



Sexual Assault Forensic Examination (SAFE) Best Practices Advisory Group

Thursday, September 29, 2022 Virtual Meeting

Meeting Notes

<p>1. Call to Order & Establishment of Quorum</p> <ul style="list-style-type: none">• Twelve Advisory Group members or designees were present, which is a quorum. See attendee list below.• The Advisory Group adopted the agenda for the September 29th meeting.• The Advisory Group approved the minutes for the July 27th meeting. <p>Members in Attendance: Jacqueline Barton True, Sen. Manka Dhingra, Leah Griffin, Ali Hohman (designee: Sarah Hudson), Kristina Hoffman, Rep. Gina Mosbrucker, Rick Torrance (designee: jd Nielsen), Rep. Tina Orwall, Ben Santos, Nicole Stephens, Terri Stewart, Laura Twitchell</p> <p>Participants: Antoinette Bonsignore, Ryan Giannini, Adam Hall, Kyra Laughlin, Heather McLeod, Kelly Richburg, Denise Rodier, Lauren Vlas, Jen Wallace, Lucy Wolf</p>
<p>2. Updates</p> <ul style="list-style-type: none">• The Advisory Group’s voting meeting will be held on October 25th from 1:00 – 3:00 p.m. If you are unable to attend, please send a designee.• Jen Wallace reported on the Criminal Justice Training Commission’s (CJTC) recent <i>Start by Believing</i> Summit. The Summit attracted 210 attendees, predominantly law enforcement. Of the 67 who filled out evaluations, the vast majority (85%) reported that the event was excellent or good. Many indicated that they are likely to incorporate the information in their work. Jen thanked several members (Rep. Orwall, Leah Griffin and Nicole Stephens) for their involvement in the Summit.• Kristina Hoffman provided an update on the testing of sexual assault kits (SAKs). The Crime Lab anticipates that the testing of historical SAKs will be completed by the spring of 2023. As of 8/31/22, 2,763 DNA profiles have been uploaded to CODIS, resulting in 1,059 hits to individuals and 227 hits to other cases. Please see attached slides on page 4 for more details. Questions arose about the costs of testing SAKs. Crime Lab staff indicated that costs vary, but most recently, the cost to test a SAK via an outsourced lab was \$1,362, which does not include testing of additional items packaged separately from the kit. Staff did not know offhand what the cost would be to test SAKs internally.• Laura Twitchell reported that the Washington Association of Sheriffs and Police Chiefs, in collaboration with the Attorney General’s Office (AGO), submitted a quarterly report on the investigational status of historical SAKs with CODIS hits. Note: the report is available here:

https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=22-07-01%205.70.060%20Report_c98fbb75-e856-4df0-8f04-fd18e795256c.pdf

- Laura Twitchell shared that the team working on the Lawfully Owed DNA project at the AGO is working through names of offenders who owe DNA. The team began with those convicted of homicide, sex offenses and kidnapping and is now working on other offenses. This has resulted in 1,470 DNA profiles uploaded to CODIS, 55 of which hit to another case in CODIS. Laura also noted there have been 40 requests for genetic genealogy assistance. The use of this tool has solved several cold cases, including the sexual assault of a 17-year-old.
- Advisory Group members shared concerns about recent reports that a private company is promoting “Do-It-Yourself” sexual assault kits in Washington, including to students at the University of Washington. These kits are of questionable value in the court system given that it is essential to demonstrate that evidence was collected properly and that the chain of custody was maintained. Members expressed concern that individual victims are being misled if they believe that these kits are an alternative to going to the hospital and society at large is being negatively impacted because any DNA from these kits likely cannot be uploaded into CODIS. Kristina Hoffman noted that the Crime Lab can only test kits that come from law enforcement agencies. Contracting with an outsourced lab requires a site visit and review of cases; FBI certification is needed to enter profiles into CODIS. Members requested that AGO staff report back on any actions taken.

