

----- Forwarded message -----

From: Kelly Thompson <[REDACTED]@cityofsantacruz.com>
To: [REDACTED]@goodwinlaw.com>
Cc: Bonnie Bush <[REDACTED]@cityofsantacruz.com>
Bcc:
Date: Tue, 12 Sep 2017 22:34:08 +0000
Subject: Public Records Request

September 12, 2017

Good Afternoon, Mr. [REDACTED] -

This email is in response to your request for public records from the City of Santa Cruz as detailed below. Your request was received on August 8, 2017.

Requested Records:

“Attached”

The disclosable public records that are responsive to your request are attached.

Under the California Public Records Act (CPRA) you are entitled to copies of identifiable, non-exempt public records (Govt. Code section 6253). Please note that the CPRA requires the City to provide access to, or copies of, records responsive to your request which are in its possession, subject to certain exceptions. The CPRA does not require the City to provide information, answer questions, or create records which do not exist.

To the extent that any of the records you seek are attorney-client communications under the attorney-client privilege or are otherwise attorney-client privileged records, such records are exempt from disclosure under the CPRA pursuant to Government Code section 6254(k).

In addition, to the extent that any of the records you seek are drafts and notes that are not kept in the ordinary course of business for the City and which the City has determined that the public interest in withholding the record clearly outweighs the public interest in disclosure due to the particular details and nature of the records, such records are exempt from disclosure under the CPRA pursuant to Government Code section 6254(a). Also given the particular details and nature of certain records that you seek, to the extent that such records involve communications to decision makers within the City for which final decisions have not yet been made and final actions have not yet been taken and/or the City has determined that the public interest in withholding the record clearly outweighs the public interest in disclosure, such records are exempt from disclosure under the CPRA pursuant to Government Code section 6255.

If you have any questions, please feel free to contact me.

Kelly Thompson

Records Coordinator

City of Santa Cruz

[REDACTED]

Public Records Requests may be submitted online via the Public Records Request form, by email to

[REDACTED]@cityofsantacruz.com, or by hard copy form available at the City Clerk's Office located at 809 Center Street, Room 9, Santa Cruz, CA 95060.

Please note: Public Record Act Requests submitted via email, fax, USPS, or dropoff after 5:00 p.m. on a business day, Saturdays, Sundays, or holidays will be processed as received on the next open business day. The 10-day response period begins when the request is received.

Property Procedures

804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

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- (d) Place the case number in the upper right hand corner of the bag.
- (e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

804.3.3 EXPLOSIVES

Explosives that are known or suspected to be armed or live, other than fixed ammunition, should not be retained in the police facility. All fireworks, railroad flares, or fuses that are considered safe will be booked into the outside storage area.

Officers who encounter an explosive device shall immediately notify the field supervisor and/or Watch Commander. The Bomb Squad will be called to handle situations involving explosive devices and all such devices will be released to them for disposal.

804.4 PACKAGING OF PROPERTY

The Property Officer receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the Property Sheet.

A property number shall be obtained for each item or group of items. This number shall be recorded on Property Tag and the Property Sheet.

If, during the time the property is held by the Santa Cruz Police Department, the location of the property is changed, the change shall be noted in the Property Tracking System.

804.6 PROPERTY CONTROL

Each time the property officer receives property or releases property to another person, he/she shall enter this information on the property sheet. Officers desiring property for court shall contact the property officer at least one day prior to the court day.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the property officer. This request may be filled out any time after booking of the property or evidence.

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804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The property officer releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

804.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom released.

The property officer shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property sheet, indicating date, time, and the person who returned the property.

804.6.4 AUTHORITY TO RELEASE PROPERTY

The Investigation Commander or his/her designee shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

804.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation. Proof of ownership may be required.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

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A property officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property sheet, the sheet shall be forwarded to the Records Section for filing with the case. If some items of property have not been released the property sheet will remain with the Property Section. Upon release, the proper entry shall be documented in the Property Log.

804.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

804.6.7 CONTROL OF NARCOTICS & DANGEROUS DRUGS

The Investigation Section Commander will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health & Safety Code § 11364.

804.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for 90 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The property officer shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

804.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code §§ 12028, 12029, 12251)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles, bikes with altered serial numbers, or component parts (Vehicle Code § 10751)
- Narcotics (Health & Safety Code § 11474, etc.)

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- Unclaimed, stolen or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 12307)

804.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than fifteen dollars (\$15.00), or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

804.8 INSPECTIONS OF THE EVIDENCE ROOM

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

804.9 PROPERTY PROHIBITED IN POLICE FACILITIES POLICY

It is the policy of this Department that all personnel will keep, store, and use only property items required or needed to perform their official tasks in any police building or vehicle.

