



Sexual Assault Forensic Examination (SAFE) Best Practices Advisory Group

Meeting Notes

Tuesday, October 24th 1:00 – 3:00 p.m. PST

Attendees: Co-Chair Rep. Mosbrucker, Senator Manka Dhingra, Laura Twitchell, Adam Hall, Alison Forsyth, Andrea Piper-Wentland, Anita Petra, Annette Simpson, Ashley Jackson, Carlyn Sampson, Danielle Won, Denise Rodier, Dyllyn Werthan, Flora Diaz, Ryan Giannini, Heather McLeod, Jacqueline Barton True, jd Nielsen, Katherine Walton, Kristina Hoffman, Laurel Redden, Lucy Wolf, Maggi Qerimi, Martha Phillips, Megan Allen, Mike McNab, Elizabeth Hendren, Leah Griffin, Nicole Stephens, Nicolette DuBois, Paula Reed, Rick Torrance, Roshelle Cleland, Sara Owen, Sara Hudson, Vicky Sattler. Staff: Kelly Richburg, Lauren Vlas

<p>1. Call to Order & Establishment of Quorum (AGO staff)</p> <ul style="list-style-type: none">• Co-Chair Representative Mosbrucker welcomed members to the meeting• The agenda for the October 24 meeting was adopted• The minutes from the September 12 meeting were approved• AGO staff reminded the group a quorum (majority) of members is needed at the last meeting of the year on November 14th in order to vote on final recommendations• If you're unable to attend send a representative to vote on your behalf, please confirm with us in advance
<p>2. Updates (WSP and AGO)</p> <ul style="list-style-type: none">• WSP shared an update on the progress of sexual assault kit testing (see attached slide deck)• The Crime Lab is still on track to finish testing and reviewing results from the (10,000+) backlog of kits by the end of this year• To acknowledge and reflect on the progress made testing the backlog of sexual assault kits, the Attorney General's Sexual Assault Kit Initiative (SAKI) team lead shared a presentation highlighting successes (see attached slide deck)• As a reminder, new information on cases as well as general information on the Attorney General's sexual assault kit initiative is available at this website: https://wasaki.atg.wa.gov/
<p>3. Review Draft Recommendations and Voting Process</p> <ul style="list-style-type: none">• Staff presented a list of nine draft recommendations for the group to review• Many of the recommendations have been discussed at prior meetings, some have not• Members and participants will have the opportunity to review, and discuss the list and determine which will move forward for a vote at the November 14th meeting• Language can be added, removed, or edited, please note that we've attempted to separate out the problem statement and the recommended solution from the background information or what has been listed in bullet form as "additional context"• The list may be taken out of order to accommodate various schedules of those who wished to be present to speak to recommendations today <p><u>Recommendation to Increase Access to Medical Forensic Exams for Adolescents</u></p> <ul style="list-style-type: none">• By way of introduction, staff provided the following context: from 2020-2022 the AG's office was responsible for convening the Sexual Assault Coordinated Community Response ("SACCR") Task Force, that formed an "age of consent" subcommittee to interview SANEs in four different states to learn about their efforts to provide adolescents with the ability to independently consent to receive a medical forensic exam

- Last year, the SACCR Task Force recommended allowing adolescents age 13 and above to consent to the forensic exam in WA state
- The Director of Advocacy & Education at Lutheran Community Services Northwest in the Spokane area shared strong support for the proposal, LCSNW provides advocacy to a significant amount of adolescents with barriers to accessing emergency medical care because of the inability to initiate care for themselves when presenting in an emergency department
- Other sexual assault nurse examiners (SANEs) voiced support, noted the difficulty in having to turn away young people because they are afraid of having their parent contacted to give their consent to care, despite the fact that they'll find out later because of mandatory reporting laws
- One SANE shared, in a recent case, parents were very angry after their child's assault because the hospital didn't collect evidence when the adolescent wasn't willing to have parents contacted who could consent to her treatment. By the time parents found out and could have consented for her care it was past the 5 day window to collect forensic evidence. In a separate case, the SANE found out later that the adolescent did not want to contact parents for their consent for her to receive a forensic exam because of a history of physical abuse, CPS interventions
- An advocate from Aberdeen agreed, this is absolutely an access issue, it adds confusion for parents and stress for the child victim when the parent is extremely emotional, causes a scene in the E.D. adding to the difficult emotions the young person is already experiencing
- Members and participants discussed potentially lowering the age of STI treatment access for adolescents so age 13 is consistent in statute with the age at which adolescents can access behavioral health treatment
- Rep. Mosbrucker shared concerns about her caucus' support of these measures because of the perceived proximity to abortion, advocates will need to detail actual stories that have occurred in members' districts
- Discussion was eventually cut off because time was running out to review other recommendations
- SAFE members and participants agreed to move this recommendation forward for a vote on November 14th with one or more potential amendments

