

MARYLAND SEXUAL ASSAULT EVIDENCE KIT POLICY AND FUNDING COMMITTEE ANNUAL REPORT

JANUARY 2024



SAEK Committee 2024 Sixth Annual Report

INTRODUCTION

In 2017, the General Assembly passed legislation creating the Maryland Sexual Assault Evidence Kit Policy and Funding Committee (“SAEK Committee” or “Committee”).¹ The Committee was established to develop and disseminate best practices information and recommendations governing sexual assault evidence kits (“SAEKs”) and Maryland’s overall response to sexual assault crimes.² Each year, the Committee is also required to submit an annual “report on [its] activities during the prior fiscal year to the Governor and...the General Assembly.”³ In accordance with Section 11-927(i) of the Criminal Procedure Article of the Maryland Code, the SAEK Committee submits this report which sets forth its activities during FY2023.⁴

Fiscal Year 2023 marked the SAEK Committee’s sixth year in existence. This year the Committee: (1) continued to implement the FY2018 Sexual Assault Kit Initiative (“SAKI”) grant and started implementing the FY2021 SAKI grant; (2) passed legislation related to the SAEK Committee’s work and developed task forces to implement the legislative mandates; (3) facilitated law enforcement compliance with annual reporting; and (4) developed new recommendations for the committee’s future work.

¹ See S.B. 734, Chapter 659 (2017).

² See MD. CODE ANN., Crim. Proc. § 11-927(e)(1) (West 2020).

³ Crim. Proc. § 11-927(i). For prior annual reports published by the Committee, visit the Committee’s website at: <https://www.marylandattorneygeneral.gov/Pages/Groups/SAEK.aspx>.

⁴ This report also contains information regarding the Committee’s activities in fiscal year 2023.

I. SAKI Grant Update

This year, the SAEK Committee continued to fulfill its obligations under the FY2018 and FY2021 SAKI grants. The Sexual Assault Kit Initiative Grant (“SAKI”) is a federal grant program administered by the U.S. Department of Justice’s Bureau of Justice Assistance (“BJA”).⁵ BJA provides funding to reduce the number of untested kits nationwide and help jurisdictions implement best practices and comprehensive reform in sexual assault cases.⁶ The SAKI project also seeks to provide resources to address cold case sexual assault investigations and prosecutions and improve victim⁷ notification protocols and services.⁸

Maryland first applied for SAKI grant funding in 2018. The Governor’s Office of Crime Prevention, Youth and Victim Services (“GOCPYVS”) (formerly known as the Governor’s Office of Crime Control and Prevention) applied for SAKI grant funding on behalf of the SAEK Committee. Maryland received \$2.6 million in SAKI grant funding to: (1) conduct a statewide inventory of unsubmitted⁹ kits; (2) test a portion of the unsubmitted kits; (3) establish a statewide tracking system; and (4) provide victim services.

Under the FY2018 SAKI grant, the SAEK Committee received enough funding to test approximately 1,156 kits. Recognizing that this is only a small portion of Maryland’s “backlog”¹⁰

⁵ *Bureau of Justice Assistance Sexual Assault Kit Initiative*, BUREAU OF JUSTICE ASSISTANCE, <https://bja.ojp.gov/program/saki/overview> (last visited December 1, 2022).

⁶ *Id.*

⁷ The term “victim” is used throughout this report to refer to people who have experienced sexual assault because it is a term used in relevant statutes and the criminal justice system. We appreciate, however, that many people who have suffered sexual assault prefer the term “survivor.” We respect that preference and mean no disrespect by our choice of language.

⁸ *Bureau of Justice Assistance Sexual Assault Kit Initiative*, BUREAU OF JUSTICE ASSISTANCE, <https://bja.ojp.gov/program/saki/overview> (last visited December 1, 2022).

⁹ The terms “untested” and “unsubmitted” will be used interchangeably in this report. Untested kits are kits that have not been tested. Unsubmitted kits are kits that have not been submitted to a forensic laboratory for testing.

¹⁰ Maryland does not have a backlog of untested kits in the traditional sense. There is no waitlist of kits that have been submitted, but have not been tested. Rather, the majority of untested kits are kits that law enforcement previously determined should not be tested.

of untested kits, the Committee made a commitment to seek funding until all unsubmitted kits (that require testing) are submitted for testing.

Consistent with its commitment, and assisted by GOCPYVS, the SAEK Committee submitted an FY2021 SAKI grant application. In December 2021, Maryland was awarded another \$2.5 million in SAKI grant funding to: (1) test additional SAKI grant kits; (2) hire investigators to offer investigative support to local law enforcement agencies; (3) continue to provide victim services; and (4) hire a Violent Criminal Apprehension Program (“ViCAP”)/CODIS Hit Coordinator for the State.

Both of Maryland’s SAKI grants are the result of a partnership between the SAEK Committee and multiple State agencies and organizations. GOCPYVS is administering both grants. The Office of the Attorney General (“OAG”) serves as the SAKI Site Coordinator and oversees all aspects of the grants’ implementation. Under the FY2018 grant, OAG conducted the statewide inventory of unsubmitted SAEKs.¹¹

Pursuant to the FY2021 grant funding, OAG conducted a hiring process and ultimately hired two contractual CODIS Hit/Cold Case Investigators to help law enforcement agencies conduct investigations. They joined the OAG in July of 2023, and as of November 30, 2023 have met with twenty-four (24) law enforcement agencies and one (1) hospital. As a result of these meetings, the OAG has signed Memoranda of Understanding with two (2) law enforcement agencies and the investigators have been tasked with the investigation of fifty (50) cases. They

¹¹ Unsubmitted SAEKs include all SAEKs that have not been submitted to a forensic laboratory for testing regardless of the reasons for not testing the kits.

continue to meet with law enforcement agencies and work in collaboration with the Maryland State Police (“MSP”) to identify additional law enforcement agencies that may need support.

The MSP Forensic Sciences Division, in conjunction with several local forensic laboratories¹², is facilitating the process of testing kits and uploading qualifying DNA profiles into the Combined DNA Index System (“CODIS”). In 2023, MSP also hired their ViCAP/CODIS Hit Coordinator to ensure that ViCAP entries are made and CODIS hits are tracked throughout the State. The newly hired CODIS Hit/Cold Case Investigators and ViCAP coordinators, along with representatives from MSP and OAG, are working collaboratively to ensure all CODIS hits and ViCAP entries that result from the Investigators’ work are appropriately catalogued.

The Maryland Coalition Against Sexual Assault (“MCASA”) developed and implemented the Victim Notification Protocol under the FY2018 grant. MCASA is also conducting victim notifications and providing victim services under both grants.

Under the FY2018 grant, the SAEK Committee established the necessary requirements for Maryland’s SAEK tracking system, thoroughly reviewed all available tracking systems, and worked with the Maryland Department of Information Technology (“DoIT”) to develop a plan of action to implement a commercial product. In August of 2023, the Board of Public Works approved the signing of a contract with InVita Healthcare for implementation of the statewide tracking system. InVita’s contract was signed in October of 2023.

After the signing of the contract, DoIT, GOCPYVS, OAG, and other stakeholders began conducting regular meetings with representatives from InVita to affirm that the software met all

¹² These local laboratories include: Anne Arundel, Baltimore City, Baltimore County, Montgomery County, and Prince George’s County.

procurement requirements and to develop a rollout strategy. DoIT also coordinated meetings with local stakeholders in Michigan, Massachusetts, Iowa, Texas, and Arizona to understand rollout strategies in their states and determine the best course of action for Maryland. Some Committee stakeholders will receive a demo version of the software to begin using in the first quarter of calendar year 2024.

The SAEK Committee also established SAEK policies that were consistent with the goals of the grant and necessary to successfully implement SAKI grant initiatives, such as establishing a SAKI grant testing protocol and a process for following-up on CODIS hits and investigating cold cases. For the FY2021 grant, the SAEK Committee will continue to develop SAEK policies and work with stakeholders to implement all aspects of the grant.

II. Legislative Updates

In January of 2023, the SAEK Committee, in conjunction with the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS) and their legislative partners, introduced two pieces of legislation in the Maryland General Assembly: HB758/SB789, "Sexual Assault Evidence Collection Kits - Preservation and Storage" ("SB789") and HB759/SB615, "Governor's Office of Crime Prevention, Youth, and Victim Services - Sexual Assault Evidence Collection Kit Reporting Program" ("SB615"). Both pieces of legislation were passed by the General Assembly and signed into law by Governor Moore on May 13, 2023.

A. HB758/SB789

SB789's legislation both assists the Committee in expanding retention of SAEK kits and bringing more evidence under the umbrella of SAEK kits and mandates action from the SAEK

Committee to help determine the future of commercially marketed self-administered sexual assault evidence kits.

Firstly, SB789 expanded the state's SAEK retention requirement from 20 years to 75 years. Changing this retention period moves Maryland to the top of the national leaderboard in terms of retention and allows victims who may not have been aware that their kit still existed to seek criminal-legal outcomes. The increase in retention period will also allow more time to test kits identified as part of the state's kit backlog and potentially identify serial offenders. Baltimore County's retention policy allowed for historic evidence to be tested outside the 20-year period, which led to the arrest of a serial sex offender in 2023.¹³

Secondly, the legislation expanded the definition of SAEKs to be inclusive of DNA evidence collected prior to January of 2000. This provision was meant to bring the historic evidence slides from Greater Baltimore Medical Center ("GBMC") into the definition of a SAEK, and therefore into the statewide retention requirements and new tracking system.

Finally, SB789 requires the SAEK Committee to issue a report by December 1, 2023, regarding three issues: 1) a written procedure for transfer of historic evidence kits; 2) guidance on the future of self-administered sexual assault evidence kits in the state of Maryland; and 3) in collaboration with the OAG's Consumer Protection Division ("CPD"), educating consumers about self-administered sexual assault evidence kits, including the potential benefits and pitfalls.

