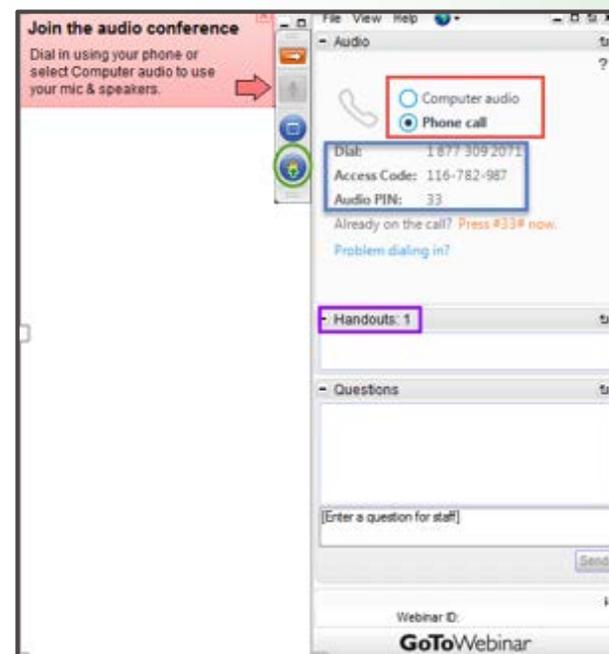


# Welcome to the webinar.

## The presentation will begin shortly.

- You may listen via phone or via computer audio if your computer has speakers.
- This webinar will be in a “listen only” mode with opportunity to ask questions at the end of the presentation as time allows.
- All lines have been muted. Please enter any questions via the question feature in your control panel.
- If you wish to communicate via phone during the question session please use the “raise your hand” feature in the control panel and your individual line will be unmuted. You must enter the audio PIN for the line to be unmuted.
- Please do not place your line on hold. If you need to step away, please hang-up and redial when you are able to rejoin the call.
- Slides will be placed on the MHA website following the webinar.
- Thank you for your participation!



# Treatment of Crime Victims

MHA Legislative Update



# Objectives

At the conclusion of this presentation, the participant will be able to:

- Describe requirements of new legislation concerning the treatment of crime victims in Missouri hospitals including the transmittal and storage of forensic evidence kits used to prosecute alleged sexual crimes
  - Describe requirements of the Attorney General outlined in the legislation
  - Describe new signage requirements related to human trafficking
  - Describe requirements that suspected incidents of sexual assault of a resident of a long-term care facility must be reported to local law enforcement
- 

# Background

- Out of every 1,000 sexual assaults, 310 are reported to the police<sup>1</sup>
- Over 35 years of work
  - 1979 Missouri Adult Abuse Remedies Law
  - *Victims of Crime Act, 1984*
  - *Debbie Smith Act, 2004*
- Missouri's Sexual Assault Response
  - Key stakeholders coming together



# Attorney General Audit

- Preliminary report released in May 2018
- Attorney General identifying need for
  - funding to test unsubmitted kits
  - funding for statewide tracking system for kits
  - training for all stakeholders regarding trauma-informed sexual-assault
  - develop uniform standards for collection, retention, and submission of rape kits



# Missouri Hospital Landscape

- Small number of Missouri hospitals reporting a SANE program
- Approximately 70 hospitals submitting reports of holding kits to the AG office
- Victims presenting to the ED for medical screening and forensic exams
- Missouri having 14 nurses listed as certified SANE nurses through IFNA



# 2018 Statutory Changes

Significant change...but not the end.



# Sexual Assault Forensic Evidence

- Requirements created for sexual assault forensic evidence tracking, testing and storage
  - Definition of consent created that is specific to sexual assault survivors' forensic evidence (Section 595.220.8(3) RSMo)
    - “**Consent**”, the electronically documented authorization by the victim, or his or her designee, to allow the evidentiary collection kit to be analyzed.”



# Sexual Assault Forensic Evidence

- **Definitions detail types of forensic evidence that give victims options for reporting (Section 595.220.8 RSMo)**
  - Definitions were added to Missouri law that expand the types of sexual assault forensic evidence collection that is available to victims of sexual assault and that shall be tested.



# Sexual Assault Forensic Evidence

- **Anonymous evidentiary collection kit**
  - Evidentiary collection kit collected from a victim, or his or her designee, who has consented to the collection of the evidentiary collection kit, and to participate in the criminal justice process, but who wishes to remain anonymous (Section 595.220.8(1) RSMo)



# Sexual Assault Forensic Evidence

- **Reported evidentiary collection kit**
  - Evidentiary collection kit collected from a victim, or his or her designee, who has consented to the collection of the evidentiary collection kit and has consented to participate in the criminal justice process  
(Section 595.220.8(9) RSMo)



# Sexual Assault Forensic Evidence

- **Unreported evidentiary collection kit**
  - An evidentiary collection kit collected from a victim, or his or her designee, who has consented to the collection of the evidentiary collection kit but has not consented to participate in the criminal justice process (Section 595.220.8(10) RSMo)



# Delivery of Completed Sexual Assault Kits to Crime Labs

- Medical providers must make “electronic notification” to the appropriate law enforcement agency when they have a **reported or anonymous** evidentiary collection kit
  - LEA takes possession within 14 days
  - Within 14 days of taking possession of the kit, LEA shall provide the evidentiary kit to a crime laboratory for testing



# Additional Timeline Requirements

- Department of Public Safety to establish procedures for transmitting and storing forensic evidence (Section 595.220.3 RSMo)
- Law enforcement agencies required to store sexual assault evidence kits for 30 years (Section 595.220.3(4) RSMo)
- AG required to establish rape kit tracking system and protocols (Section 595.220.9 RSMo)



# Domestic Violence Fatality Review Panels

- **Missouri counties and communities allowed to establish domestic violence fatality review panels**
  - The purpose of the review panels, as detailed in Section 455.560 RSMo, is to both review and investigate the local deaths of victims of homicides determined to be related to domestic violence.



