



Sexual Assault Forensic Examination (SAFE)

Best Practices Advisory Group

April 5, 2022 Virtual Meeting

Meeting Notes

Members in Attendance: Sen. Manka Dhingra, Flora Diaz, Leah Griffin, Katharine Hemann, Ali Hohman Rep. Gina Mosbrucker, Denise Rodier (on behalf of Kristina Hoffman), Amber Rodriguez, Ben Santos, Nicole Stephens, Rick Torrance

Participants: Sahar Fathi, Alison Forsyth, Lisa Immerwahl, Laura Twitchell, Lauren Vlas, Jen Wallace

1. Call to Order

Eleven members (or designees) were present, which is a quorum. By unanimous consent, the Advisory Group adopted the agenda for April 5, 2022. By unanimous consent, the Advisory Group approved the notes from the October 7, 2021 meeting.

2. Updates and Reminders

Staff reminded members and participants that April is Sexual Assault Awareness Month and Child Abuse Prevention Month and encouraged sharing of events, panel discussions, forums, and conferences that are happening this month. Amber Rodriguez, representative for the Washington Coalition of Sexual Assault Programs (WCSAP), noted WCSAP's annual conference and schedule of events.

Denise Rodier provided an update on the progress of testing sexual assault kits (SAK) (see attached slides) and noted the May 30 deadline when Washington State Patrol (WSP) will test, as a requirement imposed by the Legislature, all SAKs within 45 days of receipt by the lab.

Kate Hemann provided an update on the lawfully owed DNA project. As of the end of July, 1,009 DNA samples have been uploaded into CODIS and there have been 44 "hits" or matches.

3. State and Federal Legislation Update

Senator Dhingra and Representative Mosbrucker shared information on a number of successful bills from the 2021-2022 Legislative session including the following;

[Engrossed Substitute Senate Bill 5628](#): Concerning cyber harassment, addressing concerns in the case of Rynearson v. Ferguson, and adding a crime of cyberstalking.

[Engrossed Substitute Senate Bill 5693 \(Budget\)](#):

- Reauthorization of the SAFE Advisory Group through 2023
- Appropriation to OSPI to research best practices for a victim-centered, trauma-informed approach to responding to sexual assault and supporting survivors in schools, conduct listening sessions across the state for the purpose of assessing challenges with responding to sexual assault and supporting survivors in schools, update model protocols for responding to sexual assault and supporting survivors in schools, develop a plan for deploying victim-centered, trauma-informed training for school administrators and counselors, based on best practices, and review of current legal requirements mandating that educators and staff report suspected sexual assault and assess whether changes to those requirements should be made to align them with best practices for responding to sexual assault and supporting survivors in schools.

[House Bill 1571](#): Protections and services for indigenous persons who are missing, murdered, or survivors of human trafficking. Requires County coroners or medical examiners with jurisdiction over the human remains of an indigenous person to cooperate with law enforcement to attempt to identify and contact family members and any affected tribes prior to disturbance of the remains, except as necessary in the interest of safety or to preserve evidence for an ongoing criminal investigation. The bill also creates a grant program of wraparound services for indigenous survivors of trafficking.

[House Bill 1593](#): Expanding the landlord mitigation program to alleviate the financial burden on victims attempting to flee domestic violence, sexual assault, unlawful harassment, or stalking.

[House Bill 1622](#): Increasing the availability of sexual assault nurse examiner education in rural and underserved areas. This bill requires Washington State University's College of Nursing to establish a regional sexual assault nurse examiner leader pilot program, report on the education needs of the surrounding community, develop community-based action plans for sexual assault nurse examiner recruitment and submit reports on the impact of the pilot program no later than January 1, 2026.

[House Bill 1725](#): Creating an endangered missing person advisory designation for missing indigenous persons. Requires Washington State Patrol to develop and implement an endangered missing person advisory (EMPA) plan which includes both silver alert and missing indigenous person alert designations, for voluntary cooperation between local, state, tribal, and other law enforcement agencies; state government agencies; radio and television stations; cable and satellite systems; and social media pages and sites to enhance the public's ability to assist in recovery efforts.

[House Bill 1901](#): Updating laws concerning civil protection orders to further enhance and improve their efficacy and accessibility including a number of new provisions governing protection orders such as; electronic filing and electronic service, and allowing protection order hearings to be conducted remotely according to specified procedures.

[Senate Bill 5728](#): The state's portion of civil asset forfeiture collections must be deposited in the Behavioral Health Loan Repayment Program Account until June 30, 2027, at which time revenues will revert back to the general fund. The Behavioral Health Loan Repayment Program Account will retain its own interest earnings.

Jen Wallace noted that while prosecutor training did not pass as part of the most recent legislative session, prosecutors are welcome and encouraged to attend the SAI-VCERT victim interviewing course. The next training held is May 3rd to the 6th. Ben Santos said he will spread the word. Members and participants thanked legislators for their work to prioritize sexual assault issues.

