

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



[REDACTED] goodwinlaw.com>
to [REDACTED] cityofvallejo.net

Tue, Dec 15, 2020, 6:14

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

Dear Chief Williams,

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]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



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



VallejoPD [REDACTED]@cityofvallejo.net>
to [REDACTED]

Tue, Dec 15, 2020, 6:16 PM

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

Hello:

You have reached the Vallejo Police Department's general email box. Please note, if this is an emergency, please call 911 for immediate assistance. This mailbox is not monitored on a 24-hour basis, and the emails will be reviewed and forwarded to the appropriate divisions as staffing and resources permit.

In accordance with the California Public Records Act, any correspondence received is subject to public disclosure.

For any questions related to press information, please email [REDACTED]@cityofvallejo.net and your emails will be responded to in the order they are received.


Due to the current high volume of emails being received by the Vallejo Police Department, there will be a delay in any response you may receive.

Thank you.

VALLEJO POLICE DEPARTMENT

December 15, 2020

BY FEDERAL EXPRESS AND ELECTRONIC MAIL

Chief Shawny Williams
Vallejo Police Department


Dear Chief Williams:

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 Vallejo Police Department (“VPD”) 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 VPD provide public records regarding each of the following:

1. Any documentation regarding the number of sexual assault evidence kits received by the VPD 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 VPD 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 Shawny Williams
December 15, 2020
Page 2

3. Any documentation regarding the number of sexual assault evidence kits received by the VPD 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 VPD 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 VPD 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 VPD'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 VPD 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 VPD 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 VPD 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 Shawny Williams
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



cc (via email): Joyful Heart Foundation

 joyfulheartfoundation.org>

FW: Your City of Vallejo public records request #20-1015 has been closed.

2 messages

 goodwinlaw.com>
To:  joyfulheartfoundation.org>

Wed, Dec 30, 2020 at 8:40 PM

Hi 

I received the response below from the City of Vallejo. The response only included a copy of the Property and Evidence Manual (copy enclosed) and states that under Government Code 6254(f) the information we requested is exempt from public disclosure. However, Government Code 6254(f) appears to only exempt information compiled in a specific investigation from public disclosure, not statistics compiled by a police department. I will prepare a follow up email to Lieutenant Robert Knight, Professional Standards Division, Vallejo Police Department stating that Government Code 6254(f) is inapplicable to our request.

Request Closed Hide Public

The publicly available information you seek is attached. However, all other information is exempt from public disclosure under Government Code § 6254(f).

We have identified records that appear to respond to your request, which it is releasing today. This release of records completes our response to your PRA request, and deem this request complete. Pursuant to Government Code §§6253(d) and 6255, I am the person responsible for providing you the information above. Should you have any further questions, please do not hesitate to contact me.

Regards,

Lieutenant Robert Knight
Professional Standards Division
Vallejo Police Department
 CityofVallejo.net

December 30, 2020, 9:36am by Joni Brown, Administrative Analyst II

I will prepare a follow up email to Lieutenant Robert Knight, Professional Standards Division, Vallejo Police Department.

From: City of Vallejo Public Records [REDACTED]nextrequest.com>
Sent: Wednesday, December 30, 2020 12:36 PM
To: [REDACTED]goodwinlaw.com>
Subject: Your City of Vallejo public records request #20-1015 has been closed.

— Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. —

City of Vallejo Public Records

Hi there

Record request #20-1015 has been closed and published.

View Request 20-1015

<http://vallejo.nextrequest.com/requests/20-1015>



POWERED BY NEXTREQUEST

The All in One Records Requests Platform

Questions about your request? Reply to this email or sign in to contact staff at City of Vallejo.

Technical support: See our [help page](#)

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Property and Evidence - RELEASE_20201106_T204702_Vallejo_PD_Policy_Manual.pdf
35K

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

Mon, Jan 4, 2021 at 6:52 PM

Hi [REDACTED]

Thank you so much for your emails on Simi Valley, Torrance, and Vallejo. A follow up email to Lit. Knight would be greatly appreciated. I hope he will provide the statistics after your email.

Kindly,

[REDACTED]

[Quoted text hidden]

[REDACTED]



Goodwin Procter LLP



May 17, 2021

VIA EMAIL AND FEDERAL EXPRESS

Veronica A.F. Nebb
City Attorney, City of Vallejo
City Attorney's Office



Re: FOIA Request #20-1015

Dear Ms. Nebb:

We represent the Joyful Heart Foundation ("Joyful Heart") in connection with its Accountability project. On December 15, 2020, we submitted a public records request (copy enclosed), pursuant to California Public Records Act § 6250 et seq. ("the Act"), to obtain information and statistics regarding the backlog of untested sexual assault kits in possession of the Vallejo Police Department ("VPD"). We received a response from Lieutenant Robert Knight of the Professional Standards Division of the VPD indicating that the requested information "is exempt from public disclosure under Government Code § 6254(f)." On January 5, 2021, we responded to Lieutenant Knight (copy enclosed) explaining why we believe that the information that Joyful Heart seeks is not exempt from public disclosure under Government Code § 6254(f). We have not received a response to our January 5, 2021 letter from either Lieutenant Knight or the VPD.

