

Sexual Assault Forensic Examination (SAFE) Best Practices Advisory Group

Meeting Notes

Thursday, May 4th 2:00 – 4:00 p.m. PDT

1. | Call to Order & Establishment of Quorum

- Staff welcomed members and guests to the first 2023 meeting of the Sexual Assault Forensic Examination (SAFE) Best Practices Advisory Group.
- Attendees introduces themselves. Establishment of quorum. See list below.
- Staff reviewed the agenda. The Advisory Group adopted the agenda for the May 4th meeting.

2. Updates

- Staff reviewed the duties of the Advisory Group as established in Second Substitute House Bill 1028 (2023). (See attachment)
- Member Laura Twitchell shared a success story that illustrates why all sexual assault kits need to be tested, even if the suspect is known. In this 1994 case from Spokane, the suspect was known and the kit was not tested. As part of testing the backlog, the kit was tested and resulted in a "case-to-case hit", helping to solve a cold case murder from another jurisdiction dating back to 1979.
- Laura also shared that the Sexual Assault Kit Initiative (SAKI) team in the Attorney General's Office has enhanced capacity to offer assistance to law enforcement agencies for cold cases. In addition to investigators, the team now has a data consultant and administrative assistant.
- Laura noted, as part of the lawfully-owed DNA project, outreach to offenders who owe DNA samples has resulted in 510 samples added to the CODIS database recently. Over 2,000 samples in total were added as a result of the team's outreach to offenders who owed a sample but had not provided one. 65 of these resulted in hits.
- Denise Rodier presented an update on the status of Washington State Patrol's (WSP) sexual assault kit testing initiative, see attached slides for the latest data and information. WSP estimates the backlog of sexual assault kits in Washington state will be fully tested, with results reviewed, by December 30th of this year.
- Denise noted that moving kits to other parts of state will not affect the completion date.

3. Legislative session report-out and next steps

 Representative Orwall acknowledged Representative Mosbrucker for being courageous in taking on at-home sexual kits. Rep. Orwall also acknowledged Senator Holy for the impact of his floor speech.

- Rep. Mosbrucker shared that House Bill 1564 was extremely challenging, but ultimately prevailed 96-0 in the House and 42-7 in the Senate. She noted that Washington is one of the first states to ban at-home sexual assault kits.
- The legislators expressed gratitude for the continued involvement of survivors in advancing sexual assault reform legislation in Washington. Leah Griffin noted that huge coalition that showed up in support of HB 1564.
- Of the numerous provisions in House Bill 1028, Representative Orwall noted the expansion of trauma-informed training for officers, which now includes all gender-based violence. She noted that the King County Prosecuting Attorney's Office was instrumental in the provision that expands survivor rights to any sexually violent predator commitment, as well as juvenile and adult criminal proceedings. Rep. Orwall also mentioned that the bill extends the statute of limitations for sexual assault offenses.
- Rep. Orwall acknowledged Senator Dhingra for shepherding House Bill 1028 in the Senate.
- Member Rick Torrance shared that the state faces a 30-35% reduction in federal Victims of Crime Act funding. Funding amounts are based on fines, fees, and forfeitures at the federal level, which have fluctuated from approximately \$75 million in 2017 to \$20 million last year. Rick acknowledged the Legislature for providing \$40 million over the biennium to fill the gap. Rick noted that the budget also created a crime victim services work group, which will be chaired by the co-chairs of the Gender and Justice Commission.
- Members inquired whether the budget included continued funding for the Department of Health (DOH) to provide stipends to hospitals for sexual assault nurse examiner services and support, and whether DOH has been invited to participate in Advisory Group meetings. Staff will follow up.
- Representative Orwall stated that work during the legislative session highlighted the fact that many survivors don't report being assaulted. She expressed particular interest in convening a small workgroup to discuss the needs of survivors on college campuses and the possibility of alternative partnerships for reporting, looking to a possible model in California or the child advocacy center model (i.e., exams do not occur in the emergency department). Member Nicole Stephens echoed concern about assaults on college campuses.
- Rep. Orwall mentioned speaking to Rep. Pollett about the potential for a college- specific survivor bill of rights.
- The Advisory Group learned that the Seattle Police Department is rolling out the alternative reporting system *Seek then Speak*, which enables online reporting and stores report of sexual assault, but doesn't necessarily generate police report depending on the survivor's wishes. This system also enables survivors to upload photos and medical records and connects them to resources.

