



Sexual Assault Forensic Examination (SAFE)

Best Practices Advisory Group

October 7, 2021 Virtual Meeting

Meeting Notes

Members in Attendance: Flora Diaz, Sen. Manka Dhingra, Michelle Dixon-Wall, Cara Helmer (on behalf of Alicia Eyer), Leah Griffin, Kate Hemann, Kristina Hoffman, Ali Hohman, Rep. Gina Mosbrucker, Rep. Tina Orwall, Ben Santos, Nicole Stevens, Terri Stewart, Rick Torrance

Participants: Antoinette Bonsignore, Melanie Estes, Lisa Immerwahr, Monserrat Jauregui, Heather McLeod, Laura Merchant, Kelly Richburg, Denise Rodier, Jo Shelton, Laura Twitchell, Lauren Vlas, Stephanie Wahlgren, Tara Wolfe

1. Call to Order

Fourteen members (or designees) were present, which is a quorum. By unanimous consent, the Advisory Group adopted the agenda for October 7, 2021. By unanimous consent, the Advisory Group approved the notes from the September 1, 2021 meeting.

2. Updates

Kristina Hoffman provided an update on the progress of testing sexual assault kits (SAK) (see attached slides). Kate Hemann provided an update on the lawfully owed DNA project. As of the end of August, 1,164 DNA samples have been uploaded into CODIS and there have been 31 “hits” or matches. The Whatcom County Sheriff’s Office is re-opening a case as a result of the initiative.

3. Follow-up: Discussion on Comprehensive Sexual Assault Nurse Examiner (SANE)/Forensic Nurse Examiner (FNE) Services

Representative Mosbrucker shared three proposals, which she indicated will likely become two bills, along with possibly budget provisos. Rep. Mosbrucker shared that she was motivated by a study published by the Rape, Abuse, and Incest National Network, which found that out of 1,000 sexual assault-related cases, 995 perpetrators walk free, 5 cases result in felony convictions, and 4.6 rapists are incarcerated. This figures are of grave concern given that rape is serial by nature. Rep. Mosbrucker explained the urgency of training more SANEs to collect evidence and provide trauma-informed care,

Draft pending approval of Advisory Group.

particularly given that nine counties in Washington do not have any SANEs at all. Representative Mosbrucker's plans to:

- Introduce a bill similar to HB 1942 (2019), which would provide funding for a pilot training program on the East side;
- Provide \$2500 per nurse for scholarships for training, as nurses are currently spending their own money to complete training; and
- Work with the Washington State Hospital Association to find out what they need to enable nurses to attend SANE training (e.g., back-up nurses).

Advisory Group members and participants discussed ways to improve access to SANEs. Representative Orwall expressed that partnerships across the state could be a powerful way to address the issue. Kate Hemann raised the concern that Washington may be without any funds for SANE training if the current federal grant is not renewed. She questioned what would happen to training on the West side if state funds are limited to the East side and the federal funding falls through. Advisory Group members and participants also discussed the importance of ongoing support and mentoring beyond SANE training. Heather McLeod noted that training is useless without retention measures.

Terri Stewart shared that Harborview's training program provides 3-day training in rural areas. The abbreviated training (from 5 days to 3 days, partially online) was created at the request of the rural nurses to better meet their needs. Terri also noted that at recent training in Spokane, more nurses from the West side attended than those from the Spokane area. Terri mentioned that she is working on a Tele-SANE program as a result of a federal grant award.

Michelle Dixon-Wall described the way that the Washington Coalition of Sexual Assault Program (WCSAP) addresses training in other areas. WCSAP provides training, they permit others to use their curricula, and they have a way to certify curricula developed by others that is consistent with their standards. Michelle suggested that the state could adopt a similar approach for consistent SANE training across the state.

Rick Torrance brought up Senate Bill 5183, which not only addresses non-fatal strangulation, but also how to ensure that SANE/FNE training is provided across state. OCVA is bringing together stakeholders to look at the issue. Rick stated that OCVA is optimistic that some funds from federal sources can be used as a short-term, stopgap measure for SANE training in the face of the uncertainty around the continuation of the existing federal grant.

4. Follow-up: Collecting Lawfully-Owed DNA

Advisory Group members and participants discussed collecting DNA samples from offenders who are required submit them, particularly those who are not going to prison. Kate Hemann explained the importance of populating the offender database in CODIS, which enables linking an unknown DNA profile collected from a SAK to a known offender. Lisa Immerwahl noted that King County has collected DNA in the courtroom, but not consistently. Representative Orwall explained that she has worked on DNA bills and has historically gotten pushback from courts about prescriptive measures. Generally, if DNA is not collected before offenders leave the courthouse, they are ordered to later report to the local police department or sheriff's office to provide a sample. However, there is not follow-up to verify

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compliance. Flora Diaz suggested scheduling a review hearing similar to orders to surrender weapons in domestic violence cases. If the offender submits proof to the court that they are in compliance with submitting DNA, the hearing can be canceled. Representative Orwall asked about limiting the follow-up hearings to more serious offenses. Kate Hemann noted that the Lawfully Owed DNA project gets the most hits from lower-level offenses.

