

Annual Report to the Legislature and Governor

Washington Sexual Assault Forensic Examination Best Practices Advisory Group December 2023



This document is the annual report to the Washington State Legislature and Governor as directed by Second Substitute House Bill 1028 (2023). For more information on the Sexual Assault Forensic Examination Best Practices Advisory Group's activities, please visit <https://www.atg.wa.gov/task-forces#SAFE>.





TABLE OF CONTENTS

SECTION ONE	Advisory Group Membership.....	2
SECTION TWO	Executive Summary.....	3
SECTION THREE	Introduction.....	4
SECTION FOUR	Recommendations.....	5
SECTION FIVE	Case Summaries.....	10
SECTION SIX	Appendix A.....	12
SECTION SEVEN	Appendix B.....	13
SECTION EIGHT	Endnotes.....	14



ADVISORY GROUP MEMBERS

1.	Washington State House of Representatives	Representative Gina Mosbrucker, Co-Chair
2.	Washington State House of Representatives	Representative Tina Orwall, Co-Chair
3.	Washington State Senate	Senator Manka Dhingra
4.	Washington State Senate	<i>Vacant</i>
5.	Survivor Representative	Leah Griffin
6.	Survivor Representative	Nicole Stephens
7.	Washington State Patrol (WSP)	Kristina Hoffman
8.	Washington Association of Sheriffs and Police Chiefs (WASPC)	Major Michael McNab
9.	Washington Association of Prosecuting Attorneys (WAPA)	Maggi Qerimi
10.	Washington Defender Association (WDA)	Sarah Hudson
11.	Attorney General's Office (AGO)	Laura Twitchell
12.	Association of Washington Cities (AWC)	Flora Diaz
13.	Washington Association of County Officials (WACO)	Timothy Grisham
14.	Washington Coalition of Sexual Assault Programs (WCSAP)	Blanche Barajas
15.	Office of Crime Victims Advocacy (OCVA)	Rick Torrance
16.	Washington State Hospital Association (WSHA)	Jacqueline Barton True
17.	Sexual Assault Nurse Examiner (SANE)	Annette Simpson
18.	Criminal Justice Training Commission (CJTC)	Andrea Piper-Wentland
19.	Law Enforcement Officer, Rural	Detective Steve Evitt
20.	Law Enforcement Officer, Urban	Sergeant Katie Savage
21.	Prosecuting Attorney, Rural	Anita Petra
22.	Community-Based Advocate, Rural	Sara Owen
23.	Community-Based Advocate, Urban	Carlyn Sampson
Staff Contact: Lauren Vlas, Office of the Attorney General		



EXECUTIVE SUMMARY

To bring justice to sexual assault survivors, in 2015, the Washington State Legislature instituted reforms to the state's response to sexual assault. Legislative appropriations and federal funds the Attorney General's Office received as part of the Sexual Assault Kit Initiative (SAKI) enabled the state to address the backlog of untested sexual assault kits (SAKs), which preserve evidence left behind from an assault.¹ To promote multidisciplinary coordination, the Legislature established the Sexual Assault Forensic Examination Best Practices Advisory Group (the Advisory Group) to reduce the number of untested SAKs in Washington and to review best practice models for managing all aspects of sexual assault investigations.

In October 2023, members of the Advisory Group joined Attorney General Ferguson in announcing the effective elimination of Washington's backlog of SAKs. Over eight years of coordinated efforts to address the backlog of previously untested kits resulted in solving at least 21 cases, a number that is expected to grow over time. This report addresses the progress the Advisory Group made in 2023, offers recommendations for legislative action, and outlines plans for 2024 as the Advisory Group continues to address a number of critical issues impacting survivors of sexual assault across the state.