Provide a New Legal Remedy for Victims and Survivors of Stealthing

- Stealthing refers to the nonconsensual removal of a condom during sex and is considered a form of sexual violence, topic raised at the July SAFE meeting
- Sexual Violence Law Center supports this proposal, as long as it's consistent with other relevant statutes, noted Rep. Berry is working on a bill to effectuate this
- SAFE members suggested adding "or other protective barrier" in addition to condom to capture other forms of contraception
- Members and participants supported moving this recommendation forward for a vote on November 14th

Eliminate the Statute of Limitations for Civil Claims of Child Sexual Abuse

- Leah Griffin shared that a strong coalition of support has been built for this proposal, they are recommending pivoting from a retroactive elimination of the statute of limitations to eliminating the statute of limitations for prospective claims only
- Staff noted that the AG's office can support this, if prospective only
- Members and participants supported moving this recommendation forward for a vote on November 14th

Pilot a First-In-The-Nation Statewide Alternative Reporting Program

- Staff reminded the group there was a presentation on alternative reporting programs at the July SAFE meeting, the City of Seattle and Garfield County Prosecutor's Office presented on how alternative reporting programs have been implemented in their local jurisdictions
- Alternative reporting programs such as "Seek then Speak" that Seattle Police Dept. is now using, as well as Washington State University Police Dept., offer a language-accessible online platform that provides information about sexual assault, where to find resources and support, as well as a self-guided questionnaire that ultimately produces a report that can be filed with a local police dept. whenever a person chooses to move forward

- This benefits victims, survivors, and the law enforcement agencies that are responding to these reports
- SANE at Harborview shared that patients in Seattle have been very appreciative of this reporting option
- Kim Lonsway from End Violence Against Women International (EVAWI) shared they have an Office of Violence Against Women grant to provide technical assistance to states to help with the rollout of the “Seek then Speak” alternative reporting program and are ready to support a statewide pilot in WA
- CSAP Director in Tacoma: I was very inspired by Seattle’s presentation in July, have been exploring implementing this program in Tacoma. We support doing this statewide. It will open up a lot of new opportunities
- Child Advocacy Centers of WA: would like to understand how this works with child abuse protocols and multidisciplinary team process
- There is no legislative action item for this recommendation at this stage it is a resolution to support further work, the AGO would convene stakeholders to discuss and determine next steps
- Members and participants agreed to move the recommendation forward for a vote at the November 14 meeting

Make the Attorney General’s Sexual Assault Kit Initiative (SAKI) Unit Permanent

- Laura Twitchell clarified that there is still work to be done, but making the unit permanent would allow them to expand the work even more to meet the need
- No concerns or questions raised, agreed to move forward for a vote at the November 14 meeting

Establish a Statewide SANE Coordinator or Forensic Nurse Coordination Team

Extend the Hospital Grant and Nurse Stipend Program

Establish a Forensic Nurse Training Grant Program

- After much discussion with the forensic services subcommittee and at subsequent SAFE meetings, members and participants agreed to move these three recommendations forward for a vote at the November 14 meeting

Update the “Survivor Bill of Rights” to make Washington Eligible for Additional Federal Funding

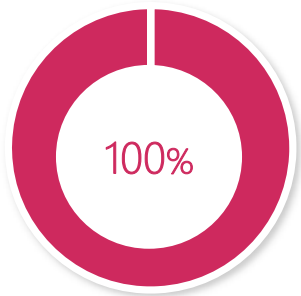
- This opportunity was raised by the Dept. of Commerce and discussed at the June SAFE meeting
- No concerns or questions were raised, members and participants agreed to move the recommendation forward for a vote at the November 14 meeting
- A participant asked if this was an opportunity to update any existing “Know Your Rights” documents for survivors
- AGO staff shared that there is an updated “Know Your Rights” document drafted, reviewed by attorneys, and ready for review and feedback by anyone interested. A copy will be circulated.



