



December 15, 2020

BY FEDERAL EXPRESS AND ELECTRONIC MAIL

Chief Eve R. Berg
Torrance Police Department


Dear Chief Berg:

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 Torrance Police Department (“TPD”) as well as other local authorities in pursuit of this goal.

This letter is a request for information from Joyful Heart pursuant to the California Public Records Act, § 6250 et seq. (the “Act”). As you are aware, the Act provides that the public must have access to public records not specifically exempt from disclosure.

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

1. Any documentation regarding the number of sexual assault evidence kits received by the TPD 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 TPD 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;



Chief Eve R. Berg
December 15, 2020
Page 2

3. Any documentation regarding the number of sexual assault evidence kits received by the TPD 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;
5. Any documentation regarding the number of sexual assault evidence kits received by the TPD 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 TPD 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 TPD'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 TPD pertaining to sexual assault evidence kits

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 also requests that, if you are not the correct contact for this request, you identify a specific individual with whom it can communicate regarding this request.

We appreciate your immediate attention to this matter. In accordance with Section 6253(c) of the Act, we expect to receive a determination as to whether this request is for disclosable public records in the TPD or the City Clerk's possession within ten (10) days of your receipt of this request. We understand that an additional fourteen (14) day period may be required to respond to this request, in which case we expect to receive notice of such extension within the 10-day period. In accordance with Section 6253(c), once the determination has been made, we also look forward to receiving an estimated date and time when the records will be made available. In any event, we expect the TPD to identify a relevant point of contact, if it is someone other than yourself, as requested above within the statutory ten (10) day period.



Chief Eve R. Berg
December 15, 2020
Page 3

In addition, pursuant to Section 6253(b) of the Act, we understand that fees covering direct costs of Duplication may be imposed in connection with this request. We would kindly request that you 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



in r l



cc (via email): Joyful Heart Foundation

Subject: Request For Information Under California Public Records Act, § 6250 et seq.



[redacted] goodwinlaw.com>
to [redacted] TorranceCA.gov

Tue, Dec 15, 2020, 6:20

You are viewing an attached message. Joyful Heart Foundation Mail can't verify the authenticity of attached messages.

Dear Chief Berg,

I represent the Joyful Heart Foundation in connection with its Accountability Project and submit the enclosed letter to you on their behalf. I would appreciate your immediate attention to this matter.

Sincerely,

[redacted]



Goodwin Procter LLP

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted] goodwinlaw.com | goodwinlaw.com



[Redacted] joyfulheartfoundation.org>

Torrance - FW: Public Records Act Request :: W006894-121520

1 message

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

Fri, Feb 5, 2021 at 4:52 PM

Hi [Redacted]

Enclosed is an email from the City of Torrance stating they need an additional 30 days to search their records. This is the second time they have extended the deadline for response. If they do not provide information in the next 30 days I will send a follow up request stating that more than a 60 day delay, even during a pandemic, is unacceptable.

Regards,

[Redacted]

From: City of Torrance Public Records Center [Redacted]@mycusthelp.net>
Sent: Thursday, February 4, 2021 8:34 PM
To: [Redacted] goodwinlaw.com>
Subject: Public Records Act Request :: W006894-121520

--- Please respond above this line ---



02/04/2021

[Redacted]

Dear Requester:

In response to your records request received on 12/15/2020 for Police records, the City of Torrance Police Department

has advised they need additional time to search for your records. They have requested an **additional 30 days**.

Thank you for your interest in the City of Torrance. Your request is still **OPEN**.

Sincerely,
Leticia Garcia
Records Management Specialist

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.



[Redacted] joyfulheartfoundation.org>

FW: Public Records Act Request :: W006894-121520

1 message

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

Tue, Mar 9, 2021 at 5:59 PM

Hi [Redacted]

Please see my follow up email to the City of Torrance below.

Regards,

[Redacted]

From: [Redacted]
Sent: Tuesday, March 9, 2021 9:58 AM
To: 'City of Torrance Public Records Center' [Redacted] mycusthelp.net>
Subject: RE: Public Records Act Request :: W006894-121520
Importance: High

Dear Ms. Garcia,

We have been waiting for over 60 days for a response to our request. This delay is unwarranted and unacceptable. We request that you take immediate steps to provide us with the requested information. Please provide a date certain for doing so.

