

SEXUAL ASSAULT FORENSIC EXAMINATION (SAFE) COMMISSION

September 1, 2022 – August 31, 2023

ANNUAL REPORT



State of West Virginia
Jim Justice, Governor



Department of Homeland Security
Mark A. Sorsaia, Cabinet Secretary



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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:

SAFE Commission efforts resulted in the following outcomes in the past year:

- ❖ Through the support of the WV Legislature and Governor's Office, the reimbursement rate for medical forensic exams in acute cases was increased to \$1000 – the first increase since the inception of the WV Forensic Exam Fund.
- ❖ Also through legislative action, \$200,000 was added to the SAFE Commission's budget to address the recruitment and training of forensic examiners.
- ❖ The legislature tasked the Commission to promulgate legislative rule for sexual assault evidence collection kit storage and disposition as well as qualifications and training standards for sexual assault forensic examiners. The Commission developed those rules, which are currently going through the process for consideration in the 2024 legislative session.
- ❖ Twenty-five of the fifty submitted county plans have been converted to a standard format. All 25 counties were provided with a copy of their plans. Those with incomplete plans were reminded what is still needed for completion.
- ❖ Technical assistance was provided to assist four counties in completing their county plans (bringing the total of counties with completed plans from 12 to 16), with nine

additional counties receiving assistance and guidance. See the attached maps on pages 13-16 for an overview of plan submission by county.

- ❖ The sexual assault kit tracking application continued to supply reports to hospitals on the quality of kits collected by hospitals and examiners.
- ❖ Through the coordinational efforts of the West Virginia Foundation for Rape Information and Services, three 2-day hybrid SANE classroom trainings (one day virtual, one day in-person) were held with a total of 51 nurses participating, representing, 16 hospitals in 14 counties. Two practicum skills day trainings were conducted, with 24 nurses participating from four hospitals:
- ❖ Form revisions were completed for using the state's standardized Sexual Assault Exam Collection Kit (SAECK), and informational forms and directions finalized for evidence collection in pediatric acute cases.
- ❖ SANE Program Development continued across the state with Reynolds Memorial Hospital now offering 24/7 SANE services for Adult/Adolescent Program with seven SANEs on the team, and United Hospital Center now with five SANEs that provide 24/7 coverage. New facilities providing adolescent/adult SANEs are Pocahontas Memorial Hospital, CAMC-Memorial Hospital (Kanawha), and Camden Clark Medical Center (Wood).

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 process of assisting the state's counties in completing their county plans continued, with the following highlights during the past year:

- 25 of the 50 county plans received have now been converted to a standard format
- Four more counties had plans approved by the Commission: Greenbrier, Marion, Raleigh and Tucker.
- Members provided technical assistance and reviewed plans/updates from eight additional counties and provided feedback: Brooke, Calhoun, Fayette, Hancock, Mercer, Nicholas, Wetzell and Wood. An on-site meeting was held with Taylor County's inaugural team for developing a county plan.

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 did not meet during this reporting period. However, data from the SAECK Information System was used to support two significant projects related to the Commission’s duties.

First, updates to the Sexual Assault Evidence Collection Kit itself were necessary following passage of HB4476 in 2020. The requirement for collection facilities to transmit SAECKs directly to the WVSPFL or to MUFSC necessitated changes to the kit instructions, the addition of shipping labels and placards to the kit, and communication with the affected collection facilities. Further updates to our SAECK were needed to incorporate pediatric-specific documentation.

In March of 2023, using the SAECK Information System data, updates were made to the WV SAECK. The adult/adolescent documentation was revised, pediatric specific documentation was added, content labels were simplified, instructions were revised and updated, and new shipping labels were added to the kit. The new WV SAECK is currently in production and expected to be in use in early 2024.

Secondly, Sexual Assault Information System data was used to support Title 149 Legislative Rule, Governor’s Committee on Crime, Delinquency, and Correction, Series 10, Sexual Assault Forensic Examination. Trained examiners are better able to identify, collect, preserve, and document forensic biological evidence than untrained examiners.

