

APPROVED

**Minutes of the
October 14, 2019 Meeting of the
Sexual Assault Evidence Kit Tracking and Reporting Commission**

Members Present:

Debi Cain - Michigan Domestic and Sexual Violence Prevention and Treatment Board
Captain Beth Clark - Michigan State Police
Victor Fitz - Cass County Prosecutors Office
Danielle Hagaman - Clark - Department of Attorney General
Kimberly Hurst - Michigan Chapter of International Association of Forensic Nurses
Representative Laurie Pohutsky - Michigan House
Senator Lana Theis – Michigan Senate

Members Participating by Telephone Conference Call:

Amy Barkholz - Michigan Health and Hospital Association
Senator Stephanie Chang - Michigan Senate

Members Absent (with notice):

Kathy Hagenian - Michigan Coalition to End Domestic and Sexual Violence
Chief Robert Stevenson (ret.) - Michigan Association of Chiefs of Police

Members Absent:

Sheriff Blaine Koops (ret.) - Michigan Sheriff's Association
Kym L. Worthy - Prosecuting Attorneys Association of Michigan

Also Present:

Lore Rogers (staff to Commission) - Michigan Domestic and Sexual Violence Prevention and Treatment Board

Guests:

Timothy Bourgeois - Michigan Commission on Law Enforcement Standards
Nancy Becker Bennett - Michigan State Police
Michael Bobbitt - Michigan Domestic and Sexual Violence Prevention and Treatment Board
John Bowen – Michigan State Police
Meghan Higham - Michigan Domestic and Sexual Violence Prevention and Treatment Board
Gail Krieger - Michigan Domestic and Sexual Violence Prevention and Treatment Board
Joe Kempa - Michigan Commission on Law Enforcement Standards
Amanda Barros – Michigan State Police
Lauren Lu – Michigan State Police
Jeff Nye - Michigan State Police
Matt Opsommer - Michigan State Police

Angela Povilaitis - Michigan Domestic and Sexual Violence Prevention and Treatment Board
Kristin Schelling - Michigan State Police

Welcome and Introductions

Debi Cain convened the October 14, 2019 Sexual Assault Evidence Kit Tracking and Reporting Commission meeting in the Conference/Training Room at the Michigan Commission on Law Enforcement Standards, 927 Centennial Way, Lansing, Michigan at 1:40 p.m. Introductions were made and a welcome extended to guests.

MOTION: Moved by K. Hurst, seconded by V. Fitz to approve the October 14, 2019 agenda. Motion carried.

MOTION: Moved by K. Hurst, seconded by L. Pohutsky to approve the July 26, 2017, January 19, 2018 and October 14, 2018 minutes. Motion carried.

D. Cain noted that, with the retirement of the former co-chair, Kriste Etue, she (Cain) remains as the only current chair of the Commission. She invited members to nominate someone to serve as chair or additional co-chair. There were no nominations. D. Cain continues to serve as the sole Chairperson.

Reports

Status of implementation of Track-Kit™ Statewide Electronic Tracking System

Amanda Barros, SAEK Tracking System Analyst with the Michigan State Police, provided a brief demonstration of Track-Kit™, the statewide electronic tracking system for sexual assault evidence kits. During the past year, the state of Michigan has been implementing Track-Kit™.. Rollout started with an initial pilot, followed by a phasing in of six region. Currently, about 58% of law enforcement agencies and medical facilities and 36% of prosecutors are using the system throughout the state. During the past year, more than 1,400 kits have been collected throughout the state and recorded in the system. Most of the kits that have been collected and tracked in the system are being released to law enforcement.

V. Fitz volunteered to contact prosecutors whose offices are not yet registered to use Track-Kit™ to make sure they know about it and know how to get registered to use it.

MCOLES support of law enforcement on Track-Kit™ Use

Tim Bourgeois, Executive Director of the Michigan Commission on Law Enforcement Standards (MCOLES), shared how MCOLES has assisted with outreach to law enforcement agencies about the tracking system, including providing information about Track-Kit™ on the MCOLES website. Now that the initial roll-out has been completed the website can be modified if necessary. He would like to reach out to the remaining 42% law enforcement agencies to encourage their use of the Track-Kit™ system.

Report on Michigan State Police BJA/DANY Sexual Assault Kit Initiative Grant Project

Matt Opsommer from the Michigan State Police (MSP) reported on the Bureau of Justice Assistance (BJA) / New York County District Attorney's Office (DANY) Sexual Assault Kit Initiative Grant Project. These grants were received to conduct a statewide inventory of previously unsubmitted Sexual Assault Evidence Kits. That inventory was completed in September 2016. 3,340 unsubmitted kits were found statewide (excluding the City of Detroit and Flint). All the kits had been tested as of August 2018. As part of the ongoing grant project, MSP is currently engaged in a research project with Dr. Rebecca Campbell of Michigan State University investigating the reasons why sexual assault victims seek a sexual assault medical forensic examination. The results of the survey should be available around January 2020.

Action Items

Recommendations for provisions of legislation to mandate use of the Track-Kit

L. Rogers provided a summary of The SAEK Tracking and Reporting Commission Legislative Committee Meeting on November 15, 2017. This workgroup was formed to recommend provisions of any legislation mandating use of the tracking system. The workgroup consensus on some provisions and a list of other issues on which there was no consensus.

L. Rogers asked the Commission whether it wished to recommend that the consensus and the other provisions be included in legislation or whether the Commission wished to continue recommending only that there be legislation mandating use of the system, but take no position on the provisions of such legislation.

The Commission took no action on this issue. New members expressed a desire to learn more about the background work of the Commission and the mechanisms of the tracking system, in order to more fully understand this and other issues. L. Rogers offered to schedule a question and answer session for interested members. Members who expressed a desire to participate are Senator Lana Theis, Captain Beth Clark, Representative Laurie Pohutsky, Danielle Hagaman-Clark, Amy Barkholz, and Victor Fitz.

NOTE: During discussion of the above, Chairperson D. Cain had to excuse herself from the Commission meeting and gave L. Rogers permission to continue to facilitate the meeting in her absence.

New Business

Clarification of Commission recommendation for annual report including a provision on location of kits

L. Rogers asked for clarification of the Commission's recommendation for the annual compliance report to include the location of all kits entered into the system. The recommendation included a provision that the draft report sent to each agency would include (the physical location as of the date of the draft report of all released kits collected by health care in that year. L. Rogers noted that this information is not typically something that healthcare providers would know. The Commission clarified that it was not intended that the annual report for medical facilities would include the location of kits released to law enforcement. The Commission further confirmed that the annual report should provide this location information for individual law enforcement agencies to whom kits had been released, so that those agencies can see where all their kits are at the end of the calendar year. That information could then be provided in aggregate form or with more detail if requested.

L. Rogers asked for input on law enforcement requests that they be able to enter in Track-Kit™ when law enforcement has destroyed a kit. The Commission confirmed that it was not its intent for the law enforcement portal to give law enforcement the ability to reflect that it had destroyed a sexual assault kit.

Upcoming Sexual Assault Evidence Kit Tracking and Reporting Commission meetings for 2020

Monday, January 27, 2020
Monday, April 20, 2020
Monday, July 20, 2020
Monday, October 19, 2020

Call to the Public:

No comments.

Commissioner Comments:

No comments.

Adjournment:

MOTION: Moved by L. Theis to adjourn, seconded by K. Hurst. Motion carried.

The meeting ended at 3:30 p.m.

Respectfully submitted,
Lore A. Rogers
Staff to the Commission