

Sexual Assault Response Team
Advisory Committee

Fourth Annual
SAFE Act Report

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Background

The Sexual Assault Response Team Advisory Committee (SART AC) is co-chaired by Kentucky Association of Sexual Assault Programs (KASAP) and the Commissioner of the Kentucky State Police, with members from various agencies.¹ This committee is responsible for creating protocols and policies, providing support and resources, and reporting on outcomes all as they relate to professionals who interact with survivors of sexual violence. Several SART AC resources can be found on KASAP's website including a SART toolkit.²

One goal of the SART AC is to support the creation of local sexual assault response teams (SARTs). The presence of functioning SARTs in communities has been associated with improved access to resources for survivors, higher rates of survivor participation in the legal system and improved forensic evidence collection. In addition to law enforcement agencies, healthcare facilities and Rape Crisis Centers (RCCs), there are several other stakeholders whose services are critical to survivors, such as the Kentucky Claims Commission, Kentucky State Police Crime Labs, and the County and Commonwealth Attorneys to name just a few.

With passage in 2016 of Senate Bill 63, the Sexual Assault Forensic Evidence Act (SAFE Act), the SART AC was tasked with creating a report for the Kentucky General Assembly³. This is the fourth annual report. As with implementation of any sweeping reform legislation, this report will indicate some steps forward and some steps back in Kentucky's efforts to eliminate the backlog of unsubmitted and untested sexual assault forensic evidence kits. As in the first report, this report will detail the success of the implementation "by the numbers", as required, of both the untested kits as well as kits that continue to be submitted going forward. For the purposes of this document, data reflecting sexual assault forensic evidence kits were collected in the time period January 1 through December 31, 2020.

The requirement in the law to report specific numbers on an annual basis is an effort to get an annual snapshot of anticipated and hoped for systems change in how sexual assault cases are handled by the legal system, thereby instilling confidence in survivors who want to seek legal justice in the future, or perhaps feel they have had justice denied because their kit remained untested. The numbers in this report document the progress made in year five of implementation. Ultimately the intent of the SAFE Act continues to send the message that survivors wishing to utilize the emergency healthcare and legal systems following sexual assault

¹ KRS 403.707

² www.kasap.org

³ KRS 403.707(5)(g)

will receive comprehensive services that are trauma-informed by hospitals, mental health and physical health providers, law enforcement entities, and courts.

Similar to 2020, COVID-19 continues to bring its challenges and draw attention to the many disparities that exist within the traditional systems of response, especially for BIPOC and LGBTQ+⁴ folks who have some of the lowest rates of seeking care following sexual assault in KY. Strengthening social justice movements and conversations around police violence continue to be intrinsically connected to sexual assault and how law enforcement responds to survivors.

What progress could we make if we focused our services and policies on prevention with the same rigor as we have focused on response?

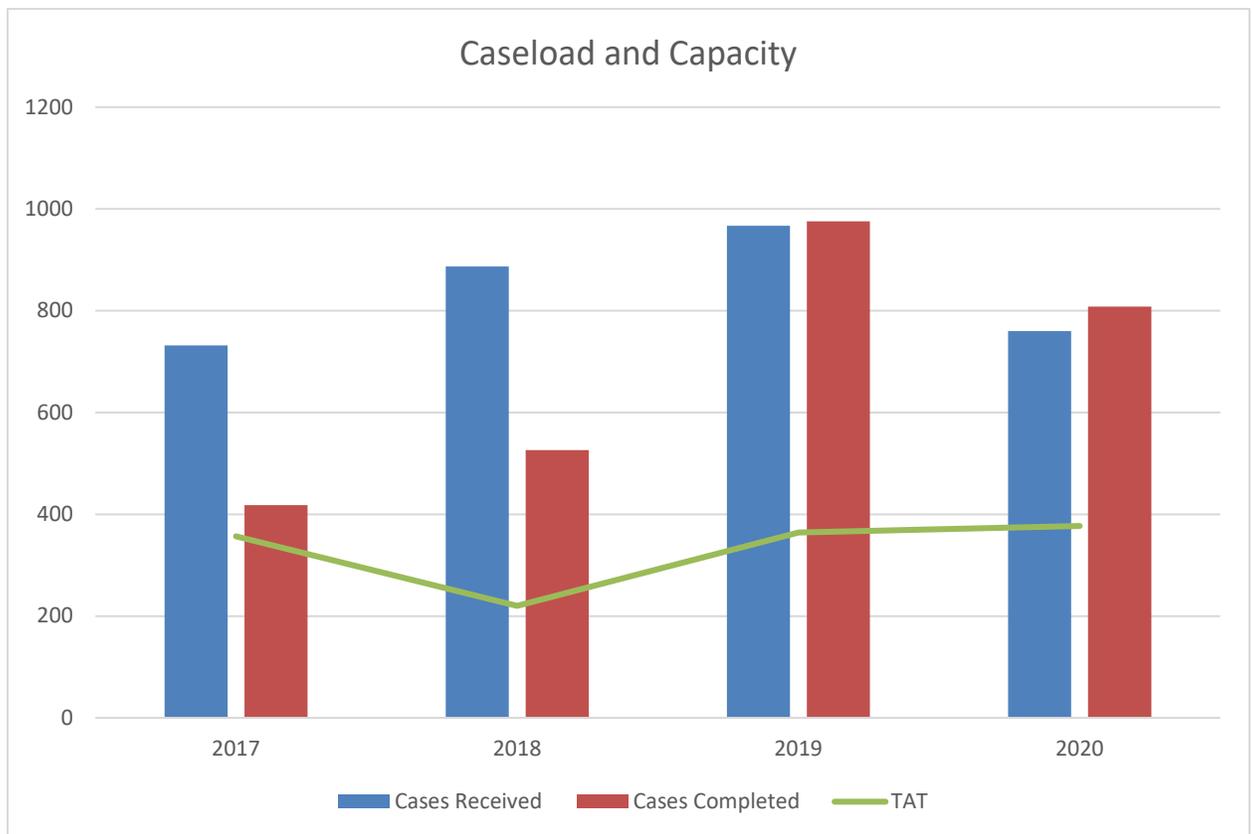
How can SARTs provide a comprehensive care response to **all** survivors, not just those reporting to law enforcement?

