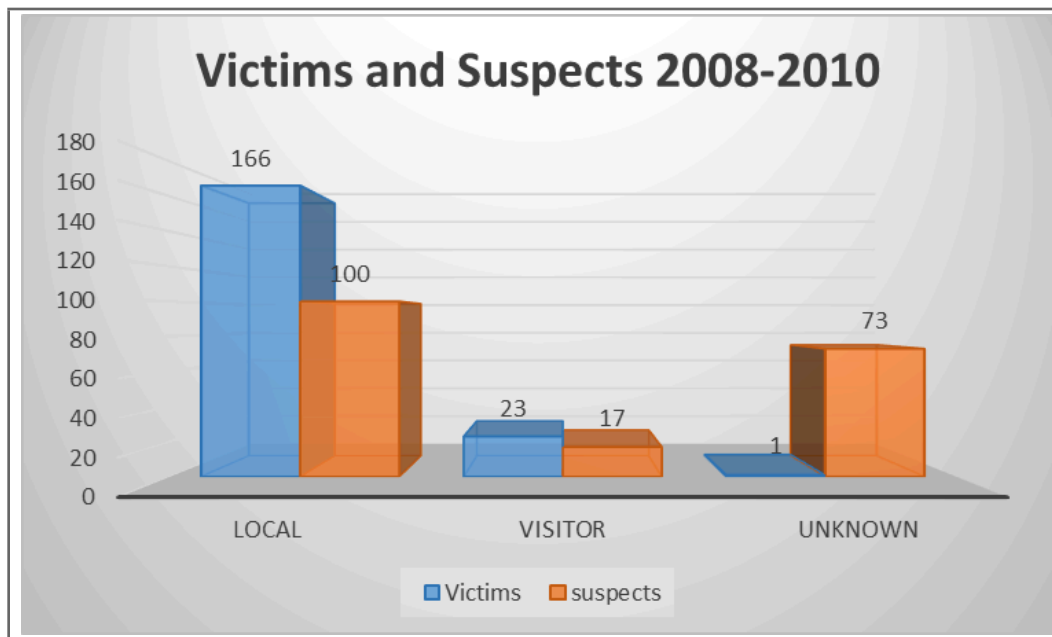


Figure 2. Data from 2008-2010 Joint SCPD CPVAW Report-Victims & Suspects^[14]

Commission Programs and Resources

The Commission has a history of providing the community with a wide variety of programs and resources for raising awareness of and helping to prevent domestic violence and sexual assault.

Covid had an understandable impact on the ability of the Commission to provide programs during 2020-22 and half of 2023. Since then there have been a few one-time well-attended events, a number of Public Service Announcements (PSA's) and events for Domestic Violence Month. However, the established, popular CPVAW programs have largely disappeared, with no explanation on why they were ended. Other programs have been neglected. Visibility of CPVAW and, by association, the City's commitment to public safety has declined. To document this decline the Grand Jury investigated the following major programs.

Self-Defense

Free or low cost self-defense classes offered to the community at London Nelson Center and to Santa Cruz City District Schools have been a long-time key component of CPVAW's visibility and resources for personal safety. Their progression is documented in the History of the Commission Work section of this report.

Establishing self-defense classes in District Schools was described in the 2007-8 Annual Report as an "incredible milestone" and a "goal that CPVAW has had for years." The following entry from the 2010 Annual Report captures their significance:

Since 2007, the CPVAW has partnered with Santa Cruz City Schools to offer safety skills/self-defense classes to girls and boys at local middle and high schools. Almost 5,000 students have taken these classes in the past four academic years. This program, scheduled during physical education classes, provides information on awareness, avoidance, verbal techniques, and physical skills for students. Evaluations from students and teachers continue to indicate that these classes are valued and successful in teaching girls and boys important skills that assist in avoiding or facing difficult, uncomfortable situations.^[15]

Cuts to Self-Defense

Cuts to the Commission's self-defense programs have been made over the past seven years.

In 2017 the Commission significantly cut the community self-defense program. This issue of public concern was covered by the weekly newspaper, The Good Times.^[16] In November 2023, at the regular CPVAW meeting, the sixteen-year history of self-defense classes in middle and high schools came to an end. An online video, *Vector Solutions*, will replace in-person self-defense classes in District Schools. The video covers issues such as stress management, self-harm awareness, conflict resolution, students' safety, wellness, and healthy relationships. While useful topics, they are different skills than those taught and practiced in a self-defense class.^[17]

This decision was opposed by members of the public who spoke to the Commission at the meeting. Drawing on personal experience, they stressed the need for in-person, hands-on self-defense classes. Long-time City self-defense instructor, Leonie Sherman, cautioned against substituting in-person self-defense classes with an online course. She spoke of the need for a local instructor's physical presence to ensure correct techniques, to connect with students and to respond to local situations.^[18]

]

Safe Place Network

The network of “Safe Places” was initiated by the Commission in 1999. It is described as “A collaborative effort by the Commission for the Prevention of Violence Against Women, the Downtown Association, the Downtown Commission and Monarch Services (formerly Women’s Crisis Support-Defensa de Mujeres)”.^[19] The network of forty- one businesses, mostly in the downtown, identified by a decal in their window (Figure 3 below), offered a safe place for anyone who felt threatened on the street. Upon request, a staff member in the business could offer resources and a place to wait until a resource responded.