Pursuant to the legislation, the SAEK Committee formed a smaller subcommittee of stakeholders which included legislators, victim advocates, law enforcement, state's attorneys,

¹³ "Police arrest serial rape suspect in Baltimore County." <https://www.wbalTV.com/article/james-shipe-sr-serial-rape-suspect-arrest/44717307#>.

forensic nurse examiners, forensic labs, the Maryland Hospital Association, the Office of the Attorney General, and the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS). The group held its first meeting on May 23, 2023. Representatives from CPD first joined the subcommittee at its June 12, 2023, meeting. The subcommittee during its work also had the opportunity to meet with representatives from Leda Health, a commercial manufacturer of self-administered sexual assault evidence kits, and representatives from Pennsylvania State University's Sexual Assault Forensic Examination and Training (SAFE-T) Center and the International Association of Forensic Nursing (IAFN).

As a result of its meetings and investigation, the subcommittee submitted its timely report to the Governor and the General Assembly on December 1, 2023. A summary of the subcommittee's recommendations is attached to this report as Appendix A. The full report may be found on the committee's website.¹⁴ The SAEK Committee will work to implement these recommendations over the course of 2024 through both internal action and legislative remedies.

B. HB759/SB615

The passage of SB615 was focused on one singular goal: to provide a timeline and accountability for the purchase, regulation, and implementation of a statewide tracking system for SAEKs. Prior to the passage of SB615, GOCPYVS and the OAG had been working in coalition with a procurement committee to select a third-party vendor for the tracking system. This procurement committee began its work in 2021, and by the passage of SB615, had narrowed its choice to two vendors.

¹⁴ The SAEK Committee's website is <https://www.marylandattorneygeneral.gov/Pages/Groups/SAEK.aspx>.

A subcommittee of stakeholders was selected to provide any necessary support in the selection of the vendor, and to ultimately provide information helpful to the long-term implementation of the tracking system. That subcommittee began meeting in May of 2023.

In June of 2023, the subcommittee was advised that a final vendor had been chosen, and that the proposal was being forwarded to the Board of Public Works (“BPW”) for presentation. That proposal was approved by BPW on August 23, 2023 without opposition for a base five (5) year contract with the option for two one (1) year renewal periods. The selected vendor for the statewide tracking system is InVita Healthcare Technologies (“InVita”) through their Track-Kit Sexual Assault Kit software (“Track-Kit”).

The contract was signed with InVita in October of 2023, and OAG and GOCPYVS are working with the Department of Information Technology (“DoIT”) on a full implementation plan. This has included contract specs calls with InVita on a regular basis to ensure that all contract requirements are being met. Additionally, Representatives from OAG and GOCPYVS have been present on calls to jurisdictions currently using Track-Kit, including Texas, Arizona, Massachusetts, and Iowa to discuss their implementation plans and review documents that may be of use in Maryland’s implementation process. DoIT is also conducting meetings with stakeholders in the law enforcement and medical communities on the best route for rollout of the system in a timely manner. The steps of this rollout plan will be relayed to the subcommittee as allowed to receive feedback and ensure engagement with affected stakeholders. Full rollout of the system is expected sometime in 2024.

III. Law Enforcement Agency Reporting

The SAEK Committee also helped to facilitate law enforcement and forensic lab compliance with annual reporting this year. Each year, LEAs are required to submit a report to OAG providing the following information about the SAEKs in the LEAs custody:

- (1) The number of SAEKs in their possession as of June 30th of that calendar year.
- (2) The number of untested SAEKs in their possession as of June 30th of that calendar year.
- (3) The date each SAEK in its possession was received.
- (4) The number of SAEKs tested within the prior year as of June 30th of that calendar year.
- (5) The number of SAEKs not tested pursuant to each of the exceptions outlined in the statewide testing criteria.
- (6) The number of any other kits that were not tested and the reason why those kits were not tested.
- (7) Information about untested kit review:
 - a. The number of untested kit reviews requested during the prior year as of June 30th of that calendar year;
 - b. The written recommendation resulting from each of the untested kit reviews conducted during the prior year as of June 30 of that calendar year;
 - c. The number of sexual assault evidence collections kits tested at the recommendation of an untested kit review;
- (8) The number of kits destroyed in the prior year as of June 30th of that calendar year.

(9) The number of written requests received from victims requesting to be notified prior to the destruction or disposal of the evidence.¹⁵

In August, OAG sent an email to LEAs reminding them about this reporting requirement. As of December 29, 2023, OAG has received reports from 67 agencies and 3 letters certifying that the LEA did not have any SAEKs in their custody.¹⁶ This represents 91% of the 74 agencies that investigate sexual assaults.¹⁷ For a summary of the data reported, see Appendix B. For a list of agencies that did not submit a report, see Appendix C.

Our initial analysis of the data suggests that there have been both positive improvements and consistent shortcomings regarding LEA compliance with SAEK policies. For example, this year was one of unprecedented reporting compliance. In contrast to this year's 91% reporting rate from law enforcement, FY2022 only saw 57% of agencies reporting, and FY2021 only saw

¹⁵ COMAR 02.08.04.01(B)(1)-(9).

¹⁶The following LEAs submitted an annual report or letter: Aberdeen Police Department, Allegany County Sheriff's Office, Annapolis City Police Department, Anne Arundel Police Department, Baltimore Police Department, Baltimore County Police Department, Belair Police Department, Berlin Police Department, Boonsboro Police Department, Brunswick Police Department, Calvert County Sheriff's Office, Cambridge Police Department, Caroline County Sheriff's Office, Carroll County Sheriff's Office, Centreville Police Department, Cecil County Sheriff's Office, Charles County Sheriff's Office, Chestertown Police Department, Cumberland Police Department, Denton Police Department, Dorchester County Sheriff's Office, Easton Police Department, Elkton Police Department, Federalsburg Police Department, Frederick County Sheriff's Office, Frederick Police Department, Frostburg City Police Department, Fruitland Police Department, Garrett County Sheriff's Office, Greenbelt Police Department, Hagerstown Police Department, Harford County Sheriff's Office, Havre De Grace Police Department, Howard County Police Department, Hurlock Police Department, Hyattsville City Police Department, Kent County Sheriff's Office, Maryland Capitol Police, Maryland State Police, Maryland Transit Administration Police, Maryland Transportation Authority Police, Montgomery County Police Department, New Carrollton City Police Department, Ocean City Police Department, Pocomoke City Police Department, Prince George's County Police Department, Queen Anne's County Sheriff's Office, Ridgely Police Department, Riverdale Park Police Department, Rock Hall Police Department, Salisbury Police Department, Salisbury University Police Department, Somerset County Police Department, St. Mary's County Sheriff's Department, St. Michaels Police Department, Sykesville Police Department, Takoma Park Police Department, Talbot County Sheriff's Office, Thurmont Police Department, University of Maryland Eastern Shore Department of Public Safety, Washington County Sheriff's Office, Wicomico County Sheriff's Office, Worcester County Sheriff's Office, and Westminster Police Department.

¹⁷ Please reference the SAEK Committee's 2020 Annual Report for the complete list of agencies that investigate sexual assaults. MARYLAND SEXUAL ASSAULT EVIDENCE KIT POLICY AND FUNDING COMMITTEE, ANNUAL REPORT (2020), *available at* https://www.marylandattorneygeneral.gov/Pages/Groups/123019_SAEK_Committee_2020_Report.pdf.

59% of agencies reporting. This can be contributed to several factors, including OAG outreach at local Sexual Assault Response Team (SART) meetings across Maryland, facilitated through our partners at MCASA, as well as their support in locating the appropriate contact for each agency; law enforcement willingness to comply and understanding of the importance of the mission of the SAEK Committee; and consistent follow-up with law enforcement agencies to obtain data. We look forward to many more years of working in partnership with agencies to ensure compliance and obtain data from every agency in Maryland.

Another positive improvement is that most agencies are submitting recent kits for analysis. The agencies that submitted an annual report (or letter) reported receiving a total of 1,346 SAEKs in FY2023. Of that total, 751 kits have either been tested or submitted for testing and are awaiting results. An additional 480 kits were reported to have not been submitted for testing based on one of the four exceptions to the statewide testing criteria. Therefore, this data suggests, 91.4% of the kits collected during FY2023 were submitted for testing in accordance with the statewide testing criteria.

Although there have been improvements regarding SAEK retention and analysis, some agencies could benefit from additional training on the statewide testing criteria. Unless one of the four statutory exceptions apply, the law requires that all SAEKs be submitted for testing. The four instances when a SAEK should not be tested are: (1) there is clear evidence disproving the sexual assault; (2) the facts alleged, if true, could not be interpreted to constitute a crime of the facts alleged, if true, could not be interpreted to violate a provision of Title 3, Subtitle 2, Title 3, Subtitle 3, Title 3, Subtitle 6, or Title 11, Subtitle 3 of the Criminal Law Article; (3) the victim declined to give consent for analysis; and (4) the suspect's profile was previously uploaded into

CODIS as a convicted offender for a qualifying offense and the suspect pled guilty in the current case.¹⁸

Notwithstanding this statutory requirement, some LEAs provided additional reasons for not testing a SAEK. Of the 1,346 kits collected in FY2022, 115 kits¹⁹ were not submitted for testing based on a reason outside of the four testing exemptions. Some of the reasons provided were valid reasons such as: (1) the sexual assault occurred in another jurisdiction; (2) the case is pending an internal Untested Kit Review; and (3) the case is currently being investigated. Other reasons, however, were inconsistent with the statewide testing criteria such as: “the suspect was charged with assault;” “the victim declined to cooperate;” and the “State’s Attorney declined to prosecute.” The first reason does not constitute a valid basis not to test a SAEK. Additionally, without more information regarding the basis for the prosecutor declining to test the kit or why the victim in the case is no longer engaging with law enforcement, there is no way to determine if the basis meets one of the exemptions. Overall, most of the additional reasons provided are currently²⁰ sufficient to explain why a kit collected in FY2023 has not been submitted for analysis. The SAEK Committee will hold another training on the statewide testing criteria to ensure that all kits are submitted for testing in accordance with the testing criteria.