What are ways we can improve meeting survivors where they are in terms of their wants, needs, and what justice means to them?

⁴ BIPOC means Black, Indigenous, and People of Color; LGBTQ+ means Lesbian, Gay, Bisexual, Transgender, and Queer, plus

Kentucky State Police Forensic Laboratory System Numbers

- 1) Caseload: In calendar year 2020, the Kentucky State Police Forensic Laboratory System received a **total of 760** sexual assault forensic evidence (SAFE) kits in 746 investigations. The average turnaround time was 377 days from date of submission to the date the report was released.
- 2) Capacity: During the same time period, the Kentucky State Police Forensic Laboratories completed analysis on SAFE kits from 808 investigations. COVID-19 restrictions issue in April 2020 resulted in the laboratory maintaining 50% of staff working physically in the laboratory at any given time with the other 50% working remotely. This caused a significant decrease of hands on portions of the testing which decreased the number of cases completed and increased turnaround time. Additionally, the use of federal overtime was extremely limited which is needed to increase the number of cases completed and reduce turnaround times. On a good note, staff turnover was reduced to only one loss in the Forensic Biology Section in calendar year 2020 as the prospect of salary increases from the legislature in 2021 had support if the budget was sufficient.



- 3) COVID-19 shut the laboratories to only receiving evidence submitted through the mail from April to May 6, 2021. Of the 760 SAFE kits received in 2020, 39 had offense dates ranging from 2001 through 2018. The average number of days for submission to the lab was 133 days due to these older kits. The median number of days between the offense date and the lab submission date was 24 days and more reflective of the norm.
- 443 (59.4%) were submitted to the lab in 30 days or less from the recorded offense date
 - 149 (20.0%) were submitted between 31 and 60 days from the recorded offense date
 - 47 (6.3%) were submitted between 61 and 90 days from the recorded offense date
 - 24 (3.2%) were submitted between 91 and 120 days from the reported offense date
 - 83 (11.1%) were submitted in 120 days or greater from the reported offense date with the longest for a 2020 offense date taking 325 days.
- 4) Number of SAFE kits with a 2020 offense date and submitted in 2020 for analysis: 697
- 174 have had all testing completed (25.0%)
 - Average turnaround time is 197 days
 - Another 344 have serology completed and in process or in line for DNA testing (49.3%)
 - 179 have not been started (25.7%)
- 5) Number of SAFE kits entered into the kit tracking system in 2020: 625
- 518 were reported to law enforcement cases (82.9%)
 - 107 were non-reporting (17.1%)
 - 10 were transferred to "out of state" law enforcement (1.6%)
 - Kit Tracking Accounts have been set up for 80 hospitals
 - Of the 80 hospitals, 38 entered at least one kit into the system in 2020
- 6) Out of the 518 reported kits, only 20 (3.9%) do not seem to have been submitted which is a significant decrease from 23.8% in 2019.
- 7) Retention which continued to be a problem through 2019 but in 2020 when the legislature prepared a budget that initially included salary increases for the analyst, the losses practically stopped. Unfortunately due to COVID-19 uncertainties, the increase was not realized in the final budget. Analysts maintained hope that the increase would appear in the FY21 continuation budget and only one Biology position was lost in calendar year 2020. Five Forensic Biologist vacancies were recently filled in April of 2021 and training has begun. With a stable workforce more work will be accomplished.

