



Sexual Assault Forensic Examination (SAFE)

Best Practices Advisory Group

July 27, 2022 Virtual Meeting

Meeting Notes

Members in Attendance: Jacqueline Barton True, Sen. Manka Dhingra, Leah Griffin, Katharine Hemann, Kristina Hoffman, Ali Hohman, jd Nielsen, Amber Rodriguez, Ben Santos, Nicole Stephens, Terri Stewart

Participants: Alison Forsyth, Ryan Giannini, Lisa Immerwahl, Kole Musgrove, Denise Rodier, Laura Twitchell, Lauren Vlas, Jen Wallace

1. Call to Order

Ten members were present, which is a quorum. By unanimous consent, the Advisory Group adopted the agenda for July 27, 2022. By unanimous consent, the Advisory Group approved the notes from the June 16, 2022 meeting.

2. Updates and Reminders

Staff reminded members and participants of the upcoming meeting schedule, September 29 is the last regular meeting before voting on final recommendations on October 25.

Kristina Hoffman provided an update on the progress of testing sexual assault kits (SAKs) (see attached slides). Kate Hemann provided an update on the Attorney General's lawfully owed DNA project (see attached report).

3. Presentation: Data Collection & Opportunities to Address Case Attrition

David Baker, Senior Deputy Prosecuting Attorney with the King County Prosecutor's Office (KCPAO), and Antoinette Bonsignore, Legal and Prosecutorial Analyst with the Criminal Justice Training Commission discussed the KCPAO's [data dashboard](#). Designed to provide users with understanding and insight into how the felony criminal justice system functions, the data dashboard was developed after the KCPAO transitioned to a digital case system in mid-2013. The public-facing data dashboard was built in 2020 and launched in 2021 to provide an accessible and organized view into felony cases at King County. The dashboard provides information on open cases, referrals, declines, filings, dispositions, a historical summary, the age of the caseload, persons in custody, and demographic data from cases. Data can be further refined by unit, including the Special Assault Unit that handles sexual assault cases. After David explained the development of the dashboard, implementation, and resources needed to support the dashboard, Antoinette discussed with the group the number of sexual assault cases reported, referral numbers, and decline numbers.

Further, in order to address case attrition, there is a need to conduct sexual assault case reviews and audits to look at different components including race and ethnicity of survivors, relationship to the assailant, disability status, LGBTQ identity, voluntary and involuntary use of alcohol and drugs, delayed reporting, and importantly, the acceptance of rape myths and how they may influence cases. The Criminal Justice Training Commission's case review program is intended to inform law enforcement training on handling sexual assault investigations.

Finally, the group discussed potentially expanding CJTC's case review program to look specifically at case attrition and determine if the aforementioned components contribute to attrition, and how they might be addressed. Addressing sexual assault case attrition will require statewide data, ideally modeled after the dashboard KCPAO utilizes.

4. Follow-up: Strangulation Kits

Lauren Vlas provided an update on progress made to create a WA-specific forensic evidentiary kit for survivors of strangulation, which co-occurs with sexual assault in approximately 1 out of every 12 cases. The manufacturer of WA-specific SAKs, Tri-Tech Forensics, can manufacture a strangulation kit in batches of 250 and sell directly to Washington hospitals in cases of 10 or 25. SAFE members and participants discussed potential items to include in the kit. Staff will continue to update the group on the progress of developing a WA-specific strangulation kit.

5. Discussion and Review: Draft Patrol Officer Reference Card

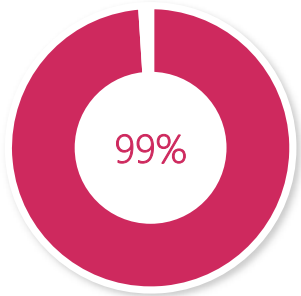
Advisory Group members and participants reviewed a draft one-page document outlining steps for patrol officers responding to sexual assault reports (attached). Edits and revisions were made based on feedback. The reference card is expected to be finalized and published by the end of the year.