Discouragingly, for the first time in many years, the SAEK Committee has received information that two law enforcement agencies destroyed sexual assault evidence kits before the then 20-year retention period that met no other exceptions. One of these kits was destroyed in

¹⁸ Crim. Proc. § 11-926(e)(1)–(4).

¹⁹ There were an additional 8 kits where the LEA did not provide a reason why the kit was not tested.

²⁰ The word currently is used here to mean at the time of this report. Some of the reasons LEAs provided for not submitting a SAEK for analysis will not be sufficient as time progresses. For example, if an LEA has not submitted a kit for analysis because the case is being investigated, this reasoning may not be a sufficient basis in a few months or in a year.

FY2023 and the other destroyed in FY2021.²¹ When asked about the reason for destruction outside statutory exceptions, both departments notified the OAG that the kits had been destroyed incorrectly and both identified the destruction as “a mistake.” OAG connected both departments with MCASA to discuss how to notify the victims in these matters about the destruction of the kit and assist them in connecting with their local SART. The destruction of the kits, both of which also occurred before the prior retention period of 20 years, concerns the Committee, particularly with the increase in the retention period from 20 to 75 years, that other kits will be destroyed without meeting an exception and leave victims with no option to test their kit or obtain appropriate justice. The OAG is working with MCASA to release an FAQ document and informational fliers to help LEAs determine the appropriate time to destroy a SAEK.

With the creation of the tracking system, the SAEK Committee is hopeful that the system will allow LEAs to prepare annual reports more easily. This should improve overall compliance, fix insufficiencies concerning the required data, and minimize the burden placed on LEAs to compile these reports.

IV. MCASA Victim Notification Reporting

The Maryland Coalition Against Sexual Assault (MCASA) is responsible for conducting victim notifications to inform survivors that their case has been identified through the Maryland SAKI Project as having an untested sexual assault evidence kit (SAEK). This notification process can be initiated either before the untested SAEK is submitted for testing, known as pre-testing notification, or after the testing is completed and results are available, known as testing

²¹ The kit destroyed in FY2021 was noticed by the Committee for the first time in FY2023.

results notification. When a survivor is contacted is dependent on the case circumstances and forensic laboratory needs.

In 2020, MCASA developed a SAKI Victim Notification Protocol (“notification protocol”) to give local law enforcement agencies and victim advocates guidance on how to conduct notifications and engage survivors affected by the backlog. The notification protocol was developed with best practice recommendations, successes of other SAKI sites, and trauma-informed care in mind. As a result, the notification protocol emphasizes the importance of contacting survivors in a discrete manner that promotes privacy and safety while aiming to limit retraumatization.

MCASA recognizes that the SAKI Project is inherently retraumatizing as survivors are being reminded of a traumatic event that took place between 5 and 44 years ago²² and their original experiences reporting to law enforcement may not have been positive, especially as many survivors were left with unanswered questions for years, and in some cases, decades. In acknowledgement of this, the notification protocol highlights the importance of including a community-based advocate in the notification process and suggests that first contact with survivors should be made by an advocate. This allows the survivor to feel safe expressing any concerns or hesitation in a confidential setting prior to making any decisions regarding engaging with the SAKI Project and speaking to law enforcement. In fact, a significant number of

²² According to the BJA, the SAKI Project addresses all untested SAEKs that were collected prior to May 1, 2018. The most recent cases MCASA has received notification requests from law enforcement for are from 2018 and the oldest cases are from 1986. The oldest case from an opt-in request is 1979. MCASA assists law enforcement and survivors with cases more recent than 2018 as the notification protocol was built on principles that should be utilized in all cases, regardless of the year of the assault. The year of the assault does not affect MCASA’s ability to provide services and support.

survivors contacted by MCASA often request time to consider if they would like information about their untested kit and if they would like to speak to detectives about their case.

Once successful contact is made by an advocate, survivors are empowered to make the decision that is best for them regarding their untested kit. Each survivor is assured that they do not have to navigate the process alone and are offered the opportunity to have an MCASA SAKI Advocate provide support and to be present during any future meetings with law enforcement. Additionally, information for local support services, such as those offered by the local certified rape crisis centers, and legal support options through the Sexual Assault Legal Institute (SALI) are discussed. This ensures that survivors feel supported and have the ability to speak to an attorney, who can offer crime victims' rights representation if prosecution takes place.

Lastly, and possibly most importantly, each survivor that is contacted receives an apology for the trauma they experienced and any unanswered questions they were left with regarding their SAEK and the criminal investigation. If a survivor chooses to speak to law enforcement about their case, the notification protocol indicates that law enforcement is expected to offer the same apology. This can be a powerful and emotional moment for survivors and can help establish positive rapport and promote healing.

A. Pre-Testing Notifications

As noted earlier, pre-testing notifications occur when survivors are contacted about their untested SAEK prior to the kit's submission for testing. This contact is necessary in the following scenarios:

1. Consensual partner information is needed to help ensure that any foreign DNA obtained through testing does not belong to a consensual partner and therefore is not uploaded into CODIS.
2. The survivor needs to provide a DNA sample so their DNA profile is identifiable from a consensual partner(s) or offender(s).
3. Law enforcement plans to collect a DNA sample from a suspect or documented consensual partner. MCASA aims to inform survivors about this through the use of an advocate instead of through a consensual partner (former or current) or suspect.
4. The survivor signed a waiver of investigation or otherwise requested the investigation stop and, as a result, their SAEK was not tested.

All these scenarios can be upsetting to survivors who are contacted for pre-testing purposes. However, based on anecdotal information, notifications to request consensual partner information appear to be unnecessarily retraumatizing. Specifically, when survivors are contacted several years or decades after they reported a sexual assault and they are asked to recall any consensual sexual activity they engaged in within the 2 weeks prior to the assault and to provide consensual partner(s) information, they are often frustrated, angry, embarrassed, ashamed, and scared. Survivors often feel frustrated and angry that no one asked for the information when they reported the assault, and express a belief that, because they were not asked when they reported the assault, that law enforcement never believed them or intended to test their kit. Survivors often feel embarrassed having to recall past sexual activity and behaviors and ashamed if they cannot recall their consensual partner(s), especially if it was someone they were not involved in a relationship with. Survivors often feel scared that their former consensual partner(s) will be contacted to provide DNA samples when their relationship with the individual

may have ended years ago and that individual either did not support them in moving forward with their investigations or was never aware of the sexual assault. Due to the upsetting nature of this request, survivors often state that they do not want to engage in the SAKI Project and request that their kit not be submitted for testing.

MCASA has advocated for the consideration of testing all SAEKs prior to obtaining consensual partner information. This change could be completed by an agreement to change the current policy surrounding SAEK Kit testing for kits collected prior to 2018 and tested under the SAKI grant. This is a more trauma-informed approach that allows survivors to be informed about the testing results prior to asking about notifications. MCASA believes that if survivors in this scenario could be informed if DNA was obtained and samples are needed to help identify the offender and prevent the entry of consensual partner(s) DNA into CODIS, more survivors would engage as the testing of the kit is already completed and the results may validate their experience. Additionally, it would ensure that survivors are not retraumatized by this questioning unnecessarily as any survivor with a tested kit that does not result in the development of a DNA profile does not need to be asked about consensual partners. Approaching testing and obtaining consensual partner information in this manner could also speed up the testing process as law enforcement will not need to wait until the survivor is contacted before the kit can be submitted for testing. MCASA, MSP, and OAG have scheduled a meeting for January of 2024 to discuss this policy change.

This process of notifying a survivor about their kit and requesting consensual partner information *after* testing is completed has been adapted by the Baltimore County Police Department (“BCoPD”) for the Greater Baltimore Medical Center (“GBMC”) slides project (see Appendix A for more information regarding BoCPD’s policies related to the slides projects for

more information). This policy was implemented by BCoPD in recognition of the retruamatization asking about consensual partners may cause. MCASA will continue to urge the state of Maryland to adopt this same policy for all SAKI cases.

Survivors who are contacted to provide a DNA sample in order for testing to take place also express frustration. These survivors often feel that law enforcement never believed they were assaulted and never intended to test their kit because, from their perspective, law enforcement would have asked for this sample at the time of the report if the case was being taken seriously. Despite this frustration and sadness, survivors in these cases are often eager to reengage, especially when law enforcement is willing to make it convenient for the survivor by traveling to their home or location of choice to collect the necessary sample.

Lastly, survivors who signed a waiver of investigation form²³ or otherwise expressed a desire that the investigation stop, are contacted by an advocate. The survivors are asked by the advocate if they would like to have their SAEK tested and their investigation reopened. They can choose to have their kit tested without reopening the investigation or even wait to find out the testing result before making the decision about their investigation. Many survivors in this scenario express disbelief and confusion as they were unaware of the nature of the waiver they signed or that it meant their kit was never tested. Many of the survivors in this scenario request that their kit be tested.

²³ A form that is no longer permitted to be used in Maryland that alleviated law enforcement from their obligation to investigate and waived the survivor's right to file a civil suit against law enforcement for failing to complete an investigation.

B. Testing Results Notifications

The second category of notifications are notifications that take place after a SAEK has been tested and the testing results are available. Once contacted, the survivor is informed that their case was identified as having an untested SAEK, their kit was tested through the SAKI Project, and new information is available. Survivors are given the opportunity to decide if they would like to receive that information and engage in the project. Many survivors in these cases request time to consider how they would like to proceed.

In these cases, MCASA SAKI Advocates establish a follow-up plan with the survivor. This means that the survivor and advocate agree on a date and time for the advocate to reach out to the survivor again. In some cases, survivors request that they not be contacted, stating that they will contact MCASA when they make a decision. In either scenario, each survivor is encouraged to make the decision that is best for them and their well-being and information for referrals for support services, including legal services, are discussed, and provided.