5. Follow-up: Reimbursement for SAK exams across state lines

Advisory Group members and participants discussed the issue of paying for SAK exams for assaults that occurred out of state. The Crime Victims Compensation (CVC) program is currently prohibited from paying for such exams. Representative Orwall expressed support for including a fix in a House bill. Senator Dhingra noted that this is a straightforward statute change with language that CVC can pay for exams regardless of where the assault occurred. This is not only important for victims, but also for hospital support of SANE programs.

6. Follow-Up: Training for Prosecutors

Advisory Group members and participants discussed prosecutorial training that includes both the practical aspects of trying cases and trauma-informed practices for working with victims starting with the initial meeting. Ben Santos expressed support for a boot camp with mock trials to give prosecutors opportunities to practice and enhance their skills. He noted that because many lower-level crimes are being diverted, newer prosecutors are getting more serious, complicated cases without much trial experience. Lisa Immerwahl added that new prosecutors could use training in how to work with advocates. Terri Stewart expressed support for cross-training, which would enable prosecutors to practice with SANEs and SANEs to gain confidence in testifying. Kate Hemann noted that when she trained with nurses, it changed the nurses' understanding of what a direct examination during a trial would be like. Bringing together various disciplines helps build the team's skills working with victims.

The Advisory Group discussed whether to mandate training. Attorneys in the group (Ben Santos, Kate Hemann, Flora Diaz) shared that if the training is designated as an Ethics training, everyone will take it. Beyond that, it is likely that prosecutors in Special Assault Units would want to take the training if it is accessible.

The AGO's Sexual Assault Kit Initiative (SAKI) partners with *AEquitas*, which provides training. It may be possible to subcontract with WAPA as well.

7. Wrap-Up

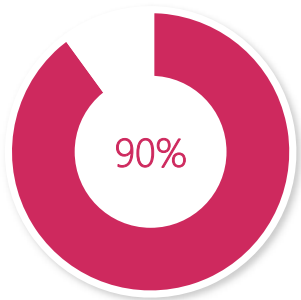
Representative Orwall mentioned continuing the SAFE Advisory Group, as there is so much more work to do. The original expiration date lined up with the initial SAKI grant.



SAK Testing Progress

- October 2021 -

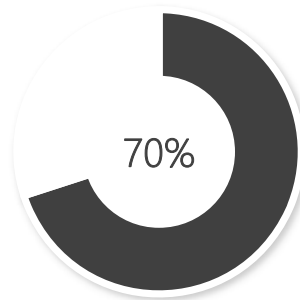
1. FACILITATE THE TESTING OF 9,232 HISTORICAL SAKS BY DEC. 1, 2021



Phase 1: Outsource

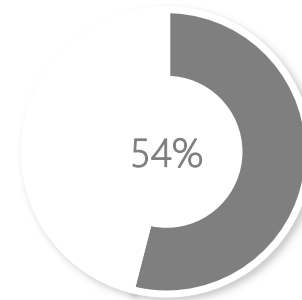
As of 9/30/21, 8,353 SAKs have been shipped to and received by one of 3 vendor labs. 879 SAKs remain to outsource over the next 2 months.

