

SEXUAL ASSAULT FORENSIC EVIDENCE TASKFORCE

Regular Meeting Agenda
Thursday, August 13, 2020 at 1:30 p.m.

Office of the Attorney General

This meeting will be conducted virtually and will be available for viewing by the press and public online at the following Live Broadcast Link:

Join by video system:

<https://oagokgov.webex.com/oagokgov/j.php?MTID=mc1b23e95140a72b6dd384d27d11c5b98>

Meeting number: 146 340 8832, Password: PKbQarvJ233

Dial [1463408832@oagokgov.webex.com](tel:1463408832), You can also dial 173.243.2.68 and enter your meeting number.

Or **Join by phone**, +1-415-655-0001 US Toll, Access code: 146 340 8832

This Virtual Regular Meeting is being held consistent with the amendments to the Open Meeting Act, 25 O.S. 2011, § 301 et seq., signed into law by Gov. J. Kevin Stitt on Wednesday, March 18, 2020. See Senate Bill No. 661, 2020 O.S.L 3, §3

Members of the Sexual Assault Task Force will be appearing as follows:

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| Andrea Fielding, OSBI | Attending Via Videoconference |
| Jeffrey Becker, Oklahoma City Police Department | |
| By Designee: Maj. Gregory Johnston | Attending Via Videoconference |
| Danielle Tudor, Survivor | Attending Via Videoconference |
| Linda Terrill, Survivor | Attending Via Videoconference |
| Shelley Miller, Native Alliance Against Violence | Attending Via Videoconference |
| Jan Peery, YWCA | |
| By Designee: Amanda Kemp, YWCA | Attending Via Videoconference |
| Jillian Phippen, Tulsa Police Department | Attending Via Videoconference |
| Kathy Bell, SANE | Attending Via Videoconference |
| Melissa Blanton, Office of the Attorney General | Attending Via Videoconference |
| Steve Emmons, OK Assoc. of Chiefs of Police | |
| By Designee: Chief Don Sweger, Guthrie PD | Attending Via Videoconference |
| Ray McNair, Oklahoma Sheriffs Assoc. | Attending Via Videoconference |
| Trent Baggett, District Attorney Council | |
| By Designee David Prater, | |
| Oklahoma County District Attorney | Attending Via Videoconference |
| Robert Ravitz Oklahoma County Public Defender | Attending Via Videoconference |
| Candida Manion, OCADVSA | Attending Via Videoconference |

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| Jesus “Eddie” Campa, CLEET | Attending Via Videoconference |
| Jari Askins, Administrative Office of the Courts | Attending Via Videoconference |
| By Designee: Debra Charles | Attending Via Videoconference |
| Non-Voting Members | |
| Sen Kay Floyd (D), OK Senate | Attending Via Videoconference |
| Sen. Stephanie Bice (R), OK Senate | Attending Via Videoconference |
| Rep Jon Echols (R), OK House | Attending Via Videoconference |
| Rep Monroe Nichols (D), OK House | Attending Via Videoconference |

1. Call to Order
 - a. Roll Call/Establishment of Quorum
 - b. Assurance of Compliance with Open Meeting Act
2. Discussion and Possible Action on January 9, 2020 Regular Meeting Minutes (Attached)
3. Update from CLEET by Director Jesus “Eddie” Campa, re: implementation of training requirements as set out in Title 70 O.S. § 3311.5(L). (Attached).
4. Sexual Assault Kit Initiative
 - a. Introduction of the Attorney General’s Office statewide SAKI Team by Melissa Blanton
 - i. Current projects
 - b. Updates from TulSAKI Team by Capt. Jillian Phippen
 - c. Update from Oklahoma City on Sexual Assault Kit testing plan by Maj. Gregory Johnston
5. Update on the Statewide Sexual Assault Kit Tracking System
 - a. Training update
 - b. Operation update
6. Discussion and possible action regarding Retrieval of both Report to Law Enforcement and No Report Kits (Title 74 O.S. § 150.28b attached)
 - a. Retrieval of Sexual Assault Kits from SANEs
 - b. Storage Responsibilities for No Report Kits

7. New Business Not Known or Which Could Not Have Been Reasonably Foreseen Before the Posting of the Agenda (In accordance with 25 O.S. § 311(9))
8. Announcements
9. Adjournment

Sexual Assault Forensic Evidence Task Force
Regular Meeting Minutes
Thursday, January 9, 2020
Office of the Attorney General
313 NE 21st Street, Oklahoma City, OK 73105

1. Call to Order

a. Roll Call / Establishment of Quorum

The meeting was called to order by Attorney General Mike Hunter in accordance with the Open Meeting Act at 1:02 p.m. Members present included Andrea Fielding, Jeffrey Becker, Amanda Kemp, Jillian Phippen, Kathy Bell, Melissa Blanton, Steve Emmons, David Prater, Candida Manion and Debra Charles. Dawn Stover, Ray McNair, Robert Ravitz, Jesus “Eddie” Campa, Bryan Swim and Mike Reed were absent. Non-Voting members Senator Kay Floyd, Senator Stephanie Bice, Representative Jon Echols and Representative Monroe Nichols were absent.