Sincerely,

[Redacted]

From: City of Torrance Public Records Center [Redacted] @mycusthelp.net>
Sent: Thursday, February 4, 2021 8:34 PM
To: [Redacted] @goodwinlaw.com>
Subject: Public Records Act Request :: W006894-121520

--- Please respond above this line ---



02/04/2021



Dear Requester:

In response to your records request received on 12/15/2020 for Police records, the City of Torrance Police Department has advised they need additional time to search for your records. They have requested an **additional 30 days**.

Thank you for your interest in the City of Torrance. Your request is still **OPEN**.

Sincerely,
Leticia Garcia
Records Management Specialist

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.



[Redacted] joyfulheartfoundation.org>

Response from City of Torrance

2 messages

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

Mon, May 3, 2021 at 8:01 AM

Hi [Redacted]

Enclosed is the response we received from the City of Torrance. Please let me know if you have any follow up questions.

Regards,

[Redacted]

[Redacted]



Goodwin Procter LLP

[Redacted]
[Redacted]
[Redacted]
[Redacted] goodwinlaw.com



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.

Responsive_Info_as_of_04-29-2021_R (1).pdf
167K

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

Tue, May 4, 2021 at 11:16 AM

Hi [redacted]

This looks great. They provided all the data we requested. Thank you so much!

Gratefully,

[redacted]

[Quoted text hidden]

[redacted]

1. Any documentation regarding the number of sexual assault evidence kits received by the TPD 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;

Year	Number of Sexual Assault Evidence Kits Received
1986	1
1999	1
2000	0
2001	0
2002	0
2003	0
2004	0
2005	1
2006	5
2007	13
2008	16
2009	21
2010	25
2011	16
2012	12
2013	13
2014	18
2015	17
2016	18
2017	15
2018	14
2019	11
2020	15
Total	232

2. Any documentation regarding the number of sexual assault evidence kits received by the TPD 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;

Year	Number of Sexual Assault Evidence Kits Transferred to another Jurisdiction or Sent to a Lab to be Analyzed for DNA
1986	1
1999	1
2000	0
2001	0
2002	0
2003	0
2004	0
2005	1
2006	0
2007	4
2008	2

2009	12
2010	11
2011	13
2012	5
2013	6
2014	8
2015	8
2016	17
2017	15
2018	14
2019	11
2020	15
Total	144

3. Any documentation regarding the number of sexual assault evidence kits received by the TPD 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;

Year	Number of Sexual Assault Evidence Kits Not Transferred to another Jurisdiction, or Not sent to a Crime Lab to be Analyzed for DNA, or it cannot be determined if it was sent to a Crime Lab
1986	0
1999	0
2000	0
2001	0
2002	0
2003	0
2004	0
2005	0
2006	5
2007	9
2008	14
2009	9
2010	14
2011	3
2012	7
2013	7
2014	10
2015	9
2016	1
2017	0
2018	0
2019	0
2020	0
Total	88

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;

Year	Reasons Why Kit Not Analyzed and/or Notes Where It Could Not be Determined if the Kit was Analyzed
2006	Victim not desirous of prosecution.
2006	Victim did not respond to multiple attempts to contact. Case suspended.
2006	Victim recanted. Case closed unfounded.
2006	DA declined to file.
2006	Victim recanted.
2007	Case involved female found dead, alone in her apartment. Coroner determined cause of death from natural causes. Case closed.
2007	Victim was not desirous of prosecution. Case suspended.
2007	Victim wrote letter stating not desirous of prosecution at DDA's request. Case closed.
2007	DA declined to file.
2007	Victim not desirous of prosecution. DA declined to file.
2007	DA declined to file..
2007	Case adjudicated. Suspect pled / sentenced to state prison.
2007	Inconsistent / conflicting statements by victim. Case suspended.
2007	Victim could not recall assault upon questioning by Detective (Alzheimer's diagnosis). Case suspended.
2008	Juvenile suspect arrested and put into new placement.
2008	Submitted to DA's office.
2008	Case adjudicated. Suspect sentenced to state prison.
2008	No criminal allegations made with no findings on SART examination. Case closed unfounded.
2008	No criminal allegations made with no findings on SART examination. Case suspended.
2008	DA declined to file.
2008	Victim recanted. Case suspended.
2008	Submitted to DA's office.