3. Review and Discuss Draft Potential Recommendations

- The Advisory Group discussed potential draft recommendations based on the group’s work over the course of the year.
 1. Enhancing accountability for the collection of lawfully-owed DNA
 - The Advisory Group has made recommendations on this issue in the past. Senator Dhingra noted that the language does not prescribe the particular way to collect DNA, allowing jurisdictions to choose an option that meets their needs. A question was raised about how many DNA samples are lawfully owed but not provided.
 - Ben Santos raised another issue. Juveniles convicted of felonies no longer have to provide DNA. This creates an inconsistency, as felony assault does not require a DNA sample, but misdemeanor 4th degree domestic violence assault does.
 2. Medical forensic exams for survivors of strangulation
 - The Advisory Group discussed the need for a strangulation kit when sexual assault is not involved (i.e., domestic violence cases). Terri Stewart noted that nurses are already collecting strangulation evidence in sexual assault cases; they have everything they need in the sexual assault kit. Terri Stewart and Heather McLeod agreed to follow-up with information about what should be included in a strangulation kit.
 3. Creation of a statewide data dashboard
 - The Advisory Group discussed the benefits and challenges of data collection. Ben Santos noted that King County’s dashboard has been invaluable internally as a tool to advocate for more resources. However, just providing one data point on the outcome of cases with CODIS hits has been a heavy lift administratively. The Advisory Group discussed the need for technical experts

to assess efficient and effective options for collecting quality data before instituting a requirement. Senator Dhingra emphasized that the assessment would be designed to determine how best to collect data, not whether to collect data.

4. Expanding the existing sexual assault case review program

- The Advisory Group's discussion touched on a number of issues related to understanding why some sexual assault cases are not prosecuted. Representative Orwall noted that her prior bill, which she will revisit in 2023, included trauma-informed training for prosecutors as well as a statewide position providing technical assistance to prosecutors. Senator Dhingra expressed interest in creating a unit in the AGO that could prosecute sexual cases. A small group will meet to work on the details and bring more information back to the Advisory Group.

5. A central coordinating entity and point of contact for SAK distribution

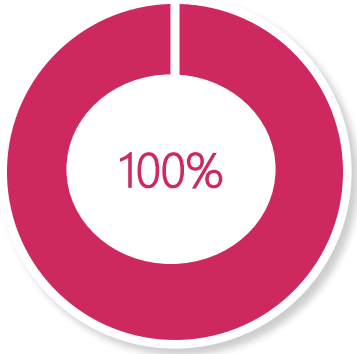
- The Advisory Group discussed the importance of identifying a particular entity, noting that the location of a SAK can affect the viability of a case. Washington State Patrol was raised as a possible entity to fill the role of kit coordinator. However, members brought up a number of other entities for other statewide roles. The Office of Crime Victims Advocacy was mentioned as a possible location for a training coordinator. For a broader SANE coordinator role, members brought up the Washington Coalition for Sexual Assault Programs, the Washington Hospital Association, a medical setting, or the AGO. The potential for multiple statewide roles (e.g., medical, prosecution, etc.) underscores the need for coordination.



SAK Testing Progress

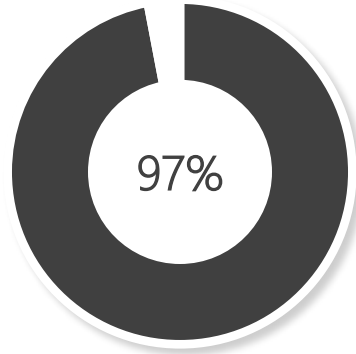
- September 2022 -

1. FACILITATE THE TESTING OF 9,232 HISTORICAL SAKS BY DEC. 1, 2021



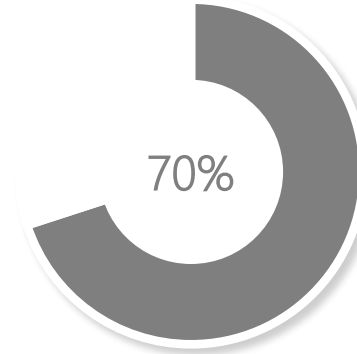
Phase 1: Facilitate Outsourcing

As of 8/31/22, 9,239 SAKs have been shipped to and received by one of 3 vendor labs. Any remaining received kits will be outsourced as they come in.
Target Completion Date: 12/1/21



Phase 2: Test

As of 8/31/22, 8,945 SAKs have been tested by the vendor labs and WSP now has a copy of the results and their lab report for review. The results then need to be reviewed by WSP, and if eligible, uploaded into CODIS.



