



## Arizona Sexual Assault Evidence Collection Kit Task Force

### MEETING MINUTES

August 16, 2016

2:00 PM

Arizona State Capitol, Executive Tower, Second Floor Conference Room  
1700 West Washington Street  
Phoenix, Arizona 85007

A general meeting of the Arizona Sexual Assault Evidence Collection Kit Task Force convened on August 16, 2016 at the Arizona State Capitol, Executive Tower, Second Floor Conference Room located at 1700 West Washington Street, Phoenix, Arizona 85007. Notice having been duly given. Present and absent were the following members of the Commission.

#### Members Present

Bill Montgomery (Co-Chair)	Katie Hobbs	Myriah Mhoon
Frank Milstead (Co-Chair)	Shannon Rich (on behalf of	Sheila Polk (via phone)
Joe Scioratta (on behalf of	Jessye Johnson	Mary Roberts
Mark Brnovich)	Todd Larson	Pete Wingert
Colleen Clase (via phone)	Debbie Lesko	
Christina Corieri	Phil Lovas	

#### Members Absent

Kate Brophy McGee	Jesse Delmar
Mark Dannels	Barbara LaWall

#### Staff Present

Courtney Coolidge

#### A. CALL TO ORDER

Colonel Frank Milstead called the meeting to order at 2:07 p.m.

#### B. INTRODUCTION OF TASK FORCE MEMBERS

Co-Chairs invited Task Force members to introduce themselves.

#### C. APPROVAL OF MINUTES

The Task Force approved the July 21, 2016 minutes by unanimous vote.

#### D. SAMPLE LAW ENFORCEMENT POLICY

Assistant Chief Mary Roberts gave an update on a generic law enforcement policy for best practices to conduct sexual assault investigations. Chief Roberts explained that the protocol for best practices will include processing, testing, analysis and follow up for everything relating to sexual assault evidence kits following a victim centered approach.

## **E. OPEN DISCUSSION ON POTENTIAL TASK FORCE RECOMMENDATIONS**

Bill Montgomery opened the discussion explaining to members that a draft of the national best practices for sexual assault kits was recently issued and the goal for today's meeting is to go through each of the 32 recommendations and determine if the recommendations are something our state Task Force should include in our recommendations. Mr. Montgomery noted that after today's meeting, and based on the Task Force's discussions, staff will formulate a draft of recommendations and distribute to Task Force members prior to next meeting to have a more substantive discussion on recommendations.

Colonel Milstead explained that not everything in the national recommendations will need to be included in the state recommendations as the national draft gets into a level of detail that may not be necessary for our purposes.

The Task Force started by reviewing the first four recommendations from the national best practices which fall into the category of "Essential Strategies for a Multidisciplinary Approach." Mr. Montgomery explained that the Task Force has already discussed incorporating these as part of the state recommendations.

The Task Force continued by reviewing national recommendations 5-11 which focus on the medical forensic exam and sexual assault evidence collection. Todd Larson indicated that he would review these recommendations with individuals in his office to see if they can provide any additional input. Mr. Larson wants to ensure that recommendations made by the Task Force do not conflict with current policies such as HIPPA and others. Mr. Montgomery said that some of these recommendations are already established through internal medical procedures. Mr. Larson also noted that we need to cross reference current retention requirements to ensure we are not recommending conflicting policies, such as the Violence Against Women Act (VAWA). Myriah Mhoon indicated if guidelines or policies are in place under VAWA the Task Force should consider using those. Mr. Larson echoed Ms. Mhoon's sentiment indicating that the Task Force's retention recommendations should refer to the federal mandates.

The next section of national recommendations reviewed by the Task Force focused on the law enforcement responsibilities for sexual assault kits. Recommendation 12 suggests that law enforcement and laboratories should partner to use one evidence tracking system. Mr. Montgomery referenced discussions at prior Task Force meetings indicating that this is a priority that should be included in Task Force recommendations. Chief Roberts echoed saying this is a very critical topic for the Task Force to address. Chief Roberts said we need to be able to track this information from the date the kit was collected to the date it was submitted for analysis to the final location of the kit after results from the laboratory are issued. Colonel Milstead indicated that each county may have the ability for this reporting as counties have the responsibility of paying for the kit. Mr. Larson referenced a possibility of tracking the kits through the medical exam records. Mr. Larson said if the entire state was on the same medical records system you could use that as an avenue to track all kits from the time of collection.

The Task Force discussed national recommendations 14-15 which reference timelines for law enforcement to pick the kit up from a forensic nurse examiner, hospital or clinic and for law enforcement to submit kit to the laboratory for testing. Chief Roberts said that some timelines may hold law enforcement accountable, but need to be careful not to be too

specific. Chief Pete Wingert said that timelines could be prohibitive for smaller and rural agencies that don't have as many resources to send kits to DPS laboratory.

The Task Force reviewed national recommendation 18 which said that law enforcement agencies should perform an annual audit verifying the sexual assault kits in the property room. The Task Force indicated this is a recommendation they should look at including.

The Task Force reviewed national recommendation 19 which said that agencies should implement electronic records management systems to improve case investigations and communications, where possible. Mr. Montgomery said that we need to be sensitive here to the resources of each agency. The Task Force could recommend a general standard that all agencies should have a system in place to know the status of case investigations involving sexual assault and have communication with other stakeholders from the forensic nurse to prosecutor.

The Task Force reviewed national recommendations 20-25, which outline processing sexual assault kits through crime laboratories. Mr. Montgomery suggested that the Task Force may want to combine these recommendations into a single recommendation that the processing of sexual assault kits through the crime laboratory must meet ASCLAD standards.

The Task Force discussed national recommendation 26-27 which indicate that law enforcement agencies should establish a system of accountability to follow up on CODIS hits and victim notification. Chief Roberts indicated that this topic would be included in a law enforcement protocol and the Task Force should be cautious about what we recommend and how victim notification is handled. Chief Roberts suggested that there could be a recommendation to have an area on law enforcement agencies websites for victims to be able to initiate contact such as a hotline or an email address dedicated for victim contact.

The Task Force reviewed the final national recommendations that suggest retention periods, statute of limitations and communication strategies that promote transparency. Mr. Larson indicated that retention periods should align with current federal regulations, such as VAWA. Chief Roberts said that under the VAWA standard, anonymous kits are kept for 90 days. Senator Lesko asked if the Task Force recommendation would include testing all kits. Mr. Montgomery answered that the Task Force needs to be sure that there is an objective standard. Colonel Milstead indicated the Task Force should make a recommendation to test all kits except for those that are unfounded meaning there is evidence or information to prove that no crime was committed.

#### **F. CALL TO THE PUBLIC**

Mr. Montgomery gave the call to the public with no responses.

#### **G. ADJOURNMENT**

The meeting was adjourned at 3:21 p.m.