We once again request that VPD and/or the City of Vallejo provide the information requested in our December 15, 2020 letter because, as explained below, the requested information is not exempt from public disclosure under Government Code § 6254(f). The Act provides that the public must have access to public records not specifically exempt from disclosure. Contrary to Lieutenant Knight's response to our December 15, 2020 letter, the information requested is not exempt from public disclosure, specifically or otherwise. Government Code § 6524(f) specifically relates to investigatory files of individuals, not police statistics such as the number of rape kits collected and tested. Our December 15, 2020 letter reiterated that our public records request did not seek any information which would identify a sexual assault victim or perpetrator or which would disclose any confidential information. Accordingly, Government Code § 6524(f) does not apply to the public record requests in our letter of December 15, 2020.

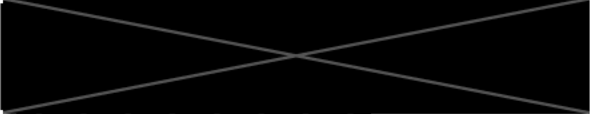
Despite multiple attempts to contact the VPD, over *five months* have passed since our December 15, 2021 letter and we still have not received the requested information. We request that the City of Vallejo immediately provide the information requested in our letter of December 15, 2020. Please let us know when the City of Vallejo will provide the requested information.



Veronica Nebb
May 17, 2021
Page 2

We would appreciate your *immediate attention* to this matter. If you have any questions, please do not hesitate to contact me at [REDACTED]

in r l

A large rectangular area of the document is redacted with a solid black box. Two thin, light grey diagonal lines cross each other in the center of this box, forming an 'X' shape.

Encl.

From: [REDACTED]
To: [REDACTED] [@cityofvallejo.net](mailto:[REDACTED]@cityofvallejo.net)
Subject: Incomplete Response to Request #20-1015
Date: Tuesday, January 5, 2021 1:13:00 PM
Attachments: [image001.png](#)

Lieutenant Robert Knight
Professional Standards Division
Vallejo Police Department

Dear Lieutenant Knight,

The City of Vallejo's response to the public records request set forth in our letter of December 15, 2020 is incomplete and provided only the Vallejo Police Department Manual. We disagree with the City of Vallejo's position that the information requested "is exempt from public disclosure under Government Code § 6254(f)." Government Code § 6524(f) specifically relates to investigatory files of individuals, not police statistics such as the number of rape kits collected and tested. The December 15, 2020 public records request did not request any information which would identify a sexual assault victim or perpetrator or which would disclose any confidential information. Accordingly, Government Code § 6524(f) does not apply to the public record requests in our letter of December 15, 2020.

We ask that the City of Vallejo immediately provide the information requested in our letter of December 15, 2020. Please let us know when the City of Vallejo will provide the requested information.

Sincerely,

[REDACTED]

[REDACTED]
[REDACTED]

Goodwin Procter LLP

[REDACTED]
[REDACTED]
[REDACTED]



[REDACTED] joyfulheartfoundation.org>

Vallejo Follow up

1 message

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

Thu, Jul 29, 2021 at 7:05 PM

Hi [REDACTED]

Enclosed is the follow up email I sent to Ms. Nebb.

Regards,

[REDACTED]

From: [REDACTED]
Sent: Thursday, July 29, 2021 12:04 PM
To: 'Veronica Nebb' [REDACTED]@cityofvallejo.net>
Cc: Deena York [REDACTED]@cityofvallejo.net>; Elinore Regresado [REDACTED]@cityofvallejo.net>; Randy J. Risner [REDACTED]@cityofvallejo.net>
Subject: RE: Incomplete Response to Request #20-1015

Dear Ms. Nebb,

It has been several months since your last email. Can you please let me know when I can expect to receive a response to my request?

Sincerely,

[REDACTED]

From: Veronica Nebb [REDACTED]@cityofvallejo.net>
Sent: Monday, May 17, 2021 10:40 PM
To: [REDACTED]@goodwinlaw.com>
Cc: Deena York [REDACTED]@cityofvallejo.net>; Elinore Regresado [REDACTED]@cityofvallejo.net>; Randy J.

Risner [REDACTED]@cityofvallejo.net>

Subject: RE: Incomplete Response to Request #20-1015

[REDACTED]

Thank you for your correspondence, and for forwarding your concern directly to my office.

We will review your original request, the response and your correspondence and get back to you promptly. If you have any additional concerns or questions, please feel free to reach out to me.

Regards, Veronica Nebb

Veronica A.F. Nebb | City Attorney

City of Vallejo | City Attorney's Office



[REDACTED]@cityofvallejo.net



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From: City Atty

Sent: Monday, May 17, 2021 1:59 PM

To: Veronica Nebb [REDACTED]@cityofvallejo.net>

Cc: Deena York <[REDACTED]@cityofvallejo.net>

Subject: FW: Incomplete Response to Request #20-1015

FYI.

