

ORDINANCE NO. 81-29

AN INITIATIVE ORDINANCE OF THE CITY
OF SANTA CRUZ FOR THE PREVENTION OF
VIOLENCE AGAINST WOMEN

WHEREAS an initiative petition for enactment of a City Ordinance for the Prevention of Violence Against Women was filed in the Office of the City Clerk on June 29, 1981; and

WHEREAS Notice of Intent to circulate such petition was duly published by the proponents of the petition in conformity with the provisions of Elections Code Section 4003, on April 5, 1981; and

WHEREAS said petition when filed with the City Clerk was signed by not less than 15% of the voters of the City according to the County Clerk's Official Report of Registration to the Secretary of State effective at the time Notice of Intent to circulate the petition was published; and

WHEREAS the circulation and filing of said petition otherwise complied with the requirements of the Santa Cruz City Charter and the California Elections Code; and

WHEREAS the City Council is now required either to adopt said ordinance or to set a special election for submission of the proposed ordinance to the voters of the City of Santa Cruz; and

WHEREAS the Council has determined that it is appropriate for the Council to adopt the ordinance in full, rather than submitting it to the voters;

NOW, THEREFORE, BE IT ORDAINED by the City of Santa Cruz as follows:

Section 1. Purpose. The purpose of this ordinance is to implement educational programs that would aid in the prevention of sexual assault and domestic violence against women in the City of Santa Cruz. A further purpose is to implement policies and programs which will ensure adequate services for women who have been raped or battered.

Section 2. Findings. It is hereby found and determined as follows:

(a) The crimes of rape and domestic violence cause severe and often permanent physical and psychological damage to women.

(b) The crimes of rape and domestic violence, in their violation of women's minds and bodies are among the most vile crimes committed in any society.

(c) The incidence of rape and domestic violence in the City of Santa Cruz is unacceptable and increasing at an unacceptable rate.

(d) According to 1980 FBI estimates, one in three women will be raped in her lifetime, a woman is battered every 18 seconds, and nine out of ten of these incidents will go unreported.

(e) The issues of rape and domestic violence have been inadequately recognized and addressed by the Santa Cruz Community.

(f) There are insufficient programs, and inadequate support for existing programs, to assist in preventing the crimes of rape and domestic violence in the City of Santa Cruz.

(g) There is within the City Police Department and the community insufficient and inadequate priority in:

1. service to women who have been raped and battered
2. training officers in responding to calls
3. solving the crime of rape
4. community education in the areas of rape and domestic violence.

Section 3. Policies. The findings made in this ordinance identify the severe and growing problems of rape and domestic violence in the City of Santa Cruz and the inadequate steps which have thus far been taken to prevent them. It is hereby determined that in order to aid in the prevention of rape and domestic violence, the following policies shall be adopted:

(a) Priority: 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.

(b) Programs. It shall be the policy of the City of Santa Cruz to support existing programs and implement additional programs where necessary to aid in the prevention of rape and domestic violence and to improve services to those who have been raped and battered.

(c) Cooperation. It shall be the policy of the City of Santa Cruz to cooperate with other public and private agencies in seeking ways to carry out the purpose of this ordinance.

(d) Citizen Involvement. It shall be the policy of the City of Santa Cruz to assure meaningful citizen participation in carrying out the policies and programs of this ordinance.

Section 4. Program for the Prevention of Violence Against Women.

(a) Within three months of the passage of this ordinance, the City of Santa Cruz shall establish a Commission for the Prevention of Violence Against Women.

(b) Within three months of its establishment, the Commission for the Prevention of Violence Against Women will present its findings and recommendations to the City Council.

(c) Within one year of the passage of this ordinance, the City of Santa Cruz shall develop and implement a comprehensive plan for the prevention of rape and domestic violence within the City of Santa Cruz.

(d) The plan required by subsection "c" shall, as a minimum, include:

1. educational programs designed for the workplace, schools, police, religious and community groups, city programs, private and public health care facilities and all other groups upon request.

2. The development of an outreach plan to ensure the effectiveness of these educational programs.

(e) In order to solicit public input, a minimum of two public hearings shall be held: one before the presentation of findings and recommendations to the City Council and one before implementation of the plan.

