



County of Erie
Mark C. Poloncarz
COUNTY EXECUTIVE

DEPARTMENT OF CENTRAL POLICE SERVICES
January 11, 2016

John A. Glascott
COMMISSIONER

FOR CPS USE ONLY
Request Number: 15-12-70
Date Received: December 23, 2015

Re: Freedom of Information Law (FOIL) request for sexual assault evidence kits received by CPS from the Buffalo Police Department for the past 10 yrs.

Dear Ms. [REDACTED]:

The following is a response from the Laboratory for the FOIL request received December 23, 2015. Each numbered response below is the Laboratory reply to the listed requests that were originally received.

1. The Laboratory does not routinely or specifically maintain records on the specific number of sexual assaults evidence kits received from the Buffalo Police Department.
2. The laboratory does not routinely or specifically maintain records of the number of sexual assault evidence kits received from the Buffalo Police Department that have been processed.
3. It is Laboratory policy to process all sexual assault evidence kits as they are received from all law enforcement agencies.
4. Laboratory policies and procedures are only released for specific criminal investigations upon discovery request.

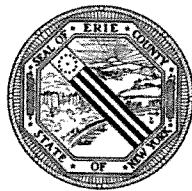
Should further assistance be needed, or if there are other questions relating to this request, please call the undersigned at 716-858-6365.

Very truly yours,

Marlaine P. Hoffman

Marlaine P. Hoffman
Deputy Director of Information Services

Cc: John A. Glascott, Commissioner
Timothy Callan, Deputy Dir. of Budget & Management
Jeremy Toth, Second Assistant County Attorney



County of Erie

MARK C. POLONCARZ
COUNTY EXECUTIVE

DEPARTMENT OF CENTRAL POLICE SERVICES

October 25, 2016

FOR CPS USE ONLY

Request Number: 16 10 60

Date Received: 10/24/2016

Re: Freedom of Information Law (FOIL) request for Laboratory records regarding sexual assault evidence kits.
Ref# 16 10 60

Dear Ms. [REDACTED]:

This letter serves to acknowledge receipt of your FOIL request on October 24, 2016.

Your request is being *denied*. Below is the Laboratory's numbered reply to the listed requests that were originally received.

1. The Laboratory does not routinely or specifically maintain records on the specific number of sexual assault evidence kits received from the Buffalo Police Department.
2. The Laboratory does not routinely or specifically maintain records of the number of sexual assault evidence kits received from the Buffalo Police Department that have been or have not been processed. We do not have ANY unprocessed sexual assault evidence kits under our jurisdiction or control.
3. It is Laboratory policy to process ALL sexual assault evidence kits as they are received from ALL law enforcement agencies.
4. This request is vague and broad in its meaning.

You may appeal our denial of your FOIL request within thirty (30) days of your receipt of this letter by sending written notice of your appeal to the County's FOIL Appeals Officer, Office of the County Executive, 95 Franklin Street, Buffalo, New York 14202. A copy of your appeal should also be sent to the Erie County Attorney, 95 Franklin Street, Room 1634, Buffalo, New York 14202, and to the undersigned.

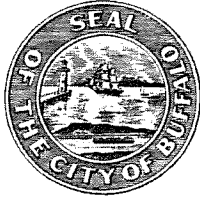
Should further assistance be needed, or if there are other questions relating to this request, please call the undersigned at 716-858-6365.

Very truly yours,



Marlane P. Hoffman
Deputy Dir. of Information Services

Cc:
Timothy Callan, Deputy Dir. of Budget & Management
Jeremy Toth, Second Assistant County Attorney



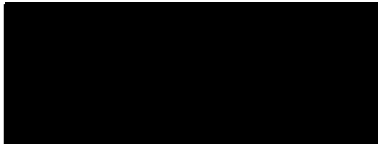
CITY OF BUFFALO
DEPARTMENT OF POLICE



BYRON W. BROWN
MAYOR

DANIEL DERENDA
COMMISSIONER

January 25, 2016



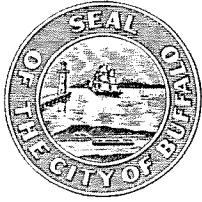
Re: Freedom of Information request
Rape kits

The Buffalo Police Department is in receipt of your request for records pertaining to sexual assault evidence kits.

Somehow, your original request was never forwarded to my office as I am the Freedom of Information officer. I checked my files and did not have a file pertaining to this request.

Please allow this letter to serve as acknowledgement of same pursuant to New York Public Officer's Law. Due to the high volume of requests, please allow 20 for my office to research your request. You will be notified when research is complete and the cost of any records that are found and releasable.

Mark Antonio
Captain
CIR/CCB



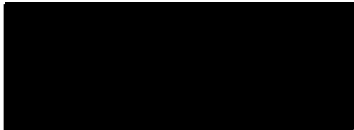
CITY OF BUFFALO
DEPARTMENT OF POLICE



BYRON W. BROWN
MAYOR

DANIEL DERENDA
COMMISSIONER

January 26, 2016



Re: Joyful Heart Foundation

The Buffalo Police Department has reviewed your request pertaining to "sexual assault evidence kits.

The Buffalo Police Department does not log these in a separate data base. We cannot provide an inventory for the last ten years broken down by year to year.

All our sexual assault evidence kits are taken directly to the Erie County Central Police Laboratory, 45 Elm St., Buffalo, New York, 14203.

You will need to contact the Central Police Lab at the above address pertaining to your requests numbered 1, 2, 3 and 4.