Elin Regresado

Senior Administrative Clerk

City of Vallejo | Office of the City Attorney



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*****On March 16, 2020, the City Council declared a local emergency in response to the global COVID-19 outbreak. Our office is open for limited hours Monday-Thursday 10:00 am – 2:00 PM to the public.*****

From: [REDACTED]@goodwinlaw.com>
Sent: Monday, May 17, 2021 1:27 PM
To: VallejoPD [REDACTED]@cityofvallejo.net>; City Atty [REDACTED]@cityofvallejo.net>
Subject: RE: Incomplete Response to Request #20-1015

Dear Lieutenant Knight and Ms. Nebb,

Please see the enclosed letter.

Sincerely,

[REDACTED]

From: [REDACTED]
Sent: Tuesday, January 5, 2021 1:13 PM
To: [REDACTED]@cityofvallejo.net
Subject: Incomplete Response to Request #20-1015

Lieutenant Robert Knight

Professional Standards Division

Vallejo Police Department

Dear Lieutenant Knight,

The City of Vallejo's response to the public records request set forth in our letter of December 15, 2020 is incomplete and provided only the Vallejo Police Department Manual. We disagree with the City of Vallejo's position that the information requested "is exempt from public disclosure under Government Code § 6254(f)."

Government Code § 6524(f) specifically relates to investigatory files of individuals, not police statistics such as the number of rape kits collected and tested. The December 15, 2020 public records request did not request any information which would identify a sexual assault victim or perpetrator or which would disclose any confidential information. Accordingly, Government Code § 6524(f) does not apply to the public record requests in our letter of December 15, 2020.

We ask that the City of Vallejo immediately provide the information requested in our letter of December 15, 2020. Please let us know when the City of Vallejo will provide the requested information.

Sincerely,



Goodwin Procter LLP



@goodwinlaw.com | goodwinlaw.com

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***** This is an EXTERNAL EMAIL. Stop and think before clicking links or opening attachments.

November 8, 2021

BY FEDERAL EXPRESS

Brian Harmon
Laboratory Director
Jan Bashinski DNA Laboratory

Dear Director Harmon:

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 Jan Bashinski DNA Laboratory (“JB DNA Lab”) 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 JB DNA Lab provide public records regarding each of the following:

1. Any documentation regarding the number of sexual assault evidence kits received by the JB DNA Lab from the Vallejo Police Department and/or a sexual assault response team member who responds to victims of sexual assault in the City of Vallejo, including nurse examiners (“Vallejo SART”) 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 JB DNA Lab from the Vallejo Police Department and/or Vallejo SART which were



Brian Harmon
November 8, 2021
Page 2

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 JB DNA Lab from the Vallejo Police Department and/or Vallejo SART 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 regarding the number of sexual assault evidence kits received by the JB DNA Lab from the Vallejo Police Department and/or Vallejo SART that are unprocessed and remain in any storage facilities currently under the JB DNA Lab's jurisdiction and control;
5. Any documentation regarding the number of sexual assault evidence kits received by the JB DNA Lab from the Vallejo Police Department and/or Vallejo SART 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
6. Any written policies or procedures regarding the JB DNA Lab's practices on the handling of reported and unreported (anonymous) 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 JB DNA Lab 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 JB DNA Lab 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



Brian Harmon
November 8, 2021
Page 3

receiving an estimated date and time when the records will be made available. In any event, we expect the JB DNA Lab to identify a relevant point of contact, if it is someone other than yourself, as requested above within the statutory ten (10) day period.

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



Sincerely



cc (via email): Joyful Heart Foundation



November 22, 2021



Goodwin Procter LLP



Re: California Public Records Act Request

Dear 

This letter is in response to your correspondence received by the California Department of Justice (Department) on November 11, 2021, in which you requested records pursuant to the California Public Records Act as set forth in Government Code section 6250 et seq. You wrote:

Joyful Heart hereby requests that the JB DNA Lab [Jan Bashinski DNA Laboratory] provide public records regarding each of the following:

- 1. Any documentation regarding the number of sexual assault evidence kits received by the JB DNA Lab from the Vallejo Police Department and/or a sexual assault response team member who responds to victims of sexual assault in the City of Vallejo, including nurse examiners ("Vallejo SART") 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 JB DNA Lab from the Vallejo Police Department and/or Vallejo SART 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 JB DNA Lab from the Vallejo Police Department and/or Vallejo SART 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 regarding the number of sexual assault evidence kits received by the JB DNA Lab from the Vallejo Police Department and/or Vallejo SART that are unprocessed and remain in any storage facilities currently under the JB DNA Lab's jurisdiction and control;*
5. *Any documentation regarding the number of sexual assault evidence kits received by the JB DNA Lab from the Vallejo Police Department and/or Vallejo SART 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*
6. *Any written policies or procedures regarding the JB DNA Lab's practices on the handling of reported and unreported (anonymous) 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 JB DNA Lab pertaining to sexual assault evidence kits.*

Government Code section 6253, subsection (c), provides several reasons for which an agency may be permitted to extend the deadline for responding to a public records request for 14 days. An extension in this case is needed to allow for consultation and the compilation of data. The time established for the original response is November 22, 2021; 14 days beyond this date is December 6, 2021. We anticipate providing a response on or before that date.