Many survivors request that the testing results be provided by the MCASA SAKI Advocate as they are not interested in meeting with law enforcement. In these cases, the MCASA SAKI Advocate communicates with law enforcement to discuss the results and ensure the accuracy of the information provided to the survivor. In some cases, once the survivor is informed of the results, it helps them reach a decision they are confident in about meeting with law enforcement. Regardless of how the survivor receives their kit testing results, every survivor is informed that they are able to have an MCASA SAKI Advocate present for support during any meetings with law enforcement. Many survivors request this and others feel comfortable speaking to law enforcement without an advocate present. For meetings held without an advocate present, an MCASA SAKI Advocate conducts a follow-up call to check-in with the survivor and

discuss any questions they may have after meeting with law enforcement. This can be critical as survivors may not be comfortable asking law enforcement follow-up questions or they may realize they have questions after the meeting concludes.

C. Challenges

MCASA has recognized that this project is incredibly sensitive in nature and, despite all good intentions, can retraumatize survivors. That is why MCASA believes it is critical that initial contact with survivors is conducted by a confidential community-based advocate who is trained in crisis intervention, the unique nature of the SAKI Project, and the needs of sexual assault survivors. However, several agencies have not followed the SAKI notification protocol and initiated survivor contact without involving MCASA or an advocate from a local rape crisis center or comparable advocacy agency. Some agencies have also disregarded survivors' contract preferences including requests to schedule meetings in advance or have communication go through MCASA. This undermines the project goal of rebuilding trust and rapport with survivors and has resulted in survivors feeling betrayed, retraumatized, and even more reluctant to engage with the project.

While MCASA recognizes that law enforcement personnel, especially trained and experienced sexual assault investigators, are often familiar with the symptoms of trauma, potential for retraumatization, and importance of trauma-informed investigation techniques, the lack of advocate inclusion is concerning. Even if contact with the survivor is made with all the best intentions, the nature of the SAKI Project means that most survivors are not expecting to be contacted by law enforcement and, more often than not, their last interactions with law enforcement were negative. Additionally, the lack of advocate inclusion means that survivors are not given the opportunity for confidential discussions, and it is unknown what referrals law

enforcement agencies provide survivors affected by the backlog or if an apology is being offered. In fact, a couple of Maryland cases were highlighted by BJA as successful SAKI prosecutions; however, no information about the cases was provided to MCASA, and it is unknown how contact with the survivor was made or if crime victims' rights representation was offered. These elements of notification are central to MCASA's notification protocol and MCASA believes that all LEAs should make adequate attempts to include advocates in all SAKI survivor notifications to ensure that every survivor is given the same consideration and options for support including crime victims' rights representation and counseling services.

Additionally, MCASA regularly faces challenges in locating current and accurate contact information for survivors. This is often due to the time that has passed since the original report. Often phone numbers included in original case files are outdated and new searches are necessary. Most law enforcement agencies are accommodating, and detectives conducted searches for new addresses or phone numbers that they provide to MCASA SAKI Advocates. However, at least one agency has outright stated that they will not conduct new searches as they feel that it is a "waste of time" for the agency. This refusal demonstrates how some agencies fail to recognize the importance of the SAKI Project and the potential that some of these cases have for prosecution. To address this, MCASA has contracted with an investigator ("project investigator") to conduct searches for survivor contact information. The project investigator has provided MCASA SAKI Advocates with information that has led to successful contacts in 16 cases as of September 30, 2023. MCASA will continue to collaborate with the project investigator as funding allows.

While MCASA is hopeful that the SAKI Project will yield successful prosecutions that hold offenders accountable for their actions regardless of how long ago the crime took place,

MCASA has encountered significant reluctance from many law enforcement agencies to reopen and investigate SAKI cases and even consider prosecution. In fact, some agencies have stated that CODIS hits are not being considered in cases and investigations will not be reopened. MCASA urges the SAEK Committee to encourage agencies to review these cases thoroughly, with the help of the OAG SAKI Investigators as needed, and hold offenders accountable.²⁴ This includes following through on promises made to survivors contacted through the SAKI Project including honoring a prosecutor's decision to prosecute a case even if the original prosecutor assigned to the case leaves the States Attorney's Office.

D. Opt-In's

During the initial phases of the SAKI Project, MCASA established an opt-in information line and email option. This allows survivors who are unsure what happened to their SAEK to contact MCASA and initiate project engagement. This process allows the survivor to provide MCASA SAKI Advocates with their current contact information and contact preferences. Upon opting-in, all survivors complete an initial call with a SAKI Advocate to discuss their case information including year of the assault and investigating agency. Once this initial information is obtained, MCASA SAKI Advocates obtain consent from the survivor to contact the investigating agency and request information about their kit. This process empowers survivors to outline what information they would like to receive about their kit, if any. Some survivors may request that they never be contacted about their kit while others are eager to learn the status of

²⁴ SAEK Committee counsel and chair have committed to working with SAKI's Technical Assistance Provider to bring training to prosecutors in 2024. It will also work to bring similar training to law enforcement. The committee is working with MCASA to address its concerns in a timely manner.

their case. In every case, each survivor receives an apology for the years of unanswered questions and any negative experiences they may have had with the criminal justice system.

The opt-in process allows for a smoother notification process that reduces retraumatization by giving the survivor power to indicate how, when, and why they are contacted. Unfortunately, despite significant advertisement efforts on social media and a statewide billboard campaign, opt-ins have remained low. This may be because many survivors are unaware of the backlog of untested kits in Maryland or that the SAKI Project applies to them due to an inherent faith that their kit was tested. MCASA asks that partner agencies and community organizations continue to help advertise the opt-in information lines to raise awareness of the backlog of untested SAEKs and empower survivors.

E. Successes

While MCASA understands that each DNA profile uploaded into CODIS and CODIS hits are indicators of project successes, they are not the only indicators. Success should also be viewed through the lens of the survivor.

Between October 1, 2022, and September 30, 2023, MCASA successfully contacted 177 survivors about their untested SAEK and to provide information about the SAKI Project. While not all survivors were interested in engaging with the process or learning about their SAEK, a significant majority of survivors expressed gratitude for the project and appreciation for the apology provided.

MCASA has developed a survivor feedback notification survey that will be implemented in early 2024. This survey will give survivors that are contacted by an MCASA SAKI Advocate

the opportunity to provide anonymous feedback on the notification process. This feedback will be reviewed regularly by MCASA to determine any need to evaluate notification protocols and procedures, areas of improvement for law enforcement and advocates, and identify policies that have a positive impact on survivors.

Lastly, MCASA has developed positive collaborative relationships with several law enforcement agencies. In particular, the Anne Arundel County Police Department, Charles County Sheriff's Office, Howard County Police Department, and Prince George's County Police Department have embraced the notification protocol and consistently collaborate with MCASA SAKI Advocates to ensure each survivor is given equal treatment and consideration. MCASA hopes that all participating law enforcement agencies will develop similar collaborative relationships to ensure all survivors affected by the backlog receive a genuine apology for their unanswered questions and any negative experiences with the criminal justice system, have the opportunity for confidential communication through a SAKI Advocate, and receive appropriate referrals and the opportunity to obtain crime victims' rights representation. MCASA plans to engage in outreach to all law enforcement agencies in 2024 to offer assistance with notification policies.

For information and data on notifications, successful contacts, and law enforcement implementation of the notification protocol, please see appendix D.

V. Subcommittee Activities & New Recommendations for FY2023

A. Availability of Exams and Shortage of Forensic Nurse Examiners (“FNE”) Subcommittee

In FY 2023, the FNE Subcommittee continued efforts to address the FNE workforce shortage and to develop a statewide policy for drug facilitated sexual assault (DFSA) cases. This year the subcommittee also identified a need to address the proper storage of sexual assault evidence kits at hospitals prior to the transfer to law enforcement for long-term storage. After identifying these three areas of need, and the extensive discussion necessary for each topic, the FNE Subcommittee developed three working groups: SAEK Storage, DFSA, and Workforce Support. Almost all members of the subcommittee expressed interest in participating in the Workforce Support workgroup. This level of interest reflects the significant need to address the FNE shortage in Maryland and develop more structural support for FNE Programs.

i. Drug Facilitated Sexual Assault

For several years, the SAEK Committee has prioritized addressing DFSA. Previous recommendations have included providing DFSA training, implementation of a hospital DFSA guideline that reflects national clinical best practices, standardization of a reimbursement process for toxicology screening, and engaging with a nationally recognized laboratory capable of performing the appropriate toxicology testing.

This year the FNE Subcommittee made significant progress in these areas. This became a top priority for the subcommittee early in FY 2023 when the Federal Bureau of Investigation (FBI) announced that they would no longer accept local cases for DFSA testing. This impacted multiple FNE Programs in Maryland.

Several FNE programs had initiated contracts with a nationally recognized laboratory and shared positive feedback on this interaction. The co-chair of the subcommittee worked with this laboratory to schedule a virtual informational session and provide hospitals with the information needed to establish a relationship with the lab. Since this session, several hospitals have moved forward or are in the process of working with this lab for DFSA testing. For the hospitals, one of the main concerns has been assurance that the Sexual Assault Reimbursement Unit will reimburse for the full cost of testing.

The Governor's Office of Crime Prevention, Youth, and Victim Services' Sexual Assault Reimbursement Unit (SARU) has been reimbursing hospitals for outsourcing DFSA testing and is expected to continue these reimbursements moving forward. There is a need for explicit guidance on the reimbursement process, especially as more hospitals express interest in outsourcing this testing. The SARU, MHA, and MCASA should collaborate to add information to the existing "Maryland Sexual Assault Forensic Exam Reimbursement Guidance Document" and work with the SARU to modify the reimbursement forms as needed. Ensuring that hospitals across the State can offer DFSA testing for survivors is critical for ensuring access across the State. The Committee will work with the FNE Subcommittee, SARU, MCASA and MHA to begin making these modifications.

