



CITY OF GLENDALE, CALIFORNIA
Office of the City Attorney

Glendale, California 91206-4394

www.ci.glendale.ca.us

October 16, 2020

SENT VIA EMAIL ONLY TO: [REDACTED] [@Goodwinlaw.com](mailto:[REDACTED]@Goodwinlaw.com)

[REDACTED]
Goodwin Proctor LLP

Re: Your Public Records Act Request

Dear [REDACTED]

This correspondence is in response to your public records request to the City of Glendale dated October 6, 2020, regarding sexual assault kits.

The City exercises its right pursuant to Government Code Section 6253(c) to extend the time within which to respond by an additional 14 days. The additional time is necessary to search for and collect records from offices that are separate from the office processing this request. A response is expected to be dispatched no later than October 30, 2020.

If you have questions, please do not hesitate to contact me.

Very truly yours,

MICHAEL J. GARCIA, CITY ATTORNEY

By: [REDACTED]

Carmen O. Merinb
General Counsel - Police





[REDACTED] joyfulheartfoundation.org>

Glendale CA Public Records Request

2 messages

[REDACTED] goodwinlaw.com> Tue, Jan 12, 2021 at 2:29 AM
To: [REDACTED] joyfulheartfoundation.org>, [REDACTED] joyfulheartfoundation.org"
[REDACTED] joyfulheartfoundation.org>
Cc: [REDACTED] goodwinlaw.com> [REDACTED] goodwinlaw.com>

Dear [REDACTED]

The following is an update regarding the Glendale CA public records request. Last week, Carmen Merino, General Counsel for Glendale PD, was supposed to supplement Glendale's response, to the extent possible. On Thursday (Jan. 7), Carmen called and requested a one week extension due to Covid and asked for clarification regarding our questions regarding "discarded" test kits. Below is an e-mail providing the requested clarification. The trailing e-mails show the back and forth we have had, in writing, to date.

We will let you know if we get a substantive response from Glendale later this week.

Please let us know if you have any questions or if you want to discuss any of this.

Regards,

[REDACTED]

From: [REDACTED] goodwinlaw.com>
Sent: Monday, January 11, 2021 7:21 PM
To: Merino, Carmen [REDACTED] Glendaleca.gov>
Subject: RE: Your Public Records Request

Carmen,

This is in response to your request for clarification regarding item 5 in your December 8, 2020 e-mail.

Policy 804, Property and Evidence, at section 804.7.3, provides guidelines for retention of biological evidence (such as sexual assault kit evidence) and describes the procedures to be followed/steps to be taken before biological evidence is destroyed.

With regard to "What was discarded," we seek any information or documentation that the Glendale Police Department can provide regarding the number of sexual assault kits, if any, that were collected and were lost, discarded or destroyed

without first being tested, either pursuant to the Policy identified above, or otherwise.

Regards,



From: Merino, Carmen [redacted]@Glendaleca.gov>
Sent: Thursday, January 7, 2021 5:29 PM
To: [redacted]@goodwinlaw.com>
Cc: Reaves, Mona [redacted]@Glendaleca.gov>; McCollum, Tracey [redacted]@Glendaleca.gov>; Adjemian, Aram [redacted]@Glendaleca.gov>
Subject: FW: Your Public Records Request



Thank you for taking my call today. You have graciously agreed to my request for an extension to January 15, 2021 to provide a response to your public record request. I understand you will provide clarification to item number 5 in your email below.

Sincerely,

Carmen

Carmen O. Merino, General Counsel – Police • City of Glendale • Office of the City Attorney



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From: Merino, Carmen
Sent: Thursday, December 10, 2020 9:05 AM
To: [redacted]@goodwinlaw.com>
Cc: McCollum, Tracey [redacted]@Glendaleca.gov>; Reaves, Mona [redacted]@Glendaleca.gov>; Adjemian, Aram [redacted]@Glendaleca.gov>
Subject: RE: Your Public Records Request



This email correspondence will serve to confirm our telephone conversation yesterday wherein we discussed your requests and the possibility of a misunderstanding of the records and information you seek. I informed you that I would relay your specific questions regarding sexual assault kits and provide you a further response no later than January 8, 2021. For specific questions are set forth below.

1. What was collected in terms of numbers of sexual assault kits?
2. How many sexual assault kits were tested?
3. How many sexual assault kits were not tested?
4. What information is provided to the California Department of Justice regarding rape kits?
5. What was discarded?

With respect to question number 5, it would be helpful if you could clarify what items you believe or understand may be discarded.

Thank you for your professional courtesy and happy holidays.

Sincerely,



Carmen O. Merino, General Counsel – Police • City of Glendale • Office of the City Attorney



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From: [Redacted]@goodwinlaw.com>
 Sent: Monday, December 07, 2020 11:34 AM
 To: Merino, Carmen [Redacted]@Glendaleca.gov>
 Cc: McCollum, Tracey [Redacted]@Glendaleca.gov>; Reaves, Mona [Redacted]@Glendaleca.gov>; Adjemian, Aram [Redacted]@Glendaleca.gov>
 Subject: RE: Your Public Records Request

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Ms. Merino,

Thank you for the responses below. I have a few follow-up questions about the responses. I tried calling your number, and left a voice-mail message, but I thought e-mail might work better. Is there a time that we could talk so that I could better understand whether the issue is that: (a) records were not kept or no longer exist; or (b) there are records but they are not compiled/kept in a manner that makes it easy to provide them in response to my public records request on behalf of The Joyful Heart Foundation. If it is the latter, I would like to get a better understanding of what it would entail, in terms of time and cost, to collect the information.

Again, please let me know if there is a good time when we could talk.