2023 Recommendations



- 1) Update the "Survivor Bill of Rights" to make Washington Eligible for Additional Federal Funding;
- 2) Make the Attorney General's Sexual Assault Kit Initiative (SAKI) Unit Permanent;
- 3) Provide a New Legal Remedy for Victims and Survivors of Stealthing;
- 4) Increase Access to Medical Forensic Exams for Adolescents;
- 5) Convene a Workgroup to Explore a First-In-the-Nation Statewide Alternative Reporting Program;
- 6) Establish a Statewide Forensic Nurse Coordinator or Forensic Nurse Coordination Team;
- 7) Extend the Department of Health's Hospital Grant and Nurse Stipend Program;
- 8) Establish a Forensic Nurse Training Grant Program; and
- 9) Eliminate the Statute of Limitations for Prospective Civil Claims of Child Sexual Abuse

The Advisory Group's preliminary 2024 plans include:



- 1) Discuss the role and responsibilities of community-based advocates;
- 2) Form a workgroup to explore a statewide alternative reporting program;
- 3) Discuss campus sexual assault prevention and response;
- 4) Review the toxicology testing process related to drug-facilitated sexual assault;
- 5) Study the use of expert witnesses to educate juries on the neurobiology of trauma; and
- 6) Support efforts to increase access to forensic nursing services statewide.



Advisory Group members join Attorney General Ferguson at a press conference to announce the effective elimination of more than 10,000 previously untested SAKs in Washington.



INTRODUCTION

In 2015, the Washington State Legislature instituted reforms to the state's response to sexual assault, including coordinating multidisciplinary efforts to identify and resolve systemic barriers contributing to a backlog of untested SAKs and establishing mandatory testing requirements for SAKs. A SAK, used by a medical professional performing a forensic examination, preserves any evidence left behind from an assault.

Prior to 2015, law enforcement agencies and prosecutors had the discretion to submit SAKs to forensic laboratories for testing, but were not required to do so. Now, Washington state law requires all SAKs to be submitted to law enforcement for forensic testing within 30 days of receipt, if the survivor consents to testing.² Furthermore, Washington state law now requires a SAK to be processed for DNA within 45 days of receipt by the laboratory.³

The Legislature created the Advisory Group to bring together law enforcement, victim advocates, survivors, medical professionals, prosecutors, and legislators to reform processes around sexual assault forensic examinations to bring justice to survivors of sexual assault. The Advisory Group focuses on removing barriers to information-sharing and establishing a system that prioritizes the experiences of survivors.

While the original mission to reduce the number of untested SAKs in Washington is complete, the Legislature charged the Advisory Group with continuing to research and recommend best practice models for managing all aspects of sexual assault investigations, among other issues.⁴ The duties of the Advisory Group include:

Ongoing and New Duties of the Advisory Group

- Research best practice models for collaborative responses to survivors of sexual assault from the point the SAK is collected to the conclusion of the investigation and prosecution of a case, and providing recommendations to address any gaps in Washington and resources that may be necessary to address those gaps;
- Research and make recommendations on opportunities to increase access to, and availability of, critical sexual assault nurse examiner services;
- Monitor the supply chain and distribution of SAKs;
- Monitor implementation of state and federal legislative changes;
- Collaborate with the Legislature, state agencies, medical facilities, and local governments to implement reforms pursuant to federal grant requirements; and
- Make recommendations for institutional reforms necessary to prevent sexual assault and improve the experiences of sexual assault survivors in the criminal justice system.

Completed Duties of the Advisory Group

- Determine the number of untested SAKs in Washington;
- Make recommendations regarding legislative policy options for reducing the number of untested SAKs;
- Make recommendations for securing non-state funding for testing SAKs, and reporting on progress made toward securing such funding;
- Monitor the testing of the backlog of SAKs and;
- Develop policies on the storage, retention, and destruction of unreported SAKs as well as protocols for engaging with survivors associated with unreported SAKs.⁵

The Advisory Group submitted a preliminary report and work plan in 2015⁶ and full annual reports with recommendations in 2016⁷, 2017⁸, 2018⁹, 2019¹⁰, 2020¹¹, 2021¹², and 2022.¹³ The reports contain information about the Advisory Group's activities, relevant legislative and policy changes, and recommendations to the Legislature and Governor for institutional reforms needed to improve the state's response to sexual assault.