SAK Testing Progress

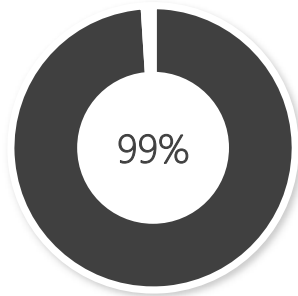
- October 2023 -

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



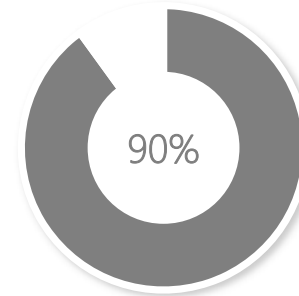
Phase 1: Facilitate Outsourcing

As of 9/30/23, 9,566 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 9/30/23, 9,438 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 9/30/23, 8,633 SAKs have had their test results reviewed by WSP and any eligible DNA profiles have been uploaded to CODIS. 3,575 DNA profiles have been uploaded, resulting in 1,386 hits to individuals, and 294 hits to another case.

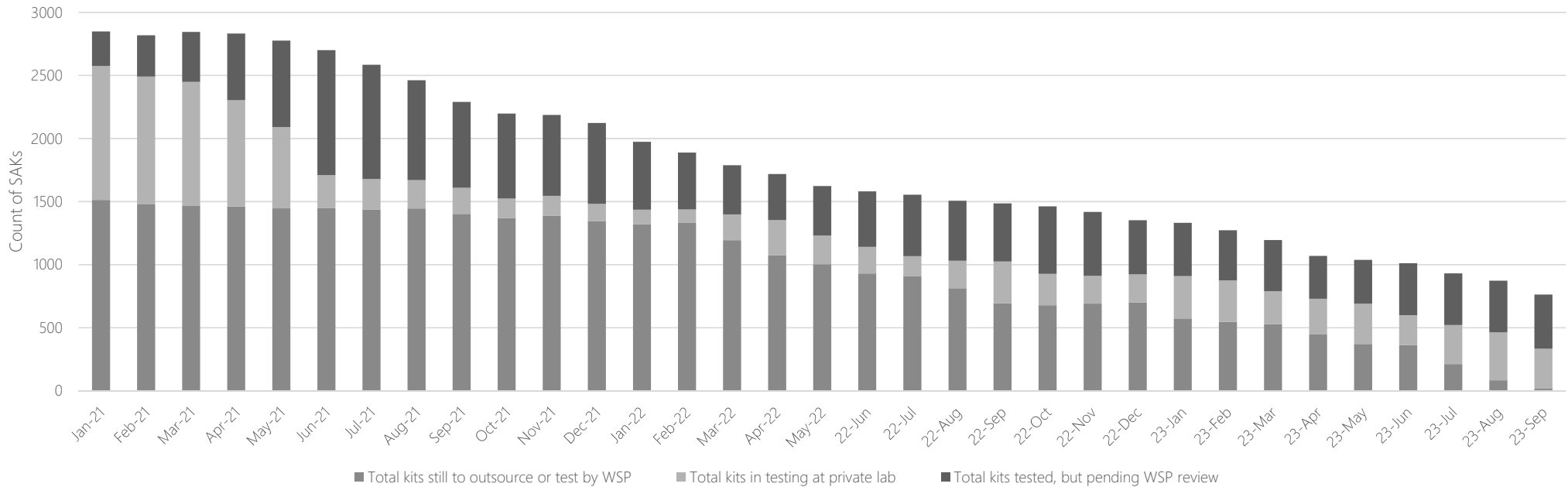


Target completion Date: 12/31/23



2. CLEAR BACKLOG OF KITS NEEDING TESTING

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.