I look forward to hearing from you,

Regards,

✘

From: Merino, Carmen [REDACTED]@Glendaleca.gov>
Sent: Friday, October 30, 2020 3:46 PM
To: [REDACTED]@goodwinlaw.com>
Cc: McCollum, Tracey [REDACTED]@Glendaleca.gov>; Reaves, Mona [REDACTED]@Glendaleca.gov>; Adjemian, Aram [REDACTED]@Glendaleca.gov>
Subject: Your Public Records Request

✘

This email correspondence is in response to your public records request. Your requests and the City of Glendale Police Department's responses are set forth below.

Request No. 1: Any documentation regarding the number of sexual assault evidence kits received by the Glendale Police Department 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.

Response: No responsive records exist.

Request No. 2: Any documentation regarding the number of sexual assault evidence kits received by the Glendale Police Department 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.

Response: No responsive records exist.

Request No. 3: Any documentation regarding the number of sexual assault evidence kits received by the Glendale Police Department 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.

Response: No responsive records exist.

Request No. 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.

Response: No responsive records exist.

Request No. 5: Any documentation regarding the number of sexual assault evidence kits received by the Glendale Police Department that are unprocessed and remain in any storage facilities currently under the police department's jurisdiction and control.

Response: No responsive records exist.

Request No. 6: Any documentation regarding the number of sexual assault evidence kits received by the Glendale Police Department 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.

Response: No responsive records exist.

Request No. 7: Any written policies or procedures regarding the Glendale Police Department'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 Glendale Police Department pertaining to sexual assault evidence kits.

Response: Responsive records are attached to this email.

Sincerely,

Carmen O. Merino, General Counsel – Police • City of Glendale • Office of the City Attorney



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To: [redacted]@joyfulheartfoundation.org> Fri, Jan 15, 2021 at 2:58 AM
Cc: [redacted]@goodwinlaw.com>
[redacted]@joyfulheartfoundation.org" [redacted]@joyfulheartfoundation.org> [redacted]
[redacted]@goodwinlaw.com>, [redacted]@goodwinlaw.com>

Dear [redacted]

Thank you very much for the update, and all your emails and calls pushing Glendale for more information! We are looking forward to their response.

Kindly,

[redacted]

[Quoted text hidden]

--
[redacted]



[REDACTED] joyfulheartfoundation.org>

Glendale, CA - Public Records Request

4 messages

[REDACTED] goodwinlaw.com> Sun, Jan 24, 2021 at 5:10 PM
 To: [REDACTED] joyfulheartfoundation.org>
 Cc: [REDACTED] joyfulheartfoundation.org" <[REDACTED] joyfulheartfoundation.org>, [REDACTED]
 [REDACTED] goodwinlaw.com> [REDACTED] goodwinlaw.com>



We received the response below (in the trailing e-mail) from Carmen Merino, General Counsel for the Glendale, CA police, along with the attached inventory spreadsheet. The inventory spreadsheet does not appear to contain any of the following information:

- a. The number of victims from whom test kits were collected
- b. The year each test kit was collected
- c. The disposition of each test kit (*i.e.*, tested, existing but not tested, discarded/lost)

We propose following-up with Ms. Merino to get a better understanding of the inventory spreadsheet and to see whether the information above can be gleaned from the inventory spreadsheet, and if not, to see if there is a way to get that information.

As to the information from 2018-present, we want to follow-up regarding the reason(s) that 7 of 26 collected kits have not been submitted for testing, and the reason(s) that one of the 19 kits submitted for testing has not been tested.

We also plan to follow-up on whether there is any information to be had on the discarding of kits.

Please let us know if there are other questions you want us to ask or other things you want us to follow-up on.

Regards,



Goodwin Procter LLP





goodwinlaw.com | goodwinlaw.com

From: Merino, Carmen [Redacted] Glendaleca.gov>
Sent: Friday, January 22, 2021 3:53 PM
To: [Redacted] goodwinlaw.com>
Cc: Reaves, Mona [Redacted] Glendaleca.gov>; McCollum, Tracey [Redacted] Glendaleca.gov>; Adjemian, Aram [Redacted] Glendaleca.gov>
Subject: Your Public Records Request



Attached please find an "inventory" document that was prepared in 2018. It is responsive to request #1. As noted in my email dated January 15, 2021, redactions have been made consistent with legal exemptions.

As of 2018, information regarding sexual assault kits is provided electronically to the California Department of Justice. Pursuant to California Penal Code section 680.3(f), the SAFE-T database contents is confidential. As a result, I am only able to provide you with numerical information for sexual assault kits since 2018. With regard to questions 2 and 3, since January 2018, the Glendale Police Department has received approximately 26 sexual assault kits. Approximately 19 sexual assault kits were submitted to a laboratory and 18 of those were tested.

Finally, with regard to the discarding of kits, I am informed that there no responsive documents.

Sincerely,

Carmen O. Merino, General Counsel – Police • City of Glendale • Office of the City Attorney



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 **Inventory.pdf**
1055K

To: [redacted] joyfulheartfoundation.org>
[redacted]@goodwinlaw.com>
Cc: [redacted] joyfulheartfoundation.org", [redacted] joyfulheartfoundation.org>, [redacted]
[redacted] goodwinlaw.com> [redacted] goodwinlaw.com>

Sat, Jan 30, 2021 at 12:38 AM

[redacted]

Thank you very much for the information! I agree that the document they provided is not clear at all. Your follow up questions about the document and the kits collected after 2018 seem great to me. Regarding documents on discarding of kits, they should have internal policy. I'm surprised she did not provide that. I hope they will provide some answers to your follow up.

Thanks again! Have a great weekend,

[redacted]

[Quoted text hidden]

--
[redacted]

To: [redacted] goodwinlaw.com>
[redacted]@joyfulheartfoundation.org>
Cc: [redacted] joyfulheartfoundation.org" <[redacted] joyfulheartfoundation.org>, [redacted]
[redacted] goodwinlaw.com>, [redacted] goodwinlaw.com>

Tue, Mar 9, 2021 at 8:19 PM

[redacted]

Earlier this morning I spoke with Carmen Merino, General Counsel for the Glendale, CA police, regarding the information previously provided by Glendale and the questions below. Ms. Merino is going to look into our questions and try to get back to us in the next week or so. I'll let you know what we hear.