The following information was obtained from the WV SAK System from data entered between September 1, 2022 to August 30, 2023:

520 SAECKs were distributed to facilities in WV, OH, and VA from September 01, 2022 to August 30, 2023.

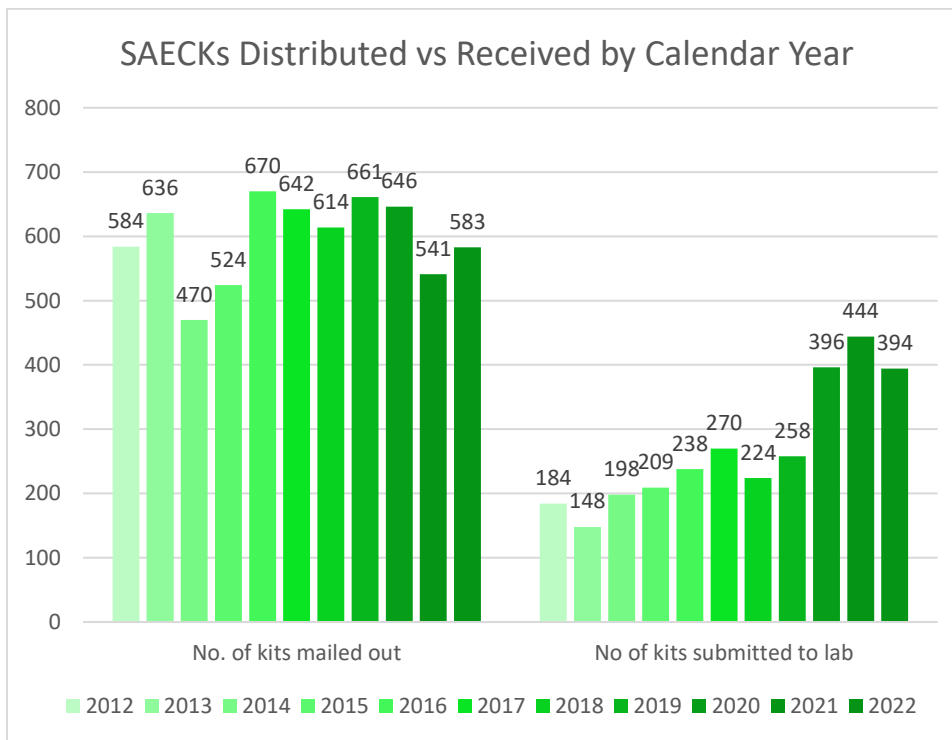
	2021-2022	2022-2023
Total SAECKs distributed	550	520
- Tracked to Law Enforcement / WVSPFL	368	234
- Forwarded to another facility	4	8
- To MUFSC (Non-Reports)	41	30
- Not used/destroyed	9	2
- Used for training	11	4

- Not tracked since mailed	114	242
- Activated Non-Reports	3	0

SAECK usage as documented in the SAECK Information System.

402 SAECK Quality Reviews were completed in the SAK System from September 01, 2022 through August 30, 2023. The examiner qualifications for those kits were as follows:

Qualification	2021-2022	2022-2023
APRN	3	2
DO	2	4
MD	21	16
PA	2	0
FNP-BC	1	1
RN	107	128
SANE	194	242
Unknown	4	9
Total	334	402



Sexual Assault Evidence Collection Kits distributed to facilities by calendar year compared to the number received at the West Virginia State Police Forensic Laboratory. The increase in received cases beginning in 2020 corresponds with the passage of HB4476 on February 18, 2020.

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.

Accomplishments:

Through the efforts of members of the SAFE Commission's training work group and staff supported through the West Virginia Foundation for Rape Information and Services, significant progress was made in addressing several areas impacting SANE program development and SANE trainings in the state.

SANE Program Development:

- Reynolds Memorial Hospital began offering 24/7 SANE services for Adult/Adolescent Program with seven SANEs on the team.
- United Hospital Center now has five SANEs that provide 24/7 coverage.
- New facilities providing adolescent/adult SANEs are Pocahontas Memorial Hospital, CAMC-Memorial Hospital (Kanawha), and Camden Clark Medical Center (Wood).