4. Work plan discussion

- Staff shared a draft work plan for 2023 (see attachment). Attendees were placed in breakout rooms for small group discussions and asked to consider the draft work plan, provide feedback, identify items to potentially add, prioritize the list, and discuss.
- When the full group reconvened, one small group stated that they prioritized the first three items on the work plan forensic services and hospital coordination, sexual assault kit supply and distribution, and federal grant eligibility.
- Another group echoed support for forensic services and hospital coordination to ensure that the patient is centered in the process.

- A third group voiced support for prioritizing a statewide sexual assault nurse examiner (SANE) position. For sexual assault kit coordination and SANE training, it might be helpful to have a position established that can take on these duties.
- In regards to revising statutes to meet federal grant eligibility, the Advisory Group was advised to be mindful of language, as we have clear definitions in our state of how long to store kits and don't want to go backwards.
- Participant Heather Mcleod asked the group to consider minors and consent for sexual assault exams.
- Member Nicole Stephens offered to work on addressing medical classification codes (i.e., ICD-9) that use the term "alleged sexual assault" outside of Advisory Group meetings.
- Participant Kyra Laughlin noted that advocate wellness is a systemic or institutional issue. For example, advocates need better pay and benefits, not self-help modules.
- Micah Semrow of the Office of Crime Victims Advocacy mentioned that Washington State University is able to store an extra supply of sexual assault kits that will be distributed to hospitals in times of shortage.