Captain
Mark Antonio
Captain
CIR/CCB

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

E. Semen stains are readily subject to degradation. This can be minimized by properly drying the stained evidence in any normal ventilated room. Sunlight or heat should never be used to hasten drying because they may alter the item's chemical composition.

9.9 RAPE KITS

A. When taking a rape kit into custody from a hospital or other medical facility, the officer receiving the rape kit shall sign the Chain of Custody section on the face of the rape kit box.

B. Upon arrival at Police Headquarters, the officers must complete an Erie County Central Police Services Forensic Laboratory: Request For Laboratory Examination - Form DCPS-L-1, and a BPD Property Report - Form P-10. Both reports must be completed in their entirety and all pertinent information shall be included.

C. In cases in which additional evidence is turned over to the officers along with the rape kit, the officers must include that additional evidence on the DCPS-L-1 and the P-10.

D. The rape kit, the completed forms, and any other additional evidence shall be submitted to the Property Office. Refer to M.O.P. 5/3.9 and 3.12.

E. The Property Office will forward a copy of the DCPS-L-1 and the P-10, with the assigned property number attached, to the Sex Offense Squad. ~~SOS will determine which rape kits will be submitted to the CPS Lab for analysis.~~ *SOS will be updated*
"All" Rape kits are taken to The Erie County Central Police Lab. 45 Elm St, for analyses.

F. If SOS determines that a rape kit needs to be analyzed by the CPS Lab, a member of that unit shall deliver the rape kit to the Lab. The SOS member shall comply with all instructions issued by the Property Office for the proper handling of the evidence and related paperwork.

G. After the CPS Lab has completed its analysis, it shall return the rape kit to the Property Office and shall forward a copy of the results to SOS.

[REDACTED]

P. II. [REDACTED]

9.15 [REDACTED]

D. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

E. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

18.0 SEX OFFENSE INVESTIGATIONS

18.3 POLICY

It is the policy of the Buffalo Police Department to thoroughly investigate all incidents involving sex offenses and to identify and process all evidence that might have an impact on such cases. The investigation of sex offenses will be conducted by the Sex Offense Squad and it is the duty of all members of the Department to fully cooperate with members of this unit.

18.6 PRESERVING EVIDENCE

Sworn members responding to a complaint of a sexual assault shall:

- A. Identify and preserve evidence;
- B. Advise the victim to refrain from:
 1. Washing, showering or bathing;
 2. Changing clothes;
 3. Douching;
 4. Using a mouth wash.

18.9 RECORDING FACTS OF THE CRIME

Officers must diligently make a detailed record of the offense, paying particular attention to any fact which may aid in the identification of the perpetrator or which may assist further investigation. The modus operandi of the sex offender is especially important since the offender tends to repeat his/her actions.

18.12 WRITTEN NOTIFICATION OF NEAREST RAPE CRISIS CENTER

Section 642(2b) of the NYS Executive Law requires that the Department provide victims of sexual offenses with a written notification of the address and telephone number of the nearest rape crisis center. When a member of this Department is called upon to investigate a sexual offense, (s)he shall provide the victim a copy of form P-164. If the victim is a juvenile, the member shall give a copy of the form to the parent, guardian, or other person responsible for the juvenile's care.

18.15 STATEMENTS OF VICTIMS AND WITNESSES

A. Detailed Information Required

Statements shall contain detailed information concerning the description of clothing, the vehicle, the perpetrator, jewelry worn, tattoo marks, etc.. The actual words used by the perpetrator to warn, coax, or intimidate the victim are crucial.

B. Taking Statements Generally

Refer M.O.P. 3/3.0.

C. Taking Statements From Juveniles

1. The Department shall make a good faith effort to have a juvenile victim of a sex offense interviewed by a Department member who is the same gender as the victim except where, for good cause, the Sex Offense Squad member doing the interview determines that an alternate procedure would be more effective. Any alternative procedure must protect the sensitivity and dignity of the victim.
2. Every attempt shall be made to have a relative of the juvenile victim present during questioning.
3. Whenever possible, interviews with juvenile victims shall be conducted at the Child Advocacy Center

18.18 MEDICAL EXAMINATION OF VICTIM

A. Written Consent Required

Prior to a medical examination after a sexual assault, the victim must sign a written consent form. If the victim is a minor, the parent, guardian, or other person responsible for the minor's care, must sign the form. Forms are available at the hospital.

B. Hospitals

Victims may be taken to any hospital for treatment and examination, except that minors shall be taken to Children's Hospital or to a child advocacy center after SOS has been notified.

C. Rape Kits
Refer M.O.P. 5/9.9.

18.21 REQUESTING THE SEX OFFENSE SQUAD

The member of the Department first arriving on the scene of a sex offense shall request the presence of the Sex Offense Squad (SOS). (S)he shall preserve the scene until a member of that unit arrives. The member of the SOS shall determine if it is necessary to have the Evidence Unit respond. The ranking member of the SOS will lead the investigation and members will be under his/her direction. All members of the Department shall extend their utmost cooperation to the SOS in these matters.

18.24 WRITTEN REPORT OF PRELIMINARY INVESTIGATION

The member of the department conducting the preliminary investigation before the arrival of the Sex Offense Squad, shall prepare an Intra-Departmental Memorandum relating the physical and mental condition of the victim and/or suspect and shall include any remarks that victim and/or suspect may have made. This report shall be forwarded to the Sex Offense Squad.

18.22 PRELIMINARY INVESTIGATIONS
[REDACTED]

18.23 PRELIMINARY INVESTIGATIONS
[REDACTED]

[REDACTED]

18.24 POLICY
I [REDACTED] Department closely

18.25 PROPERTY
[REDACTED] personal property other than [REDACTED] or