

SEXUAL ASSAULT FORENSIC EXAMINATION (SAFE) COMMISSION

September 1, 2018 – August 31, 2019

ANNUAL REPORT



**Department of Military Affairs and Public Safety
Jeff S. Sandy, CFE, CAMS, Cabinet Secretary**



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Acknowledgement

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:

- ❖ Reviewed county service plans for completeness and provided feedback to each county (see attached map page 13 for overview of plan submissions).
- ❖ Sexual assault kit tracking application continued 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. Reimbursement to hospitals for forensic exams is now linked to entry of kit into the tracking system.
- ❖ Construction on centralized storage space for kits has been completed.
- ❖ In the past reporting period, the Sexual Assault Kit (SAK) tracking system distributed 602 kits.
- ❖ Convened a special work group to prepare for 2020 legislation requiring the direct submission of SAKs from medical facilities to the State Police Crime Lab in sexual assault cases reported to law enforcement.

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 accomplished the following in the past year:

- Reviewed plans and provided feedback to counties
- Mailed letters to counties closest to completion for plan review
- Provided on-site technical assistance upon request

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:

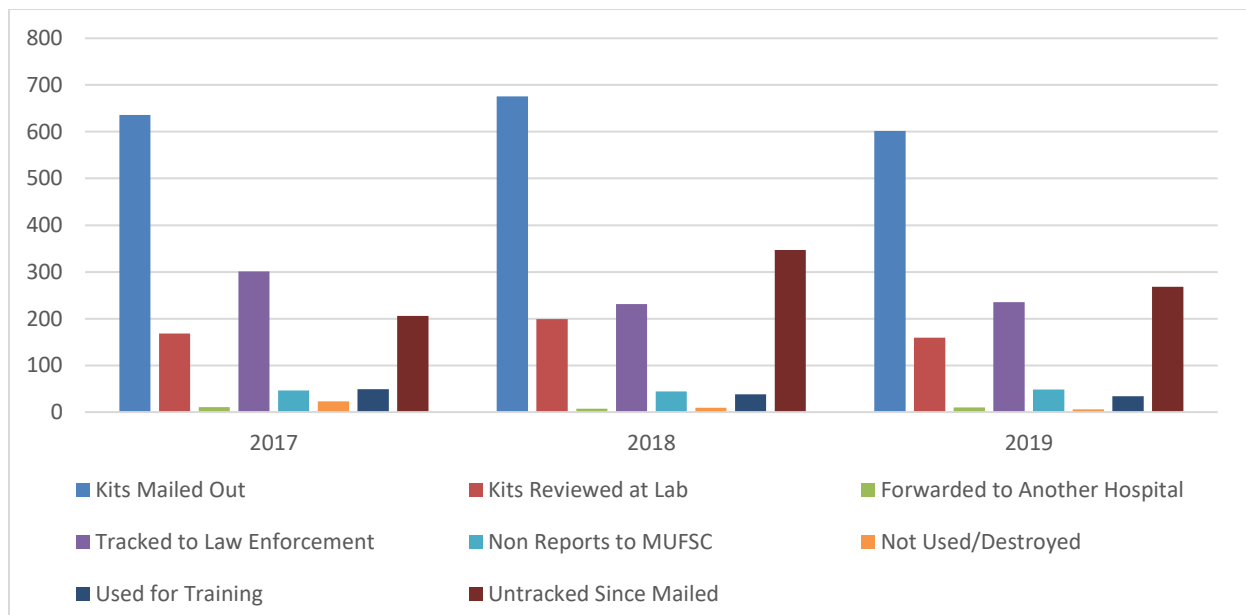
- Using current data from the sexual assault kit tracking application (SAK) database, WV Hospital Association distributed reports to the hospitals on the quality of kits being collected by hospital and by examiner.
- Implemented process where all sexual assault kits are ordered through the database web portal with reimbursement linked directly to the hospital. If the kit was not tracked the hospital would not be reimbursed for the kit collection cost.
- 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	September 2018 – August 2019
Kits Mailed Out	636	676	602
Kits reviewed at lab*	168	199	159

Forwarded to another hospital	11	7	10
Tracked to law enforcement	301	231	235
Non-report to Marshall University Forensic Science Center	46	44	48
Not used/destroyed	23	9	6
Used for training	49	38	34
Not tracked since mailed	206	347	268

- Kits reviewed at lab refers to those kits where a quality review of the kit collection was performed and entered into the SAK System. This is not a reflection on the total number of kits examined at the laboratory.



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, APRNs, 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 and accomplished the following (with trainings and module development under the coordination of the WV Foundation for Rape Information and Services):

- Held two SANE Classroom trainings, with 45 nurses trained
- Held two SANE Practicum Skills trainings, with 35 nurses trained
- Held one Pediatric SANE training (40 hours), with 26 nurses trained
- Collected data from the SAK System that indicates medical providers who have received training, such as SANEs, collect quality forensic samples more often than medical providers who are not trained
- Explored ways to offer components of the SANE program into Nursing School curriculum
- Examined opportunities for clinical practice for nurses needing to complete clinical requirements
- Worked with the WVSP Forensic Lab to make changes to the Sexual Assault Evidence Collection Kits (SAECK) paperwork and components of the kits
- Utilized feedback data from the SAK System to determine training needs for SANEs
- Completed adaptations of Modules 7 and 10 from the WV Online SANE course for use specifically with physicians, APRNs and PAs who conduct medical forensic exams; Module 15 adaptations are in progress
- Conducted workshops relevant to SANEs at the 19th Annual Sexual Assault and Stalking Symposium
- Provided a webinar on HIV/nPEP Fundamentals for Medical Providers and Advocates
- Explored the development of demonstration videos to incorporate into the WV Online SANE course.

