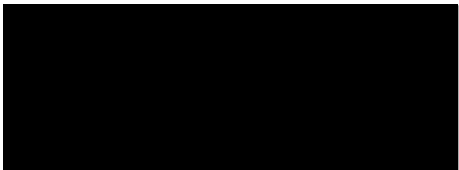


CITY OF BALTIMORE
STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW
GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

April 28, 2015



Re: Questions posed to BPD via letter on March 18, 2015

Dear Ms. [REDACTED],

In your March 18, 2015, letter to Legal Affairs, Baltimore City Police Department ("BPD"), Attn: Mr. Wayne Brooks, Legal Affairs Paralegal, you requested for Mr. Brooks to forward a series of questions to the Lab and Evidence Control Unit.

Please find enclosed answers to the questions that you posed in your March 18, 2015, Letter, answered by Mr. Richard Remy of the Laboratory Division – Quality Assurance Unit.

Thank you.

Sincerely,

Brent D. Schubert
Assistant City Solicitor
Legal Affairs Division
Baltimore Police Department
100 N. Holliday Street, 101
Baltimore, Maryland 21202

**POLICE DEPARTMENT
BALTIMORE, MARYLAND**

April 22, 2015

TO: [REDACTED]

FROM: Richard Remy
Laboratory Division – Quality Assurance Unit

VIA: Official Channels

SUBJECT: Answers To Questions Posed In A Letter Dated March 18, 2015

Q: Does the chart track the total number of S.A.F.E. Kits collected and/or booked into evidence from 1/1/2004 -9/17/2014 regardless of the status of the case?

A: No it does not. The Laboratory Section performed a search in the entire WinACE database for “rape kits” as well as “S.A.F.E. kits.” Regardless of the status of the case the Laboratory found that 2054 rape/SAFE kits were submitted during the requested time period. A chart has been provided that has the number of submissions per year along with whether the kit was called a “rape kit” or “SAFE kit.” In 2004 these kit were more commonly known as rape kit; however, the name of the kit is being more recognized as a S.A.F.E. kit in an attempt to remove the negative connotation. This is why it seems in the first chart provided that the number of kits submitted has gone down.

Q: Are there any S.A.F.E. Kits that were collected and/or booked into evidence which do not appear on this chart?

A: Yes please see the explanation above. The first chart states that there were only 924 kits submitted in the requested time period. There were actually 2054. Please note that the number 2054 only accounts for kits that were submitted to ECU and logged into the WinACE inventory system. “Jane Doe” S.A.F.E. kits are S.A.F.E. kits collected of victims that do not want their case investigated and wish to remain anonymous. They are collected and maintained by S.A.F.E. nurses. These kits are not allowed to be submitted to ECU by a detective until the victim gives permission to move forward with the case.

Q: What is WinACE?

A: The WinACE program is a Windows based proprietary software program provided by Software Techniques Inc. It is a database and tracking program for evidence. Once ECU receives a submission it is logged into and tracked by the WinACE system.

Q: What does “broken down by submission” mean?

A: This is not a standard term used by the Laboratory Section. The Laboratory is unable to answer this question as we cannot assume to interpret the intent of the meaning of the phrase provided by another person.

Q: What crimes fall within the categories of Rape, Sex Offense, and Sexual Assault? Is each S.A.F.E. kit accounted for under only one category?

A: The Laboratory is unable to answer the question concerning the crimes that fall within certain categories. This question is better answered by the sworn side of the Baltimore Police Department. As for the second question the Laboratory counted all “rape kits” and “S.A.F.E. kits” that were entered into WinACE regardless of the offense (category) that they were submitted under.

Q: What are the policies around S.A.F.E. kit collection and/or submission to Evidence Control?

A: According to Baltimore Police Department Policy #708 “Rape and Sexual Assault” the Detective assigned to the case is responsible for submitting the rape/S.A.F.E. kit to ECU. The procedure is described in paragraph 9 of Detective Hospital Procedures which states:

“Submit all recovered evidence to the Evidence Control Unit (ECU). Evidence will usually be collected by the Sexual Assault Forensic Examiner (SAFE) nurse during the medical examination. These items include, but are not limited to:

9.1. All of the victim’s clothing, which must be packaged separately.

9.2. The Rape Kit.

9.3. All other evidence, whether recovered at the crime scene, from the victim or from the suspect, must be collected by the Laboratory Section’s Mobile Crime Lab Unit and promptly submitted to ECU.”

Q: What accounts for the decline in numbers of S.A.F.E. kits collected and/or booked into evidence?

