

# MARYLAND SEXUAL ASSAULT EVIDENCE KIT POLICY AND FUNDING COMMITTEE

## ANNUAL REPORT

JANUARY 2023



## **SAEK Committee 2023 Fifth 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”).<sup>1</sup> 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.<sup>2</sup> 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.”<sup>3</sup> 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 FY2022.<sup>4</sup>

Fiscal Year 2022 marked the SAEK Committee’s fifth 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) facilitated law enforcement compliance with annual reporting; (3) developed new recommendations; and (4) evaluated the SAEK Committee’s progress over the past 5 years.

#### **I. SAKI Grant Update**

This year, the SAEK Committee continued to fulfill its obligations under the FY2018 SAKI grant and started implementing the FY2021 SAKI grant. SAKI is a federal grant program

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<sup>1</sup> See S.B. 734, Chapter 659 (2017).

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

<sup>3</sup> 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>.

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

administered by the U.S. Department of Justice’s Bureau of Justice Assistance (“BJA”).<sup>5</sup> BJA provides funding to reduce the number of untested kits nationwide and help jurisdictions implement best practices and comprehensive reform in sexual assault cases.<sup>6</sup> The SAKI project also seeks to provide resources to address cold case sexual assault investigations and prosecutions and improve victim<sup>7</sup> notification protocols and services.<sup>8</sup>

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 unsubmitted<sup>9</sup> 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”<sup>10</sup> of untested kits, the Committee made a commitment to seek funding until all unsubmitted kits (that require testing) are submitted for testing.

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

<sup>6</sup> *Id.*

<sup>7</sup> 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.

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

<sup>9</sup> 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.

<sup>10</sup> 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.

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.<sup>11</sup> For the FY2021 grant, OAG will hire contractual CODIS Hit Investigators to help law enforcement agencies conduct investigations.

The Maryland State Police (“MSP”) Forensic Sciences Division in conjunction with several local forensic laboratories<sup>12</sup> is facilitating the process of testing kits and uploading qualifying DNA profiles into the Combined DNA Index System (“CODIS”). MSP is also responsible for hiring the ViCAP/CODIS Hit Coordinator to ensure that ViCAP entries are made and CODIS hits are tracked throughout the State.

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<sup>11</sup> 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.

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

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. 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.

#### **A. SAKI Inventory Results Including Partially Tested Kit Data**

Each SAKI grant recipient is required to conduct an inventory of unsubmitted kits as a condition to access the full SAKI grant funding. OAG conducted a manual inventory and hired six investigators to travel to each law enforcement agency (“LEA”) in possession of one or more unsubmitted SAEKs to capture all data required under the grant.

Maryland began its inventory in March 2019, but encountered challenges that delayed the inventory’s progress. Those challenges include obtaining partially tested kit data, delays related to COVID-19, and internal personnel matters at several local LEAs. Please reference the SAEK Committee’s previous reports for more information about how OAG revised its inventory plan to address each challenge encountered throughout the inventory process.

Maryland officially completed its SAKI grant inventory in May 2022. Maryland’s inventory includes all unsubmitted kits that were obtained by an LEA on or before April 30, 2018—the month when Maryland applied for SAKI grant funding. The inventory data varies for several reasons, including each agency’s retention policy. The state’s 20-year retention policy mandate was implemented in 2017.<sup>13</sup> Prior to this requirement, each jurisdiction set its own policy for retaining untested SAEKs. Some agencies retained kits for longer than 20 years, while others destroyed kits within a shorter timeframe. For example, the Montgomery County Police Department’s (“MCPD”) policy is to retain all untested kits indefinitely. Therefore, MCPD’s number of untested kits is higher when compared to other agencies. The agencies that had shorter retention policies will have fewer untested kits compared to other agencies with longer retention policies. The inventory data should be viewed within this context.

Maryland’s complete SAKI inventory data is set forth in the table below. The inventory data is a snapshot of Maryland’s “backlog” of untested kits on or before April 30, 2018. In the four years since Maryland first obtained SAKI grant funding, some agencies have begun the process of testing kits using SAKI grant funding and other funding sources. Consequently, many of the unsubmitted kits reflected in the inventory have now been tested or are in the process of being tested. These totals also include anonymous kits<sup>14</sup> and kits that may be deemed unfounded and are ineligible for testing under the statewide testing criteria.<sup>15</sup>

<b>Law Enforcement Agency</b>	<b>Total # Unsubmitted Kits</b>	<b>Total # of Partially Tested Kits</b>
Aberdeen Police Department	19	0

<sup>13</sup> MD. CODE ANN., Crim. Proc. § 11-926(d)(2) (West 2017).

<sup>14</sup> Anonymous kits are kits where a victim of sexual assault remains anonymous and does not report the sexual assault to law enforcement for criminal investigative purposes, but received a sexual assault forensic exam for evidence collection and healthcare purposes.

<sup>15</sup> Crim. Proc. § 11-926(e)(1)–(4).

<b>Law Enforcement Agency</b>	<b>Total # Unsubmitted Kits</b>	<b>Total # of Partially Tested Kits</b>
Allegany County Sheriff's Office	11	0
Annapolis Police Department	70	1
Anne Arundel County Police Department	688	263
Baltimore City Police Department	857	0
Baltimore County Police Department	514	68
Bel Air Police Department	2	1
Berlin Police Department	19	0
Brunswick Police Department	10	0
Cambridge Police Department	76	5
Carroll County Sheriff's Office	83	0
Cecil County Sheriff's Office	35	10
Charles County Sheriff's Office	236	34
Chestertown Police Department	14	1
Crisfield Police Department	6	3
Cumberland City Police Department	18	0
Denton Police Department	7	0
Dorchester Police Department	3	0
Easton Police Department	58	2
Elkton Police Department	12	0
Frederick City Police Department	130	28
Frederick County Sheriff's Office	28	4
Fruitland Police Department	1	0
Garrett County Sheriff's Office	2	0
Greenbelt Police Department	1	0
Hagerstown Police Department	11	2
Harford County Sheriff's Office	64	1
Havre de Grace Police Department	25	0
Howard County Police Department	548	17
Hurlock Police Department	1	0
Hyattsville Police Department	37	0
Maryland State Police Department	64	8
Montgomery County Police Department	838	83
New Carrollton Police Department	1	0
Ocean City Police Department	83	3
Pocomoke City Police Department	2	0
Prince George's County Police Department	1863	72
Queen Anne's County Sheriff's Office	9	0
Salisbury Police Department	173	110
Salisbury University Police Department	1	0
St. Mary's County Sheriff's Office	87	3
St. Michaels Police Department	2	1
Takoma Park Police Department	10	0

<b>Law Enforcement Agency Cont.</b>	<b>Total # Unsubmitted Kits</b>	<b>Total # of Partially Tested Kits</b>
Talbot County Sheriff's Office	16	0
Thurmont Police Department	2	1
UMBC Police Department	4	0
University of Maryland College Park	5	0
University of Maryland Eastern Shore	11	0
Washington County Sheriff's Office	7	0
Wicomico County Sheriff's Office	53	4
Worcester County Sheriff's Office	1	0
<b>Total</b>	<b>6,818</b>	<b>725</b>

<b>Hospital</b>	<b>Total # Unsubmitted Kits</b>
Adventist HealthCare Shady Grove Medical Center	27
Atlantic General Hospital	3
University of Maryland Medical Center	8
University of Maryland Prince George's Hospital Center	3
Meritus Medical Center	3
<b>Total</b>	<b>44</b>

<b>Total Number of Unsubmitted &amp; Partially Tested Kits in Maryland</b> (On or before April 30, 2018)	<b>7,587</b>
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### **B. SAKI Grant Testing**

Bode Technology—a company that provides forensic DNA analysis services and helps agencies across the United States clear backlogs of untested sexual assault evidence kits<sup>16</sup>—is testing Maryland’s SAKI grant kits. MSP negotiated a contract with Bode to outsource testing at a rate of approximately \$1,000 per kit. Under the FY2018 SAKI grant, Maryland will be able to

<sup>16</sup> BODE TECHNOLOGY, *DNA Forensic Services*, BODE TECH (Dec. 6, 2022, 11:02AM), <https://www.bodetech.com/dna-forensic-services>.



test 1,156 kits. Under the FY2021 grant, Maryland will be able to test approximately 1,000 kits. In total, we will be able to test approximately 2,156 SAKI grant kits.

Agencies are required to submit kits for testing based on the date of the offense with the more recent cases being tested first. Anonymous kits will not be tested. There are additional guidelines regarding unfounded cases and cases where the offender’s DNA is already in CODIS. Please reference the “SAKI Grant Testing Order & Protocol” for additional information regarding which kits will be submitted for testing. This document was published in 2020 and is available on the SAEK Committee’s webpage.<sup>17</sup>

Listed below is a general overview of the SAKI grant testing results.

