

Sexual Assault Forensic Evidence (SAFE) Task Force

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Origin and Progression of the SAFE Task Force

Governor Fallin signed **Executive Order 2017-11** creating SAFE Task Force

April 24, 2017

Governor Stitt signed **Executive Order 2019-05** amending membership and task list and transferring authority to Attorney General's Office

March 12, 2019

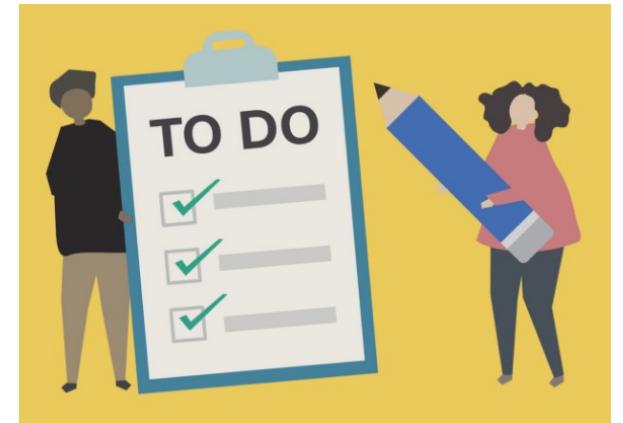
SAFE Task Force Membership

▮ **Multidisciplinary Working Group Consisting of:**

- ▮ Attorney General's Office Victim Services Unit Chief
- ▮ Survivor of Sexual Assault with Experience with Sexual Assault Forensic Evidence Kit Collection
- ▮ Sexual Assault Nurse Examiner (SANE)
- ▮ Designee of the Dir. of the OSBI with Expertise in the Analysis of Sexual Assault Forensic Evidence Kits
- ▮ Person with Experience applying for grants and seeking other funding
- ▮ Two Nonvoting Members from the Senate (each from a different party)
- ▮ Two Nonvoting Members from the House of Representatives (each from a different party)
- ▮ Exec. Dir. of the Oklahoma Sheriff's Association
- ▮ Chief of the Oklahoma City Police Dept.
- ▮ Chief of the Tulsa Police Dept.
- ▮ Exec. Dir. of the Oklahoma Association of Chiefs of Police
- ▮ Attorney from a Public Defender's Office
- ▮ Sexual Assault Victims Advocate from a Community-Based Organization
- ▮ Exec. Coordinator of the District Attorneys Council
- ▮ Exec. Dir. of the Native Alliance Against Violence

SAFE Task Force Mandates

- ▢ Examine the process for gathering and analyzing sexual assault forensic evidence kits in the state;
- ▢ Identify the number of untested evidence collection kits in the possession of each law enforcement agency in the state by means of an audit conducted by each agency;
- ▢ Identify possible improvements for law enforcement training on responding to and investigating sexual assaults;
- ▢ Identify possible improvements for victim access to evidence other than sexual assault forensic evidence kits, including but not limited to police reports and other physical evidence;
- ▢ Identify possible procedures for the testing of anonymous sexual assault evidence kits;
- ▢ Identify additional rights of victims concerning the sexual assault forensic evidence kits testing process; and
- ▢ Identify and pursue grants and other funding sources in order to eliminate the backlog of untested sexual assault forensic evidence kits, reduce testing wait times, provide victim notification, and improve efficiencies in the kit testing process.



SAFE Task Force Mandates *Continued*

▮ Law Enforcement Agencies:

- ▮ No later than Dec. 30, 2017, each law enforcement agency shall submit to the Attorney General and the Task Force a written report of the audit of untested evidence collection kits in their possession
- ▮ As a part of the Audit, every law enforcement agency was required to identify for each untested kit:
 - ▮ Date the crime occurred
 - ▮ Date of the examination and forensic collection
- ▮ Although not required, each agency was asked to disclose the reason(s) for not submitting the collected kit to the lab for analysis

▮ Task Force:

- ▮ No later than July 1, 2018, the Task Force shall prepare and submit a report of its findings and recommendations based on the audits conducted by each law enforcement agency
- ▮ The report of findings and recommendations shall be submitted to the Governor, the President Pro Tempore of the Senate and the Speaker of the House



