



[Redacted]@joyfulheartfoundation.org>

# FW: Public Records Act Request - Joyful Heart Foundation

9 messages

[Redacted]@goodwinlaw.com> Mon, Aug 14, 2017 at 2:18 PM  
 To: [Redacted]@joyfulheartfoundation.org" [Redacted]@joyfulheartfoundation.org>  
 Cc: [Redacted]@joyfulheartfoundation.org" [Redacted]@joyfulheartfoundation.org>, [Redacted]@joyfulheartfoundation.org" [Redacted]@joyfulheartfoundation.org>, [Redacted]@goodwinlaw.com>, [Redacted]@goodwinlaw.com>

Hi [Redacted],

Please see below and attached from Shasta County. I read the attached policy, and it seems as though it is their policy to test every kit and check the data against DNA databases, so I'm not sure if this means they have no backlog or they're just not keeping any data on it if they do have a backlog. On page 4 of the PDF it does say that rape kits should be submitted to the crime lab within 20 days of being booked into evidence. I'm wondering if that is why they have no data and if we should FOIA the crime lab.

Also on page 6, the policy gives the investigator discretion to determine whether or not a case is without merit. Is that typical?

Let me know your thoughts and what you think we should do in terms of following up.



[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]@goodwinlaw.com | goodwinlaw.com

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**From:** Camile Woodstrom [mailto:[Redacted]@co.shasta.ca.us]  
**Sent:** Monday, August 14, 2017 1:54 PM  
**To:** [Redacted]  
**Subject:** Public Records Act Request - Joyful Heart Foundation

Ms. [Redacted]:

This responds on behalf of the Shasta County Sheriff's Office to your Public Records Act request dated July 31, 2017, received in our office August 2, 2017.

Request 1. We do not possess the type of report/documentation you are requesting.

Request 2. We do not possess the type of report/documentation you are requesting.

Request 3. We do not possess the type of report/documentation you are requesting.

Request 4. We do not possess the type of report/documentation you are requesting.

Request 5. We do not possess the type of report/documentation you are requesting.

Request 6. See attached Sheriff Office Policy 602 *Sexual Assault Investigations*

Request 7. Point of Contact – Captain Pat Kropholler, Email: [Pkropholler@co.shasta.ca.us](mailto:Pkropholler@co.shasta.ca.us) 300 Park Marina Circle, Redding, CA 96001 (530) 245-6167

If you would like to, please contact Captain Kropholler and he can assist you with identifying whether any public records that you may be interested in exist. Otherwise, I trust this fully satisfies your request, but please contact Captain Kropholler if you wish to discuss this response, your request, or any aspects concerning public records available from the Sheriff's Office.

Thank you.

*Camile K. Woodstrom*

*Executive Assistant - Sheriff Tom Bosenko*

*Shasta County Sheriff's Office*

*300 Park Marina Circle*

*Redding, CA 96001*

[Redacted]

[Redacted]@co.shasta.ca.us



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2 attachments

 **Goodwin PRA request.pdf**  
514K

 **P&P for sexual assaults.pdf**  
402K

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[redacted]@joyfulheartfoundation.org> Mon, Aug 14, 2017 at 4:37 PM  
To: [redacted]@goodwinlaw.com>  
Cc: [redacted]@joyfulheartfoundation.org", [redacted]@joyfulheartfoundation.org>, [redacted]@goodwinlaw.com>, [redacted]@joyfulheartfoundation.org), [redacted]@joyfulheartfoundation.org>, [redacted]@goodwinlaw.com>, [redacted]@goodwinlaw.com>

Thank you for this information, [redacted].

Yes, cases can be classified as "unfounded" if after an investigation, law enforcement determines that there the allegation is false or there isn't enough evidence to meet the legal criteria of rape.

There's a few interesting things here. It places the responsibility to ensure that kits are tested and DNA profiles are uploaded to databases on law enforcement and not the lab. It also states that "subject to requirements set forth in this policy, biological evidence from all SA cases, including cases where the suspect is known by the victim, should be submitted for testing," but they're not collecting any data to ensure this policy is being enforced? Also, the "subject to requirements in this policy" clause dilutes the "submit all kits" policy, and it does not specify if this is for new and/or old kits. Other victim notification policies in here are not victim-centered, for example, outlining that victims have right to be updated on their case "provided that the SA victim has kept the investigator informed with regard to current contact info, and upon request" (slightly paraphrased).

