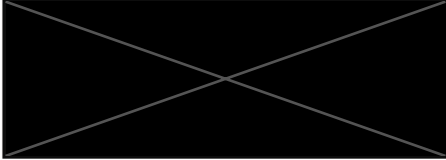




SANTA ROSA POLICE

November 4, 2020



RE: PRA 20-769, Public Records Act Request

The City of Santa Rosa is in receipt of your request for public records, received by the City on October 26, 2020.

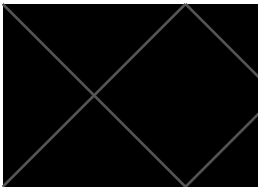
Under the California Public Records Act (Government Code Section 6250, et seq.), the City is obliged to comply with a request for a public record so long as the requester makes a specific and focused request for records, the record is maintained by the City in its ordinary course of business, the record is disclosable, and the records can be located with reasonable effort. The Public Records Act provides for the inspection or copying of existing identifiable public records; it does not compel the City to create new records, lists, or reports in response to a request, nor does it compel the City to answer questions.

The City is required to determine whether the request, in whole or in part, seeks disclosable public records. Ordinarily, this determination must take place within ten (10) days of the City's receipt of the request. Consistent with that requirement, the City has reviewed your request in light of City records and made the following determination:

REQUESTS:


1. Any documentation regarding the number of sexual assault evidence kits received by the SRPD 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;
2. Any documentation regarding the number of sexual assault evidence kits received by the SRPD 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;
3. Any documentation regarding the number of sexual assault evidence kits received by the SRPD which were not 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;
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;





5. Any documentation regarding the number of sexual assault evidence kits received by the SRPD that are unprocessed and remain in any storage facilities currently under the police department's jurisdiction and control;
6. Any documentation regarding the number of sexual assault evidence kits received by the SRPD 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
7. Any written policies or procedures regarding the SRPD'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 SRPD pertaining to sexual assault evidence kits.

DETERMINATION: The requests seek partially disclosable public records. Partial records are exempt from disclosure pursuant to California Government Code 6254, subdivision (f).

The records you requested and which were determined to be disclosable are currently being compiled. They should be available by November 18, 2020. If you have any questions, you may contact me at .

Sincerely,



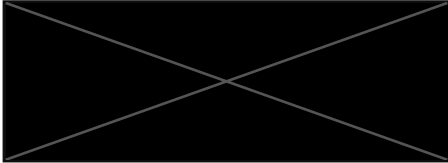
CARRIE L. BEHLER
Administrative Secretary
Office of the Chief of Police





SANTA ROSA POLICE

November 18, 2020



RE: PRA 20-769, Public Records Act Request

The City of Santa Rosa is in receipt of your request for public records, received by the City on October 26, 2020.

Under the California Public Records Act (Government Code Section 6250, et seq.), the City is obliged to comply with a request for a public record so long as the requester makes a specific and focused request for records, the record is maintained by the City in its ordinary course of business, the record is disclosable, and the records can be located with reasonable effort. The Public Records Act provides for the inspection or copying of existing identifiable public records; it does not compel the City to create new records, lists, or reports in response to a request, nor does it compel the City to answer questions.

The City is required to determine whether the request, in whole or in part, seeks disclosable public records. Ordinarily, this determination must take place within ten (10) days of the City's receipt of the request. Consistent with that requirement, the City has reviewed your request in light of City records and made the following determination:

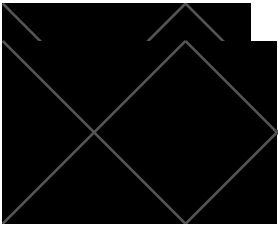
REQUEST #1: Any documentation regarding the number of sexual assault evidence kits received by the SRPD from January 1, 2000 through the present, broken down by year, and, if any such documentation exists from prior to January 1, 2000, any documentation showing when maintenance of such records began.