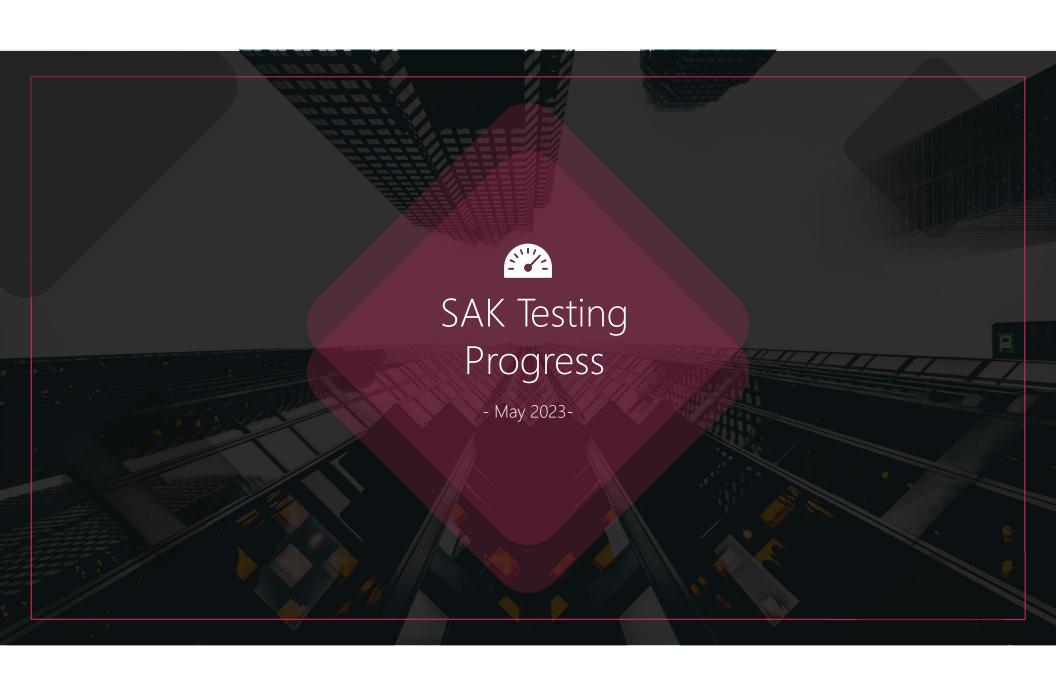
Meeting Attendance

	Affiliation	Name	Present
1.	Washington State House of Representatives	Rep. Gina Mosbrucker, Co-Chair	Yes
2.	Washington State House of Representatives	Rep. Tina Orwall, Co-Chair	Yes
3.	Washington State Senate	Sen. Manka Dhingra	No
4.	Washington State Senate	Vacant	
5.	Survivor Representative	Leah Griffin	Yes
6.	Survivor Representative	Nicole Stephens	Yes
7.	Washington State Patrol (WSP)	Kristina Hoffman	Yes by proxy: Denise Rodier
8.	Washington Association of Sheriffs and Police Chiefs (WASPC)	Major Michael McNab	Yes
9.	Washington Association of Prosecuting Attorneys (WAPA)	Vacant	
10.	Washington Defender Association (WDA)	Ali Hohman	No
11.	Office of the Attorney General (AGO)	Laura Twitchell	Yes
12.	Association of Washington Cities (AWC)	Flora Diaz	Yes
13.	Washington Association of County Officials (WACO)	Timothy Grisham	No
14.	Washington Coalition of Sexual Assault Programs (WCSAP)	Blanche Barajas	No
15.	Office of Crime Victims Advocacy (OCVA)	Rick Torrance	Yes
16.	Washington State Hospital Association (WSHA)	Jacqueline Barton True	Yes
17.	Sexual Assault Nurse Examiner (SANE)	Annette Simpson	Yes
18.	Criminal Justice Training Commission (CJTC)	Jen Wallace	Yes by proxy: Andrea Piper-
			Wentland
19.	Law Enforcement Officer, Rural	Vacant	

Draft pending approval of the advisory group

20.	Law Enforcement Officer, Urban	Vacant; Meeting attended by prospective member Sgt. Katie Savage, Vancouver Police Department
21.	Prosecuting Attorney, Rural	Vacant
22.	Community-Based Advocate, Rural	Vacant
23.	Community-Based Advocate, Urban	Vacant





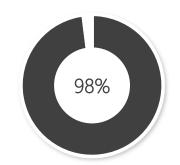
1. FACILITATE THE TESTING OF 9,232 HISTORICAL SAKS BY DEC. 1, 2021



Phase 1: Facilitate Outsourcing

As of 4/30/23, 9,475 SAKs have been shipped to and received by one of 3 vendor labs. Any additional kits received will be outsourced as they come in.





Phase 2: Test

As of 4/30/23, 9,307 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

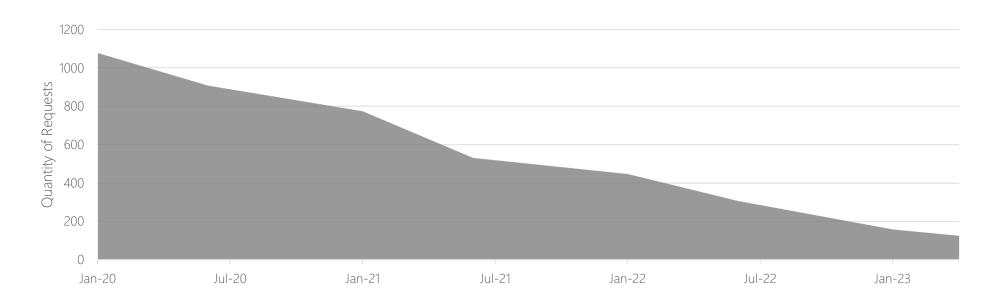
As of 4/30/23, 7,742 SAKs have had their test results reviewed by WSP and any eligible DNA profiles have been uploaded to CODIS. 3,336 DNA profiles have been uploaded, resulting in 1,273 hits to individuals, and 272 hits to another case.



Target completion Date: 12/30/23



2. CLEAR BACKLOG OF KITS NEEDING TESTING



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.