Next, Leah Griffin was recognized for many years of work on sexual assault reform at the national level, including the recent reauthorization of the Violence Against Women Act (VAWA). Leah noted the “Supportive Access to Care Act” that was included in the reauthorization of VAWA and provides national standards of care for SANE services as well as an increase in funding for SANE services, which states will be able to compete for.

4. 2022 Work Plan

Members and participants reviewed and discussed a draft work plan for the Advisory Group and were asked to consider any additional items for the plan (attached). Kate Hemann discussed collection of lawfully-owed DNA and provided a refresher on the issue for members and participants. Senator Dhingra noted this is an important issue and there is a need for clear best practices as well as an update to the statute to create accountability for the parties responsible for collecting DNA from qualifying offenders. Kate Hemann noted it is a gross misdemeanor for offenders to not provide the DNA as required and warrants may be issued. WAPA conducted a survey on how counties across Washington collect DNA but responses were limited. Senator Dhingra noted the importance of including cities in these efforts. Flora Diaz remarked that Washington State Association of Municipal Attorneys (WSAMA) may be able to provide insight.

Lisa Immerwahl suggested adding to the work plan a discussion on the services community sexual assault providers offer, an assessment of their current case-loads, and an exploration into how we can increase available resources for providers. Leah Griffin requested adding mental and behavioral health care, in addition to Crime Victims Compensation, to the work plan and Nicole Stephens asked to add a public apology and outreach to the community regarding the delay in testing the backlog of sexual assault kits.

5. SAK Coordination

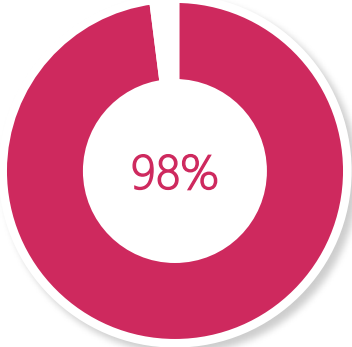
Lauren Vlas and Kate Hemann provided an overview on how SAKs are purchased and distributed in Washington state and a status update on the supply chain after the COVID-19 pandemic created delays in the production of kits. In September of 2021, the supplier of WA-specific SAKs, TriTech, announced a staffing shortage leading to major delays in production. Since WA hospitals purchase kits directly from the manufacturer and pay for them at that time, there is no contract in place with guarantees for the provision of any number of SAKs. Sexual Assault Nurse Examiners (SANEs) alerted staff at the Attorney General’s office (AGO) to the issue and a work group was formed to plan how to avoid a statewide kit shortage if TriTech isn’t able to fulfill orders for new SAKs. AGO staff and members of the SAFE Advisory Group met with Tri Tech to discuss the current state of the supply chain and learn about how other states contract with, and interface with, Tri Tech. The work group determined a single point of contact for SAK distribution would be beneficial to SAK coordination and distribution. Kate Hemann and Lauren Vlas will serve as the primary point of contact(s) until permanent contacts have been agreed upon.



SAK Testing Progress

- February 2022 -

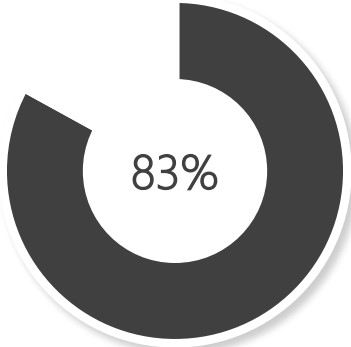
1. FACILITATE THE TESTING OF 9,232 HISTORICAL SAKS BY DEC. 1, 2021



Phase 1: Facilitate Outsourcing

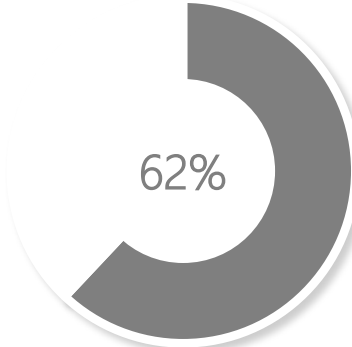
As of 2/28/22, 9,073 SAKs have been shipped to and received by one of 3 vendor labs. 159 SAKs remain to outsource; however WSP is still awaiting paperwork from LEAs on them.

Target Completion Date: 12/1/21



Phase 2: Test

As of 2/28/22, 7,626 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.