Sincerely,

BUREAU OF FORENSIC SERVICES
Division of Law Enforcement

For ROB BONTA
Attorney General

DOJ-DLE-BFS



SACRAMENTO, CA



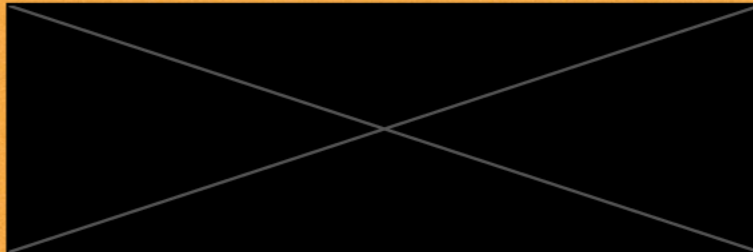
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GOODWIN PROCTER LLP





December 6, 2021


Goodwin Procter LLP

Re: California Public Records Act Request

Dear 

This letter is in response to your correspondence received by the California Department of Justice (Department) on November 11, 2021, in which you requested records pursuant to the California Public Records Act as set forth in Government Code section 6250 et seq. You wrote:

Joyful Heart hereby requests that the JB DNA Lab [Jan Bashinski DNA Laboratory] provide public records regarding each of the following:

- 1. Any documentation regarding the number of sexual assault evidence kits received by the JB DNA Lab from the Vallejo Police Department and/or a sexual assault response team member who responds to victims of sexual assault in the City of Vallejo, including nurse examiners ("Vallejo SART") 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 JB DNA Lab from the Vallejo Police Department and/or Vallejo SART 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 JB DNA Lab from the Vallejo Police Department and/or Vallejo SART 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 regarding the number of sexual assault evidence kits received by the JB DNA Lab from the Vallejo Police Department and/or Vallejo SART that are unprocessed and remain in any storage facilities currently under the JB DNA Lab's jurisdiction and control;*
- 5. Any documentation regarding the number of sexual assault evidence kits received by the JB DNA Lab from the Vallejo Police Department and/or Vallejo SART 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*
- 6. Any written policies or procedures regarding the JB DNA Lab's practices on the handling of reported and unreported (anonymous) 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 JB DNA Lab pertaining to sexual assault evidence kits.*

We have identified records that are responsive to your request. To provide context for our response, it is necessary to briefly explain the structure of the Department's Bureau of Forensic Services (BFS) and our laboratories' handling of sexual assault evidence (SAE) kits.

BFS provides forensic services to 46 of California's 58 counties via a network of regional and specialized laboratories. The regional laboratories primarily support the counties in their respective service areas, while the Jan Bashinski DNA Laboratory (JB DL) provides a variety of DNA-related forensic services to all law enforcement agencies throughout the state.

BFS created a rapid DNA testing program, the Rapid DNA Service (RADs), in order to expedite the processing of SAE kits. Historically, medical facilities would release SAE kits to law enforcement agencies, which would then decide when and whether to submit the kit to a

crime laboratory for analysis. Under the RADS protocol, medical staff are trained to assemble a RADS kit¹ and send it directly to a crime laboratory for expedited processing, while the rest of the swabs and other evidence collected in the standard SAE kit are released to the law enforcement agency.² RADS was initially launched as an eight-county pilot program in 2011 and is now offered to all of the counties served by BFS laboratories. Solano County, where Vallejo is located, was one of the counties in the RADS pilot.

The Vallejo Police Department (VPD), whose kits are the subject of your request, is located in the BFS Sacramento Laboratory's service area. Any sexual assault kits submitted by VPD to a BFS laboratory prior to the institution of the RADS program in 2011 would have been submitted to the Sacramento Laboratory. The JBDL began receiving RADS kits for law enforcement agencies in Solano County, including the VPD, in 2011. If no RADS kit is assembled – for instance, if the kit is collected by a medical facility that does not participate in the RADS program – the standard SAE kit will still be released from the medical facility to the VPD, and the VPD would typically submit it to the Sacramento Laboratory.

In response to your first, second, third, and fourth itemized requests, we are providing a table with the number of VPD's SAE kits that have been received by the JBDL since January 1, 2000, and the number of those kits that have been analyzed for DNA, have not yet been analyzed, or are stored unprocessed (attached, 1 page). We note that BFS laboratories process all SAE kits within 120 days of receipt at the laboratory as required by California law. No unprocessed kits are in storage at the JBDL. Only one VPD kit was received and processed by the JBDL prior to 2011. That kit was not a routine SAE kit submission; as noted above, the JBDL did not normally receive kits from the VPD prior to 2011.

