


August 26, 2019

BY FEDERAL EXPRESS AND ELECTRONIC MAIL

@springfieldcityhall.com

Records Access Officer for the City of Springfield
City Clerk Tasheena Davis

Re: Massachusetts Public Records Request

Dear Ms. Davis:

We represent the Joyful Heart Foundation (“Joyful Heart”) in connection with its Accountability project and submit this letter to you on its behalf. Joyful Heart is a non-profit organization focused on preventing and remediating sexual assault, domestic violence and child abuse. As part of the Accountability project, Joyful Heart is collecting information throughout the country concerning policies and procedures on evidence processing for the crime of rape, as well as information on the processing of rape kits each year. The ultimate goal of this initiative is to end the backlog of untested rape kits throughout the United States and to work with jurisdictions to develop and implement survivor-centered reforms. Joyful Heart is hoping to collaborate with the City Clerk’s Office and the Springfield Police Department (“SPD”), as well as other local authorities, in pursuit of this goal.

This letter is a request for information from Joyful Heart pursuant to the Massachusetts Public Records Law, M. G. L. c. 66 § 10 (the “Public Records Law”). As you are aware, the Public Records Law provides that the public must have access to public records not specifically exempt from disclosure.

Joyful Heart hereby requests that the SPD provide public records regarding each of the following:

1. Any documentation regarding the number of all sexual assault evidence kits received by the SPD broken down by year;
2. Any documentation regarding the number of sexual assault evidence kits received by the SPD that have been sent to a crime lab for DNA analysis broken down by year;
3. Any documentation regarding the number of sexual assault evidence kits received by the SPD that have not been sent to a lab for DNA analysis and remain in any storage facilities currently under the SPD’s jurisdiction and control, the date the kit was originally collected and the reason the kit remains untested;

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4. Any documentation regarding the number of sexual assault evidence kits received by the SPD that have been destroyed or lost; and
5. Any written policies or procedures regarding the SPD's practices on the handling of sexual assault evidence kits, including testing and destruction protocols, and also including any documents defining the meaning of any terms or abbreviations used by the SPD pertaining to sexual assault evidence kits and evidence tracking systems, if applicable.

Please note that **no** private information of individual suspects or victims is being requested, as we fully respect the privacy interests of those individuals. We are happy to work with you to ensure that all privacy regulations are upheld.

Joyful Heart presumes that as the Records Access Officer, you will be the individual whom it can communicate regarding this request. To the extent there are any other individuals to include, please advise.

We appreciate your immediate attention to this matter. We understand that the records requested in this letter may not be available within ten (10) business days and in that event, pursuant to Subsection 10(b) of the Public Records Law, we look forward to receiving a written response stating the time reasonably necessary to produce the records or information.

In addition, pursuant to Subsection 10(d) of the Public Records Law, we understand that a fee may be imposed in connection with this request. We would kindly request that you waive any such fee based on the public interest in the requested disclosure. If the fee cannot be waived, please provide an estimate of the fees for the above listed documentation prior to incurring any such fee.

If you have any questions, please do not hesitate to contact me at [REDACTED]@goodwinlaw.com or [REDACTED]

Sincerely,

[REDACTED]

Cc (via email): Joyful Heart Foundation



[REDACTED]@joyfulheartfoundation.org>

Joyful Heart-Responses From Massachusetts Jurisdictions

[REDACTED]@goodwinlaw.com> Wed, Jul 1, 2020 at 10:41 PM
To: [REDACTED]@joyfulheartfoundation.org" [REDACTED]@joyfulheartfoundation.org>
Cc: [REDACTED]@goodwinlaw.com>, [REDACTED]@goodwinlaw.com>

Hi [REDACTED]

I wanted to reach out to confirm that Worcester and Springfield had provided responses to our original FIOA requests (responses pasted below). Some of this information was provided in our 'tracker' which may not have gotten into your hands (apologies for that). I have attached the email correspondence for Worcester to this email if helpful. We had requested additional information in which the representative had requested additional time to pull together the requested documents. Below was the original response to our FOIA request and follow up questions.

Worcester Response to FOIA

Thank you for your public records request. The Police Department's Detective Bureau and Special Crimes Unit have performed a searches for responsive records and as a result the city now provides the following information regarding the remaining portions of your request. There are no documents responsive to parts one through four of your request. All documentation for each kit is individualized; the city does not currently possess a master list containing the requested information on individual evidence kits. All evidence kits received by the Special Crimes Unit are submitted for testing. Kits are only destroyed upon receipt of a court order signed by a judge.

Goodwin Follow up questions:

Based on the policy provided, it appears the WPD has an evidence custodian log (possibly by DB Evidence Custodian). Could we be provided a copy of the log to see how many rape kits were collected?

Does the special crime unit have records of the kits they received and the mechanics for their handling, tracking and storing? Also, what does the evidence submissions form look like? Could we be provided a copy of this form?

Springfield Response to FOIA

It is standard operating procedure that all rape kits collected by SPD be submitted to the MA state police for testing, and that all SPD data related to rape kits is submitted to the Executive Office of Public Safety. The SPD does not have a policy regarding the processing of rape kits.



Goodwin Procter LLP

[Redacted]

@goodwinlaw.com | goodwinlaw.com

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

From: [Redacted]@goodwinlaw.com>
To: publicrecords@[Redacted]@worcesterma.gov>
Cc:
Bcc:
Date: Wed, 1 Jul 2020 19:29:17 +0000
Subject: RE: Massachusetts Public Records Request

Thanks again Mr. Martunas – we appreciate your attention to this matter. Please let me know if you have any further updates on the matter.

From: [Redacted]
Sent: Wednesday, March 4, 2020 12:55 PM
To: 'publicrecords'@[Redacted]@worcesterma.gov>
Subject: RE: Massachusetts Public Records Request

Thank you Mr. Martunas – we appreciate your attention to this matter. Please let me know if you have any further updates on the matter.

From: publicrecords@[Redacted]@worcesterma.gov>
Sent: Wednesday, January 29, 2020 4:57 PM
To: [Redacted]@goodwinlaw.com>
Cc: publicrecords@[Redacted]@worcesterma.gov>
Subject: RE: Massachusetts Public Records Request

Good afternoon [Redacted]