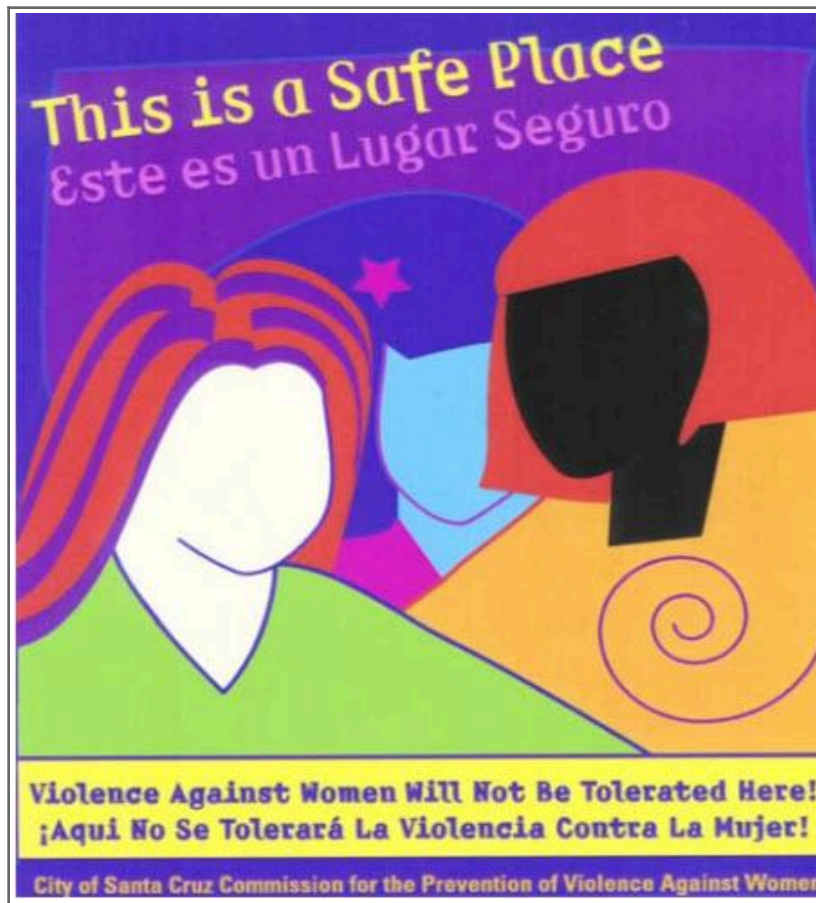


Figure 3. Safe Place Window Sticker from CPVAW
Annual Report 2005-07^[20]

The Safe Place Network is still listed on the Commission’s website. Out of the forty-one businesses listed, fourteen have closed. Of the remaining businesses, only two still have stickers in their storefront windows.^[21]

The Grand Jury could find no record of why this important program and safety resource has not been updated and continued. The Safe Place Network costs little to run and offers a valuable resource for our community and visitors if ever in need of an immediate safe haven in the downtown area. Without CPVAW active support, residents and visitors lose this valuable resource.

Bar Coasters

The Coaster Program was introduced during April of 2005 to raise awareness regarding the issues of alcohol, sexual assault, and consent. Since the first distribution in 2005, more than thirty bars in the City of Santa Cruz, from Seabright on the Eastside to Mission St. and the downtown area have participated.^[22] The coaster program started with a consent and alcohol message and then was updated with the GHB (date rape drug) testing feature. This was an effective way to keep the awareness message front and center with the public.



Figure 4. Drug Testing Drink Coaster - Juror supplied picture^[8]

The 2020-21 and 2022 Annual Reports refer to a continuation of the coaster program with similar-themed posters and brochures. The Grand Jury could find no evidence of such support materials in a random selection of local bars. Coasters were found in only one bar after the barkeep spent five minutes searching along the back wall of the bar. Staff in other establishments who were asked said they had heard of the program and were interested but had no materials.^[23]

Banners

These public awareness banners, a program initiated in 2005 (shown in Figure 5 below), were displayed twice a year on top of street poles along Pacific Avenue and major city corridors.



Figure 5. CPVAW Banner Project From CPVAW Annual Report 2005-07^[22]

From the description in the 2010 Report: “Banners are displayed in April for Sexual Assault Awareness Month. Banners are again displayed in October for Domestic Violence Prevention Month. The goal of the CPVAW Banner Project is to raise awareness and to continue to keep the issues of sexual assault and domestic violence as a priority in the City of Santa Cruz.”^[22]