98% Of backlog has been outsourced and in progress
56% has been tested but awaiting review



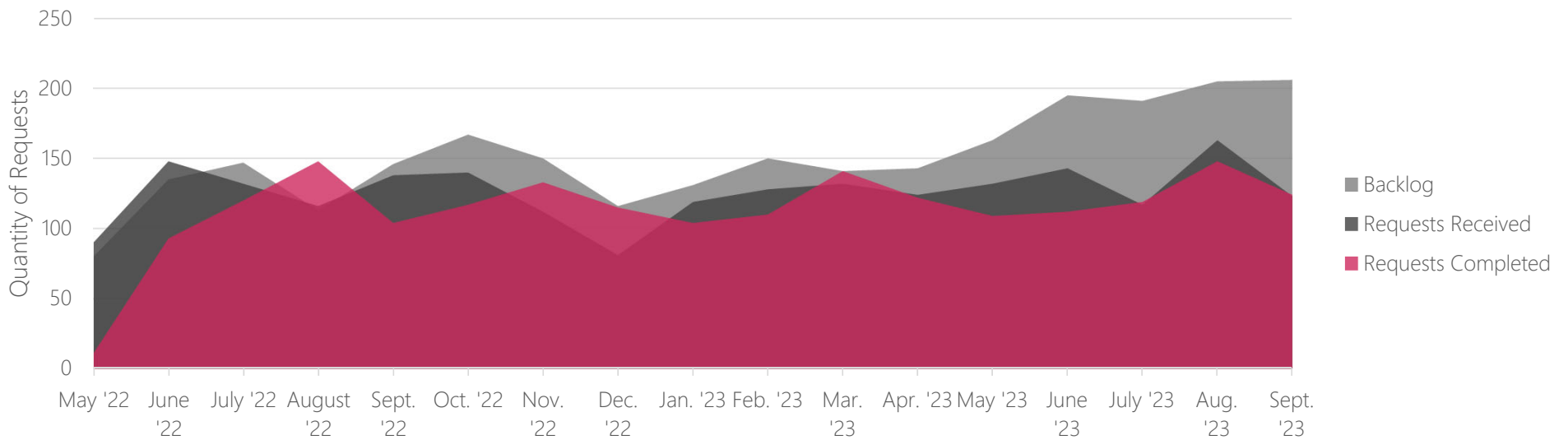
8 new scientists & 1 technician



Dec 2023 Goal



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..

96%
Had testing completed within 45 days or less

 **36 days**
Average Turnaround Time





**WASHINGTON
STATE
SEXUAL
ASSAULT
KIT
INITIATIVE**

SAKI
SEXUAL ASSAULT
KIT INITIATIVE
Reform. Accountability. Justice.



October 23, 2023 – AAG Laura Twitchell

Backlog History

- 2015 – the WA State legislature enacted RCW 5.70.040.
 - Effective July 24, 2015, the statute requires law enforcement agencies to submit all sexual assault kits for testing within 30 days of their receipt.
- March 1, 2017 – The Washington State Attorney General's Office (AGO) applied for a Bureau of Justice Assistance (BJA) Sexual Assault Kit Initiative (SAKI) grant.
 - October 1, 2017 – BJA awarded the grant to the AGO.

Backlog History

- 2018 – we completed our inventory and the Lab began using our SAKI money to test kits in 2019.
- 2019 – the WA legislature enacted RCW 5.70.050 which required law enforcement agencies to submit for testing all sexual assault kits that were collected before July 24, 2015.

WA State AGO SAKI Site

The AGO has two federal grant projects:

1. Sexual Assault Kits
2. Lawfully Owed DNA (LODNA)

The SAKI Team

Laura Twitchell	AAG
Glenn Bartlett	Senior Investigator
Louise Nist	Senior Investigator
Simone Grant	Investigator
Nicolette DuBois	Data Consultant / Crime Analyst
Danielle Won	Data Consultant
Marissa Moser-Amponin	Administrative Assistant



Goals

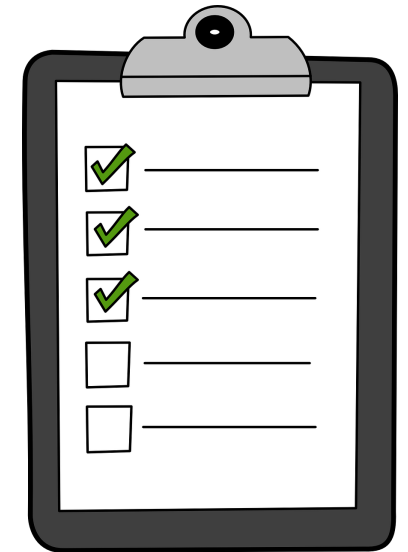
1. Get more sexual assault kits tested
2. Populate CODIS database
3. Solve cold cases using advanced DNA testing



WA State SAKI Results

(as of October 2023)