2023 Recommendations

The Advisory Group voted to adopt the following recommendations on November 14, 2023. Three members were absent for the vote, representing the Washington Coalition of Sexual Assault Programs, Rural Community-Based Advocates, and the Washington Association of County Officials. The Washington House of Representatives (Rep. Orwall) was represented by proxy.

✓ **UPDATE THE “SURVIVOR BILL OF RIGHTS” TO MAKE WASHINGTON ELIGIBLE FOR ADDITIONAL FEDERAL FUNDING**

Yes: 18

Abstain: 1 (Washington Defender Association)

The Department of Justice requires states to have specific rights for victims and survivors adopted in state law. Washington needs to adopt or amend the following language in law to be eligible for additional sexual assault-related funding from the Services, Training, Officers, and Prosecutors (“STOP”) Violence against Women grants:

- a. Adopt: “The right to be informed in writing of policies governing the collection and preservation of a sexual assault evidence collection kit.”
- b. Adopt: “The right to, upon written request, be granted further preservation of the kit or its probative contents.”
- c. Amend RCW 70.125.110 to include: “The right to, upon written request, receive written notification from the appropriate official with custody not later than *60 days* before the date of the intended destruction or disposal.”

✓ **MAKE THE ATTORNEY GENERAL’S SAKI UNIT PERMANENT**

Yes: 18

Abstain: 1 (Washington Defender Association)

The federal grant supporting the Attorney General’s SAKI unit is set to expire in September of 2024. Maintaining the seven-person unit at the AGO will provide the opportunity to continue, and expand upon, the unit’s success by retaining the existing team of experts to build on the knowledge, skills, and comprehensive data gathered over the last six years. Since 2017, the SAKI unit has made significant accomplishments related to SAK testing and investigations and is vital in solving cases statewide, bringing justice to victims of these serious crimes. Among other duties, the SAKI unit assists law enforcement agencies with cold cases and provides funding assistance for forensic genetic genealogy and other advanced DNA testing.

Additional context:

- Making the Attorney General’s SAKI unit permanent will require a legislative appropriation of funding.

✓ **PROVIDE A NEW LEGAL REMEDY FOR VICTIMS AND SURVIVORS OF STEALTHING**

Yes: 19 (Unanimous)

Stealthing is a term that refers to the nonconsensual removal of a condom or other protective barrier during sex and is considered a form of sexual violence. Interviews with sexually active young adults revealed that stealthing is both a common practice and experienced as a clear violation of bodily autonomy and consent, with potentially lifelong consequences. As such, the Legislature should send a clear message to perpetrators

that stealthing is unethical and inexcusable and provide victims the ability to bring civil claims against offenders.

Additional context:

- One study published in 2019 surveyed 2,550 young adults aged 18-25 and found that 18.9% of females reported stealthing victimization.¹⁴
- A University of Washington study also published in 2019 found nearly 10% of the survey respondents engaged in stealthing and of those who did, over 19% were serial perpetrators. Men who reported engaging in stealthing were more likely to have been diagnosed with a sexually transmitted infection (29.5%) and more likely to have had a partner with an unplanned pregnancy (46.7%) compared to other men.¹⁵
- California¹⁶ and Maine¹⁷ have made stealthing a civil offense. In Congress, the “Stealthing Act of 2022”¹⁸ was introduced to create a federal civil right of action and the “Consent is Key Act”¹⁹ was introduced to encourage states to pass their own laws authorizing civil damages for survivors by increasing funding for federal domestic violence programs in states that pass these laws.

✓ **INCREASE ACCESS TO MEDICAL FORENSIC EXAMS FOR ADOLESCENTS**

Yes: 18

Abstain: 1 (House of Representatives, Rep. Mosbrucker)

The age at which adolescents are allowed to independently consent to sexual assault medical forensic exams varies widely at hospitals across the state because a particular age is not set in statute. As a result, when an adolescent seeks a sexual assault forensic examination without a trusted parent or guardian present or reachable for a variety of reasons, they may not be able to access an exam. Consistent with the age at which adolescents are able to consent to other critical health services in Washington state, adolescents age 13 and older should be able to independently consent to sexual assault medical forensic exams in order to take steps to hold perpetrators accountable. Further, medical professionals should be encouraged, but not required, to contact a parent/guardian when a minor presents for care.