<b>Maryland SAKI Grant Testing Data</b>	
Number of SAEKs Submitted for Testing	758 <small>(Current through 11/10/22)</small>
Number of SAEKs Tested	639 <small>(Current through 11/30/22)</small>
Number of DNA Profiles Uploaded into CODIS <sup>18</sup>	145 <small>(Current through 09/30/22)</small>
Number of CODIS hits	24 <small>(Current through 09/30/22)</small>

### **C. Victim Notification**

MCASA is responsible for conducting victim notifications and providing victim services under both the FY2018 and FY2021 SAKI grants. In 2020, MCASA developed the SAKI Victim

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<sup>17</sup> SAEK Committee, *SAKI Grant Testing Order & Protocol* (2020), <https://www.marylandattorneygeneral.gov/Pages/Groups/SAKI%20Grant%20Handout%20-%20Testing%20Order%20and%20Protocol.pdf>.

<sup>18</sup> DNA profiles may have been produced from the additional 494 kits that have been tested. However, the results of the tests may be in the review process and have not been uploaded into CODIS. As such, this number does not mean that there were no DNA profiles produced from the other kits that have been tested.

Notification Protocol (“The protocol”) to give local LEAs and victim advocates guidance on how to conduct victim notifications—the process of contacting a victim to advise them about information concerning their untested SAEK. The protocol emphasizes the importance of conducting victim notifications in a manner that is trauma-informed and victim centered. The protocol also outlines how and when survivors will be contacted about their kit. The Victim Notification Protocol was approved by BJA.

MCASA temporarily postponed victim notifications during the COVID-19 pandemic in acknowledgement of survivor privacy and safety concerns. MCASA began conducting notifications in 2021. Notifications occur for two main reasons: pre-testing purposes or to provide testing results.

#### **a. Pre-Testing Notifications**

Pre-testing notifications are notifications that occur before the kit is tested. Pre-testing notifications are necessary when additional information is needed from the survivor before the kit can be tested by the lab. There are three main scenarios requiring pre-testing notification. The first relates to identifying consensual partners.<sup>19</sup> In most cases, this requires victim advocates to contact the survivor and ask if they had any consensual partners within the two weeks before the assault. It is best practice to obtain this information from the victim during the sexual assault forensic exam (“SAFE”) or initial law enforcement interviews. The SAKI project revealed that these necessary inquiries were not always made. Consequently, MCASA must now contact survivors to inquire about consensual partners years after the sexual assault occurred. Unfortunately, due to the lapse in time, many survivors are unable to recall if they engaged in consensual sexual activity two

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<sup>19</sup> Information related to consensual partners is collected to rule any consensual partners out as perpetrators and ensure that their DNA is not uploaded into CODIS.

weeks before the assault. Fortunately, if a survivor is unable to recall if they had any consensual partners, the kit can still be tested.

Being contacted about consensual partners can be uncomfortable for survivors and may also retraumatize and discourage them. Some survivors question why this information was not previously requested. Some survivors believe that there was never any intent to test their kit. MCASA is currently exploring ways to change when the discussion regarding consensual partners occurs. Since testing may proceed if a survivor does not recall if they had consensual sexual relations prior to the assault, it would be reasonable and trauma-informed to proceed with testing in all cases. Information about consensual partners could then be obtained after the kit is tested.

Pre-testing notifications are also conducted in cases where a survivor signed a waiver of rights form<sup>20</sup> or otherwise indicated they wanted the investigation to stop. During these notifications, survivors may ask questions about the waiver that they signed and are given an opportunity to change their mind about participating in the investigation. Survivors have reported that they were unaware that signing the waiver meant their kit would not be tested. Many survivors believed that law enforcement exhausted all investigative avenues before presenting the survivor with a waiver, and never considered that their kit was not tested. In contrast, there are survivors that voluntarily requested that law enforcement cease the investigation and knew that signing a waiver or requesting that the investigation cease meant their kit would not be tested. In this

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<sup>20</sup> “Waivers of rights forms” are forms that LEAs used to document a sexual assault victim’s decision to no longer participate in the investigation or prosecution of their alleged sexual assault. In these forms, victims would waive their right to have their claims investigated and the right to file a civil suit against the LEA for failing to complete an investigation. Use of these forms was prohibited on October 1, 2020 under MD. CODE ANN., Crim. Proc. § 11-929(b)(1)-(4) (West 2020).

scenario, some survivors stand by their original decision not to have their kit tested, while others have considered moving forward with their case now that many years have passed.

The last pre-testing notification scenario is for cases where the survivor's DNA sample is needed because it was not obtained at the time of the original investigation. A survivor's DNA sample is necessary for the lab to compare the DNA sample with any DNA profiles generated from the evidence. This may allow the lab to identify the DNA profile that belongs to the perpetrator. Typically, the survivor's DNA is collected via a small blood sample during the SAFE. In many SAKI grant cases, these samples were never collected. Consequently, survivors must physically meet with law enforcement to provide a DNA sample in order to proceed with testing. Some survivors believe that because their DNA samples were not originally collected, their claims were not taken seriously or law enforcement did not believe them. Some survivors face barriers, like transportation concerns, childcare needs, and work obligations, that make the process of providing a DNA sample difficult, costly, and time consuming. These difficulties are especially apparent for survivors that now live out of state. Several LEAs that have reported encountering these challenges, including the Baltimore County Police Department and Frederick Police Department, have offered to accommodate these survivors by travelling to the survivor's location or collaborating with the LEA local to the survivor.

#### **b. Testing Result Notifications**

The second category of notifications occur when testing is complete and results are available. For these cases, law enforcement will provide MCASA with the survivor's contact information and MCASA will contact the survivor. While speaking with the survivor, MCASA SAKI Advocates do not discuss details of the testing results or next steps in an investigation because this is the role of law enforcement. Instead, each survivor is given the opportunity to meet

with law enforcement and are given the option to have an advocate present. During the actual meeting, survivors can discuss the testing results, ask questions about their case, determine next steps, and receive an apology from law enforcement. Under this SAKI project, survivors also have the ability to consult with a crime victims' rights attorney before or after their meeting with law enforcement.

### **c. Universal Victim Notification Protocols**

Each time a survivor is contacted, regardless of the type of notification (i.e., pre-testing or test result), they are given an overview of the SAKI project. An MCASA SAKI Advocate will also provide an apology for any unanswered questions and any previous negative experience when the survivor originally reported the sexual assault. Survivors are also given an opportunity to meet with law enforcement and are provided access to a SAKI crime victims' rights attorney. Each survivor can request the presence of an MCASA SAKI Advocate during a law enforcement meeting or they can speak with law enforcement independently. These meetings should be held in the manner that the survivor is most comfortable. Most meetings are conducted via phone or a virtual meeting platform. However, some notifications have taken place in person, especially in cases where a survivor's DNA sample is needed.

It is during these meetings that law enforcement usually provides an apology to the survivor. Some agencies have embraced this apology and observed how powerful it is for survivors. However, some agencies have expressed an unwillingness to apologize and have not offered an apology during meetings. This can leave survivors feeling like they are receiving the same treatment that they previously received from law enforcement. Many are left feeling like they are still not believed and their feelings of being mistreated are not validated. MCASA remains adamant that the offering of an apology, by both advocates and law enforcement, is critical to

rebuilding relationships with survivors and the community, and demonstrating that Maryland LEAs have adopted new and improved approaches to sexual assault investigations.

Overall, MCASA has seen a range of responses from survivors affected by the backlog of untested kits in Maryland. Although almost all survivors have expressed gratitude for the notification efforts made by MCASA and acknowledge the importance of the project, not all survivors are interested in reengaging. Some individuals' life circumstances have changed, and they are not interested in reopening old wounds. Others report feeling so discouraged by their original experience, that they are reluctant to reengage. Some request time to consider how they would like to proceed. Regardless of their decision, survivors are always offered continued support services from MCASA, including referrals to the local rape crisis centers and an opportunity to meet with the SAKI project attorney to discuss legal options. Survivors may also request regular follow-up calls at specific intervals.

#### **d. Challenges to Protocol Implementation**

MCASA has encountered two main obstacles while implementing the protocol. First, some LEAs have been reluctant to provide information and resist involvement by the SAKI advocates. It is crucial, however, for survivors to have the confidentiality protections that a non-government advocate can provide as well as access to SAKI's crime victim rights attorney. This is one of the strengths of the Maryland project, and other states have been encouraged to use this model. SAKI advocates have devoted considerable time to educating law enforcement about the SAKI project and Victim Notification Protocol and worked to establish positive relationships. Notwithstanding, some LEAs have not yet worked with MCASA in accordance with the protocol.

