



Sexual Assault Forensic Examination (SAFE)

Best Practices Advisory Group

June 16, 2022 Virtual Meeting

Meeting Notes

Members in Attendance: Leah Griffin, Kate Hemann, Kristina Hoffman, Rep. Gina Mosbrucker, Rep. Tina Orwall, Nicole Stephens, Rick Torrance

Participants: Alison Forsyth, Lisa Immerwahl, Ashley Jackson, Laura Twitchell, Lauren Vlas, Jen Wallace

1. Call to Order

Without a quorum of members the agenda for the April 5 meeting and the meeting minutes for the October 7 meeting were reviewed and discussed but not approved.

2. Updates and Reminders

Kristina Hoffman provided an update on the progress of testing sexual assault kits (SAK) (see attached slides) and noted the original target completion date for testing the backlog of SAKs was 12/31/22 but delays from the vendor lab(s) means they may not be able to reach that target. WSP expects to have a better sense of target testing completion dates in the coming months as they get updates from the vendor labs. COVID samples being diverted for testing and a shortage of lab technicians has significantly impacted the high throughput lab.

Kate Hemann provided an update on the AGO's lawfully-owed DNA project and Sexual Assault Kit Initiative (SAKI) grant. Jacob Dumas was convicted by a jury of rape in the 1st degree and sentenced on June 1st. SAKI paid for the expert testimony from the private lab. Cost for the two experts to testify was \$12,000 not including flights, hotels, and per diems. Paul Beeker in Grays Harbor was also convicted in a 2003 kidnap and rape case that SAKI funded genealogy testing for. He was found guilty of rape in the 1st degree. These are two successful cases with good outcomes. For the lawfully-owed DNA project, the third phase has now been completed including outreach to offenders in the community who have a history of rape, murder, or kidnapping. 1,357 DNA samples have been uploaded to the CODIS database resulting in 40 new CODIS hits.

3. Criminal Justice Training Commission's (CJTC) Sexual Assault Investigation Summit

Jen Wallace, Program Manager for Sexual Assault Investigations at the WA State Criminal Justice Training Commission, shared information about an upcoming summit CJTC is hosting. The Sexual Assault Investigation summit will be a 3.5 hour training held at the CJTC Auditorium at 19010 1st Avenue South

in Burien, WA, from 8:30 a.m. – 12:00 p.m. on September 22nd. Law enforcement leaders, investigators, legislators, prosecutors, victim advocates, SANEs, as well as members and participants of the SAFE Advisory Group are invited to attend. The training is free and registration is requested in advance at [this link](#). The training includes examinations of the complex nature of sexual assault and the human condition of bias surrounding gender-based violence and its impact on the pursuit of justice. Additionally, it will include training on enhancing our understanding and response to the complexity of survivor needs, identifying promising practices for sexual assault reforms, and incorporate the *Start by Believing* framework into professional practice (summit flyer attached).

4. Support for survivors amidst resource shortages

AGO staff introduced the agenda item by reminding meeting participants that this agenda item is a follow-up to a conversation started at the April meeting when the group discussed overwhelming case-loads experienced by community-based advocates, as well as many of the other professionals responding to sexual assault in our community. We continue to face a shortage of trained sexual assault nurse examiners, mental health providers, patrol officer, and investigators, which has gained media attention in recent months. The issue presents many challenges, one of which is the inability for responding officers to connect survivors to community-based resources when reports are being taken by phone, rather than in person.

Lisa responded by highlighting the need to put pressure in the right places and make sure the number of investigators keeps going up. Leah mentioned being on the record in a recent interview with KOMO on this topic, stating that this is an issue of [Seattle Police] prioritizing property crime over violent crime. Members and participants continued the conversation by discussing the need to apply pressure where it's most effective and the opportunity to support legislation that would mandate investigations for adult sexual assault cases (as they are for child sexual assault cases). Kate noted that in her position as SAKI grant coordinator she interacts with every law enforcement agencies across the state, it's not just Seattle experiencing a shortage of investigators and patrol officers. All agencies need to prioritize sexual assault cases and departments need to be fully staffed and resourced in order to do that work. Many agencies do not have the money to fly to a victim and do an in-person notification of a hit on their cold case, as per the best practice. Further, millions of dollars have been spent testing the backlog of sexual assault kits and there is no point testing the kits and filling a database with information that will sit unused. We must adequately prioritize and resource these agencies to follow through.