DETERMINATION: The request seeks partially disclosable public records. Partial records are exempt from disclosure pursuant to California Government Code 6254, subdivision (f). In response to this request, the City has produced the following:

1. List of SART (Sexual Assault Response Team) kits from 1-1-2000 to 11-4-2020.

REQUEST #2: Any documentation regarding the number of sexual assault evidence kits received by the SRPD 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.





DETERMINATION: The request seeks partially disclosable public records. Partial records are exempt from disclosure pursuant to California Government Code 6254, subdivision (f). In response to this request, the City has produced the following:

1. List of SART kits from 1-1-2000 to 11-4-2020.

REQUEST #3: Any documentation regarding the number of sexual assault evidence kits received by the SRPD which were not 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.

DETERMINATION: The request seeks partially disclosable public records. Partial records are exempt from disclosure pursuant to California Government Code 6254, subdivision (f). In response to this request, the City has produced the following:

1. List of Untested SART Kits.

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.

DETERMINATION: Please be advised the City has no records responsive to this request.

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

DETERMINATION: The request seeks partially disclosable public records. Partial records are exempt from disclosure pursuant to California Government Code 6254, subdivision (f). In response to this request, the City has produced the following:

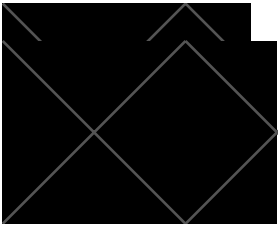
1. List of Untested SART Kits.

REQUEST #6: Any documentation regarding the number of sexual assault evidence kits received by the SRPD 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.

DETERMINATION: Please be advised the City has no records responsive to this request.

REQUEST #7: Any written policies or procedures regarding the SRPD'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 SRPD pertaining to sexual assault evidence kits.






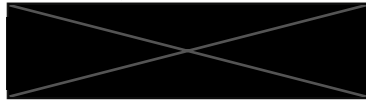
DETERMINATION: This request seeks information that is within disclosable public records. In response to this request, the City is providing a link to the Santa Rosa Police Department Policy Manual. Of special note are policies 330, 602 and 605.

[2020 SRPD Policy Manual](#)

While we do not have records responsive to showing when maintenance of such records began, our first sexual assault case that we still have a kit for is from 1996.

If you have any questions, you may contact me at 

Sincerely ,



CARRIE L. BEHLER
Administrative Secretary
Office of the Chief of Police

Child Abuse Reporting

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines and procedures for reports of suspected child abuse and taking minors into protective custody. The Santa Rosa Police Department shall document all reported or suspected cases of child abuse utilizing the departmental crime case report form.

Adopted 6-9-11 by Chief Thomas E. Schwedhelm.

Revised 3-21-17 by Chief Robert L. Schreeder.

330.2 DEFINITIONS

- (a) **Child** - A person under the age of 18 years.
- (b) **Child Abuse** - Any act of omission or commission that endangers or impairs a child's physical or emotional well-being. Child abuse includes any of the following acts committed against a person under 18 years of age: Physical abuse, neglect, sexual abuse, emotional abuse.
 - 1. Child abuse also means a physical injury which is inflicted by other than accidental means on a child by another person.
 - 2. Child abuse also means the sexual abuse or any act or omission prescribed by Penal Code § 273a (willful cruelty or unjustifiable punishment of a child) or Penal Code § 273d (unlawful corporal punishment or injury).
 - 3. Child abuse also means the neglect of a child or abuse in out-of-home care.
 - 4. Child abuse does not include a mutual affray between children.
 - 5. Child abuse does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer (Penal Code § 11165.6).
- (c) **Child Protective Agency** - A police department or sheriff's office, a county probation department or a county welfare department. This section does not include school district police or security department.

330.3 MANDATORY NOTIFICATION

Child Protective Services (CPS) shall be notified when (Penal Code § 11166):

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare.

