



Commission  
to Prevent Violence  
Against Women

**Arizona Commission to Prevent Violence Against Women**

**May 16, 2019, 10:00 a.m.**

**Governor's 2nd Floor Conference Room**

1700 W. Washington, PHOENIX, ARIZONA 85007

A general meeting of the Commission to Prevent Violence Against Women was convened on May 16, 2019, at the Governor's 2nd Floor Conference Room at 1700 W. Washington, Phoenix, Arizona 85007, notice having been duly given.

| <b>Members Present (15)</b>                       |                           |
|---|---------------------------|
| <b>Diane Umphress, Chair</b>                      |                           |
| <b>Antoinette Means</b>                           |                           |
| <b>Beth Hoel</b>                                  |                           |
| <b>Jon Eliason</b>                                |                           |
| <b>Jon Smith (Phone)</b>                          |                           |
| <b>Monica Yelin (Phone)</b>                       |                           |
| <b>Kirstin Flores</b>                             |                           |
| <b>Steven Stahl</b>                               |                           |
| <b>Elizabeth Ortiz</b>                            |                           |
| <b>Laura Guild</b>                                |                           |
| <b>Neil Websdale (Phone)</b>                      |                           |
| <b>Patricia George</b>                            |                           |
| <b>Mark Klym (Proxy for Susan Smith)</b>          |                           |
| <b>Lindsay Ashworth (Proxy for Tasha Menaker)</b> |                           |
| <b>Jason Zimmerman</b>                            |                           |
| <b>Staff/Guests Present (4)</b>                   | <b>Members Absent (7)</b> |
| <b>Rebecca Chesley</b>                            | <b>Ed Mercurio-Sakwa</b>  |
| <b>Sonya Pierce-Johnson</b>                       | <b>Patricia Klahr</b>     |
| <b>Malcolm Hightower</b>                          | <b>Nicole Bidwill</b>     |
| <b>Brittney Trahan</b>                            | <b>Eve Scarff</b>         |
|   | <b>Daniel Rincon</b>      |
|   | <b>Kate Brophy McGee</b>  |
|   | <b>Kay Radwanski</b>      |
|   |                           |
|   |                           |

### Call to Order

- **Ms. Diane Umphress, Chair**, called the Commission to Prevent Violence Against Women meeting to order at 10:04 a.m. with 15 members and 4 staff and guests present.

### Welcome/Introductions

- **Ms. Diane Umphress, Chair**, welcomed everyone again, and asked all members to introduce themselves. Diane introduced new member, Beth Hoel, Maricopa County Adult Probation.

### Approval of Minutes

- **Ms. Diane Umphress, Chair**, requested a review of the **February 21, 2019** meeting minutes.
  - **Jason Zimmerman motioned** to accept the **February 21, 2019** minutes.
  - **Steve Stahl** seconded the motion.
    - The motion passed with no dissenting votes.

### Advanced DNA Techniques

- **Mr. Jon Eliason and Mr. Vince Figarelli** presented on new methods used to identify offenders using advanced techniques to test DNA. **Jon Eliason** gave an overview of these techniques, stating that the science behind the techniques is the same, but the new techniques produce leads that can be traced to find offenders. This is the same DNA testing since 1992. **Vince Figarelli** explained Forensic Genealogy. Forensic Genealogy is an evaluation of inherited DNA markers in an effort to locate a family lineage that the perpetrator may belong to. The Y-STR markers are evaluated, which are inherited in male lineage. Most of the victimization is committed by males, so this is an effectively way to identify perpetrators. DNA is compared through a search of publicly available databases. This testing is not done by forensic laboratories, it is done by a forensic genealogist. **Jon Eliason** stated that Maricopa county was one of the first law enforcement agencies to utilize this technique, and was used to identify the person responsible for the canal murders. **Vince Figarelli** mentioned that Forensic genealogy was used to identify the Golden State Killer, who was suspected of 12 murders and 50 rapes in the Sacramento, California area. The family tree was identified by the forensic genealogist and investigators used this tree to identify to killer. The murders of the Golden State Killer were committed in 1980. **Jon Eliason** stated that there are websites where people post their DNA, like ancestry.com and 23 and me. There are 50 other websites where people can upload their DNA. Genealogists use this to compare it to their crime DNA sample.
- **Malcolm Hightower** asked if they can only access public sites, or private websites as well. **Jon Eliason** responded that only a few of the companies have said law enforcement can look and compare DNA samples. Ancestry.com has not allowed law enforcement to view their DNA samples but the public websites have allowed law enforcement to view the DNA samples.
- **Jason Zimmerman** asked is there a cost for GEDmatch, a public genealogy website that allows you to upload genetic DNA, and if that something law enforcement have direct access to. **Jon Eliason** replied that law enforcement does have access to GEDmatch and there is not a cost associated with it. **Vince Figarelli** added that you will need a forensic genealogist to interpret the information. He also mentioned that mismatches do happen over time. **Jon Eliason** stated that this is a way to get a lead and detectives will have to compare with the information from the investigation. He also stated that the county attorney's office has funding that they are able to use for these investigations
- **Jon Eliason** described phenotypes, or observable physical characteristics. The company Parabon can create Snapshots of a person based on their DNA. They look at SNIPS DNA locations, which

builds a picture of the suspect may look like. This has been useful in several cases, mostly directing the investigation to previously known individuals. The Parabon Snapshot website is accessible to review some of their studies.