Legislators noted the possibility of working on legislation to further expand the statute of limitations.

Alison noted interest in seeing legislation to mandate investigation of adult cases along with a goal of making timely progress on a case. It was also noted that "Seek than Speak" is a useful anonymous reporting program that deserves consideration. Nicole noted, from her perspective, we must do more than just add resources to these agencies, the conversation needs to expand to include a shift in the culture and underscore the importance of taking these cases seriously. Leah noted how, in 2014, she was told by a patrol officer whom she had reported a sexual assault to, that she should wait in a McDonald's, and then wait several hours longer at the north precinct. This is an unacceptable response by law enforcement.

Representative Orwall agreed with the need for a culture shift and highlighted the opportunity to further enhance community-based advocacy services.

The group discussed opportunities for collective action to highlight the need for local jurisdictions to prioritize sexual assault cases, along with a necessary culture shift. Ideas were discussed, including an editorial letter highlighting a multi-faceted solution. It was decided that a follow-up meeting would be set for those interested in continuing the conversation on a potential collective action by the advisory group. AGO staff will follow-up with next steps.

5. Lawfully-owed DNA

Kate reported on a stakeholder meeting convened with Senator Dhingra that brought together Judges, prosecutors, court administrators, legislators, AGO representatives, and others to discuss next steps for enhancing the collection of lawfully-owed DNA for those not serving a term of confinement. The key takeaways from that stakeholder meeting included the need for flexibility in the various methods of collection and the lack of existing methods for verifying compliance with the RCW. Out of the 635 registered sex offenders required to provide DNA the SAKI team was only able to collect 236 or so samples. The goal is to have a robust offender database and close some of the loopholes that are making it easier for qualifying offenders to not provide their DNA sample as required by law. The group will continue to receive updates on work around lawfully-owed DNA as Senator Dhingra and others work legislation to enhance DNA collection methods.

6. SANE Training

Finally, Advisory Group members and participants received a presentation from staff the Office of Crime Victims Advocacy (OCVA), within the Department of Commerce, on a stakeholder work group required by Senate Bill 5183 to make recommendations on enhancing SANE training statewide.

After consulting stakeholders and subject matter experts, Commerce recommends the following strategies to make forensic nurse examiner (FNE)/SANE training accessible to nurses in all regions in the state without requiring nurses to travel unreasonable distances, without requiring hospitals or nurses to incur unreasonable expenses, and taking into account the unique challenges faced by nurses and hospitals in rural areas:

1. Establish a comprehensive FNE training fund to pay for expenses including, but not limited to:
 - a. Nurses' training costs (registration fees, travel costs, lost wages while attending training, etc.)
 - b. Hospitals' costs to excuse nurses for training (overtime costs for staff needed to back-fill, etc.)
 - c. Training providers' costs to develop and deliver training
 - d. Telenursing program to provide mentorship and continuing education to trained forensic nurse practitioners statewide
 - e. A forensic nursing coordination center at a state agency that could implement and administer the recommendations in this report
2. Enact legislation to establish Washington state health care facilities' minimum standards of care for:
 - a. Health care facilities providing emergency assault services onsite
 - b. Health care facilities that do not provide emergency assault services

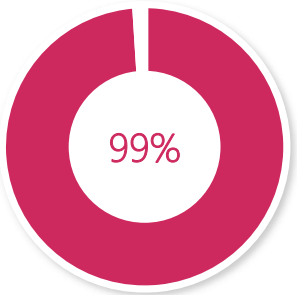
3. Form a forensic nursing workgroup that would have responsibilities including, but not limited to:
 - a. Make recommendations on the content, implementation and requirements for minimum standards of care for onsite emergency assault services at Washington state health care facilities
 - b. Make recommendations on the content, implementation and requirements for Washington state health care facilities' minimum standards of care for facilities that do not provide emergency assault services
 - c. Develop statewide standard FNE protocols, forms and evidence collection procedures
 - d. Develop statewide standard FNE training curriculum requirements
 - e. Collaborate with Washington FNE training providers to develop innovative training opportunities and ensure that adequate FNE trainings are available at a variety of times during the year in all regions of the state
 - f. Make recommendations for the design and implementation of the statewide telenursing program described above in recommendation 1(a)
 - g. Make recommendations on strategies to ensure access to timely forensic medical exams, especially in smaller hospitals or hospitals in rural areas.