b. Assurance of Compliance with Open Meeting Act

Melissa Blanton verified compliance with the Open Meeting Act stating that the date, time and location of the special meeting was posted with the Secretary of State on December 13, 2019 at 1:22 p.m. and the notice of the date, time, place and agenda for the meeting was posted on the web site and at 10:05 a.m. on January 8, 2020 at the principal place of business of the Attorney General, located at 303 NE 21st Street, Oklahoma City, OK.

2. Discussion and Possible Action on December 12, 2019 Regular Meeting and December 17, 2019 Special Meeting Minutes

Copies of the meeting minutes from the December 12, 2019 regular meeting and the December 17, 2019 special meeting were distributed for review and consideration. Amanda Kemp made a motion to accept the minutes, Kathy Bell seconded the motion. The motion carried unanimously.

3. Update on the Implementation of the Statewide Sexual Assault Kit Tracking System, Including Training Provided by the OSBI

Andrea Fielding provided an update informing all that the kit tracking system is completely live. Many users have been trained by Matt Stillwell on the use of the system and others are continuing to receive training. Ms. Fielding shared that all three of the labs in the state are on board and utilizing the system. She further reported that there are currently 159 law enforcement agencies registered as users and 42 medical facilities/SANE programs registered as users of the system. Ms. Fielding also reported that the standardized kits are now being used by jurisdictions across the state and old kits are assigned a new serial number so that they can be entered into the tracking system. These kits are referred to as “legacy” kits. General discussion was held. No action was taken.

4. Review and Discussion of Draft Legislation Proposed by the Oklahoma Crime Victim Compensation Board Regarding Expansion of Allowable Claims for Sexual Assault Victims

Lori Carter provided an overview of the legislation that has been proposed and the changes that will be presented for consideration in amending Title 21 O.S. 142.6. Ms. Carter stated that Senator Kay Floyd has agreed to carry this Bill. General discussion was held regarding the required time frame for filing a claim. Jillian Phippen asked a question about required documentation of eligibility regarding the sexual assault forensic evidence kit. General discussion was held with additional input by David Prater on the information that is often presented to the Crime Victim Compensation Board. Melissa Blanton agreed to communicate with Senator Floyd regarding the Task Force members' questions as she promotes the Bill in the legislature. No action was taken.

5. Report on the Status of the SAKI Grant Project for Addressing Untested Sexual Assault Kits, Providing Victim Notification and Improving the Statewide Response to Sexual Assault.

Melissa Blanton provided a brief update to the members stating that position announcements for the grant have been posted and the search is underway for personnel. Ms. Blanton stated that she would provide updates to the members via email as activities progress.

6. New Business Not Known or Which Could Not Have Been Reasonably Foreseen Before the Posting of the Agenda (In accordance with 25 O.S. § 311(9))

There was no new business.

7. Announcements

Melissa Blanton announced that all future meetings have been amended with a new start time of 1:30 p.m. instead of 1:00 p.m. to better accommodate attendee schedules.

8. Adjournment

David Prater made a motion to adjourn. The motion was seconded by Andrea Fielding. The motion carried unanimously. The meeting was adjourned at 1:19 p.m.

Oklahoma Statutes Citationized

Title 70. Schools

Chapter 50 - Higher Education Code

Article Article III - The University of Oklahoma

Section 3311.5 - Required Courses of Study for Law Enforcement Certification - Funding for Basic Law Enforcement Academies

Cite as: 70 O.S. § 3311.5 (OSCN 2020)