- **Jason Zimmerman** stated that he attended a presentation on DNA testing and they had all the employees submit a sample of their DNA. A profile of each person was created from the DNA sample that was submitted. The employees put their profile next to them and the picture was very similar to the employee's appearance, including small details such as connected ear lobes and flared nostrils.
- **Jon Eliason** stated that DNA Phenotyping is great for giving leads. They cannot file a case on just the DNA Phenotype alone, but they can match it with a lead. **Vince Figarelli** stated that Arizona is one of 11 states using DNA Phenotyping. They do a statewide search and look for relatives of who might have left the sample at the crime scene. It gives you a candidate list, and using Y-STRs, they can find relatives. They are looking for other ways to match females since this science only beneficial finding male perpetrators. **Jon Eliason** stated that they only get a handful of cases with an exact match. This technology allows law enforcement to use the state database, not for an exact match, but a match close enough to find a lead. For this to be used, it must be an immediate relative, such as siblings and parents. They are hoping to one day to be able to use cousins. **Vince Figarelli** mentioned that it will be difficult, but we are probably going to see more forensic genealogy. **Jon Eliason** stated that if the suspect is a Caucasian decent, you can almost always find a relative match because so many people are in the database.
- **Diane Umphress, Chair**, asked if you can use this on cold case or if you have to have DNA to use first. **Jon Eliason** replied stating there are two questions being asked, one is "Can the technology detect more DNA?" The answer is yes.
- **Vince Figarelli** added that the technology is more sensitive than it was before, so you can test old cases. This goes beyond just DNA. If investigators are looking at a cold case, they need to look at everything. They have solved two cases by looking at latent prints. **Jon Eliason** mentioned that the procedures are the same but the ability to find a match is better. **Vince Figarelli** stated that they use things like palm prints. They can rerun latent prints because the database is better. **Jon Eliason** stated you must ask to have to ask to have the prints run. You cannot assume that they are being run. **Vince Figarelli** added that this is done at the state level and they do not use CODIS, which is the FBI database. Familial DNA searching is not conducted at the national level. **Jon Eliason** added that they cannot compare to other states and this is the disadvantage. **Vince Figarelli** added that you can make the request directly, but there are only 10 states using this to do their work. Ninety percent of the hits are within our state. We have less movement here between states that they have back east.
- **Vince Figarelli** began speaking on the Allison Feldman case. The Allison Feldman case was a 2015 homicide. This case did not have any leads. They did a search on the database and yielded potential relative in Department of Corrections. They had a DNA profile from the scene, which had a match to an inmate, who was the offender's brother. The DNA was a match to the unknown profile from the scene and a suspect was arrested for the murder of Allison Feldman.
- **Diana Umphress, Chair** asked about the need of corroborated evidence when looking at leads. **Jon Eliason** replied that there needs to be corroborated evidence He gave an example case where they knew the suspect was someone within a certain family, but they had to go through all 40 family members to ensure it was the right person.
- **Vince Figarelli** explained Rapid DNA, which is an automated process of developing a DNA profile from a sample using a single instrument in a short period of time. FBI has their own definition or Rapid DNA. Traditional forensic DNA analysis utilizes a process of using the instrument and putting

the DNA into CODIS without any intervention. It is usually a four-step process and each step requires hands-on facilitation by a scientist and/or the use of instrumentation. This process can take up to 16-18 hours and can handle all types of DNA samples.

- **Diane Umphress, Chair**, asked how many people are employed to do Rapid DNA **Vince Figarelli** responded stating that there is a total of 160 employees. They have 32 DNA analyzers. It used to take 2-10 weeks and you needed a quarter-size amount of DNA sample. Now they only need the pin point amount.
- **Jon Eliason** stated that Rapid takes only three steps, extraction, amplification, and analysis, and is only used on single source samples where they have a lot of DNA. Often they are not used for sexual assault cases because there are two DNA profiles, and this can only be used for one DNA profile. **Vince Figarelli** added that you load cartridges in the machine and then run the DNA. It weighs about 150-200 pounds and it is semi portable. This is used by AZDPS using the Rapid Arresstee Program, FBI Booking Station Pilot Program, and Rapid Crime Scene Program.
- **Diane Umphress, Chair**, asked if offender has to give consent. **Vince Figarelli** responded saying no they do not need consent. If they have a booking, they can run the samples. **Jon Eliason** added that there was a bill to collect consent on all arrests, but the bill did not pass. **Vince Figarelli** stated that while the Rapid DNA instrument is different, the Y-STR process is the same as in the lab. The big hurdle is acceptability of who runs the tests. SB1475 is related to Rapid DNA. His opinion was that it was not appropriate at the time to run on sexual assault cases. He thought that they were not there yet, and it had not yet been validated. They have been doing it since 2014, but it is limited based on the type of case and DNA type. Until he sees data, which they do not have yet, he will not advocate the use of this instrument for sexual assault. It has been used on over 400 cases and have had nearly 150 investigative leads. This is ideal if you have the right type of sample, but they have been used on property crimes which are not as high priority for public safety. **Jon Eliason** added that if you have result within 4 hours, that is important if you have a serial burglar. You can prevent a crime. It is important to remember that this uses the same science we have used previously, but is more refined.