804.9.1 PROCEDURE PROPERTY PROHIBITED IN POLICE FACILITIES

The following listed items are prohibited in police department buildings or police vehicles unless booked as part of a case or stored as official property:

- (a) Alcoholic beverages in any form;
- (b) Photographs, drawings, pictures, or any representative of nude or scantily clad persons;
- (c) Lewd or obscene material;
- (d) All types of weapons and ammunition or explosives not authorized or issued;
- (e) Any volatile flammable material;
- (f) Any article or material that is illegal to possess;

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- (g) Any racial, sexist, ethnic or religious material, designed, intended or likely to be offensive or insulting.

Sexual Assault Victims' DNA Rights

602.1 PURPOSE AND SCOPE

Consistent with Penal Code § 293 and the Sexual Assault Victims' DNA Bill of Rights (Penal Code § 680), this policy will establish a procedure by which sexual assault victims may inquire about and be provided with information regarding the status of any DNA evidence in their case, their right to confidentiality and other rights afforded by law.

602.2 INVESTIGATION CONSIDERATIONS

602.2.1 VICTIM CONFIDENTIALITY

Officers 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 their name not be made public. The reporting officer 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 officer 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 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 officer shall ensure that the victim has been properly informed of their 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 officer or the medical provider if their presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).

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

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Sexual Assault Victims' DNA Rights

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(g).

- (b) In order to maximize the effectiveness of such testing and identifying the perpetrator of any sexual assault, the assigned officer 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 officer 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 officer 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 officer 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.
- (c) Provided that the sexual assault victim or victim's designee has kept the assigned officer informed with regard to current address, telephone number and email address (if available),

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Sexual Assault Victims' DNA Rights

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 officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
2. No officer shall be required to or expected to release any information which might impede or compromise any ongoing investigation.

602.5 DESTRUCTION OF DNA EVIDENCE

If, with the approval of a Deputy Chief, it is determined that rape kit evidence or other crime scene evidence from an unsolved sexual assault is going to be destroyed or disposed of prior to the expiration of the statute of limitations set forth in Penal Code § 803, the assigned officer shall provide the victim of the sexual assault with written notice of the intent to do so no less than sixty (60) days prior to the destruction or disposal of such evidence.

Rapid DNA Service

7/13/16

San Bernardino DNA Laboratory

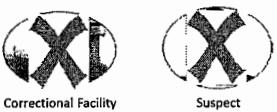
Agenda

- Program Description
- Responsibilities
- RADS envelope
- Current Statistics
- Case Study
- Conclusion
- What's Next

San Bernardino DNA Laboratory

Rapid DNA Service

Rapid Turnaround for the analysis of victim sexual assault/abuse evidence when a kit is collected



Correctional Facility Suspect

San Bernardino DNA Laboratory

What do we mean by Rapid?

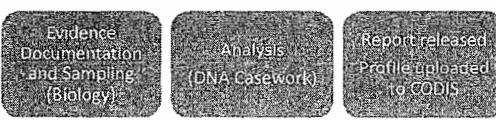
20 days
[from start of batch analysis]

Previously 3-12 months

San Bernardino DNA Laboratory

In the Lab

20 Days



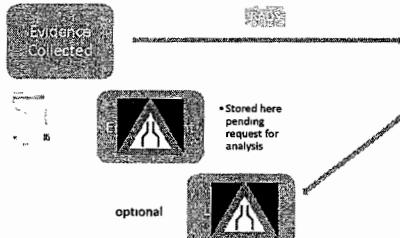
Evidence Documentation and Sampling (Biology)

Analysis (DNA Casework)

Report released
Profile uploaded to CODIS

San Bernardino DNA Laboratory

New Progression



Evidence Collected

Analysis (DNA Casework)

optional

• Stored here pending request for analysis

San Bernardino DNA Laboratory

3 Changes to Workflow

Evidence triage

- Examiners identify best evidence
- Evidence sent straight to lab

Screening

- No microscopic exam
- No screening

Automation

- 96-well, alkaline differential extraction
- Tecan robot

What happens to the standard rape kit?

A green sticker is placed on the standard SAE kit to indicate that a RADS kit has been collected and submitted to the lab.

Additional evidence was submitted to DOJ RADS

Standard Kit is Retained by Law Enforcement

Additional Evidence

Report:

Analysis of additional evidence in this case may yield more information about a possible male DNA contributor to this item