SAK Testing Progress

- June 2022 -

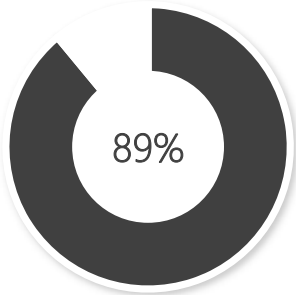
1. FACILITATE THE TESTING OF 9,232 HISTORICAL SAKS BY DEC. 1, 2021



Phase 1: Facilitate Outsourcing

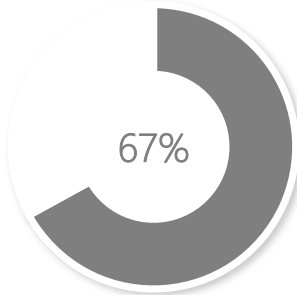
As of 5/31/22, 9,135 SAKs have been shipped to and received by one of 3 vendor labs. 97 SAKs remain to outsource; however WSP is still awaiting paperwork from LEAs on them.

Target Completion Date: 12/1/21



Phase 2: Test

As of 5/31/22, 8,193 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

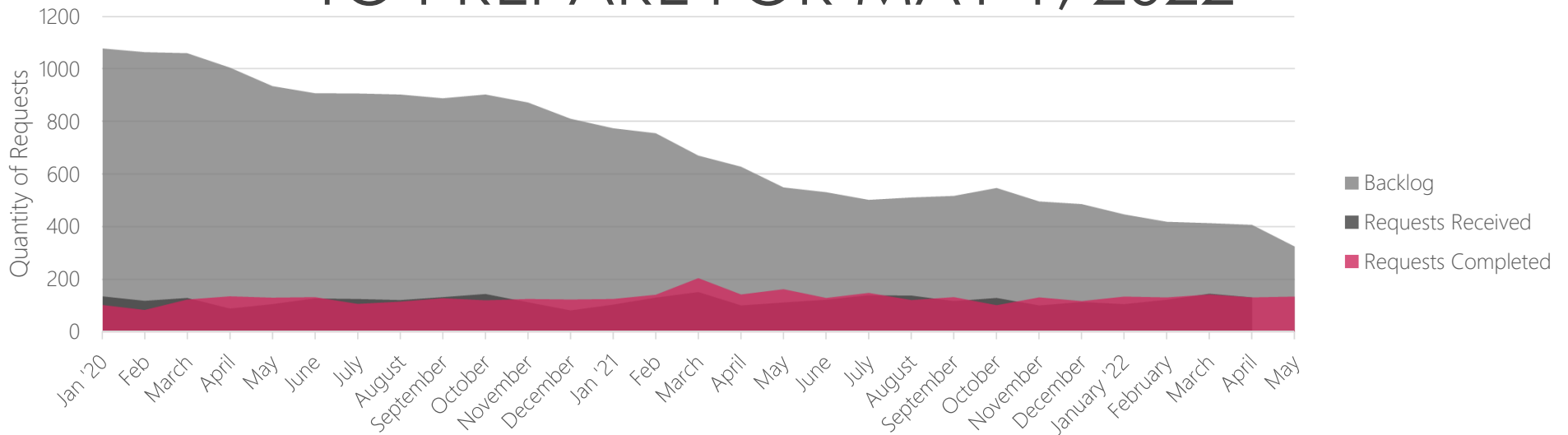
As of 5/31/22, 6,158 SAKs have had their test results reviewed by WSP and any eligible DNA profiles have been uploaded to CODIS. 2,536 DNA profiles have been uploaded, resulting in 952 hits to individuals, and 198 hits to another case.



