

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

September 1, 2020 – August 31, 2021

ANNUAL REPORT



**Department of Homeland Security
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 maps pages 13-14 for overview of plan submissions). The number of counties with no plan at least submitted was reduced from 12 to 8.
- ❖ 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 sexual assault victims to access the status of their kit in the testing process. A compatibility issue with the kit numbering system and victim access portal resulted in two webinars conducted with SANEs and advocates.
- ❖ Implemented a certification process with law enforcement to verify all stored kits have been tested, resulting in 185 additional kits identified as needing submission for testing.
- ❖ Submitted a report to the West Virginia Legislature on the implementation of the victim portal to the kit tracking system, the implementation of the direct submission of sex crime kits in reported cases to go directly from medical facilities to the state crime lab, and a certification process by law enforcement to ensure all reported kits are tested.

- ❖ Continued monitoring SANE training needs. During the year two hybrid virtual/classroom trainings were held to simultaneously meet training needs while respecting the need to socially distance during the pandemic. The WV Online SANE Training Course (22 modules total) was revised adding new content and interactive video clips.
- ❖ In the past reporting period, the Sexual Assault Kit (SAK) tracking system tracked the distribution of 617 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.

Although COVID-19 continue to limit opportunities for county boards to meet and revise their plans for services and forensic exams, in the last part of the year the Standards Subcommittee was able to conduct targeted technical assistance and training through the following activities:

- Mailed follow-up letters to 45 counties detailing what was needed for their plans to be completed
- Provided a three-part webinar series on the plans, with 84 attending the original webinar broadcasts and more than 50 additional viewings of the recordings
- Provided technical assistance to several county planning teams, including virtual/on-site visits with teams in Brooke, Hancock, and Lincoln counties
- Reviewed plans/updates from Greenbrier, Hampshire, Lincoln, Mason, Pendleton, Pleasants, Upshur and Webster counties and provided feedback

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

The Data Subcommittee did not meet during this reporting period; however, data from the SAK System continued to be collected, and additional steps were taken to meet the requirements in SB 4476 that all eligible Sexual Assault Examination Collection Kits (SAECKs) be tested.

From September 1, 2020 to August 31, 2021, 315 requests for hospital reimbursements from the Forensic Medical Examination Fund (FMEF) were made using the SAK System. 445 SAECKs were submitted to the WVSPFL during that same time period.

In April of 2021, a certification letter was sent to all law enforcement agencies in West Virginia, requesting them to declare if they were in possession of any SAECKs that have not been submitted to the WVSPFL for testing. As of this report, 225 law enforcement agencies responded to the letter, identifying 185 SAECKs for testing.

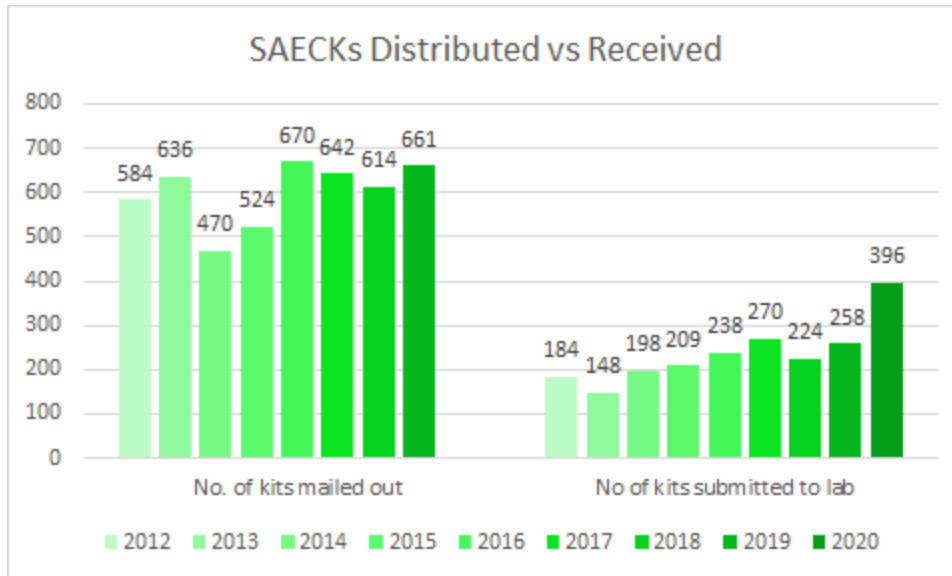
The following information was obtained from the WV SAK System from data entered between September 1, 2020 to August 31, 2021:

617 SAECKs were distributed to facilities in WV, OH, and VA

Total SAECKs distributed	617
- Tracked to Law Enforcement / WVSPFL	267
- Forwarded to another facility	14
- To MUFSC (Non-Reports)	39
- Not used/destroyed	10
- Used for training	34
- Not tracked since mailed	251
- Activated Non-Reports	2

435 SAECK Quality Reviews were completed in the SAK System

Qualification	No. of reviews
APRN	2
DO	4
MD	28
PA	5
PNPBC	2
RN	132
SANE	246
Unknown	16



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:

- > Two SANE Program Specialists were hired to support on-going work to develop SANE programs and increase training opportunities, including the implementation of monthly webinars for case review and SANE support.
- > The WV Online SANE Training Course (22 modules total) was revised with new content and interactive video clips on sample collection and documentation.
- > The SANE faculty hosted two virtual SANE 2 Day Classroom trainings.
- > A 4-hour training was held with CAMC Emergency Department Staff on the collection of samples using the WV SAECK.
- > Two trainings were held on the kit tracking system to increase understanding on accessing the victim portal.

Meetings:

- > The SAFE Commission Data and Training Sub-Committee held one joint meeting to review updates made to the Sexual Assault Kit (SAK) tracking system, discuss the increase in the number of kits through the direct submission process and finalize the process for accessing the victim portal to the SAK.

- > Training committee workgroups met multiple times to revisit the direct submission process, provide additional training based on the feedback from the SAK system and make revisions to rebid the contract for the WV SAECK.

SANE Trainings Provided:

- > The first ever hybrid virtual classroom SANE training was held in three locations (Reynolds Hospital in Marshall County, UHC in Harrison County and at MUFSC in Cabell County). SANE faculty served as proctors at each site. A second training was held with sites in Glen Dale, Bridgeport and Charleston. Hospitals represented were Cabell Huntington, Camden Clark Medical Center, Charleston Area Medical Center, Preston Memorial, Reynolds, St. Mary's, United Hospital Center, and WVU/Ruby
- > Three monthly webinars were held with SANEs on special topics including case reviews, providing exams to incarcerated victims and HIV care/treatment after a sexual assault.
- > A 4-hour training was held with CAMC Emergency Department Staff on the collection of samples using the WV SAECK.
- > Two trainings were held on the kit tracking system to increase understanding on accessing the victim portal.

SANE Training Curriculum:

- > The WV Online SANE Training Course (22 modules total) was revised, adding new content and recorded interactive clips on sample collection and documentation.
- > A 4-hour training was developed for staff in the Emergency Department specific to collecting forensic samples with the WV SAECK.

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, 2,460 previously unsubmitted/untested kits have been tested in WV with 961 DNA profiles identified and entered into the national DNA database, the Combined DNA Index System (CODIS). A total of 355 hits/matches have been obtained in the database matching profiles of offenders across 27 states.

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 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 -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/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. Samantha Morse - WVJCS- Justice Program Specialist
7. Hunter Roberts/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. 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/Carol Blankenship – WVJCS Justice Program Specialist