# Qualified Minors

- **Self-supporting 16- and 17-year-olds can receive sexual assault services without parental consent**
  - These “qualified minors” are defined in Missouri law as 16 and 17 year olds who are self-supporting, homeless or in state custody, and who are not cared for by a parent or guardian.



# Statute of Limitations

- **Statute of limitations removed for sex offenses against children and cases with DNA evidence matches**
  - The statute of limitations for prosecution of sexual offenses against children (Section 556.037.1-2 RSMo) and offenses with matched DNA evidence (Section 556.036.6(5) RSMo) were removed in Missouri law.



# Long-Term Care Patients

- **Nursing home and long-term care facilities required to make police reports of sexual assaults**
  - Reports to be made of sexual assault of elderly, disabled “eligible adults” in care facilities (Section 198.070.2(2) RSMo).
  - Eligible adult defined in law for reporting abuse of elderly and disabled persons (Section 192.2400(6) RSMo).



# Human Trafficking

- As of March 1, 2019, posters advertising the national human trafficking website and hotline number are required to be posted in public places in Missouri that include hotels, places of public transportation, strip clubs, healthcare facilities and truck stops.
- The provisions of Section [595.120](#) RSMo require establishments to display the posters “in a conspicuous place in or near the bathrooms or near the entrance” of the establishment.
- The Department of Public Safety is required to create the posters by January 1, 2019.



# Implementation Considerations



# Kits



- Timeline for implementation?
- Where will law enforcement store them?
- What if law enforcement doesn't come within timeframe?
- What happens to unreported kits?
- Will hospitals still store kits? For how long?
- When will current kits being held be tested?

Video coming soon from MCADSV on Sexual Assault Kit (SAK) contents...maybe October!



# Policies and Procedures

- Treatment of a victim of sexual violence including appropriate age range
  - RsMo
    - [455](#)
    - [455.560](#)
    - [595.120](#)
    - [595.220.3](#)
    - [595.220.8](#)
    - [595.220.9](#)
    - [334.950](#)



# MHA SANE Advisory Workgroup

- Policy and procedure repository
- Talking points guide
- Reimbursement regulatory changes
- Future education



# Regulatory Changes

- Department of Public Safety
  - Forensic Examinations [11 CSR 30-12.010-020](#)
    - Describes requirements for hospital and clinic reimbursement for conducting forensic examinations for children and adults
    - DPS collaboration with key stakeholders like MCADSV and MHA
    - DPS preparing to file changes with Secretary of States Office



# National Landscape



- *State (Oregon) releases audit on crime lab's processing of untested sexual assault kits* — May 2, 2018
- *Washington to become first state to track rape kits* — March 4, 2016
- *2018 Senate bill requiring prompt rape kit tests heads to Gov. Jerry Brown's desk* — September 4, 2018
- *Rape kit testing backlogged in Idaho state labs* — May 20, 2018
- *The Wisconsin Department of Justice anticipates clearing the backlog of hundreds of untested sexual assault evidence test kits by the end of 2018*
- Energy and Commerce Congressional Committee investigates hospitals capacity to gather forensic evidence — June 2018
- *Rauner signs law requiring Illinois hospitals have nurses trained to treat rape victims* — August 2018

# Resources

- MHA S.A.F.E.R [website](#)
- Missouri Coalition Against Sexual and Domestic Violence [website](#)
  - 2018 New Laws [Guide](#)
- Missouri Department of Public Safety
  - Forensic Examinations [11 CSR 30-12.010-020](#)
- Missouri Department of Health and Senior Services
  - [SAFE-Care Network](#)



# Resources

- Human Trafficking
  - National human trafficking hotline number: 888/373-7888
  - National human trafficking website: <https://humantraffickinghotline.org>
  - RsMo [595.120](#)
- Sexual Assault Response Teams
  - [SART of Nodaway County](#)
  - [St. Louis Regional Sexual Assault Response Team](#)
  - [Sexual Assault Response Team \(SART\) and University Sexual Assault Response Team \(USART\)](#)



# Resources

- SART cont...
  - [Lake Area Sexual Response Team](#)
  - [Moniteau County](#) SART
- [Missouri Kids First](#)



# References

<sup>1</sup> The Criminal Justice System: Statistics. September 2018. RAINN.  
Retrieved from <https://www.rainn.org/statistics/criminal-justice-system>.



# Questions?

*Please use the hand tool to raise your hand or type your question into the question box. Each question will be addressed. If you did not use the audio pin to dial-in, we will not be able to unmute your line.*



# Thank you!

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