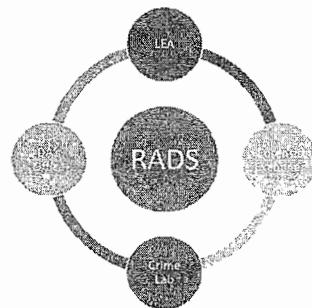
Additional Evidence Submitted

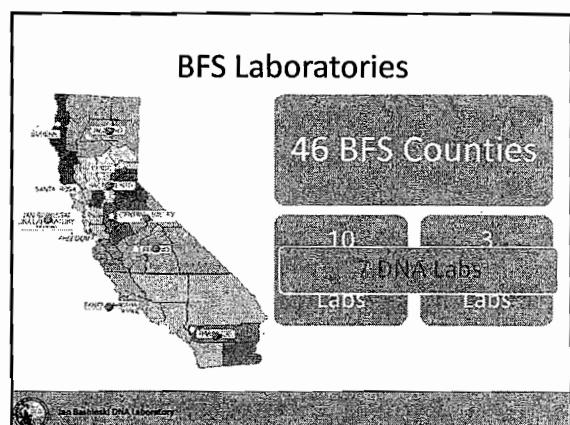
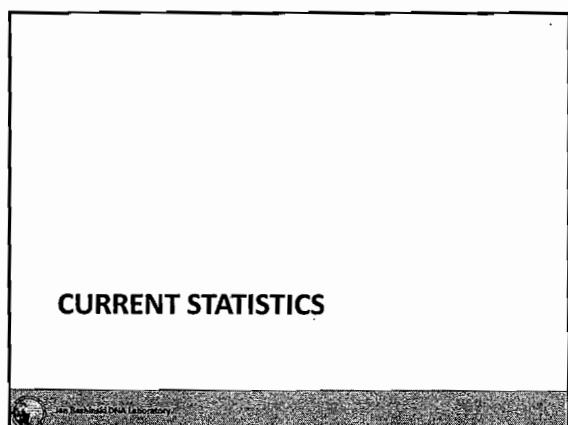
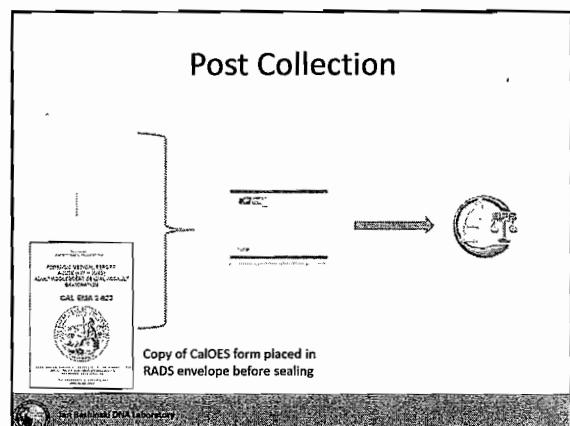
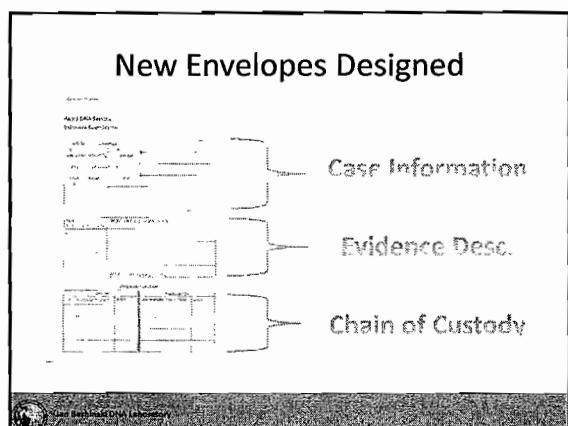
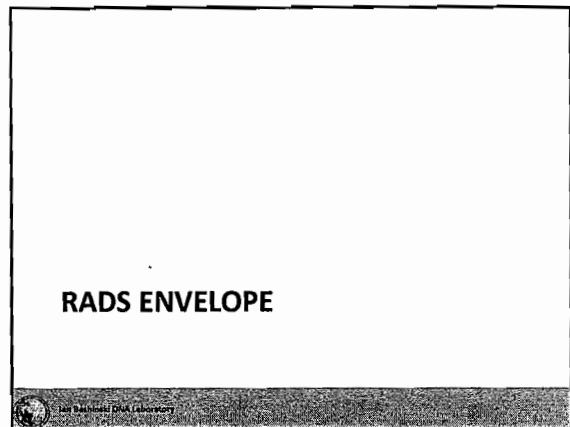
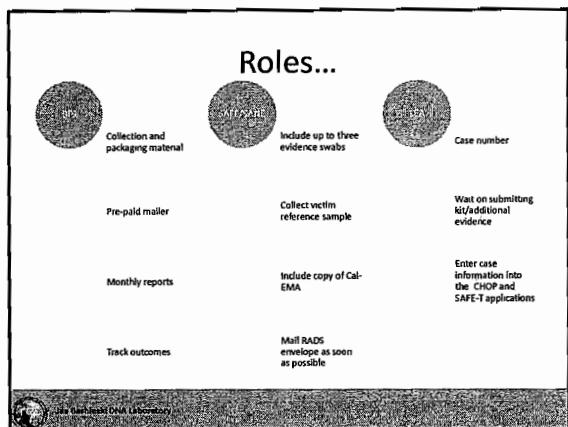
1356 cases