Regards,

[redacted]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]
[Quoted text hidden]



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[Quoted text hidden]

To: [redacted]@goodwinlaw.com> Wed, Mar 17, 2021 at 12:51 PM
Cc: [redacted]@goodwinlaw.com>, [redacted]@goodwinlaw.com>, [redacted]@goodwinlaw.com>

Dear [redacted]

Thank you very much for following up with them and keeping us informed. Please accept my apologies for the delay. So much advocacy work is going on on our end these weeks. Please let me know if there's anything I can do to help, and if they respond to you.

All the best,

[redacted]

[Quoted text hidden]



[REDACTED] joyfulheartfoundation.org>

Glendale, CA - Public Records Request

3 messages

[REDACTED]@goodwinlaw.com> Thu, Mar 25, 2021 at 3:35 PM
 To: [REDACTED]@joyfulheartfoundation.org>
 Cc: [REDACTED]@joyfulheartfoundation.org", [REDACTED] joyfulheartfoundation.org>
 <[REDACTED]@goodwinlaw.com>, [REDACTED]@goodwinlaw.com>



This afternoon I once again spoke with Carmen Merino, General Counsel for the Glendale, CA police. I learned the following.

1. In the attached "Inventory" document, the column titled "DR" has police report numbers. While Ms. Merino indicated that there is a unique number for each police report, she could not say whether each police report represents one victim. As to the numbers themselves, the first two digits represent the year. Thus, the first entry, 080001985, is from 2008. Based on that, it appears that the "Inventory" document has data from 1997 – 2018.
2. The last column in the attached "Inventory" document, titled "RAPE KIT?", with the letter "y" in every row, merely means that the row relates to rape test kits. The letter "y" in each row just indicates that when a filter was used to find the data in the table the entry included a word such as "sex", "rape", "assault kit" or the like. The letter "y" provides no information regarding disposition of the rape kit.
3. The attached "Inventory" document cannot be used to determine how many victims there were in a given year, how many test kits were collected in a given year, how many test kits were submitted for testing in a given year, how many test kits were tested in a given year, or the disposition of the test kits. Obtaining such information would require someone to pull the police reports and/or test kits, assess the information and create a summary document. Ms. Merino says that under California law, Glendale is not required to create such a document in response to a public records request.
4. We were previously told that from 2018-present, 26 test kits were collected, of those 19 were submitted for testing, and of those one was not tested. Ms. Merino could not provide any information on what happened to the 7 test kits that were not submitted for testing, or why one of the submitted kits was not tested. She again said that to obtain such information would require someone to pull reports or test kits, assess the information and create a summary document, which Glendale is not required to do.

In response, I asked Ms. Merino if she could think of a way that we could get the information. I asked her whether Glendale is willing to have someone gather the requested information/generate a new document with the information if we were willing to cover the cost of doing so, and if so, what that cost would be. Ms. Merino agreed to look in to that question and to think about whether there was another way that we could get the information.

I will let you know when I hear back from Ms. Merino. If I don't hear back from Ms. Merino in the next week or so, I will reach out to her. One thought that I had was that it might be easier to get information on the post 2018 test kits because there are fewer of those to investigate, perhaps only 7 or 8, compared to about 150 police reports in the "Inventory" document for 1997-2018. In addition, the next time I speak with Ms. Merino, I want to ask her the relationship between the 2018 police reports in the "Inventory" table and the 2018-present data that was provided (is there overlap, etc.). I also want to ask whether Glendale PD is looking in to why 7 of 26 kits from 2018-present were not submitted for testing, and whether there is a policy that would require Glendale to find an answer to that question, or a policy that could give us an answer to that question. I also want to ask similar questions about the test kit that was submitted but not tested, although regarding that, I think the answer is that someone would have to research it (which Ms. Merino says Glendale does not have to do).

Let me know if you agree with proceeding as set forth above.

Regards,



Goodwin Procter LLP



@goodwinlaw.com



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Inventory.pdf
1055K

To: [Redacted] <[Redacted]@joyfulheartfoundation.org> Fri, Mar 26, 2021 at 1:42 AM
Cc: [Redacted] <[Redacted]@goodwinlaw.com>
[Redacted] <[Redacted]@joyfulheartfoundation.org>
[Redacted] <[Redacted]@joyfulheartfoundation.org>
[Redacted] <[Redacted]@goodwinlaw.com>, [Redacted] <[Redacted]@goodwinlaw.com>

Dear [Redacted]

Thank you very much for following up with Ms. Merino and sending notes from your call. It is sad to see that Glendale never kept track of whether the rape kits were sent to the lab, tested, or destroyed. I agree with you that getting data from 2018-present would be much more doable.

Quick question regarding kits collected every year. Assuming the pdf document has all the rape kit data from 1997-2018, and given that the first two digits of the police report numbers represent the year, we could count the number of kits collected every year, correct? I will work on it tomorrow, even though it only gives partial information.

We are looking forward to hearing more from Ms. Merino. Thank you again for following up extensively!

Kindly,

[Redacted]

[Quoted text hidden]

[Redacted]

[Redacted] goodwinlaw.com> Fri, Mar 26, 2021 at 1:50 AM
To: [Redacted] joyfulheartfoundation.org>
Cc: [Redacted] joyfulheartfoundation.org" [Redacted] joyfulheartfoundation.org> [Redacted]
[Redacted] goodwinlaw.com> [Redacted] @goodwinlaw.com>

[Redacted]

I already did a count of the number of police reports for each year. Thus – the first two entries in the chart I counted as only one police report (because they have an identical number). I'm not sure if that is what you had in mind, but the numbers I got are listed below (for a total of 150 police reports).