COVID-19 and the 50% on-site staffing restrictions along with very limited overtime funding for casework, reduced productivity in terms of decreasing the backlog and turnaround times for case completion. With restrictions to be lifted June 11, 2021, the laboratories will be able to return to full staff at the laboratory and overtime activities can resume. Given time, and now provided with the funding to attract and retain qualified analysts, the laboratories will overcome the backlog. In 2020, the number of cases completed exceeded the number submitted by a little over 8%.

Rapid DNA was funded for FY20-22 by the legislature. The KSP Lab initiated a project in late 2018/early 2019 to analyze swabs from select hospitals via the new Rapid DNA technology. Rapid DNA allows the Laboratory to receive one, two, or three extra swabs from the sexual assault evidence collection exam and processed through a new instrument that can run the swabs in approximately 2 hours. Any profiles that result can be searched against a copy of the state DNA Database or compared directly to a suspect standard. This allows for the potential identification, confirmation, and reporting an investigative lead to law enforcement of a named suspect in a week or less. As Rapid DNA technology is less sensitive than current technologies, it cannot handle samples with a mixture of DNA profiles, and cannot be used to enter crime scene samples into CODIS the National DNA Database, not every case would be run on the Rapid instruments. Rapid DNA testing is scheduled to come online the first of June 2021.

Another new initiative coming onboard at the KSP Laboratories is "Direct to DNA" processing of evidence. Under this new testing process, the case history will be reviewed to determine evidence items most likely to yield a probative DNA test result. The items will be DNA tested first and serology/body fluid type determination can be conducted later if necessary. Using this change in the order of testing other states such as Ohio and Utah have reduced their DNA testing turnaround time to approximately 30 days. The instruments necessary to conduct the increased DNA testing will be purchased this year thanks to the Kentucky FY21 budget appropriation and a federal grant. The instruments should be validated by the start of 2022 and used to significantly reduce the backlog of unworked cases with a goal of 60 to 90 day turnaround by the end of 2022.

In response to 2019 Regular Session Senate Bill 67, the kit tracking portal was expanded to allow patients/victims check the status of their kit through the submission and testing process, whether a DNA profile was obtained, and for those who initially did not wish to report to law enforcement, information on how to make a report.

Law Enforcement Numbers of Reports and Charges

The SAFE Act, under KRS 16.132, requires the Kentucky State Police to collect statewide statistical data on the number of crimes reported and investigated under the following statutes:

KRS 510.040 (rape 1st degree), 510.050 (rape 2nd degree), 510.060 (rape 3rd degree), 510.070 (sodomy 1st degree), 510.080 (sodomy 2nd degree), 510.090 (sodomy 3rd degree), 510.110 (sexual abuse 1st degree), 510.120 (sexual abuse 2nd degree), 510.130 (sexual abuse 3rd degree), 510.140 (sexual misconduct), 530.020 (incest), 530.064(1)(a) (unlawful transaction with a minor – illegal sexual activity, 1st degree), and 531.310 (use of a minor in a sexual performance).

2020 Data

Data and narrative provided by KSP

KRS	Citations	Counts	Crimes	Counts
510.040	270	416	1,013	1,108
510.050	50	149	95	105
510.060	92	175	128	147
510.070	212	361	470	643
510.080	26	102	48	55
510.090	49	102	47	91
510.110	416	1058	1,119	1,732
510.120	18	18	61	88
510.130	81	88	340	495
510.140	37	42	149	178
530.020	85	203	64	84
530.064(1)(a)	63	190	76	125
531.310	38	75	39	71

2019 Data

<u>KRS Number</u>	<u># of Citations</u>	<u>Sum of Counts</u>	<u># of Crimes</u>	<u>Sum of Counts</u>
510.040	347	1418	1156	1072
510.050	78	376	120	176
510.060	113	420	137	167
510.070	272	1382	503	541
510.080	56	364	40	103
510.090	53	279	52	77
510.110	524	2493	1085	1893
510.120	46	115	79	97
510.130	96	246	422	536
510.140	33	71	168	253
530.020	105	561	59	111
530.064(1)(a)	74	389	58	104
531.310	57	472	34	58
Total Offenses	1,854	8586	3913	5197

2018 Data

<u>KRS Number</u>	<u># of Citations</u>	<u>Sum of Counts</u>	<u># of Crimes</u>	<u>Sum of Counts</u>
510.040	306	2436	967	1081
510.050	68	941	125	141
510.060	92	615	118	149
510.070	285	2749	454	649
510.080	44	863	49	68
510.090	70	756	51	80
510.110	537	4323	1,032	1378
510.120	40	451	83	100
510.130	84	206	317	449
510.140	30	55	154	163
530.020	90	1457	56	61
530.064(1)(a)	67	664	69	78
531.310	0.00	0	0	0
Total Offenses	1,713	15,516	3,475	4,397

For 2020, a total of 3,649 offenses were reported for the statutes referenced above with 4,922 counts (or instances) of those crimes. A citation was issued for 1,437 sexual assault offenses with

a total of 2,979 counts in 2020. Any reported crimes under the statutes listed will be reflected under the 3,649 crimes investigated in 2020. The only caveat would be if someone spoke to police about an alleged sex crime and for some reason the officer did not document the interaction. “Report” here means that a person speaks with a sworn officer to tell them they were sexually violated. This would not include calls to 911. The 3,649 crimes investigated include cases where a report was made and documented. These “cases” could include no further action taken after the report, a larger narrative, witness statements, interviews and more.