Santa Rosa Police Department

Santa Rosa PD Policy Manual

Child Abuse Reporting

- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

Additionally, the District Attorney's Office shall be notified in all instances of known or suspected child abuse or neglect reported to the Santa Rosa Police Department. Reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care or supervision, when no physical injury to the child has occurred, should not be reported to the District Attorney (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g. foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority (Penal Code §§ 11166.1 and 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1), neglect (Penal Code § 11165.2), the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3, and unlawful corporal punishment or injury (Penal Code § 11165.4).

330.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Penal Code § 11166):

- (a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.
- (b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

330.3.2 POLICE REPORTS

Employees responding to incidents of suspected child abuse shall document the incident in a police or incident report. This includes instances where it cannot initially be shown that a crime occurred.

330.3.3 RELEASE OF REPORTS

Reports of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to Penal Code § 11167.5.

330.4 INVESTIGATIVE RESPONSIBILITY

Cases of suspected child abuse that are reported to the Police Department will normally be referred to the Field Services Division for the initial investigation and crime report. Exceptions to the above procedure shall be in cases where the suspected child abuse report is made directly to the Domestic Violence/Sexual Assault (DVSA) Team. In those situations, the DVSA Team supervisor shall have the option of assigning the case directly to an investigator, or referring the case to the Field Services Division if deemed appropriate.

Santa Rosa Police Department

Santa Rosa PD Policy Manual

Child Abuse Reporting

330.4.1 PHYSICAL ABUSE, EMOTIONAL ABUSE, AND NEGLECT INVESTIGATIONS

- (a) The welfare and protection of the child shall be the primary concern of the investigating officer. Officers shall be sensitive to the many differences in culture when evaluating potential abuse cases. It is essential to differentiate between harmful practices and those that are solely reflective of cultural differences and are not harmful to the child's well-being.
- (b) When interviewing the child in the home, the officer shall attempt to isolate the child and question the child as to the cause of any injuries. The officer shall also examine the child thoroughly for injuries. A visual examination of the child shall be conducted to ascertain if there are any injuries that might be hidden by clothing.
- (c) Evidence Collection - The officer shall photograph and collect any evidence of child abuse and neglect as soon as possible. Photographs shall be taken of any bruises, marks, lesions, burns or areas requiring medical treatment. In those situations where the child's living conditions are in question, photographs shall be taken of the child's sleeping area, bathroom facilities, and kitchen area, including the contents of a refrigerator and food storage areas.

330.4.2 SEXUAL ABUSE INVESTIGATIONS

- (a) Sexual abuse investigations shall be handled according to the following procedures.
 1. Officers shall attempt to obtain the necessary information for the initial crime report without interviewing the child. This can normally be accomplished by interviewing the reporting party.
 2. Officers shall not contact or interrogate the alleged suspect unless circumstances make it unavoidable. Such contacts or interrogations may be counterproductive if undertaken prior to an in-depth interview with the child victim.
 3. Officers should discuss the investigation with their sergeant to determine if the incident meets the criteria for advising the on-call DVSA detective.
- (b) Mandated Advisement
 1. The officer shall inform the child's nonoffending parent or guardian that the victim's name will become a matter of public record unless the parent or guardian requests that it not be, pursuant to Government Code § 6254.
 2. The officer shall document that the nonoffending parent or guardian was properly informed and document the response to the advisement on SRPD form 253-B.
 3. If the officer taking the initial report is not able to make the advisement, that fact and the reason why the advisement was not made shall be documented in the report.

Santa Rosa Police Department

Santa Rosa PD Policy Manual

Child Abuse Reporting

(c) Sexual Abuse Examinations

1. A detective from the Domestic Violence/Sexual Assault (DVSA) Team shall be notified of any investigation where it appears a sexual assault examination needs to be performed immediately. A sexual abuse examination shall be performed only when authorized by a detective or supervisor from the DVSA Team.
2. The sexual abuse exam shall be performed by a child sexual abuse examiner at the appropriate facility.
3. Any evidence collected by a detective, officer or employee shall be properly marked and placed into evidence.