Regards,

[Redacted]

- 1986: 1
- 1988: 1
- 1997: 4
- 1998: 2
- 1999: 0
- 2000: 4
- 2001: 6
- 2002: 4
- 2003: 2
- 2004: 2
- 2005: 7
- 2006: 2
- 2007: 2
- 2008: 4
- 2009: 2

11/24/21, 1:56 AM

Joyful Heart Foundation Mail - Glendale, CA - Public Records Request

2010: 4

2011: 7

2012: 6

2013: 7

2014: 9

2015: 17

2016: 20

2017: 21

2018: 16

[Quoted text hidden]



[REDACTED] joyfulheartfoundation.org>

FW: Glendale Public Records Request (Joyful Heart)

11 messages

[REDACTED] goodwinlaw.com> Wed, Apr 14, 2021 at 4:36 PM
 To: [REDACTED] joyfulheartfoundation.org>
 Cc: [REDACTED] joyfulheartfoundation.org", [REDACTED] joyfulheartfoundation.org>, "R [REDACTED] goodwinlaw.com>, [REDACTED] goodwinlaw.com>

[REDACTED]

Below is an e-mail I sent this morning to Carmen Merino, General Counsel for the Glendale, CA police. I'll let you know if/when we get a response.

Regards,

[REDACTED]

From: [REDACTED]@goodwinlaw.com>
 Sent: Wednesday, April 14, 2021 9:33 AM
 To: Merino, Carmen [REDACTED] Glendaleca.gov>
 Subject: Glendale Public Records Request (Joyful Heart)

Carmen,

I am writing to follow-up on our discussion on March 24, 2021. When we spoke you indicated that in the attached inventory spreadsheet ("the Inventory Spreadsheet"), "DR" in the column titled "DR" provides Police Report numbers and the first two numbers of each Police Report represent the year in which the report was filed. Based on that, it appears that the Inventory Report has Police Reports from 1986, 1988, 1997-1998, and 2000-2018. Please confirm that I am reading the DR column correctly.

You also indicated that the Inventory Spreadsheet could not be used to determine the number of rape victims, or the number of rape test kits collected, submitted for testing, or actually tested, and that you did not know of any way to collect this information other than to have someone manually go through police reports and try to track down the information. Please provide an estimate of how much time it would take to collect that information and how much it would cost? I understand that fees covering direct costs for collecting the requested information may be imposed in connection with this request. Please provide an estimate of the costs for collecting the requested information prior to incurring any such costs.

You previously indicated that from 2018-present, 26 test kits were collected, 19 were submitted for testing, and one of the 19 kits submitted for testing was not tested. When we spoke, you were not able to provide any information about what happened to the 7 test kits that were not submitted for testing or why one of the submitted kits was not tested. Please provide an estimate of how much time it would take to determine what happened to the 7 test kits that were not submitted for testing and why one of the submitted kits was not tested, and how much that would cost. I understand that fees covering direct costs for collecting the requested information may be imposed in connection with this request. Please provide an estimate of the costs for collecting the requested information prior to incurring any such costs.

Lastly, as mentioned above, it appears that the Inventory Spreadsheet has information for Police Reports from 2018 (16 by my count). You also provided information regarding 26 test kits collected from 2018-present. Please explain the relationship, if any, between the two sets of data from 2018. For example, do they overlap?

I look forward to hearing from you,

Regards,



Goodwin Procter LLP



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Inventory.pdf
1055K

To: [Redacted] <[Redacted]@joyfulheartfoundation.org> Mon, Apr 19, 2021 at 9:11 PM
Cc: [Redacted] <[Redacted]@goodwinlaw.com>
[Redacted] <[Redacted]@joyfulheartfoundation.org> [Redacted] <[Redacted]@joyfulheartfoundation.org>
[Redacted] <[Redacted]@goodwinlaw.com>, [Redacted] <[Redacted]@goodwinlaw.com>

Dear [Redacted]

Thank you very much for your follow up email to Carmen Merino. I believe this was your sixth time reaching out. If they fail to provide data after this email too, I guess we will have to say in our reports that Glendale submitted partial data, and there are at least 7 untested kits collected after 2018.

Gratefully,



[Quoted text hidden]

--

- Insufficient evidence
- Victim declines
- Victim recanted
- Suspect admission
- Known perpetrator

In reviewing the information provided regarding the 26 kits collected since 2018 and the Inventory Spreadsheet, it was discovered that 6 cases on the Inventory Sheet were not included in the number I provided you. Adding those six cases brings the number of kits collected since 2018 to 32. These 6 cases were not submitted to the lab for testing. The reasons for not submitting the kits for testing would include the reasons set forth above. It was also discovered that three 2018 cases reported to the DOJ were not on the Inventory Sheet.

The Glendale Police Department is evaluating your requests for cost estimates for collecting information. I hope to have further information on this aspect of your request in the next week.

Best,

Carmen

Carmen O. Merino, General Counsel – Police • City of Glendale • Office of the City Attorney



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From: [REDACTED]@goodwinlaw.com>
Sent: Wednesday, April 14, 2021 6:33 AM
To: Merino, Carmen [REDACTED]@Glendaleca.gov>
Subject: Glendale Public Records Request (Joyful Heart)

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[Quoted text hidden]

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

Wed, Apr 28, 2021 at 1:27 AM

Cc: [Redacted]

Dear [Redacted]

Thank you very much for your email and the information. I would like to make sure I understand the numbers correctly. 2018-present, 32 kits were collected, and 13 were not submitted for testing due to the list of reasons Ms. Merino provided. We currently do not have information on how many kits were tested, not tested, or destroyed that were collected before 2018. Ms. Merino will send us cost estimates for collecting that information, as well as additional information regarding untested kits from after 2018. Am I understanding everything correctly? Sorry for my confusion with all the numbers.

