

SEXUAL ASSAULT FORENSIC EXAMINATION (SAFE) COMMISSION

September 1, 2019 – August 31, 2020

ANNUAL REPORT



**Department of Homeland Security
Jeff S. Sandy, CFE, CAMS, Cabinet Secretary**



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Samantha Morse, Justice Program Specialist**

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.

In Memory and Appreciation of

Renee Yokum, Commission Member 2016 – January 2020

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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 maps pages 13-14 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.
- ❖ Began expansion of the kit tracking application to include a process for sexual assault victims to access the status of their kit in the testing process.
- ❖ Drafted and supported legislation that was enacted that requires the direct submission of sex crime kits in reported cases to go directly from medical facilities to the state crime lab for testing unless it has been determined that no crime was committed. A webinar was conducted on the protocol change.
- ❖ Assisted medical facilities in implementing SANE programs, with hospitals in two regions of the state establishing programs during the year.
- ❖ Continued monitoring SANE training needs. Three trainings were held and two online training modules adapted for physicians/PAs/APRNs.
- ❖ In the past reporting period, the Sexual Assault Kit (SAK) tracking system distributed 672 kits.

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.

Standards Subcommittee members continued implementing the processes in place for county plan reviews and technical assistance, although progress on plan completions were severely compromised due to COVID-19 and the resulting limitations in meetings.

- Reviewed plans and provided feedback to counties
- Mailed follow-up letters to counties closest to plan completion
- Provided technical assistance to several county planning teams, including on-site visits with teams in Brooke, Hancock, Lincoln and Tucker counties

Data Collection Subcommittee:

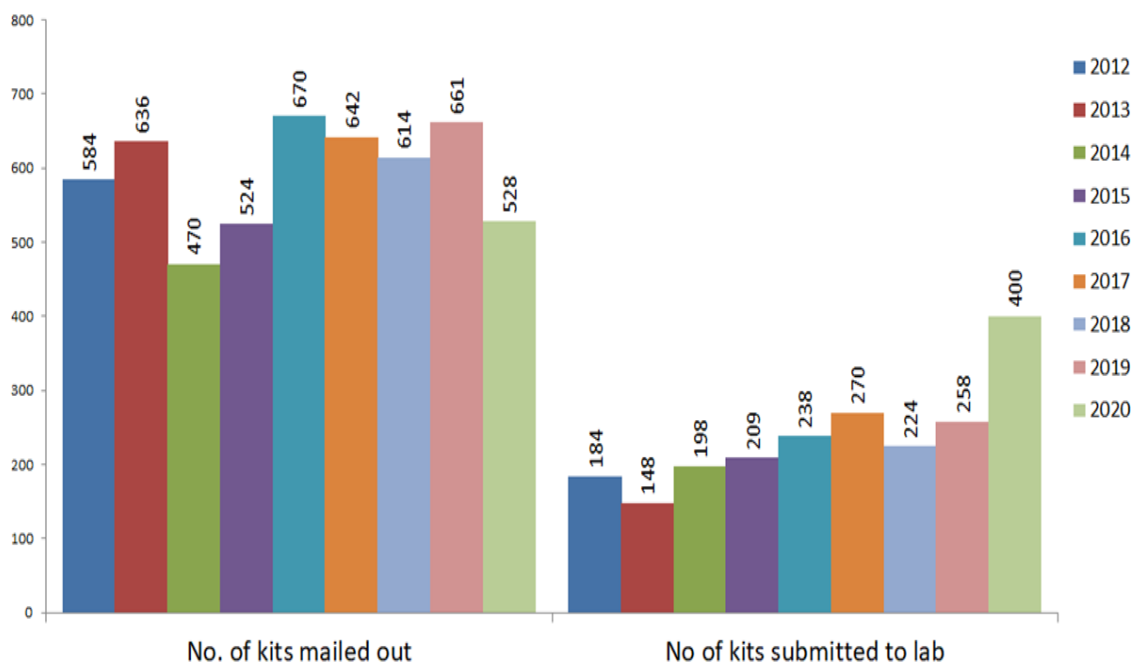
Role: Identify and implement a system to track sexual assault kits, enhance feedback system to hospitals/medical personnel regarding the quality of the kits being collected, and utilize data to guide training needs.

