



City of Anaheim

Office of the City Clerk

200 S. Anaheim Blvd., Suite 217

Anaheim, CA 92805

(714) 765-5166 • fax (714) 765-4105

www.anaheim.net

REQUEST FOR PUBLIC RECORDS

STEP 1: COMPLETE all fields on this form. This form is to facilitate and expedite the processing of your public records request. Describe identifiable records in the possession of the City; your request must be sufficiently focused and specific to allow the City to locate the requested record(s).

STEP 2: SUBMIT completed form by mail, fax, email or in person to Custodian of Records, Office of the City Clerk, 200 S. Anaheim Blvd. (714) 765-5166; tbass@anaheim.net; fax (714) 765-4105.

STEP 3: WAIT to receive an invoice for responsive records. The City shall determine within 10-days from receipt of a public records request, whether the request, in whole or in part, seeks copies of discloseable public records in possession of the City [GC 6253(c)]. Please note that if you are requesting the opportunity to inspect records, you will be requested to make an appointment to return at a later date/time to view the documents.

Charges for the direct cost of duplication will apply. **Documents will not be copied until payment has been received.** If payment is not received within 10 days after invoice is sent, you may be required to submit a new request. Please see backside for additional information.

REQUESTER INFORMATION

Full Name : Simona Danesh Date: 7-12-19

Company Name: Dolan Law Firm, PC

(Mailing) Address: _____ City/State/Zip Code: San Francisco, CA 94102

Phone number: _____ Email: _____

Preferred method of contact in the event of questions: Telephone and email

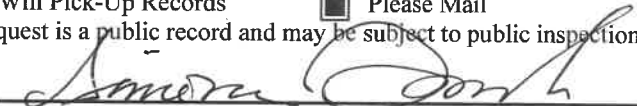
DESCRIPTION OF REQUESTED RECORD(S): (Describe the specific public record(s) e.g., date, type, time period covering documents requested etc)

All documents, including but not limited to, memos, policy manuals, practices, bulletins, guidelines, and standards applicable to Anaheim Police Department in effect May 2011 to present concerning: 1. "Biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation-" as identified in Policy 372 section 372.1 of the Anaheim Police Department Policy Manual previously produced in response to a prior public records request and attached to this request for reference. 2. Collection of Biological samples collected at a crime scene from a person who is not required to provide samples in conjunction with a criminal investigation. 3. Collection of Biological samples collected at a crime scene from a person in conjunction with a criminal investigation. 4. DNA Data Bank sample collection, sample use, and DNA Data Bank Program as identified in Policy 372 section 372.6.3 of the Anaheim Police Department Policy Manual (attached).

I understand that I will be contacted once documents have been identified. If production of records is requested, an estimated cost will be provided to me and I agree that I will be required to submit payment for duplication costs (and mailing) prior to the production of the requested documents.

I wish to inspect City records Will Pick-Up Records Please Mail

Please note that information contained in any PRA request is a public record and may be subject to public inspection pursuant to the CA Public Records Act.


SIGNATURE OF REQUESTER

Biological Samples

372.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

372.2 POLICY

The Anaheim Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

372.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

- (a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.
- (b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.
- (c) An adult arrested or charged with any felony.

372.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

372.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.
- (c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

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Biological Samples

372.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

372.5.1 VIDEO RECORDING

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR § 1059).

372.5.2 CELL EXTRACTIONS

If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR § 1059).

372.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

372.6.1 DOCUMENTATION RELATED TO FORCE

The Watch Commander shall prepare prior written authorization for the use of any force (15 CCR § 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample or impression and refused, as well as the related court order authorizing the force.

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372.6.2 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

- (a) The California DOJ requests a blood sample and the subject consents, or
- (b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

372.6.3 LITIGATION

The Chief of Police or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

Jennifer L. Hall

From: Christina Ayala
Sent: Wednesday, September 04, 2019 10:01 AM
To: Jennifer L. Hall
Cc: Theresa Bass
Subject: Fwd: Request for Public Records
Attachments: 19-07-12 Public Record Request.pdf

Christina Ayala
Legal Assistant
Dolan Law Firm, PC

----- Forwarded message -----

From: **Christina Ayala**
Date: Fri, Jul 12, 2019 at 9:26 AM
Subject: Request for Public Records
To: <tbass@anaheim.net>, Simona Danesh

Ms. Bass -

Attached please find our request for public records.

Thank you.

Christina Ayala
Legal Assistant
Dolan Law Firm, PC



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