



## Reporting Domestic Violence

What to do if You Are The Victim of a Domestic Assault or Related Crime.

If you are the victim of a domestic assault or related crime, IMMEDIATELY call District Police at 270-6468, or 911 for police and medical attention. If this is not an option, try to protect yourself as best you can and contact 911 as soon as possible. Try to provide as much information to the call taker as possible. This includes the suspect's location and description, what happened, and if there were any weapons involved. If you know the location of a weapon, tell the call taker.

If you have injuries, police and medical personnel will attend to these injuries when they arrive.

Domestic violence is a serious community problem, which affects individuals of all races, religions and socio-economic backgrounds, including elders and juveniles. The San Jose-Evergreen Community College District Police Department, in conjunction with the Santa Clara County District Attorney's Office, agree to respond to acts of domestic violence as crimes. Victims of domestic violence will be treated with respect and dignity and will be given all available assistance by law enforcement personnel responding to an incident of domestic violence.

Provide the responding police officers with as much information as you can. If the offender is still on the scene, direct officers to the person's location.

Tell the officers:

- what occurred prior to and during the incident
- what was said and if any threats were made
- if a weapon was used, tell the officers its location if you know it and how it was used against you
- advise them of any witnesses to the incident including children who were present
- tell them of any past incidents that may have occurred

The officers may ask some delicate and personal questions during their investigation. Do not be ashamed to answer them; they are for the purpose of investigation and to assist in collecting evidence.

District police officers have received specialized training regarding the intricacies and different elements involved in domestic situations. They can offer many services provided within the community and can help you find temporary shelter if needed. They will provide you with a "Domestic Violence Resource Card" that will have phone numbers to the various family services available to you as well as other information about your rights as a victim.

**After The Incident** If the offender has been arrested at the scene, several things will take place depending on what the offender was arrested for:

**Felony Level** If the offender is arrested for a felony level crime, the person will be booked into the Santa Clara County jail. Even though the offender has been booked into jail, there is no guarantee how long he or she will be held in custody. The arrestee may be released at anytime. Because of this, it is important that if the victim has concern for their safety if the offender were to be released, an Emergency Protective Restraining Order (EPRO) should be obtained at the initial scene. Officers shall advise the victim of the availability and purpose of an EPRO at the scene.

For information about an offender's status or to receive notification of his or her release from jail, the victim can call or click the following link:

[Santa Clara County Victim Notification System](#)

A District Police supervisor will review the responding officer's report from the incident. The supervisor may instruct the officer to attempt to contact you. If you do not have a phone or are some place that the police might not know about, call [408-270-6468](tel:408-270-6468) to contact the officer who has responsibility for your case.

The investigating officer may contact you for a more detailed "re-interview" and may meet with you to take "follow-up" photos of any visible injuries. The investigator may also request that the you sign a medical records release form. The investigator will also attempt to interview the offender and any witnesses. Further evidence may be requested or collected.

The investigating officer will then present the case to the Santa Clara County District Attorney's Office. The D.A. will decide if the evidence merits charging the offender with a crime. The D.A. will also look at the past history of the offender as well as probation and parole status. If charged, the offender will see a judge within 72 hours of the arrest and bail will be set. The D.A.'s office will contact you in the future regarding the case.

If the offender is not arrested at the scene, the investigating officer will most likely contact you and will proceed with the case as described above. This may take several days or weeks. If the D.A. decides to charge the offender, a warrant for the arrest of the offender will be issued.

**Misdemeanor Level.** If the offender was arrested for a misdemeanor crime, the person will be booked into the Santa Clara County jail. Even though the offender has been booked into jail, there is no guarantee how long he or she will be held in custody. The arrestee may be released at anytime. Because of this, it is important that if the victim has concern for their safety if the offender were to be released, an Emergency Protective Restraining Order (EPRO) should be obtained at the initial scene. Officer's shall advise the victim of the availability and purpose of an EPRO at the scene.

#### **Get Help:**

There are several agencies in the community that can provide assistance such as temporary shelter, legal assistance, counseling and referral services, advocacy programs, interpreter services, and children services.