Additional context:

- Mandatory reporting laws will still apply.
- Washington state law allows youth to consent to reproductive care services at any age, mental health and substance use disorder treatment at age 13, and treatment for sexually transmitted infections at age 14 and older.²⁰
- Adolescents may be unwilling to immediately disclose an assault to a parent or guardian for a number of reasons, including fear of their reaction, concerns about the relationship of a parent or guardian to their abuser, or a parent or guardian’s lack of involvement in their life.

✓ **CONVENE A WORKGROUP TO EXPLORE A FIRST-IN-THE-NATION STATEWIDE ALTERNATIVE REPORTING PROGRAM**

Yes: 18

Abstain: 1 (Washington Defender Association)

Sexual assault is the most underreported violent crime with over 70% of assaults not reported.²¹ To be on the forefront of changing that, Washington should explore a statewide alternative reporting program to enhance existing reporting practices that benefit victims, survivors, and law enforcement agencies. The Attorney General’s Office, the Criminal Justice Training Commission, and other key stakeholders should partner with End Violence Against Women International (EVAWI) to study implementing the nation’s first statewide alternative reporting program. The effort would include educating and soliciting feedback from key partners in order to lay the groundwork for successful implementation of the tool statewide.

Additional context:

- Example: Alternative reporting programs such as “Seek then Speak” by EVAWI offer a language-accessible online platform that provides information to victims and survivors about sexual assault, where to find resources and support, as well as a self-guided questionnaire that ultimately produces a PDF of the survivor’s own words that can be filed with a local police department whenever the person chooses to move forward.²²
- The questionnaire does not replace a law enforcement interview. However, it can help survivors feel better prepared and less anxious about the in-person interview and investigation. The tool explains specific questions (including why some questions may seem invasive), how law enforcement will use the information, and what the survivor’s rights are throughout the process.
- Seattle Police Department, Washington State University Campus Police Department, and Kansas City Police Department currently utilize “Seek then Speak.” Pullman Police Department and Tacoma Police Department are exploring adoption.
- Enhancing access to information after an assault is important because victims and survivors may not know if what they experienced is sexual assault, what the options for reporting are immediately following the assault or long after, or what support services are available and how to access them.
- While victims and survivors may choose to disclose to family, friends, or other trusted individuals, the reasons for not reporting to law enforcement can include fear of not being believed, fear of retaliation, uncertainty around what will happen after reporting, debilitating impacts of trauma, and feelings of shame or guilt.²³

✓ **ESTABLISH A STATEWIDE FORENSIC NURSE COORDINATOR**

Yes: 18

Abstain: 1 (Washington Defender Association)

Forensic nurses who are specially trained to treat and gather evidence from sexual assault survivors are not widely available in Washington. Statewide coordination of forensic services will ensure victims and survivors have the best possible experience and outcome no matter where they present seeking services. The Forensic Services Subcommittee of the SAFE Advisory Group convened stakeholders and experts to study access to and availability of forensic nurse services and recommends establishing and funding a statewide coordinator or coordination team within the Department of Health, along with capacity building support for the agency.

Additional context:

- See Appendix A for information on the Forensic Services Subcommittee stakeholder convening process.
- Studies on forensic evidence and criminal justice outcomes have continually shown that evidence gathered and documented by trained sexual assault nurse examiners (SANEs) and forensic nurse examiners (FNEs) increases the likelihood of offenders being arrested, charged, and ultimately convicted.²⁴
- The five days, or around 120 hours, following an assault is a critical window in which SANEs and FNEs can gather and document evidence from victims and survivors. However, SANE/FNE services are only available in a limited number of hospitals and other facilities across the state, many of which do not have the resources and/or support to operate 24/7 programs or keep trained nurses on staff. Victims and survivors in rural areas may have to drive several hours to access SANE services, or risk being turned away at a facility that is not prepared to offer exams via telehealth or on-call nurses.²⁵
- A statewide coordinator or coordination team would play a critical role in educating hospitals on the importance of SANE/FNE programs in the communities they serve and advising on resources such as state or federal funding and training to support virtual SANE or “teleSANE” services.
- A coordinator could represent Washington at national convenings on forensic nursing to ensure the state stays up-to-date on best practices and new technology as well as create a process to develop