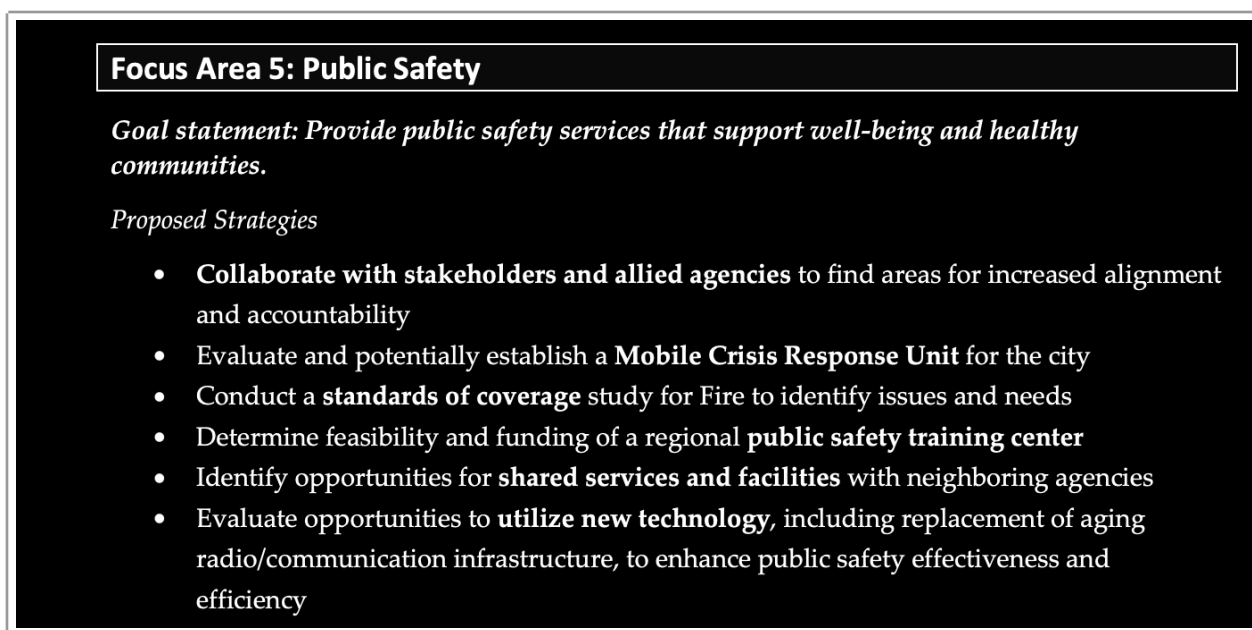
From a review of the Annual Reports, it seems the banner program has been dormant for more than a decade. The Grand Jury could find no record of this program being officially discontinued.

Measuring the City's Support

The Grand Jury evaluated the following indicators of support for and commitment to the Commission's mandate: the City's Five Year Strategic Plan, Commission staffing, budget, community visibility and frequency of meetings.

Not In the City Five Year Strategic Plan

In 2023 the City Council adopted a Strategic Plan which establishes priority areas of focus for the City over the next five years. There are six Focus Areas in the Plan. Focus Area 5 (shown in Figure 6 below) is Public Safety. There is no inclusion of preventing rape and domestic violence under Public Safety, nor under any of the other five Focus areas.^[24] The City confirmed that the Strategic Plan is a statement of the City's priorities.^[25]



Focus Area 5: Public Safety

Goal statement: Provide public safety services that support well-being and healthy communities.

Proposed Strategies

- Collaborate with stakeholders and allied agencies to find areas for increased alignment and accountability
- Evaluate and potentially establish a **Mobile Crisis Response Unit** for the city
- Conduct a **standards of coverage** study for Fire to identify issues and needs
- Determine feasibility and funding of a regional **public safety training center**
- Identify opportunities for **shared services and facilities** with neighboring agencies
- Evaluate opportunities to **utilize new technology**, including replacement of aging radio/communication infrastructure, to enhance public safety effectiveness and efficiency

Figure 6. From the 2023-28 Five Year Strategic Plan for the City of Santa Cruz^[24]

Decline In Dedicated Staffing

Since the Commission's inception, and until 2016, the City had funded a dedicated twenty-hour per week Commission Coordinator. The position required a knowledge of the issues as well as skills in event planning, outreach, and publicity. A dedicated staff position was considered necessary because CPVAW is not tied to a City Department. Other commissions such as Planning and Parks and Recreation are tied to City Departments with multiple employees to assist with their commissions' work.

In 2016, the Commission lost its dedicated staff. The Coordinator and her predecessor had worked as Commission Coordinators for over twenty years. From the Historical Timeline and Annual Reports, it appears that their work ensured ongoing successful programs, visibility for the issues and effective partnership with relevant agencies and community groups. According to a city staff report, the position was eliminated.^[26]

Since the loss of the dedicated Coordinator position, the City Manager’s office has allocated employees from that Department to work a few hours per week for the Commission: to run Commission meetings, keep minutes and follow the Brown Act regarding posting of meetings. The turnover is high. The staff time available is low.

This problem is captured in the words of the then Commission chair Newman from November, 2017:

Newman says the CPVAW’s mission hasn’t changed, but admits that recent staff turnover and reduced allocated staff time for the commission has made its goals more of a challenge. The commission has had three coordinators in the last two years, and Newman says the process of commissioner appointments—which come from the City Council—as well as the amount of time needed to catch up new appointees, makes transitions difficult.^[27]

From 2017 to 2024, the staffing situation is basically unchanged. It appears that without a dedicated staff person with sufficient time and knowledge of the issues, since 2016, the Commission’s programs, visibility, reports, and connections with the community has declined.^[28]

Ongoing Budget Reductions

Don’t tell me what you value. Show me your budget, and I’ll tell you what you value. President Biden quoting his father, March 2023.^[29]

The Commission’s annual budget has always been modest, covering the Coordinator’s half-time salary plus supplies, administrative costs, and self-defense classes. In 2007-08 the City Council cut the Commission’s \$69,992 budget to \$50,759. In 2010-11 it cut the budget to \$46,328. In 2023-24 council further cut the budget to \$38,869.^[30]

At its November 1, 2023 meeting, the Commission voted to forward a budget request for 2025 for a status quo budget of \$25,202 plus \$15,000 for self-defense: a total of \$40,202. The Commission voted for an additional request for a part-time staff with benefits. The City Council will vote on all department requests at its budget hearings in late May or early June 2024.^[31]

Loss Of Visible Location

For over a decade the Commission had a storefront office on Cedar Street. This site gave public visibility for the issues and access to the Commission Coordinator for information and resources.