SANE Trainings:

- Three 2-day hybrid classroom trainings (one day virtual, one day in-person) were held with a total of 51 nurses participating, representing, 16 hospitals in 14 counties: Cabell Huntington (Cabell), CAMC-Memorial (Kanawha), CAMC-Women's & Childrens Hospital (Kanawha), Camden Clark Medical Center (Wood), Pocahontas Memorial Hospital (Pocahontas), Beckley Appalachian Regional Hospital (Raleigh County), St. Mary's Medical Center (Cabell), CAMC-Teays Hospital (Putnam), Summersville Regional Hospital (Nicholas), Braxton Memorial Hospital (Braxton), Pleasant Valley Hospital (Mason), United Hospital Center (Harrison), Wheeling Hospital (Ohio), Reynolds Memorial (Marshall), Wetzel County Hospital (Wetzel), and Logan Regional Hospital (Logan).
- Two practicum skills day trainings were conducted, with 24 nurses participating from four hospitals: CAMC-Memorial (Kanawha), Reynolds Memorial Hospital (Marshall), United Hospital Center (Harrison) and Wheeling Hospital (Ohio County).

SANE/SAECK Initiatives:

- ↳ Revisions to the free online SANE course developed by the West Virginia Foundation for Rape Information and Services were finalized, with all 23 modules updated into a more interactive format. Additional modules were added to expand the course to 40 hours. The course was submitted to the International Association of Forensic Nurses (IAFN) for approval.
- ↳ Revisions were made to the paperwork and directions for using the state's standardized Sexual Assault Exam Collection Kit (SAECK) in preparation for a new multi-year kit order.
- ↳ A pediatric workgroup finalized the informational forms and directions for evidence collection in pediatric acute cases. These instructions provide an adaptation of the evidence collection/documentation process when using the SAECK with children.

Meetings:

Twenty-seven meetings were held with statewide partners to plan and finalize the various initiatives addressed during the past year. These included meetings with national experts, such as the International Association of Forensic Examiners, as information on forensic exam reimbursement rates from other states and information on teleSANEs was gathered to assist in recommendations for the 2023 legislative session.

2023 Legislative Overview:

The 2023 legislative session resulted in significant support for the SAFE Commission's efforts.

- ↳ Presentations were made to the joint Health Committees during the January interim session and to the Women's Caucus to highlight some of the legislation and support needed to improve forensic exam access.
- ↳ The reimbursement rate for medical forensic exams in acute cases was increased to \$1000 – the first increase since the inception of the WV Forensic Exam Fund.
- ↳ Through legislative action, \$200,000 was added to the SAFE Commission's budget to address the recruitment and training of forensic examiners.
- ↳ The legislature tasked the Commission to promulgate legislative rule for sexual assault evidence collection kit storage and disposition as well as qualifications and training standards for sexual assault forensic examiners. Through two work groups, the Commission developed those rules, which are currently going through the process for consideration in the 2024 legislative session.
- ↳ Subcommittees of the workgroups were formed to further detail the content for sexual assault forensic examiner trainings and training approval protocols.

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, 2,677 previously unsubmitted/untested kits have been tested in WV with 1,000 DNA profiles identified and entered into the national DNA database, the Combined DNA Index System (CODIS). A total of 388 hits/matches have been obtained in the database matching profiles of offenders across 25 states in addition to the FBI and Puerto Rico.

ATTACHMENTS

SAFE Commission Members
Subcommittee Members
County Plan Submission/Completion Maps

SAFE Commission Members

Required members:

1. WV Prosecuting Attorney's Association - Perri DeChristopher/Gabriella Mucciola
2. WV Association of Counties - Jonathan Adler
3. Commissioner of the Bureau for Public Health or designee - Designee- John McComas
4. WV State Police Forensic Laboratory - David Miller
5. WV Child Advocacy Network - Kate Flack/Tracy Shroyer-Carlyle
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 – Tiffany Edwards
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 – Katie Spriggs
12. Sexual Assault Nurse Examiner - Angelita Nixon, APRN, CNM
13. Law Enforcement officer with experience in sexual assault investigation – Sgt. 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. Carol Blankenship - 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. Carol Blankenship - WVJCS- Justice Program Specialist