Sexual Assault Kit Initiative (SAKI) Grant:

West Virginia began its un-submitted 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 un-submitted sexual assault kits). 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. Inventoried sexual assault kits totaled 3,203 during this process. These kits were categorized as un-submitted 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 2,541 kits/evidence packets have been tested, with 422 cases in the review process for potential uploading into the national DNA database (Combined DNA Index System); 397 cases have been entered into CODIS already resulting in 131 hits/matches in the State’s portion of the database.

In October 2018, \$1.9 million in funds was received for related project components that included collection of lawfully owed offender DNA. The State of West Virginia follows the national response model to enable appropriate law enforcement, correctional authorities, and laboratory personnel to plan and coordinate collections of lawfully owed DNA samples, test the samples, and upload the cases to CODIS. The purpose of this is to assist in resolving cold case sexual assault cases. In West Virginia, we have made progress in our collection efforts because of WV State Code Chapter 15 Article 2B DNA Data and the corresponding WV Senate Bill 36. These codes outline DNA collections and responsibilities. A census of offenders that owe the State of West Virginia DNA was completed in July 2019 and totals 7,910 offenders. Collections of offender DNA began the last week in July 2019.

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- Teresa Marks
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 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. Leslie Boggess - WVJCS Senior Program Specialist
9. Samantha Morse - WVJCS- 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- WVJCS Research Specialist
5. Leslie Boggess - WVJCS Senior Program Specialist
6. Samantha Morse - WVJCS- Justice Program Specialist I

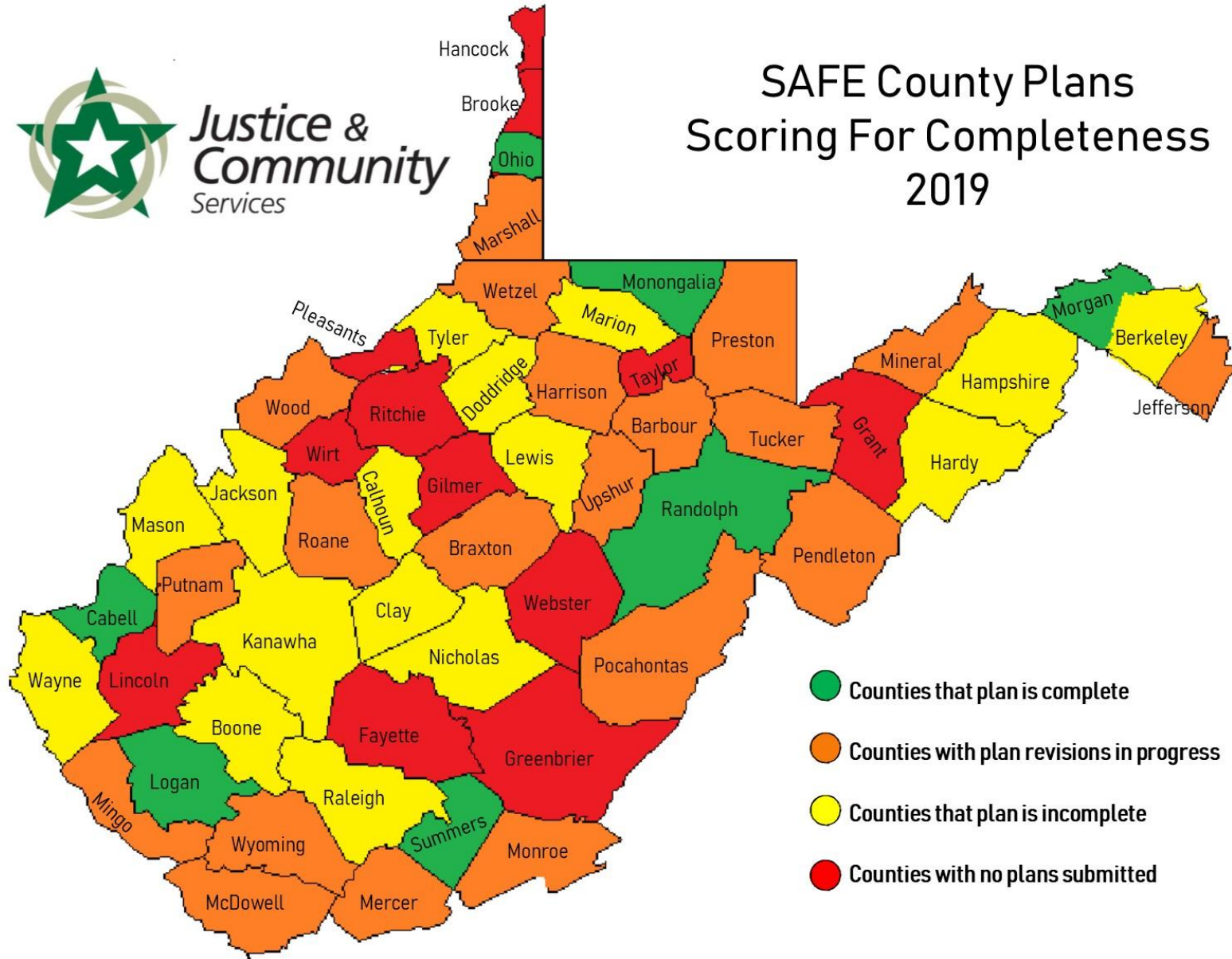
Training Requirements Subcommittee:

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. Leslie Boggess - WVJCS Programs Manager
9. Samantha Morse – WVJCS Justice Program Specialist



**Justice &
Community**
Services

SAFE County Plans Scoring For Completeness 2019



SAFE County Plans Scoring For Completeness 2018

