

**SEXUAL ASSAULT FORENSIC EXAMINATION (SAFE)
COMMISSION**

September 1, 2017 – AUGUST 31, 2018

ANNUAL REPORT



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Acknowledgement

The Division of Justice and Community Services wishes to extend its appreciation to the members of the Sexual Assault Forensic Examination Commission for their dedication to providing a victim centered approach for improving the timely and efficient collection of forensic evidence and improving the standard of care for sexual assault victims across the State of West Virginia.

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Purpose of the Commission:

The Sexual Assault Forensic Examination (SAFE Commission) Commission was created under West Virginia Code Chapter 15-§9B-1, §9B-2 and §9B-3 and first met on August 8, 2014. Its purpose is to establish, manage, and monitor a statewide system to facilitate the timely and efficient collection of forensic evidence in sexual assault cases. Duties of the Commission include, but are not limited to, the following:

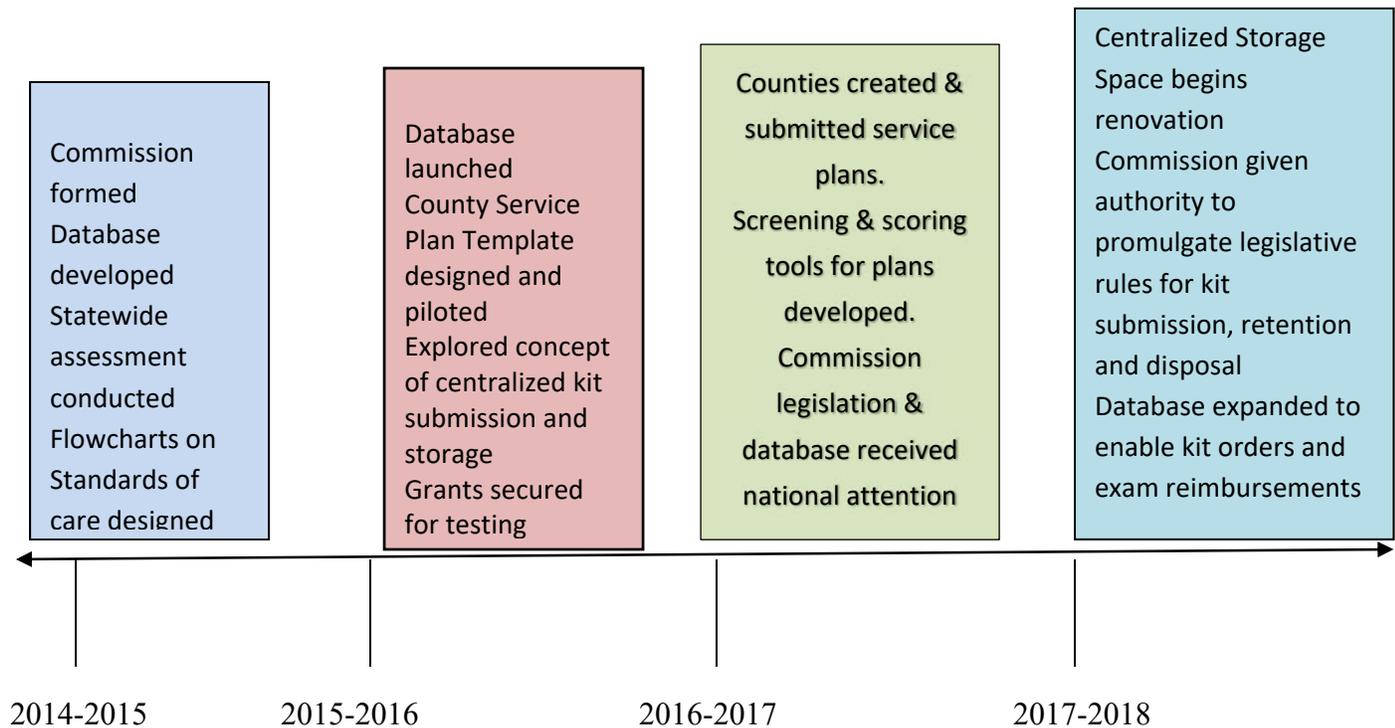
- (1) Establish mandatory statewide protocols for conducting sexual assault forensic examinations, including designating locations and providers to perform examinations, establishing minimum qualifications and procedures for their performance, and establishing protocols to assure the proper collection of evidence;
- (2) Facilitate the recruitment and retention of qualified health care providers that are properly qualified to conduct forensic examinations;
- (3) Authorize minimum training requirements for providers conducting exams and establish a basic standard of care for victims of sexual assault;
- (4) Support county prosecutors in establishing sexual assault forensic examination boards, set forth minimum requirements for local plans developed by county or regional boards, and approve local plans for each area of the state on a county or regional basis; and
- (5) Propose rules for legislative approval.