330.4.3 DOMESTIC VIOLENCE/SEXUAL ASSAULT TEAM RESPONSIBILITIES

The DVSA Team supervisor shall be responsible for reviewing, assigning or referring to another agency all reports of suspected child abuse made to the Santa Rosa Police Department.

DVSA detectives shall be responsible for completing the necessary investigative action on each child abuse case assigned to them. Detectives shall ensure the following is accomplished.

- (a) Review the report and make follow-up contact with victims, witnesses and suspects as needed.
- (b) In situations where a child has been placed into protective custody, within 48 hours insure that Child Protective Services (CPS) has all needed information for any dependency action.
- (c) Complete the investigation in a timely manner and make an appropriate recommendation for disposition, based upon the investigative findings.

330.5 PROTECTIVE CUSTODY OF JUVENILES

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Department employees should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to the Valley of the Moon Children's Home (VOMCH) and;

Santa Rosa Police Department

Santa Rosa PD Policy Manual

Child Abuse Reporting

- (a) Complete a “Juvenile Referral” form utilizing the appropriate Welfare and Institutions Code section and subsection as the authority section.
- (b) List the names of parents or caretakers who by virtue of the investigation should not be allowed visitation with the juvenile(s) and list the reason for no contact on the Juvenile Referral form.
- (c) Medical Examinations - Any child taken into protective custody who appears to be in need of medical treatment because of illness or physical injury shall be taken to Sutter Hospital and evaluated by medical personnel prior to placement at VOMCH.
- (d) In any case where there is a question as to the need for a medical examination, the child shall be taken to Sutter Hospital so that the medical staff can make the determination.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

- (a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300 or a commercially exploited child under Penal Code § 647 and penal Code § 653.22 and further has good cause to believe that any of the following conditions exist:
 - 1. The child has an immediate need for medical care.
 - 2. The child is in immediate danger of physical or sexual abuse.
 - 3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child’s health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
 - 1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child, or, by flight or concealment, evade the authority of the court.
 - 2. There is no known lawful custodian available to take custody of the child.
 - 3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
 - 4. The child is an abducted child.
 - 5. The child is in the company of, or under the control of, a person arrested for Penal Code §§ 278 or 278.5.

Santa Rosa Police Department

Santa Rosa PD Policy Manual

Child Abuse Reporting

330.6 INTERVIEWS

Any person whose name was placed on the California's Child Abuse Central Index (CACI) as a result of an investigation by this agency may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution which precipitated the entry to CACI. All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI Hearing Officer.

330.6.1 CACI HEARING OFFICER

A Special Services Division Supervisor will normally serve as the hearing officer but must not be actively connected with the case which resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal the hearing officer shall promptly schedule a hearing to occur during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

330.6.2 HEARING PROCEDURES

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to the following:

- (a) Case reports including any supplemental reports.
- (b) Statements by investigators.
- (c) Statements from representatives of the District Attorney's Office.
- (d) Statements by representatives of a child protective agency who may be familiar with the case.

After considering all information presented the hearing officer shall make a determination as to whether to recommend the removal of the requesting party's name from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are unfounded. Unsubstantiated or inconclusive findings are not sufficient reasons to proceed with a request for removal from CACI.

If, after considering the evidence, the hearing officer finds that the allegations are unfounded, he/she shall cause a request to be completed and forwarded to the Department of Justice that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

Adult 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 victims.

Mandatory notifications requirements are addressed in the Child Abuse Reporting (#330) and Elder/Dependent Adult Abuse (#326) policies.

Adopted 6-9-11 by Chief Thomas E. Schwedhelm.

Revised 10-1-18 by Chief Robert L. Schreeder.

602.1.1 DEFINITIONS

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates, law enforcement officers, forensic medical examiners, including sexual assault forensic examiners (SAFEs). The team is designed to coordinate a broad response to sexual assault victims.