Here's some more background on Shasta County. [http://www.krcrtv.com/news/how-bill-mandating-rape-kit-data-will-affect-shasta-county\\_2016071422092297/33230516](http://www.krcrtv.com/news/how-bill-mandating-rape-kit-data-will-affect-shasta-county_2016071422092297/33230516)

I think submitting a FOIA to the lab makes sense, and we'll definitely discuss this option.

Thanks for all your great work, [redacted]

[redacted]  
[Quoted text hidden]  
[redacted]

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[redacted]@goodwinlaw.com> Wed, Jan 10, 2018 at 11:02 AM  
To: Camile Woodstrom [redacted]@co.shasta.ca.us>  
Cc: [redacted]@joyfulheartfoundation.org)" [redacted]@joyfulheartfoundation.org>

Hi Camile,

Thank you for sending along this information a few months ago. Joyful Heart has a few additional follow up questions and would like to schedule a call to discuss. Could you please let us know your availability in the coming weeks to speak to us?

Best,

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█

█

█

█ [@goodwinlaw.com](mailto:█@goodwinlaw.com) | [goodwinlaw.com](http://goodwinlaw.com)

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**From:** Camile Woodstrom [mailto:█@co.shasta.ca.us]  
**Sent:** Monday, August 14, 2017 2:05 PM  
**To:** █  
**Subject:** RE: Public Records Act Request - Joyful Heart Foundation

My apologies, attached is Policy 602 for your review.

*Camile K. Woodstrom*

*Executive Assistant*

*Sheriff Tom Bosenko*

█

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**From:** █@goodwinlaw.com]  
**Sent:** Monday, August 14, 2017 11:03 AM  
**To:** Camile Woodstrom █@co.shasta.ca.us>  
**Subject:** RE: Public Records Act Request - Joyful Heart Foundation

Thank you for the prompt response. We will review and contact Captain Kropholler with any additional questions. I note that the Office Policy 602 you mention in the email below was not attached. Could you please re-send?

Best,

[Redacted]

[Redacted]



[Redacted]

[Redacted]

Camile Woodstrom <[Redacted]@co.shasta.ca.us>  
To: [Redacted]@goodwinlaw.com>  
Cc: [Redacted]@joyfulheartfoundation.org" [Redacted]@joyfulheartfoundation.org>

Wed, Jan 10, 2018 at 7:34 PM

Hello [Redacted]

Happy New Year! In the interest of providing you clear and concise answers, please submit your follow up questions in writing and I'll obtain responses.

Thank you.

*Camile K. Woodstrom*

*Executive Assistant to Sheriff Tom Bosenko*

Shasta County Sheriff's Office

300 Park Marina Circle

Redding, CA 96001



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**From:** [REDACTED]@goodwinlaw.com]  
**Sent:** Wednesday, January 10, 2018 8:03 AM  
**To:** Camile Woodstrom [REDACTED]@co.shasta.ca.us>  
**Cc:** [REDACTED]@joyfulheartfoundation.org) [REDACTED]@joyfulheartfoundation.org>  
**Subject:** RE: Public Records Act Request - Joyful Heart Foundation

Hi Camile,

Thank you for sending along this information a few months ago. Joyful Heart has a few additional follow up questions and would like to schedule a call to discuss. Could you please let us know your availability in the coming weeks to speak to us?

Best,

[REDACTED]

[REDACTED]



[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]@goodwinlaw.com | goodwinlaw.com

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**From:** Camile Woodstrom [mailto:cwoodstrom@co.shasta.ca.us]  
**Sent:** Monday, August 14, 2017 2:05 PM  
**To:** [REDACTED]  
**Subject:** RE: Public Records Act Request - Joyful Heart Foundation

My apologies, attached is Policy 602 for your review.

*Camile K. Woodstrom*

*Executive Assistant*

*Sheriff Tom Bosenko*

[REDACTED]

**From:** [REDACTED]@goodwinlaw.com]  
**Sent:** Monday, August 14, 2017 11:03 AM  
**To:** Camile Woodstrom <[REDACTED]@co.shasta.ca.us>  
**Subject:** RE: Public Records Act Request - Joyful Heart Foundation

Thank you for the prompt response. We will review and contact Captain Kropholler with any additional questions. I note that the Office Policy 602 you mention in the email below was not attached. Could you please re-send?

Best,

[REDACTED]



[Quoted text hidden]

[Quoted text hidden]

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[REDACTED]joyfulheartfoundation.org>  
To: [REDACTED]goodwinlaw.com>

Thu, Jan 11, 2018 at 10:56 AM

Please feel free to send them the questions. Thank you.