We are looking forward to hearing more from Ms. Merino.

Kindly,

[Redacted]

[Quoted text hidden]

[Quoted text hidden]

To: [Redacted]@joyfulheartfoundation.org>
Cc: [Redacted]

Wed, Apr 28, 2021 at 1:46 AM

[Redacted]

I believe that your understanding is correct.

Regards,

[Redacted]

[Quoted text hidden]

To: [Redacted]@joyfulheartfoundation.org>
Cc: [Redacted]@joyfulheartfoundation.org>

Wed, Apr 28, 2021 at 4:02 AM

Hi [Redacted]

In the next week could you prep up a summary of where we are with California.. what do we know and what's outstanding?

Thanks!

[Redacted]

Begin forwarded message:

From: [Redacted]@goodwinlaw.com>
Date: April 27, 2021 at 6:46:20 PM EDT
To: [Redacted]@joyfulheartfoundation.org>
Cc: [Redacted]@joyfulheartfoundation.org, [Redacted]@goodwinlaw.com>, [Redacted]@goodwinlaw.com>
Subject: RE: FW: Glendale Public Records Request (Joyful Heart)

[Quoted text hidden]

[Redacted] joyfulheartfoundation.org> Tue, Jul 13, 2021 at 12:05 AM
 To: [Redacted] goodwinlaw.com>
 Cc: [Redacted] joyfulheartfoundation.org", [Redacted] joyfulheartfoundation.org>, [Redacted] goodwinlaw.com>, [Redacted] goodwinlaw.com>

Dear [Redacted]

Hope you are doing well. I am writing to follow up about Glendale. Have you received any updates from Ms. Merino by any chance?

All the best,

[Redacted]

[Quoted text hidden]

--

[Redacted]

[Quoted text hidden]

[Redacted] goodwinlaw.com> Wed, Jul 14, 2021 at 1:11 AM
 To: [Redacted] joyfulheartfoundation.org>
 Cc: [Redacted]

[Redacted]

I hope all is well with you too. I have not heard back from Glendale. I'll reach out to Ms. Merino again.

[Quoted text hidden]

[Redacted] joyfulheartfoundation.org> Fri, Jul 16, 2021 at 4:45 PM
 To: [Redacted] @goodwinlaw.com>
 Cc: [Redacted]

Thank you very much in advance.

Kindly,

[Redacted]

[Quoted text hidden]

[Redacted] @goodwinlaw.com> Mon, Jul 26, 2021 at 6:43 PM
 To: [Redacted]

[Redacted]

We sent a follow-up e-mail and will let you know what we hear.

Regards,

[Redacted]

[Quoted text hidden]

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

Mon, Jul 26, 2021 at 8:12 PM







Thank you very much. We are looking forward to it.

Kindly,



[Quoted text hidden]

10 attachments

-  **image001.jpg**
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-  **image002.jpg**
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-  **image003.jpg**
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-  **image004.jpg**
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-  **image009.png**
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3K



[Redacted] joyfulheartfoundation.org>

Joyful Heart - Glendale, CA

1 message

Tue, Nov 23, 2021 at 9:37 PM

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

[Redacted]

We received the response below from Glendale PD, indicating that it "cannot provide a cost estimate" for collecting the data we requested. At this stage, it does not look like we will receive any more information from Glendale.

Please let me know if there is anything else you would like us to do with respect to Glendale, CA.

Regards,

[Redacted]

From: Merino, Carmen [Redacted] Glendaleca.gov>
Sent: Wednesday, November 17, 2021 6:31 PM
To: Z [Redacted] goodwinlaw.com>
Subject: RE: Glendale Public Records Request (Joyful Heart)

EXTERNAL

[Redacted]

Thank you for your email. In reviewing my emails, it does not appear that I sent a response. I apologize for the oversight in not responding to your request for a cost estimate to determine how much time it would take to have personnel manually go through police reports to obtain the information requested.

The City of Glendale and the Glendale Police Department recognize the value of the advocacy work performed by the Joyful Heart Foundation, however, providing a cost estimate is difficult as assigning police personnel to do the work requested will take resources away from other public safety duties which would then have to be backfilled with overtime. Thus, we cannot provide a cost estimate. Further, under the California Public Records Act, a local agency has no duty to create a record that does not exist at the time of the request. Therefore, the Glendale Police Department is not obligated to perform the work requested.

Sincerely,

Carmen

Carmen O. Merino, General Counsel – Police • City of Glendale • Office of the City Attorney



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PART 1. OF CRIMES AND PUNISHMENTS [25 - 680]

TITLE 17. RIGHTS OF VICTIMS AND WITNESSES OF CRIME

Section 680

Universal Citation: CA Penal Code § 680 (through 2012 Leg Sess)

(a) This section shall be known as and may be cited as the Sexual Assault Victims DNA Bill of Rights.

(b) The Legislature finds and declares all of the following:

(1) Deoxyribonucleic acid (DNA) and forensic identification analysis is a powerful law enforcement tool for identifying and prosecuting sexual assault offenders.

(2) Victims of sexual assaults have a strong interest in the investigation and prosecution of their cases.

(3) Law enforcement agencies have an obligation to victims of sexual assaults in the proper handling, retention and timely DNA testing of rape kit evidence or other crime scene

evidence and to be responsive to victims concerning the developments of forensic testing and the investigation of their cases.

(4) The growth of the Department of Justice's Cal-DNA databank and the national databank through the Combined DNA Index System (CODIS) makes it possible for many sexual assault perpetrators to be identified after their first offense, provided that rape kit evidence is analyzed in a timely manner.

(5) Timely DNA analysis of rape kit evidence is a core public safety issue affecting men, women, and children in the State of California. It is the intent of the Legislature, in order to further public safety, to encourage DNA analysis of rape kit evidence within the time limits imposed by subparagraphs (A) and (B) of paragraph (1) of subdivision (i) of Section 803.

