



December 4, 2020



Re: Public Records Request

Dear 

The Public Records Request referenced below was received by the San Jose Police Department on November 9, 2020:

Request #1: *Any documentation regarding the number of sexual assault evidence kits received by the SJPd from January 1, 2000 through the present, broken down by year, and, if any such documentation exists from prior to January 1, 2000, any documentation showing when maintenance of such records began;*

SJPd Response #1: The Sexual Assault Investigation Unit has advised records exist and are currently being compiled. An update will be provided to you by January 8, 2021.

Request #2: *Any documentation regarding the number of sexual assault evidence kits received by the SJPd which were analyzed for DNA from January 1, 2000 through the present, broken down by year, and, if any such documentation exists from prior to January 1, 2000, any documentation showing when maintenance of such records began;*

SJPd Response #2: The Sexual Assault Investigation Unit has advised records exist and are currently being compiled. An update will be provided to you by January 8, 2021.

Request #3: *Any documentation regarding the number of sexual assault evidence kits received by the SJPd which were not analyzed for DA from January 1, 2000 through the present broken down by year, and, if any such documentation exists from prior to January 1, 2000, any documentation showing when maintenance of such records began;*

SJPd Response #3: The Sexual Assault Investigation Unit has advised records exist and are currently being compiled. An update will be provided to you by January 8, 2021.

Request #4: *Any documentation providing the reason(s) the sexual assault evidence kits identified in*



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(3) were not sent to a crime lab for DNA analysis, and, if any such documentation exists from prior to January 1, 2000, any documentation showing when maintenance of such records began;

SJPD Response #4: The Sexual Assault Investigation Unit has advised records exist and are currently being compiled. An update will be provided to you by January 8, 2021.

***Request #5:** Any documentation regarding the number of sexual assault evidence kits received by the SJPD that are unprocessed and remain in any storage facilities currently under the police department's jurisdiction and control;*

SJPD Response #5: The Sexual Assault Investigation Unit has advised records exist and are currently being compiled. An update will be provided to you by January 8, 2021.

***Request #6:** Any documentation regarding the number of sexual assault evidence kits received by the SJPD which have been lost or destroyed from January 1, 2000, broken down by year and, if any such documentation exists from prior to January 1, 2000, any documentation showing when maintenance of such records began; and*

SJPD Response #6: Additional time is needed to respond to this portion of the request.

***Request #7:** Any written policies or procedures regarding the SJPD's practices on the handling of sexual assault evidence kits, including testing protocols and retention and destruction policies and also including any documents defining the meaning of any terms or abbreviations used by the SJPD pertaining to sexual assault evidence kits.*

SJPD Response #7: Please visit the Penal Code 13650 library located here and search for the Sexual Assault Investigation Unit Guidelines.

<https://www.sjpd.org/records/p-c-13650-library>

You may also refer to the San Jose Police Department Duty Manual located here and keyword search the information you are seeking.

<https://www.sjpd.org/home/showpublisheddocument?id=314>

You may also refer to section L 6001 INVESTIGATION OF SEX CRIMES.



Questions regarding this response should be directed to Ariel Benoit, Research & Development Unit, at [\[REDACTED\]@sanjoseca.gov](mailto:[REDACTED]@sanjoseca.gov) or [\[REDACTED\]](mailto:[REDACTED])

Should you desire to appeal this response, please submit your appeal to:


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Open Government Manager
Cit of San Jose Office of the City Manager

@sanjoseca.gov

Or Cit of San Jose Office of the City Clerk

@sanjoseca.gov

Sincerely,

Edgardo Garcia
Chief of Police

By April Benoit
Research and Development Unit

EG:AB



January 7, 2021



Re: Public Records Request

Dear 

The Public Records Request referenced below was received by the San Jose Police Department on November 9, 2020. A partial response was sent to you on December 4, 2020. Please see updated responses below.

Request #1: *Any documentation regarding the number of sexual assault evidence kits received by the SJPd from January 1, 2000 through the present, broken down by year, and, if any such documentation exists from prior to January 1, 2000, any documentation showing when maintenance of such records began;*

SJPd Response #1: To date, the Department has not disposed of and remains to have in its possession, 2,449 Sexual Assault Evidence Kits for the timeframe 1986 - November 2, 2020;

NUMBER OF SARTs
RECEIVED BY YEAR

YEAR	COUNT
1986	1
1989	1
1990	1
1991	3
1992	3
1993	6
1995	1
1996	2
1997	6
1998	20

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1999	22
2000	52
2001	79
2002	19
2003	50
2004	17
2005	67
2006	94
2007	91
2008	97
2009	139
2010	116
2011	96
2012	112
2013	113
2014	157
2015	154
2016	146
2017	168
2018	189
2019	237
2020	148
UNKNOWN	42
Grand Total	2449