The numbers in both offense reports and citations will reflect multiple charges within the same case. For example, an officer may open a case on reported sex abuse where during the investigation it is determined that multiple instances of abuse occurred over a period of time. The report will show a single charge of Sex Abuse with a larger number of counts for that charge – “Counts” being the number of times the offender allegedly committed the crime of Sex Abuse. If the individual is arrested, the citation would also show that the offender is being charge with multiple counts of the specific offense.

Most offenses will not show such a large variance between the number of charges and the number of counts, but with certain offense types, such as fraud offenses, drug offenses, and sex offenses, the number of counts can often be great. An officer will use a citation to criminally charge a suspect for an offense. “Citations” are official charging documents that list the offenses or violations an individual is being charged with and could follow before, during or after an investigation is opened.

It is possible that some of the 2020 citations issued were for cases reported/opened in 2019 or earlier. Although, as stated above, the intent is to get an annual snapshot of the number of sexual assaults reported to police and dispositions of sexual assault cases.

KRS 17.110 states that “All city and county law enforcement agencies shall cause a photograph, a set of fingerprints, and a general description report of all persons arrested on a felony charge to be made and two (2) copies of each item forwarded within thirty (30) days after the arrest to the Department of Kentucky State Police of the Justice and Public Safety Cabinet”, and that “Each city and county law enforcement agency shall advise the Department of Kentucky State Police of the disposition made of all cases wherein a person has been charged with an offense.”

It is important to note that while citations are submitted in the same manner across the state, (either paper or electronic format), crime reports, in the form of Incident Based Reporting (IBR data), are submitted to the State Police repository either through the state provided system

(KYOPS – Kentucky’s Open Portal Solution), or through a data submission from an agency’s private IBR system.

Data from private IBR agencies

Currently, there are only a handful of agencies that submit data from their own IBR system, which does allow the repository to store statistical information along with KYOPS data for use in state and federal reporting, however; though any offense reported to the State Police via the KYOPS system can be statistically queried for limited data with reference to fields such as violation code, date of incident, and location information, this capability is not as easily accessible for those agencies that submit data outside of the state provided system, which can create a gap.

Additional Considerations

It is important to note also that a small percentage of arrest citations are still submitted on paper to the Kentucky State Police, which places a delay on collecting the data compared to electronic reporting due to the time it takes to process these documents. Additionally, not all paper citations are received by the State Police as they should be, or the information on the paper citations that are received may not be legible or complete.

The Court System should receive a complete record of citations, as any individual charged with an offense must be processed through the courts, however, the information listed on citations is limited to the offender’s basic personal identifiers and offenses they are being charged with.

Beyond tracking the number of times a violation code has been used on a citation or crime report, or how many criminal cases the court system can identify, there is currently no method to accurately account for reports and the additional details that are a part of these incidents of sexual assaults in the same way as there is for child abuse and domestic violence. We still do not have a fix for this gap. Perhaps an alternative method for more accurate data collection would be in order in the future. One idea would be to create a uniform form for officers to complete when a victim reports a sexual assault.

AOC Summary Court Data- Case Outcomes

The Administrative Office of the Courts (AOC) is required by the SAFE Act to submit data to the SART AC “regarding the prosecution, dismissal, conviction, or acquittal of any person charged with committing, attempting to commit, or complicity to commit a sexual offense as defined by KRS 510.040 (rape 1st degree), 510.050 (rape 2nd degree), 510.060 (rape 3rd degree), 510.070 (sodomy 1st degree), 510.080 (sodomy 2nd degree), 510.090 (sodomy 3rd degree), 510.110 (sexual abuse 1st degree), 510.120, (sexual abuse 2nd degree) 510.130 (sexual abuse 3rd degree), 510.140 (sexual misconduct), 530.020 (incest), 530.064(1)(a) (unlawful transaction with a minor – illegal sexual activity, 1st degree), and 531.310 (use of a minor in a sexual performance). This is the same set of statutes as required to be collected on by KSP in the previous section.