The Data Subcommittee met twice during this reporting period. The Subcommittee examined trends in the quality of evidence collection in Sexual Assault Evidence Collection Kits (SAECKs) as a function of the examiner's training. Since 2017 the relative number of well collected SAECKs from SANE trained examiners has increased, while the number of poorly collected SAECKs from SANE trained individuals has decreased.

The SAFE Commission was tasked by the legislature in HB4476 to develop a plan to enable victim access to kit tracking information, specifically, to allow victims to know the location of their SAECK. The Subcommittee determined that the current information in the WV Sexual Assault Evidence Collection Kit Information System could be modified to allow victim access, and that WV Interactive could work collaboratively with the WV State Police Forensic Laboratory and the WV Division of Administrative Services to update the software currently in use. Plans to begin that update were implemented, with updates anticipated to be completed in late 2020.

HB4776 also requires the direct submission of sex crime kits in reported cases to go directly from medical facilities to the state crime lab for testing unless it has been determined that no crime was committed. The effect of HB4476 on the number of SAECK submissions to the WV State Police Forensic Laboratory (WVSPFL) was examined. It is noteworthy that in all of calendar year 2019, 258 SAECKs were submitted to the WVSPFL. Based on averages through August of 2020, it is

projected that over 400 SAECKs will be submitted in calendar year 2020. The direct submission of SAECKs from each evidence collection facility to the WVSPFL is working to give victims their rights as provided in SB72 (2019).



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 and the Data Collection Subcommittee met together twice in the last year. A smaller group of the training committee met on 2/26/20 to discuss options for SANE Program development using a tiered approach.

Accomplishments made related to SANE trainings, SANE curriculum and module development under the coordination of the WV Foundation for Rape Information and Services were as follows:

SANE Trainings Provided:

- One 2-day SANE Classroom training was held in 10/2019, with 8 nurses trained from the following facilities: Jefferson Memorial, St. George's Clinic and WVU Medicine-Ruby Memorial.
- One SANE Practicum Skills training was held in 11/2019, with 10 nurses trained from the following facilities: Berkeley Medical Center, St. George's Clinic, Pruntytown Correctional Center and WVU Medicine.
- One 3-day Multidisciplinary Training sponsored by WVU and supported by FRIS through planning and collaboration was held in 3/2020, with 18 SANEs from WVU participating, 15 law enforcement and 8 advocates attending
- A webinar on SAECK direct submission for advocates, medical providers and law enforcement was held along with the development of a FAQs resource sheet for all disciplines. The archived webinar will be used for continued training with SARTs and local planning boards.

** Note: The March/April SANE Classroom Training and the SANE Practicum Skills Day were cancelled due to COVID-19.*

SANE Training Curriculum

- Incorporated changes made to SAECK paperwork and kits into the WV SANE Classroom Training.
- Completed adaptations for Modules 7 and 10 from the WV Online SANE course for physicians, APRNs and PAs who are conducting medical forensic exams.

SANE Program Development:

- 2 additional hospitals completed all requirements to practice and offer SANE services.
 - Berkeley Regional Medical Center and Jefferson Memorial are working collaboratively to provide SANE services.
 - Raleigh General is offering SANE services.

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 except for those identified as “non-reports.” To date, approximately 3,048 kits/evidence packets have been tested, with 575 cases in the review process for potential uploading into the national DNA database, the Combined DNA Index System (CODIS); and 553 cases have been entered into CODIS already resulting in approximately 200 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. One West Virginia State Police Detachment has served as the pilot of this project. Since we have started collecting samples, 864 collections were submitted for testing from offenders who were missed while incarcerated in the state. In the last year, 83 DNA profiles from missed offenders were uploaded into CODIS.