Request #2: Any documentation regarding the number of sexual assault evidence kits received by the SJPd which were analyzed for DNA from January 1, 2000 through the present, broken down by year, and, if any such documentation exists from prior to January 1, 2000, any documentation showing when maintenance of such records began;

SJPd Response #2: To date, the Department has not disposed of and remains to have in its possession, 1,291 tested Sexual Assault Evidence Kits from timeframe 1986 - February 5, 2019. Audit of kits from February 5, 2019 and forward are unavailable;



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NUMBER OF SARTs
TESTED BY YEAR

YEAR	COUNT
1986	1
1989	1
1990	1



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1991	3
1992	2
1993	6
1995	1
1996	2
1997	3
1998	15
1999	7
2000	46
2001	70
2002	17
2003	48
2004	17
2005	49
2006	51
2007	48
2008	48
2009	66
2010	43
2011	46
2012	51
2013	50
2014	68
2015	80
2016	117
2017	140
2018	161
2019	16
UNKNOWN	17
Grand Total	1291

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Request #3: *Any documentation regarding the number of sexual assault evidence kits received by the SJPd which were not analyzed for DA from January 1, 2000 through the present broken down by year, and, if any such documentation exists from prior to January 1, 2000, any documentation showing when maintenance of such records began;*

SJPd Response #3: To date, the Department has not disposed of and remains to have in its possession, 735 untested Sexual Assault Evidence Kits for timeframe 1986 - February 5, 2019. Audit of kits from February 5, 2019 and forward are unavailable;

NUMBER OF SARTs
NOT TESTED BY YEAR

YEAR	COUNT
2000	6
2001	8
2002	1
2003	2
2005	18
2006	41
2007	42
2008	48
2009	72
2010	71
2011	48
2012	61
2013	63
2014	89
2015	73
2016	29
2017	27
2018	23
UNKNOWN	13
Grand Total	735

Request #4: *Any documentation providing the reason(s) the sexual assault evidence kits identified in (3) were not sent to a crime lab for DNA analysis, and, if any such documentation exists from prior to January 1, 2000, any documentation showing when maintenance of such records began;*

SJPd Response #4: To date, the Department has not disposed of and remains to have in its possession, 19 Sexual Assault Evidence Kits that the Department did not send to a crime lab for DNA analysis. Audit of kits from February 5, 2019 and forward are unavailable. The reasons for the Kits not being sent are as follows:



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- 18 were Non-Investigative Reports (NIR)
- 1 was a Missing Persons report where the victim was located and confirmed decease

Request #5: *Any documentation regarding the number of sexual assault evidence kits received by the SJPD that are unprocessed and remain in any storage facilities currently under the police department's jurisdiction and control;*

SJPD Response #5: If by “unprocessed” you mean not booked, then there are no records responsive as all evidence is booked. If by “unprocessed” you mean untested or not sent to the lab, then please refer to the responses for items #3 and #4.

Request #6: *Any documentation regarding the number of sexual assault evidence kits received by the SJPD which have been lost or destroyed from January 1, 2000, broken down by year and, if any such documentation exists from prior to January 1, 2000, any documentation showing when maintenance of such records began; and*

SJPD Response #6: Data is only available from 2012 to present in the Department’s Record Management system. Please see below:

Year	# Destroyed
2012	0
2013	0
2014	0
2015	0
2016	0
2017	0
2018	0
2019	0
2020	1

Request #7: *Any written policies or procedures regarding the SJPD's practices on the handling of sexual assault evidence kits, including testing protocols and retention and destruction policies and also including any documents defining the meaning of any terms or abbreviations used by the SJPD pertaining to sexual assault evidence kits.*

SJPD Response #7: A response was provided to you on December 4, 2020.

The information and data provided are subject to change without notice. The information provided in this response reflects evidence that was received for select timeframes and has not been disposed. Any evidence received under the jurisdiction of the Department is stored, safeguarded, and subject to proper disposal under authorized standard operating procedures.

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Questions regarding this response should be directed to April Benoit Research & Development Unit, at [REDACTED]@sanjoseca.gov or [REDACTED]

Should you desire to appeal this response, please submit your appeal to:

Open Government Manager
City of San Jose Office of the City Manager
[REDACTED]
[REDACTED]@sanjoseca.gov

Or City of San Jose Office of the City Clerk
[REDACTED]
[REDACTED]@sanjoseca.gov

Sincerely,

Dave Knopf
Acting Chief of Police

By April Benoit
Research and Development Unit

DK:AB