Second, contact information for survivors is often out-of-date. Next year MCASA will continue conducting victim notifications and will seek to increase the number of successful contacts by collaborating with a private investigations agency to help locate accurate and up-to-date contact information for survivors. Additional efforts will be made to educate the community about the SAKI project and the state's efforts to improve sexual assault response and SAEK testing. This will include further advertisement of the survivor opt-in notification lines, a phone line, and email support option that allows survivors to contact an advocate if they have questions about their kit. These opt-in lines give survivors the ability to initiate contact with an advocate first and get connected to services they may be eligible for immediately. MCASA encourages partner agencies and Maryland service providers to help advertise the opt-in lines through use of the SAKI digital toolkit, printed SAKI flyers (available at no cost), and distribution of the SAKI Victim Notification brochure (also available at no cost). The opt-in lines have also been advertised via billboards, social media, and outreach to a wide range of community and victim services groups. This outreach will increase in the coming year.

For a detailed view of the progress MCASA SAKI Advocates have made on notifications, and the participation of local LEAs in this process, see Appendix A.

#### **D. SAEK Tracking System**

The SAEK Committee is responsible for selecting the statewide tracking system that will be implemented pursuant to the SAKI grant. In 2019, the Governor identified GOCPYVS as the host agency for Maryland's tracking system.<sup>21</sup> GOCPYVS and the Committee began working with

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<sup>21</sup> Prior to this designation, the SAEK Committee originally recommended that the Maryland State Police serve as the host agency for the Statewide Tracking System. This recommendation was consistent with other jurisdictions, as the State Police is typically the host agency in other states.

DoIT to determine the technological requirements to launch and maintain a statewide tracking system. Led by DoIT, the SAEK Committee reviewed various tracking systems including STACS DNA Track-Kit System, Portland's Sexual Assault Management System ("SAMS"), Idaho's tracking system, and Forensic Advantage.

DoIT conducted a presentation on each tracking system. The presentation analyzed the SAEK Committee's articulated tracking system requirements in relation to each system's capabilities. DoIT went through the requirements and explained whether each tracking system met the requirements or did not meet the requirements. DoIT also conducted a cost analysis for each system.

After the presentation, the Committee was given an opportunity to discuss and ask questions. The Committee ultimately reached a consensus to proceed with a commercial solution to be acquired consistent with Maryland procurement law.

To start the procurement process, GOCPYVS worked with DoIT and the Office of State Procurement to develop a request for proposal ("RFP"). The RFP for the statewide tracking system was published on October 7th. All proposals were due by December 9, 2022.

GOCPYVS worked with the SAEK Committee to assemble a Review Committee to review and score the proposals. The Committee consists of representatives from the SAEK Committee in each of the following roles: prosecutor, law enforcement officer, victim advocate (to represent the victim), forensic nurse examiner, and forensic laboratory personnel. These representatives include each of the end-users that will access the tracking system. The victim advocate role on the Review



Committee will serve to represent the view of sexual assault victims, who must have access to the system pursuant to Section 11-927(e)(1)(vii) of the Criminal Procedure Article.<sup>22</sup>

In 2023, after selecting a proposal/company to develop the tracking system, GOCPYVS will work to implement and rollout the system. GOCPYVS plans to host trainings throughout the state to instruct end-users how to access and input data into the system. To ensure that all necessary end-users participate in the tracking system, the SAEK Committee plans to introduce legislation during the 2023 Legislative Session that would require participation by all necessary end-users: prosecutors, Forensic Nurse Examiners (FNEs), law enforcement, and forensic lab personnel.

## **II. Law Enforcement Agency Reporting**

In addition to implementing the SAKI grant, the SAEK Committee also helped to facilitate law enforcement compliance with annual reporting. 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 30<sup>th</sup> of that calendar year.
- (2) The number of untested SAEKs in their possession as of June 30<sup>th</sup> 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 30<sup>th</sup> 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 30<sup>th</sup> of that calendar year;

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<sup>22</sup> MD. CODE ANN., Crim. Proc. § 11-927(e)(1)(vii) (West 2020).

- 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.<sup>23</sup>

In August, OAG sent an email to LEAs reminding them about this reporting requirement. As of December 29, 2022, OAG has received reports from 40 agencies and 2 letters certifying that the LEA did not have any SAEKs in their custody.<sup>24</sup> This represents 57% of the 74 agencies that investigate sexual assaults.<sup>25</sup> 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. One positive improvement is that all LEAs that submitted a report, demonstrated compliance with the 20-year

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<sup>23</sup> COMAR 02.08.04.01(B)(1)-(9).

<sup>24</sup>The following 41 LEAs submitted an annual report or letter: Aberdeen Police Department; Annapolis Police Department; Anne Arundel Police Department; Baltimore City Police Department; Baltimore County Police Department; Belair Police Department; Brunswick Police Department; Cambridge Police Department; Carroll County Sheriff's Office; Cecil County Sheriff's Office; Charles County Sheriff's Office; Cumberland Police Department; Denton Police Department; Dorchester County Sheriff's Office; Elkton Police Department; Federalsburg Police Department; Frederick Police Department; Fruitland Police Department; Garrett County Sheriff's Office; Greenbelt Police Department; Hagerstown Police Department; Harford County Sheriff's Office; Howard County Police Department; Maryland State Police; Montgomery County Police Department; Ocean City Police Department; Pocomoke City Police Department; Prince George's County Police Department; Queen Anne's County Sheriff's Office; Salisbury Police Department; Salisbury Police Department; Salisbury University Police Department; St. Mary's County Sheriff's Office; St. Michaels Police Department; Takoma Park Police Department; Talbot County Sheriff's Office; Thurmont Police Department; UMBC Police Department; University of MD Police College Park; Washington County Sheriff's Office; Westminster Police Department; Wicomico County Sheriff's Office; and Worcester County Sheriff's Office.

<sup>25</sup> 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](https://www.marylandattorneygeneral.gov/Pages/Groups/123019_SAEK_Committee_2020_Report.pdf).

SAEK retention requirement. No kits were destroyed by reporting agencies between July 1, 2021, and June 30, 2022.

Another positive improvement is that most agencies are submitting recent kits for analysis. The 42 agencies that submitted an annual report (or letter) reported receiving a total of 1,135 SAEKs in FY2022. Of that total, 615 kits have either been tested or submitted for testing and are awaiting results. An additional 395 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, 89% of the kits collected during FY2022 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 sexual assault; (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.<sup>26</sup>

Notwithstanding this statutory requirement, some LEAs provided additional reasons for not testing a SAEK. Of the 1,135 kits collected in FY2022, 117 kits<sup>27</sup> 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

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<sup>26</sup> Crim. Proc. § 11-926(e)(1)–(4).

<sup>27</sup> There were an additional 8 kits where the LEA did not provide a reason why the kit was not tested.

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” 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, there is no way to determine if the basis meets one of the exemptions. Overall, most of the additional reasons provided are currently<sup>28</sup> sufficient to explain why a kit collected in FY2022 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.

In addition to improving compliance with the testing criteria, there is also significant room for improvement concerning submission of the annual reports. Last year, 59% of LEAs that investigate sexual assaults submitted an annual report. This year, only 57% of LEAs submitted an annual report. Without statewide compliance with the reporting requirements, there is no way for OAG or the SAEK Committee to obtain a complete accounting of the total number of tested and untested kits within the State. Additionally, some annual report submissions did not include all required data. For example, some agencies did not provide information about all SAEKs in their custody including tested and untested kits. One agency submitted a report that only included information about untested kits. OAG will follow-up with these agencies as well as the agencies that did not submit a report to resolve any discrepancies and increase compliance.

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<sup>28</sup> 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.

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

### **III. Subcommittee Activities & New Recommendations for FY2023**

The SAEK Committee is organized into three Subcommittees: (1) Testing, Retention, Tracking, and Victim Notification Subcommittee (“Testing Subcommittee”); (2) Availability of Exams and shortage of Forensic Nurse Examiners Subcommittee (“FNE Subcommittee”); and (3) Funding Subcommittee. Throughout FY2022, the Subcommittees worked together to plan and host the SAEK Committee’s Dialogue Series. Additionally, the FNE Subcommittee developed new recommendations for implementation in FY2023.

#### **A. SAEK Committee’s 3-Part Dialogue Series**

The SAEK Committee hosted a 3-part Virtual Dialogue Series to promote compliance with recent SAEK policies and address additional areas where SAEK reform is needed. The Dialogue Series covered the following topics: (1) Storing and Transferring SAEKs; (2) The SAKI Grant & Effective Collaboration; and (3) Drug-Facilitated Sexual Assault. The Committee invited experts and practitioners in the field to offer their input and, where necessary, offer solutions to resolve these matters. A summary of each Dialogue Series session is outlined below. The Committee will work to address any unresolved matters in FY2023.

## **a. Storing & Transferring SAEKs**

On August 26, 2022, the SAEK Committee hosted the first installment of its Virtual Dialogue Series. We discussed issues related to transferring SAEKs to out-of-state and local jurisdictions. The Committee also discussed establishing a storage facility to store the State's anonymous kits. A detailed summary of the discussion is outlined below.