2008	Case adjudicated. Suspect pled / sentenced to summary probation.
2008	Case adjudicated. Suspects convicted.
2008	Case adjudicated. Suspect convicted / sentenced to probation.
2008	Victim recanted. DA declined to file.
2008	Case adjudicated. Suspects convicted.
2008	Case adjudicated. Suspects convicted.
2009	Case adjudicated. Suspect convicted / sentenced to probation.
2009	Case adjudicated. Juvenile suspect pled / sentenced to probation.
2009	Victim recanted. Case suspended.
2009	Consensual sex between two minors at mental health facility. Case unfounded.
2009	Case suspended.
2009	Victim uncooperative. Case suspended.
2009	Victim not desirous of prosecution. Case suspended.
2009	Victim recanted. Case closed.
2009	Case closed unfounded.
2010	Case adjudicated. Suspect sentenced to state prison.
2010	N/A - Suspect SART - submitted, but untested per LA County
2010	DA declined to file.
2010	DA declined to file.
2010	No crime. Case closed unfounded.
2010	DA declined to file..
2010	DA declined to file.
2010	DA declined to file.
2010	Victim not desirous of prosecution. Case suspended.
2010	Case adjudicated. Suspect pled / sentenced to jail and probation.
2010	Case adjudicated. Suspect pled nolo contendere.
2010	DA declined to file.
2010	DA declined to file.

2010	Case adjudicated. Suspect pled / sentenced to jail.
2011	Case adjudicated. Suspect pled / sentenced to probation.
2011	Case adjudicated. Suspect pled / sentenced to jail.
2011	DA declined to file.
2012	Case adjudicated. Suspect pled / sentenced to prison.
2012	Victim not desirous. DA declined to file.
2012	DA declined to file case.
2012	Case adjudicated. Suspect pled / sentenced.
2012	Submitted to DA's office.
2012	Victim advised that she made up allegations. Case closed unfounded.
2012	Case closed unfounded.
2013	DA declined to file case.
2013	Case closed unfounded.
2013	DA declined to file case. .
2013	Case adjudicated. Suspect pled to probation.
2013	Victim uncooperative, no crime alleged. Case closed unfounded.
2013	Victim did not disclose any form of abuse. Case closed unfounded.
2013	DA declined to file case.
2014	Case adjudicated. Suspect pled / sentenced to jail / probation.
2014	DA declined to file case.
2014	DA declined to file case.
2014	DA declined to file case.
2014	Case closed unfounded.
2014	Case closed unfounded.
2014	Case adjudicated, susp plead
2014	Victim did not disclose any form of abuse and is not desirous of prosecution. Case closed suspended.
2014	Victim did not disclose any form of abuse. Case closed suspended.

2014	Case closed unfounded.
2015	Insufficient sample
2015	Case adjudicated. Suspect pled / sentenced to jail.
2015	Case suspended due to insufficient evidence.
2015	Case closed as unfounded.
2015	Case transferred to LASD. Kit destroyed
2015	Victim not desirous of prosecution.
2015	Victim denied sexual abuse. Case closed unfounded.
2015	Victim not desirous of prosecution and lack of corroborating evidence. Case closed suspended.
2015	DA declined to file case.
2016	Outside TPD jurisdiction, case transferred to Las Vegas Metro. Kit destroyed

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

2010	1
2015	1

6. Any documentation regarding the number of sexual assault evidence kits received by the TPD 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;

Year	Number of Sexual Assault Evidence Kits Destroyed No Kits were Lost
1986	0
1999	0
2000	0
2001	0
2002	0
2003	0
2004	0
2005	0
2006	5
2007	12
2008	14
2009	11

2010	16
2011	6
2012	7
2013	9
2014	11
2015	9
2016	2
2017	0
2018	0
2019	0
2020	0
Total	102

7. Any written policies or procedures regarding the TPD'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 TPD pertaining to sexual assault evidence kits

- The link below is for The Torrance Police Department's Manual
Refer to Chapter 5 Communications Division; Chapter 6 Section 601 – Property Room Operations Manual and Chapter 7 Section 702 – Field Training Officer Manual

<https://www.torranceca.gov/government/police/resources/procedure-manuals>