



Arizona Sexual Assault Evidence Collection Kit Task Force

MEETING MINUTES

September 12, 2016

10:00 AM

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 September 12, 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	Phil Lovas
Frank Milstead (Co-Chair)	Jessye Johnson	Myriah Mhoon
Blaine Gaddow (on behalf of Mark Brnovich)	Todd Larson	Mary Roberts
Colleen Clase	Daniel South (on behalf of Barbara LaWall)	Pete Wingert
Jesse Delmar (via phone)	Debbie Lesko	

Members Absent

Kate Brophy McGee	Mark Dannels
Christina Corieri	Sheila Polk

Staff Present

Courtney Coolidge

A. CALL TO ORDER

Bill Montgomery called the meeting to order at 10:05 a.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 August 16, 2016 minutes by unanimous vote.

D. OPEN DISCUSSION ON POTENTIAL TASK FORCE RECOMMENDATIONS

Mr. Montgomery opened the discussion explaining that the Task Force would review any significant changes to the previous draft of the recommendations and work through any outstanding discussion points. Courtney Coolidge went over a list of changes that members submitted to the original draft including edits to the definitions of "victim-centered," "tested," and "unfounded" and additions of definitions for "trauma-informed" and "non-report." Ms. Coolidge explained the edits made to the medical forensic exam, law enforcement, crime

laboratory and education sections. Ms. Coolidge stated that the model sexual assault policy was updated to include notification to victims of the victims' rights at various steps throughout the process. Additionally, based on member feedback two additional sections will be added to the model policy, one outlining responsibilities for collection, submittal and retention for sexual assault crime evidence kits and another listing procedures for following up on CODIS hits.

Ms. Coolidge opened discussion on the subject of non-report kits for members to discuss the amount of time these kits should be stored prior to destruction and who should be responsible for storing them. Currently, the Violence Against Women Act (VAWA) is silent on timelines for retention of non-reporting kits, however the current draft of national best practices for sexual assault kits suggests these kits be retained for a year prior to destruction. Jessye Johnson and Myriah Mhoon indicated their support of having law enforcement retain non-report kits in accordance with the national draft recommendations of one year.

Chief Pete Wingert advised the Task Force to be conscious of making recommendations that may affect law enforcement agencies crime statistics without the opportunity for the law enforcement agency to solve a crime. Chief Mary Roberts indicated that non-report kits should be impounded by law enforcement similar to a safe keeping item. Mr. Montgomery suggested that law enforcement agencies should impound non-report kits in a way that they are not categorized as evidence until a crime is reported.

Mr. Montgomery suggested as part of the retention for non-report kits, and in keeping the recommendations in line with a victim-centered approach, a law enforcement victim advocate or designee should make notifications to the victim at three, six and nine month time frames after the kit was collected. Colleen Clase supported this recommendation and indicated that over time a victim's position may change, a victim may decide, initially, not to report, but may change their mind as time passes. Todd Larson explained to members that in certain cases where a victim chooses not to report, they may not be able to relay the location of the crime. Mr. Larson suggested the Task Force should indicate a standard practice for storing the non-report kits when the location of the assault is unknown. Mr. Montgomery suggested that absent further investigation that establishes the location where a crime occurred, the law enforcement agency whose jurisdiction includes the location of the medical facility that collected the kit, will take possession of the kit.

The Task Force discussed recommendations for a statewide tracking system. Senator Debbie Lesko inquired as to the cost of this system. Ms. Coolidge indicated that it is difficult to determine the cost before understanding the options available to the state through a procurement process. Colonel Frank Milstead stated the importance of the Task Force making the best recommendations possible in order to ensure the state is protecting victims of crime, which includes tracking to ensure that all kits except for unfounded and non-reported are being tested.

Ms. Coolidge outlined various time frames in the Task Force recommendations including the time for the medical forensic examiner to notify law enforcement that a kit was collected, the time for law enforcement to collect the kit from a medical forensic examiner and the time for law enforcement to submit a kit to a crime laboratory for testing. Ms. Coolidge stated that, as indicated through previous discussions, there is not a recommendation for a time frame for

the crime laboratory process a kit. Mr. Montgomery said that there are not only practical limitations between the crime laboratory instruments and their capacity to process samples, but we don't want to have scientists rush their review in order to meet a deadline. Vince Figarelli agreed, stating that it is important that the crime laboratory work be done correctly as it requires very complex analysis.

Ms. Coolidge asked if members had any other areas of the draft report that they would like to discuss. Jesse Delmar asked about including tribal law enforcement agencies on the inventory list. Mr. Montgomery explained the issue of differentiating the cases that are in full federal jurisdiction compared to those that are working with the local prosecuting agency. Colonel Milstead echoed that these cases would fall under federal jurisdiction, and the FBI contracts with the DPS crime laboratory in some cases. The Co-Chairs indicated it may be beneficial to insert a footnote into the report to clarify this information. Senator Lesko suggested that the report should also include information as to why kits were not previously submitted including. Ms. Johnson suggested including the top three reasons from the survey as to why the kits were not submitted for testing previously.

E. CALL TO THE PUBLIC

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

F. ADJOURNMENT

The meeting was adjourned at 11:19 a.m.