[Quoted text hidden]

[REDACTED]

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[REDACTED]@goodwinlaw.com>  
To: Camile Woodstrom <[REDACTED]@co.shasta.ca.us>  
Cc: [REDACTED]@joyfulheartfoundation.org" [REDACTED]@joyfulheartfoundation.org>

Thu, Jan 11, 2018 at 3:07 PM

Hi Camile,

Our follow-up questions are as follows:

1. From the information provided, we were not able to calculate kit submission rate, meaning the total number of kits sent to the lab over the total number of kits collected. Is there any documentation that could help us derive this number?
2. Shasta County Sheriff's Office has a policy that "any member of [the] department should take very reasonable steps to ensure that DNA testing of such evidence is performed in a timely manner..." If there is no documentation on kit collection, testing and destruction, how is the Sheriff's Office monitoring compliance with this policy?

Thank you for your prompt attention to this matter!

Best,



@goodwinlaw.com | goodwinlaw.com

**From:** Camile Woodstrom [mailto: [redacted]@co.shasta.ca.us]  
**Sent:** Wednesday, January 10, 2018 7:35 PM  
**To:** [redacted]  
**Cc:** [redacted]@joyfulheartfoundation.org)

[Quoted text hidden]

[Quoted text hidden]

**Camile Woodstrom** [redacted]@co.shasta.ca.us>  
To: [redacted]@goodwinlaw.com>  
Cc: [redacted]@joyfulheartfoundation.org) [redacted]@joyfulheartfoundation.org>

Thu, Jan 25, 2018 at 5:36 PM

Good afternoon [redacted]:

Below are the responses to your follow up questions;

1. Due to the implementation of RADS all SART kits performed at the hospital are all submitted pursuant to the RADS protocol. The RADS submission report would be obtained through DOJ.
2. There is documentation of collecting a SART kit when it is booked as evidence as well as when the SART kit is sent to DOJ for testing when follow up testing is needed outside of RADS. In the event the SART kit is approved for destruction, the Evidence system is updated by the ID lab that the item of evidence has been destroyed. Additionally, when investigating any sexual assault case, detectives will need testing results from a SART kit to show evidence of the crime. By nature of the sexual assault investigation the kits are tested in a timely manner to further a successful investigation

Captain Pat Kropholler  
Shasta County Sheriff's Office  
Patrol Division/Major Crimes Unit

Please let me know if I may be of further assistance.



Sincerely,

*Camile K. Woodstrom*

*Executive Assistant to Sheriff Tom Bosenko*

Shasta County Sheriff's Office

300 Park Marina Circle

Redding, CA 96001

[Redacted]

[Redacted]

[Redacted]@co.shasta.ca.us



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**From:** [Redacted]@goodwinlaw.com]  
**Sent:** Thursday, January 11, 2018 12:08 PM

[Quoted text hidden]

[Quoted text hidden]

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**To:** [Redacted]@goodwinlaw.com>  
[Redacted]@joyfulheartfoundation.org)" [Redacted]@joyfulheartfoundation.org>

Fri, Jan 26, 2018 at 9:54 AM

Hi [Redacted],


Let me know if any additional follow-up is required.

Best,



 [@goodwinlaw.com](mailto:goodwinlaw.com) | [goodwinlaw.com](http://goodwinlaw.com)


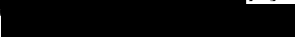
---

**From:** Camile Woodstrom [mailto:@co.shasta.ca.us]  
**Sent:** Thursday, January 25, 2018 5:36 PM


[Quoted text hidden]

[Quoted text hidden]

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 joyfulheartfoundation.org>  
to:  goodwinlaw.com>

Fri, Jan 26, 2018 at 5:26 PM

Thanks,  I don't think we'll follow up, but I'll let you in case we do. Thanks.

[Quoted text hidden]



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## Sexual Assault Investigations

### 602.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

### 602.2 INVESTIGATION CONSIDERATIONS

#### 602.2.1 VICTIM CONFIDENTIALITY

Deputies investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting deputy shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code 293 § (a) and (b)).

- (a) Except as authorized by law, members of this department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

#### 602.2.2 OFFICER RESPONSIBILITY

Whenever there is an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a or 289, the assigned deputy shall accomplish the following:

- (a) Immediately provide the victim with the "Victims of Domestic Violence" card containing the names and locations of rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2(a)).
- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2(b)(1)).
  - 1. Prior to any such examination the assigned deputy shall ensure that the victim has been properly informed of his/her right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).
  - 2. A support person may be excluded from the examination by the deputy or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).