After the City sold the building in 2010, the Commission had to move. It had space for a number of years in a room upstairs in the Parks and Recreation department. The Commission was then moved to the City Manager’s office. This site is largely invisible to the public. According to discussion at Commission meetings, many resources, such as the banners and past documents, have been misplaced or lost. Since April 15, 2022,

there has been no mention of any CPVAW program or support of the Commission in the City of Santa Cruz City Manager's weekly update.^[32]

Frequency Of Meetings

For the first twenty-five to thirty years the Commission held monthly meetings. That frequency, combined with a half-time dedicated staff person for CPVAW's work, produced robust programs, community visibility and effective partnerships.

During the past decade, the City halved the number of CPVAW's regular meetings to once every two months or six times a year. With such infrequent meetings, the Commission's programs and their visibility to the media and the public have suffered.

SCPD And The Commission

High Incidence of Stranger Rape

When a rape is reported to the SCPD, if the perpetrator is a stranger, community alerts posted with suspect description and area of crime committed are important tools for community safety. The Joint Report of 2008 noted that "alert" flyers were posted in the community when a sexual assault occurred. The Report stated, "Commission staff and the Parks and Recreation Department work closely with SCPD to get the flyers out into the community as quickly as possible." There is no evidence that this protocol is currently being carried out.^[33]

Data gathered from police reports up to 2016 showed that the City of Santa Cruz is above the norm for rapes committed by strangers. The national average of rapes committed by strangers is just under twenty percent. The data up to 2016 show that the percentage of reported rapes committed by strangers is higher in the City of Santa Cruz than the national average. Even allowing for the fact that stranger rape is more likely to be reported than non-stranger rape, the city's percentage is very high.^[1]

Stranger rape is not singled out as being more serious than acquaintance or brief encounter rapes. It is highlighted because the public needs to know if an unknown rapist is still at large in the community. When the suspect is a stranger and has not been arrested, SCPD needs to alert the community.

Note: National averages do not track the brief encounter category. For the purpose of this report, the word "stranger" is used as it is defined in the reports and does not include a brief encounter. The rationale for creating the brief encounter category is on page 6 of the 2008 Joint Report.^[14]

Figure 7 below shows the relationship between victim and perpetrator as compiled from Commission Reports 2005-2010. These reports use the term sexual assault, which covers all felony sexual crimes including rape. They include the crime of sexual battery which can be a misdemeanor or a felony depending on the details of the crime. The 2014-16 report lists percentages only.

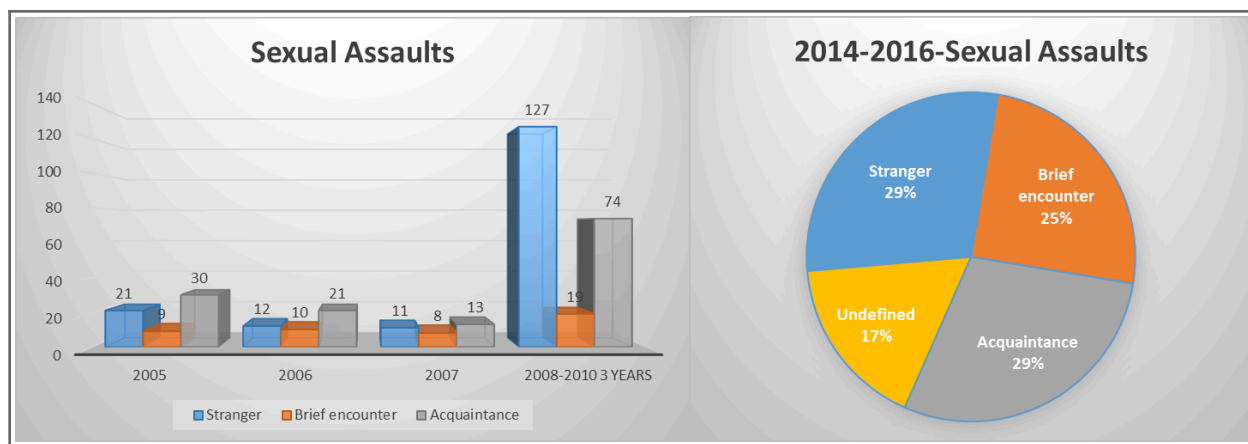


Figure 7. Relationship between victim and suspect. 2005-2016^{[34] [35] [36]}

There are no CPVAW Reports after 2016 that gather such data. Without available data and public reports, the community has no way of knowing whether Santa Cruz continues to have a high incidence of rapes committed by strangers. Such knowledge is crucial for community safety and crime prevention.

At its May 1, 2024 meeting, the Commission approved a 2023 Annual Report and Joint Report. While this Report includes data regarding the numbers of rapes and domestic violence incidents reported to SCPD, it does not include the detailed metrics that were featured in earlier Reports up until 2016. There is no information about which police beats, or areas of town the rapes were committed in, no data on age, ethnicity, use of alcohol or weapons and no information on the percentage of rapes committed by strangers. These long standing metrics are crucial for community awareness. It is important for the public to know if the high percentage of stranger rapes in Santa Cruz is a continuing trend.

In the absence of any such data, the 2023 Report, under the heading “Who are the Perpetrators?” highlights the following national statistic: “The majority of perpetrators are someone known to the victim. Approximately 8 out of 10 sexual assaults are committed by someone known to the victim.”^[1]

This general statement and metric is accurate as an average for the nation, but it is not necessarily accurate for the City of Santa Cruz. When data on victim/perpetrator relationships were tracked by the Commission, over fifty percent of sexual assaults reported in the city of Santa Cruz involved an assailant who was a complete stranger to the victim. The Grand Jury believes that by referencing this generic **national** statistic the City is minimizing stranger rape and misleading the public into a possible false sense of security.