The SJPD Family Violence Center - 125 E. Gish Road, San Jose, CA 95125 - Phone # 408-277-3700.  
[SJPD Family Violence Center Link](#)

The goal of the Family Violence Center is to address family violence issues by serving as the core for a multi-agency effort. The Family Violence Unit is staffed by representatives of the San Jose Police Department, District Attorney's Office, Adult Probation, Department of Family and Children's Services,

State of California Division of Parole and victim advocates from Next Door Solutions to Domestic Violence. This cooperative effort provides all the support services available to victims of family violence in a safe and friendly environment.

### **Domestic Violence Resources – County of Santa Clara**

#### **24 hour crisis lines Domestic Violence Agencies in Santa Clara County**

Asian Women's Home (408) 975-2739  
Community Solutions – South County (408) 683-4118  
Next Door, Solutions to Domestic Violence (408) 279-2962  
Support Network for Battered Women (800) 572-2782 [www.snbw.org](http://www.snbw.org)

#### **Other Domestic Violence Hotlines**

MAITRI – South Asian Languages (888) 862-4874 <http://www.maitri.org> open M-F, 9 am to 1 pm  
National Domestic Violence Hotline (800) 799-SAFE

#### **Help with restraining order forms, restraining order court hearings, and other family law issues**

Asian Americans for Community Involvement (AACI) (408) 975-2730  
Asian Law Alliance (408) 287-9710  
Bay Area Legal Aid (408) 283-3700  
Community Solutions – South County (408) 683-4118  
LACY (help for parenting or pregnant teens) (408) 293-4790  
Legal Aid Society, Santa Clara County, Family Law Section (408) 998-5200  
Next Door, Solutions to Domestic Violence (408) 501-7542 Spanish (408) 501-7549  
Pro Bono Project (408) 998-5298  
DVLSR (free lawyer for your domestic violence hearing) (408) 998-5298  
Support Network for Battered Women (800) 572-2782  
SALA (60 years old or older) (408) 295-5991

#### **Help with domestic violence/immigration issues**

Asian Law Alliance (408) 287-9710  
Bay Area Legal (408) 283-3700  
Catholic Charities (408) 944-0691  
Katherine & George Alexander Community Law Center (408) 288-7030

#### **Victim Notification System**

These systems tell you an inmate's custody status and give electronic notice of an intimate's release from jail or prison.

Jail (800) 464-3568  
Prison (916) 358-2436

#### **Victim Witness Assistance Center (408) 295-2656**

This center provides services to crime victims and witnesses including crisis counseling, follow-up care, help in court, and applications for money for counseling and other immediate needs.

#### **California Victim Compensation Program (800) 735-2929**

This is a California program for victims of crime.

#### **Sheriff's Department Civil Division (408) 808-4800**

To find out if your restraining order was served on the restrained person

**District Attorney - Criminal Division**

Main Office (San Jose) (408) 299-7500

Victim Advocate – Domestic Violence Unit (408) 792-2546

**Adult Probation (408) 435-2000****Santa Clara County Jail- Main Booking (408) 299-2306****Santa Clara County Superior Court Resources**

Resource Specialist (link to all community resources) (408) 534-5707

To check on the status of your Temporary Orders (“ex parte” request) <http://www.scscourt.org>

**Domestic Violence Internet Resources**

Santa Clara County Self Service [www.scselfservice.org](http://www.scselfservice.org)

California Self-Help Center <http://www.courts.ca.gov/selfhelp>

**Abuse** means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or another (13700(a) PC).

**Cohabitant** means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship (includes same sex relationships). Factors that may determine whether persons are cohabiting include, but are not limited to: (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship (13700(b) PC).

**Domestic Violence** is abuse committed against an adult or any minor who is a spouse, former spouse, cohabitant, former cohabitant, a person with whom the suspect has had a child or is having or has had a dating or engagement relationship (13700(b) PC). Same sex relationships are included.

**Emergency Protective Order (EPRO)** is a type of restraining order issued by a Judge or Commissioner at any time, whether or not Court is in session. It is intended to function as a temporary restraining order if a person is in immediate and present danger of domestic violence, elder or dependent adult abuse, child abuse, or where a child is in immediate and present danger of being abducted by a parent or relative or where stalking exists. It can also function as an order (when no custody order is in existence) determining temporary care and control of minor children of the above-described endangered person. (Family Code Section 6250) The issuance of an EPRO is not precluded by an arrest.