SAK Testing Progress

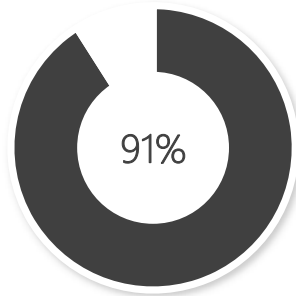
- July 2022 -

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



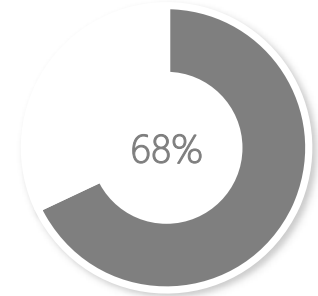
Phase 1: Facilitate Outsourcing

As of 6/30/22, 9,173 SAKs have been shipped to and received by one of 3 vendor labs. 59 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 6/30/22, 8,423 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

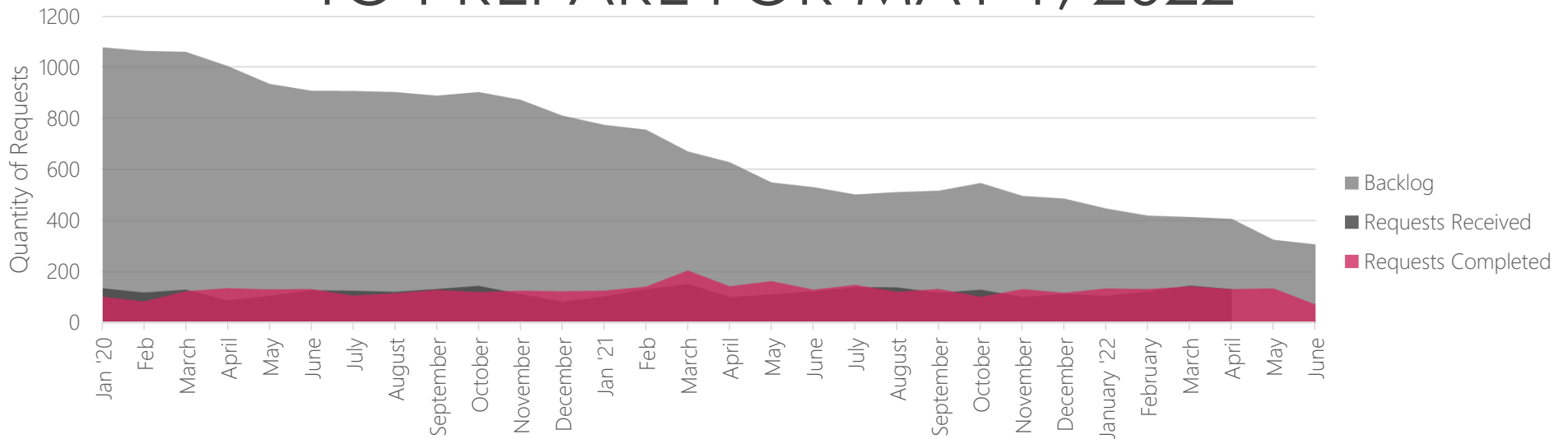
As of 6/30/22, 6,269 SAKs have had their test results reviewed by WSP and any eligible DNA profiles have been uploaded to CODIS. 2,606 DNA profiles have been uploaded, resulting in 995 hits to individuals, and 204 hits to another case.