- A. On and after November 1, 2007, the Council on Law Enforcement Education and Training (CLEET), pursuant to its authority granted by [Section 3311](#) of this title, shall include in its required basic training courses for law enforcement certification a minimum of four (4) hours of education and training relating to recognizing and managing a person appearing to require mental health treatment or services. The Council shall further offer a minimum of four (4) hours of education and training on specific mental health issues pursuant to [Section 3311.4](#) of this title to meet the annual requirement for continuing education in the areas of mental health issues.
- B. By January 1, 2008, CLEET, pursuant to its authority granted by [Sections 3311](#) and [3311.4](#) of this title, shall include in its required courses of study for law enforcement certification a minimum of six (6) hours of evidence-based sexual assault and sexual violence training. A portion of the sexual assault and sexual violence training shall include instruction presented by a certified sexual assault service provider.
- C. By January 1, 2012, every active full-time peace officer, previously certified by CLEET pursuant to [Section 3311](#) of this title, shall be required to attend and complete the evidence-based sexual assault and sexual violence training provided in subsection B of this section.
- D. CLEET shall promulgate rules to enforce the provisions of subsections B and C of this section and shall, with the assistance of certified sexual assault service providers, establish a comprehensive integrated curriculum for the teaching of evidence-based sexual assault and sexual violence issues.
- E. The Council is required to update that block of training or course materials relating to legal issues, concepts, and state laws annually, but not later than ninety (90) days following the adjournment of any legislative session.
- F. By January 1, 2009, CLEET, pursuant to its authority granted by [Sections 3311](#) and [3311.4](#) of this title, shall include in its required courses of study for law enforcement certification oil field equipment theft training.
- G. By January 1, 2012, CLEET, pursuant to its authority granted by [Sections 3311](#) and [3311.4](#) of this title, shall establish and include in its required courses of study for law enforcement certification a minimum of eight (8) hours of evidence-based domestic violence and stalking investigation training. The training should include, at a minimum, the importance of reporting domestic violence incidents, determining the predominant aggressor, evidence-based investigation of domestic violence and stalking, lethality assessment, and personal safety planning necessary at the pretrial stages of a potential criminal case. A portion of the training shall include instruction presented by an expert victim advocate selected from recommendations provided by the Office of the Attorney General or the Domestic Violence Fatality Review Board. The training shall be developed in collaboration with the Domestic Violence Fatality Review Board, and where applicable, shall replace existing domestic violence and stalking courses currently required.
- H. By January 1, 2012, the evidence-based domestic violence and stalking investigation curriculum developed in collaboration with the Domestic Violence Fatality Review Board shall be submitted to the Council for approval.
- I. CLEET shall establish the training provided in subsection G of this section as a part of CLEET's peace officer continuing education program and develop a plan to train full-time peace officers previously certified by CLEET pursuant to [Section 3311](#) of this title where applicable. The Office of the Attorney General shall provide a list of expert victim advocates that are available to assist in the training.

J. The Council is authorized to pay for and send training staff and employees to one or more training and education courses in jurisdictions outside this state for the purpose of expanding curriculum, training skill development, and general knowledge within the field of law enforcement education and training.

K. On and after November 1, 2013, CLEET, pursuant to its authority granted by [Section 3311](#) of this title, shall include in its required basic training courses for law enforcement certification a minimum of two (2) hours of education and training relating to recognizing and managing a person experiencing dementia or Alzheimer's disease.

L. By November 1, 2019, CLEET shall establish appropriate training resources focused on protocol for handling and processing sexual assault calls. The training shall include, but not be limited to:

1. How to handle the sexual assault call upon first contact;
2. Determining when the assault occurred;
3. Where to take the victim;
4. Questioning witnesses and collecting evidence; and
5. Informing and assisting the victim in accessing resources, help and information.

M. The Council shall promulgate rules to evaluate and approve municipalities and counties that are deemed capable of conducting separate basic law enforcement training academies in their jurisdiction and to certify officers successfully completing such academy training courses. Upon application to the Council, any municipality with a population of sixty-five thousand (65,000) or more or any county with a population of five hundred thousand (500,000) or more shall be authorized to operate a basic law enforcement academy. In addition, upon application and approval from the Council, a municipality with a population under sixty-five thousand (65,000) or a county with a population under five hundred thousand (500,000) may be authorized to operate a basic law enforcement academy; provided, however, the Council may approve no more than two such applications per year. The Council shall approve an application when the municipality or county making the application meets the criteria for a separate training academy and demonstrates to the satisfaction of the Council that the academy has sufficient resources to conduct the training, the instructional staff is appropriately trained and qualified to teach the course materials, the curriculum is composed of comparable or higher quality course segments to the CLEET academy curriculum, and the facilities where the academy will be conducted are safe and sufficient for law enforcement training purposes. Any municipality or county authorized to operate a basic law enforcement academy after November 1, 2007, shall not be eligible to receive funds pursuant to subsection E of [Section 1313.2 of Title 20](#) of the Oklahoma Statutes. The Council shall not provide any funding for the operation of any separate training academy authorized by this subsection.

N. Any municipality or county that, prior to November 1, 2007, was authorized to conduct a basic law enforcement academy shall continue to receive funding pursuant to subsection E of [Section 1313.2 of Title 20](#) of the Oklahoma Statutes.