### **1. Transferring SAEKs to Out-of-State Jurisdictions**

The discussion stemmed from complaints the Committee received from Maryland's FNEs. Under Section 11-926(d)(1)(i) of the Criminal Procedure Article, a hospital or child advocacy center must transfer SAEKs to law enforcement agencies within 30 days.<sup>29</sup> In order to transfer kits, hospitals and child advocacy centers must notify the LEA that is responsible for investigating the sexual assault (if the agency is known).<sup>30</sup> If the agency responsible for investigating the sexual assault is unknown, then the kit should either be transferred to the LEA in the county where the hospital or child advocacy center is located or where the sexual assault occurred.<sup>31</sup>

Some Maryland FNEs indicated that they were unable to meet the 30-day transfer requirement due to difficulties related to transferring kits to both out-of-state and local jurisdictions. Specific to out-of-state jurisdictions, FNEs reported having difficulties transferring anonymous kits—kits where a victim of sexual assault remains anonymous and does not report the sexual assault to law enforcement for criminal investigative purposes—to the District of Columbia and Virginia. To help resolve this matter, the SAEK Committee invited representatives from DC

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<sup>29</sup> See MD. CODE ANN., Crim. Proc. § 11-926(d)(1)(i) (West 2017); *see also* COMAR 02.08.01.04(A)(1).

<sup>30</sup> COMAR 02.08.01.04(A)(4).

<sup>31</sup> COMAR 02.08.01.04(A)(5).

and Virginia to discuss ways to facilitate transferring anonymous kits if the assault occurred in their jurisdiction, but the victim obtained the exam here in Maryland.

Both DC and Virginia sent representatives to participate in the Dialogue Series. Representatives from the Virginia State Police and the Virginia Department of Forensic Science advised that they have a storage facility to store the State's anonymous kits. Virginia provided the mailing address for the storage facility and contact information for the state agency in-charge of the facility. The State directed all Maryland FNEs to send anonymous kits directly to the facility. Virginia further indicated that they would accept all kits from Maryland if the assault occurred in their jurisdiction.

Representatives from the Metropolitan Police Department (MPD) and the District of Columbia Sexual Assault Response Team ("DC SART") were also in attendance. MPD advised that they would accept reported or active cases. However, it is not MPD's policy to take possession of any anonymous kits, including DC's anonymous kits. In the District, anonymous kits are collected and housed at the MedStar Washington Hospital Center and are never transferred to law enforcement.

Representatives from the DC SART further advised that the anonymous kits that are stored at DC hospitals are destroyed after 2 years. DC stated that the hospitals would not accept Maryland's anonymous kits and recommended that Maryland hospitals advise victims (that report for a SAFE) to obtain an exam at the DC hospital if the assault occurred in DC. DC also indicated that they would be willing to reimburse victims for transportation. SAEK Committee members expressed their concern with this suggestion because of the potential burdens this could place on

victims. Maryland's FNEs informed that it is not their policy to turn away sexual assault victims. Unfortunately, we were unable to reach an agreeable resolution.

Maryland and DC treat anonymous kits differently. In Maryland, our law enforcement agencies take possession and store our anonymous kits for the statutorily required 20 years.<sup>32</sup> These kits do not have any identifying information for the survivor and law enforcement is prohibited from opening the kit unless a survivor chooses to open a criminal investigation. Since Maryland has the 20-year retention requirement and DC is unwilling to accept our anonymous kits for sexual assaults that occurred in their jurisdiction, this will increase (although not significantly) the number of kits stored at Maryland LEAs. These are kits that Maryland would not be responsible for investigating or prosecuting.

To prevent unduly burdening our LEAs and to continue discussions with DC to establish an agreeable resolution that is victim-centered, the SAEK Committee formed the Storing & Transferring Kits Workgroup (Workgroup). The Workgroup met in November and December 2022. Next year, the Workgroup plans to meet with the DC SART and work with the DC Council to establish a resolution.

## **2. Transferring SAEKs to Local Jurisdictions**

In addition to discussing transferring kits to out-of-state jurisdictions, the SAEK Committee also discussed issues related to transferring kits to local jurisdictions. FNEs advised that they encountered difficulties getting LEAs to collect kits. Under COMAR 02.08.01.04(A)(3), when an LEA is notified by a hospital or child advocacy center that a kit is ready to be picked-up, the LEA "shall promptly send a representative to retrieve the kit." The current regulations require

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<sup>32</sup> MD. CODE ANN., Crim. Proc. § 11-926(d)(2)(i) (West 2020).



LEAs to physically send a representative to retrieve the SAEK. Due to this requirement, FNEs reported longer retrieval times for jurisdictions located further from the hospitals.

Representatives from some local LEAs were present, including the Baltimore Police Department, Baltimore County Police Department, and Prince George's County Police Department. Some LEAs only allow their sexual assault detectives to retrieve kits from hospitals. Consequently, these LEAs advised that sending a representative to retrieve a kit from a hospital located far from the law enforcement agency can be time consuming and take away important resources from current sexual assault investigations. Additionally, some LEAs advised that they allot one day per month to retrieve SAEKs from remote hospitals.

Understanding both perspectives—the FNE's requirement to transfer kits within 30-days and avoid storing kits and the LEA's need to equitably utilize resources—there was a suggestion to allow kits to be mailed. The SAEK Committee agreed to further discuss this recommendation. During subsequent meetings of the Storing & Transferring Kits Workgroup, the SAEK Committee developed a consensus to allow SAEKs to be mailed. In FY2023, the Committee will develop specific parameters for mailing kits, which is a longstanding practice amongst SAEK practitioners. OAG will update its regulations to provide for the mailing of kits consistent with the parameters established by the SAEK Committee.

Lastly, during the Dialogue Series, FNEs also advised that they are typically unsure who to notify at each LEA when a SAEK needs to be picked-up. The FNE Subcommittee agreed to publish a list that will specify the correct contact information for each LEA to facilitate the transfer of SAEKs.

### **3. Establishing Statewide Storage Facility for Anonymous Kit**

When the General Assembly established the 20-year SAEK retention requirement, some LEAs expressed concern about long-term storage capacity. Agencies indicated that they do not have the storage capacity to properly store SAEKs for 20 years. Last year, the SAEK Committee agreed to explore the feasibility of storing anonymous kits in a central location for the entire State. This would free up storage space at local LEAs and give the State additional time to resolve long-term storage issues.

During the Dialogue Series, participants generally agreed that a storage facility for anonymous kits would be beneficial. Two FNEs previously worked in West Virginia and Texas—two states that store their anonymous kits at a central storage facility—agreed to serve as resources. Representatives from Virginia who were also present indicated that they would be willing to serve as a resource for Maryland.

After the Dialogue series, the Storing & Transferring Kits Workgroup met to continue the discussion. The Workgroup is currently considering: What state agency will maintain control of the facility; How to maintain the chain of custody for the kits; and How to obtain funding to develop and maintain the facility. The SAEK Committee will continue to explore the feasibility of establishing a central storage location for anonymous SAEKs in 2023.

#### **b. The SAKI Grant & Effective Collaboration**

On September 23, 2022, the SAEK Committee hosted the second installment of its Virtual Dialogue Series. We discussed the SAKI grant and the importance of effective collaboration between sexual assault practitioners. Representatives from the Durham Police Department (DPD),

led by Lieutenant Stephen Vaughan, conducted a presentation about the SAKI team and overall SAKI project.

The City of Durham received SAKI grants in 2019 and 2020. With SAKI funding, the DPD formed a team that included a Cold Case Supervisor, Investigator, Crime Analyst, Victim Advocate, and Assistant District Attorney. DPD discussed how the team works together to successfully implement their SAKI project, solve cases, and prosecute offenders. This team worked together to inventory 1,700 kits, tested a portion of those kits, obtained CODIS hits, conducted victim notifications, investigated cases, charged individuals, and prosecuted cases. Thus far, the team has been able to secure a guilty plea for a sexual assault that involved a minor and apprehend an offender who committed two separate sexual assaults on a Durham trail. After DPD's presentation, there was an opportunity at the end for participants to ask questions.

The overall goal for this series was to show the potential impact of Maryland's SAKI grant and the importance of working collectively. Several local LEAs and sexual assault practitioners participated in this series.

### **c. Drug-Facilitated Sexual Assault**

On October 21, 2022, the SAEK Committee hosted the last installment of its Virtual Dialogue Series. This series covered drug-facilitated sexual assault (DFSA). Over the last two years, the SAEK Committee, led by the FNE Subcommittee, has researched and evaluated Maryland's response to DFSA. Ultimately, the Committee seeks to publish a statewide protocol providing recommendations to FNEs, law enforcement, prosecutors, victim advocates and lab personnel on the identification, collection, and preservation of physical evidence in DFSA cases.