Section 5. Commission for the Prevention of Violence Against Women. Provisions for the Commission, appointed under Section 4 of this ordinance, shall be as follows:

(a) The Commission for the Prevention of Violence Against Women shall consist of seven members. Each member of the City Council shall nominate one member for appointment by the City Council.

(b) Members of the Commission shall be City residents and shall represent significant segments of the population affected by the provisions of this ordinance, including representatives of groups in the community concerned with the issues of rape and domestic violence.

(c) Meetings of the Commission shall be open to the public.

(d) Duties of the Commission shall be as follows:

1. To develop and present to the City Council, in the form of recommendations, a comprehensive plan for the prevention of rape and domestic violence in the City of Santa Cruz as outlined in Section 4d.
2. To assist implementation of this program and to present further recommendations to the City Council on an ongoing basis.
3. To cooperate with other public and private agencies in seeking ways to carry out the purpose of this ordinance.

4. To hear citizen's complaints and recommendations about City Police Department's service to women who have been raped or battered, to evaluate such input, and present recommendations to the City Council regarding activities of the Police Department relating to this ordinance.
5. To make recommendations to the City Council regarding police training in the areas of rape and domestic violence.
6. To consider and advise the City Council on other matters relating to the purpose of this ordinance.

(e) The Commission for the Prevention of Violence Against Women, in carrying out its duties shall have the authority to call upon members of the Police Department to present information which is not defined as confidential by State law. The Santa Cruz Police Department shall offer full and open cooperation to the Commission.

(f) The Commission shall submit annually, and the City Council review and act upon a report documenting, in detail, City, community, and police efforts to carry out the purposes of this ordinance.

Section 5. Police Department Activities. In order to carry out the policies of this ordinance, the Santa Cruz Police Department shall carry out the following activities and mandates:

(a) There shall be mandatory and current Peace Officers Standards and Training (POST) approved advanced officers training in rape and domestic violence for all police officers.

(b) The Police Department shall create a separate statistical report form to document and consolidate all domestic violence and woman beating calls. This report shall be compiled on a monthly basis. This report shall also be open for public scrutiny.

(c) As a minimum, the Santa Cruz Police Department shall do the following to ensure the safety of women who have been raped or battered:

1. Offer all women who feel themselves to be in danger of rape or battery transportation out of the dangerous situation.
2. Offer all women who contact the police in cases of rape or battery information about services available to them.

(d) The Police Department shall actively cooperate with public and private agencies, including women's groups, in carrying out the purpose of this ordinance.

(e) The Chief of Police shall submit an annual report to the City Council documenting, in detail, police efforts to carry out the purpose of this ordinance.

Section 7. Miscellaneous.

(a) Any citizen may bring an action in court to enforce the provisions of this ordinance.

(b) The City Council may, from time to time, amend this ordinance to more effectively carry out its purposes. However, no part of this ordinance may be substantially amended or repealed without a vote of the people.

(c) If any portion of this ordinance is hereafter determined to be invalid, all remaining portions of this ordinance shall remain in full force and effect, and to this extent, the provisions of the ordinance are separable.

(d) This ordinance shall take effect as provided by law.

Section 8. Amendment or Repeal. This ordinance may not be amended or repealed except in the manner provided by law for amendment or repeal of initiative ordinances, and except as provided in Section 7 of this Ordinance.

Section 9. Effective Date. This Ordinance shall be in force and take effect thirty (30) days after its final adoption.

PASSED FOR PUBLICATION this 28th day of July, 1981, by the following vote:

AYES: Councilmember - Muhly, Edler, Van Allen, Mellis

NOES: Councilmember - Mayor Ghio.

ABSENT: Councilmember - Rotkin, Mahaney.

APPROVED Joseph J. Ghio

Attest Patricia M. Kenyon
City Clerk

PASSED FOR FINAL ADOPTION this 8th day of September, 1981, by the following vote:

AYES: Councilmember - Rotkin, Edler, Van Allen, Mahaney, Mellis

NOES: Councilmember - Mayor Ghio.

ABSENT: Councilmember - Muhly.

APPROVED Joseph J. Ghio
MAYOR

Attest Patricia M. Kenyon
City Clerk