Executive Summary:

During the past reporting year, the work of the SAFE Commission included the following:

- ❖ Review of county service plans for completeness and feedback provided to each county (see attached map page 15 for overview of plan submissions)
- ❖ Legislation granting the Commission authority to promulgate rules regarding sex crime kit submission, retention and disposal
- ❖ Sexual assault kit tracking application used to continue to supply reports to hospitals on the quality of kits collected by hospitals and examiners
- ❖ Expanded the kit tracking application to include a process for ordering kits and a mechanism for payment from the Forensic Medical Fund
- ❖ Began development of a three module mini-course on forensic exams for physicians, advanced practice registered nurses and physician assistants
- ❖ Construction begins on centralized storage space for kits

Historical Timeline:



Meetings:

Commission meeting dates:

1. November 7, 2017
2. February 22, 2018
3. May 16, 2018
4. August 2, 2018

Key meeting decisions/activities:

1. Continued data review on quality of collection of sexual assault kits and tracking of kits and determined data collection improvements.
2. Continued hospital feedback on collection of sexual assault kits.
3. Developed process for reimbursing hospitals through the database from the Forensic Medical Exam Fund.
4. Identified improvements to database system.
5. Explored Sexual Assault Nurse Examiner (SANE) training expansion to higher education.
6. Continued SANE trainings and initiated the course development for physicians, APRNs, and PAs.
7. Construction began on centralized storage location for all reported kits.
8. Disseminated template and flowcharts for county plan development.

9. Developed and disseminated sample transportation and plan notification protocols.
10. Developed and implemented a scoring system for completeness of county plans; reviewed all submitted plans and sent out letters for revisions.
11. Supported SB36, giving commission the authority to promulgate rules for kit submission, retention and disposal. Established rule-making committee and set initial meeting date.

SAFE Commission subcommittees:

Standards Subcommittee:

Role: Facilitate the development of county plans through the creation of: service standards definitions, county plan template, plan review process, plan dissemination method, and assessment of plan implementation process.

The Standards Subcommittee met three times in the last year and accomplished the following:

- ↳ Developed and implemented a scoring system for the review of county plans
- ↳ Reviewed plans and provided feedback to counties
- ↳ Provided on-site technical assistance upon request
- ↳ Explored web-based plan dissemination options

Data Collection Subcommittee:

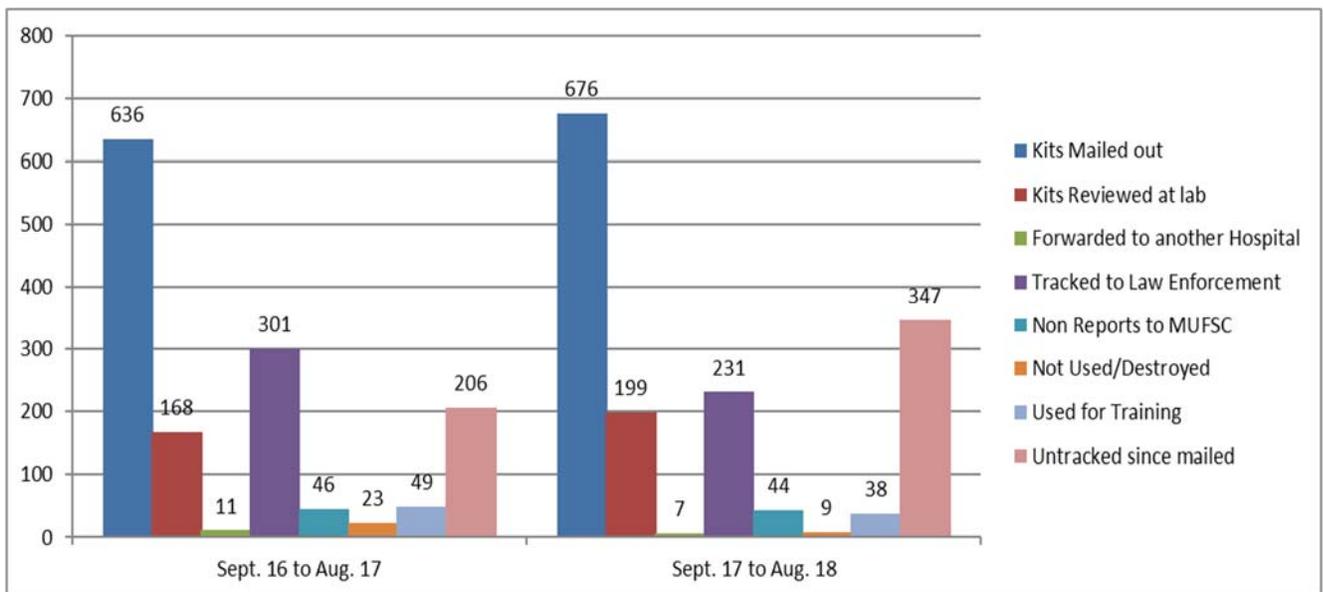
Role: Identify and implement a system to track sexual assault kits, enhance feedback system to hospitals/medical personnel regarding the quality of the kits being collected, and utilize data to guide training needs.