Additionally, to provide education and updated training to Maryland FNEs, law enforcement, prosecutors, and advocates, and to help inform any recommendations issued by this group, SAEK Committee member agency, MCASA, collaborated with the FNE subcommittee to host a DFSA training facilitated by FBI Senior Forensic Scientist Marc LeBeau. This training took place on October 25, 2023 and was attended by 70 Maryland professionals. Interest in this

training remains significant as the training waitlist exceeded 30 individuals. As a result, MCASA has already begun discussions with Marc LeBeau for a Spring 2024 training session.

ii. Workforce

The FNE workforce has faced shortages for many years. While this group has collaborated with the Maryland Board of Nursing (BON) to address certification delays and curriculum changes, there is a significant need for more extensive structural support.

The BON saw significant leadership changes in FY 2023 due to the passing of HB 611/SB 960, which placed the agency's infrastructure operations under the Maryland Secretary of Health. The goal of this change was to provide the BON with the support needed to streamline core functions of the Board including licensure and certification processing.

Historically, the Maryland FNE training curriculum and requirements prevented nurses who received training in a neighboring jurisdiction, such as the District of Columbia or Pennsylvania, from receiving their Maryland certification unless they also completed a Maryland specific training. This limited workforce growth from any out-of-state FNEs willing to provide services in Maryland. Further, the District of Columbia Forensic Nurse Examiners (DCFNE) frequently offers training participants scholarship opportunities. This appeals to many nurses as trainings can cost upwards of \$300 in Maryland. However, nurses taking advantage of this opportunity would often find themselves unable to practice in Maryland.

In response to these issues, the BON reviewed DCFNE's training curriculum and approved it for Maryland certifications. This will allow for nurses that complete training through DCFNE to become certified in Maryland. This subcommittee aims to request review of other training program curricula in border states such as Pennsylvania, Delaware, and West Virginia.

Given all of the changes within the Board of Nursing’s leadership and structure, the FNE Stakeholder group was put on pause. Through the FNE Subcommittee’s discussions, several areas of opportunity were identified to streamline the training requirements. The FNE Subcommittee will be advocating for this group to resume meeting in 2024. The BON has filled its position on the Committee and is actively engaged in the FNE Subcommittee.

The FNE workforce remains understaffed. In an effort to determine what tactics should be deployed to support the FNE workforce, the co-chairs of this subcommittee developed a survey. The majority of respondents selected “funding for hospitals to establish or bolster existing SAFE programs” as the most effective proposal for supporting the FNE workforce. The top two proposals that would make the greatest impact in the next six months included a marketing campaign highlighting a career as a forensic nurse examiner and providing funding for retention stipends.

The FNE subcommittee co-chairs also sent a survey to help identify what the SAFE program infrastructure and staffing structure look like across the state. Eleven respondents representing 13 hospitals completed the survey.²⁵ The survey results found that about one third of the responding programs rely on grant funding for at least 50% or more of their program costs including staffing, equipment and supplies. Five programs reported employing no full-time staff and 10 programs reported employing 5 or more per diem staff members. No programs reported performing exams or facilitating exams utilizing telehealth. Seventy percent of the respondents reported having 24/7 coverage.

Barriers to providing 24/7 coverage included the following:

- Staffing
- Funding for staffing salaries

²⁵ The survey cited was sent to 29 FNE professionals in total, making the survey return rate approximately 38%.

- On call structure- PRN staff usually have full time employment and prioritize that job, on call hours can contribute to burnout
- Reimbursement- no reimbursement for domestic violence exams which could provide more work to support full time staff
 - The staffing models ranged widely. Below are a few examples:
- In-house FNE coverage seven days a week from 7 am to 3 am
- 18+ PRN FNEs on call 24/7
- One coordinator allotted 12 hours per week with 24/7 coverage provided by PRN staff
- 24/7 coverage provided by attending physicians and resident physicians in the emergency department
- FNE coordinator employed 36 hours per week during the day with 24/7 on call coverage by 17 FNEs. Evening office hours covered by two FNEs (one 20 hours per week and the other 16 hours per week)

Each conversation the subcommittee had on continuously returned to the need for infrastructure support for hospital-based programs including funding for staffing. Without this fundamental investment, the subcommittee is concerned that scholarships and retention bonuses will not help address the root cause of the FNE shortage- a lack of full-time opportunities for FNEs in the state. This year’s recommendations include funding options to provide infrastructure support for FNE Programs.

iii. SAEK Storage

SAFE Programs in Maryland have varying levels of dedicated space, if any at all, for storing SAEKs. Some programs have multiple offices, dedicated storage areas, and private patient suite(s) while others have small, shared office spaces with exams conducted in emergency department rooms.

Subcommittee members recommended developing guidance on short-term SAEK storage in the hospital to ensure evidence integrity and privacy until the SAEK can be transferred to law enforcement. In 2024, this group will develop a model storage policy, in conjunction with prosecutors and law enforcement The subcommittee will include in this year’s recommendations

a proposal to limit the time a hospital can store a SAEK to align with national recommendations.^{26,27}

Additional needs related to the transfer process of SAEKs from a hospital to law enforcement were identified. Specifically, Maryland FNEs noted that they often face significant barriers transferring SAEKs to law enforcement agencies outside the jurisdiction where the hospital is located. These difficulties are amplified when the survivor chooses to not report to law enforcement, known as an anonymous SAEK. It has become apparent that anonymous kit transfers and storage need to be further addressed by the SAEK Committee.

With the above issue areas in mind, the FNE Subcommittee puts forth the following recommendations:

Drug Facilitated Sexual Assault

This recommendation is applicable for all patients receiving a sexual assault forensic exam, even if a patient chooses not to report to police. Additionally, the DFSA testing results can be a determining factor in a patient's decision to move forward with reporting.

- The Committee recommends that each hospital with a Forensic Nurse Examiner (FNE) program establish access to forensic toxicology testing with a Society of Forensic Toxicologists (SOFT) accredited lab.
- The Committee recommends that qualified health care providers utilize evidence based practices for drug facilitated sexual assault (DFSA) testing.
- The FNE Committee shall collaborate with the Testing and Funding Subcommittees and clinical experts to (1) establish a statewide standard for DFSA forensic toxicology specimen tracking and retention that meets state requirements and (2) put forth recommendations that address any identified statutory and regulatory gaps that preclude DFSA specimens from the tracking and retention requirements of sexual assault evidence kits, and (3) issue guidance on collection, storage requirements and funding sources.

²⁶ “SAKs should be received by the local law enforcement agency from the hospital or clinic as soon as possible, ideally, no later than three (3) business days from the collection of the kit, or as specified by statute.” [National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach \(ojp.gov\)](#)

²⁷ “It is not recommended that health care facilities hold evidence for longer than the immediate short-term, before transferring them to a law enforcement agency or crime lab for longer-term storage.” [The Earthquake in Sexual Assault Response: Implementing VAWA Forensic Compliance \(evawintl.org\)](#)

Workforce

- The Committee recommends the Health Services Cost Review Commission cover costs associated with a Forensic Nurse Examiner program, similar to how Trauma Centers receive cost credits in efficiency policies and in the annual update factor, for the purpose of off-setting additional expenses associated with this service line. This funding should support staffing and infrastructure costs for hospitals that meet minimum criteria as developed by the FNE subcommittee.
- The Committee recommends that FNE Programs meet the following criteria:
 - Have a protocol to provide timely access to a medical forensic evidentiary examination by a certified forensic nurse examiner or a qualified health care provider
 - Employs or has an ability to employ one licensed full-time forensic nurse examiner within six months to serve as a FNE program coordinator or manager by the Maryland Board of Nursing and a team of licensed forensic nurse examiners
 - Participate in the local Sexual Assault Response Team.
 - Offer access or referrals to the local certified rape crisis center (or comparable advocacy agency) for advocacy support services and provide resource information to patients as required by statute and regulation.
 - Fulfill the requirements of the Statewide SAEK Tracking System and provide short-term secure storage for sexual assault evidence kits if kits are held at the hospital prior to being transferred to law enforcement.
 - Provide an anonymous exam option for patients who do not wish to report their sexual assault to law enforcement.
 - Submit biannual data that includes availability of services to the federally recognized state sexual assault coalition and provide notification of significant changes that would impact 24/7 coverage.
 - Perform medical forensic evidentiary examination including medical evaluation, testing, and treatment, evidence collection, and related communications in a private and secure space.
 - For FNE programs serving pediatric patients:
 - Collaborate with the local child advocacy center .
 - Consider following the National Children’s Alliance Medical Standards which indicate that there should be an affiliation or linkage agreement between child advocacy centers and medical providers who are not on-site, 100% of exams diagnostic for abuse be reviewed by an advanced medical consultant and include a medical provider from the FNE program on the local multidisciplinary team.

Board of Nursing, Forensic Nursing Training and Licensure

- The FNE Subcommittee shall collaborate with the Board of Nursing’s FNE Stakeholder Group to address the workforce shortage and reduce the time from training completion to practice. This group shall review licensure and training requirements and explore best practices in other states.

Storage

- The Committee recommends FNE Programs have adequate and secure temporary storage space, and establish evidence transfer processes with law enforcement that meet state chain of custody requirements.
- The FNE Subcommittee shall collaborate with the testing subcommittee to:
 - Develop a model storage policy that meets minimum chain of custody requirements;
 - Recommend tactics to standardize law enforcement's process for transferring kits from the hospital to law enforcement; and
 - Determine what statutory, regulatory and/or infrastructure changes for anonymous kit transfers from the hospital to law enforcement including allowing for shipping to a central location. discuss amending Criminal Procedure 11-926(d)(i) to shorten the amount of time a hospital has to transfer a kit to law enforcement.

a. Testing Subcommittee

The first task of the Testing Subcommittee in 2023 was to re-initiate the subcommittee's work and begin to refine the subcommittee's priorities. Prior to the subcommittee's first meeting in August of 2023, the Testing Subcommittee had not met since August of 2022 to discuss any long-term priorities for the Committee related to the testing of SAEKs.

The subcommittee has met at least monthly since August of 2023, including attending trainings in conjunction with the SB789 Subcommittee related to TeleSAFE programming. The subcommittee has met an additional three times to discuss future priorities and plan for how those priorities will be executed in 2024. The agreed upon priorities are enumerated below.

i. TeleSAFE Programming

The SAEK Committee continues its work to increase access to all victims of sexual assault across the state of Maryland. In the Committee's work to create recommendations for the SB789 report, the Committee encountered a healthcare alternative that has begun gaining ground across the country: teleconference sexual assault forensic exams, typically called TeleSAFEs.