- Sexual Assault Kits Submitted: 10,134
- Completely Tested: 9,013
- Uploads: 3,931
- CODIS Matches: 2,161
 - 1,766 hits to profiles in the Offender Database
 - 395 matches to other cases in the Forensic Database



SAK Laws: Reports

RCW 5.70.060. Case Status Updates

- AGO required to collect follow-up information from law enforcement and prosecutors about sexual assault kit CODIS hits
- Law enforcement and prosecutors shall provide requested case status updates to the AGO
- AGO sends reports to WASPC who sends to legislature



SAKI Success Stories

State v. Halvorson

- 2004 – a woman in Spokane reported to police that she was violently raped by an unidentified man
 - SAK collected, not submitted for testing
 - SAK included in AGO SAKI inventory; SAKI funded testing

State v. Halvorson

- August 2021 – sample from SAK matched to Scott Halvorson
 - Halvorson was an SVP the AGO committed to the Special Commitment Center (SCC) in 2014



State v. Halvorson

- Long history of sexual assaults in the Spokane area:
 - 1980 – convicted of criminal trespass after breaking into a home at night and entering the bedroom of a sleeping 16-year-old girl
 - 1988 – convicted of sexually assaulting a 4-year-old girl
 - 1988 – convicted for a violent rape of a 10-year-old girl
 - 2007 – following his release from prison for his prior offenses: convicted of rape and assault of an adult woman
- Trial on the 2004 rape is set for Feb 20, 2024.

Arrest in 1979 CA Cold Case Homicide

It is important to get all kits tested – even if law enforcement already knows who the suspect is and/or will not be charging a case.

- April 1994 – SAK collected from victim who reported a rape to the Spokane Police Department (SPD)
 - Suspect known; the defense was consent – case never charged
 - SAK not submitted for testing

Arrest in 1979 CA Cold Case Homicide

- 2018 – SAK included in AGO SAKI inventory; SAKI funded testing
- September 2022 – no suspect name, but “case-to-case” match
 - DNA profile uploaded matched the DNA profile of an unidentified suspect in a 1979 cold case homicide in Lake Tahoe, California
 - WSP Crime Lab connected California law enforcement with SPD, who provided the identity of their suspect in the uncharged 1994 rape case