During the series, Laurie Charles—a Clinical Assistant Professor at the Texas A&M University, School of Nursing, Center of Excellence in Forensic Nursing—presented on Texas’ DFSA protocol. In Texas, the Attorney General was legislatively mandated to develop an evidence collection protocol.<sup>33</sup> Texas incorporated its DFSA protocol within the overall Texas Evidence Collection Protocol.<sup>34</sup> During the presentation, Ms. Charles advised that Texas convened an advisory board of 32 subject matter experts to draft the protocol including: law enforcement, FNEs, state and private forensic scientists, defense attorneys, judges, prosecutors, victim advocates, child advocacy center representatives, OAG representatives, and experts from the Texas Department of Family and Protective Services. Texas’s DFSA protocol:

- Created consistent collection timeframes that were based upon national standards, literature review, and input from crime lab analyst
- Incorporated the National Institute of Justice’s recommendations to standardize DFSA kit size, shape, contents, and paperwork.
- Established standards for storing DFSA kits
- Outlined clinical and forensic toxicology analysis standards

During the discussion, Ms. Charles explained how Texas developed and implemented its DFSA guidelines. Texas conducted training for sexual assault practitioners when it published the protocol.

Representatives from Montgomery County also presented during the third Dialogue Series. Dr. Jessica Volz—an advisory member of the SAEK Committee and the Clinical Director of Forensics at Adventist Healthcare Shady Grove Medical Center—provided information on national best practices and indicators FNEs should look for when treating victims. Dr. Volz also advised how Montgomery County developed and implemented its DFSA protocol. Sergeant Jason

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<sup>33</sup> TEX. GOV'T CODE ANN. § 420.031(a) (West 2019).

<sup>34</sup> See TEX. ATT'Y GEN. & TEX. A&M COLL. OF NURSING, *Texas Evidence Collection Protocol 14 passim* (2019), available at <https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/crime-victims/TECP.pdf>.

Bahm with the Montgomery County Police Department detailed the investigative approach for DFSA cases. Sergeant Bahm also provided information about how Montgomery County obtained funding and built an evidence freezer to store the county's DFSA samples. Lastly, Assistant State's Attorney Ashley Inderfurth with the Montgomery County State's Attorney's Office provided DFSA case examples and discussed how Montgomery County's DFSA protocol positively impacted the overall outcome of cases.

The Dialogue Series on DFSA was the most widely attended series. The SAEK Committee obtained useful information that will be beneficial as we prepare to develop Maryland's DFSA protocol. In FY2023, the SAEK Committee, led by the FNE Subcommittee, will form a DFSA Workgroup to develop recommendations for a statewide protocol.

## **B. FNE Subcommittee Recommendations**

In FY2022, the FNE Subcommittee supported the SAEK Committee's goal to develop a comprehensive statewide response to address DFSA. The Subcommittee played a critical role in the DFSA Dialogue Series and will lead the effort in FY2023 to establish a statewide DFSA protocol. This year, the FNE Subcommittee also reviewed its previous recommendations, evaluated its progress, and developed the following recommendations.

### **a. Board of Nursing Recommendations**

Over the last few years, the FNE Subcommittee has continued efforts to provide support to the Maryland Board of Nursing to address concerns regarding the FNE training curricula and FNE certification processes and timelines. The Maryland Board of Nursing has made continued efforts to address these concerns by collaborating with the Maryland Hospital Association and facilitating statewide discussion with FNEs through a FNE Stakeholder Workgroup. Despite these efforts, the

Board of Nursing faces barriers that can only be addressed through adequate funding for proper infrastructure and staffing. This year, the FNE Subcommittee is supporting the efforts of the Board of Nursing to obtain the funding necessary to hire the appropriate number of staff, implement an online application process for FNE certification and re-certification, and purchase the necessary phone and internet systems.

With proper funding and infrastructure, the Maryland Board of Nursing will be better able to process FNE certification and re-certification applications, which will ultimately support growth in the workforce. To further support workforce growth, it is recommended that a clear process is developed for non-Maryland based FNE training programs to apply for Maryland Board of Nursing approval. With approval, training programs from neighboring jurisdictions (such as the District of Columbia) will be able to train and educate nurses that plan to work in Maryland. This is especially relevant as many nurses that reside near bordering states often seek to practice in both jurisdictions. This will allow these nurses to seek training opportunities that will enable them to practice in both places without taking multiple courses. Additionally, nurses that seek financial support for trainings will be able to apply for scholarships or utilize other funding sources often offered by neighboring jurisdiction training programs. The FNE Subcommittee recommends that when a new program applies for acceptance by the Maryland Board of Nursing, that a workgroup, such as the FNE Stakeholders Workgroup, assist the Board in reviewing the training curricula and its adherence to Maryland requirements. By increasing the training opportunities available to nurses wishing to practice in Maryland, we can grow the FNE pipeline.

#### **b. Sexual Assault Reimbursement Unit Recommendations**

While the Sexual Assault Reimbursement Unit (SARU) has made significant progress toward developing new electronic reimbursement forms, the forms that were created have a few

technical issues that need to be resolved. The Subcommittee recommends resolving the technical issues and that SARU develop a process for electronic submission of reimbursement forms. This would allow for faster submission, increased privacy protection, and reduced cost incurred by mailing documents or sending by courier.

Additionally, the reimbursement rate for providers caring for adult and adolescent survivors is limited to \$80.<sup>35</sup> For providers caring for children, the rate is \$80 per hour, not to exceed 5 hours.<sup>36</sup> These rates have not been adjusted in decades and do not adequately cover the cost of services provided. The FNE Subcommittee recommends a comprehensive review of this reimbursement rate, and that adjustments be made accordingly. The FNE Subcommittee has made this recommendation previously but is prioritizing this recommendation in 2023 in acknowledgment of the need to adequately compensate providers and combat persistent staffing shortages in this critical workforce.

Lastly, the FNE Subcommittee reinstates its previous recommendation to the development of a statewide protocol for DFSA cases. This protocol should address, at minimum, the collection of samples during a SAFE, appropriate testing of these samples for toxicology purposes, and storage and retention. A multidisciplinary team should be used to develop the protocol to ensure testing meets the standards necessary to address patient health and well-being, criminal investigations, and prosecution. Subcommittee members will participate in the SAEK Committee DFSA Workgroup and plan to offer DFSA training opportunities in 2023, as more than four years have passed since the last training facilitated by the Federal Bureau of Investigation's ("FBI") Chief Toxicologist, Marc LeBeau.

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<sup>35</sup> COMAR 10.12.02.05(B)(1).

<sup>36</sup> COMAR 10.12.02.05(C)(1).

#### IV. SAEK Committee Five-Year Review

The General Assembly established the SAEK Committee in 2017.<sup>37</sup> FY2022 marked the SAEK Committee’s fifth year in existence. Since its inception, the SAEK Committee has led the effort to produce statewide SAEK reform in Maryland. The SAEK Committee has advocated in support of successful legislation, assisted in the development of SAEK policies, secured funding to help sustain SAEK polices, published resources, and conducted programs and training.

##### A. Legislative Advancements

Over last five years, the SAEK Committee has been active during the General Assembly’s Legislative Sessions to advocate in support of its priority bills. Committee members submitted oral and written testimony, provided expert testimony, and lobbied in support of SAEK legislation.

- **Uniform Statewide SAEK Testing Criteria**—The Testing Subcommittee first recommended that the State establish a uniform statewide SAEK testing criteria in its 2019 Annual Report. During the 2019 Legislative Session, the General Assembly passed legislation establishing the statewide testing criteria. Under the criteria, all SAEKs must be submitted to a forensic laboratory for testing unless: (1) there is clear evidence disproving the sexual assault; (2) the facts alleged, if true, could not be interpreted to constitute a crime of sexual assault; (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.<sup>38</sup>
- **Rape Kit Testing Grant Fund**—In the 2019 Annual Report, the Funding Subcommittee recommended that the General Assembly allocate sufficient funding to ensure that establishing the statewide testing criteria would not unduly burden individual LEAs. During the 2019 Legislative Session, the General Assembly passed legislation establishing the Rape Kit Testing Grant Fund for the “equipment, supplies, personnel, and outsourcing” necessary to test SAEKs.<sup>39</sup> The General Assembly directed \$3.5 million of the State’s

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<sup>37</sup> See MD. CODE ANN., Crim. Proc. § 11-927(e)(1) (West 2020).

<sup>38</sup> Crim. Proc. § 11-926(e)(1)–(4).

<sup>39</sup> H.B. 1268, Chapter 508 (2019); S.B. 569, Chapter 509 (2019).



FY2020 budget to the Grant Fund.<sup>40</sup> The Rape Kit Testing Grant Fund is now commonly referred to as the Sexual Assault Kit Testing Grant (“SAKT Grant”). GOCPYVS provided detailed information about the current status of the SAKT Grant Program. All information that was provided to the SAEK Committee is attached to this report as Appendix D.