Phase 3: Review

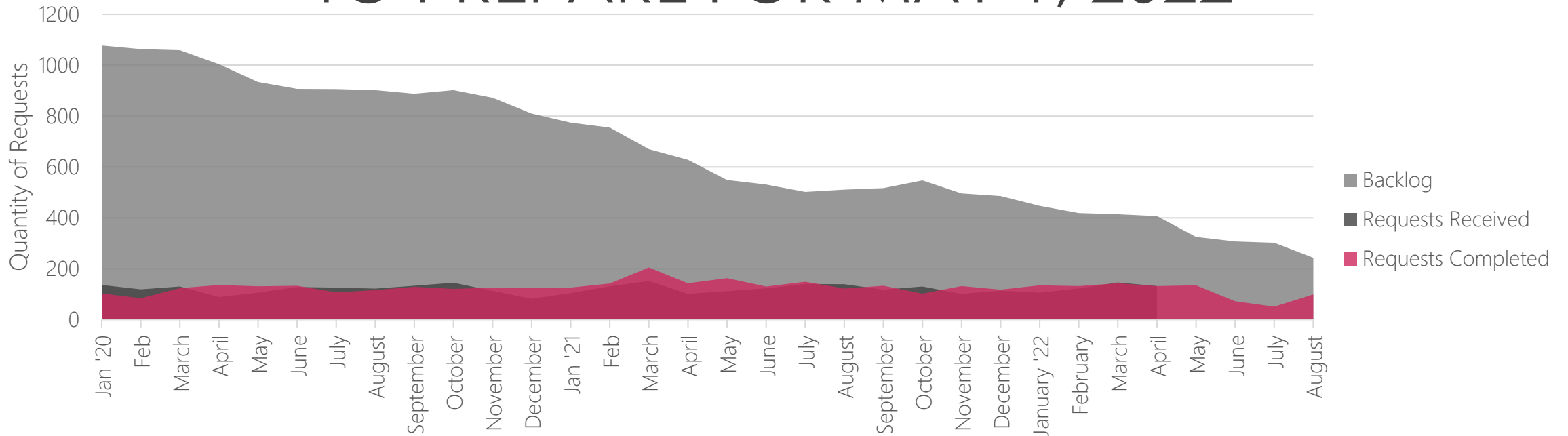
As of 8/31/22, 6,475 SAKs have had their test results reviewed by WSP and any eligible DNA profiles have been uploaded to CODIS. 2,763 DNA profiles have been uploaded, resulting in 1,059 hits to individuals, and 227 hits to another case.



Target completion Date: 12/30/23



2. CLEAR BACKLOG OF KITS NEEDING TESTING TO PREPARE FOR MAY 1, 2022



SAKs that were submitted as part of active investigations (“STR-SAKs”) are prioritized for testing. These kits are tested in-house by the regional WSP DNA labs. This backlog is made up of kits and other evidence submitted in sex offenses.