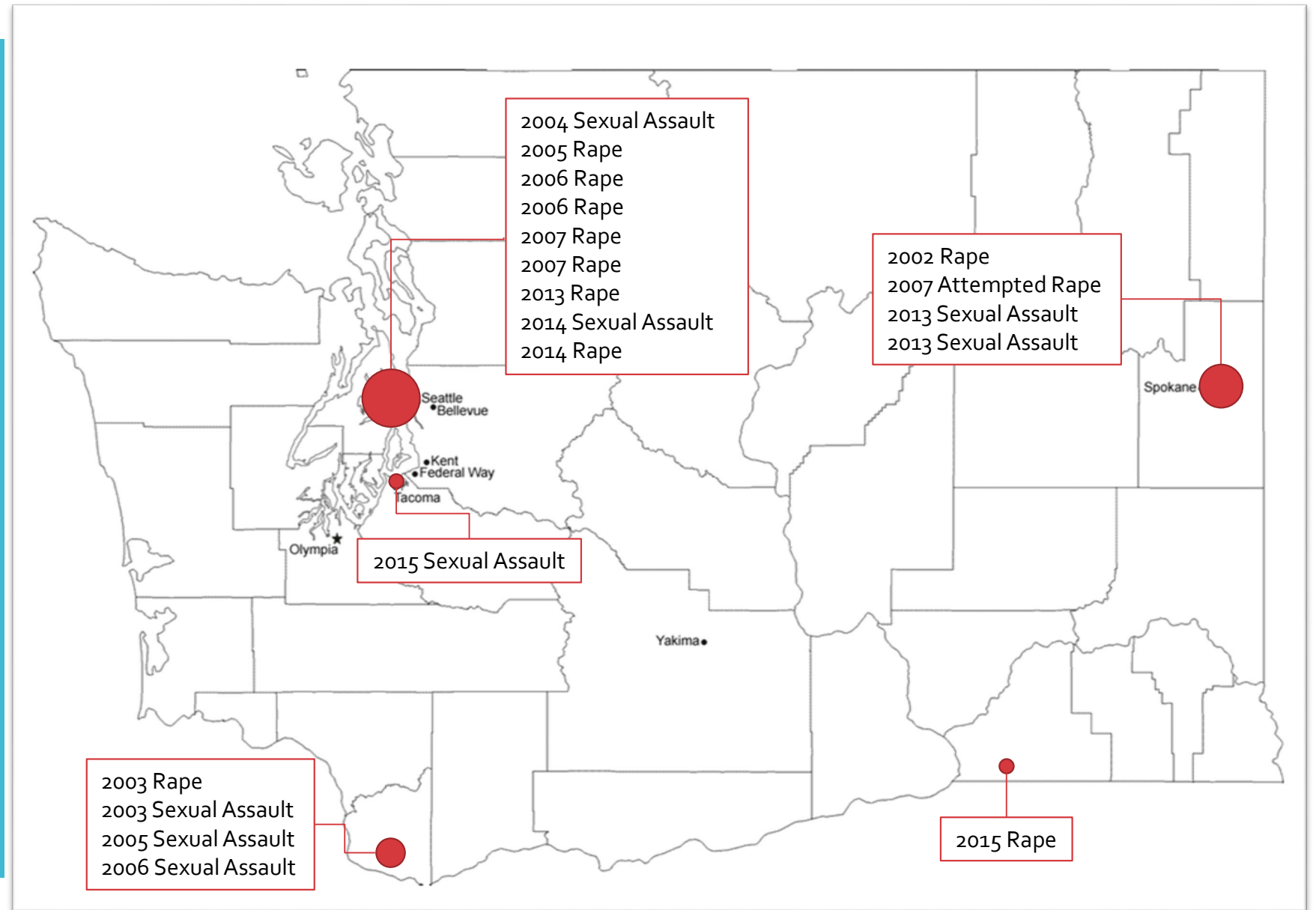
Patricia Carnahan

Arrest in 1979 CA Cold Case Homicide

- March 1, 2023 – Harold Carpenter charged in California with murder



Sexual Assault Kit CODIS Hits



Sexual Assault Kit CODIS Hits

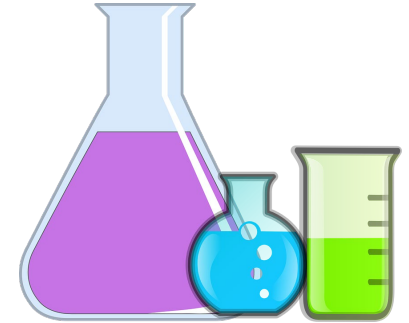
- These crimes occurred from 2002 to 2015
- They occurred all across the state
- Victims were attacked at a high school party, a parade, at home, or were even abducted off the street
- Victims included adults and juveniles from as young as 3 years old
- Offenders included family, acquaintances, and strangers

All ages, all situations, all parts of the state.

LODNA

LODNA Collection Law

RCW 43.43.754



RSOs and people convicted of felonies and some gross misdemeanors must provide DNA sample.

- If in custody: jail or prison collects DNA sample
- If out of custody: the court orders the person to report to the local police department or sheriff's office to give a DNA sample "within a reasonable period of time established by the court;" or collected in the courtroom by police or sheriff if protocol exists

Willful refusal to provide a biological sample in response to a lawful request is a gross misdemeanor

The Problem

There is no way to ensure that offenders have reported to law enforcement to provide a sample and, often, they just don't...



SB 1028

New legislation requires jurisdictions to develop procedures whereby either law enforcement collects samples in the courtroom upon conviction or the court sets a review hearing to ensure that the offender went to local law enforcement agency and provided a sample. Effective July 23, 2023.



Phased Collection Plan

Phase 1:

- Current Prison Inmates (Jun-Aug 2020): 200 samples collected
- Offenders on Active DOC Community Supervision (Fall 2020): 279 samples collected



Phased Collection Plan

Phase 2:

- Registered Sex Offenders (Dec 2020-Jun 2021): 372 samples collected

Phase 3:

- Offenders in the Community: in progress

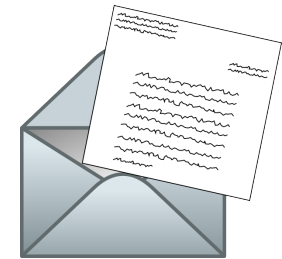
Note: samples from both Phase 1 and 2 are still trickling in.