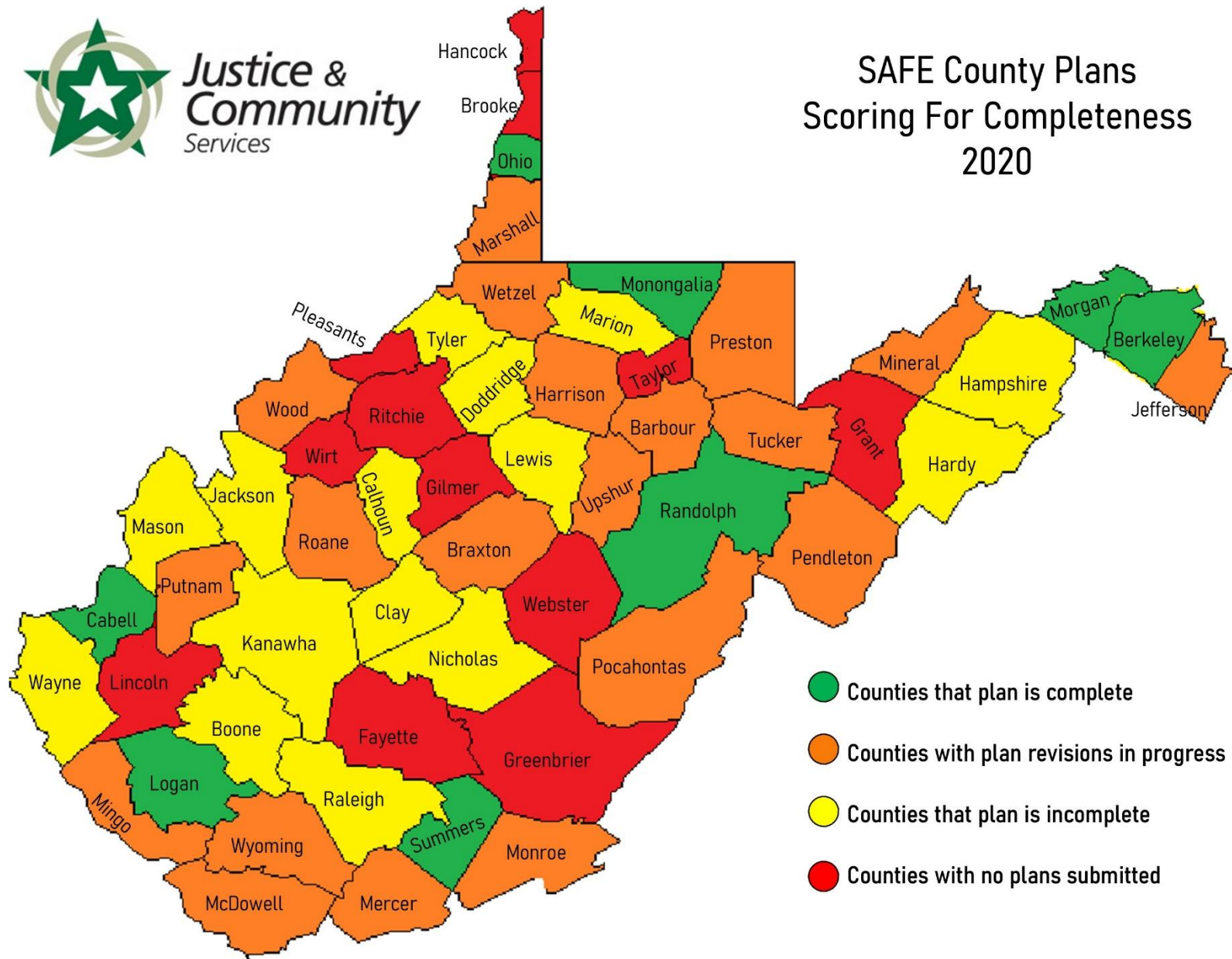
Training Requirements Subcommittee:

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. Tracy Shroyer-Carlyle - 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/Carol Blankenship – WVJCS Justice Program Specialist