602.2 POLICY

It is the policy of the Santa Rosa Police Department that its employees, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of victims and the community.

602.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SART.
- (g) Santa Rosa Police Department Domestic Violence/Sexual Assault Investigations Team (DVSA) detectives meet these requirements.

Santa Rosa Police Department

Santa Rosa PD Policy Manual

Adult Sexual Assault Investigations

602.4 INVESTIGATIVE RESPONSIBILITIES

Cases of sexual assault that are reported to the Police Department will normally be referred to the Field Services Division for the initial investigation and crime report. The exceptions to the above procedure shall be in cases where the sexual assault report is made directly to the Domestic Violence/Sexual Assault Investigations Team (DVSA) of the Special Services Division. In those situations, the DVSA Team sergeant shall have the option of assigning the case directly to an investigator, or referring the case to the Field Services Division.

602.4.1 INITIAL INVESTIGATIVE STEPS BY OFFICERS

- (a) Obtain any necessary emergency medical care.
- (b) Establish the jurisdiction of the crime.
- (c) Establish what type of crime occurred.
- (d) Establish when the crime occurred.
- (e) Locate and secure any existing crime scene or evidence.
- (f) Offer the victim assistance in contacting a sexual assault advocate/counselor.
- (g) Provide, if necessary, transportation for the victim to a safe location.
- (h) Attempt to locate and interview any witnesses.
 - 1. After obtaining the above listed information, **do not interview the victim further.**
- (i) Attempt to identify the suspect without alerting the suspect of the investigation (commonly done through witnesses, reporting parties or department records).
 - 1. Officers shall not contact or interrogate the alleged suspect unless circumstances make it unavoidable. Such contacts or interrogations may be counterproductive if undertaken prior to an in-depth interview of the victim by DVSA detectives.
- (j) If 120 hours or less have passed since the crime occurred, request through a police sergeant, telephone contact with the on-call DVSA detective. Based on circumstances, the detective will respond to assist with or take over the investigation or give further instruction to the investigating officer.
- (k) In cases where more than 120 hours have passed since the crime occurred and there is deteriorating physical evidence connected to the sexual assault (typically evidence a SART exam would preserve), the officer shall request through a police sergeant, telephone contact with the on-call DVSA detective in order to evaluate other investigative steps.
- (l) Provide the victim with a Directory Resource Information Pamphlet.

602.5 VICTIM INTERVIEWS

- (a) The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Bureau, should be the health and safety of the victim, the

Santa Rosa Police Department

Santa Rosa PD Policy Manual

Adult Sexual Assault Investigations

preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

- (b) 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 practical, the follow-up interview should be conducted by a qualified DVSA detective. The detective will schedule the follow-up interview with the victim.
- (c) Victims are often reluctant or embarrassed to discuss details. Recanting or changing one or more aspects of a prior statement is not necessarily an indication of false reporting or that the case is unfounded. If the responding officer has reason to believe the incident may be without merit, he/she should document the evidence and inconsistencies. Due to physical and emotional trauma, and the myths and stereotypes associated with sexual assault, inconsistencies in the victim's report are not uncommon. No opinions of whether the case is unfounded shall be included in the report.
- (d) Victims shall not be asked or required to take a polygraph examination (42 USC § 3796gg-8; Penal Code § 637.4).

602.5.1 VICTIM RIGHTS

- (a) Victims should be apprised of applicable victim's rights provisions. Whenever there is an alleged sexual assault the assigned officer shall accomplish the following:
 - 1. Provide the victim with the "Directory of Resource Information Pamphlet" 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) In situations when a DVSA detective is assigned to investigate, he/she shall make the following notifications:
 - 1. Advise the victim of the right to have a victim advocate and a support person present at any initial interview by law enforcement as provided in Penal Code § 679.04(a).
 - (a) An initial investigation by law enforcement to determine whether a crime was committed and the identity of the suspects shall not constitute a law enforcement interview for the purposes of this section (Penal Code § 679.04(c)).
 - (b) A support person may be excluded from the interview by the officer or detective if his/her presence would be detrimental to the purpose of the examination (Penal Code § 679.04(a)).
 - 2. If the victim is transported to a hospital for any medical evidentiary or physical examination, immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2(b)(1)).