Target completion Date: 6/30/23



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

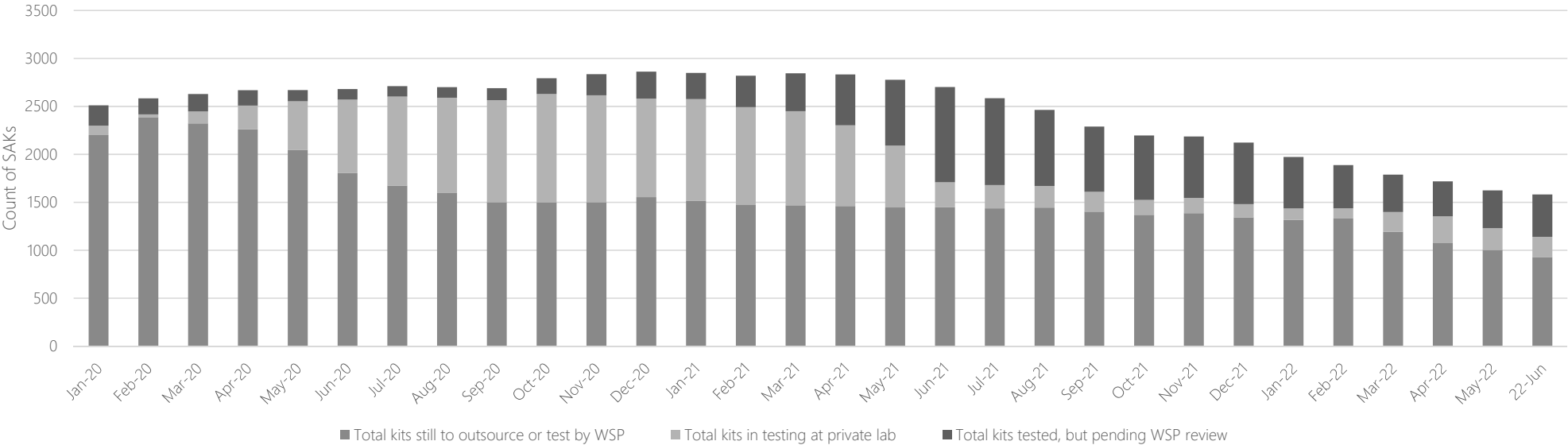


**Projected
October
2022
Backlog
End Date**



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.

41% Of backlog has been outsourced and in progress
28% has been tested but awaiting review



8 new scientists & 1 technician



May 2022 Goal



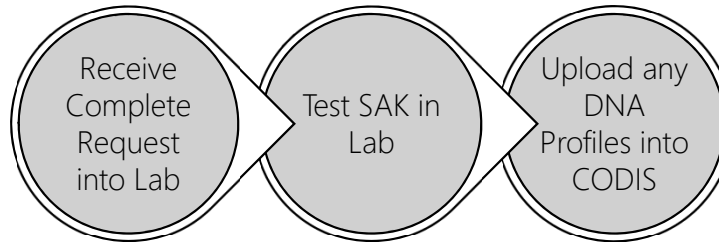
2. ACHIEVE A TURNAROUND TIME OF ≤45 DAYS FOR 100% OF SAKS STARTING MAY 1, 2022



High-Throughput Lab

Testing SAKs submitted from Vancouver, Tacoma, and Marysville Service Areas

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 high-throughput, Seattle, and Spokane WSP DNA labs.



As of 6/30/22 for kits received starting 5/1/22:

100%

Had testing completed within 45 days or less



27 days

Average Testing Turnaround Time



Process Improvements

- Y-screening of SAKs
- Full Lab Automation-in progress
- New Evidence Submission Form
- Improved Operational Data and Visibility
- Direct submission of evidence to HT lab
- Team/Lab specializing in SAK testing



Dear Colleagues:

As you know, in 2015, Washington State began the process of testing all previously unsubmitted sexual assault kits across the state. In 2019, pursuant to RCW 5.70.050, the Washington State Patrol was required to facilitate the testing of those kits by December 1, 2021.

In 2021, the legislature passed RCW 5.70.060. This statute requires the Attorney General's Office to follow up on CODIS hits from sexual assault kits tested pursuant to RCW 5.70.050. Specifically, RCW 5.70.060 directs the Attorney General's office to collect information from the applicable law enforcement and prosecuting attorney agencies about the investigational status of cases arising from the hits. Currently there have been 1,233 CODIS hits to the offender database from the tested kits. The CODIS hits are to cases from 67 law enforcement agencies across the state. This number is likely to increase month to month. As of June 2022, approximately 67% of submitted kits were fully tested and sexual assault kits will continue to match DNA as they upload into the forensic CODIS database. Additionally, as convicted offender profiles are uploaded into the CODIS offender database, cases currently in the forensic database may return a hit.