**Justice &
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Services

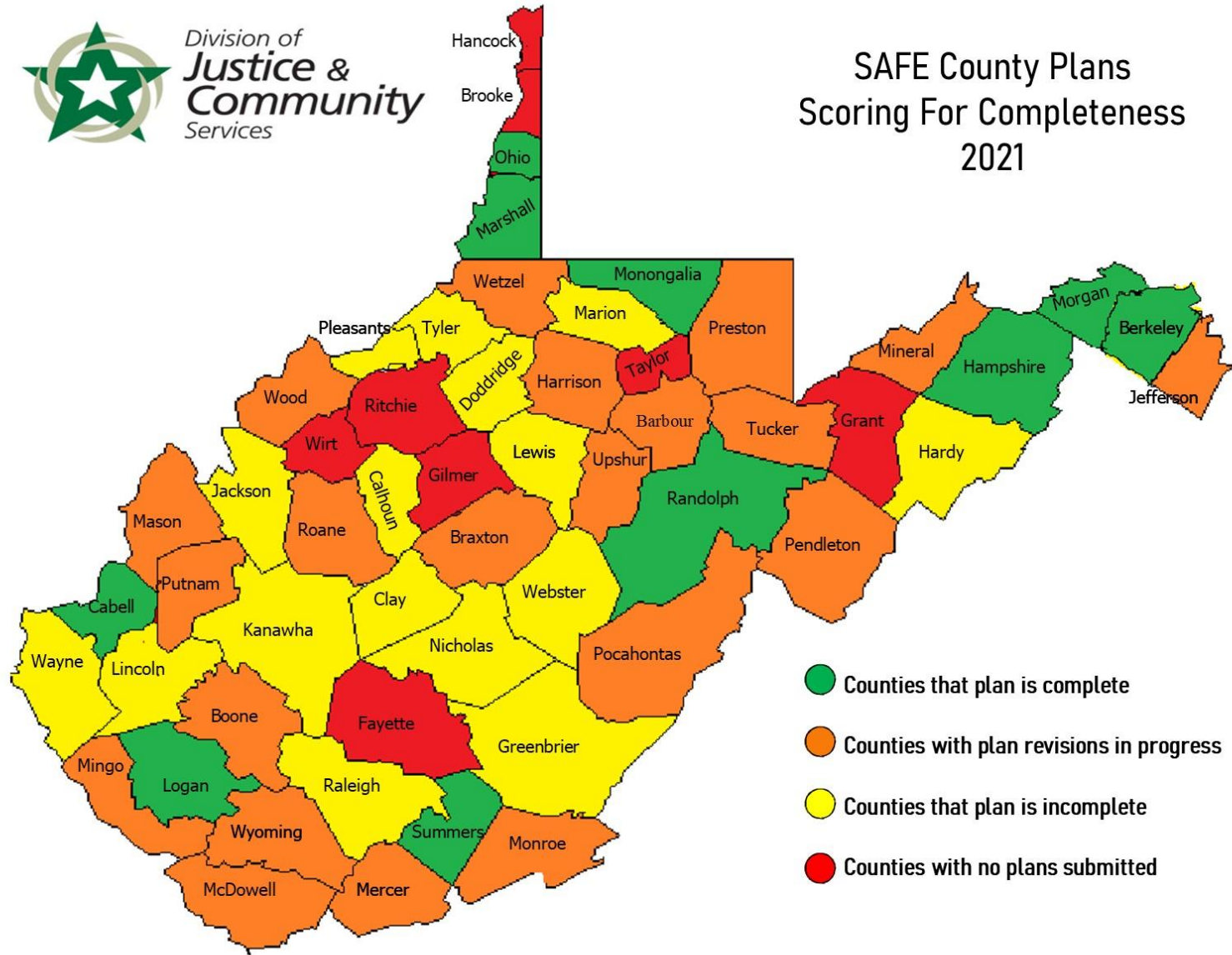
SAFE County Plans Scoring For Completeness 2020





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SAFE County Plans Scoring For Completeness 2021