Santa Rosa Police Department

Santa Rosa PD Policy Manual

Adult Sexual Assault Investigations

602.5.2 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 his/her 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). SRPD form 253 B will be completed to further document this advisement.

If this advisement cannot be made, the officer shall document this fact and the reason why the advisement could not be made.

- (a) The assigned detective will attempt to complete the notification and document the information in a supplemental report.

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

602.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

- (a) Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.
- (b) 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.
- (c) If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practical.
- (d) 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.
- (e) 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.

602.6.1 COLLECTION AND TESTING REQUIREMENTS

Officers or detectives 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 officer or detective 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).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is an issue and is not going to be analyzed within 18 months of the crime, the assigned officer or

Santa Rosa Police Department

Santa Rosa PD Policy Manual

Adult Sexual Assault Investigations

detective 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)).

602.6.2 VICTIM NOTIFICATION OF DNA STATUS

A SART member may 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). The assigned detective should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations.

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, the assigned detective 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 detective should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 - 2. Absent a written request, no employee of this department 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 officer or detective 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 detective should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 - 2. No employee shall be required or expected to release any information which might impede or compromise any ongoing investigation.

Adult Sexual Assault Investigations

602.6.3 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 Evidence and Property Procedure #819.

602.7 DISPOSITION OF CASES

If the assigned detective has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the DVSA sergeant.

Classification of a rape case as unfounded requires the DVSA sergeant 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 to support the recanted information before the case should be determined as unfounded.

602.8 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appears to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The DVSA sergeant should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

602.9 TRAINING

Subject to available resources, periodic training will be provided to:

- (a) Employees who are first responders. Training should include:
 - 1. Initial response to sexual assaults
 - 2. Legal issues
 - 3. Victim advocacy
 - 4. Victims' response to trauma
- (b) Qualified investigators who should receive advanced training on additional topics. Advanced training should include:
 - 1. Interviewing sexual assault victims
 - 2. SART
 - 3. Serial crimes investigations
 - 4. Use of community and other federal and state investigative resources such as the Violent Criminal Apprehension Program (ViCAP)
 - 5. Techniques for communicating with victims to minimize trauma

Adult Sexual Assault Investigation Procedure

605.1 PURPOSE AND SCOPE

It shall be the policy of the Santa Rosa Police Department to document all reported cases of sexual assault utilizing the departmental crime case report form.

Adopted 6-9-11 by Chief Thomas E. Schwedhelm.

605.2 DEFINITIONS

The term sexual assault investigation refers to any criminal case involving the following crime categories:

261 P.C. - Rape

262 P.C. - Spousal Rape

286 P.C. - Sodomy

288(a) P.C. - Oral Copulation

289 P.C. - Anal/Genital Penetration with Foreign Object

220 P.C. - Assault with Intent to Commit any of the above

605.3 INVESTIGATIVE RESPONSIBILITIES

Cases of sexual assault that are reported to the Police Department will normally be referred to the Field Services Division for the initial investigation and crime report.

The exceptions to the above procedure shall be in cases where the sexual assault report is made directly to the Domestic Violence/Sexual Assault Investigations Team (DVSA) of the Special Services Division. In those situations, the DVSA Team supervisor shall have the option of assigning the case directly to an investigator, or referring the case to the Field Services Division.

605.3.1 INITIAL INVESTIGATING OFFICER INVESTIGATIVE STEPS

- (a) Obtain any necessary emergency medical care.
- (b) Locate and secure any existing crime scene or evidence.
- (c) Establish what type of crime occurred.
- (d) Establish when the crime occurred.
- (e) Establish the jurisdiction of the crime.
- (f) Provide the victim with a Directory Resource Information Pamphlet.
- (g) Offer the victim assistance in contacting a sexual assault advocate/counselor.
- (h) Provide, if necessary, transportation for the victim to a safe location.
- (i) Attempt to locate and interview any witnesses.