- **HIV nPEP Pilot Program**—In the SAEK Committee’s 2018 Preliminary Recommendations, the Funding Subcommittee recommended that sexual assault victims receive the full 28-day course of Human Immunodeficiency Virus (“HIV”) non-occupational post-exposure prophylactic (“nPEP”) medication free of charge. The Funding Subcommittee & FNE Subcommittee expanded the recommendation in its first annual report by setting forth three funding strategies to help the State estimate and decrease the cost of providing the full nPEP regimen. One of these funding strategies included establishing a three-year pilot program. During the 2019 Legislative Session, the General Assembly passed legislation creating a three-year pilot program to fund the full-course of nPEP treatment “at the request of the victim and as prescribed by a health care provider.”<sup>41</sup> The pilot program went into effect October 1, 2019. Although this was initially a pilot program, due to the program’s success and FNE’s Subcommittee’s 2022 Recommendation, the program became permanent in 2022.
- **Privacy & Reimbursement Legislation**—In both its April 2018 Preliminary Recommendations and 2019 Annual Report, the SAEK Committee recommended that GOCPYVS (formerly known as GOCCP) amend its regulations to allow health care providers to be reimbursed for cervical swabs collected within 15 days of the sexual assault. During the 2020 Legislative Session, the General Assembly passed legislation expanding the reimbursement timeframe from 5 days to 15 days after the assault and narrowed the scope of information that must be provided for reimbursement to protect survivor privacy.<sup>42</sup>
- **Waiver of Rights Prohibition**—During the 2020 Legislative Session, the SAEK Committee successfully advocated in support of legislation that prohibits law enforcement from presenting victims with forms that purport to limit the scope of or prevent an investigation or prosecution.<sup>43</sup>
- **Sexual Assault Victims’ Rights & Disposal of Rape Kit Evidence and Notification**—Although the SAEK Committee was not officially established when this legislation passed, several (eventual) SAEK Committee members advocated in support of legislation which established the 20-year SAEK retention requirement and set forth specific information that must be provided to victims upon written request.<sup>44</sup>

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<sup>40</sup> GOCCP, *Governor’s Office of Crime Control and Prevention Releases Notice of Funding Availability for Sexual Assault Kit Testing Grant* (Oct. 21, 2019), <http://goccp.maryland.gov/governors-office-of-crime-control-and-prevention-releases-notice-of-funding-availability-for-sexual-assault-kit-testing-grant/>.

<sup>41</sup> S.B. 657, Chapter 431 (2019).

<sup>42</sup> Crim. Proc. § 11-1007(b)(ii).

<sup>43</sup> See S.B. 807, Chapter 584 (2020); see also Crim. Proc. § 11-929(b).

<sup>44</sup> MD. CODE ANN., Crim. Proc. § 11-926(d)(2)(i) (West 2020).

## B. SAEK Policy & Procedure Updates

In addition to legislative advancements, the SAEK Committee has also helped State agencies and other sexual assault stakeholders develop and improve SAEK policies.

- **Updated Sexual Assault Training Curriculum for Law Enforcement**—Under the 2018 Preliminary Recommendations, the Committee recommended that the Maryland Police Training and Standards Commission amend its law enforcement training curriculum to include instruction on a trauma-informed response to sexual assault. In 2018, the Commission agreed to adopt the recommendation and amend its mandatory reoccurring in-service training curriculum.
- **Updated list of SAFE Programs in the Maryland Medical Protocols for Emergency Medical Systems**—In its Preliminary Recommendations, the FNE Subcommittee recommended that the Maryland Institute for Emergency Medical Services Systems (“MIEMSS”) list all SAFE programs in the Maryland Medical Protocols for Emergency Medical Services (“EMS”) providers. MIEMSS agreed to implement the recommendation which ensures that all EMS providers know where to transport victims to obtain a SAFE.
- **OAG Regulations**—Under Section 11-926(j) of the Criminal Procedure Article, OAG was directed to adopt regulations to support the uniform statewide implementation of newly established SAEK policies such as the 20-year retention requirement and the victim notification requirements. The SAEK Committee has supported OAG in developing and updating regulations in compliance with this mandate.
  - **2018 COMAR Regulations**—In October 2018, OAG adopted regulations under COMAR 02.08.01.01–.05. These regulations established reporting requirements for LEAs. LEAs were required to update their written policies and submit biennial reports to OAG providing specific information about the kits in their custody.
  - **2020 Updated COMAR Regulations**—In 2020, The SAEK Committee assisted OAG in drafting regulatory language to supplement and add to Title 2 of COMAR. These regulatory changes included: (1) Guidelines for transferring SAEKs to LEAs; (2) Incorporating the new testing criteria; (3) Establishing the Untested Kit Review Process; and (4) Establishing annual reporting by law enforcement and forensic labs.
- **Untested Kit Review**—When the General Assembly established the new SAEK testing criteria, it directed the SAEK Committee to establish an independent process to review

law enforcement decisions not to test a SAEK. The SAEK Committee worked with OAG to codify the two-tier review process under Title 02 of COMAR.<sup>45</sup>

- **Board of Nursing Training Curriculum**—In 2020 and 2021, the FNE Subcommittee worked closely with the Board of Nursing to update and align the adult and pediatric training curricula with national best practices, to ensure new FNEs attend quality training programs with up-to-date curricula.
- **GOCPYVS Regulations**—In 2018, SARU was transferred from the Maryland Department of Health to GOCPYVS. In 2020, the General Assembly passed legislation extending the SAFE reimbursement timeframe and narrowing the scope of information that must be provided for reimbursement. These actions created the need for GOCPYVS to update its regulations. The FNE Subcommittee worked with GOCPYVS to update its regulations which are currently undergoing executive review.
- When the General Assembly passed legislation extending the SAFE exam reimbursement timeframe and narrowing the scope of information that must be provided for reimbursement, this created the need for GOCPYVS to update its regulations. The FNE Subcommittee worked with GOCPYVS to update its regulations.
- **Updating SARU Forms**—The FNE Subcommittee supported the Sexual Assault Reimbursement Unit (SARU) over several years to develop electronic reimbursement forms that aim to protect survivor privacy and confidentiality by restricting the amount and type of patient information that must be submitted in order to receive reimbursement.

### C. Published Resources

The SAEK Committee routinely publishes guidance documents when there are changes made to SAEK laws, policies, and procedures.

- **New Testing Criteria: Frequently Asked Questions**—In December 2019, the SAEK Committee published a Frequently Asked Questions document to aid LEAs in implementing the new testing criteria.
- **Untested Kit Review Process Guidelines**—When the Untested Kit Review Process was established, the Testing Subcommittee (with assistance from the FNE Subcommittee) developed “Guidelines for Reviewing Law Enforcement Agency’s Determination Not to Test a Kit.” These guidelines outline the parameters of the review process and includes a case review form that should be used during the review. The form reflects best practices and if executed correctly, ensures that each case receives adequate consideration. This

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<sup>45</sup> See COMAR 02.08.03.03; see also COMAR 02.08.03.04.

document was intended to assist local Sexual Assault Response Teams (“SART”) in implementing the review process.

- **Guidance to Law Enforcement Agencies on Documenting a Victim’s Request to Suspend or Limit an Investigation**—In October 2020, the SAEK Committee published a guidance document for law enforcement on how to properly document a victim’s request to limit or suspend an investigation in accordance with Section 11-929(e)(1)–(2) of the Criminal Procedure Article of the Maryland Code.
- **SAKI Grant Guidance Documents**—The SAEK Committee has published several guidance documents necessary to implement the SAKI grant.
  - **SAKI Testing Order & Protocol**—The “SAKI Grant Testing Order & Protocol” was published to help law enforcement submit kits for analysis under the SAKI grant. The document provides a detailed outline specifying which kits should be submitted for testing under the grant.
  - **Victim Notification Protocol**—In 2020, MCASA published the SAKI Grant Victim Notification Protocol. This document gives local LEAs and victim advocates guidance on how to collaborate with MCASA and conduct victim notifications under the SAKI grant.
  - **CODIS Hit Follow-Up & Cold Case Investigation Plan**—The SAEK Committee officially published its “CODIS Hit Follow-up & Cold Case Investigation Plan” in June 2021. The plan offers guidance to sexual assault investigators on how to respond when an investigator receives multiple CODIS hits within a short timeframe. The plan also provides general principles to aid in the investigatory process and ensure that all CODIS hits are reviewed in a timely manner.
- **COMAR 02.08.01.01–.04: Frequently Asked Questions**—In 2020, when OAG updated its regulations under Title 2 of COMAR, the SAEK Committee published this frequently asked questions document to help LEAs and other stakeholders successfully implement the new regulations.
- **Uniform Statewide Testing Criteria: Flow Chart**—The Committee, led by MCASA and MSP, developed a visual flow chart to help LEAs apply the new testing criteria and determine which kits should be submitted for testing under the SAKI grant. The flow chart presents a step-by-step guide for law enforcement to easily determine if testing is mandated, discretionary, or prohibited. The flow chart also helps agencies determine if a SART case review or victim notification is necessary prior to testing.
- **Sexual Assault Forensic Exam Resource Guide for SAFE Programs (“Resource Guide”)**—In 2020, the FNE Subcommittee published the Resource Guide to ensure compliance with both statutory and regulatory victim notification requirements. The

Resource Guide is a collection of documents and resources for Maryland's SAFE Programs. This guide organizes the state's statutory and regulatory requirements into a single document and provides a model informational document that can be customized by each SAFE program.