statewide forensic service standards for medical facilities, and help coordinate distribution of SAKs to prevent shortages. Many states, including Arizona, Colorado, Idaho, Illinois, Oregon, South Carolina, and Wisconsin, have a statewide coordinator performing these, and other, duties.²⁶

✓ **EXTEND THE DEPARTMENT OF HEALTH’S HOSPITAL GRANT AND NURSE STIPEND PROGRAM**

Yes: 18

Abstain: 1 (Washington Defender Association)

To help sexual assault survivors access specially trained nurses, we must reduce barriers nurses face to receive necessary training. The Legislature’s one-time grant program successfully accomplished this and should be continued.²⁷ Of the prior one-time allocation of \$750,000 the Department of Health (DOH) received requests for over \$945,000 of funding from 15 nurses and 13 medical facilities, for expenses incurred in fiscal year 2023.

Additional context:

- See Appendix B for more information on the DOH’s 2022-2023 stipend program.
- Currently, nurses across the state experience a number of challenges including needing to use vacation time to attend a training, incurring unreasonable fees (e.g., travel, lodging, child care, lost wages), and traveling long distances.
- Health care facilities also incur costs in backfilling staff to excuse nurses for training. Washington’s 2022 supplemental operating budget provided one-time funds to the DOH to establish a stipend program to 1) reimburse licensed nurses for eligible costs incurred in training and 2) establish a grant program for hospitals to support SANE programs (e.g., backfilling staffing costs associated with nurses attending training and/or leaving their role to perform SANE-related duties).

✓ **ESTABLISH A FORENSIC NURSE TRAINING GRANT PROGRAM**

Yes: 18

Abstain: 1 (Washington Defender Association)

Washington needs dedicated resources for comprehensive statewide forensic nurse training to increase the availability of forensic nurses and the essential services they provide to victims and survivors. Long-term, sustainable funding for training development could expand the variety of trainings offered, including training for other hospital staff as needed, and ensure frequent, and geographically diverse trainings are available across the state.

Additional context:

- The Department of Commerce identified cost as one of the main barriers preventing forensic nurse examiner training programs from offering sufficient mobile and onsite training opportunities, leading to fewer nurses able to access training.²⁸
- Forensic nurse examiner training programs need additional funding to develop innovative training opportunities that can be offered statewide and provide the hands-on practice needed to perform forensic nurse examinations competently.

✓ **ELIMINATE THE STATUTE OF LIMITATIONS FOR PROSPECTIVE CIVIL CLAIMS OF CHILD SEXUAL ABUSE**

*Yes: 17**

Abstain: 1 (Washington Defender Association)

Eliminate the statute of limitations prospectively in civil actions of alleged child sexual abuse to

*The member representing the Washington House of Representatives (Rep. Mosbrucker) was absent for this vote.

acknowledge the severe impacts of psychological, emotional, and physical trauma on victims and survivors.

Additional context:

- Adults age 18 and over who experienced child sexual abuse currently have three years to file a civil action against an abuser depending on when the victim or survivor connects injury to the abuse. However, delayed reports of sexual abuse are common due to the complex factors victims and survivors face, including repressed memories and post-traumatic stress disorder.²⁹
- Currently, in Washington, adults filing civil childhood sexual abuse claims have three years to take action from the time the act is alleged to have caused harm, the time the victim discovered an injury or condition caused by the act, or the time when a victim discovers the act caused the injury, whichever is later.



Case Summaries

Warning: The following section contains descriptions of sexual assault. Please go to page 12 to skip this section.