62%

Had testing completed within 45 days or less in 2022 YTD



8 new scientists & 2 technicians

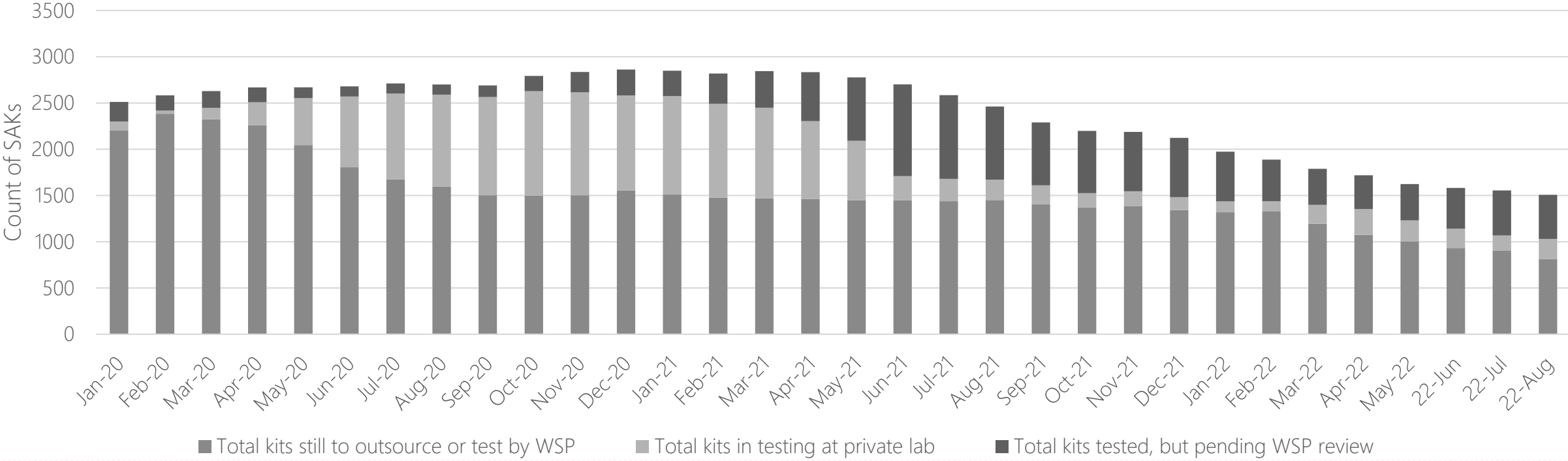


**Projected
late 2022
Backlog
End Date**



TESTING OF SAK-2 KITS IN WA

SAK-2 Backlog Over Time



SAKs that were submitted as part of inactive investigations ("SAK-2s") are tested in-house* or are outsourced to a vendor lab.

46%
Of backlog has been outsourced and in progress

32% has been tested but awaiting review



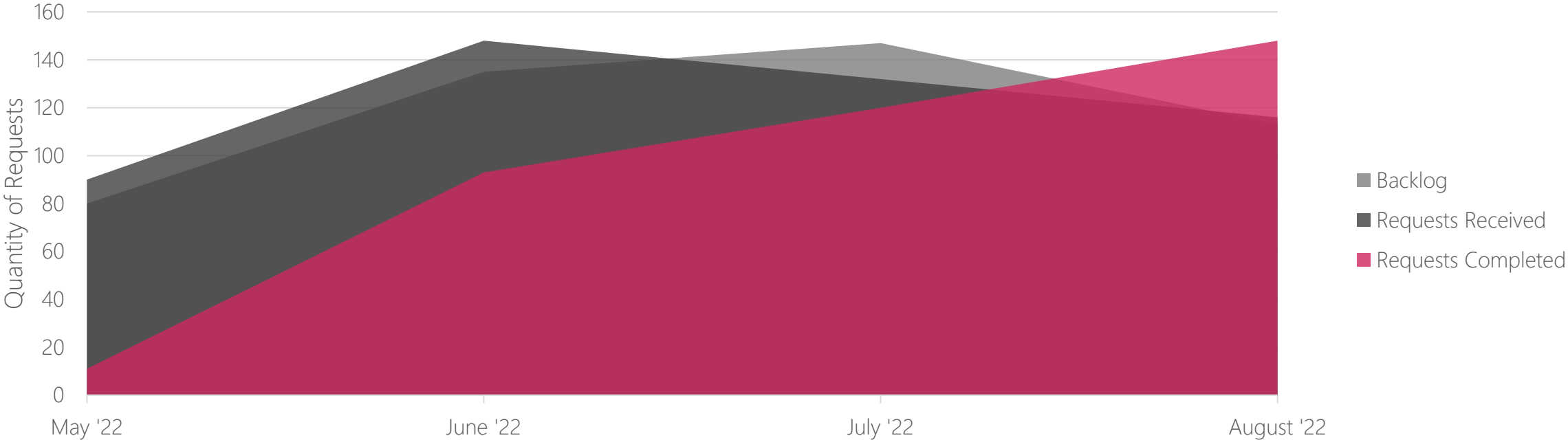
8 new scientists & 1 technician



May 2022 Goal




2. ACHIEVE A TURNAROUND TIME OF ≤45 DAYS FOR 100% OF SAKS STARTING MAY 1, 2022



Effective 5/1/22, SAKs that are submitted to the crime lab are prioritized for testing regardless of investigation status to achieve a quick turnaround time. These kits are tested in-house by the regional WSP DNA labs.

99.7%
Had testing completed within 45 days or less in 2022 YTD

 **27 days**
Average Testing Turnaround Time