Target completion Date: 12/31/22



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

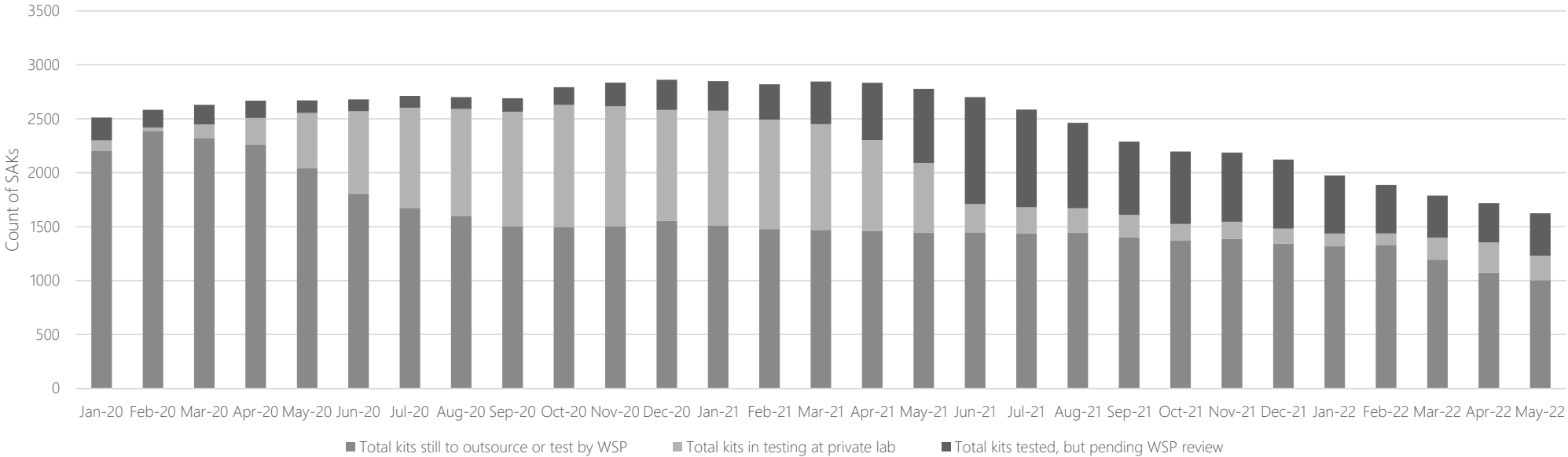


Projected August 2022 Backlog End Date



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.

38% Of backlog has been outsourced and in progress
24% has been tested but awaiting review



8 new scientists & 1 technician



May 2022 Goal

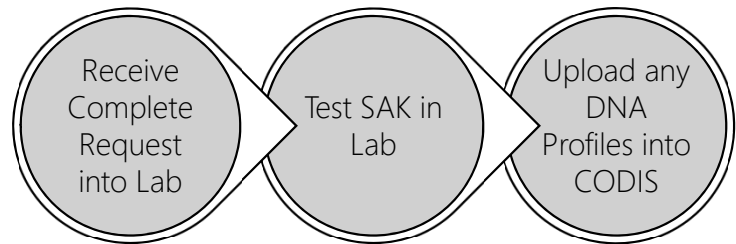


2. ACHIEVE A TURNAROUND TIME OF ≤45 DAYS FOR 100% OF SAKS STARTING MAY 1, 2022

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.



Preliminary Data

100%
Had testing completed within 45 days or less in May

19 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



WSCJTC Sexual Assault Investigations (SAI) Summit



Start by
Believing

Don't miss this **FREE** opportunity to learn from national and renowned speaker Chief Tom Tremblay, other experts on sexual assault investigation best practices, WSCJTC's collaborations with EVAWI, and Washington State's policy and practice advancements.

START BY BELIEVING:

ITS BENEFIT TO THOROUGH INVESTIGATIONS AND A COORDINATED COMMUNITY RESPONSE

Thursday, September 22, 2022

Where: Washington State Criminal Justice Training Commission Auditorium, 19010 1st Avenue South, Burien, WA 98148

When: 8:30 am- 12:00 pm

Who should attend: Law Enforcement Leaders, Investigators, Legislators, Prosecutors, Victim Advocates, and SANEs

Registration Link [Here](#)

*LE will register on [Acadis](#)

Learn more about CJTC'S SAI VCERT COURSE: QR code or link.



Training includes:

- Examining the complex nature of sexual assault and the human condition of bias surrounding gender-based violence and its impact on the pursuit of justice.
- Enhancing understanding and response to the complexity of sexual assault survivor needs.
- Identifying promising practices for sexual assault reforms: prevention, trauma-informed and victim-centered approaches, and offender-focused investigations for greater accountability and public trust.
- Incorporating *Start By Believing* framework into professional practice.