With funds the Attorney General's Office received as part of SAKI, as well as legislative appropriations to clear the backlog of SAKs, kits from the following cases were tested and the offenders were sentenced or charged. The Advisory Group became aware of these cases in 2023; a complete summary of cases that advanced following testing of the backlog is available at <https://wasaki.atg.wa.gov/data-and-results/case-summaries>.

Convicted and sentenced

- **State v. Ford (Spokane County):** Ford pled guilty to one count of 3rd degree assault and one count of Communicating with a Minor for Immoral Purposes and was sentenced to 60 days jail followed by 12 months of community custody.

In July 2013, a 16-year-old girl was sexually assaulted by a family friend. The girl reported the assault to the police and had a SAK collected at the local hospital. The suspect was arrested but the charges were dismissed and the SAK was not submitted for testing at the time. In 2018, the SAK was inventoried and submitted for testing. DNA from the kit matched Ford's profile, which had been collected and uploaded to CODIS as a result of a 2007 Domestic Violence Assault 3 conviction. Police obtained a warrant for a reference sample from Ford. Ford's DNA profile matched the profile from the SAK.

- **State v. Torres (Spokane County):** Torres pled guilty to one charge of 2nd Degree Child Rape and was sentenced to 102 months confinement.

In 2013, a young boy witnessed his stepfather, Torres, sexually assaulting his 3-year old daughter. The boy told another parent who took the victim to a hospital to collect evidence. Afterwards, the accusation was deemed unfounded, the case was closed and the SAK was not submitted for testing. In 2018, the SAK was inventoried and submitted for testing. In 2019, the SAK yielded a DNA profile, but it did not match any profiles in CODIS. Detectives obtained a warrant and took a reference sample from Torres in January 2020.

- **State v. Dimas (Clark County):** Dimas was convicted of First Degree Rape and was sentenced to 150 months confinement.

In 2003, a woman was sexually assaulted by an unknown man while she was walking through a park at night. A SAK was collected and tested but there was not sufficient DNA to obtain a profile. In May 2018, the kit was submitted as part of the backlog. Items were retested. In March 2020, a DNA profile obtained from the kit matched to Dimas whose profile was in CODIS as a result of a felony theft conviction. In April 2022, Dimas was convicted. At trial, the Attorney General's SAKI funds were used to cover forensic scientist expert testimony costs.

Charged, trial pending

- **State v. Carpenter (Spokane County):** As a result of testing a 1994 SAK, Carpenter's DNA was connected to an unsolved murder. In March of 2023, the state of California charged him with murder.

In 1994, a SAK was collected from a victim who reported a rape to the Spokane Police Department (SPD). The suspect was known and the defense was consent, so the case was never charged and the SAK was not submitted for testing. In 2018, the SAK was included in the Washington Attorney

General's inventory of unsubmitted kits across the state. Results reported in September 2022 found no suspect name, but did find a "case-to-case" match. The DNA profile matched the DNA profile of an unidentified suspect in a 1979 cold case homicide in Lake Tahoe, California. The Washington State Patrol Crime Lab connected California law enforcement with SPD, who provided the identity of the suspect in the uncharged 1994 rape case.

- **State v. Halvorson (Spokane County):** Halvorson is currently charged with Assault in the Second Degree, Strangulation, Rape in the Second Degree, and Rape in the Third Degree. His trial is set to begin in February 2024.

In 2004, a woman reported rape by an unidentified man to the Spokane Police Department. Her SAK was not tested until 2018 following the Attorney General's inventory. In August 2021, DNA from the kit matched to the alleged defendant. The defendant had a long history of sexual violence in the Spokane area and was committed as a sexually violent predator to the Special Commitment Center in 2014, when the Attorney General's Office filed a petition and prevailed at a subsequent trial. Halvorson's trial for the alleged 2004 rape is set for February 2024.

- **State v. Munoz-Hernandez (Lewis County):** Munoz-Hernandez is charged with Second Degree Rape and was arraigned on November 9, 2023. Trial is currently scheduled for January 2024.