- **FNE Subcommittee's Recommendation for SAFE Program DFSA Policy**—In 2021, the FNE Subcommittee recommended that SAFE Programs establish a policy regarding the identification of potential drug and alcohol facilitated sexual assault and the collection of evidence. The Subcommittee published this document in the 2021 Annual Report outlining the minimum standards for a DFSA policy.

#### **D. Secured Funding**

Over the past five years, the SAEK Committee has helped Maryland obtain over 5 million in federal grant funding to support testing, victim services, and generally improve access to justice for victims of sexual assault.

- **FY2018 SAKI Grant Funding**—In FY2018, Maryland received \$2.6 million in SAKI grant funding to: (1) conduct a statewide inventory of unsubmitted kits; (2) test a portion of the unsubmitted kits; (3) establish a statewide tracking system; and (4) provide victim services.
- **FY2021 SAKI Grant Funding**—In FY2021, Maryland received another \$2.5 million in SAKI grant funding: (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 ViCAP/CODIS Hit Coordinator for the State.

#### **E. Programs & Trainings**

The SAEK Committee and its stakeholders have conducted programs and trainings to promote the Committee's initiatives, advance recommendations, and achieve uniform statewide implementation of recent SAEK reforms.

- **Legislative Briefing**—In January 2019, the SAEK Committee hosted an informal legislative briefing in Annapolis to provide information to legislators about the Committee and its' recent accomplishments. In March 2019, the SAEK Committee was invited to conduct a formal briefing before the House Judiciary Committee. During the briefing,

Committee members provided information about its history, recommendations, and 2019 legislative priorities.

- **Trainings by FBI Chief Toxicologist Mark LeBeau**—In 2018 and 2019, the FNE Subcommittee collaborated with MCASA to host two trainings facilitated by FBI Chief Toxicologist Marc LeBeau. These trainings were attended by law enforcement personnel, FNEs, and attorneys. The information discussed in the training has been central to help local jurisdiction develop DFSA protocols.
- **Training for Law Enforcement Agencies & Sexual Assault Response Teams**—In June 2021, the SAEK Committee partnered with MCASA to provide a two-day virtual training for SARTs and LEAs who investigate sexual assaults in Maryland. The purpose of the training was to ensure statewide compliance with recent SAEK policies and SAKI grant initiatives. During the training, SAEK Committee members from various disciplines conducted a series of presentations. Trainees were also given an opportunity to ask questions.
- **SAKI Grant Q&A Sessions**—In December 2021, the SAEK Committee hosted two virtual Q&A sessions for LEAs and SARTs in reference to the SAKI grant. During these sessions, participants were able to ask questions about SAKI grant implementation.
- **SAEK Committee Dialogue Series**—In the Fall 2022, the SAEK Committee hosted a 3-part Virtual Dialogue Series covering the following topics: (1) Storing and Transferring SAEKs; (2) The SAKI Grant & Effective Collaboration; and (3) Drug-Facilitated Sexual Assault.

## CONCLUSION

Over the past five years, the SAEK Committee has made significant advancements to produce widespread sexual assault reform in Maryland. Most notably, The Committee’s advocacy has helped the State to: establish a 20-year SAEK retention requirement;<sup>46</sup> create a uniform statewide testing criteria;<sup>47</sup> develop a process to review law enforcement decisions not to test a kit;<sup>48</sup> increase a victim’s access to SAFE exams;<sup>49</sup> protect a victim’s privacy as medical personnel

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<sup>46</sup> MD. CODE ANN., Crim. Proc. § 11-926(d)(2)(i) (West 2020).

<sup>47</sup> Crim. Proc. § 11-926(e)(1)–(4).

<sup>48</sup> See COMAR 02.08.03.03; see also COMAR 02.08.03.04.

<sup>49</sup> Crim. Proc. § 11-1007(b)–(c).

seek reimbursement for SAFEs;<sup>50</sup> provide victims with HIV prophylaxis free of charge;<sup>51</sup> secure a \$2.6 million grant to clear the “backlog” of unsubmitted kits; and promote transparency by establishing annual reporting by law enforcement.<sup>52</sup> In FY2022, the Committee (1) continued to implement its SAKI grants; (2) facilitated law enforcement compliance with annual reporting; (3) developed new recommendations; and (4) evaluated the SAEK Committee’s progress over the past five years.<sup>53</sup>

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<sup>50</sup> Crim. Proc. § 11-1007(b)(ii).

<sup>51</sup> Crim. Proc. § 11-1008(c)(2)(iii)(1).

<sup>52</sup> COMAR 02.08.04.01(A)–(B).

<sup>53</sup> A list of the current members of the SAEK Committee has been attached to this report as Appendix E.

## Appendix



**Appendix A**  
**MCASA Victim Notification Data**

MCASA reports the following data regarding victim notification under the SAKI grant:

<b>Victim Notification Data</b>	<b>2020</b>	<b>2021</b>	<b>2022<sup>54</sup></b>	<b>Total</b>
Number of successful notifications	0	21	67	88
Number of closed cases <sup>55</sup>	0	25	89	114
Number of requests from law enforcement for pre-testing purposes	33	352	71	456
Number of requests from law enforcement for testing results	0	100	95	195
Number of requests from law enforcement for other reasons <sup>56</sup>	0	2	11	13
Total number of requests from law enforcement	33	454	177	664
Number of notification attempts	0	148	580	728

Of the 51 law enforcement agencies participating in the SAKI project, 27 have engaged with MCASA for victim notification purposes to date. These agencies are as follows:

<b>Law Enforcement Agency</b>	<b>Number of Notification Requests Submitted</b>
Aberdeen Police Department	5
Annapolis City Police Department	4
Anne Arundel County Police Department	45
Baltimore County Police Department	170
Carroll County Sheriff's Office	19
Charles County Sheriff's Office	112
Cumberland County Police Department	8
Easton Police Department	7
Elkton Police Department	1
Frederick Police Department	11
Frederick County Sheriff's Office	2

<sup>54</sup> The numbers reported for 2022 are only through November 30, 2022.

<sup>55</sup> Some cases may be closed without a successful notification. Examples include when notification is deemed unnecessary (i.e., the 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.

<sup>56</sup> Cases that are classified as "other" include cases where a pre-testing notification request 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 the results were available.

**Appendix A**  
**MCASA Victim Notification Data**

<b>Law Enforcement Agency Cont.</b>	<b>Number of Notification Requests Submitted</b>
Hagerstown Police Department	1
Harford County Sheriff's Office	7
Howard County Police Department	160
Maryland State Police	29
Montgomery County Police Department	1
Ocean City Police Department	6
Prince George's County Police Department	30
Queen Anne's County Sheriff's Office	6
Salisbury Police Department	2
Salisbury University Police	1
St. Mary's County Sheriff's Office	9
Talbot County Sheriff's Office	8
UMBC Police Department	2
University of Maryland College Park Police	2
Washington County Sheriff's Office	3
Wicomico County Sheriff's Office	13
<b>Total</b>	<b>664</b>

**Appendix B  
LEA FY2022 Annual Report Data**

<b>Law Enforcement Agency</b>	<b>Total Number of SAEKs (Including Tested &amp; Untested)</b>	<b>Date Range for SAEKs in Agency's Custody</b>	<b>Total Number of Kits Collected between July 1, 2021 - June 30, 2022</b>	<b>Total Number of FY2022 Kits Tested July 1, 2021 - June 30, 2022</b>	<b>Total Number of FY2022 SAEKs Not Tested between July 1, 2021 - June 30, 2022 Pursuant to an Exception Under the Statewide Testing Criteria</b>	<b>Total Number of FY2022 SAEKs Not Tested between July 1, 2021 - June 30, 2022 for Other Reasons</b>	<b>Total Number of SAEKs Destroyed between July 1, 2021 - June 30, 2022 Not in Accordance with the Law</b>	<b>Total Number of FY2022 SAEKs Pending Testing<sup>57</sup> at end of June 30, 2022</b>
Aberdeen Police Department	46	2001 - 2022	4	4	0	0	0	0
Annapolis Police Department	Additional Data Needed	2000 - 2022	6	4	2	0	0	0
Anne Arundel Police Department	1684	1999 - 2022	58	0	27	31	0	0
Baltimore City Police Department	Additional Data Needed	1995 - 2022	332	63	163	2	0	104
Baltimore County Police Department	1551	1992 - 2022	167	7	29	4	0	127
Belair Police Department	20	2014 - 2022	3	0	3	0	0	0
Brunswick Police Department	20	2009 - 2022	4	3	1	0	0	0
Cambridge Police Department	Additional Data Needed	1998 - 2022	6	3	3	0	0	0
Carroll County Sherriff's Office	171	2012 - 2022	16	2	9	5	0	0
Cecil County Sheriff's Office	82	2010 - 2022	4	3	1	0	0	0
Charles County Sheriff's Office	458	1992 - 2022	28	24	4	0	0	0
Cumberland Police Department	71	2012 - 2022	10	4	5	1	0	0
Denton Police Department	21	2003 - 2022	2	0	0	2	0	0
Dorchester County Sheriff's Office	5	2009 - 2022	5	0	0	0	0	0
Elkton Police Department	42	2002 - 2022	6	3	3	0	0	0
Federalsburg Police Department	0	N/A	0	0	0	0	0	0
Frederick Police Department	357	1990 - 2022	24	10	5	9	0	0
Fruitland Police Department	12	2010 - 2022	0	0	0	0	0	0
Garrett County Sheriff's Office	20	2013-02022	3	1	1	1	0	0
Greenbelt Police Department	-	-	-	-	-	-	-	-