The roll-out for backlog CODIS hits took place in the first quarter of 2022. Backlog hits, for the purposes of this report, are hits received by our office prior to January 2022. We reached out to each applicable agency with the data request form. There are 1,044 backlog CODIS hits from 52 Law Enforcement Agencies across Washington State. Out of the 1,044 hits, 844 individual requests have been made directly to applicable agencies. Out of the 844 requests, 455 have been returned. Seattle and Tacoma asked us to send their backlog requests in batches. As a result, thus far we have sent Seattle Police Department requests for 90 out of their 218 backlog hits and Tacoma Police Department 96 out of their 168 backlog hits.

49/52	Agencies responded with completed forms for backlog cases
3/52	Agencies have not submitted any completed forms for backlog cases

In the second quarter, our office began requesting current CODIS hit forms from agencies. Current hits, for the purposes of this report, are hits received by our office January 2022 or later. There are 155 current hits from 38 agencies throughout the state. 105 of these have been requested and 52 completed forms returned. Our office is now tracking Backlog and Current CODIS hits together. The following charts are comprised of all cases received year-to-date in both the 1st and 2nd quarters of 2022, regardless of their "Backlog" or "Current" status.

Each agency tracks and codes cases in accordance with their individual record management system. Not every agency uses the same records management system. Many agencies marked

multiple selections on each form. Therefore the totals of the statuses in the below chart will not match the total number of questionnaires returned.

112 CASES WERE RE-OPENED BY LAW ENFORCEMENT AGENCY DUE TO THE CODIS HIT

25/112	RE-OPENED due to the CODIS hit and are an ACTIVE INVESTIGATION
31/112	RE-OPENED due to the CODIS hit and referred to the Prosecutor's Office
1/112	RE-OPENED due to the CODIS hit and currently INACTIVE
55/112	RE-OPENED due to the CODIS hit, not referred and currently CLOSED
5	CODIS hit was to a consensual partner
8	Lack of probable cause
7	Victim or Suspect deceased
29	Lack of victim participation or inability to locate the victim
5	Suspect was convicted previously or already known
4	Other

375 CASES WERE NOT RE-OPENED BY LAW ENFORCEMENT AGENCY DUE TO THE CODIS HIT

211	NOT RE-OPENED-PREVIOUSLY REFERRED to the Prosecutor's Office
17	NOT RE-OPENED-CODIS hit was to a consensual partner
31	NOT RE-OPENED-Lack of Probable Cause
99	NOT RE-OPENED-lack of victim participation or inability to locate the victim
30	NOT RE-OPENED- listed as "OTHER".
11	NOT RE-OPENED-Victim of Suspect deceased
27	NOT RE-OPENED-Suspect was convicted previously or already known
6	NOT RE-OPENED-Currently listed as INACTIVE
2	NOT RE-OPENED-Agency unable to locate file

Agency cases requiring follow-up will occur continuously and on an as-needed basis. If a case is open and/or is currently with the prosecutor's office, we will collect the data and continue to intermittently follow up with the agency or prosecutor until the case is closed. Cases submitted for prosecutorial review, whether or not it was prosecuted, will have follow-up data collected directly from the Prosecutor's Office.

Requests to Prosecutor Offices are made once a Law Enforcement Agency returns a completed form that shows the case had been forwarded to prosecutors for consideration. 243 of the 486 returned LEA cases had been referred to the Prosecutor's Office. Our office has followed-up all 243 cases, which are comprised of 18 counties, 15 of which have responded to 110 of the 243 cases. Many Prosecutor Offices marked multiple selections on each form under "declined to file charges". Therefore the totals of the statuses in the below chart will not match the total number of questionnaires returned.