The Data Collection Subcommittee met twice in the last year and accomplished the following:

- ↳ Using current data from the sexual assault kit tracking application (SAK) database, WV Hospital Association distributed reports to the hospitals on the quality of kits being collected by hospital and by examiner
- ↳ Implemented process where all sexual assault kits are ordered through the database web portal
- ↳ Established accounts for most hospitals in the database to begin reporting when a kit was used and where the sexual assault kit went after collection
- ↳ Identified further database improvements
- ↳ Process for payment from the Forensic Medical Exam Fund to the hospitals through the database is in development

Statistical information from the database:

	September 2016-August 2017	September 2017–August 2018
Kits Mailed Out	636	676
Kits reviewed at lab	168	199
Forwarded to another hospital	11	7
Tracked to law enforcement	301	231
Non-report to Marshall University Forensic Science Center	46	44
Not used/destroyed	23	9
Used for training	49	38
Not tracked since mailed	206	347



Training Requirements Subcommittee:

Role: Review West Virginia Sexual Assault Nurse Examiner (SANE) training curriculum materials and make recommendations to the SAFE Commission about training requirements for medical personnel (e.g. RNs, APRN, PAs, Dos, and MDs) conducting medical forensic examinations; identify options for assisting SANEs in completing the clinical requirements; and make recommendations for developing and sustaining SANE programs in WV.

The Training Requirements Subcommittee met three times in the last year and accomplished the following (with trainings and module development under the coordination of the WV Foundation for Rape Information and Service:

- Three (3) SANE Practicum Skills training were held – (34) nurses trained
- Three (3) SANE Classroom trainings were held – (36) nurses trained
- Began work to expand the SANE training to higher education; specifically, the state Nursing Schools
- Worked to expand options for clinical practice for nurses needing clinical practice opportunities
- Worked with the WVSP Forensic Lab to make changes to the Sexual Assault Evidence Collection Kits (SAECK) paperwork and components.
- Used data from the Sexual Assault database to determine training needs for SANEs
- Began working to develop online mini-course (modules seven, ten and fifteen from the West Virginia On-Line SANE training course) specifically for use by physicians, APRNs and PAs.

Sexual Assault Kit Initiative (SAKI) Grant:

West Virginia began its unsubmitted sexual assault kit initiative with the receipt of funds in 2015 -2016 from the New York County District Attorney (DANY) Sexual Assault Kit Backlog Elimination Program (\$1,763,281 to the WV State Police Forensic Lab for the testing of sexual assault kits) and the Bureau of Justice National Sexual Assault Kit Initiative (\$2,170,800 to the WV Division of Justice and Community Services for investigation, prosecution and victim support services in cases involving unsubmitted sexual assault kits).

In 2018, an additional request of \$1.9 million was made for related project components to include collection of lawfully owed offender DNA. An inventory of sexual assault kits located in law enforcement evidence rooms, medical examiners offices, hospitals, and the crime lab was completed in July 2018. A total of 3611 sexual assault kits were inventoried during this process. These kits were categorized as unsubmitted to the crime lab, partially tested, and non-reports to law enforcement. All kits will be tested with the exception of those identified as “non-reports”. To date, approximately 1100 kits/evidence packets have been tested, with 685 cases in the review process for potential uploading into the national DNA database (Combined DNA Index System); 183 cases have been entered into CODIS already resulting in thirty-five hits/matches in the State’s portion of the database.

SAFE Commission Findings/Issues:

The SAFE Commission identified the following issues/findings:

- Barriers for transporting victims to and from hospitals for forensic exams

- Absence of comprehensive protocols in many counties for responding to sexual assault victims
- Continued existence of unsubmitted rape kits for testing
- Nearly 50% of kits sent out to the hospitals by the crime lab are unaccounted for
- Need for a centralized storage for sexual assault kits
- Additional trained staff needed at the WV State Police Crime Lab
- Low retention rate of Sexual Assault Nurse Examiners (SANEs)
- Training needs
 - Trainings for prosecutors and law enforcement
 - Sustainable training opportunities and funds for training medical personnel on best practices for conducting medical forensic examinations and kit collection
 - Increased capacity to provide needed SANE trainings
- Inadequate funding for the Forensic Medical Fund; reimbursement rate for exams does not cover the costs
- Need for increased communication among all responders to sexual assaults

Recommendations:

The SAFE Commission is making the following recommendations:

1. Best practices to be identified and shared for training, transportation, referral, and collecting evidence utilizing a victim-centered approach.
2. Rules be promulgated to ensure that all kits collected at a hospital are sent to directly from the hospital/medical facility to a centralized location. All sexual assault evidence collection kits (SAECK) collected in cases not reported to law enforcements would still be sent to Marshall University Forensic Science Center. If a case is later activated with law enforcement, the sexual assault evidence collection kit (SAECK) would then be sent to the WV State Police Crime Lab for testing. This would eliminate kits sitting in police evidence rooms or lost kits. However, there are issues to work out involving the submission process.
3. Funds be increased for the Forensic Medical Exam Fund; which increases the amount reimbursed to hospitals for the exam. To finalize this recommendation, the SAFE Commission must have a better understanding of how many claims currently are paid by the fund, the number of kits received by the WV State Police Crime Lab that are not reimbursed by the Fund, and cost/reimbursement comparison with other states for similar exams.

Next Steps

- Continue review, feedback and technical assistance to increase the number of counties with Sexual Assault Services Plans that meet minimum standards
- Continue to identify and address training needs

- ↳ Physicians, physician assistants and APRNs complete the online training forensic examination modules.
- ↳ Encourage state nursing and medical Schools to incorporate training courses on kit collection and SANE training
- ↳ Continue to enhance the tracking system for Sexual Assault Kits and work with hospitals to enter information into the system
- ↳ Continue data collection and feedback to the hospitals on kit collection
- ↳ Utilize data to determine how/when the best evidence is collected (e.g., Particular time frame, conditions, location on the body, etc.)
- ↳ Recruit more preceptors to assist nurses with the completion of the clinical hours
- ↳ Finalize the centralized kit submission storage site
- ↳ Explore the possible increase in medical forensic examination reimbursement
- ↳ Develop legislative rules regarding the submission of sex crime kits

ATTACHMENTS

SAFE Commission Members
Subcommittee Members
Nurse SANE trained/SANEs Conducting Exams Map
County Plan Submission/Completion Map

SAFE Commission Members

Required members:

1. WV Prosecuting Attorney's Association - Perri De Christopher
2. WV Association of Counties - Jonathan Adler
3. Commissioner of the Bureau for Public Health or designee - Designee- Sarah K. Sanders
4. WV State Police Forensic Laboratory - David Miller
5. WV Child Advocacy Network - Caitlin Smith
6. President of the WV Hospital Association or designee - Designee - Jim Kranz
7. WVFRIS - Nancy Hoffman, Debbie Lopez-Bonasso
8. WV University Forensic and Investigative Sciences Program - Tina Moroose
9. Marshall University Forensic Science Program - Dr. Terry Fenger

Additional Members Appointed by the Division of Justice and Community Services Director:

10. An emergency room physician -Dr. Christopher Goode
11. Victim Advocate for a rape crisis center -Rene Yokum
12. Sexual Assault Nurse Examiner- Angelita Nixon, APRN, CNM
13. Law Enforcement officer with experience in sexual assault investigation – Detective Larry Hasley
14. Health Care Provider with pediatric and child abuse expertise - Dr. Joan Phillips
15. Director of a Child Advocacy Center - Beth Cook

Subcommittee Members

Standards Subcommittee:

1. Nancy Hoffman - WVFRIS
2. Debbie Lopez-Bonasso - WVFRIS
3. Jim Kranz - WV Hospital Association
4. Caitlin Smith - WVCAN
5. Dr. Chris Goode - WVU School of Medicine, Medical Director & Chief, UHC ED
7. Detective Larry Hasley - Morgantown Police Department
8. Sarah Brown - WVDJCS Senior Program Specialist
9. Sydney Cavender - WVDJCS- Justice Program Specialist I

Data Collection Subcommittee:

1. David Miller - WV State Police Lab
2. Debbie Lopez-Bonasso - WVFRIS
3. Jim Kranz - WV Hospital Association
4. Erica Turley- WVDJCS Research Specialist
5. Sarah Brown - WVDJCS Senior Program Specialist
6. Rene Graves - WVDJCS Justice Program Specialist II
7. Sydney Cavender - WVDJCS- Justice Program Specialist I

Training Requirements Subcommittee:

1. David Miller - WV State Police Lab
2. Debbie Lopez-Bonasso - WVFRIS
3. Dr. Terry Fenger - Marshall University Forensic Science Program
4. Dr. Chris Goode - WVU School of Medicine, Medical Director & Chief, UHC ED
5. Caitlin Smith - WVCAN
6. Dr. Joan Phillips - MD, Child Advocacy Center at Women's & Children's Hospital
7. Angelita Nixon- CNM/SANE
8. Sarah Brown - WVDJCS Senior Program Specialist
9. Rene Graves – WVDJCS Justice Program Specialist II
10. Sydney Cavender- WVDJCS- Justice Program Specialist I