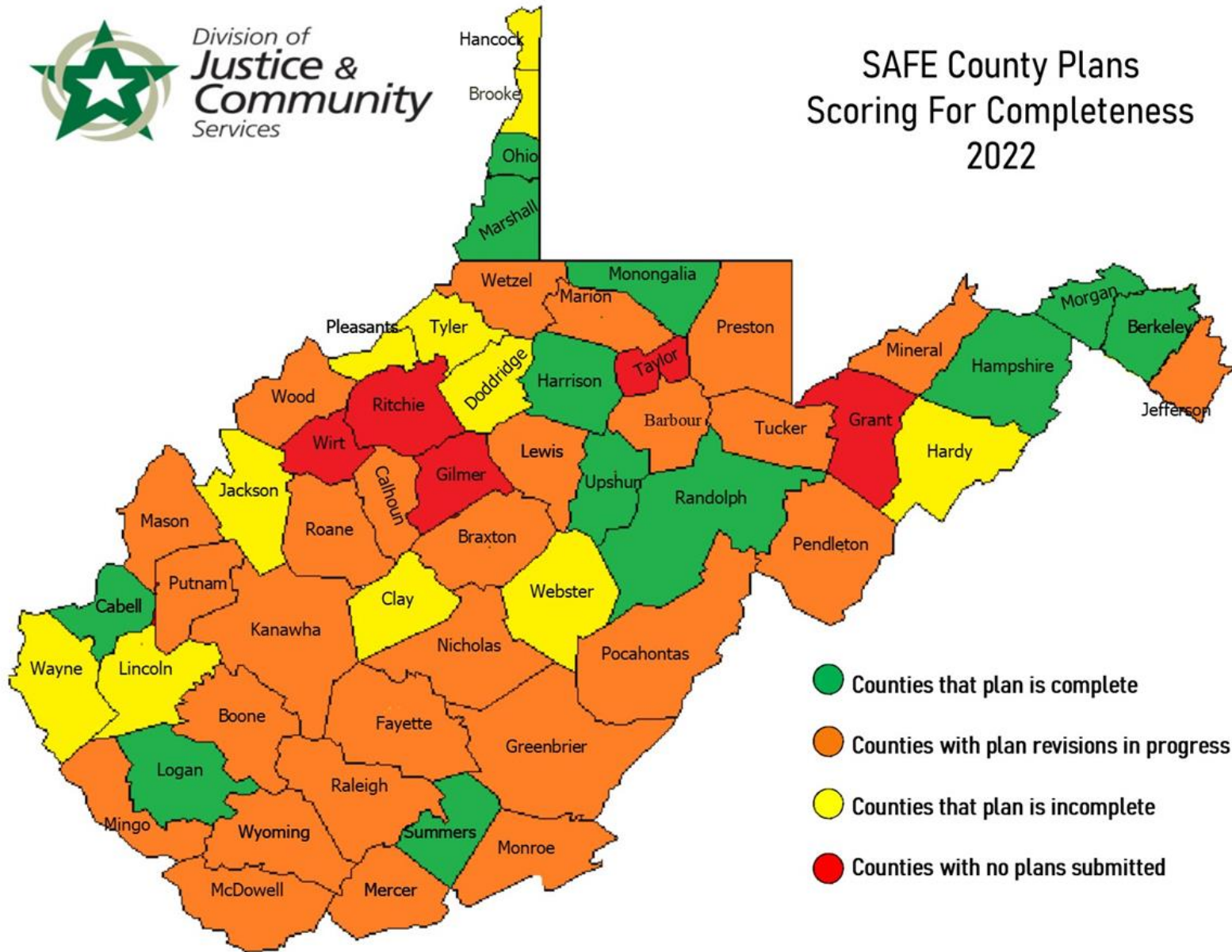


- Counties that plan is complete
- Counties with plan revisions in progress
- Counties that plan is incomplete
- Counties with no plans submitted



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SAFE County Plans Scoring For Completeness 2022