TeleSAFEs can be administered in a number of means, but primarily consist of a “hub” site that houses experts who provide technical assistance and peer mentorship, and “spoke” sites that receive those services and use them as a means of serving underserved communities. These underserved communities may be immigrant communities, rural communities, or communities without the expertise of a 24/7 forensic nurse examiner.

The Testing Subcommittee and the SB789 Subcommittee met with two programs providing these types of services: the Pennsylvania State University Sexual Assault Forensic Exam-Telehealth (“SAFE-T”) Center and the International Association of Forensic Nurses (“IAFN”) Office for Victims of Crime (“OVC”) TelesAFE Technical Assistance Program. Both have offered to engage with the Committee as it moves forward to launch a TeleSAFE pilot program in Maryland.

The subcommittee will work with the FNE Subcommittee in 2024 to develop recommendations and identify appropriate hub and spoke partners for Maryland’s pilot program.

ii. SAEK Transfer Timeframe – Hospital to LEA

As the SAEK Committee has begun meeting with other jurisdictions to learn more about their systems, it has become aware Maryland’s 30-day time frame for transfer of SAEKs from the hospital to law enforcement setting is much longer than the national standard. According to research conducted by MCASA, a majority of jurisdictions have a statutorily mandated 72-hour transfer window for SAEKs from the hospital of origin to law enforcement. Such a window

allows hospitals with limited storage capacity for SAEKs to move them into the custody of a law enforcement agency with a designated space for evidence storage.

The FNE Subcommittee has discussed the change in such a window in Maryland, but that conversation has only just begun. The Testing Subcommittee and the FNE Subcommittee will spend time in 2024 exploring options. This will allow both subcommittees to contribute expertise from both FNE and law enforcement professionals on how best to proceed on requesting a reduction in the statutory transfer timeframe. This would also require statutory and regulatory changes.

iii. DFSA Funding

Recommendations in line with those made by FNE Subcommittee.

b. Funding Subcommittee

Similar to the Testing Subcommittee, the Funding Subcommittee had not met in some time, and so the primary mission was to re-institute the group and begin outlining priorities for the Funding Subcommittee to work on in the coming year. The Funding Subcommittee met three times between August and November of 2023, including a meeting to identify priorities for this report.

In one of these meetings, a representative from Maryland State Police (“MSP”) identified that there had been challenges related to spending down the state-issued Sexual Assault Kit – Testing (SAK-T) funding issued by the state of Maryland for the purposes of testing SAEKs in the one-year grant period. After this identification, OAG coordinated a meeting with forensic lab directors from across the state, which took place on October 20, 2023. This meeting included lab

directors from Anne Arundel County and Baltimore City, both of whom elected not to take SAK-T Funding in FY2023 due to challenges spending that money in prior fiscal years. Both agencies said that they could use the money but felt restricted by the one-year time frame and prior late dispersals of that funding that prevented them from spending the money before the end of the fiscal year. Other labs articulated the same challenges and also stated that they wished for additional flexibility in how that funding is spent so that they could expand facilities and hire more staff with the funding.

After this meeting, OAG contacted GOCPYVS and requested a meeting with the lab directors, OAG, and GOCPYVS to see how best this fund could be utilized. That meeting took place on November 15, 2023. During that meeting, GOCPYVS explained that SAK-T is a special non-lapsing fund that would allow for either extensions or a potential change in the grant period from one to two years to allow labs to spend that money down. GOCPYVS, OAG, and the labs will continue to work together on this item to ensure that this fund is being used to its best advantage.

In addition to continued work with these entities to help with GOCPYVS spending, the Funding Subcommittee identified the following additional priorities for 2024.

i. **Centralized Anonymous Kit Storage Facility**

The subcommittee has identified the potential need for a centralized storage facility in prior annual reports. However, in those reports, no consensus had been reached regarding what types of kits would be stored in that facility and whether that type of storage would be needed at all.

After the passage of SB789 and the increase in kit retention from 20 to 75 years, the Committee began to hear additional concerns from law enforcement agencies regarding space to store kits for this length of time. This is true both for agencies who store a significant number of kits and whose kit numbers increase by hundreds of kits every year as well as agencies who have a small amount of storage but have a steady increase of kits over multiple years.

In 2023, the subcommittee conferred with both law enforcement and prosecutorial partners on the Committee to determine what types of kits would be best suited to a centralized storage facility. Prosecutorial partners expressed concern about moving kits from law enforcement possession where an active investigation or potential appeal was associated. They expressed that it would be necessary for such a kit to be accessible to attorneys.

In 2024, the subcommittee will engage with law enforcement agency partners to determine the extent of the need for offsite anonymous kit storage and identify funding sources and potential sites for such a storage facility.

ii. **Contractor Funding - Enrolling Historic Kits in Statewide Tracking System**

As noted above, the OAG, along with DoIT and GOCPYVS, have begun the implementation process for the Track-It system as required by SB615. A part of this process has been identifying what systems will need to be fully implemented to comply with SB615's mandate of enrolling all kits both before and after October 1, 2023, into the Track-Kit system. To remain in compliance with the legislation, all historic kits must be enrolled by December 31, 2025.

The subcommittee has identified the need to hire contractual workers to complete the process of enrolling all historical kits into the Track-Kit System. After discussion, it was agreed

that the OAG would work with GOCPYVS in quarter one of 2024 to identify the number of workers needed and apply for SAKI funding to hire and retain those workers.

iii. **Funding of FNE Programs**

The Funding Subcommittee fully endorses and incorporates the recommendations of the FNE Subcommittee into its recommendations for priorities in calendar year 2024.

Appendix A

Summary of Report Recommendations to Legislature & Governor's Office on SB789

Summary of SAEK Committee Report: HB758/SB789

Summary of GMBC Slides Transfer and Testing Protocol

The Baltimore County Police Department ("BCoPD") in conjunction with Greater Baltimore Medical Center ("GBMC") Pathology Department and the Baltimore County State's Attorney's Office, has developed the following protocol as a result of SB789:

1. GBMC's inventory of cases that contain slides will be broken into pre-determined batches of 250 cases, beginning with the oldest cases.
2. GBMC will provide pertinent information for each batch of cases to BCoPD for review.
3. BCoPD will confirm receipt and review with GBMC and forward this information to the Baltimore County SAO.
4. GBMC will produce "Certification of Records" forms that will be pre-populated to match the cases being subpoenaed.
5. GBMC will work internally to collect the slides, medical records, and any other associated materials.
6. GBMC will compile all items and records for each case and pre-package these items in slide cards and evidence envelopes that are provided by BCoPD.
7. The Baltimore County SAO will produce a Grand Jury Subpoena requesting each batch on a semi-weekly basis. Each subpoena will include 250 cases.
8. This subpoena will be served on GBMC.
9. GBMC will include a signed "Certification of Records" form with each case after final verification.
10. BCoPD Special Victim Unit (SVU) will respond to GBMC to collect the 250 cases.
11. BCoPD SVU will complete the evidence packaging process and submit the evidence to the Evidence Management Unit (EMU).
12. This process will be repeated semi-weekly until all cases with slides are transferred to the BCoPD.
13. This process will then continue for any cases at GBMC that do not contain slides.
14. This process will culminate with a complete transfer of all materials from GBMC to the BCoPD.

BCoPD estimates that the transfer of all slides into their possession will be completed on or around December 11, 2023. BCoPD estimates it will have all case-related materials in its possession between the end of January and middle of February of 2024.

BCoPD will begin sending cases for testing to Bode laboratory in January of 2024. It is estimated that all cases will be sent to Bode laboratory by June 2024 and testing is estimated to be completed by December 31, 2024.

This project has an estimated cost of \$2.67 million dollars, and is funded by FY2024 SAK-T funding, FY2024 BCoPD funding, and the Hackerman Foundation through Seasons of Justice.

Appendix A
Summary of Report Recommendations to Legislature & Governor’s Office on SB789

Summary of Policy Recommendations for Self-Administered Sexual Assault Evidence Kits

After review of the statute, meetings with stakeholders, and certain members of the public, the Sexual Assault Evidence Kit Policy and Funding (“SAEK”) Committee makes the following recommendations as to the future of self-administered sexual assault evidence kits in the state of Maryland:

1. Condemn any unfair, abusive, or deceptive trade practices from marketers of commercial, self-administered sexual assault kits;
2. Direct the SAEK Committee to explore the creation of a free, state-issued, self-administered sexual assault evidence kit that addresses issues such as chain of custody, survivor privacy and empowerment;
3. Design a program proposal for a pilot program for telehealth forensic exams and care for survivors of sexual assault in Maryland hospitals; and
4. In conjunction with recommendations from the Availability of Exams and Shortage of Forensic Nurse Examiners (“FNE”) Subcommittee of the SAEK Committee, support funding mechanisms to improve access to medical forensic care, including the collection of SAEKs, and support hospital programs in the hiring and retention of forensic nursing staff.

The committee commits itself to continue researching and discussing commercially marketed self-administered sexual assault kits, with a commitment to produce final recommendations related to said kits on or before April 1, 2024.

Appendix A
Summary of Report Recommendations to Legislature & Governor’s Office on SB789

Summary of Recommendations of CPD and OAG in regard to consumer education

1. Consumers should be warned about the following legal ramifications of using a self-administered sexual assault evidence kit:
 - a. As of the date of this report, it is unclear if material collected using a commercially marketed sexual assault kit would be admissible in court as evidence in a criminal trial because, among other reasons, the material is not protected by chain of custody procedures.
 - b. Commercially marketed, self-administered sexual assault kits may not be tested by law enforcement.
 - c. Commercially marketed, self-administered sexual assault evidence kits do not have the same testing and tracking requirements as SAEKs collected by a qualified healthcare provider.
 - d. Commercially marketed self-administered sexual assault evidence kits are not currently eligible to be entered into the FBI’s Combined DNA Index System (CODIS).