Untested Sexual Assault Kits Possessed by Law Enforcement Agencies

Police Departments

(Including municipal, tribal, educational, state, etc.)

of Agencies Responded: 245 # of Untested Kits: 6,643

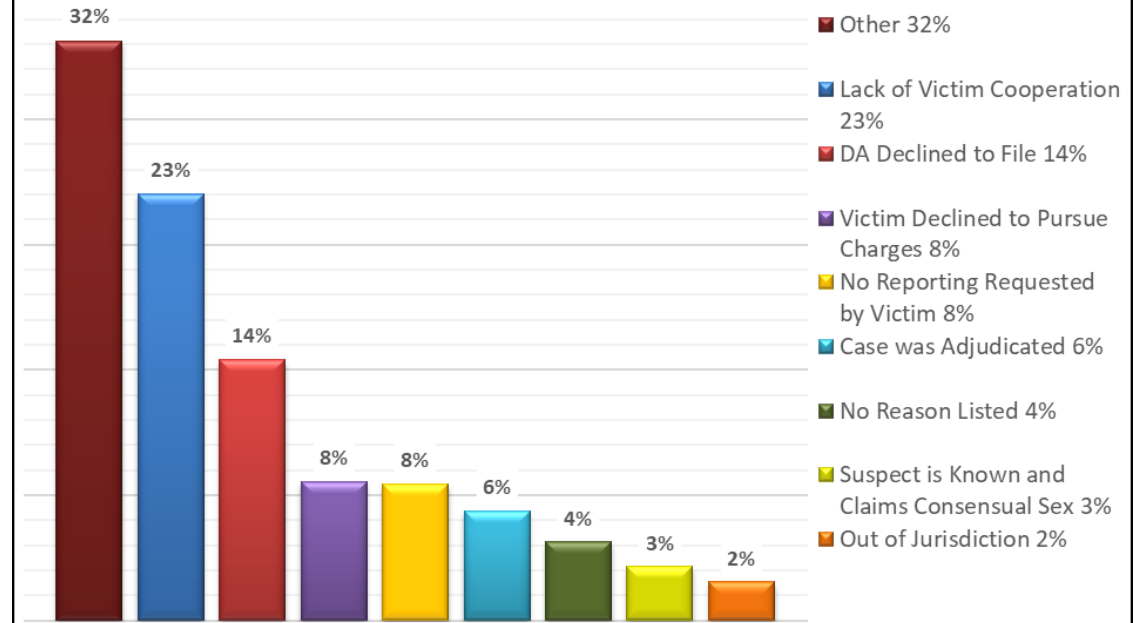
Sheriff's Offices

of Agencies Responded: 67 # of Untested Kits: 627

TOTAL **312** **7,270**

Tulsa Police Department - 3,003 kits
 Oklahoma City Police Dept. - 1,593 kits
 Rest of the State - 2,674 kits

Reasons For Not Testing Kits



2017 Law Enforcement Audit of Untested Sexual Assault Kits

Task Force Recommendations

- A subcommittee of the Task Force developed recommendations for the development of one standardized sexual assault forensic evidence collection kit statewide
- The Task Force recommended that Oklahoma adopt the national standard of requiring law enforcement agencies to maintain kits (tested or untested) for a minimum of 50 years or the length of the statute of limitations, whichever is longer.
- The Task Force further recommended that each law enforcement agency be responsible for preserving and maintaining kits in their own storage facilities or through collaborative agreements with other agencies.