2020 Circuit, District, and Juvenile Courts Sexual Offense Dispositions

<u>Court</u>		<u>Acquitted</u>	<u>Amended</u>	<u>Convicted</u>	<u>Dismissed</u>	<u>Diverted</u>	<u>FTA/FTV/AP</u>	<u>Indictment</u>	<u>Others</u>	<u>Total</u>
Circuit	Charges	17	322	719	1088	7	101	-	37	2291
	Cases	10	204	294	223	6	25	-	6	543
District	Charges	0	84	39	323	5	8	732	110	1301
	Cases	0	61	35	120	5	7	334	54	556
Juvenile	Charges	0	62	-	70	-	-	-	163	295
	Cases	0	58	-	54	-	-	-	92	164

2019 Circuit, District, and Juvenile Courts Sexual Offense Dispositions

<u>Court</u>		<u>Acquitted</u>	<u>Amended</u>	<u>Convicted</u>	<u>Dismissed</u>	<u>Diverted</u>	<u>FTA/FTV/AP</u>	<u>Others</u>	<u>Total</u>
Circuit	Charges	95	812	1375	1951	50	73	132	4488
	Cases	26	394	476	393	9	29	12	899
District	Charges	0	134	66	289	11	6	979	1485
	Cases	0	107	59	168	6	5	470	727
Juvenile	Charges	0	104	81	201	15	0	446	847
	Cases	0	79	50	88	12	0	74	245

2019 Note: There may be overlap in the numbers reported in District grand jury proceedings and Circuit Criminal proceedings after indictment. The “other” category includes indictments.

2018 Circuit, District, and Juvenile Courts Sexual Offense Dispositions

Court		Acquitted	Amended	Convicted	Dismissed	Diverted	FTA/FTV/AP	Others	Total
Circuit	Charges	107	670	1558	2251	3	242	22	4859
	Cases	32	339	447	352	3	42	8	863
District	Charges	0	175	77	1006	5	11	120	2937
	Cases	0	105	67	167	5	4	33	729
Juvenile	Charges	2	121	97	113	19	1	129	504
	Cases	2	92	73	72	16	1	77	274
Total	Charges	109	966	1732	3370	27	254	271	8300
	Cases	34	536	617	591	24	47	118	1866

Kentucky does not require training for prosecutors similar to what is required of law enforcement officers. KASAP offers trainings for attorneys at the Annual Conference to End Sexual Assault and Domestic Violence and the Office of the Attorney General has offered campus sexual assault-specific training for prosecutors in the past. Kentucky’s Prosecutors’ Advisory Council incorporates sexual assault and abuse topics but these courses are not mandated for prosecutors handling these cases. We encourage prosecutors to continue to include relevant training and to connect with the SART AC. There are also exceptional free training resources online including through Aequitas⁵ and End Violence Against Women International⁶ that we recommend. Without additional training, misconceptions and a lack of information may hinder prosecutors. This is one area where the SART AC continues to recommend required training. Finally, the data collection here does not tell us if changes are being implemented nor any outcomes from changes. This remains an area worth exploring further.

⁵ <https://aequitasresource.org/> “Aequitas is a nonprofit organization focused on developing, evaluating, and refining prosecution practices related to gender-based violence and human trafficking. We’re a team of former prosecutors with decades of experience, working globally to hold offenders accountable and promote victim safety.”

⁶ <https://www.evawintl.org/> “We inspire and educate those who respond to gender-based violence, equipping them with the knowledge and tools they need to support victims and hold perpetrators accountable. We promote victim-centered, multidisciplinary collaboration, which strengthens the response of the criminal justice system, other professionals, allies, and the general public -- making communities safer.”

Law Enforcement Training on Sexual Assault Investigations

Although not required to be reported to the General Assembly, the SAFE Act established guidelines for law enforcement training to be conducted by the Department of Criminal Justice Training (DOCJT).⁷

In 2020 a **total of 230** law enforcement personnel were provided statutorily mandated Sexual Assault Investigation training. This training includes 8 hours of information specific to sexual assault during basic training.⁸

The DOCJT, in partnership with the University of Louisville, provided a grant funded Victim Centered Trauma Informed Interview course for 9 officers during 2020. The remaining courses, along with the Sexual Assault Investigations classes, were cancelled due to the COVID-19 pandemic. The training is interactive, and includes traditional in-class learning, role playing exercises and interviews with standardized patient actors to provide officers with an opportunity to practice the skills they learned throughout the course. The DOCJT and University of Louisville are continuing to reschedule the remaining courses. The Victim Centered Trauma Informed Interview Training is being evaluated by the University of Louisville. Results will be completed and shared with stakeholders in the fall of 2021.

One of the primary reasons the SAFE Act was passed in 2016, and this report is required as part of the legislation, is to track improvements in the system for the purpose of assuring that the survivor is provided with more information about the processes of investigation and processing of the evidence in a timely manner. As stated in the 2020 SAFE Act Report, instilling an evaluation system to track survivor satisfaction has not been established. This remains a point of discussion for the SART AC to address. The implementation of the KSP SAFE Kit Victim Tracking Portal, has however, provided a more direct and timelier avenue for survivors to track the status and results of forensic evidence. However, no system of evaluation of victim satisfaction has been put in place at time of this writing. This is another point of discussion that will need to be addressed by the SART AC in the coming year.