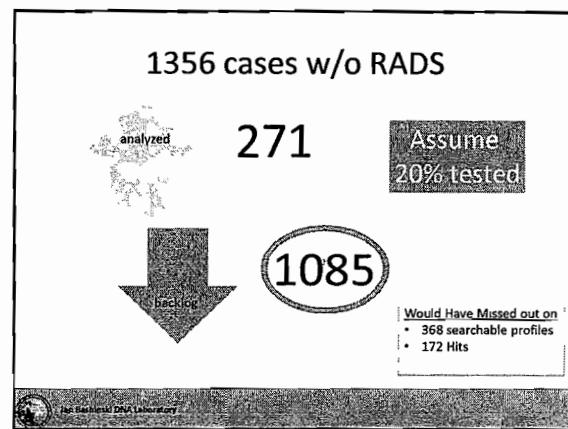
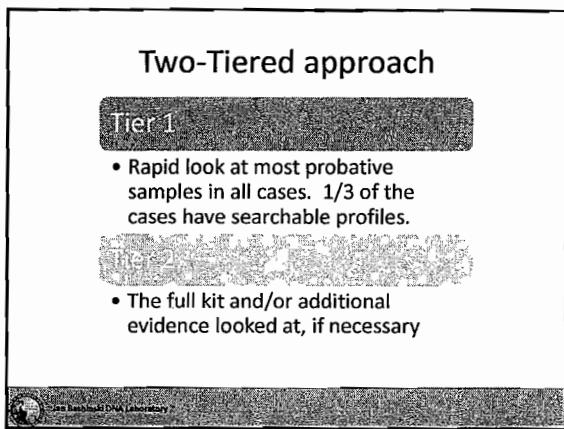
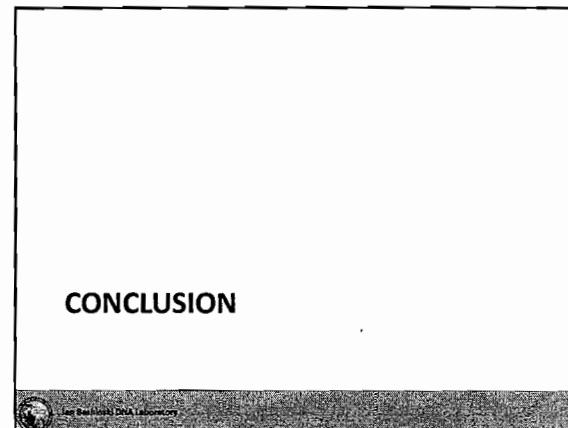
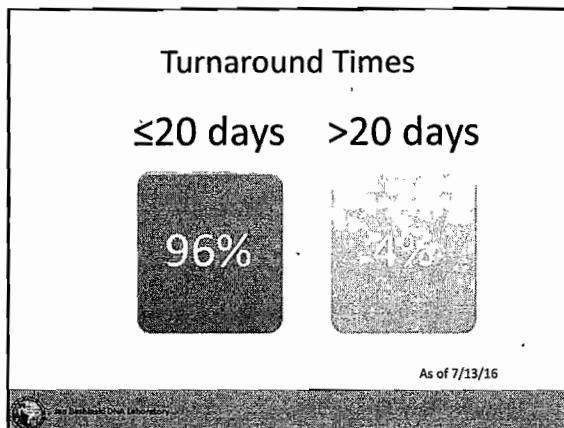
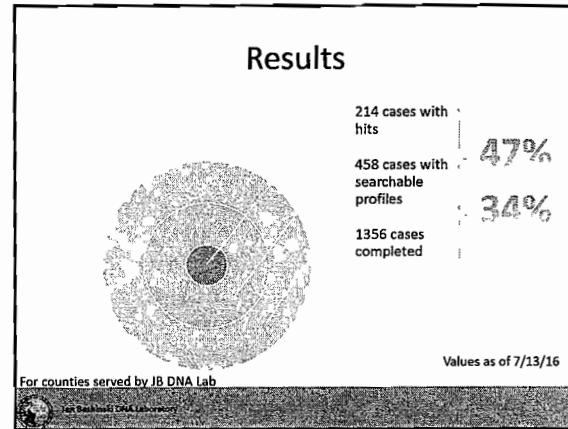
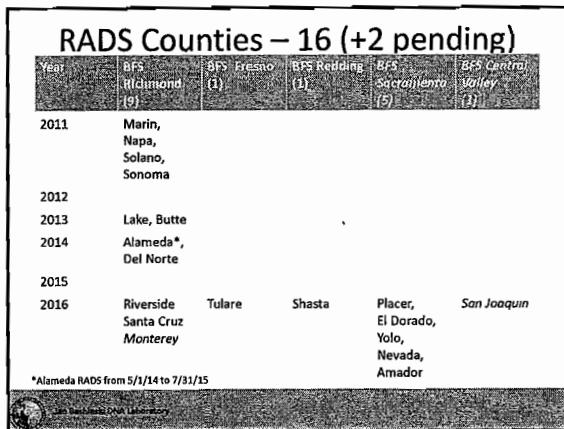
10%
Additional
Evidence