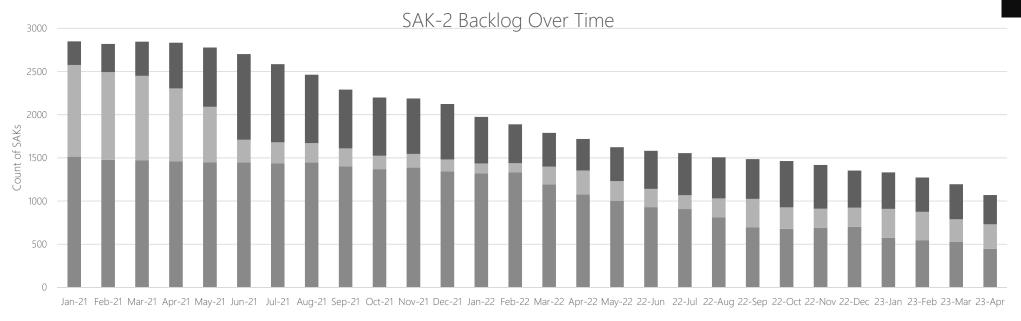
Kits remain and are being tested







2. CLEAR BACKLOG OF KITS NEEDING TESTING



■ Total kits still to outsource or test by WSP

■ Total kits in testing at private lab

■ Total kits tested, but pending WSP review

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

58%

Of backlog has been outsourced and in progress

32% has been tested but awaiting review

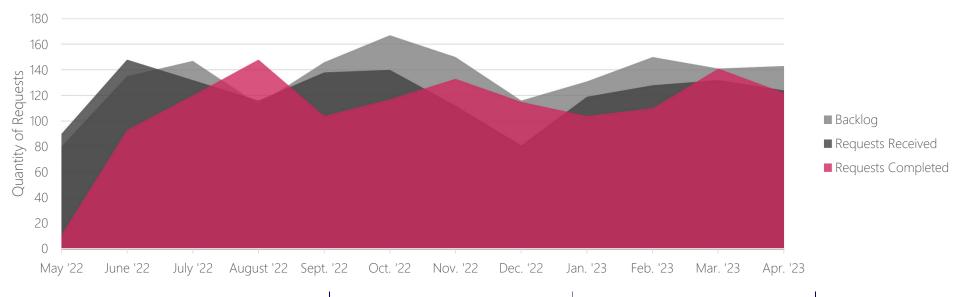


8 new scientists & 1 technician





3. 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 WSP High-throughput laboratory, with assistance by the regional WSP DNA labs...

98.1%
Had testing completed within 45 days or less in 2022 YTD





DUTIES OF THE SEXUAL ASSAULT FORENSIC EXAMINATION (SAFE) BEST PRACTICES ADVISORY GROUP

- (a) Researching best practice models both in state and from other states for collaborative responses to victims of sexual assault from the point the sexual assault kit is collected to the conclusion of the investigation and prosecution of a case, and providing recommendations regarding any existing gaps in Washington and resources that may be necessary to address those gaps;
- (b) Researching and making recommendations on opportunities to increase access to, and availability of, critical sexual assault nurse examiner services;
- (c) Monitoring the testing of the backlog of sexual assault kits and the supply chain and distribution of sexual assault kits;
- (d) Monitoring implementation of state and federal legislative changes;
- (e) Collaborating with the legislature, state agencies, medical facilities, and local governments to implement reforms pursuant to federal grant requirements; and
- (f) Making recommendations for institutional reforms necessary to prevent sexual assault and improve the experiences of sexual assault survivors in the criminal justice system.

Currently authorized through FY 2026

Rep. Gina Mosbrucker, Co-Chair Rep. Tina Orwall, Co-Chair Sen. Manka Dhingra
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Sen, Manka Dhingra
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< <vacant>></vacant>
Leah Griffin
Nicole Stephens
Kristina Hoffman
Major Michael McNab
< <vacant>></vacant>
Ali Hohman
Laura Twitchell
Flora Diaz
Timothy Grisham
Blanche Barajas
Rick Torrance
Jacqueline Barton True
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A BRIEF HISTORY OF

SEXUAL ASSAULT REFORMIN WASTATE

2016 -

Second Substitute House Bill 2530 required Washington State Patrol to create and operate the first statewide SAK Tracking System in the nation. Substitute House Bill 2711 required OCVA to study and make recommendations regarding the availability of sexual assault nurse examiners (SANEs).

2018

The Advisory Group monitored the implementation of the statewide SAK tracking system and received updates from the Attorney General's office on fulfilling the requirements of the federal SAKI grant. House Bill 2101 required the Office of Crime Victim's Advocacy to develop best practices that local communities may voluntarily use to create more access to SANEs, as well as strategies to make SANE training available to nurses in all regions of the state.

2020

Washington state is halfway through testing the backlog of previously unsubmitted sexual assault kits. \$2M was included in the 2020 supplemental operating budget for a statewide grant program to provide resources for investigating and prosecuting cold cases.

Senate Bill 5183 established the Sexual Assault Coordinated Community Response Task Force within the Attorney General's office.

2022

House Bill 1622 focused on increasing the availability of sexual assault nurse examiner education in rural and underserved areas.

··· 2015

The Washington State Legislature instituted reforms to the state's response to sexual assault, including coordinating multidisciplinary efforts to address the backlog of untested sexual assault kits. Substitute House Bill 1068 created the SAFE Advisory Group and required law enforcement agencies to submit SAKs to the Crime Lab within 30 days. House Bill 1069 protected the DNA contained within SAKs from being destroyed within the statute of limitations.

- 2017

Engrossed Substitute House Bill 1109 required the Criminal Justice Training Commission to incorporate victim-centered, trauma-informed approaches into the Basic Law Enforcement Academy curriculum and provide specialized, intensive, and integrative training for law enforcement investigating sexual assault cases.