Defining Rape

A complaint filed with this year’s Grand Jury claims that the SCPD is not using the current Uniform Crime Report (UCR) definition of rape. The complaint asserted that by not using the current definition, neither the Commission nor the community are receiving

accurate data on rape. The answer as to whether the SCPD is using the current definition is complex.

To assess the validity of this claim the Grand Jury investigated the definitions of rape and how they are applied.

FBI And Revised Rape Definition

Since 1929, in an effort to track crime on a national level, the FBI has gathered crime data from local police departments under the UCR Program. Data, including that of rape, are submitted monthly by police departments to the UCR.

The current UCR definition of rape was adopted in 2014. Rape is now the umbrella term to cover all forms of felony sexual assault, previously submitted under their separate Penal Code entries. This is how the FBI described the new definition:

Beginning in 2013, the FBI UCR Program defines Rape for SRS UCR purposes as, 'Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.' The new definition updated the 80-year-old historical definition of rape which was 'carnal knowledge of a female forcibly and against her will.' Effectively, the revised definition expands rape to include both male and female victims and offenders, and reflects the various forms of sexual penetration understood to be rape, especially nonconsenting acts of sodomy, and sexual assaults with objects.^[37]

The new definition includes the rape of males, attempted rape, and sex offenses beyond forced vaginal penetration. This change makes it a more comprehensive, inclusive definition.

SCPD, CPVAW and the Definition of Rape

A Question of Definition

The data on rape that SCPD presents to the CPVAW is different from what SCPD posts on its website. Entries for Rape on the SCPD website under Crime Data are listed as UCR numbers (revised rape definition). It should be noted that data prior to 2017 is more detailed than the single number listed after 2017.^[38]

At the first two CPVAW meetings in 2024, SCPD shared Data Collection Monthly Reports for Sexual Assault. Each Data Collection table covered the years 2021-2023 with the first three months of 2024 added to the second Report. Both Data Collection tables for 2021-2023 should be identical since they cover the same period. See Figures 8 and 9 below.

Unlike on their website, SCPD Data Collection Tables are not using the revised UCR definition of rape. They list sexual assaults under their separate Penal Codes. Under the column Rape Cases the data includes only spousal rape and the old definition of rape. Using data for the year 2021 for example, a reader would conclude that there were 18 rapes. To know the UCR rape totals, you must add up all the separate Penal Codes.

If the other forms of sexual assault are included, consistent with the UCR definition of rape, there were 26 rapes. **By not using the revised UCR definition of rape, rapes are essentially being under-counted by more than 40%.**

	Domestic Violence/Battery Calls	Domestic Violence/Battery Cases 273.5 PC (Felony)& 243(e)(1) PC (Misdemeanor)	Homicide-Intimate Partner (Felony)	Sex Assault (Other) 243.4 PC (Misdemeanor or Felony)	Rape Cases 261 PC & 262 PC (Felony)	Sodomy 286 PC (Misdemeanor or Felony)	Forcible Sexual Penetration w/a Foreign Object 289 PC (Felony)	Assault to Commit Rape 220 PC (Felony)	Stalking 646.9 PC (Misdemeanor or Felony)
2021	339	218	1	41	18	0	6	2	20
2022	343	235	0	30	20	3	5	6	22
2023	295	201	0	21	8	3	4	5	17

Figure 8. 2021-2023 Sexual Assaults Using Separate Penal Code Entries with old Rape Definition, from SCPD January 2024 Data Collection. Annual totals for easier viewing.^[39] Full table in [Appendix A](#).

	Domestic Violence/Battery calls	Domestic Violence/Battery Cases 273.5 PC(Felony)& 243(e) (1) PC (Misdemeanor)	Homicide-Intimate Partner (Felony)	Sex Assault (other) 243.4 PC (Misdemeanor or Felony)	All Rape Cases 261 PC & 262 ^{1,6} PC (Felony)	Sodomy 286 PC (Misdemeanor or Felony) ⁵	Oral Copulation 287 ^{2,4} PC (Misdemeanor or Felony)	Forcible Sexual Penetration w/a foreign Object 289 PC (Felony)	Assault to Commit Rape 220 PC (Felony)	Stalking 646.9 PC (Misdemeanor or Felony)
2021	339	218	1	41	18	0	5	9 (6)	2	20
2022	343	235	0	30	23 (20)	4 (3)	4	9 (5)	6	22 (17)
2023	323 (295)	202 (201)	0	21	17 (8)	4 (3)	1	7 (4)	5	17

Data in (parenthesis) was previously published by the SCPD as the January 2024 data collection

Notes

1. PC 262 repealed on October 8, 2021, AB 1171)
2. PC 288a oral copulation, was changed to PC 287 on January 1, 2019
3. UCR Summary totals the number of victims, not the number of cases-as reported in the table above
4. PC 287 includes PC's 288a(b)(a), 288a(c)(2)(a), 288a (c)(3)
5. One case involving PC 288.7(A) and 286 counted as one for sodomy count
6. One case involving PC 264.1 and 261 counted as one for rape count

Figure 9. 2021-2023 Sexual Assaults Using Separate Penal Code Entries with old Rape Definition, from SCPD May 2024 Data Collection. Annual totals only.^[40] Full table in [Appendix B](#).