ATTACHMENTS

SAFE Commission Members
Subcommittee Members
County Plan Submission/Completion Maps

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 Moroosse
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/Marla Willcox Eddy
12. SexualAssault Nurse Examiner- Angelita Nixon, APRN, CNM
13. Law Enforcement officer with experience in sexual assault investigation – 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. Larry Hasley - Morgantown Police Department
8. Tammy Lemon – WVJCS Justice Programs Manager
9. Samantha Morse - WVJCS- Justice Program Specialist

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. Tammy Lemon - WVJCS Justice Programs Manager
6. Samantha Morse - WVJCS- Justice Program Specialist
7. Hunter Roberts- WVJCS – Justice Program Specialist II

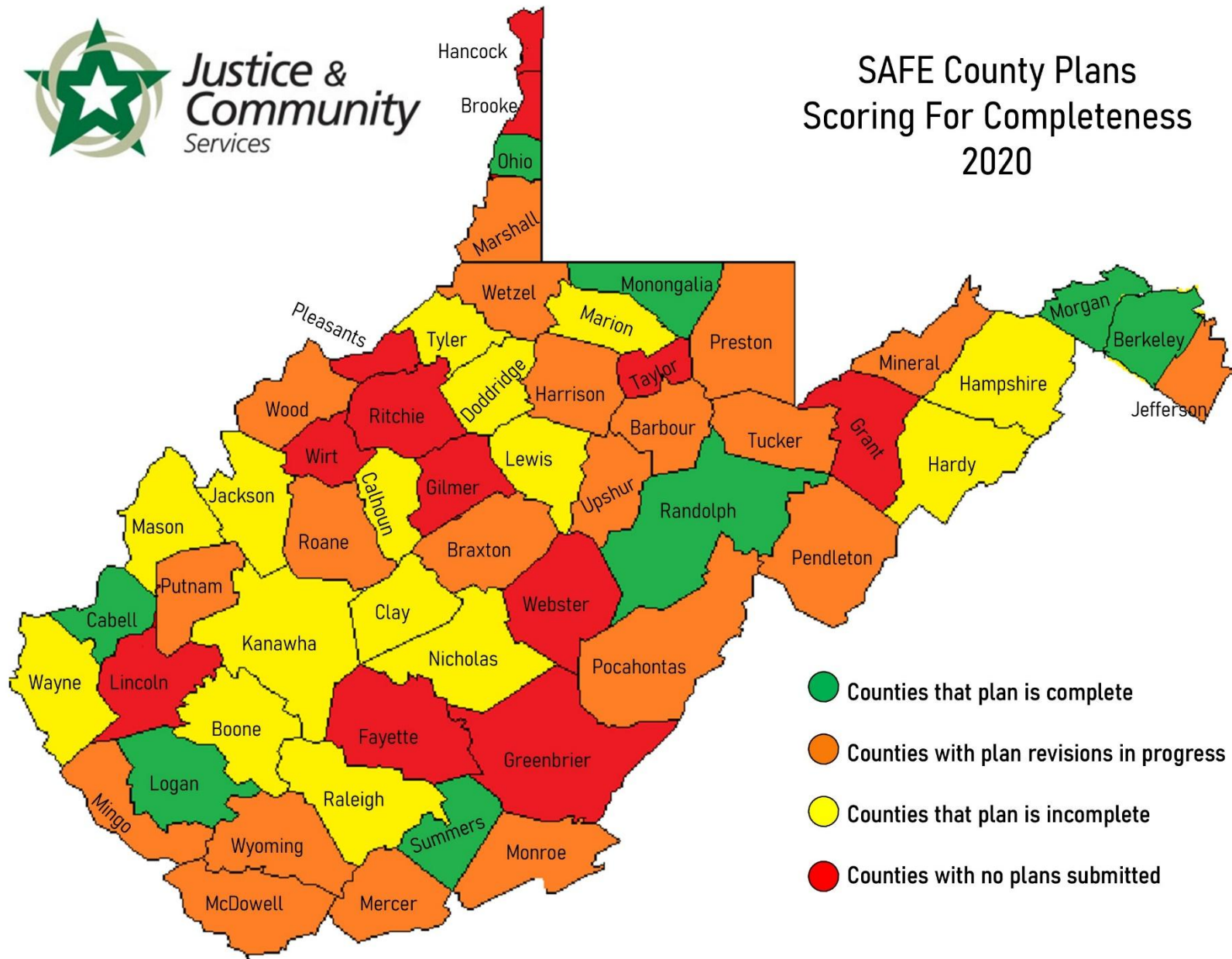
Training Requirements Subcommittee:

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. Tammy Lemon - WVJCS Justice Programs Manager
9. Samantha Morse – WVJCS Justice Program Specialist



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SAFE County Plans Scoring For Completeness 2020





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