2. Consumers should be warned about the following potential privacy concerns when using a self-administered sexual assault evidence kit:
 - a. Direct-to-Consumer genetic testing companies that offer self-administered sexual assault kits are not medical providers. The health, genetic, or personal information obtained using self-administered sexual assault kits is not protected by the Health Insurance Portability and Accountability Act (HIPAA) of 1996.
 - b. Maryland does not currently have a general privacy law that protects genetic information or any other personal information.
 - c. Maryland’s Personal Information Protection Act requires that companies maintain reasonable security over consumer data, but companies frequently report security breaches involving stolen data.²⁸

3. Consumers should be aware of the following general pitfalls of the use of a self-administered sexual assault evidence kit:
 - a. A victim may not receive comprehensive free medical care and associated support when using a self-administered sexual assault kit.
 - b. A survivor may not have immediate access to advocacy support services.

²⁸ See, e.g., Franceschi-Bicchierai, “Lorenzo, Hacker Leaks Millions More 23andMe user records on Cybercrime Forum,” Oct. 18, 2023, available at <https://techcrunch.com/2023/10/18/hacker-leaks-millions-more-23andme-user-records-on-cybercrime-forum/> (reporting that a hacker had gained access to genetic data of millions of users and was offering it for sale online).

**Appendix B
LEA FY2022 Annual Report Data**

Law Enforcement Agency	Total Number of SAEKs (Including Tested & Untested)	Date Range for SAEKs in Agency's Custody	Total Number of Kits Collected between July 1, 2022 - June 30, 2023	Total Number of FY2023 Kits Tested July 1, 2022 - June 30, 2023	Total Number of Kits Tested in FY2023	Total Number of FY2022 SAEKs Not Tested between July 1, 2022 - June 30, 2023 Pursuant to an Exception Under the Statewide Testing Criteria	Total Number of FY2022 SAEKs Not Tested between July 1, 2022 - June 30, 2023 for Other Reasons	Total Number of SAEKs Destroyed between July 1, 2022 - June 30, 2023 Not in Accordance with the Law	Total Number of FY2022 SAEKs Pending Testing²⁹ at end of June 30, 2023
Aberdeen Police Department	56	2001 - 2023	10	6	6	3	0	0	1
Allegany County Sheriff's Office	Additional Data Needed		9	3	3	5	1	0	0
Annapolis Police Department	Additional Data Needed	2000 – 2023	12	3	3	8	1	0	0
Anne Arundel Police Department	1946	1999 – 2023	126	40	110	48	0	0	38
Baltimore City Police Department	Additional Data Needed	1995 – 2023	261	76	76	121	0	0	64
Baltimore County Police Department	1697	1992 - 2023	155	29	29	34	6	0	86
Belair Police Department	20	2014 - 2022	0	0	0	0	0	0	0
Berlin Police Department	27	2009-2020	0	0	0	0	0	0	
Boonsboro Police Department	Additional Data Needed		0	0	0	0	0	0	0
Brunswick Police Department	24	2009 – 2023	4	2	2	0	0	0	2
Calvert County Sheriff's Office	35	2018-2023	6	0	0	5	1	0	0
Cambridge Police Department	Additional Data Needed	1998 – 2023	6	3	3	1	0	0	2
Caroline County Sheriff's Office	Additional Data Needed	-2023	4	3	3	1	0	0	0
Carroll County Sherriff's Office	190	2012 - 2023	19	6	6	9	4	0	0
Centreville Police Department	Additional Data Needed	-2023	1	0	0	1	0	0	0
Cecil County Sheriff's Office	91	2010 - 2023	9	7	7	1	1	0	0

²⁹ Pending testing means that the law enforcement agency submitted the SAEK to the lab for testing and is waiting for the analysis to be completed.

**Appendix B
LEA FY2022 Annual Report Data**

Charles County Sheriff's Office	504	1992 – 2023	48	28	28	17	3	0	0
Chestertown Police Department	Additional Data Needed		0	0	0	0	0	0	0
Cumberland Police Department	82	2012 – 2023	9	1	1	5	2	0	1
Law Enforcement Agency	Total Number of SAEKs (Including Tested & Untested)	Date Range for SAEKs in Agency's Custody	Total Number of Kits Collected between July 1, 2022 - June 30, 2023	Total Number of FY2023 Kits Tested July 1, 2022 - June 30, 2023	Total Number of Kits Tested in FY2023	Total Number of FY2022 SAEKs Not Tested between July 1, 2021 - June 30, 2022 Pursuant to an Exception Under the Statewide Testing Criteria	Total Number of FY2022 SAEKs Not Tested between July 1, 2021 - June 30, 2022 for Other Reasons	Total Number of SAEKs Destroyed between July 1, 2021 - June 30, 2022 Not in Accordance with the Law	Total Number of FY2022 SAEKs Pending Testing³⁰ at end of June 30, 2022
Denton Police Department	23	2003 – 2023	2	1	1	0	0	0	1
Dorchester County Sheriff's Office	6	2009 – 2023	1	0	0	1	0	0	0
Easton Police Department	Additional Data Needed	-2023	7	2	2	3	2	0	0
Elkton Police Department	51	2002 – 2023	9	4	4	2	1	0	2
Federalsburg Police Department	0	N/A	0	0	0	0	0	0	0
Frederick County Sheriff's Department		– 2023	17	4	4	8	4	0	1
Frederick Police Department	394	1990-2023	34	13	13	10	11	0	0
Frostburg City Police Department	24	2007-2022	1	0	0	1	0	0	0
Fruitland Police Department	14	2010 – 2023	2	2	2	0	0	0	0
Garrett County Sheriff's Office	24	2013-2023	4	0	0	3	0	0	1
Greenbelt Police Department	Additional Data Needed	-2023	2	0	0	0	2	0	0
Hagerstown Police Department	119	2018 – 2023	23	8	8	4	8	0	3
Harford County Sheriff's Office	Additional Data Needed	1983 – 2023	19	4	4	12	2	0	1
Havre De Grace Police Department	51	2001-2023	3	0	0	0	3	0	0
Howard County Police Department	1013	1989 - 2023	65	27	27	12	26	0	0
Hurlock Police Department	8	2015-2023	1	1	1	0	0	0	0

³⁰ Pending testing means that the law enforcement agency submitted the SAEK to the lab for testing and is waiting for the analysis to be completed.

**Appendix B
LEA FY2022 Annual Report Data**

Hyattsville City Police Department	69	1999-2023	4	1	1	2	1	0	0
Kent County Sheriff's Office	Additional Data Needed	-2022	0	0	0	0	0	0	0
Maryland Capitol Police	Additional Data Needed		0	0	0	0	0	0	0
Maryland State Police	312	1996 – 2023	47	23	23	17	7	0	0
Maryland Transit Administration Police	Additional Data Needed		0	0	0	0	0	0	0
Law Enforcement Agency	Total Number of SAEKs (Including Tested & Untested)	Date Range for SAEKs in Agency's Custody	Total Number of Kits Collected between July 1, 2022 - June 30, 2023	Total Number of FY2023 Kits Tested July 1, 2022 - June 30, 2023	Total Number of Kits Tested in FY2023	Total Number of FY2022 SAEKs Not Tested between July 1, 2021 - June 30, 2022 Pursuant to an Exception Under the Statewide Testing Criteria	Total Number of FY2022 SAEKs Not Tested between July 1, 2021 - June 30, 2022 for Other Reasons	Total Number of SAEKs Destroyed between July 1, 2021 - June 30, 2022 Not in Accordance with the Law	Total Number of FY2022 SAEKs Pending Testing³¹ at end of June 30, 2022
Maryland Transportation Authority Police	Additional Data Needed		0	0	0	0	0	0	0
Montgomery County Police Department	2958	1979-2023	143	73	73	50	5	0	15
Ocean City Police Department	Additional Data Needed	2008 - 2023	11	7	7	4	0	0	0
Pocomoke City Police Department	4	2016 – 2022	0	0	0	0	0	0	0
Prince George's County Police Dept.	4894	1981 - 2023	173	25		60	0	0	88
Queen Anne's County Sheriff's Office	Additional Data Needed	2009 - 2023	5	0	0	1	4	0	0
Ridgely Police Department	Additional Data Needed	Additional Data Needed	0	0	0	0	0	0	0
Riverdale Police Department	0	n/a	0	0	0	0	0	0	0
Rock Hall Police Department	Additional Data Needed	Additional Data Needed	0	0	0	0	0	0	0
Salisbury Police Department	384	1987 - 2023	13	7	7	6	0	0	0
Salisbury University Police Department	4	2012 – 2019	0	0	0	0	0	0	0

³¹ Pending testing means that the law enforcement agency submitted the SAEK to the lab for testing and is waiting for the analysis to be completed.

**Appendix B
LEA FY2022 Annual Report Data**

Somerset County Sheriff's Office	6	2016 - 2023	2	0	0	1	1	1	0
St. Mary's County Sheriff's Office	184	2006 - 2022	23	13	13	6	4	0	0
St. Michaels Police Department	6	2011 - 2022	0	0	0	0	0	0	0
Takoma Park Police Department	Additional Data Needed	2007 - 2023	1	1	1	0	0	0	0
Talbot County Sheriff's Office	27	2001 - 2022	2	2	2	0	0	0	0
Thurmont Police Department	9	2013 - 2022	4	4	4	0	0	0	0
University of MD Eastern Shore Dept. of Public Safety	13	2008 - 2022	0	0	0	0	0	0	0
Washington County Sheriff's Office	85	2006 - 2022	16	11	11	2	3	0	0
Westminster Police Department	17	2001 - 2022	6	3	3	1	2	0	0
Wicomico County Sheriff's Office	134	1988 - 2023	20	1	1	11	8	1	0
Law Enforcement Agency	Total Number of SAEKs (Including Tested & Untested)	Date Range for SAEKs in Agency's Custody	Total Number of Kits Collected between July 1, 2022 - June 30, 2023	Total Number of FY2023 Kits Tested July 1, 2022 - June 30, 2023	Total Number of Kits Tested in FY2023	Total Number of FY2022 SAEKs Not Tested between July 1, 2021 - June 30, 2022 Pursuant to an Exception Under the Statewide Testing Criteria	Total Number of FY2022 SAEKs Not Tested between July 1, 2021 - June 30, 2022 for Other Reasons	Total Number of SAEKs Destroyed between July 1, 2021 - June 30, 2022 Not in Accordance with the Law	Total Number of FY2022 SAEKs Pending Testing³² at end of June 30, 2022
Worcester Sheriff's Office	35	1991 - 2023	7	1	1	4	2	0	0
Total	N/A	N/A	1346	445		480	115	2	306

Additional Data Needed

LEA only provided data for FY2022. Therefore, additional data is needed.