A Question of Accuracy

Of serious concern is that the data in Figure 8 and Figure 9 do not match, despite being identical data sheets for the same years 2021-23. In Figure 9, the Grand Jury entered the number of rapes from Figure 8 in parentheses so readers can see the difference. Both numbers should be identical.

One example: In Figure 8, the number entered for 2023 is eight rapes. In Figure 9, using the same definition, the number entered for 2023 is seventeen rapes. This is a

difference of more than 100%. It is not possible to know which is the correct number. SCPD must provide the Commission and the public with accurate data on rape. This is not a question of definition but of accuracy.

As previously noted, SCPD on its website under Crime Data is using the UCR definition of rape. However, the annual totals on the SCPD website for rape do not consistently match the aggregate numbers in the above Crime Data sheets. For example, for 2023, the UCR number on the SCPD website is twenty-one rapes. On Figure 8 when you sum the separate Penal Codes the number is twenty but on Figure 9 the number for the same year is thirty-four.

This discrepancy cannot be explained by the footnotes under Figure 9. Footnote #3 states that UCR tracks the number of victims while SCPD tracks the number of cases, explaining why the numbers may be different. But that footnote applies only for the year 2021. For that year, the total UCR figure on SCPD's website is twenty-six which is the same number as on Figure 8. However, for that same year, Figure 9 has thirty-four rapes.^[39]

These examples suggest there is a serious need for oversight and review for accuracy of the SCPD's data collection before being published.

National Incident-Based Reporting System (NIBRS) and Rape

An overview of this reporting system is helpful for a fuller understanding of how rape is now defined and what additional data is submitted to the FBI for public awareness.^[40]

In 2016, the FBI started transitioning to a new reporting format, which they expected to be completed by 2021. This system, the National Incident-Based Reporting System (NIBRS), aims to “enhance the quantity, quality and timeliness of crime data collection...and to improve the methodology used in computing, analyzing, auditing and publishing the collected crime statistics.”^[37] California has CIBRS, which is the same as NIBRS with additional specific data elements.^[41]

NIBRS uses the new UCR definition of Rape. It also defines the various felony sex offenses that fall under the term Rape.

NIBRS Gathers Important Rape Metrics

The Grand Jury learned that in 2024, the SCPD started using this enhanced data system for their submission to the FBI for crime data gathering.^[42]

Both CIBRS and NIBRS require the submission of more crime elements than aggregate numbers. Non-identifying details of both victim and offender submitted to NIBRS include: age, sex, race, ethnicity, use of alcohol or drugs by the offender, use of weapons and relationship of victim to offender. This data is gathered from police departments, such as SCPD, nationwide and published for public information.^[43]

Since the SCPD gathers this data for submission to CIBRS and NIBRS, such data should be available on a regular basis for the Commission as well as on the SCPD website. The Commission is currently not receiving the data as described above.

This more detailed data could then easily be incorporated into the Commission's Annual Reports. The increased data will enable the public to have a clearer understanding and awareness of rape and rape trends in the city of Santa Cruz, including whether the City has a continued trend of a significant number of rapes committed by strangers.^[42]

Commission Access to Redacted Police Reports on Rape

There are two reasons the Commission requires access to redacted SCPD reports on rape and domestic violence. One is to gather information for the city and the community to have a more detailed and accurate understanding of rape trends. For instance, what communities or neighborhoods might be at risk or whether the high incidence of rapes by strangers is a continuing pattern. The other reason is to evaluate the quality of SCPD's response to rape and domestic violence.

Ordinance 81-29 Section 5d, 4 and 5 states that the Duties of the Commission are:

- To hear citizens' complaints and recommendations about the City Police Department's service to those who have been raped or battered, and to evaluate such input.
- To present recommendations to the City Council regarding activities of the Police Department related to this Ordinance.
- To make recommendations to the City Council regarding police training in the areas of rape and domestic violence.^[2]

The Commission has a thirty-five year history of reviewing redacted police reports. The redacted cases have always been "closed" cases. No active cases or cases involving children were requested.^[5] Over the past year, the City has denied the Commission access to redacted police reports. The Grand Jury asked to review the City's reasoning for this denial. The response from the City attorney referred to Government Code Section 7926.600 as the reason for disallowing access. The Grand Jury did not see the relevance of this Code to the issue of access to redacted reports of rape.

Conclusion

City Ordinance 81-29 Section 3 (a) states, "It shall be the policy of the City of Santa Cruz that the prevention of rape and domestic violence shall be one of its highest priorities." It is clear from each priority criterion evaluated for this investigation that the City is ignoring its mandate. This inaction leaves the community vulnerable and ill-informed with respect to rape and domestic violence. By adopting the Grand Jury's recommendations, the City can bridge the gulf between their long-standing legal obligations and their current neglect of these critical services. The result will be a community better informed, better prepared, and less vulnerable to rape and domestic violence.