The figures we are providing were drawn from our electronic evidence tracking system. Additional, older records may exist that reflect individual items of evidence submitted to the JBDL in sexual assault cases associated with the VPD; however, identifying those records would require an extremely difficult and time-consuming search of individual paper case files, which are themselves exempt from disclosure pursuant to Government Code section 6254, subdivision (f). Due to the fact that these old, archived paper files are not tracked or indexed in a way that would facilitate such a search, it is unduly burdensome to the Department to search its paper case files.

With regard to your fifth request, we found no record of any VPD kits having been lost or destroyed from January 1, 2000 to the present.

Your sixth and final request seeks policies and procedures relating to the JBDL's handling of SAE kits, including testing protocols, retention, destruction, and terminology used. We are interpreting your request for testing protocols to seek our protocols for the acceptance,

¹ A RADS kit generally comprises up to three of the most probative evidence swabs and a reference swab from the victim.

² Note that double-counting is possible when a RADS kit is sent to one laboratory and other samples from the standard SAE kit are sent elsewhere. However, processing the RADS kit satisfies the requirements found in California Penal Code section 680, subdivision (c). A standard SAE kit is not considered untested if a RADS kit has been processed.

handling and processing of SAE kit evidence, and not the technical procedures for the DNA analysis of biological evidence. In response, attached please find the following:

1. Biology Screening and DNA Analysis Policy (1 page)
2. Bureau Policy BP-2018-01: Sexual Assault Evidence Intake (2 pages)
3. Bureau of Forensic Services Quality Manual Section 7.4 Evidence Handling – Evidence Disposition (2 pages)

It is the policy and practice of the JBDL to return all evidence, other than DNA extracts, to the submitting agency once work is completed. For an explanation of the terms and abbreviations used by the JBDL that pertain to SAE kits, please refer to the “Definitions” section of the Attorney General’s SAFE-T Database Annual Report to the Legislature, found at <https://oag.ca.gov/publications> under Forensic Services & DNA.

Finally, with regard to the portion of your sixth request that specifically concerns the processing of “unreported (anonymous)” SAE kits, California Penal Code section 680, subdivision (c), sets mandatory turnaround times for the processing of sexual assault forensic evidence booked into evidence by a law enforcement agency or received by a crime laboratory. The law does not provide an exemption for evidence collected from an individual who wishes to remain anonymous. This is the ninth topic addressed in our Sexual Assault Kits/Evidence FAQs, which may be found on our website at <https://oag.ca.gov/bfs/prop69/faqs-sake>.

Sincerely,

BUREAU OF FORENSIC SERVICES
Division of Law Enforcement

For ROB BONTA
Attorney General

Vallejo Police Department SAE Kits Received by Jan Bashinski DNA Laboratory

Year Received	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Kits Received	0	0	0	0	0	0	1	0	0	0	0	9	13	12	20	20	24	27	21	20	35	16*
Analyzed for DNA	0	0	0	0	0	0	1	0	0	0	0	9	13	12	20	20	24	27	21	20	35	11
Not Analyzed	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4**
Stored Unprocessed	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

*One kit is a full SAE kit from 2014. The RADS kit was completed in 2014.

**All "not analyzed" kits are being processed as part of BFS' normal process and are in compliance with the mandate to be processed within 120 days of receipt at the laboratory.

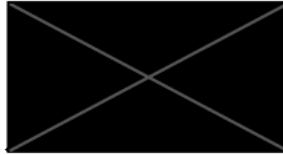
Memorandum

To : BFS Staff

Date: October 1, 2008

Telephone: 916-319-9368

From : Jill Spriggs, Bureau Chief
: Bureau of Forensic Services



Subject : Biology Screening and DNA Analysis Policy

In an effort to provide our law enforcement agencies excellent forensic service, we must limit the number of items we perform forensic analysis on. Effective immediately, BFS has adopted the following policy in regards to the number of items/samples that will be analyzed in the laboratory for biological fluids and DNA analysis.

Biology Screening Cases-Homicide, Sexual Assault, Burglary, Robbery, etc.

BFS will only screen three items.

Note: The items in the Sexual Assault Kit will each count as one item. It will be imperative to read the OCJP form and determine which items are the most probative.

First Example: The three items may be: vaginal swab, panties and Woodslamp swab.

Second Example: The three items may be: vaginal swab, shirt and panties.

References do not count as a screening item.

DNA Analysis-Homicide, Sexual Assault, Burglary, Robbery, etc.

BFS will do DNA analysis on the following number of items/samples:

Burglary, Robbery-one item/sample only
Sexual Assaults, Assaults-Up to three items/samples
Homicides-Up to three items/samples

References and controls do not count as a DNA analysis item/sample.

Additional Analysis Requests

If a law enforcement agency inquires about doing more items in regards to a case, they must justify their request in writing and the Laboratory Director will make the decision if it is necessary to perform more analysis. A copy of the request must be forwarded to the Assistant Bureau Chief.

Note: If the initial items/samples yield negative results, the law enforcement agency must justify in writing additional requests for examination to the Laboratory Director.

Please let me know if you have any additional questions.