In 2004, a woman was allegedly raped at her residence in Centralia, Washington. After the man left, the woman went to the hospital for a sexual assault exam. During the AGO's SAKI inventory in 2018, the SAK was reported as unsubmitted and was subsequently submitted for testing in October of 2022. A DNA profile was identified in June 2023, and matched to the CODIS DNA profile of Munoz-Hernandez.



Appendix A

The Forensic Services Workgroup

Purpose: In May of 2023, staff of the Attorney General’s Office convened a stakeholder workgroup to discuss access to, and availability of, forensic services across Washington state and the impact on victims and survivors of sexual assault.

Participants: Members of the workgroup included over 15 sexual assault nurse examiners and forensic nurse examiners from urban and rural counties across the state, victim and survivor representatives, community-based advocates with experience in medical advocacy, representatives from the Office of Crime Victims Advocacy and the Department of Health, and Legislators. The workgroup met four times, for a total of eight hours.

Issues Raised and Discussed:

1. Lack of a sustainable funding source for SANE training.
 - a. The Department of Health had a fund available that offered up to \$2500 to SANEs/FNEs to cover the cost of attending training. However, those funds were only available through fiscal year 2023.
2. Lack of support from employers.
 - a. No compensation for attending training.
 - b. Inadequate compensation for SANE services, shortages when staff are pulled from the emergency department to perform exams that can take 6 to 8 hours to complete leaving other teams to cover, SANEs may not be compensated for being on-call, some are not paid at a rate equivalent to other on-call professionals.
 - c. Lack of adequate time to decompress and debrief following an exam, high burnout rates, and long hours.
 - d. No incentives or supports for hospitals to operate SANE programs so they may come and go.
 - e. Low retention rates.
3. An absence of partnerships among hospitals, even if there are multiple providers in a community it may not translate to 24/7 coverage. For smaller hospitals SANE programs are not a viable option.
4. Lack of available technical assistance, little to no diffusion of local best practices resulting in out-of-date protocols.

Workgroup Recommendations:

1. Establish a Statewide Forensic Nurse Coordinator or Team;
2. Extend the Hospital Grant and Nurse Stipend Program; and
3. Establish a Forensic Nurse Training Grant Program.

Next Steps: Workgroup participants made the decision to continue meeting quarterly moving forward. Staff transitioned the temporary workgroup to a formal subcommittee of the SAFE Advisory Group called the “Forensic Services Subcommittee.”



Appendix B

The Department of Health’s Hospital Grant and Nurse Stipend Program

Overview: The Washington Legislature’s 2022 supplemental budget appropriated funds to the Department of Health (DOH) to increase access to sexual assault nurse examiners and forensic exam services. The intent of the funding was to:

- Reimburse nurses for eligible costs to become a certified sexual assault nurse examiner training; and
- Establish a grant program for hospitals to increase access to SANE services.

Implementation: In the fall of 2022, DOH contracted with a consulting firm to gather recommendations from stakeholders and subject matter experts on the program structure, eligibility criteria, priorities, and eligible costs. DOH also conducted a recruitment for staff to manage the program, but prior to making a job offer DOH learned that the funds were one-time only. To ensure communities had access to the funds, a second consultant contract was established to:

- Utilize information gained from the stakeholder engagement process to create applications for SANE nurses and medical facilities providing SANE services;
- Disseminate information about the funding opportunity and application instructions;
- Develop and conduct scored application reviews; and
- Distribute funding to successful applicants by June 30, 2023.

The following table includes summary information about applications and funding distribution. Of the \$750,000 allocated for SANE and forensic exam services cost reimbursements, 92% was distributed.

	Applications Received (#)	Applications Received (\$)	Applications Funded (#)	Applications Funded (\$)
Nurses	15	\$27,476	15	\$18,894
Medical Facilities	13	\$918,314	13	\$671,640
TOTALS	28	\$945,789	28	\$690,534

Key Learning: The initial stakeholder engagement and application process demonstrated significant interest and need by both nurses and medical facilities providing forensic examination services over a cross-section of areas, most notably in staffing, education, lost wages, and travel for training and education. The application opening period was brief and it is highly likely that there would have been a greater demonstrated need if the opportunity to apply for funding was longer.