⁷ KRS 15.334(1)(f) and (2)(c)

⁸ KRS 15.334 (1)(f) "Beginning January 1, 2017, the council shall require that a law enforcement basic training course include at least eight (8) hours of training relevant to sexual assault"

Sexual Assault Kit Initiative

The Kentucky Sexual Assault Kit Initiative Project (KySAKI) is a comprehensive grant program, originally founded in October 2017, designed to assist the agencies throughout the Commonwealth in clearing a backlog of previously un-submitted sexual assault kits as well as reforming the manner in which the Commonwealth responds to sexual assault cases.

The Kentucky Office of the Attorney General, as the current grant recipient, leads the state's reform efforts with sub-grants to critical partners, such as the University of Louisville and the Kentucky State Police Central Laboratory.

In addition to kit testing to clear the backlog, the project funded a Cold Case Unit staffed within the Kentucky Office of Attorney General and an additional investigator position within Kentucky State Police. The sub-grant to the University of Louisville funded a research project to aid the state in understanding how the backlog occurred and to assess reform efforts to ensure their efficiency.

In the Spring of 2019, KySAKI partnered with the Department of Criminal Justice Training (DOCJT) to deliver training, allowing for a broader impact on training goals and reform. KySAKI Task Force members delivered training on the KySAKI program, assisted with the deliverance of DOCJT's 40-hour sexual assault investigations curriculum, and provided information on FBI's ViCAP program.⁹ Due to the COVID-19 pandemic, these trainings were not provided during 2020, but will resume in 2021.

In August of 2020, the Kentucky Office of the Attorney General received approval for a one-year no-cost extension for the FY 2017 grant. While the Commonwealth's initial inventory of previously un-submitted kits has been cleared to date, additional funds are supporting the Kentucky State Police Laboratory in completing final reviews of the kits. This review includes updating pre-1997 kits to a searchable PDF format.

In September of 2020, the KySAKI Task Force resumed bi-monthly meetings with members from law enforcement, victim service providers, forensic healthcare providers, the state forensic lab, and allied professionals.

⁹ The Violent Criminal Apprehension Program (ViCAP) is a unit of the Federal Bureau of Investigation responsible for the analysis of serial violent and sexual crimes, organizationally situated within the Critical Incident Response Group's National Center for the Analysis of Violent Crime.

Research from the early SAKI sites as well as preliminary research from the University of Louisville indicate that a more innovative, comprehensive approach to the investigations of sexually violent predators is necessary to achieve justice on behalf of sexual assault survivors.

As such, the Kentucky Office of the Attorney General sought funding to create two (2) additional SAKI staff positions, an additional investigator position and full time, permanent crime analyst position. These positions were designed to complement the existing positions within the Cold Case Unit and give the unit a stronger analytical arm to support the critical analysis of case linkage of serial offenders. The investigator position was intended to support investigative matters within Louisville Metro Police Department, as over half the SAKs in the inventory arose from crimes within the Department's jurisdiction.

In 2020, funding was available to support additional DNA testing for up to 50 forensic CODIS hits in an effort to identify suspects in these cases. Funding to support investigations with serial offenders was provided to two local law enforcement agencies.

As of December 2020, the KySAKI Cold Case Unit and members of the KySAKI Task Force, since its inception, have trained nearly 650 law enforcement officers and allied professionals.

In 2020, the KySAKI Cold Case Unit provided allied agencies with 58 instances of technical assistance, and entered 28 qualifying cases into the FBI's ViCAP database.¹⁰

The project is one of the first to examine the problem of previously un-submitted kits at the state level, and will provide valuable insights for other states facing this issue. The study will employ multiple research methodologies including surveys of prosecutors and police officers, longitudinal analyses of submission rates, regional analyses of submission rates, reviews of cases associated with untested SAFE kits, and interviews and focus groups with practitioners. The study will deliver publicly available quarterly reports, presentations to stakeholders, data file on all project data, and a website to disseminate study findings. The study will also assist the SAKI Task Force and the SART-AC in addressing gaps and in providing required data

¹⁰ Established by the DOJ in 1985, the FBI Violent Criminal Apprehension Program (ViCAP) serves law enforcement agencies across the nation by providing a free repository for behavioral and investigative information related to the following solved and unsolved violent crimes: Homicides (and attempts) that are known or suspected to be part of a series and/or are apparently random, motiveless, or sexually oriented. Sexual Assaults that are known or suspected to be part of a series and/or are committed by a stranger. Missing Persons where the circumstances indicate a strong possibility of foul play and the victim is still missing. Unidentified Human Remains where the manner of death is known or suspected to be homicide. U.S. Department of Justice, Federal Bureau of Investigation, *Violent Criminal Apprehension Program* (n.d.), available at <https://centerforimprovinginvestigations.org/wp-content/uploads/2018/04/ViCAP-Brochure.pdf>

pursuant to the SAFE Act. Preliminary research from Dr. Campbell indicates that the SAFE Act has increased timely submission rates of SAFE kits to the crime lab across the Commonwealth.