The Attorney General's Office was awarded a \$3M grant through the federal Sexual Assault Kit Initiative (SAKI) to inventory all previously unsubmitted SAKs, fund the testing of SAKs not funded through the state, develop new training for professionals, and establish an investigative team to guide local jurisdictions with certain investigations.

-- 2019

Substitute House Bill 1166 established the SAFE Advisory Group within the Office of the Attorney General and created a statewide SAK testing initiative by appropriating \$10.3M to the WSP Crime Lab to test all previously unsubmitted sexual assault kits. House Bill 1016 required hospitals to notify survivors within two hours of arrival if they do not have the ability to provide a sexual assault examination and coordinate with local community-based advocates on a plan to connect victims and survivors to appropriate care.

---- 2021

House Bill 1109 required law enforcement agencies and prosecutors' offices to provide status updates for cases involving previously untested SAKs, expanded the Criminal Justice Training Commission's case review program, and enhanced the "Survivor Bill of Rights." Senate Bill 5183 authorized the Crime Victim's Compensation Program to cover the cost of nonfatal strangulation examinations.

····· 2023

Second Substitute House Bill 1028 bill required the Criminal Justice Training Commission to establish a resource prosecutor for sexual assault cases and conduct specialized training for prosecutors. It expanded the statutory rights of crime victims and survivors and modified requirements and procedures for the collection of lawfully-owed DNA. It also reauthorized the Advisory Group through FY 2026. House Bill 1564 prohibited the sale of at-home or "DIY" sexual assault kits.

STATUS OF SAFE ADVISORY GROUP

RECOMMENDATIONS

Fully Adopted	Partially adopted	Not adopted		
	2016			
Mandate and fund r		n-centered approach to responding to		
sexual assault				
		ives assigned to sexual assault cases to		
partner directly with community-based and system-based victim advocates Require hospitals to establish policies and procedures for sexual assault victim response.				
sexual assault nurse				
Fund multidisciplina unsubmitted sexual	-	investigations related to previously		
		oach to sexual assault investigations and		
prosecutions. Do no	t reduce percentage of funds o	distributed for sexual assault nurse examiner		
training and services Host a sexual assaul		g for sexual assault kit initiative		
nost a sexual assaul	2017			
Reassess where kits	Reassess where kits are stored			
	-	op best practices for local communities to		
	nurse examiners and multidis			
assault kits and rela		arged for out-of-pocket expenses for sexual		
	g of a sexual assault kit summi			
		ms to investigate and prosecute sexual		
	previously unsubmitted sexua group through September 202	20 to coincide with the Attorney General's		
Sexual Assault Kit In	itiative grant. Add a sexual ass	ault nurse examiner to the advisory group		
and expand the grou	up's objectives. bill of rights or similar legislatio	on.		
	he testing of all previously uns			
	2018			
		vailable resources. The announcement		
should include a put	olic apology for previous failure	es to fully meet the needs of victims and		
·		assault cases should be required to attend a ues and develop trauma-informed protocols		
	ses, whether declined or prose			
	2019			
	or the investigation and prosec			
services in hospitals		protocols for access to victim advocacy		
		l items collected during a forensic		
examination for 20 y		soult lite and any additional items collected		
	to store unreported sexual as amination at local law enforce	ssault kits and any additional items collected ment agencies		
		the courtroom at the time of sentencing		
	2020			
	-	enses to increase registration of out-of-state		
sex offense occurred		ent and the public regardless of where the		
227 211 211 2 2 2 2 2 1 1 2 1	2021			
Provide funding for		examiner training, continuing education,		
	d retention program			
	on of lawfully-owed DNA by es not serving a term of confiner	stablishing protocols for collecting DNA from ment		
	-	rams, including when the assault happened		
outside the state	and with a few and a few a	annual accords according to the Break and		
		sexual assault cases, including hands-on is apply best practices for interacting with		
victims				
Reauthorize the Adv				
	2022	1 1 115		
	ome, "DIY", or self-administere	ed sexual assault kits individuals who are required to provide		
DNA as part of their	-	marriadas who are required to provide		
Provide additional re	esources for sexual assault pro	secutions, including a prosecutor to serve as		
	e for training and other assista	onals to screen victims of intimate partner		
		eferrals to appropriate medical attention		
Increase data to info	orm policy actions by studying	the feasibility of a statewide data collection		
system and expansion	on of the existing case review	program		