(6) A law enforcement agency assigned to investigate a sexual assault offense specified in Section 261, 261.5, 262, 286, 288a, or 289 should perform DNA testing of rape kit evidence or other crime scene evidence in a timely manner in order to assure the longest possible statute of limitations, pursuant to subparagraphs (A) and (B) of paragraph (1) of subdivision (i) of Section 803.

(7) For the purpose of this section, law enforcement means the law enforcement agency with the primary responsibility for investigating an alleged sexual assault.

(c) (1) Upon the request of a sexual assault victim the law enforcement agency investigating a violation of Section 261, 261.5, 262, 286, 288a, or 289 may inform the victim of the status of the DNA testing of the rape kit evidence or other crime scene evidence from the victim's case. The law enforcement agency may, at its discretion, require that the victim's request be in writing. The law enforcement agency may respond to the victim's request with either an oral or written communication, or by electronic mail, if an electronic mail address is available. Nothing in this subdivision requires that the law enforcement agency communicate with the victim or the victim's designee regarding the status of DNA testing absent a specific request from the victim or the victim's designee.

(2) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims have the following rights:

(A) The right to be informed whether or not a DNA profile of the assailant was obtained from the testing of the rape kit evidence or other crime scene evidence from their case.

(B) The right to be informed whether or not the DNA profile of the assailant developed from the rape kit evidence or other crime scene evidence has been entered into the

Department of Justice Data Bank of case evidence.

(C) The right to be informed whether or not there is a match between the DNA profile of the assailant developed from the rape kit evidence or other crime scene evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Data Base, provided that disclosure would not impede or compromise an ongoing investigation.

(3) This subdivision is intended to encourage law enforcement agencies to notify victims of information which is in their possession. It is not intended to affect the manner of or frequency with which the Department of Justice provides this information to law enforcement agencies.

(d) If the law enforcement agency elects not to analyze DNA evidence within the time limits established by subparagraphs (A) and (B) of paragraph (1) of subdivision (i) of Section 803, a victim of a sexual assault offense specified in Section 261, 261.5, 262, 286, 288a, or 289, where the identity of the perpetrator is in issue, shall be informed, either orally or in writing, of that fact by the law enforcement agency.

(e) If the law enforcement agency intends to destroy or dispose of rape kit evidence or other crime scene evidence from an unsolved sexual assault case prior to the expiration of the statute of limitations as set forth in Section 803, a victim of a violation of Section 261, 261.5, 262, 286, 288a, or 289 shall be given written notification by the law enforcement agency of that intention.

(f) Written notification under subdivision (d) or (e) shall be made at least 60 days prior to the destruction or disposal of the rape kit evidence or other crime scene evidence from an unsolved sexual assault case where the election not to analyze the DNA or the destruction or disposal occurs prior to the expiration of the statute of limitations specified in subdivision (i) of Section 803.

(g) A sexual assault victim may designate a sexual assault victim advocate, or other support person of the victim's choosing, to act as a recipient of the above information required to be provided by this section.

(h) It is the intent of the Legislature that a law enforcement agency responsible for providing information under subdivision (c) do so in a timely manner and, upon request of the victim or the victim's designee, advise the victim or the victim's designee of any significant changes in the information of which the law enforcement agency is aware. In order to be entitled to receive notice under this section, the victim or the victim's designee shall keep appropriate authorities informed of the name, address, telephone number, and

electronic mail address of the person to whom the information should be provided, and any changes of the name, address, telephone number, and electronic mail address, if an electronic mailing address is available.

(i) A defendant or person accused or convicted of a crime against the victim shall have no standing to object to any failure to comply with this section. The failure to provide a right or notice to a sexual assault victim under this section may not be used by a defendant to seek to have the conviction or sentence set aside.

(j) The sole civil or criminal remedy available to a sexual assault victim for a law enforcement agency's failure to fulfill its responsibilities under this section is standing to file a writ of mandamus to require compliance with subdivision (d) or (e).

(Added by Stats. 2003, Ch. 537, Sec. 1. Effective January 1, 2004.)

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The Department of Justice, on or before July 1, 2018, and in consultation with law enforcement agencies and crime victims groups, shall establish a process by which victims of sexual assault may inquire regarding the location and information regarding their sexual assault evidence kits.

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(a) Upon the next interaction with a sexual assault victim, a law enforcement officer or medical provider shall provide the victim with a card to be developed by every local law enforcement agency, in consultation with sexual assault experts, that explains a list of the rights of sexual assault victims in clear language that is comprehensible to a person proficient in English at the fifth grade level, in at least 12-point font, and available in all major languages of the state. This card shall include, but is not limited to, a list of the following

(1) A clear statement that a sexual assault victim is not required to participate in the criminal justice system or to receive a medical evaluation or physical examination in order to retain his or her rights under law

(2) Telephone or internet website contact information for a nearby rape crisis center and sexual assault counselor

(3) Information about the types of law enforcement protection available to the sexual assault victim, including a temporary protection order, and the process to obtain that protection

(4) Instructions for requesting the results of the analysis of the victim's sexual assault forensic evidence

(5) Information about state and federal compensation funds for medical and other costs associated with the sexual assault and information on any municipal, state, or federal right to restitution for sexual assault victims if a criminal trial occurs

(6) A clear statement that the victim has the right to have a sexual assault counselor and at least one other support person of the victim's choosing present at any next medical evaluation examination, physical examination, or investigation interview arising out of a sexual assault, and that a sexual assault counselor can be contacted 24 hours a day

(7) Information about the rate of potential evidence degradation

(8) A clear statement that if sexual assault forensic evidence will be tested, it should be transported to the crime laboratory and analyzed within the time limits imposed by [subparagraphs \(A\)](#)