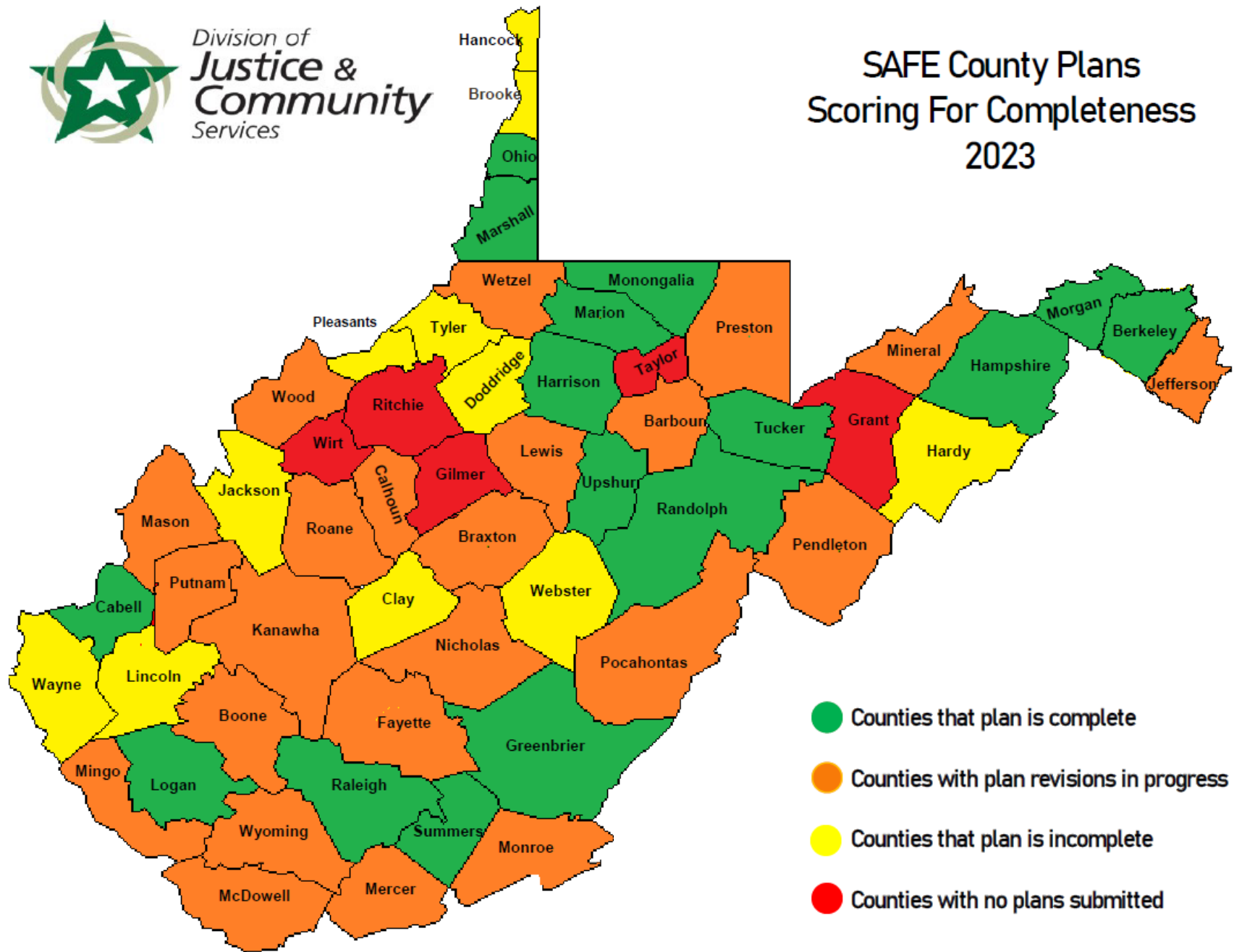


- Counties that plan is complete
- Counties with plan revisions in progress
- Counties that plan is incomplete
- Counties with no plans submitted

SAFE County Plans are legislatively mandated to outline protocols for sexual violence victim advocacy, transportation and forensic exams.



SAFE County Plans Scoring For Completeness 2023



SAFE County Plans are legislatively mandated to outline protocols for sexual violence victim advocacy, transportation and forensic exams.