RESPONSIBILITIES

Collaboration







Why a Rapid DNA Response is Important – Investigative level

- Rapidly solving the crime creates the best circumstances for prosecuting the case
- Makes best use of investigative resources
- Links serial crimes
- Exonerates the wrongly accused
- Prevents future crime
- Fulfills requirements of AB1517

Why a Rapid Response is Important—for the victims

Provides assurance to rape victims that:

- Their cases are important
- The evidence will be examined in an expeditious manner
- If DNA results are obtained—perpetrator has been identified, case can be prosecuted

What's next?

- Inform LEA staff to wait on sending kits until RADS report received
- Identify contact person for each LEA agency
 - Who to send RADS reports to
- Inform Property Controllers of program
- Transition period
 - Make sure RADS evidence collected, if not, the kit will need to go through the normal process
- MOU Signed
- Examiners trained

Questions regarding the RADS Program:

Julie Renfroe

CA DOJ DANY Grant

Overview

The Office of the District Attorney, New York County (DANY) established and funded a Criminal Justice Investment Initiative (CJII) to invest in projects that will enhance public safety, develop broad crime prevention efforts and promote a fair and efficient criminal justice system.

Purpose of DANY Grant

The purpose of this grant is to analyze the backlog of untested SAKs in the possession of LEAs who have signed letters of commitment within BFS jurisdiction.

Time frame

- The testing of all SAKs must occur prior to September 30, 2017
- Grant data will be gathered and reported until September 30, 2019

Sexual Assault Kit Eligibility-

The following SAKs are NOT eligible for testing:

- Unreported, anonymous or “Jane Doe” cases unless the victim has decided to make a police report at a later time; and
- Objective and conclusive evidence exists that no crime was committed (e.g. victim unequivocally recants all parts of the assault and/or video footage exists demonstrating there was no crime). It is expected that there will be very few cases that would meet this criteria.

The SAKs will be submitted for analysis using the “forklift” approach, which means that all SAKs (with a few exceptions) will be submitted for testing.

The following types of SAKs are eligible for testing:

- Identity of the offender is unknown;
- Identity of the offender is not an issue (suspect known and even prosecuted);
- Status of the Statute of limitations has no bearing (yes to expired);
- Offender was convicted without DNA;
- Sexual assault kits that were analyzed but not with DNA technology;

- The issue is whether the interaction was consensual or not; and
- Investigation (and possibly witness statements) contradict the accusation, but there is no conclusive and objective evidence that the crime did not occur.

Instructions to Agency

- Fill out excel sheet as "Shipment Manifest" for all kits that plan to be sent.
 - One kit per line! Multiple victims within in same agency case will be differentiated by kit item number
- "Backlogged" kits are more than 1 year old.
- Adjudicated cases that have never been DNA tested can be submitted.
- Kit must be from a victim. Do not send suspect kits. Do not send clothing.
- Kit must not have been previously DNA tested
- Do not send blood tubes (the oral swab will be used as a victim reference if appropriate)
- If possible send a case summary along with any hospital forms for our records- pdf's only to DOJ's grant administrator (meg.aceves@doj.ca.gov).
- Use the attached modified BFS1 for all DANY Grant submissions. One form per case number.
THIS IS BFS's CHAIN OF CUSTODY.

RAPE KITS 2012

Case Number	Crime	Victim Age	Case status	Property Dispo	
	261	Adult	DCL	Freezer	
	187	Adult	Closed	Freezer	
	261	Adult	Unsolved	Freezer	
	288	Juvenile	Solved	Freezer	
	261	Adults	Unsolved	Freezer	

Rape Kits

Case Number Crime Victim Age Case status: Property Dispo

288	Adult	Closed	Freezer
261	Juvenile		Freezer
288/261	Juvenile		Freezer
261	Juvenile	Closed	Freezer
261	Adult		Freezer
261	Adult		Freezer
261	Juvenile		Freezer
261	Adult		Freezer
261	Adult		Freezer
!61/664-18	Adult	Closed	Freezer
288	Juvenile	Closed	Freezer
261	Adult	Closed	Freezer
261/207	Adult		Freezer
261	Adult	Closed	Freezer
261	Adult	Closed	Freezer
261	Adult	Closed	Freezer
289	Adult		Freezer
261	Adult		Freezer
261	Juvenile	Closed	Freezer
261	Adult		Freezer
261	Adult		Freezer
261	Adult		Freezer
261	Adult	Closed	Freezer
261	Adult	Closed	Freezer
261	Adult	Unsolved	Freezer
261	Adult	Closed	Freezer
261	Adult	Unsolved	Freezer
261	Juvenile	Unsolved	Freezer
261	Adult	DCL	Yard
261	Juvenile	DCL	Freezer
261	Adult	DCL	Freezer
261	Juvenile	Unsolved	Freezer
261	Adult	DCL	Freezer
261	Adult	DCL	Freezer
288	Adult	Closed	Freezer
261	Adult	Unsolved	Freezer
261	Juvenile	Closed	Freezer
261	Juvenile	Closed	Freezer
261	Adult	DCL	Freezer
261	Adult	Unsolved	Freezer
261	Adult	Unsolved	Freezer