Memorandum

To: All BFS Personnel
Bureau of Forensic Services

Date: September 20, 2018
Effective Date: ***October 1, 2018***
Telephone: [REDACTED]
E-mail Address: [REDACTED]@doj.ca.gov

From: Barry A. Miller
Director

Subject: Bureau Policy BP-2018-01: Sexual Assault Evidence Intake

Summary

Recent mandates in sexual assault evidence testing have increased workloads at DNA testing sites. This issue will likely be exacerbated by an audit related to legislation for inventorying untested sexual assault evidence in local law enforcement's possession.

As of October 1, 2018, BFS will not accept sexual assault evidence with an offense date prior to January 1, 2016 unless the Laboratory Director, Assistant Bureau Director or Director grants an exception.

Beginning January 1, 2019, BFS will not accept evidence from cases with an offense date greater than December 1, 2018 unless the Laboratory Director, Assistant Bureau Director or Director grants an exception.

Evaluation

The Laboratory Director will assess any requests outside of this policy on a case-by-case basis taking into account the current lab capacity as well as the needs of the Bureau in determining acceptance of evidence. The outcome of the evaluation will be documented and reported to the Biology ABD for Bureau-wide tracking purposes.

Possible Outcomes

Accepted – The case was evaluated and determined to be of a nature where analysis is in the interest of public safety.

Limited Acceptance – An agency has requested the analysis of multiple cases. If capacity is available and no other laboratories are in need of assistance, the Laboratory Director may negotiate a suitable submission rate to ensure that mandates are not violated (i.e., 2 cases per month).

Denied – The evidence is not accepted.

Report to Biology ABD

Please provide:

- Requesting agency
- Reason for the chosen outcome
- Number of cases requested for analysis
- Date requested and date outcome was communicated to the requesting agency.

7.4 Evidence Handling - Evidence Disposition

Introduction

This section provides the requirements for the disposition and release of all evidence.

ISO 17025: 7.4.1 / ANAB: 7.4.1.1.e)

Evidence return, retention, and destruction

Evidence shall be returned to the submitting agency upon completion of examination unless subject to long term storage or destruction as outlined below.

Case Type	Storage Conditions	Retention Time
Non-felony Alcohol and Toxicology evidence	Refrigerated*	Minimum of one year, then destroyed
Felony Alcohol and Toxicology evidence	Refrigerated*	Minimum of one year, then returned to agency
Biological evidence retained as Long-term storage (LTS) samples	Frozen	Minimum of five years, then returned to agency
DNA extracts**	Frozen	Retained indefinitely. May be returned to agency upon request.

**All Alcohol and Toxicology evidence is stored under refrigeration until first analyzed. Samples may be stored at room temperature after the evidence has been analyzed and reported, unless otherwise specified in the technical procedures.*

***Only DNA extracts and laboratory-prepared slides are considered to be evidence. All other material generated as a function of DNA analysis, including amplified product, is considered to be work product.*

NOTE: Portions of Data Bank samples, although not evidence, may require reanalysis to confirm hits, type additional loci, or conduct quality control testing and are retained indefinitely.

ISO 17025: 7.4.1

Documentation and chain of custody for evidence release, destruction and long term storage

When evidence is ...	Then the chain of custody...
Released from the possession of the laboratory or its staff (e.g. to agency or to court)	Is updated according to <i>Evidence Return to External Agencies</i> in section 7.4 <i>Chain of Custody and Identification of Evidence</i> .
Retained for long-term storage in the laboratory	Is updated in JusticeTrax (or JBLabWS-12 for MPDP) with the long term storage location.
Destroyed	Is updated in JusticeTrax (or JBLabWS-12 for MPDP) by transferring the evidence to "Destroyed," and a list of destroyed items is retained.

ISO 17025: 7.4.1 / ANAB: 7.4.1.1.d)

Reporting the disposition to the client

The disposition of evidence is communicated to clients in the examination report.

The disposition of the following items are communicated to the client in the examination report:

- all items received;
- items that are created and used, or could be used for testing (e.g. test fired ammunition, latent print lifts, photos, trace evidence, DNA extracts); and
- subdivided items or groups of items.

See section 7.8 *Reporting of Results* for reporting procedures.

ISO 17025: 7.4.1 / ANAB: 7.4.1.1.e) & 7.4.1.1.f)

Court Orders

BFS staff shall abide by court orders to release evidence to another party other than the submitting party, or under the direction of the submitting agency.

- BFS staff shall update the chain of custody as described above.
- If the client did not request the release of evidence, BFS staff shall notify the client of the order to release evidence.
- All communication shall be documented in the case record.