Historical Data

Laws 1992, SB 978, c. 389, § 4, emerg. eff. June 10, 1992; Amended by Laws 2007, HB 1650, c. 179, § 1, eff. November 1, 2007 (repealed by Laws 2008, SB 1830, c. 3, § 46, emerg. eff. February 28, 2008); Amended by Laws 2007, SB 920, c. 360, § 8, eff. November 1, 2007 ([superseded document available](#)); Amended by Laws 2008, SB 1830, c. 3, § 45, emerg. eff. February 28, 2008 ([superseded document available](#)); Amended by Laws 2008, HB 3003, c. 364, § 1, eff. January 1, 2009 ([superseded document available](#)); Amended by Laws 2011, SB 567, c. 235, § 1 ([superseded document available](#)); Amended by Laws 2013, SB 315, c. 130, § 1 ([superseded document available](#)); Amended by Laws 2017, SB 604, c. 162, § 1, eff. November 1, 2017 ([superseded document available](#)); Amended by Laws 2019, SB 656, c. 176, § 1, eff. November 1, 2019, amended by Laws 2019, SB 658, c. 334, § 1, eff. November 1, 2019 (repealed by Laws 2020, SB 1948, c. 161, § 67, emerg. eff. May 21, 2020), and amended by Laws 2019,

SB 971, c. 339, § 2, eff. November 1, 2019 ([superseded document available](#)); Amended by Laws 2020, SB 1948, c. 161, § 66, emerg. eff. May 21, 2020 ([superseded document available](#)).

Citationizer® Summary of Documents Citing This Document

Cite Name Level

None Found.

Citationizer: Table of Authority

| Cite | Name | Level |
|----------------------------------|---|---------------------|
| Title 20. Courts | | |
| Cite | Name | Level |
| 20 O.S. 1313.2 , | Fine - Penalty - Punishment | Discussed |
| Title 70. Schools | | |
| Cite | Name | Level |
| 70 O.S. 3311.4 , | Continuing Law Enforcement Training - Failure to Meet Training Requirements | Discussed at Length |
| 70 O.S. 3311.5 , | Inclusion of Study for Law Enforcement Certification and Continuing Law Enforcement Training. | Cited |
| 70 O.S. 3311.5 , | Inclusion of Study for Law Enforcement Certification and Continuing Law Enforcement Training. | Cited |
| 70 O.S. 3311.5 , | Inclusion of Study for Law Enforcement Certification and Continuing Law Enforcement Training. | Cited |
| 70 O.S. 3311 , | Council on Law Enforcement Education and Training | Discussed at Length |
| 70 O.S. 3311.5 , | Required Courses of Study for Law Enforcement Certification - Funding for Basic Law Enforcement Academies | Cited |
| 70 O.S. 3311.5 , | Required Courses of Study for Law Enforcement Certification - Funding for Basic Law Enforcement Academies | Cited |
| 70 O.S. 3311.5 , | Required Courses of Study for Law Enforcement Certification - Funding for Basic Law Enforcement Academies | Cited |

Oklahoma Statutes Citationized

Title 74. State Government

Chapter 5 - State Bureau of Investigation

Section 150.28b - Sexual Assault Evidence Kit - Submitted for Testing - Right to Request Testing - Retention - Maintenance and Storage - Guidelines and Procedures

Cite as: 74 O.S. § 150.28b (OSCN 2020)

A. All accredited crime laboratories in the State of Oklahoma must supply to all law enforcement agencies the same standardized sexual assault evidence kit for the collection of DNA or other evidence as a result of an alleged crime of sexual assault.

B. A sexual assault evidence kit, or other DNA evidence if a kit is not collected, must be submitted to the appropriate accredited crime laboratory for forensic testing within twenty (20) days after receipt of the evidence by a law enforcement agency if a report of the sexual assault is made to the law enforcement agency, unless the victim requests that the sexual assault evidence kit not be tested.

C. If, at the time the forensic medical examination is conducted, a report of the sexual assault is not made or if the victim requests that the sexual assault evidence kit not be tested, the medical provider shall inform the victim in writing of his or her right to request the testing of the sexual assault evidence kit at any future time. The law enforcement agency shall submit the sexual assault evidence kit to the appropriate accredited crime laboratory for forensic testing within twenty (20) days of such request. However, nothing in this subsection shall negate the responsibility of a medical provider to report a suspected sexual assault as provided for in [Section 40.3A of Title 22](#) of the Oklahoma Statutes.

D. A collected sexual assault evidence kit, whether tested or untested, must be retained in a secure, environmentally safe manner for not less than fifty (50) years or for the length of the statute of limitations for the alleged crime, whichever is longer.

E. Each law enforcement agency is responsible for the maintenance and storage of untested kits either in their own evidence storage or through an agreement with another agency with larger capacity.

F. By January 1, 2020, the Oklahoma State Bureau of Investigation and each accredited crime laboratory, in coordination with Oklahoma Sexual Assault Forensic Evidence Task Force, shall adopt and disseminate guidelines and procedures for the collection, submission and testing of DNA evidence that is obtained in connection with an alleged sexual assault. Priority testing shall be given for sexual assault evidence kits that will yield evidentiary value to the investigation and prosecution of the alleged sexual assault.

Historical Data

Laws 2019, SB 975, c. 382, § 1, emerg. eff. May 14, 2019.

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