Case Number	Crime	Victim Ag	Case status
	243/261	17	DCL
	261	Adult	Closed
	288		
	261	Adult	DCL
	187/261	Adult	Closed
	243/286	Adult	Unsolved
	261	Adult	DCL
	288		
	261	Adult	Unsolved
	261	Adult	DCL
	261	Adult	DCL
	261	Adult	No DA
	288	Child	No DA
	261	Adult	DCL
	261	Adult	Unsolved
	261	Adult	Unsolved
	261		Closed
	261	16	Unsolved
	261	Adult	Unsolved
	289	17	DCL
	288		
	261	Adult	Unsolved
	261	Minor	PURGE
	288	Minor	
	286	Adult	Closed
	261	Minor	DCL
	261	Adult	DCL
	261	Adult	DCL
	261	Minor	DCL

RAPE KITS 2012

Case Number	Crime	Victim Age	Case status	Property Dispo	
	187	N/A	Unsolved	Freezer/Vault	
	261	Unknown	Unknown	Freezer	
	261	Adult	Unsolved	Freezer	
	261	Adult	Unsolved	Freezer	
	261	Adult	Unsolved	Freezer	
	261	Adult	Unsolved	Freezer	
	261	Adult	Unsolved	Freezer	
	261	Adult	Unsolved	Freezer	
	261	Adult	Unsolved	Freezer	
261/243	Adult	Unsolved	Freezer		
	261	Adult	Unsolved	Freezer	
	261	Adult	Unsolved	Freezer	
	261	Juvenile	DCL	Freezer	
	261	Juvenile	Unknown	Freezer	
	261	Adult	Unsolved	Freezer	
261/286	Adult	Unsolved	Freezer		
261/288	Adult	Unknown	Freezer		
207/261	Juvenile	Unknown	P-Freezer		
	261	Adult	Unknown	Freezer	
	261	Unknown	Unknown	Freezer	
	261	Adult	Unknown	Freezer	
	261	Adult	Unknown	Freezer	
	261	Adult	Unknown	Freezer	
	261	Adult	Unknown	Freezer	
	261	Adult	Unknown	Freezer	
664-261	Adult	Unknown	Freezer		
	261	Juvenile	Closed	Freezer	
	261	Adult	Unsolved	Freezer	
	261	Adult	Solved	Freezer	
	261	Adult	DCL	Freezer	
207-261	Adult	Unsolved	Freezer		



[REDACTED] |@joyfulheartfoundation.org>

FW: Public Records Request

11 messages

To: [REDACTED] @goodwinlaw.com>
[REDACTED] @joyfulheartfoundation.org>, '[REDACTED] @joyfulheartfoundation.org)" [REDACTED] @joyfulheartfoundation.org>
Cc: [REDACTED] @goodwinlaw.com>

Thu, Sep 21, 2017 at 3:56 PM

FYI. Please see below follow up with Santa Cruz.

From: [REDACTED]
Sent: Thursday, September 21, 2017 12:50 PM
To: 'Kelly Thompson'
Cc: Bonnie Bush; [REDACTED] @goodwinlaw.com)
Subject: RE: Public Records Request

Kelly,

Thank you for your response. I see that at the end of the pdf you appear to have provided some information about certain cases involving a "rape kit" for 2012. Its unclear if all of the charts you provided refer only to 2012. Is there information for the other years between 2000 and the present?

Its also unclear: (1) the number of kits received per year, (2) the number which were sent for analysis, (3) the number not sent for analysis, (4) the number which are currently held by the SCDP and (5) how many has been destroyed.

Could you please provide the additional information above?

Regards,

[REDACTED]

From: Kelly Thompson [mailto: [REDACTED]@cityofsantacruz.com]
Sent: Tuesday, September 12, 2017 3:34 PM
To: [REDACTED]
Cc: Bonnie Bush
Subject: Public Records Request

September 12, 2017

Good Afternoon, Mr. [REDACTED] -

This email is in response to your request for public records from the City of Santa Cruz as detailed below. Your request was received on August 8, 2017.

Requested Records:

“Attached”

The disclosable public records that are responsive to your request are attached.