Reauthorize the Advisory Group

2023 Work Plan: SAFE Advisory Group				
Forensic services and hospital coordination	In 2022, the Dept. of Commerce issued a report outlining strategies for increasing access to forensic nurse examiner training, as well as opportunities to enhance forensic nursing services. This year, AGO staff will convene a "Forensic Services Workgroup" to build on Commerce's work and advise on a number of key issues, including but not limited to: 1) Accessing forensic nurse examiner services: a model treatment and/or transportation policy for medical facilities responding to patients who present at a hospital seeking forensic services; 2) Statewide standards of care for forensic examinations; 3) A model policy on contacting and engaging community-based advocates offering medical advocacy services; and 4) Legislative recommendations to support statewide coordination.			
Sexual assault kit supply and distribution	Pandemic-related supply chain shortages have resulted in shipping delays for WA-specific sexual assault kits (SAKs) that have left hospitals running dangerously low, at times needing to share kits with other hospitals to avoid running out. Because hospitals purchase SAKs directly from the manufacturer there is currently no way to monitor SAK supply statewide and assist hospitals in receiving adequate supplies amidst a shortage. Potential solutions include: 1) A new model for SAK distribution; (i.e., a state agency receives SAK cases, monitors hospital usage, and distributes accordingly) 2) A statewide SANE coordinator within a state agency to monitor SAK supply, update SAK content as needed, provide technical assistance, and represent Washington state nationally.			
Federal grant eligibility	Federal STOP grant funding is issued through a competitive application process to states that meet eligibility requirements, including the requirement to adopt specific statutory rights for SA survivors. In order to be eligible for the funding, Washington state would need to adopt and/or clarify the following laws (in addition to the existing survivor bill of rights): 1) The right to be informed in writing of the policies governing the collection and preservation of a sexual assault evidence collection kit; 2) The right, to upon written request, be granted further preservation of a sexual assault kit or its probative contents; and 3) The right to, upon written request, receive written notification from the appropriate official with custody not later than 60 days before the intended destruction or disposal of a sexual assault kit While not related to Federal grant eligibility specifically, Advisory Group members will also discuss whether or not to recommend changes to existing laws regarding: 1) The use of victim's and survivor's genital photographs in court 2) As it relates to the statute of limitations for prosecuting sex offenses, clarifying that fingerprint DNA is also used to identify suspects			

Minor consent for sexual assault forensic examinations	In Washington, the age most individual are able to consent to medical care is 18; however, adolescents can consent to mental health care at age 13, reproductive health care at age 14, and abortion services at any age. When an adolescent presents at a hospital without a parent or guardian seeking a sexual assault forensic exam, staff may be required by hospital policy to contact a parent or guardian for consent to proceed with care. Policies are not consistent across the state and some medical facilities interpret the age of consent for forensic exams as 13, others as 14, and others as 18. The Sexual Assault Coordinated Community Response Task Force (2020-2022) recommended WA state establish the age of consent for adolescents seeking sexual assault medical forensic exams as 13. The Advisory Group will continue to discuss the issue and consider recommendations to issue the Legislature and Governor.
Vicarious Trauma	The Advisory Group will continue to discuss how vicarious trauma and burnout are present in disciplines working to address and prevent sexual assault and support victims and survivors. Potential discussions may include: 1) General overview of burnout, compassion fatigue, secondary traumatic stress, risk factors, and the impact on individuals and how to respond; and 2) Systemic and institutional solutions such as increasing pay and providing better benefits as well as how to successfully and meaningfully survey employees to better understand needs and opportunities; 3) Resources to support wellbeing.
Affirmative consent	Affirmative consent has been defined as, "a knowing, voluntary, and mutual decision among all participants
laws	to engage in sexual activity." The Advisory Group has the opportunity to discuss information on the function of affirmative consent laws, jurisdictions around the U.S. that require affirmative consent, and what affirmative consent laws could look like in WA state.
Anonymous reporting programs	Anonymous reporting programs such as "You Have Options" and "Seek then Speak" offer victims a way to privately gather information and explore options related to medical care, supportive services, and reporting to police. Advisory Group members will discuss how to promote the use of trauma-informed, victim-centered, and offender-focused tools and learn from agencies like Seattle Police Department and Garfield County Sherriff's Office who have implemented, or are in the process of implementing, these programs.
Campus sexual assault	Advisory Group members will explore opportunities to learn about the specific needs of student victims and
and Title IX	survivors, prevention measures, and updates on the status of implementing recommendations from the Campus Sexual Violence Prevention Task Force.