Current Process

1. Collect a list of offenders in the community who owe DNA
2. Verify that they do owe DNA
3. Track down their most-probable current address
4. Send them letters requesting that they go into local law enforcement agencies to give a sample

To date, around 870 samples have been provided after letters sent.



LODNA Results

(as of October 2023)

Total Project Progress Thus Far

- 2,538 New samples collected
- 2,319 samples tested & uploaded to CODIS
- 89 CODIS Hits

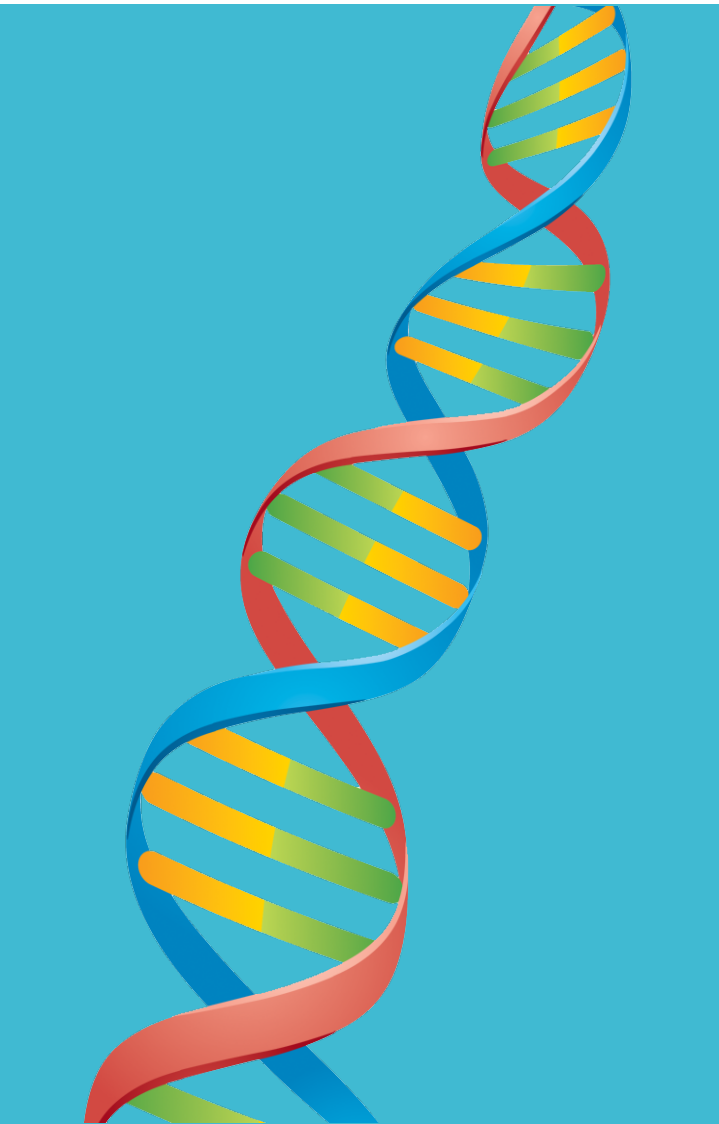
Forensic Genetic Genealogy

Solve Cold Cases Using Advanced DNA Testing



Forensic Genetic Genealogy (FGG)

- Also called Investigative Genetic Genealogy (IGG)
- Relatively new investigative tool
- Combines genetic analysis of crime scene samples with mining of information in publicly available genetic genealogy databases and traditional genealogical records



- Was used to identify the notorious Golden State Killer, leading to his arrest in 2018
- AGO SAKI successes: two cases resulted in conviction; two cases closed—deceased suspect identified
- ~45 cases that have requested funding through the grant and are somewhere in the process

State v. Bieker

- 2003 – a 17-year-old girl was abducted and raped by a stranger in McCleary, Grays Harbor County.
 - Victim was able to escape
 - SAK collected; submitted for testing – no match in CODIS