In the fall of 2020, the Kentucky Justice and Public Safety Cabinet was awarded SAKI funding for a project beginning in 2021. The Kentucky Office of the Attorney General will transition to the training and technical assistance provider for law enforcement, victim advocates, prosecutors, SANEs, and other allied professionals working on the SAKI project and sexual assault reform in the Commonwealth. The Office of the Attorney General will continue to fund specialized testing of forensic CODIS hits in the Commonwealth.

The KySAKI project is funded through a federal grant applied for in 2019 by the Kentucky Office of the Attorney General.

Sexual Assault Nurse Examiners and SANE-Ready Hospitals

The SAFE Act included a provision to designate hospitals as “SANE-ready” if they were able to provide 24/7 coverage of sexual assault nurse examiners (SANEs) to treat “persons seeking treatment as victims of sexual offenses.”¹¹ We know that there are a limited number of SANEs available throughout Kentucky. KASAP and numerous members of the SART AC have made it a collaborative priority to strengthen the SANE initiative throughout Kentucky and continued these efforts throughout another year of COVID-19 and many other challenges within the medical field. In these efforts to create additional statewide opportunities for nurses wanting to obtain SANE training, some members of the SART AC collaborated to create 3 independent SANE training programs located throughout the state in 2020. These SANE training programs included UofL Hospital SANE Training Program, St. Elizabeth’s Healthcare SANE Training Program, and Lexington Police Department SANE Training Program. In addition, many of these trainings were held virtually or using a hybrid meeting model, which enabled more nurses to attend the classroom portion of the training. After nurses complete the classroom portion of the training, they must meet specific clinical objectives within one year.

As of April 30, 2021 there were **318 active SANEs** practicing in the Commonwealth.¹² Once again, this is the highest number of SANEs in Kentucky to date. As of June 2021, 11 hospitals, compared to 7 in 2020, have current SANE-ready designation status.¹³ SANE-ready means that the hospital has a SANE available 24/7. This is the highest number of SANE-ready hospitals since the passage of the SAFE Act. The chart below (continuing onto the next page) includes both current and pending SANE-ready hospitals:

Baptist Health Louisville <i>*Renewal Pending</i>	4000 Kresge Way	Louisville	Jefferson	502-897-8100
Fleming County Hospital	55 Foundation Drive	Flemingsburg	Fleming	606-849-2351
Hardin Memorial Hospital	913 North Dixie Avenue	Elizabethtown	Hardin	270-737-1212
Meadowview Regional Medical Center	989 Medical Park Drive	Maysville	Mason	606-759-5616

¹¹ KRS 216B.401

¹² [Kentucky Edition 67 \(democratprinting.com\)](https://www.kentucky.com/news/local/2021/06/01/kentucky-edition-67-democratprinting-com/)

¹³ https://chfs.ky.gov/agencies/os/oig/dhc/Documents/Directories/SANE_Ready_Hospital_Directory.pdf; accessed June 2021

Owensboro Health Regional Hospital <i>*Renewal Pending</i>	1201 Pleasant Valley Road	Owensboro	Daviess	270-417-2000
Saint Joseph London	1001 Saint Joseph Lane	London	Laurel	606-330-6000
St. Elizabeth Edgewood	1 Medical Village Drive	Edgewood	Kenton	859-301-2000
St. Elizabeth Florence	4900 Houston Rd.	Florence	Boone	859-212-5220
St. Elizabeth Ft. Thomas	85 North Grand Avenue	Fort Thomas	Campbell	859-572-3100
St. Elizabeth Grant	238 Barnes Rd.	Williamstown	Grant	859-824-4240
University of Louisville Hospital <i>*Renewal Pending</i>	530 South Jackson St.	Louisville	Jefferson	502-562-3000
UofL Health – Jewish Hospital	200 Abraham Flexner Way	Louisville	Jefferson	502-587-4011
UofL Health – Mary & Elizabeth Hospital	1850 Bluegrass Ave.	Louisville	Jefferson	502-361-6000
UofL Health – Shelbyville Hospital	727 Hospital Drive	Shelbyville	Shelby	502-647-4300

Note: If at any time a hospital loses the ability to maintain 24/7 coverage, this status is lost.