PROSECUTOR'S OFFICE		CASE STATUS BEFORE RECEIVING THE CODIS HIT
47	Charges were filed	
	3	DISMISSED
	43	CONVICTION
	1	AQUITTAL
46	Declined to file charges	
	32	LEGALLY INSUFFICIENT
	19	FAILED TO MEET PROSECUTORIAL STANDARDS
	1	NEEDS FURTHER INVESTIGATION
	3	UNABLE TO LOCATE VICTIM OR UNCOOPERATIVE
	2	OTHER, NON-EVIDENTIARY REASON
4	No records located	

PROSECUTOR'S OFFICE		CASE STATUS AFTER RECEIVING THE CODIS HIT
4	Charges were filed	
	0	DISMISSED
	4	CONVICTION
	0	AQUITTAL
3	Currently reviewing the case	
6	Declined to file charges	
	3	LEGALLY INSUFFICIENT
	2	FAILED TO MEET PROSECUTORIAL STANDARDS
	0	NEEDS FURTHER INVESTIGATION
	2	UNABLE TO LOCATE VICTIM OR UNCOOPERATIVE
	2	OTHER, NON-EVIDENTIARY REASON

Focus for 2022 3rd Quarter:

- Continue communication with Agencies who have not returned requested forms.
- Continue requests to Prosecutor Offices for referred cases.
- Continue requests for 2022 Offender Database CODIS hits.

Responding to Sexual Assault: A Patrol Officer Reference Card

When answering a call for help that involves sexual assault, the responding officer(s) should follow these guidelines. As a best practice, law enforcement should have systems in place for triaging cases amidst staffing shortages and a lack of available patrol officers. This checklist is intended to be used as a resource for law enforcement and is designed to be used in conjunction with the model sexual assault response protocol for adults, available at {insert website}.gov.

Initial Response and Victim Safety	
<input type="checkbox"/>	Respond to the dispatch call as soon as possible. Approach victims with openness, concern, and a belief mindset. "Start when you're ready." "What are you able to tell me about what happened?"
<input type="checkbox"/>	Identify primary language and obtain an interpreter and/or any necessary disability accommodations. Some adult developmentally disabled victims may be referred to a Child Advocacy Center for appropriate care.
<input type="checkbox"/>	For reports of a recent assault ask the victim, "Is there a support person I can contact for you? You have the right to free community-based advocacy services."
Victim Support	
<input type="checkbox"/>	Provide the victim with: <ol style="list-style-type: none"> 1. A copy of their rights, as required by RCW 7.69.030 2. A name/point of contact and list of local community sexual assault programs (CSAPs) 3. If the victim attends a college or university, inform them of their right to a criminal prosecution, a Title IX investigation, and/or the college/university judicial process 4. Contact information for the law enforcement agency, the initial responding officer, and the assigned investigator (if possible)
<input type="checkbox"/>	Determine if the sexual assault occurred within the last 5 days. Inform the victim they are able to receive a free forensic examination, regardless of current willingness to prosecute or be involved with the investigation. Offer to arrange transport to a hospital that performs forensic examinations. Visit wasafe.org for a list of hospitals that provide forensic examinations. Call ahead to ensure a sexual assault nurse examiner (SANE) is available.
Investigations	
<input type="checkbox"/>	Obtain preliminary information on the incident from the victim including; <ul style="list-style-type: none"> • Type of offense(s); • Location of offense(s); and • Ongoing safety concerns or threats. • Identification and/or description of the perpetrator.
<input type="checkbox"/>	Identify, collect, and preserve evidence at and away from the crime scene, including names of anyone present or who the victim may have told.
<input type="checkbox"/>	Document victim's account of injuries sustained, including injuries that are not immediately apparent. Document any visible injuries.
<input type="checkbox"/>	Encourage victims to seek medical attention for cases involving strangulation. Document initial reports of strangulation including, but not limited to: <ul style="list-style-type: none"> • Difficulty breathing, speaking, or swallowing; • Light-headedness and/or headache; • Involuntary urination and/or defecation; • Nausea and/or vomiting; • Defensive injuries to neck and/or face; • Bruising behind ears; • Pink/red/purple pinpoint round spots in eyes or under skin; • Redness or bruising to the neck
Additional Responsibilities	
<input type="checkbox"/>	Note any potential forcible compulsion or coercion indicators including; <ul style="list-style-type: none"> • Physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to themselves or another person; • Fear that the victim may be kidnapped
<input type="checkbox"/>	As applicable, follow local sexual assault response team (SART) or multidisciplinary team (MDT) protocol