Findings

- F1.** Since 2016, the lack of comprehensive Annual Reports with detailed metrics on rape, including the tracking of stranger rape, leaves the community less informed, more vulnerable, and less safe.
- F2.** By highlighting a generic national statistic on stranger rape, rather than assessing local metrics in the CPVAW 2023 Report, the City is minimizing stranger rape and misleading the public into a possible false sense of security.
- F3.** The lack of attention to long-time Commission programs such as the Safe Place Network and the Bar Coaster program leaves residents and visitors without important resources for their personal safety.
- F4.** The loss of the in-person self-defense program for boys and girls in Santa Cruz City Schools lessens students' ability to prevent sexual assault and interpersonal violence, inconsistent with the mandate of Ordinance 81-29.
- F5.** The City's replacement of a dedicated 20-hour per week Commission staff position with rotating staff with minimal hours has resulted in a loss of visibility for the prevention of rape and domestic violence, a loss of community connections, a lack of programs, inadequate resource distribution and less public awareness.
- F6.** The City's refusal to allow the Commission continued access to redacted police reports prevents the Commission from making recommendations for police training and evaluating community complaints as required by Ordinance.
- F7.** The SCPD's decision to drop stranger rape alerts and case-by-case updates leaves the community unaware about this serious crime and therefore less safe.
- F8.** The inconsistencies the Grand Jury found in SCPD's rape numbers means the public, the CPVAW and the City have no accurate metrics about reported rape, leaving the community ill-informed and Annual Commission Reports unreliable.
- F9.** The SCPD and the Commission's lack of a consistent definition of rape leads to public confusion and potential undercounting of rape crimes in the City.
- F10.** The Five Year Strategic Plan's failure to include the prevention of rape and domestic violence leaves the community less aware and less safe.
- F11.** The City Manager's Weekly Update to the community has not highlighted the work of the CPVAW for the past two years, effectively relegating the prevention of rape and domestic violence to a low priority, leaving the public uninformed.

Recommendations

- R1.** The Grand Jury recommends that the City Council fund a dedicated staff person for the Commission with skills commensurate to the need for program and resource development, community outreach and visibility, data research and report writing and have such position advertised by December 31, 2024. (F5, F3)

- R2.** The Grand Jury recommends that the City Council reevaluate the legal ability of CPVAW commissioners to access redacted police reports of rape as described in this investigation, and present the results of that research by December 31, 2024. (F6)
- R3.** The Grand Jury recommends that the City Council begin evaluating options with the Santa Cruz City School District to reinstate the in-person self-defense program for middle and high school students of all genders by January 31, 2025. (F4)
- R4.** The Grand Jury recommends that the SCPD update its website to include the detailed metrics on Rape Incidents submitted to NIBRS and CIBRS, ensuring all data entries are accurate and available at each meeting of the CPVAW, and have this in place by January 31, 2025. (F8, F9)
- R5.** The Grand Jury recommends that the SCPD reinstate community alerts for incidents of stranger rape, with case-by-case updates, by December 31, 2024. (F7)
- R6.** The Grand Jury recommends that the Commission and the SCPD submit comprehensive annual reports as called for in Ordinance 81-29, using the 2005-07 reports as a model, with the 2024 Annual Report placed on the Commission's agenda by December 31, 2024 and future reports submitted on a consistent, annual basis. (F1)
- R7.** The Grand Jury recommends that the 2023 Report be amended to remove the national entry on stranger rape, replacing it with accurate data for the City of Santa Cruz by December 31, 2024. (F2)
- R8.** The Grand Jury recommends that the CPVAW update the status of the Safe Place Network and the Bar Coasters program. If the programs are to be discontinued, a public CPVAW meeting is advised for that decision. If the programs are to be continued, the date of January 31, 2025 is recommended for the full reinstatement of these programs. (F3)
- R9.** The Grand Jury recommends that Focus Area 5, Public Safety of the 2023-28 Five Year Strategic Plan include an entry prioritizing the prevention of rape and domestic violence, as mandated by Ordinance 81-29, and published by February 28, 2025. (F10)
- R10.** The Grand Jury recommends that the City Manager increase the visibility of the CPVAW programs and events by publishing relevant information, at least quarterly, in the City Manager's Weekly Update and that the first article be published by December 31, 2024. (F11)

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz City Council	F1–F11	R1–R10	90 Days September 25, 2024

Invited Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz Chief of Police	F1, F6–F9	R4–R6	90 Days September 25, 2024
Commission for the Prevention of Violence Against Women	F1–F3, F8	R4, R6, R7	90 Days September 25, 2024
Santa Cruz City Manager	F11	R10	90 Days September 25, 2024
Superintendent, Santa Cruz City Schools	F4	R3	90 Days September 25, 2024

Definitions

- **CIBRS:** California Incident Based Reporting System
- **CPVAW:** Commission for the Prevention of Violence Against Women
- **FBI:** Federal Bureau of Investigation
- **NIBRS:** National Incident-Based Reporting System
- **RAINN:** Rape and Incest National Network
- **SCPD:** Santa Cruz Police Department
- **UCR:** Universal Crime Report

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Appendix A – Figure 8 Full Table^[39]