Task Force Recommendations *Continued*

- ▢ The Task Force recommended that law enforcement follow specific protocols when submitting kits for testing.
 - ▢ All kits should be submitted for testing, unless the victim has not reported the sexual assault to law enforcement
 - ▢ Kits should be submitted to the lab for testing within 20 days after receipt of the evidence
 - ▢ Kits that contain evidence that will likely provide value to the investigation and prosecution of a case should be prioritized

Task Force Recommendations *Continued*

- ▮ The Task Force provided recommendations for prioritizing the testing of previously unsubmitted kits by providing a testing prioritization model including the following factors:
 - ▮ Fully unexamined kits should take priority over partially tested kits
 - ▮ Is the case within the statute of limitations?
 - ▮ Is the offender a stranger or non-stranger to the victim?
 - ▮ Is the victim participating in the process and consented to the testing of the kit?
 - ▮ Has the offender been convicted for the crime and has a profile in CODIS?



Task Force Recommendations *Continued*

- The Task Force provided a recommended model sexual assault first responder protocol, including reported and non-reported SANE Exams
- The Task Force Recommended that Law Enforcement receive focused training
 - Model Policies and Protocols for the Response to Sexual Assault
 - Guidelines for the Collection and Maintenance of Sexual Assault Kits
 - Continuing Education on Trauma Informed Sexual Assault Response and Investigation
- The Task Force further recommended the development of a comprehensive training plan for equipping and enhancing the work of enforcement, prosecutors, victim advocates, SANEs and multidisciplinary Sexual Assault Response Teams (SARTs) across the state



New SAFE Task Force Members

- ▢ As a result of the Task Force's Recommendations, the following new members were added by Governor Stitt in 2019:
 - ▢ Representative of the Administrative Office of the Courts
 - ▢ Exec. Dir. of the Council on Law Enforcement Education and Training
 - ▢ Law enforcement officer from a rural municipal law enforcement agency
 - ▢ Law enforcement officer from a rural sheriff's office
 - ▢ Exec. Dir. Of the Oklahoma Coalition Against Domestic Violence and Sexual Assault
 - ▢ Survivor of sexual assault committed in Oklahoma who has participated in the justice system process

Legislative Changes as a Result of the Task Force Recommendations



- ▢ Mandated continuing education for law enforcement including policies and protocols for responding to sexual assault calls, guidelines for the collection and maintenance of sexual assault kits and continuing education on trauma-informed sexual assault response and intervention.
70 O.S. § 3311.4 (Eff. November 1, 2019)
- ▢ All law enforcement, forensic laboratories, medical providers, or others having custody or use of any kit are required to participate in OSBI's sexual assault kit tracking system.
74 O.S. § 150.28a (Eff. July 1, 2019)
- ▢ Law enforcement must submit all kits within 20 days of receipt for testing... EXCEPTION: if victim requests the kit not be tested.
74 O.S. § 150.28b (Eff. May 14, 2019)
- ▢ All kits, whether tested or untested, must be maintained for 50 years or for the statute of limitations, whichever is longer.
74 O.S. § 150.28b (Eff. May 14, 2019)
- ▢ One uniform standardized kit for the entire state.
74 O.S. § 150.28b (Eff. May 14, 2019)

More Recent
Legislative
Changes
Affecting Sexual
Assault Victims



- ▮ **Senate Bill 16** – Amends Titles 21 O.S. 142.6 and 21 O.S. 142.10 – Oklahoma Crime Victims Compensation Board/Crime Victims Compensation Act (*Eff. November 1, 2021*)
- ▮ **House Bill 2546** – Creates the Sexual Assault Victims’ Right to Information Act in Title 21 O.S. Section 142C and Amends Title 21 O.S. Section 142A-3 (*Eff. November 1, 2021*)



SAKI
SEXUAL ASSAULT
KIT INITIATIVE
Reform. Accountability. Justice.

- The Tulsa Police Department applied for and received SAKI federal funds to address the backlog of untested kits during the early work of the SAFE Task Force and has since been awarded their second round of funding.
- The Oklahoma City Police Department chose to utilize other available resources to address their backlog of untested kits.
- The Attorney General's Office applied for SAKI grant funds to address the kits in jurisdictions other than the Tulsa and OKC Police Departments in April 2019 and was awarded a 3-year grant in October 2019.
 - The work of the comprehensive statewide project focused on testing, policy and resource development, training, support for local jurisdictions, victim notification protocols, building collaborations between disciplines and more continues through the grant project and the support of the SAFE Task Force