# Shasta County Sheriff's Office

Shasta County SD Policy Manual

## *Sexual Assault Investigations*

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### **602.3 TESTING OF SEXUAL ASSAULT EVIDENCE**

- (a) **Subject to available resources and other law enforcement considerations which may affect the ability to process and analyze rape kits or other sexual assault victim evidence and other crime scene evidence, any member of this department assigned to investigate a sexual assault offense (Penal Code §§ 261, 261.5, 262, 286, 288a or 289) should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(i)(1)(A) and (B).**
- (b) In order to maximize the effectiveness of such testing and identifying the perpetrator of any sexual assault, the assigned investigator should further ensure that the results of any such test have been timely entered into and checked against both the Department of Justice Cal-DNA database and the Combined DNA Index System (CODIS).
- (c) If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue is not going to be analyzed within two years of the crime, the assigned investigator shall notify the victim of such fact in writing within no less than 60 days prior to the expiration of the two-year period (Penal Code § 680(d)).

### **602.4 VICTIM NOTIFICATION OF DNA STATUS**

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, the assigned investigator may inform the victim of the status of the DNA testing of any evidence from the victim's case.
  - 1. Although such information may be communicated orally, the assigned investigator should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  - 2. Absent a written request, no member of this department is required to, but may, communicate with the victim or victim's designee regarding the status of any DNA testing.
- (b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights:
  - 1. To be informed whether or not a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.
  - 2. To be informed whether or not there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Database, **providing that disclosure would not impede or compromise an ongoing investigation.**
  - 3. To be informed whether or not the DNA profile of the assailant developed from the evidence has been entered into the Department of Justice Data Bank of case evidence.

# Shasta County Sheriff's Office

Shasta County SD Policy Manual

## Sexual Assault Investigations

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- (c) Provided that the sexual assault victim or victim's designee has kept the assigned investigator informed with regard to current address, telephone number and email address (if available), any victim or victim's designee shall, upon request, be advised of any known significant changes regarding the victim's case.
1. Although such information may be communicated orally, the assigned investigator should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  2. **No investigator shall be required to or expected to release any information which might impede or compromise any ongoing investigation.**

### **602.5 DESTRUCTION OF EVIDENCE**

Any destruction of evidence related to a sexual assault shall occur only after victim notification is made as required pursuant to Penal Code § 680 and only in compliance with the Property and Evidence Policy.

### **602.6 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to SHASCOM, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinions of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (42 USC § 3796gg-8; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

#### **602.6.1 VICTIM RIGHTS**

Whenever there is an alleged sexual assault the assigned deputy shall accomplish the following:

- (a) Advise the victim of the right to have a victim advocate and a support person present at any interview by law enforcement as provided in Penal Code § 679.04.
- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the deputy shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2(b)(1)).

# Shasta County Sheriff's Office

Shasta County SD Policy Manual

## Sexual Assault Investigations

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1. Prior to any such examination the assigned deputy shall ensure that the victim has been properly informed of his/her right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).
2. A support person may be excluded from the examination by the deputy or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).

### 602.6.2 VICTIM CONFIDENTIALITY

Deputies investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting deputy shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this [department/office] shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

### 602.7 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

#### 602.7.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). Generally, rape kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned deputy should further ensure that the results of any such test have been timely entered into and checked against both the Department of Justice Cal-DNA database and the Combined DNA Index System (CODIS).

# Shasta County Sheriff's Office

Shasta County SD Policy Manual

## Sexual Assault Investigations

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If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned deputy shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18 month period (Penal Code § 680(d)).

### 602.7.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance policy.

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases may inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).
  - 1. Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  - 2. Absent a written request, no member of this [department/office] is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
- (b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights (Penal Code § 680):
  - 1. To be informed if a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.
  - 2. To be informed if there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
  - 3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the Department of Justice Databank of case evidence.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned deputy informed with regard to current address, telephone number and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).
  - 1. Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  - 2. No deputy shall be required or expected to release any information which might impede or compromise any ongoing investigation.

# Shasta County Sheriff's Office

Shasta County SD Policy Manual

## *Sexual Assault Investigations*

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### **602.7.3 DESTRUCTION OF EVIDENCE**

Any destruction of evidence related to a sexual assault shall occur only after victim notification is made as required pursuant to Penal Code § 680 and only in compliance with the Property and Evidence Policy.

### **602.8 DISPOSITION OF CASES**

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Major Crimes supervisor.

Classification of a sexual assault case as unfounded requires the Major Crimes supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

### **602.9 CASE REVIEW**

The Major Crimes supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Sheriff.