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## Oregon Attorney General's Sexual Assault Task Force

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### **Support SB1574-1**

### **Senate Committee on Judiciary and Ballot Measure 110 Implementation**

**February 8, 2022**

**Submitted by: Michele Roland-Schwartz, Executive Director & Savannah Powell, SANE Coordinator**

Chair Prozanski, Vice Chair Thatcher and Members of the Committee,

On behalf of The Oregon Attorney General's Sexual Assault Task Force<sup>1</sup>, we urge your support of SB1574-1, which modifies the definition of Oregon's Sexual Assault Forensic Evidence (SAFE) Kit bill to ensure a copy of the Medical Forensic Examination form, including the survivor's sexual assault history, injury documentation, and evidence collection documentation, is included in the SAFE Kit, along with evidence collection.

*The mission of SATF is to advance a multi-disciplinary, survivor-centered approach to the prevention of and response to sexual violence in Oregon. We begin from the premise that violence is not inevitable – it is preventable. Sexual violence and abuse may be epidemic, but is not endemic – meaning, it is not a natural part of human development. Our training and technical assistance seeks to address violence at its root causes, preventing it from happening in the first place. Our goal is mitigate trauma by providing training, technical assistance, and policy advocacy in support of survivor privacy, safety, autonomy, and choice.*

Our Sexual Assault Nurse Examiner (SANE) Program provides training and technical assistance for forensic nurses and sexual assault examiners in Oregon and nationally. We administer Oregon's SANE/SAE Certification Commission<sup>2</sup>, and facilitate Oregon's Medical-Forensic Subcommittee<sup>3</sup>, which meets quarterly to inform our work and mission.

In 2016, the legislature passed Melissa's Law (SB 1571). Melissa's law directed the Department of State Police to adopt rules on prioritization of testing the backlog of untested sexual assault forensic evidence kits and to conduct ongoing testing of new kits. Per ORS 181A.325 (1) (f), law enforcement is required to hold SAFE Kits for 60 years. Survivors are able to submit an anonymous kit, which will be stored on their behalf and only opened if they decide to move forward with a report. A current logistical flaw may prevent the SANE/SAE from including a copy of the medical-forensic examination form in the SAFE Kit, prior to transferring it to law enforcement, which poses evidentiary issues if a case moves forward for trial.

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<sup>1</sup> The Oregon Attorney General's Sexual Assault Task Force is a private, non-profit, non-governmental statewide agency with over 100 multi-disciplinary members appointed by Attorney General Rosenblum. Members serve as advisors on 1 of 8 subcommittees including: Advocacy Response, Campus, Criminal Justice, Legislative & Public Policy, Medical-Forensic, Men's Engagement, Offender Management, and Prevention Education.

<sup>2</sup> Oregon's SANE/SAE Certification Commission: [SANE Certification Commission \(oregonsatf.org\)](https://www.oregonsatf.org)

<sup>3</sup> SATF Medical-Forensic Subcommittee: [Medical Forensic Subcommittee \(oregonsatf.org\)](https://www.oregonsatf.org)

Modifying the definition of the SAFE Kit ensures the medical forensic examination form is stored in the SAFE Kit for 60 years, otherwise these medical records are only maintained for 7-10 years from the last date of contact between the hospital and patient. SANE/SAE rely on the medical-forensic examination form when they prepare for their testimony, and lack of these forms negatively impacts the medical hearsay exception.

SATF is grateful to our statewide membership, specifically our Medical Forensic Subcommittee and Legislative & Public Policy Subcommittee<sup>4</sup> for their dedicated work to ensure the state Sexual Assault Medical Forensic Examination forms, including the sample consent, sample release of information, sample discharge instructions, and sample treatment forms were ready for implementation prior to the public hearing for SB1574-1<sup>5</sup>. Considerable care from our statewide partners and Steering Committee are woven into these forms – the forms are truly advocacy in action and represent our desire to expand our focus on the SAFE Kit and swabs to include comprehensive, holistic care for survivors of sexual assault<sup>6</sup>.

We are grateful for the broad support of community partners, including: *Oregon Alliance to End Violence Against Women, Oregon Coalition Against Domestic & Sexual Violence, Oregon Department of Justice, Oregon Law Center, Oregon Association of Hospitals and Health Systems, Oregon District Attorney's Association, Multnomah County District Attorney's Association, Oregon Association Chiefs of Police, Oregon State Sheriffs' Association, Providence Health & Services, Salem Health Hospitals & Clinics, Samaritan Health Services, St. Charles Health System, Sexual Assault Support Services, Clackamas Women's Services, and Center for Hope & Safety.*

Lastly, SB1574-1 affirms the ability of the survivor to determine what happens during the medical-forensic exam, including what part of the exam they consent to and what is released to law enforcement. We believe the medical-forensic exam is an opportunity for healing, when the focus is on the health and well-being of the survivor. SB1574-1 emphasizes this focus, and for this reason we urge your support.

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<sup>4</sup> SATF Legislative & Public Policy Subcommittee: [Legislative & Public Policy Subcommittee \(oregonsatf.org\)](https://oregonsatf.org)

<sup>5</sup> Medical Forensic Examination Forms for SANE/SAE and hospital use can be found here: [for SANEs \(oregonsatf.org\)](https://oregonsatf.org)

<sup>6</sup> 2022 Medical Forensic Exam Form Changes – FAQ can be found here: [2022 Explanation of form changes \(oregonsatf.org\)](https://oregonsatf.org)