Santa Rosa Police Department

Santa Rosa PD Policy Manual

Adult Sexual Assault Investigation Procedure

1. After obtaining the above listed information, **do not interview the victim further.**
- (j) Attempt to identify the suspect without alerting the suspect of the investigation (commonly done through witnesses or reporting parties).
 1. Officers shall not contact or interrogate the alleged suspect unless circumstances make it unavoidable. Such contacts or interrogations may be counterproductive if undertaken prior to an in-depth interview of the victim by DVSA detectives.
- (k) If 120 hours or less have passed since the crime occurred, request through a police sergeant telephone contact with the on-call DVSA detective. Based on circumstances, the detective will respond to assist with or take over the investigation or give further instruction to the investigating officer.
- (l) In cases where more than 120 hours have passed since the crime occurred and there is deteriorating physical evidence connected to the sexual assault (typically evidence a SART exam would preserve), the officer shall request through a police sergeant telephone contact with the on-call DVSA detective in order to evaluate other investigative steps.

605.4 MANDATED ADVISEMENT

- (a) In all sexual assault cases, the officer shall inform the victim that the victim's name will become a matter of public record unless the victim requests that it not become a matter of public record, pursuant to Government Code § 6254.
- (b) The officer shall document in the report the victim was properly informed and document the response to the advisement on SRPD form 253 B.
- (c) If the officer taking the initial report is not able to make the advisement, that fact and the reason why the advisement was not made shall be documented in the report.

605.5 SEXUAL ASSAULT EXAMINATIONS

- (a) A sexual assault examination shall be performed only when authorized by an investigator from the DVSA Team.
- (b) The sexual assault examination shall be performed by a sexual assault examiner in accordance with the California Medical Protocol for examination of sexual assault victims.
- (c) No officer shall be present in the examination room during the sexual assault examination.
- (d) If the clothing being worn by the victim is the same as when the sexual assault occurred, it shall be the responsibility of the patrol officer to insure the clothing is

Santa Rosa Police Department

Santa Rosa PD Policy Manual

Adult Sexual Assault Investigation Procedure

collected as evidence. Each article of clothing shall be placed in an individual paper bag.

605.6 DOMESTIC VIOLENCE/SEXUAL ASSAULT TEAM RESPONSIBILITIES

The DVSA Team supervisor shall be responsible for reviewing, assigning or referring to another agency all reports of adult sexual assaults made to the Santa Rosa Police Department.

DVSA Team investigators shall be responsible for completing the necessary investigative action on each sexual assault case assigned to them. Investigators shall ensure the following is accomplished:

- (a) Review the report and make follow-up contact with victims, witnesses and suspects as needed.
- (b) Complete the investigation in a timely manner and make an appropriate recommendation for disposition, based upon the investigative findings.

TOTAL SEXUAL ASSAULT KITS						
1/1/2000 - 11/4/2020						
		TOTAL	SUSPECT	VICTIM	SUSPECT TESTED	VICTIM TESTED
	BOX 1	0				
	BOX 2	0				
	BOX 3	0				
	BOX 4	2	1	1		1
	BOX 5	0				
	BOX 6	11	3	8	2	8
	BOX 7	12	3	9		9
	BOX 8	5	4	1	2	1
	BOX 9	11	2	9		9
	BOX 10	12	3	9	1	9
	BOX 11	4	3	1		1
	BOX 12	8		8		8
	BOX 13	9		9		9
	BOX 14	2		2		2
	BOX 15	10	2	8		8
	BOX 16	11	2	9		9
	BOX 17	3	1	2		2
	BOX 18	0				
	BOX 19	5	2	3	1	3
	BOX 20	0				
	BOX 21	0				
	BOX 22	11	1	10	1	10
	BOX 23	11	3	8	1	8
	BOX 24	10		10		10
	BOX 25	8		8		8
	BOX 26	10		10		10
	BOX 27	11	2	9		9
	BOX 28	0				
	BOX 29	5	1	4		4
	BOX 30	0				
	BOX 31	0				
	BOX 32	7	2	5	1	5
	BOX 33	0				
	BOX 34	2	1	1	1	1
	BOX 35	0				
	BOX 36	17	1	16		16
	BOX 37	11	4	7	1	7
	BOX 38	13	5	8		8
	BOX 39	1	1			
	BOX 40	9	1	8		8
	BOX 41	9		9		9