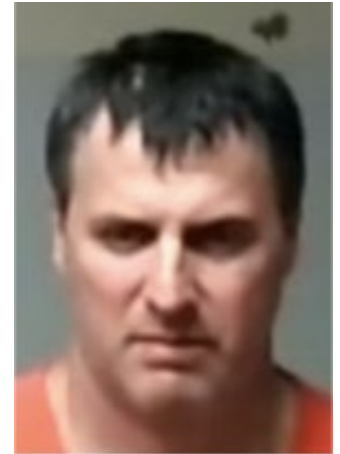
State v. Bieker

- 2020 – Grays Harbor Sheriff's Office used SAKI funds to hire genetic genealogist
 - Profile connected to three brothers, one of whom, Paul Bieker, lived in McCleary at the time of the rape.
- December 2020, police covertly followed Bieker and retrieved his discarded coffee cup
 - DNA profile on the cup matched the DNA profile from the SAK



State v. Bieker

- June 3, 2022 – Bieker found guilty at trial of First Degree Rape with deliberate cruelty
- July 8, 2022 – sentenced to 30 years in prison.



Murder of Patricia Barnes

- 1995 – Patricia Barnes shot twice in the head, stuffed into a sleeping bag, and dumped in a rural area in Kitsap County. Case went cold.



Murder of Patricia Barnes

- 2018 – Kitsap County sheriff's Office reopened the case and submitted evidence collected in 1995 for DNA analysis using modern techniques, which identified the DNA profile of the perpetrator. The profile was not in CODIS.
 - Genetic genealogy paid for with SAKI funds identified the name of the perpetrator, Douglas Krohne, who had a violent criminal history including kidnapping. Law enforcement confirmed that Krohne is deceased and they closed the case as solved.

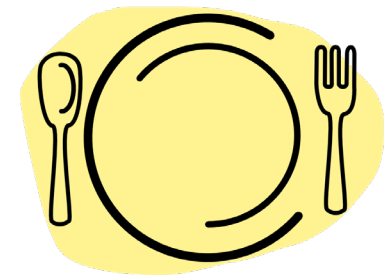


State v. Downing

- 2003 – a man broke into a home in Pullman and threatened a woman at gunpoint and sexually assaulted her.
- 2004 – a man broke into an apartment, where two women were inside. The man, who had a gun, tied up one roommate and raped the other.
 - SAKs collected; submitted for testing – no matches in CODIS

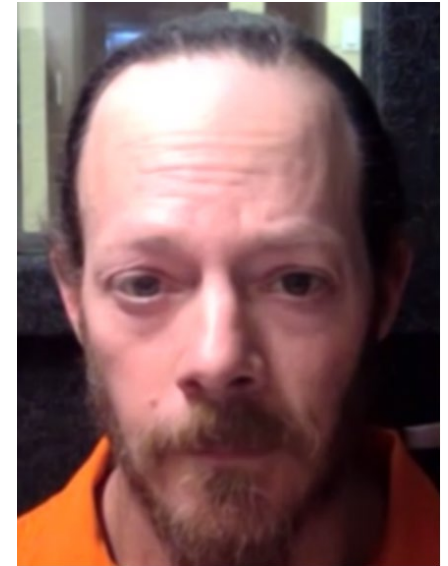
State v. Downing

- Pullman Police used SAKI funds to hire genetic genealogist
 - Profile connected to 2 brothers in the Spokane area
 - Based on suspect descriptions and other research, police identified Kenneth Downing
 - Spokane Police followed Downing to a restaurant in Spokane and obtained items he touched
 - DNA on items matched DNA from SAKs



State v. Downing

- July 8, 2022 – Downing pleaded guilty to four counts of rape in the first degree and one count of assault in the second degree with sexual motivation.
- August 19, 2022 – sentenced to 238 months-life in prison.



Murder & Rape of Krisann Baxter

- October 4, 1978 – 16-year-old Krisann Baxter's body was found in Spokane.
 - DNA samples were collected during the autopsy and sent to the WSP Crime Lab, but DNA analysis could not be completed due to testing limitations at the time.
- 2006 – the samples were sent back to the crime lab for more testing.
 - The results showed that DNA profiles consistent with Krisann Baxter and an "unknown male" were present.



Murder & Rape of Krisann Baxter

- 2020 – the samples were again submitted to the crime lab for additional testing, then to Othram, Inc. for SAKI funded FGG.
 - Othram genealogists identified potential relatives of the suspect. Ultimately, Keith D. Lindblom, who died in a fire on April 11, 1981 was identified as the suspect. Lindblom's child provided DNA, which testing determined to be a match.
- The Spokane County prosecutor determined charges against Lindblom would have been warranted if he was still alive.

Questions?