ISO 17025: 7.4.1 / ANAB: 7.4.1.1.e)



February 25, 2022

[REDACTED]
Goodwin Procter LLP
[REDACTED]

Re: California Public Records Act Request

Dear Marta Delsignore:

This letter is in response to your correspondence received by the California Department of Justice (Department) on February 15, 2022, in which you requested records pursuant to the California Public Records Act as set forth in Government Code section 6250 et seq. You wrote:

Joyful Heart hereby requests that the Sacramento BFS Lab provide public records regarding each of the following:

- 1. Any documentation regarding the number of sexual assault evidence kits received by the Sacramento BFS Lab from the Vallejo Police Department and/or a sexual assault response team member who responds to victims of sexual assault in the City of Vallejo, including nurse examiners ("Vallejo SART") 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 Sacramento BFS Lab from the Vallejo Police Department and/or Vallejo SART 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 Sacramento BFS Lab from the*

Vallejo Police Department and/or Vallejo SART 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 regarding the number of sexual assault evidence kits received by the Sacramento BFS Lab from the Vallejo Police Department and/or Vallejo SART that are unprocessed and remain in any storage facilities currently under the Sacramento BFS Lab's jurisdiction and control;*
- 5. Any documentation regarding the number of sexual assault evidence kits received by the Sacramento BFS Lab from the Vallejo Police Department and/or Vallejo SART 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*
- 6. Any written policies or procedures regarding the Sacramento BFS Lab's practices on the handling of reported and unreported (anonymous) 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 Sacramento BFS Lab pertaining to sexual assault evidence kits.*

Government Code section 6253, subsection (c), provides several reasons for which an agency may be permitted to extend the deadline for responding to a public records request for 14 days. An extension in this case is needed to allow for the review of records stored in separate facilities and the compilation of data. The time established for the original response is February 25, 2022; 14 days beyond this date is March 11, 2022. We anticipate providing a response on or before that date.

Sincerely,

BUREAU OF FORENSIC SERVICES
Division of Law Enforcement

For ROB BONTA
Attorney General



[REDACTED]@joyfulheartfoundation.org>

Vallejo- Sacramento lab response -FW: Request for Records

1 message

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

Mon, Feb 28, 2022 at 7:58 AM

Hi [REDACTED]

Enclosed is a response from the Sacramento lab regarding the Vallejo records indicating a response will be provided by March 11, 2022. I will let you know as soon as I receive the Sacramento lab response.

Best regards,

[REDACTED]

From: Marisa Kolm [REDACTED]@doj.ca.gov>
Sent: Friday, February 25, 2022 7:50 PM
To: [REDACTED]@goodwinlaw.com>
Subject: Request for Records

EXTERNAL

Good afternoon,

Please see the attached letter extending the due date for our response to your recent request for records. We anticipate responding by March 11, if not sooner.

Thank you,

Marisa

Marisa Kolm, Manager II

California Department of Justice

Division of Law Enforcement

Bureau of Forensic Services

[REDACTED]

[REDACTED]

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Delsignore, Marta extension 2022-00376.pdf

164K



March 11, 2022

[REDACTED]
Goodwin Procter LLP
[REDACTED]
[REDACTED]
[REDACTED]

Re: California Public Records Act Request

Dear [REDACTED]

This letter is in response to your correspondence received by the California Department of Justice (Department) on February 15, 2022, in which you requested records pursuant to the California Public Records Act as set forth in Government Code section 6250 et seq. You wrote:

Joyful Heart hereby requests that the Sacramento BFS Lab provide public records regarding each of the following:

- 1. Any documentation regarding the number of sexual assault evidence kits received by the Sacramento BFS Lab from the Vallejo Police Department and/or a sexual assault response team member who responds to victims of sexual assault in the City of Vallejo, including nurse examiners ("Vallejo SART") 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 Sacramento BFS Lab from the Vallejo Police Department and/or Vallejo SART 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 Sacramento BFS Lab from the Vallejo Police Department and/or Vallejo SART 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 regarding the number of sexual assault evidence kits received by the Sacramento BFS Lab from the Vallejo Police Department and/or Vallejo SART that are unprocessed and remain in any storage facilities currently under the Sacramento BFS Lab's jurisdiction and control;*
5. *Any documentation regarding the number of sexual assault evidence kits received by the Sacramento BFS Lab from the Vallejo Police Department and/or Vallejo SART 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*
6. *Any written policies or procedures regarding the Sacramento BFS Lab's practices on the handling of reported and unreported (anonymous) 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 Sacramento BFS Lab pertaining to sexual assault evidence kits.*

We have identified records that are responsive to your request.

In response to your first, second, third, and fourth itemized requests, we are providing a table with the number of Vallejo Police Department (VPD) SAE kits that have been received by the Bureau of Forensic Services (BFS) Sacramento Laboratory since January 1, 2000, as well as one kit dating back to 1999, and the number of those kits that have been analyzed for DNA, have not been analyzed for DNA, or are stored unprocessed (attached, 1 page). We note that BFS laboratories process all SAE kits within 120 days of receipt at the laboratory as required by California law. Currently, no unprocessed kits are in storage at the Sacramento Laboratory.

The figures we are providing were identified using our electronic evidence tracking system. Additional, older records may exist that reflect individual items of evidence submitted to the Sacramento Laboratory in sexual assault cases associated with the VPD; however, identifying those records would require an extremely difficult and time-consuming search of

individual paper case files, which are themselves exempt from disclosure pursuant to Government Code section 6254, subdivision (f). Due to the fact that these old, archived paper files are not tracked or indexed in a way that would facilitate such a search, it is unduly burdensome to the Department to search its paper case files.