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Entire Report Provided Insufficient Data

³² Pending testing means that the law enforcement agency submitted the SAEK to the lab for testing and is waiting for the analysis to be completed.

Appendix C
List of Agencies Who Investigate Sexual Assaults and Did Not Submit an Annual Report

LEAs That Did Not Submit an FY2023 Annual Report

List of law enforcement agencies that did not submit an Annual Report for FY2022 but advised in 2020 that their agency investigates sexual assaults.

1	Crisfield Police Department
2	Eastern Shore Hospital Center Police Department
3	MD National Capital Park Police/ Prince George's County Division
4	Princess Anne Police Department
5	University of Maryland, Baltimore Police
6	University of Maryland, College Park Police

Appendix D
MCASA Victim Notification Reporting

MCASA Victim Notification Data

MCASA reports the following data for the SAKI grant:

Victim notification Data	2020	2021	2022³³	2023³⁴	Total
Number of successful notifications	0	21	91	114	226
Number of closed cases ³⁵	0	25	103	165	293
Number of requests from law enforcement for pre-testing purposes	32	336	76	12	456
Number of requests from law enforcement for testing results	0	102	115	89	306
Number of requests from law enforcement for other reasons ³⁶	0	2	8 ³⁷	0	10
Number of requests from law enforcement for cases more recent than April 30, 2018 ³⁸	0	1	0	2	3
Total number of requests from law enforcement	32	441	199	103	775
Number of Notification Attempts	0	149	658	844	1,651

Of the 51 law enforcement agencies that reported having untested SAEKs in their possession, 27 had engaged with MCASA for victim notification as of November 30, 2022. To date no additional agencies have engaged.

Law Enforcement Agency	Number of Notification Requests Submitted from October 1, 2022 – September 30, 2023³⁹	Number of notification requests Submitted in total⁴⁰
Aberdeen Police Department	0	5
Annapolis City Police Department	0	4
Anne Arundel Police Department	0	45
Baltimore County Police Department	10	194
Carroll County Sheriff's Office	0	20
Charles County Sheriff's Office	39	150

³³ 2022 numbers represent the calendar year, January 1, 2022 – December 31, 2022. These numbers do not match the numbers provided in the SAEK Committee 2023 Annual Report as those numbers did not include data from December 2022. Numbers provided in this report cover the full calendar year.

³⁴ Data calculated through September 30, 2023.

³⁵ Some cases may be closed without a successful notification. Examples include when notification is deemed unnecessary (i.e. offender was successfully prosecuted) or after 4 unsuccessful notification attempts were made. In cases where 4 unsuccessful notifications are made, notifications may resume at a later date or if the survivor contacts MCASA through the opt-in lines.

³⁶ Cases that are classified as “other” include cases where a pre-testing notification was submitted but upon review of the case it was determined that it was not necessary to contact the survivor before testing. In these cases, law enforcement agencies were instructed to submit the kit for testing and submit a new notification request once results are available.

³⁷ In the 2023 SAEK Committee report this number was reported as 11. This discrepancy is a result of law enforcement submitting the kit for testing and submitting a new notification request with testing results. This resulted in 2 cases being reclassified from “other” to “testing results.”

³⁸ While the SAKI grant provides funding to test untested SAEKs from cases older than May 1, 2018, MCASA can provide assistance for victim notification in cases May 1, 2018 through current in order to support efforts to prevent a future backlog from accruing and ensuring all eligible SAEKs are tested in accordance with Maryland’s SAEK testing criteria.

³⁹ Some agencies stopped engaging with MCASA for notification purposes as they sent the allotted number of kits they were provided for testing or because they have no remaining kits that require notification (e.g., Salisbury University Police Department).

⁴⁰ Data only calculated through September 30, 2023.

Appendix D
MCASA Victim Notification Reporting

Cumberland County Sheriff's Office	0	8
Easton Police Department	0	6 ⁴¹
Elkton Police Department	1	2
Frederick Police Department	7	21
Federick County Sheriff's Office	0	2
Hagerstown Police Department	0	1
Harford County Sheriff's Office	0	8
Howard County Police Department	10	160
Maryland State Police	1	30
Montgomery County Police Department	0	1
Ocean City Police Department	0	6
Prince George's County Police Department	31	61
Queen Anne's County Sheriff's Office	0	6
Salisbury Police Department	0	2
Salisbury University Police Department	0	1
St. Mary's County Sheriff's Office	1	10
Talbot County Sheriff's Office	0	9
UMBC Police Department	0	2
UM College Park Police	0	2
Washington County Sheriff's Office	2	5
Wicomico County Sheriff's Office	1	14
Total	103	775

⁴¹ The 2022 SAEK Committee report indicated that Easton PD had submitted 7 notification requests, this was an error. A total of 6 notification requests have been submitted by Easton PD.

Appendix F
SAEK Committee Membership

The Sexual Assault Kit Testing (SAKT) Grant Data

The Sexual Assault Kit Testing (SAKT) grant fund provides up to \$3.5 million in grant funding to the Maryland State Police and local law enforcement agencies to pay for the testing of sexual assault evidence collection kits (SAEKs) by forensic laboratories. Funding is limited to the testing of SAEKs collected on or after May 1, 2018. The funding can be utilized for staffing needs, laboratory supplies, outsourcing costs, equipment upgrades, and other relevant items.

The following data was collected for the last grant cycle and provided by the Governor’s Office of Crime Prevention, Youth, and Victim Services (GOCPYVS).

Law Enforcement Agency	Total Award	Total Requested	Funds Remaining	Number of kits tested from 1/1/20- 6/30/23	Total DNA profiles entered into CODIS	Number of CODIS Hits	Number of cases forwarded for Prosecution
Baltimore County Police Department	\$118,550.00	\$118,550.00	\$0.00	174	43	11	3
Maryland State Police	\$656,012.00	\$656,012.00	\$113,937.00	189	102	6	0
Montgomery County Police Department	\$354,000.00	\$354,000.00	\$0.00	497	194	61	0
Total	\$1,128,562.00	\$1,128,562.00	\$113,937.00	1658	339	78	3

GOCPYVS is currently reviewing applications to make new awards to eligible programs. Additionally, GOCPYVS is working with the Maryland State Police to modify and define data collection measures to more clearly represent the scope of the funding.

Appendix F
SAEK Committee Membership

SAEK COMMITTEE MEMBERS

Rhea Harris (Chair)	Deputy Chief of Legislative Affairs, Office of the Attorney General	Office of the Attorney General
Daniel Katz	Director	MSP - Forensic Sciences Division
Lisa Horne	Nursing Program Consultant	Department of Human Services
Kristen Lease	Crime Lab Director	Prince George's County Police Department - Forensic Science Division
Jessica Volz ⁴²	Forensic Nurse Coordinator	Adventist Healthcare Shady Grove Medical Center
Laura Jessick	SAKI Victim Notification Project Manager	Maryland Coalition Against Sexual Assault
Scott Shellenberger	State's Attorney	Baltimore County
Heather Amador	Director of Victim Services Policy and Programs	Governor's Office of Crime Prevention, Youth, and Victim Services
Barbara Darley	Director of Victim Compensation and Direct Services	Governor's Office of Crime Prevention, Youth, and Victim Services
Sarah Chenoweth	DNA Technical Leader	Anne Arundel County Crime Laboratory
Carolyn Bailey	Director of Licensure	Maryland Board of Nursing

⁴² Dr. Volz was appointed as a replacement for Dr. Pamela Holtzinger, who left her position with Frederick Memorial on November 17, 2023. Dr. Volz's appointment will be effective through June 30, 2027.

Appendix F
SAEK Committee Membership

EX-OFFICIO MEMBERS

Senator Shelly L. Hettleman	Senator and Member, Budget and Taxation	Maryland Senate
Senator Ariana B. Kelly	Senator and Member of Judicial Proceedings	Maryland Senate
Delegate J. Sandy Bartlett	Delegate and Member, House Judiciary	Maryland House of Delegates
Open Seat ⁴³	Delegate and Member, House Appropriations	Maryland House of Delegates

ADVISORY MEMBERS

Argi Magers	Forensic Scientist Manager, Biology Section	MSP - Forensic Sciences Division
Captain Brian Edwards	Commander of the Training Division	Baltimore County Police Department
Jane Krienke	Legislative Analyst	Maryland Hospital Association
Jessica Volz	Clinical Director of Forensics, Forensic Medical Unit	Adventist Healthcare Shady Grove Medical Center

⁴³ Delegate Shaneka Henson is no longer on the SAEK Committee. This seat remains open and waiting an appointee from the House of Delegates' House Appropriations Committee.

Appendix F
SAEK Committee Membership

Kaitlyn Huber	Sexual Assault Response Team (SART) Coordinator	Rape Crisis Intervention Service of Carroll County
Michelle Groves	CODIS State Administrator	Maryland State Police

STAFF

Zenita Wickham Hurleyappend (Former Chair)	Chief, Office Of Equity, Policy, and Engagement	Office of the Attorney General
Carisa Hatfield (Committee Counsel)	Assistant Attorney General, Civil Rights, Office of the Attorney General	Office of the Attorney General
Ron Levitan	Counsel, State Police, Office of the Attorney General	Office of the Attorney General