



The Honorable Chappie Jones
Chair, Rules & Open Government Committee
City of San Jose

Dear Councilmember Jones,

As the undersigned California agencies invested in sexual violence prevention and response, and having experience providing direct support to sexual assault survivors in our communities, we write to you to express our strong opposition to the proposed ordinance requiring rideshare and taxi companies to automatically disclose reports of sexual assault that take place on their platform to law enforcement – without the survivor’s consent. If adopted, this ordinance would completely disregard a survivor’s personal agency in choosing when, how, and to whom they report, and would severely risk re-traumatizing survivors of sexual assault. Further, we are deeply concerned that this ordinance is being crafted without the input of survivors or victim advocates, and implore the City of San Jose to reject this dangerous policy in favor of a more collaborative and trauma-informed approach.

Victim advocates and experts in sexual assault prevention and response have made it clear, time and again, to our partners in government and law enforcement that our first responsibility must be to protect the dignity of survivors by restoring agency that has already been wrenched away from them. Institutions responsible for promoting best practices for trauma-informed care understand that empowering survivors to make their own choices about what treatment to seek and what systems to involve is an essential part of the healing journey. Taking away choices or compelling people to participate against their will poses a serious risk for re-traumatization.

Additionally, for survivors of sexual violence, privacy and confidentiality of their personal information is more than just an expectation; it is a critical matter of personal safety and security. Particularly for survivors who come from communities that have been systematically impacted by overcriminalization and abuse at the hands of law enforcement, there may be many reasons why they would not choose to immediately involve law enforcement upon being assaulted, even if they chose to report the same incident to a rideshare or transportation provider. It is patently clear that reporting to a company is not the same as reporting to law enforcement, and people who make the choice to do either, do so in full knowledge of the difference between the two. In general, rideshare and taxi customers expect to be dealing with rideshare and taxi companies about their experience using the service, but have no reasonable expectation whatsoever that they would be contacted by law enforcement about their ride unless they themselves choose to report a crime.

Survivors of sexual assault have a right to expect that their private information will not be used in any way they did not consent to, and that any communications or information regarding their sexual assault will be kept confidential unless they themselves choose to report. Rather than compelling survivors to report their incidents to law enforcement, the City of San Jose (and any other government entities) should be encouraging rideshare and taxi companies to create, or expand, partnerships with sexual assault service providers.

Justice, healing, and repair comes in many forms, and survivors deserve an expansion of options, not being forcibly siloed into the criminal legal system. The criminal justice system does not have a monopoly on what justice looks like for every individual survivor, and should not impose regulations on businesses that force them to circumvent survivors' choice to report what happened to them to law enforcement.

We appreciate your effort to prioritize survivors' right to choose how to respond after being harmed and we strongly encourage your opposition to this ordinance.

Sincerely,

Sandra Henriquez, CEO
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