<sup>57</sup> 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**

<b>Law Enforcement Agency</b>	<b>Total Number of SAEKs (Including Tested &amp; Untested)</b>	<b>Date Range for SAEKs in Agency's Custody</b>	<b>Total Number of Kits Collected between July 1, 2021 - June 30, 2022</b>	<b>Total Number of FY2022 Kits Tested July 1, 2021 - June 30, 2022</b>	<b>Total Number of FY2022 SAEKs Not Tested between July 1, 2021 - June 30, 2022 Pursuant to an Exception Under the Statewide Testing Criteria</b>	<b>Total Number of FY2022 SAEKs Not Tested between July 1, 2021 - June 30, 2022 for Other Reasons</b>	<b>Total Number of SAEKs Destroyed between July 1, 2021 - June 30, 2022 Not in Accordance with the Law</b>	<b>Total Number of FY2022 SAEKs Pending Testing<sup>58</sup> at end of June 30, 2022</b>
Hagerstown Police Department	100	2018 - 2022	13	1	6	5	0	1
Harford County Sheriff's Office	Additional Data Needed	1983 - 2022	24	6	13	5	0	0
Howard County Police Department	1012	1989 - 2022	68	15	20	28	0	4
Maryland State Police	263	1996 - 2022	51	36	8	5	0	
Montgomery County Police Department	Additional Data Needed	1980 - 2022	71	48	20	1	0	0
Ocean City Police Department	Additional Data Needed	2008 - 2022	13	8	5	0	0	0
Pocomoke City Police Department	4	2016 - 2022	1	0	1	0	0	0
Prince George's County Police Dept.	4705	1981 - 2022	128	22	36	3	0	67
Queen Anne's County Sheriff's Office	Additional Data Needed	2009 - 2022	3	1	1	1	0	0
Salisbury Police Department	Additional Data Needed	1987 - 2022	12	5	7	0	0	0
Salisbury University Police Department	4	2012 - 2022	0	0	0	0	0	0
St. Mary's County Sheriff's Office	184	2006 - 2022	23	13	6	4	0	0
St. Michaels Police Department	6	2011 - 2022	0	0	0	0	0	0
Takoma Park Police Department	Additional Data Needed	2007 - 2022	0	0	0	0	0	0
Talbot County Sheriff's Office	27	2001 - 2022	1	1	0	0	0	0
Thurmont Police Department	9	2013 - 2022	4	4	0	0	0	0
UMBC Police Department	4	1994 - 2022	0	0	0	0	0	0
University of MD Police College Park	13	2008 - 2022	1	1	0	0	0	0
Washington County Sheriff's Office	85	2006 - 2022	16	11	2	3	0	0
Westminster Police Department	17	2001 - 2022	6	3	1	2	0	0
Wicomico County Sheriff's Office	112	1988 - 2022	18	3	12	3	0	0
Worcester Sheriff's Office	28	1991 - 2022	4	1	1	2	0	0
<b>Total</b>	<b>N/A</b>	<b>N/A</b>	<b>1084</b>	<b>274</b>	<b>387</b>	<b>112<sup>59</sup></b>	<b>0</b>	<b>303</b>

<sup>58</sup> 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.

<sup>59</sup> There were an additional 8 kits where the LEA did not provide a reason why the kit was not tested.

**Appendix B**  
**LEA FY2022 Annual Report Data**

<b>Additional Data Needed</b>	LEA only provided data for FY2022. Therefore, additional data is needed.
-	Entire Report Provided Insufficient Data

**Appendix C**  
**List of Agencies Who Investigate Sexual Assaults and Did Submit an Annual Report**

**LEAs That Did Not Submit an FY2022 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	Allegany County Sheriff's Office
2	Berlin Police Department
3	Boonsboro Police Department
4	Calvert County Sheriff's Office
5	Caroline County Sheriff's Office
6	Centreville Police Department
7	Chestertown Police Department
8	Crisfield Police Department
9	Eastern Shore Hospital Center Police Department
10	Easton Police Department
11	Frederick County Sheriff's Office
12	Frostburg City Police Department
13	Gaithersburg Police Department
14	Greensboro Police Department
15	Havre de Grace Police Department
16	Hurlock Police Department
17	Hyattsville City Police Department
18	Kent County Sheriff's Office
19	Maryland Capitol Police
20	Maryland Transit Administration Police
21	Maryland Transportation Authority Police
22	MD National Capital Park Police/ Prince George's County Division
23	New Carrollton City Police Department
24	Princess Anne Police Department
25	Ridgely Police Department
26	Riverdale Park Police Department
27	Rock Hall Police Department
28	Somerset County Sheriff's Office
29	Spring Grove Health Center Police Department
30	Sykesville Police Department
31	University of Maryland, Baltimore Police
32	University of Maryland Eastern Shore Department of Public Safety

**Appendix D  
SAKT Grant Data**

**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).

<b>Law Enforcement Agency</b>	<b>Total Award</b>	<b>Total Requested</b>	<b>Funds Remaining</b>	<b>Number of kits tested from 1/1/20- 6/30/22</b>	<b>Total DNA profiles entered into CODIS</b>	<b>Number of CODIS Hits</b>	<b>Number of cases forwarded for Prosecution</b>
Baltimore Police Department	\$314,698	\$301,527.60	\$13,170.40	357	1572	447	0
Baltimore County Police Department	\$186,450	\$147,896.62	\$38,553.38	99	43	11	3
Maryland State Police	\$669,660.33	\$669,660.33	\$0.00	302	93	6	0
Montgomery County Police Department	\$550,069	\$550,068.99	\$0.01	459	194	61	0
Prince Georges County Police Department	\$195,909.87	\$195,909.87	\$0.00	441	610	117	391
<b>Total</b>	\$1,916,787.20	\$1,865,063.41	\$51,723.79	1658	2512	642	394

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 E**  
**SAEK Committee Members**

**SAEK COMMITTEE MEMBERS**

Zenita Wickham Hurley (Chair)	Chief Counsel, Civil Rights, Office of the Attorney General	Office of the Attorney General
Daniel Katz	Director	MSP - Forensic Sciences Division
Tiffany Rexrode	Assistant Deputy Secretary	Department of Human Services
Kristen Lease	Crime Lab Director	Prince George's County Police Department - Forensic Science Division
Pamela Holtzinger	Forensic Nurse Coordinator	Frederick Memorial Hospital
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
Rhonda Scott	Deputy Director	Maryland Board of Nursing

**EX-OFFICIO MEMBERS**

Senator Adelaide C. Eckardt	Senator and Member, Budget and Taxation	Maryland Senate
Senator Shelly L. Hettleman	Senator and Member of Judicial Proceedings	Maryland Senate
Delegate J. Sandy Bartlett	Delegate and Member, House Judiciary	Maryland House of Delegates
Delegate Shaneka T. Henson	Delegate and Member, House Appropriations	Maryland House of Delegates



**Appendix E**  
**SAEK Committee Members**

**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
Detective Sergeant Kristen Clark <sup>60</sup>	Special Victims Unit	Charles County Sheriff's Office
Donna Melynda Clarke <sup>61</sup>	Program Director	Domestic Violence & Sexual Assault Center, Prince George's Hospital Center
Jane Krienke	Legislative Analyst	Maryland Hospital Association
Jessica Volz	Clinical Director of Forensics, Forensic Medical Unit	Adventist Healthcare Shady Grove Medical Center
Kaitlyn Huber	Sexual Assault Response Team (SART) Coordinator	Rape Crisis Intervention Service of Carroll County
Michelle Groves	CODIS State Administrator	Maryland State Police

**STAFF**

Carrie Williams (Former Chair)	Division Director, Criminal Appeals Division, Office of the Attorney General	Office of the Attorney General
Jessica Williams (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

<sup>60</sup> Detective Sergeant Kristen Clark worked with the SAEK Committee until September 2022.

<sup>61</sup> Donna Melynda Clarke worked with the SAEK Committee until March 2022.