ENDNOTES

1. Untested or unsubmitted SAKs are booked into evidence by law enforcement, but not submitted to a crime lab for testing.
2. RCW 70.125.090.
3. RCW 5.70.040.
4. RCW 43.10.801.
5. An unreported SAK is one that has been collected from a survivor who has chosen not to report the sexual assault to law enforcement.
6. Available at: <http://leg.wa.gov/JointCommittees/Archive/SAFE/Pages/default.aspx>.
7. Ibid.
8. Ibid.
9. Ibid.
10. Available at: https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/News/Press_Releases/SAFE%20Report%202019.pdf
11. Available at: <https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/News/SAFE%20Report%202020%20V3.pdf>
12. Available at: <https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/News/2021%20SAFE%20Report.pdf>
13. Available at: <https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/2022%20SAFE%20Report.pdf>
14. Bonar, E. E., Ngo, Q. M., Philyaw-Kotov, M. L., Walton, M. A., & Kusunoki, Y. (2021). Stealthing Perpetration and Victimization: Prevalence and Correlates Among Emerging Adults. *Journal of Interpersonal Violence*, 36(21-22), NP11577-NP11592. <https://doi.org/10.1177/0886260519888519>.
15. Davis, K. C. (2019). "Stealthing": Factors associated with young men's nonconsensual condom removal. *Health psychology: official journal of the Division of Health Psychology, American Psychological Association*, 38(11), 997-1000. <https://doi.org/10.1037/hea0000779>.
16. Assembly Bill No. 453.
17. H.P. 1082 - L.D. 1683.
18. H. R. 7920.
19. H. R. 7928.
20. Northwest Justice Project. When can a minor access health care without parental consent? Retrieved from: <https://www.washingtonlawhelp.org/resource/i-am-under-age-18-can-i-get-health-care-without-an-adults-consent>.
21. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Criminal Victimization, 2016: Revised. Retrieved from: <https://bjs.ojp.gov/content/pub/pdf/cv16.pdf>
22. Seek then Speak. End Violence Against Women International. Retrieved from: [https://evawintl.org/seek-then-speak/#:~:text=SEEK%20THEN%20SPEAK%20offers%20sexual,reporting%20to%20police%20\(SEEK\)](https://evawintl.org/seek-then-speak/#:~:text=SEEK%20THEN%20SPEAK%20offers%20sexual,reporting%20to%20police%20(SEEK)).

23. RAINN. The Criminal Justice System: Statistics. Retrieved from: <https://www.rainn.org/statistics/criminal-justice-system>.
24. Cross, Theodore P. et al. (2014). Forensic Evidence and Criminal Justice Outcomes in a Statewide Sample of Sexual Assault Cases. University of Illinois Urbana Champaign. Retrieved from: <https://www.ojp.gov/pdffiles1/nij/grants/248254.pdf>
25. Washington State Department of Commerce (2016). Sexual Assault Nurse Examiners: Study of Sexual Assault Nurse Examiner Availability, Adequacy, Costs, and Training. Retrieved from: <https://www.commerce.wa.gov/wp-content/uploads/2017/03/Commerce-SANE-2016-Final.pdf>
26. International Association of Forensic Nurses. State protocols. Retrieved from: <https://www.safeta.org/page/stateprotocols/>.
27. Washington State Engrossed Substitute Senate Bill 5693. 2022 Supplemental Operating Budget.
28. Ibid at 25.
29. Winters, G.M., Colombino, N., Schaaf, S., Laake, A.L.W., Jeglic, E.L. and Calkins, C. (2020). Why do child sexual abuse victims not tell anyone about their abuse? An exploration of factors that prevent and promote disclosure. Behav Sci Law, 38: 586-611. <https://doi.org/10.1002/bsl.2492>.