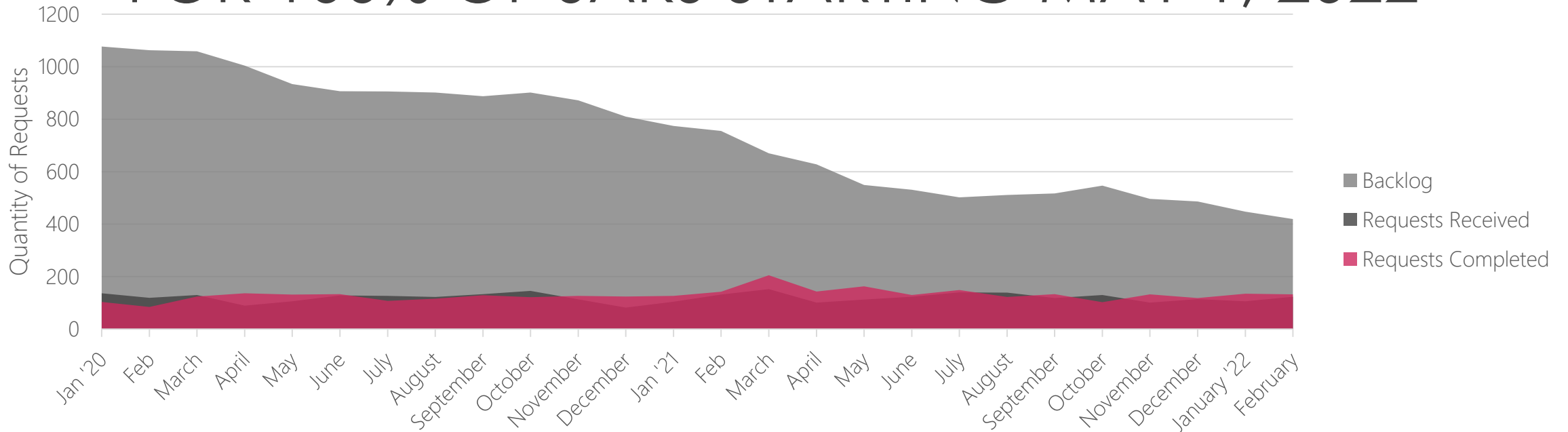
Phase 3: Review

As of 2/28/22, 5,713 SAKs have had their test results reviewed by WSP and any eligible DNA profiles have been uploaded to CODIS. 2,340 DNA profiles have been uploaded, resulting in 883 hits to individuals, and 183 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.

57%
Had testing completed within 45 days or less in 2021



8 new scientists & 2 technicians

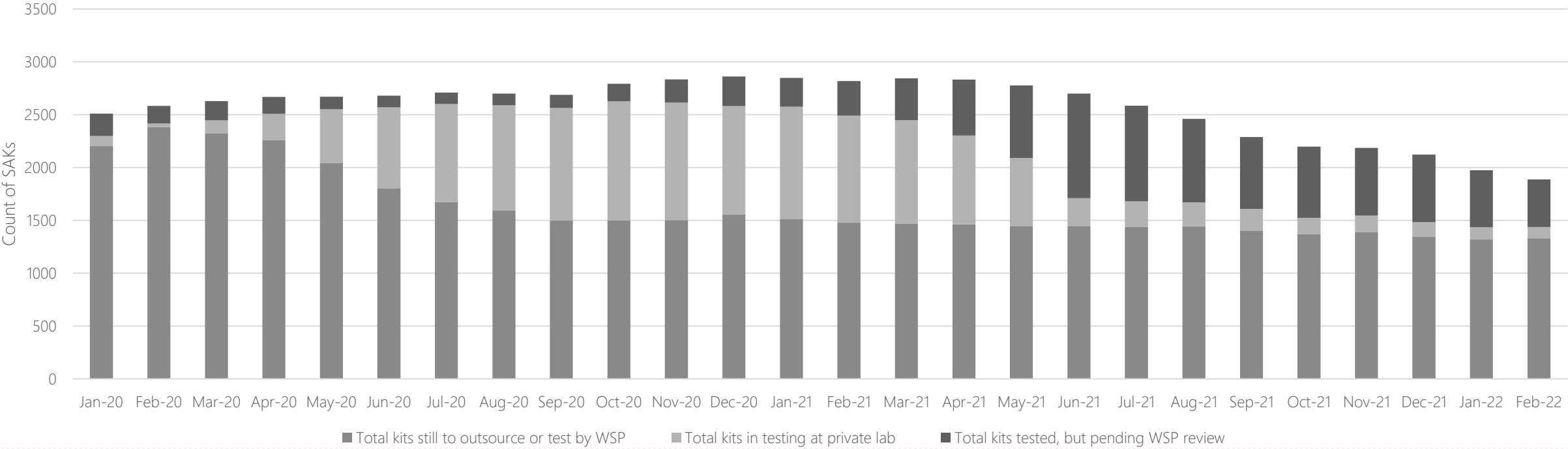


May 2022 Deadline



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.

30% Of backlog has been outsourced and in progress
24% has been tested but awaiting review



8 new scientists & 1 technician



May 2022 Deadline