Pediatric SANE Medical Protocol Evaluation

For the past few years, the SANE-P (Pediatric) Sub-Committee of the SART AC has worked to develop the *Kentucky Medical Protocol for Child Sexual Assault/ Abuse Evaluation*. These collaborative efforts were established to address the service gap that exists within emergency healthcare when caring for pediatric survivors of sexual abuse and assault. The document serves as the first comprehensive medical protocol evaluation for pediatrics of its kind in the state. The *KY Medical Protocol for Child Sexual Assault/ Abuse Evaluation* was passed by the SART AC in April 2021 and includes three documents: 1) Clinical Decision Tool for Evaluating Pediatric/ Adolescent Sexual Assault/ Abuse, 2) HIV Nonoccupational Postexposure Prophylaxis (HIV nPEP) Considerations, and 3) Medical Protocol for Acute Child Sexual Assault/ Abuse Evaluation.

Rape Crisis Center Response

In 2020, RCCs also worked with their local hospitals to provide confidential advocacy safely in accordance with COVID-19 guidelines. In 2020, Kentucky rape crisis centers (RCCs) statewide reported providing medical advocacy services on 1,952 occasions.¹⁴ Due to a shortage of SANEs, especially at smaller emergency facilities, not all victims were able to be provided health care services by a SANE. When a SANE is present, a victim is more likely to receive information regarding consent to the exam, privacy, and STIs and pregnancy prevention. RCCs also report that in hospital facilities that do not employ SANEs, advocates are less likely to be called to accompany a victim during an exam, so it is difficult to gauge the information passed on and the care that the victims receive. There is a major knowledge gap in what the law requires in care and response to sexual assault victims seeking care in hospitals. For example, Kentucky law requires all hospitals that offer emergency services to provide a free sexual assault forensic exam kit to all victims; contact a local rape crisis center to provide advocacy; contact law enforcement to collect reported kits when a victim consents; and preserve all kits not reported to law enforcement for one year in compliance with state law.¹⁵ To address these gaps, there is continuous training by RCCs and KASAP with hospitals and encouragement to employ SANEs but this is not enough. Kentucky hospitals must prioritize treating sexual assault and abuse as the public health crisis that it is.

Training for EMS

In 2019, a law went into effect that required “emergency medical technicians or first responders which includes the completion of a training course of at least one (1) hour covering awareness of sexual violence, including reporting options, care options, pre-hospital treatment considerations, knowledge of regional rape crisis centers, and how to access the SANE-ready list, at least one (1) time every two (2) year renewal cycle.”¹⁶ KASAP conducted a train the trainer session for EMS providers in June 2021. Over 185 trainers received the training. This training is now available for others to train throughout the state and will also be available to EMS personnel through a virtual learning platform.

¹⁴ Rape Crisis Center Programs Master Data FY2020

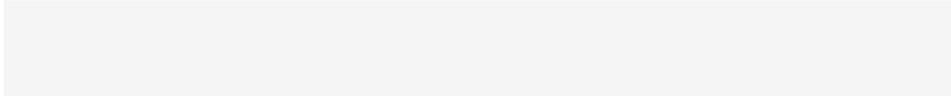
¹⁵ KRS 216B.400 and 502 KAR 12:010

¹⁶ KRS 311A.120

Conclusion

In thinking about the goals for Kentucky in preventing and responding to sexual assault, it is important to evaluate what works. One of the goals of the SART AC has been working to ensure comprehensive care and services to victim-survivors throughout collection of forensic evidence, investigation, and prosecution. The SAFE Act of 2016 has worked to increase the number of law enforcement trained to respond to and investigate sexual assault, increase the number of credentialed SANEs and SANE-Ready hospitals, decrease the window of time to test forensic evidence, create a SAFE kit tracking portal, pave the way for funding additional sexual assault investigators dedicated to solving these types of crimes, and more. Yet, after our fourth year into enactment, while at the same time working to improve facets of the SAFE Act, we recognize and acknowledge trends that continue: 1) most people who are sexually assaulted or abused do not report to law enforcement for a myriad of reasons, 2) prosecution and conviction rates are very low, and 3) for many victim-survivors, healing and justice does not come from the judicial system. More so than ever is an opportunity for the SART AC to work towards improving the systems we collaborate across to address all forms of oppression at the root of sexual violence.

The 2020 SAFE Act Report encouraged its audience to think about what our next steps should be in Kentucky's movement to end sexual violence. The report laid a foundation for the SART AC to discuss the current role of law enforcement as it relates to all survivors of sexual assault, as well as an even more intensive focus on the prevention of sexual assault before it happens. While rich discussion around these topics has not yet come to fruition, it remains a focus going forward because we must acknowledge the service and support gaps that exist between those who are harmed by sexual violence and those wanting to obtain resolve through the traditional legal system. We cannot end sexual violence unless we are also working to end all forms of



Comprehensive AOC Case Data Outcome can be found at [2021 6 7 Sexual Assault Charges-Disposed CY20 1](#)

