

APPROVED

**Minutes of the
January 25, 2021 Meeting of the
Sexual Assault Evidence Kit Tracking and Reporting Commission**

Members Present:

Amy Barkholz - Michigan Health and Hospital Association
Debi Cain - Michigan Domestic and Sexual Violence Prevention and Treatment Board
Senator Stephanie Chang - Michigan Senate
Danielle Hagaman-Clark - Department of Attorney General
Kathy Hagenian - Michigan Coalition to End Domestic and Sexual Violence
Kimberly Hurst - Michigan Chapter of International Association of Forensic Nurses
Brian Mackie - Michigan Crime Victim Services Commission
Alicia Moon - Executive Office of the Governor
Jeff Nye - Michigan State Police
Representative Laurie Pohutsky - Michigan House
Sheriff Matt Saxton (ret.) - Michigan Sheriff's Association
Chief Robert Stevenson (ret.) - Michigan Association of Chiefs of Police
Senator Lana Theis - Michigan Senate
Kym L. Worthy - Prosecuting Attorneys Association of Michigan

Also Present:

Kellie Gleason - Wayne County Prosecutor's Office
Meg Higham - Michigan Domestic and Sexual Violence Prevention and Treatment Board
Gail Krieger - Michigan Domestic and Sexual Violence Prevention and Treatment Board
Lore Rogers - Michigan Domestic and Sexual Violence Prevention and Treatment Board

Welcome and Introductions

D. Cain convened the January 25, 2021 Sexual Assault Evidence Kit Tracking and Reporting Commission meeting via Zoom at 1:30 p.m. Introductions were made and a welcome extended to guests.

MOTION: Moved by K. Hagenian, seconded by A. Barkholz to approve the January 25, 2021 agenda. Motion carried.

MOTION: Moved by K. Hurst, seconded by R. Stevenson to approve the January 27, 2020 minutes. Motion carried.

Reports

Report on understanding victims' and survivors' perceptions of accountability, justice, safety and care seeking by Heather L. McCauley, Sociology Department, Michigan State University School of Social Work

Professor McCauley presented findings from her research. The purpose of the community engaged needs assessment was to understand crime victim's perceptions of justice and care-seeking to inform strategies for serving their multiple and nuanced needs in Michigan. It was a two-phase mixed method study which began with qualitative studies to have conversations with victims and survivors to understand their experiences.

Report on status of the compliance reporting function of Track-Kit™, the statewide online electronic tracking system for sexual assault evidence kits by Lore Rogers, DVS Staff to the Commission, and Meg Higham, SAEK Compliance Project Coordinator

The Division of Victim Services is responsible for the compliance portal function of the Track-Kit™. It is intended to produce an annual report for every organization in the system, reflecting their compliance with the requirements of the Sexual Assault Kit Evidence Submission Act. The compliance portal continues to be a work in progress because of the complexity of measuring compliance. Meg Higham, the Compliance Coordinator, has been working closely with STACS-DNA, the developer of the system and the Michigan State Police over the past two years, to test compliance portal function, identify errors, and generate solutions. The compliance portal is currently unable to provide complete data that would be accurate for all agencies, however it can be determined that overall there has been good compliance with the Sexual Assault Kit Evidence Submission Act.

There are a total of 618 law enforcement agencies statewide. Of those, currently 66% are live on the Track-Kit™ system. 14% of law enforcement agencies are in training stage in the system and 4% are in the staging phase. Approximately 34 % of law enforcement agencies are not currently using Track-Kit™ to track the location of sexual assault kits that were released to them for testing by survivors who are treated by health care.

There are 190 health care providers statewide that were identified as being responsible for performing sexual assault medical forensic examinations and kit collection. This encompasses hospitals and sexual assault nurse examiner programs. 53% are live on the Track-Kit™ and are able to enter kits that have been collected and stored or that have been collected and released to law enforcement for testing. 17 are in training mode on the system and 7 are in staging mode.

The total number of sexual assault kits that have been entered into the system as collected since the pilot project began is 4,577. This does not include all the sexual assault evidence kits that have been collected. That number does not include kits where the collection date is blank.

86% of kits collected were released to law enforcement. 14% were not released and were required to be stored by health care for a minimum of one year.

The total number of sexual assault evidence kits that were collected and entered into the system in 2020 was 2404. Of those kits, 87% were released to law enforcement for testing. The number of unique logins to the survivor portal since Track-Kit™ began is 755, or 16% of all kits entered into the system. The system does not track and cannot identify which survivors are using the system.

Report from the working committee on providing victim/survivor and healthcare access to forensic testing results in Track-Kit™ – Lore Rogers, DVS Staff to the Commission

A working committee was formed in January of 2020 to look at the question of how and whether to give survivors and health care workers access to forensic test results in Track-Kit™. The committee met in July and recommended that survivors should have access, but not health care workers. Survivors access to forensic test results in Track-Kit™ should be delayed for 14 days after the lab has entered the results into the system. That 14 days gives law enforcement a chance to get a copy of the report, to know the results are in the system and to be prepared to talk with a survivor or reach out to them earlier to let them know there are test results and what those test results are. It also gives law enforcement time to decide whether or not it would be helpful or harmful to the investigation for the survivor to have access to the information in the system.

The committee recommends that the survivor understand what the conclusions mean. The system should provide a concise explanation of forensic test results and a link to online resources that explain forensic DNA test results. The forensic test results that the system could share with the victim are whether biological evidence was found, whether it was entered into the system and whether there was an association or “hit” to another offender.

Moved by K. Hagenian, seconded by Rep. L. Pohutsky to accept the report and recommendations of the working committee in regard to access to the forensic testing results in Track-Kit™.

New Business

No new business.

Upcoming 2021 SAEK Commission Meeting Dates

Monday, April 12, 2021

Monday, July 19, 2021

Monday, October 18, 2021

Call to the Public:

No comments.

Commissioner Comments:

No comments.

Adjournment:

MOTION: Moved by R. Saxton to adjourn, seconded by K. Hurst. Motion carried.

The meeting ended at 2:55 p.m.

Respectfully submitted,
Lore A. Rogers
Staff to the Commission