	Domestic Violence/ Battery Calls	Domestic Violence/ Battery Cases 273.5 PC (Felony) & 243(e)(1) PC (Misdemeanor)	Homicide- Intimate Partner (Felony)	Sex Assault (Other) 243.4 PC (Misdemeanor or Felony)	Rape Cases 261 PC & 262 PC (Felony)	Sodomy 286 PC (Misdemeanor or Felony)	Forcible Sexual Penetration w/ a Foreign Object 289 PC (Felony)	Assault To Commit Rape 220 PC (Felony)	Stalking 646.9 PC (Misdemeanor or Felony)
2021									
January	26	14	0	3	1	0	1*	0	0
February	19	14	0	5	3	0	0	0	0
March	30	14	0	3	2	0	2	1	1
April	23	12	0	5	1	0	0	0	2
May	41	26	0	3	1	0	1*	0	1
June	31	21	0	6	2	0	0	0	3
July	24	18	1	6	0	0	0	0	1
August	19	13	0	5	0	0	1*	1	2
September	39	27	0	1	3	0	1	0	3
October	36	25	0	3	2	0	0	0	4
November	33	19	0	1	2	0	0	0	3
December	18	15	0	0	1	0	0	0	0
	339	218	1	41	18	0	6	2	20
2022									
January	21	19	0	0	4	0	0	1	3
February	26	22	0	1	1	0	1	1	1
March	18	14	0	7	1	1*	0	1	1
April	23	19	0	2	2	0	0	0	1
May	30	22	0	3	3	1*	1*	0	3
June	35	22	0	4	1	0	1*	0	2
July	37	25	0	2	1	0	0	0	0
August	35	23	0	3	2	0	0	0	3
September	33	16	0	2	1	0	1*	0	2
October	32	20	0	2	2	1*	1*	1*	3
November	26	17	0	1	2	0	0	0	2
December	27	16	0	3	0	0	0	2	1
	343	235	0	30	20	3	5	6	22
2023									
January	28	18	0	3	1	0	0	0	0
February	26	9	0	1	0	0	1	1	3
March	26	15	0	5	0	1	1*	1	1
April	33	23	0	1	3	2*	1*	0	0
May	35	19	0	3	1	0	0	1*	2
June	30	23	0	0	2	0	0	1	1
July	33	22	0	1	0	0	0	0	1
August	32	18	0	1	0	0	0	0	1
September	35	20	0	2	0	0	0	0	2
October	17	6	0	2	1	0	1*	1	4
November	-	11	0	1	0	0	0	0	0
December	-	17	0	1	0	0	0	0	2
	295	201	0	21	8	3	4	5	17

* Associated with another reported case

Appendix B – Figure 9 Full Table^[40]

	Domestic Violence/ Battery Calls	Domestic Violence/ Battery Cases 273.5 PC (Felony) & 243(e)(1) PC (Misdemeanor)	Homicide- Intimate Partner (Felony)	Sex Assault (Other) 243.4 PC (Misdemeanor or Felony)	All Rape Cases 261 PC & 262 ¹ PC (Felony)	Sodomy 286 PC (Misdemeanor or Felony)	Oral Copulation 287 ^{2,4} PC (Misdemeanor or Felony)	Forcible Sexual Penetration w/ a Foreign Object 289 PC (Felony)	Assault To Commit Rape 220 PC (Felony)	Stalking 646.9 PC (Misdemeanor or Felony)
2021										
January	26	14	0	3	1	0	1*	1*	0	0
February	19	14	0	5	3	0	0	0	0	0
March	30	14	0	3	2	0	0	3	1*	1
April	23	12	0	5	1	0	1*	1	0	2
May	41	26	0	3	1	0	2*	2	0	1
June	31	21	0	6	2	0	0	0	0	3
July	24	18	1	6	0	0	0	0	0	1
August	19	13	0	5	0	0	0	1*	1	2
September	39	27	0	1	3	0	1*	1	0	3
October	36	25	0	3	2	0	0	0	0	4
November	33	19	0	1	2	0	0	0	0	3
December	18	15	0	0	1	0	0	0	0	0
Total Cases³	339	218	1	41	18	0	5	9	2	20
2022										
January	21	19	0	0	4	0	1*	0	1	3
February	26	22	0	1	1	0	0	1	1	1
March	18	14	0	7	2	1*	1	0	1	1
April	23	19	0	2	2	0	0	0	0	1
May	30	22	0	3	4	1*	0	2*	0	3
June	35	22	0	4	1	0	0	1	0	2
July	37	25	0	2	1	0	0	1	0	0
August	35	23	0	3	2	0	0	0	0	3
September ⁵	33	16	0	2	2	1	0	1*	0	2
October	32	20	0	2	2	1*	0	2*	1*	3
November	26	17	0	1	2	0	1*	1*	0	2
December	27	16	0	3	0	0	1*	0	2	1
Total Cases	343	235	0	30	23	4	4	9	6	22
2023										
January	28	18	0	3	1	1	0	1	0	0
February	26	9	0	1	1	0	0	2*	1*	3
March	26	15	0	5	0	1	0	1*	1	1
April	33	23	0	1	3	2*	0	1*	0	0
May	35	19	0	3	2	0	0	0	1*	2
June	30	23	0	0	2	0	0	0	1	1
July ⁶	33	22	0	1	2	0	1	0	0	1
August	32	18	0	1	4	0	0	0	0	1
September	35	20	0	2	0	0	0	1	0	2
October	17	6	0	2	2	0	0	1*	1	4
November	9	12	0	1	0	0	0	0	0	0
December	19	17	0	1	0	0	0	0	0	2
Total Cases	323	202	0	21	17	4	1	7	5	17
2024										
January	-	13	0	0	1	0	0	0	0	0
February	-	13	1	1	2	0	1	0	0	1
March	-	17	0	1	4	2*	1*	0	1	0
Total Cases	-	43	1	2	7	2	2	0	1	1

* Associated with another reported case

** Data includes cases involving all genders, adults and minors

1. PC 262 repealed on October 8, 2021, (AB 1171)

2. PC 288a oral copulation, was changed to PC287 PC on January 1, 2019 (SB 1494)

3. UCR Summary totals the number of victims, not the number of cases - as reported in the table above

4. PC 287 includes PCs 288a(b)(1), 288a(c)(1), 288a(c)(2)(a), 288a(c)(3)

5. One case involving PC 288.7(A) and 286 counted as one for sodomy count

6. One case involving PC 264.1 and 261 counted as one for rape count