Target Completion Date: 12/1/21



Phase 2: Test

As of 9/30/21, 6,484 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

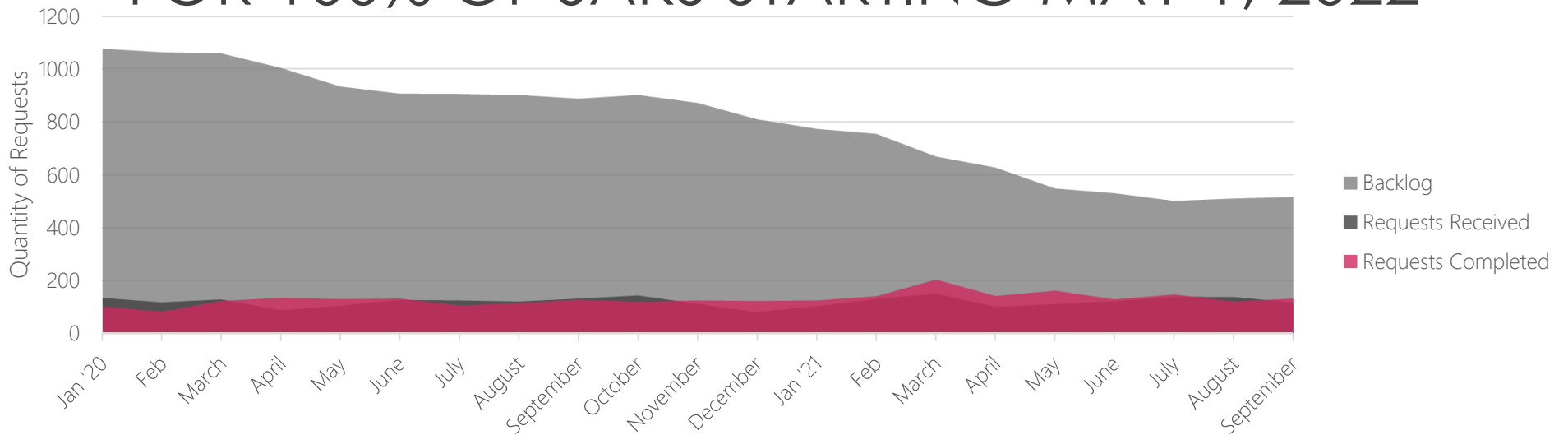
As of 9/30/21, 5,027 SAKs have had their test results reviewed by WSP and any eligible DNA profiles have been uploaded to CODIS. 2,037 DNA profiles have been uploaded, resulting in 776 hits to individuals, and 159 hits to another case.



Target completion Date: 12/31/22



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



SAKs that are submitted as part of active investigations ("STR-SAKs") are prioritized for testing. These kits are tested in-house by the regional WSP DNA labs.

51%
Had testing completed within 45 days or less in 2020



8 new scientists & 2 technicians

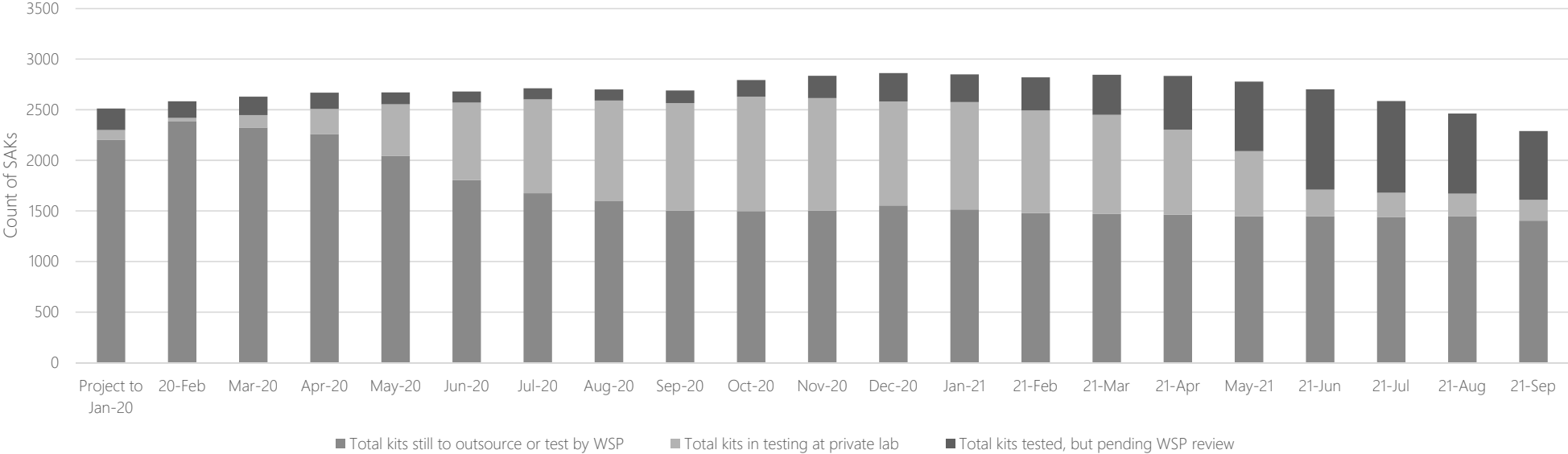


May 2022 Deadline



TESTING OF SAK-2 KITS IN WA

SAK-2 Backlog Over Time



SAKs that are submitted as part of inactive investigations ("SAK-2s") are tested in-house by the new WSP high-throughput lab* or are outsourced to a vendor lab.

39% Of backlog has been outsourced and in progress
30% has been tested but awaiting review



8 new scientists & 1 technician



May 2022 Deadline