Under the California Public Records Act (CPRA) you are entitled to copies of identifiable, non-exempt public records (Govt. Code section 6253). Please note that the CPRA requires the City to provide access to, or copies of, records responsive to your request which are in its possession, subject to certain exceptions. The CPRA does not require the City to provide information, answer questions, or create records which do not exist.

To the extent that any of the records you seek are attorney-client communications under the attorney-client privilege or are otherwise attorney-client privileged records, such records are exempt from disclosure under the CPRA pursuant to Government Code section 6254(k).

In addition, to the extent that any of the records you seek are drafts and notes that are not kept in the ordinary course of business for the City and which the City has determined that the public interest in withholding the record clearly outweighs the public interest in disclosure due to the particular details and nature of the records, such

records are exempt from disclosure under the CPRA pursuant to Government Code section 6254(a). Also given the particular details and nature of certain records that you seek, to the extent that such records involve communications to decision makers within the City for which final decisions have not yet been made and final actions have not yet been taken and/or the City has determined that the public interest in withholding the record clearly outweighs the public interest in disclosure, such records are exempt from disclosure under the CPRA pursuant to Government Code section 6255.

If you have any questions, please feel free to contact me.

Kelly Thompson

Records Coordinator

City of Santa Cruz

[REDACTED]

Public Records Requests may be submitted online via the Public Records Request form, by email to

[REDACTED] @cityofsantacruz.com, or by hard copy form available at the City Clerk's Office located at 809 Center Street, Room 9, Santa Cruz, CA 95060.

Please note: Public Record Act Requests submitted via email, fax, USPS, or dropoff after 5:00 p.m. on a business day, Saturdays, Sundays, or holidays will be processed as received on the next open business day. The 10-day response period begins when the request is received.

This message was sent from Goodwin Procter LLP and is intended only for the designated recipient(s). It may contain confidential or proprietary information and may be subject to the attorney-client privilege or other confidentiality protections. If you are not a designated recipient, you may not review, copy or distribute this message. If you receive this in error, please notify the sender by reply e-mail and delete this message. Thank you.

To: [REDACTED] goodwinlaw.com>
[REDACTED] @joyfulheartfoundation.org>, [REDACTED] @joyfulheartfoundation.org>
Cc: [REDACTED] @goodwinlaw.com>

Wed, Sep 27, 2017 at 4:40 PM

FYI. I will let you know when I receive additional information.

Regards,

[REDACTED]

From: Kelly Thompson [mailto: [REDACTED]@cityofsantacruz.com]
Sent: Monday, September 25, 2017 8:14 AM
To: [REDACTED]
Subject: RE: Public Records Request

Good morning [REDACTED],

I forwarded your questions to SCPD. Our Property Clerk has notified me that these lists were started in 2012 and all the kits listed have been destroyed. The 2012 date you are seeing was just a header/footer that hadn't been updated. Apologies for the confusion.

Any kits after 2004 are in the SCPD Records Management System and they are going to try and run a report to see if it is possible to extract this data. I will notify you just as soon as I hear back.

Thank you,

Kelly

Please see attached correspondence with respect to Santa Cruz.

From: [REDACTED] [mailto:[REDACTED]@joyfulheartfoundation.org]

Sent: Monday, December 04, 2017 10:55 AM

To: [REDACTED].

Subject: Re: FW: Public Records Request

[Quoted text hidden]

----- Forwarded message -----

From: Kelly Thompson [REDACTED]@cityofsantacruz.com>

To: [REDACTED]@goodwinlaw.com>

Cc: Bonnie Bush <[REDACTED]@cityofsantacruz.com>

Bcc:

Date: Tue, 12 Sep 2017 22:34:08 +0000

Subject: Public Records Request

September 12, 2017

Good Afternoon, Mr. [REDACTED] -

This email is in response to your request for public records from the City of Santa Cruz as detailed below. Your request was received on August 8, 2017.

Requested Records:

“Attached”

The disclosable public records that are responsive to your request are attached.

Under the California Public Records Act (CPRA) you are entitled to copies of identifiable, non-exempt public records (Govt. Code section 6253). Please note that the CPRA requires the City to provide access to, or copies of, records responsive to your request which are in its possession, subject to certain exceptions. The CPRA does not require the City to provide information, answer questions, or create records which do not exist.

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If you have any questions, please feel free to contact me.

Kelly Thompson

Records Coordinator

City of Santa Cruz

[REDACTED]

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[REDACTED] @cityofsantacruz.com, or by hard copy form available at the City Clerk's Office located at 809 Center Street, Room 9, Santa Cruz, CA 95060.