A: Based on the new chart provided by the Laboratory Section there is no decline in the numbers of rape/S.A.F.E. kits submitted. The numbers do fluctuate but there is no correlation that can be made by the Laboratory for this fluctuation.

Q: What are the policies for submitting S.A.F.E. kits to the Crime Lab?

A: Rape/S.A.F.E. kits cannot be submitted directly to the Laboratory Section. Our policies dictate that the kits must be submitted to ECU first to be given a unique proper number. Once this number is assigned to the kit then the Laboratory can track it using proper chain of custody. In order for the Laboratory to retrieve or even know that the rape/S.A.F.E. kit is even in ECU and that it needs to be analyzed the detective assigned to the case must submit (hand deliver) a request to the Forensic Biology Unit for analysis stating the rape/S.A.F.E. kit needs to be analyzed.

Q: Are all S.A.F.E. kits that are collected and/or booked into evidence submitted to the Crime Lab?

A: All cases containing rape/S.A.F.E. kits that have been requested by the assigned detective have been submitted to the Laboratory Section.

Q: What are the reasons that S.A.F.E. kits collected and/or booked into evidence would not be submitted to the Crime Lab?

A: The Laboratory Section is unable to answer this question as the detective assigned to the case would have to answer why the rape/S.A.F.E. was not requested for examination.

Q: What are Evidence Control's policies regarding destruction of evidence, including S.A.F.E. kits?

A: The laboratory section only has the resources to answer the above question using BPD policy 1401 which states in part:

HANDLING OF NON-EVIDENTIARY CDS

Evidence Control Unit

1. Receive and verify the non-evidentiary CDS.
2. Enter information into the data terminal and give a copy of the printout to the Property Officer, who will ensure the copy is returned to the submitting officer.
3. Ensure non-evidentiary CDS is destroyed.

DISPOSAL OF EVIDENCE FOR MISDEAMEANOR CASES

Member

1. Update the Disposition form, when the evidence in a misdemeanor case is not or is no longer material evidence and it is reasonable that it should be disposed of or returned to the claimant.
2. *Material Evidence* is defined as that which is relevant or goes to the substantial matters in a dispute or has a legitimate and effective influence or bearing on the decision of the case. (Black's Law Library)
3. Indicate on the Disposition form that evidence for a misdemeanor case, submitted to the ECU, can be disposed of or returned to the claimant, when one of the following conditions become known:
 - 3.2 When a suspect is known, but an arrest warrant might not have been issued for reasons, such as insufficient probable cause or lack of interest of the victim.
 - 3.2 When the case has been disposed of in court.

EXCEPTION: Misdemeanor cases, concerning common law attempts and conspiracies, require consultation with the State's Attorney's Office District Chief or Deputy for approval to dispose of such evidence.

4. When the aforementioned information is not known within 90 days of its submission, notify ECU if you need the evidence beyond the 90-day period.
5. If the seizing officer does not contact the ECU, identifying what is "Material Evidence", the property will be disposed of within existing disposal procedures.

Commanding Officer

1. Ensure a file is kept for all evidence disposition requests from the Commanding Officer of ECU for your personnel and ensure their timely return to ECU.

The Laboratory Section does not have access at this time to ECU policies regarding destruction of other kinds of evidence.

Number Of Rape/S.A.F.E. Kits Submitted Sorted By Year And By Name

	Rape Kit	S.A.F.E. Kit	Total
2004	168	45	213
2005	128	44	172
2006	123	37	160
2007	107	56	163
2008	69	70	139
2009	44	111	155
2010	33	181	214
2011	40	184	224
2012	18	235	253
2013	8	186	194
2014	17	153	170
Grand Total	755	1302	2057



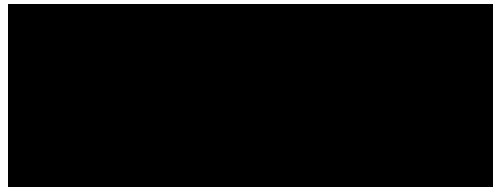
BALTIMORE POLICE DEPARTMENT



STEPHANIE RAWLINGS-BLAKE
Mayor

Anthony W. Batts
Police Commissioner

September 25, 2014



Dear 

The custodian of records for the Laboratory Section and the Evidence Control Unit have provided the enclosed records as responsive records maintained under the each custodian's control.