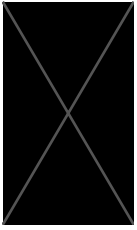
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	BOX 55	5		5		5
	BOX 56	6		6		6
	BOX 57	7		7		7
	BOX 58	7		7		7
	BOX 59	5		5		5
	BOX 60	6		6		6
	BOX 61	6		6		6
	BOX 62	8		8		8
	At Lab	1	1		1	
	At Lab	2		2		2
	Total	422	57	365	16	365
	Total Victim Kits: 365					
	Plus DANY Grant Victim Kits: 107					
	Total Suspect Kits: 57					
	Plus Untested Kits: 80 (See "Untested" list)					
	Total Kits: 609					
	Total Victim Kits Tested: 433 (Includes DANY Grant Kits)					
	Total Suspect Kits Tested: 16					
	Total Untested Suspect Kits: 41					
	Total Untested Victim Kits: 39					

UNTESTED SART KITS

1/1/2000 to 11/4/2020

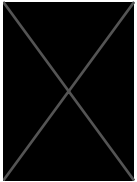
Report # Internal
SRPD#

BOX 1



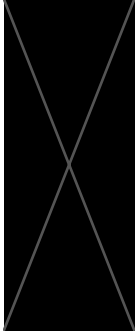
1
3MM
MJM1
1EL
3SB
1EL

Agency Assist-
SAC PD



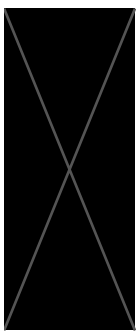
MH1
JB2
13LA
2MM
1DL

BOX 2



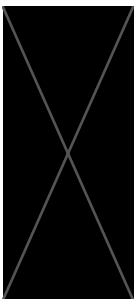
HD1
JS3
2LW
1DL
FF1
BK3
5DL
HD3
1DL

BOX 3



HD1
3MM
1JW
HD1
10KW
1DL
1AJ
2DL
HD2

BOX 4

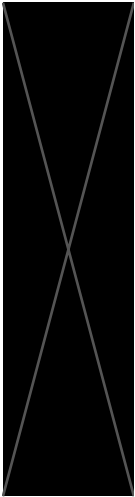


MW1
1MM
HD10
3
1BC
6AJ
1TW
3BC

BOX 5

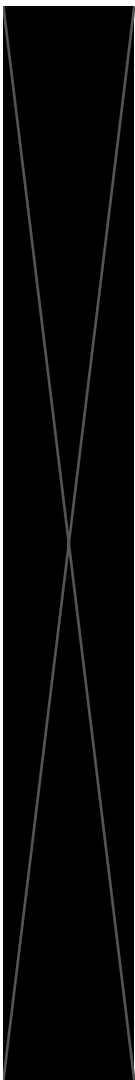


8



5
4
1
1
3
5
2
4
1
1
16
7
5

BOX 6



3M
8LB
HD1
1DM
1SB Agency Assist
1DM Agency Assist
1LVO
1DK
JS1
3MM
SR1 Agency Assist
1
MH3
3DL
3KW
SR1
HD9
SR1
MW3
3MM
WA2
HD1
1KW
6
1
1 Agency Assist
1
1EL
2,3 Info report

Total

80 Kits