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----- Forwarded message -----

From: Kelly Thompson [REDACTED]@cityofsantacruz.com>
To: [REDACTED]@goodwinlaw.com>
Cc:
Bcc:
Date: Tue, 5 Sep 2017 18:02:03 +0000
Subject: Public Records Request

Good morning, Mr. [REDACTED] -

This email is in response to your public records request for information from the City of Santa Cruz as detailed below. Your request was received by the City 8/8/2017.

Requested Records:

"Attached"

The City has extended its time to respond with records to September, 15 2017 pursuant to the California Public Records Act, Government Code section 6250 et seq. (the "CPRA"), for the following reason:

- **Need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records.**

Under the California Public Records Act (CPRA) you are entitled to copies of identifiable, non-exempt public records (Govt. Code section 6253). Please note that the CPRA requires the City to provide access to, or copies of, records responsive to your request which are in its possession, subject to certain exceptions. The CPRA does not require the City to provide information, answer questions, or create records which do not exist.

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If you have any questions, please feel free to contact me.

Kelly Thompson

Records Coordinator

City of Santa Cruz

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----- Forwarded message -----

From: Kelly Thompson <[REDACTED]@cityofsantacruz.com>
To: [REDACTED]@goodwinlaw.com>
Cc: Bonnie Bush [REDACTED]@cityofsantacruz.com>
Bcc:
Date: Tue, 22 Aug 2017 17:24:16 +0000
Subject: Public Records Request

Good morning, Mr. [REDACTED] -

This email is in response to your public records request for information from the City of Santa Cruz as detailed below. Your request was received by the City 8/8/2017.

Requested Records:

"Attached"

The City has extended its time to respond with records to September, 1 2017 pursuant to the California Public Records Act, Government Code section 6250 et seq. (the "CPRA"), for the following reason:

- **Need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records.**

Under the California Public Records Act (CPRA) you are entitled to copies of identifiable, non-exempt public records (Govt. Code section 6253). Please note that the CPRA requires the City to provide access to, or copies of, records responsive to your request which are in its possession, subject to certain exceptions. The CPRA does not require the City to provide information, answer questions, or create records which do not exist.

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If you have any questions, please feel free to contact me.

Kelly Thompson

Records Coordinator

City of Santa Cruz

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7 attachments

 **Approved Docs PRA Goodwin Sexual Assault Kits.pdf**
811K

 **Mailed Request.pdf**
104K

 **noname.eml**
1264K

 **Mailed Request.pdf**
104K

 **noname.eml**
159K

 **Mailed Request.pdf**
104K

 **noname.eml**
157K

[REDACTED]@goodwinlaw.com>

To: Amy Kapp [REDACTED]@abc-law.com>

Cc: Kelly Thompson <[REDACTED]@cityofsantacruz.com>, Jacqueline Drechsler <[REDACTED]@cityofsantacruz.com>, [REDACTED]@joyfulheartfoundation.org>

Thu, Jan 18, 2018 at 5:18 PM

Amy,

I had a few quick additional questions with respect to Santa Cruz response to my original request.

Would there be a time next week when you would be available to discuss?

Regards,

[REDACTED]

I am a deputy City attorney for the City of Santa Cruz, and I'm now handling your follow-up PRA requests (see below). All of your requests are for information, but the PRA does not require the City to provide information, or to compile and extract data from its records for you. The City is required only to produce existing records that are responsive to your request.

SCPD does have a list of rape kits that predated 2004, i.e., collected on 12/31/2003 or earlier, that were destroyed because they were legally eligible for destruction. Besides this list of destroyed kits and the list that SCPD already provided you, the only other documents with information about existing kits are the reports for each case. I.e., for each report that PC 261 was violated, SCPD created a record detailing its investigation into the alleged crime. While these case reports are on an electronic management system, this system is not capable of extracting information across cases, and the City has not created documents that capture details across cases. So capturing the information you want would require a manual search of these case reports. It might also possible to capture information about the rape kit by conducting a manual search of the boxes containing the kits but, again, the City does not have any existing documents that capture information from each kit.

Amy Kapp

Attorney at Law

Law Offices of Atchison, Barisone & Condotti

Mailing Address: P.O. Box 481, Santa Cruz CA 95061

333 Church Street

Santa Cruz, CA 95060

Phone: [REDACTED]

Fax: [REDACTED]

From: [REDACTED]@goodwinlaw.com]
Sent: Thursday, September 21, 2017 12:50 PM
To: Kelly Thompson
Cc: Bonnie Bush; [REDACTED]

[Quoted text hidden]

[Quoted text hidden]

CONFIDENTIALITY NOTICE: This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, pleas

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

Mon, May 7, 2018 at 11:43 AM

Hi [REDACTED],

Just to confirm, we did not hear back from Amy, correct?

Thanks,

[REDACTED]

[Quoted text hidden]

--

Liliana Rocha
Policy and Advocacy Manager
Joyful Heart Foundation
212-475-2026

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

Mon, May 7, 2018 at 12:10 PM

Correct

[Quoted text hidden]