With regard to your fifth request, we found no record of any VPD kits having been lost or destroyed from January 1, 2000 to the present.

Your sixth and final request seeks policies and procedures relating to the Sacramento Laboratory's handling of SAE kits, including testing protocols, retention, destruction, and terminology used. The records responsive to this portion of your request are the same as those already provided in our response, dated December 6, 2021, to your previous request for the same records from the Jan Bashinski DNA Laboratory. They were:

1. Biology Screening and DNA Analysis Policy (1 page)
2. Bureau Policy BP-2018-01: Sexual Assault Evidence Intake (2 pages)
3. Bureau of Forensic Services Quality Manual Section 7.4 Evidence Handling – Evidence Disposition (2 pages)

It is the policy and practice of the BFS to return all evidence, other than DNA extracts, to the submitting agency once work is completed. For an explanation of the terms and abbreviations used by the Sacramento Laboratory that pertain to SAE kits, please refer to the "Definitions" section of the Attorney General's SAFE-T Database Annual Report to the Legislature, found at <https://oag.ca.gov/publications> under Forensic Services & DNA.

Finally, with regard to the portion of your sixth request that specifically concerns the processing of "unreported (anonymous)" SAE kits, California Penal Code section 680, subdivision (c), sets mandatory turnaround times for the processing of sexual assault forensic evidence booked into evidence by a law enforcement agency or received by a crime laboratory. The law does not provide an exemption for evidence collected from an individual who wishes to remain anonymous. This is the ninth topic addressed in our Sexual Assault Kits/Evidence FAQs, which may be found on our website at <https://oag.ca.gov/bfs/prop69/faqs-sake>.

Sincerely,

BUREAU OF FORENSIC SERVICES
Division of Law Enforcement

For ROB BONTA
Attorney General

Vallejo Police Department SAE Kits Received by BFS Sacramento Laboratory

Year Received	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Kits Received	2	2*	0	0	0	0	0	0	0	1*	1	0	0	0	0	0	1	0	0	0	0	1	0
Analyzed for DNA	2	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	1	0
Not Analyzed for DNA	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Stored Unprocessed	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

*Two kits did not proceed to DNA analysis based upon the results of biological screening. They were returned to the submitting agency.



[REDACTED] joyfulheartfoundation.org>

Sacramento Lab Response

2 messages

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

Mon, Mar 14, 2022 at 8:29 AM

Hi [REDACTED]

Enclosed is a copy of the response we received from the Sacramento Lab. The number of kits received from Vallejo and tested is quite low.

Regards,

[REDACTED]

From: Marisa Kolm [REDACTED]@doj.ca.gov>
Sent: Friday, March 11, 2022 6:30 PM
To: [REDACTED]@goodwinlaw.com>
Subject: RE: Request for Records

EXTERNAL

Good afternoon,

Our response to your request of February 15, 2022 is attached.

Thank you,

Marisa Kolm, Manager II
California Department of Justice
Division of Law Enforcement
Bureau of Forensic Services
[REDACTED]
[REDACTED]

From: Marisa Kolm
Sent: Friday, February 25, 2022 4:50 PM
To: [REDACTED]@goodwinlaw.com; [REDACTED]@goodwinlaw.com>
Subject: Request for Records

Good afternoon,

Please see the attached letter extending the due date for our response to your recent request for records. We anticipate responding by March 11, if not sooner.

Thank you,

Marisa

Marisa Kolm, Manager II
California Department of Justice
Division of Law Enforcement
Bureau of Forensic Services

[REDACTED]
[REDACTED]

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 [REDACTED] response 2022-00376.pdf
288K

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

Hi [REDACTED]

Fri, Mar 25, 2022 at 4:44 PM

Thank you so much for the information. Below is what I have on Vallejo so far. I wish we could get more info from the pre-2011 kits, but it seems to require a much longer time. I will talk to Ilse about this, but we might bring Vallejo to a close with this information.

- The attorney general's office reported that since 2011, Vallejo kits have been directly submitted to the Department of Justice Richmond Crime Laboratory under the Rapid DNA Service (RADS) program (skipping Vallejo Police Department). After 2011, Vallejo PD had 217 kits collected, 213 tested, and the remaining 4 were still within 120 days of lab TAT. No kits destroyed or lost.
- No kits are destroyed or lost.
- We don't know if there are any kits left at Vallejo PD that were collected before 2011.
- Any non-RADS kits, and kits collected before 2011 are submitted to Vallejo PD first, then to Sacramento Lab. Sacramento Lab provided 1999-2021 data, but only shows 8 kits collected, 6 kits tested, 2 kits not tested, 0 kits stored unprocessed, 0 kits destroyed or lost.
- Overall, in Vallejo between 1999-2021, 225 kits were collected, 219 were tested, 2 were not tested, 4 were within 120 days of the lab turnaround timeline, and no kits were destroyed or lost.

Gratefully,