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and [\(B\) of paragraph \(1\) of subdivision \(g\) of Section 803](#) [https://1.nextwestaw.com/Lnk/Document/Fu_Text?](https://1.nextwestaw.com/Lnk/Document/Fu_Text?findType=L&or.g.nat.ngContext=document&trans.tonType=Document.tem&pubNum=1000217&refType=SP&or.g.nat.ngDoc=6b79f351140f11e9a9aca07da6f8f)

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(9) A clear statement that the law enforcement agency or crime laboratory will retain the sexual assault forensic evidence for at least 20 years, or if the victim was under 18 years of age at the time of the alleged offense, at least until the victim's 40th birthday

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(b) A law enforcement official shall, upon written request by a sexual assault victim, furnish a free copy of the narrative crime report related to the sexual assault, regardless of whether the report has been closed by the law enforcement agency, to the victim. A law enforcement agency may redact personally identifying information in the copy furnished to the victim.

(c) A prosecutor shall, pursuant to [Sect on 290 46 \(https://1.nextwestaw.com/Lnk/Document/Fu_Text?findType=L&or_g_natngContext=document&trans_tonType=Document+tem&pubNum=1000217&refType=LQ&or_g_natngDoc=6b7a4170140f11e9a9aca07da6f8e9\)](https://1.nextwestaw.com/Lnk/Document/Fu_Text?findType=L&or_g_natngContext=document&trans_tonType=Document+tem&pubNum=1000217&refType=LQ&or_g_natngDoc=6b7a4170140f11e9a9aca07da6f8e9), upon written request by a sexual assault victim, provide the convicted defendant's information on a sex offender registry to the victim, if the defendant is required to register as a sex offender.

(d) The law enforcement agency shall provide sufficient copies of the card described in subdivision (a) to each provider in jurisdiction of medical evaluation examinations or physical examinations arising out of sexual assault.

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California Code, Penal Code - PEN § 680.3

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(a) Each law enforcement agency that has investigated a case involving the collection of sexual assault kit evidence shall, within 120 days of collection, create an information profile for the kit on the Department of Justice's SAFE-T database and report the following

- (1) if biological evidence samples from the kit were submitted to a DNA laboratory for analysis
- (2) if the kit generated a probative DNA profile
- (3) if evidence was not submitted to a DNA laboratory for processing, the reason or reasons for not submitting evidence from the kit to a DNA laboratory for processing

(b) After 120 days following submission of rape kit biological evidence for processing, if a public DNA laboratory has not conducted DNA testing, that laboratory shall provide the reasons for the status in the appropriate SAFE-T data field. If the investigating law enforcement agency has contracted with a private laboratory to conduct DNA testing on rape kit evidence, the submitting law enforcement agency shall provide the 120-day update in SAFE-T. The process described in this subdivision shall take place every 120 days until DNA testing occurs, except as provided in subdivision (c)

(c) Upon expiration of a sexual assault case's statute of limitations, or if a law enforcement agency elects not to analyze the DNA or intends to destroy or dispose of the crime scene evidence pursuant to [subdivision \(f\) of Section 680](#) (https://1.nextwestaw.com/Lnk/Document/Fu_Text?findType=L&org.nat.ngContext=document&trans.tonType=Document.tem&pubNum=1000217&refType=SP&org.nat.ngDoc=5705fac0141111e9a9aca07da6f8e), the investigating law enforcement agency shall state in writing the reason the kit collected as part of that case's investigation was not analyzed. This written statement reveals the investigating law enforcement agency or public laboratory of any further duty to report information related to that kit pursuant to this section

(d) The SAFE-T database shall not contain any identifying information about a victim or a suspect, shall not contain any DNA profiles, and shall not contain any information that would impair a pending criminal investigation

(e) On an annual basis, the Department of Justice shall file a report to the Legislature in compliance with [Section 9795 of the Government Code](#) (https://1.nextwestaw.com/Lnk/Document/Fu_Text?findType=L&org.nat.ngContext=document&trans.tonType=Document.tem&pubNum=1000211&refType=LQ&org.nat.ngDoc=570621d0141111e9a9aca07da6f8e) summarizing data entered into the SAFE-T database during that year. The report shall not reference individual victims, suspects, investigations, or prosecutions. The report shall be made public by the department

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(f) Except as provided in subdivision (e), in order to protect the confidentiality of the SAFE-T database information, SAFE-T database contents shall be confidential, and a participating law enforcement agency or laboratory shall not be compelled in a criminal or civil proceeding, except as required by Brady v. Maryland (1963) 373 U.S. 83 (https://1.nextwestaw.com/Lnk/Document/Fu_Text?findType=Y&or_g_natngContext=document&trans_tonType=DocumentItem&pubNum=0000780&refType=RP&or_g_natngDoc=570621d214111e9a9aca07da6f8e), to provide any SAFE-T database contents to a person or party seeking those records or information.

(g) The requirements of this section shall only apply to sexual assault evidence collected on or after January 1, 2018.

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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 the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

602.1.1 DEFINITIONS

Definitions related to this policy include:

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) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

602.2 POLICY

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

602.3 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Communications Bureau, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

602.3.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

- (a) Advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, any other rights of a sexual assault victim pursuant to Penal Code § 680.2, and the right to

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have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).

- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).
 - 1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
 - 2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

602.3.2 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).

Except as authorized by law, members 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).

602.4 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.

602.5 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

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602.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

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.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

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.

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

Members 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). SAFE 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 shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

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

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

602.6.2 DNA TEST RESULTS

A SART member should 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

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delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall 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 officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 - 2. Absent a written request, no member 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 SAFE 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 DOJ 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 DOJ Databank of case evidence.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer 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 officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 - 2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

602.6.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Glendale Police Department will utilize standardized sexual assault forensic medical evidence (SAFE) kits, in compliance with Penal Code 13823.14, which are stored at medical facilities that conduct evidentiary medical exams for adult/child victims or suspects of sexual assault. Officers investigating a sexual assault should transport victims/suspects to an authorized medical facility capable of utilizing SAFE kits for evidentiary medical exams. Once an exam is completed the

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SAFE kit will be collected, booked as evidence, and Glendale Police Department personnel will follow the usage guidelines issued by the California Forensic Medical Training Center.