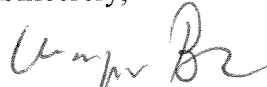
- Baltimore Police Department Trace Analysis/Biology Unit DNA Technical Manual
- Baltimore Police Department Standard Operating Procedures - Trace Analysis/Biology Unit and the DNA Unit
- Baltimore Police Department Forensic Biology Unit Serology Screening Technical Manual
- General Order G-6 Rape and Sexual Assault
- Baltimore City Sexual Assault Response Team Annual Report 2013 prepared by the Mayor's Office of Criminal Justice can be found at <http://www.mcasa.org/baltimore-city-sexual-assault-response-team-releases-2013-annual-report/>
- Baltimore Police Department Laboratory offense cases analyzed by the Forensic Biology section
- Baltimore Police Department Evidence Control Section's SAFE kit submissions

As you will notice the Laboratory and Evidence Control maintain separate databases designed for different purposes. The numbers provided by the Evidence Control Section reflect submissions of SAFE Kits. The numbers provided by the Laboratory reflect all sex offense evidence tested, including but not limited to SAFE kits. Unfortunately the numbers provided by the two sections do not fit perfectly. The explanation I have received is that the Lab has tested cases as old as 1986 during the time period you requested records. There would be SAFE kits or other evidence that would not have been submitted in the last 10 years but would have been analyzed. Of the 1417 DNA cases, 334 had a Central Complaint Number (CC#) before 2004. That leaves approximately 1100 cases analyzed with a 2004 or later CC#. That is about 200

more than ECU records show and would be a about 20 sex offense cases per year the lab analyzed that did not have a SAFE kit.

We hope you find the information useful. If there any other records you are interested in please identify those records or provide a detailed description of the records you are seeking.

Sincerely,



Wayne Brooks
Assistant to Legal Affairs
Baltimore Police Department





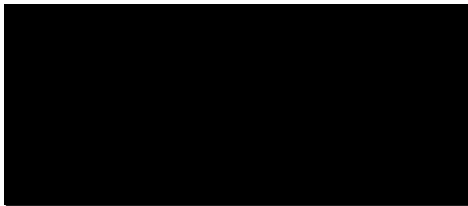
BALTIMORE POLICE DEPARTMENT



STEPHANIE RAWLINGS-BLAKE
Mayor

Anthony W. Batts
Police Commissioner

September 16, 2014



FILE COPY

Dear Ms. [REDACTED]

You have made a request for public records pursuant to the Maryland Public Information Act (MPIA), which is the State Government Article, § 10-611, et seq., of the Annotated Code of Maryland. On September 16, 2014, I receive your follow request letter that was dated August 20, 2014 for review and response. I apologize for the delay. Your letter was addressed to the Public Affairs Office. The BPD no longer has an Office of Public Affairs. That may be the reason you did not receive a response to your fist letter and the response to your follow letter being delayed.

In your request you have asked for information concerning collecting and storing of sexual assault kits for the last 10 years. I have sent your request to several of the BPD's custodians of records to see what if any responsive records may be available. Once all responsive documents are located, this office will contact you with the estimated costs associated with this request as allowed by §10-621 of the State Government Article of the Annotated Code of Maryland.

Sincerely,

Wayne Brooks
Assistant to Legal Affairs
Baltimore Police Department



S.A.F.E. KITS

(RAPE, SEX OFFENCE, SEXUAL ASSAULT)

	<u>RAPE</u>	<u>SEX OFFENCE</u>	<u>SEXUAL ASSAULT</u>	<u>TOTAL</u>
# 2004	132	9	8	149
# 2005	115	9	5	129
# 2006	114	7	7	128
# 2007	95	6	7	108
# 2008	70	7	8	85
# 2009	54	4	5	63
# 2010	38	10	14	62
# 2011	49	5	9	63
# 2012	31	17	20	68

# 2013	16	8	12	36
# 2014	19	6	8	33
1/1-9/17				
			Grand total	924

The above listed totals are taken from the files of win-ace that were submitted by (1) ace number or (property number). Above are broken down by submission

	DNA Complete	Serology Complete
2001	*	X
2002	*	X
2003	*	X
2004	*	X
2005	32	X
2006	107	X
2007	70	X
2008	134	68
2009	102	95
2010	120	127
2011	164	230
2012	150	271
2013	244	314
2014	152	248
Unk	142	61
Total	1417	1413

*Records incomplete or unavailable

This is the number of unique sex offense cases analyzed by the Baltimore Police Dept. Forensic Biology section.

Serology is the screening step.
DNA is the PCR/STR analysis step.

The DNA tracking system goes back to the beginning of the DNA lab (2001). Some data is incomplete prior to 2006.

The serology tracking system goes back to 2008 (regular use began later in the year around July).