602.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Assaults Unit Supervisor.

Classification of a sexual assault case as unfounded requires the Assaults Unit Supervisor 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 that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

602.8 CASE REVIEW

The Investigative Services Division supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

602.9 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 appear 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 Investigative Services Division supervisor 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.

602.10 TRAINING

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

- (a) Members who are first responders. Training should include:
 1. Initial response to sexual assaults.
 2. Legal issues.
 3. Victim advocacy.
 4. Victim's response to trauma.
 5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).

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- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 - 1. Interviewing sexual assault victims.
 - 2. SART.
 - 3. Medical and legal aspects of sexual assault investigations.
 - 4. Serial crimes investigations.
 - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 - 6. Techniques for communicating with victims to minimize trauma.

Property and Evidence

804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with entry into the records management system (RMS). Care shall be taken to maintain the chain of custody for all evidence.

The Property Section has the authority to refuse incorrectly or improperly packaged property that does not comply with the standards set forth by this Department until corrections have been made by the submitting employee.

804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the entry into RMS describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Print an evidence/property barcode label and attach it to each package or envelope in which the property is stored.

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- (c) When the property is too large to be placed in a locker, the item may be retained in the temporary overnight storage area located in the foyer of the dry room in the basement.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate barcode. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

804.3.3 EXPLOSIVES

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in designated hazardous materials storage lockers. The Property Officer is responsible for coordinating removal, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried in the biohazard evidence lockers prior to booking.
- (b) All cash booked as evidence shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Watch Commander shall be contacted for cash in excess of \$1,000 for special handling procedures. Employees assigned to the Investigative Services Division may retain evidentiary/seized money that is too large to fit in the OS safe for 24 hours or the next business day in accordance with established policy and procedures governing same.
- (c) Under most circumstances, perishable/consumable evidence (e.g., food items, drinks) should not be booked into evidence. If a perishable item is of evidentiary value, it shall be transported to the Forensic Lab to be photographed and documented.

804.3.5 FRESH MARIJUANA

Any marijuana plant or recently harvested plant material shall not be booked.

804.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Paraphernalia as described in Health and Safety Code § 11364 for Felonies

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- (e) Paraphernalia as described in Health and Safety Code § 11364 for Misdemeanors
[See attachment: Training Order 2016-5 Destruction of Narcotics Paraphernalia - Misdemeanor Offenses Only](#)
- (f) Fireworks
- (g) Contraband

804.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Syringe tubes should be used to package syringes and needles.

A property barcode shall be securely attached to the outside of all items or group of items packaged together.

804.5 RECORDING OF PROPERTY

The Property Officer receiving custody of evidence or property shall scan the barcode in to RMS, which records his/her identification number, the date and time the property was received and where the property will be stored.

Any changes in the location of property held by the Glendale Police Department shall be noted in RMS.

804.6 PROPERTY CONTROL

Each time the Property Officer receives property or releases property to another person, he/she shall scan this information into RMS. Officers desiring property for court shall contact the Property Officer and produce a copy of the subpoena or have the investigating officer's authorization entered into RMS. If the investigating officer is not available, authorization must be obtained from the ISD Commander or supervisor. When practical, this should be done one day prior to the court day.

The property officer will issue a receipt to the officer removing the property. Either the property or a receipt, signed by the court, must be returned to the property room within 24 hours.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Request for analysis for items, other than large quantities of narcotics or drugs, shall be completed on the appropriate lab receipt form and submitted to the property officer. This request may be filled out any time after booking of the property or evidence.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, by scanning the property tags to show a chain of custody record. This record will indicate the date and time of the request for laboratory analysis. The lab forms will be transported with the property to the examining laboratory.

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804.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted in RMS, stating the date, time and to whom released.

The Property Officer shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded in RMS, indicating date, time, and the person who returned the property. Property should be returned within 24 hours.

804.6.4 AUTHORITY TO RELEASE PROPERTY

The Investigative Services Division shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

804.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release maintained in RMS, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property entry or must specify the specific item(s) to be released. Release of all property shall be documented in RMS.

With the exception of firearms and other property specifically regulated by statute, found property shall be held for a minimum of 90 days and property held for safeskeeping shall be held for a minimum of 60 days. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property Officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded in RMS.

Under no circumstances shall any firearm be returned to any registered owner unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property Bureau Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

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The Department is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

804.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

804.6.7 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm, the Property Officer, with authorization from the investigating officer, shall return the weapon to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met unless the firearm is determined to be stolen, evidence in a criminal investigation or the individual is otherwise prohibited from possessing a firearm (Family Code 6389(g); Penal Code § 33855).

804.6.8 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of the weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) which conforms to the provisions of Penal Code § 33865.
- (b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the weapon is not retained as evidence, the Department shall make the weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ which conforms to the provisions of Penal Code § 33865.
- (c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed or retained as provided in Welfare and Institutions Code § 8102.

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804.6.9 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Glendale Police Department determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

804.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property Officer shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

804.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

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804.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

804.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property Bureau Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Investigative Services Division supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property Bureau Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigative Services Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the investigating officer or supervisor.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigative Services Division supervisor should be consulted and the sexual assault victim shall be notified

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at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

804.8 INSPECTIONS OF THE EVIDENCE ROOM

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.
- (c) An annual audit of evidence held by the Department shall be conducted at the discretion of the Chief of Police with supervision by someone not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an audit shall be conducted at the discretion of the Chief of Police with supervision by someone not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.