### Police Department DNA Procedures

- **Ms. Jody Wolf** stated that the focus of her presentation is on sexual assault kit testing. In Phoenix, they look at it from a holistic perspective, not just the lab. Phoenix has been working on being victim focused. SAFER act was passed in 2013 and that opened the door for federal funding to be used to address sexual assault. SVU aired an episode on the backlog of kits, which brought national attention to the issue. The initial grants were used to account for the number of kits that were not tested. In Maricopa we have close relationships and we have worked hard to develop a comprehensive response to sexual assault. In 2016, Phoenix was awarded 1.29 million to tackle this issue. Many of the commissioners contributed to the country protocols that cover the entire process. The Phoenix PD Crime Lab took inventory of decades of information, from pen and paper systems to our current computer programs to see what they had. Doing that without putting hands on the evidence was difficult. They had to pull all of the kits and do a physical inventory, hands and eyes were on every kit that was in custody, which was about 8400 kits over several decades. Seventy percent had already been sent to the lab to be tested. They were taken before DNA testing, which started in 1992. A large portion of the DNA in the inventory was kept because they could not be used to prove the case, such as consent cases, or DNA was collected before it could be tested. They are near the end of their goals that they put in place when they started. The most rewarding outcome has been advancing victim support services. **Jody Wolf** explained the Direct to DNA (Y-Screening), which allows for the selection of evidence for DNA analysis based on case

scenario and the amount of male DNA present. Most of these cases are male to female assaults. Color chemical testing is done to identify if semen is present and then a microscopic investigation is done. This is tedious so Direct to DNA is more helpful. Y screening is more sensitive and allows a fast extraction method. **Jody Wolf** gave an overview of nucleus, cells, and DNA. The focus of the analysis is the Y chromosomes, which determines the gender of the person. They focus on that to locate the male DNA. All the swabs that are present in a sexual assault kit will be portioned and processed. They use a standard quantitation method used to determine the presence of male DNA, which tells how much DNA is there. **Jody Wolf** went over summary statistics. They are now at 10,000 kits (1000 kits a year) in custody. There have been 2400 kits that had never been submitted for testing. The "fork lift approach" has been utilized, where they test all kits. No other factors were used to determine which kits should be tested, they simply tested all of them. Private DNA vendors were used to increase capacity. There are only 233 kits left to be tested. Half of the tested kits resulted in a CODIS hit. Out of these, 7 have been submitted for prosecution. This is a good indicator of the process. **Jody Wolf** explained how they plan on enhancing victim support services. Over the next 18 months there will be flyers posted, events, presentations, and PSAs. They will also be working with city hall. A case worker will be doing 2-3 presentations a month, either at the requests of others or in partnership with their partners. They will be on channel 11 for public awareness. The goal is to have material translated into Spanish and possibly Chinese.

- **Jason Zimmerman** commented that the public perception is negative in the public eye and may not be an accurate reflection of the problem. He stated that Glendale was in the same boat and they had to backlog. He stated that the issue was the number of "consent cases" they had. Often males will admit to having sex, but they said it was consensual. It was cost prohibited to test them until the grants came out. He commended Phoenix for testing all the kits. He mentioned that it started to link some repeated offenders. There were multiple cases with consent issues with the same individuals, and it opened the chances of catching perpetrators. **Jody Wolf** responded by stating that they are limited to what they can test.
- **Malcolm Hightower** asked how much does it cost to test a kit. **Jody Wolf** responded that it costs about \$600 to test a kit but that only covers part of it. **Jon Eliason** added that there may be other items you want to test as well, outside of the kit that the \$600 does not cover. **Jody Wolf** stated that it costs about \$250 per sample to be tested and you can get about two samples test for \$600.
- **Jon Eliason** asked how much does Rapid DNA testing costs. **Vince Figarelli** answered stating that the cost was about \$350 per sample but now it costs \$150-\$200 per sample. It does not include maintenance or administrative costs. Cartridges cost about \$1050.
- **Diane Umphress, Chair**, asked if there is a priority of which kits are tested first based on how much evidence you have. **Jody Wolf** responded by stating that they prioritize based on Arizona Criminal Rules of Procedure, as well as the type of case (violent crimes vs property crimes). They work with the defense community as well. They identify items that they can use and the defense will request additional items to be test.
- **Jody Wolf** stated that they are looking forward continuation of SAK testing, expert training, target training for patrol officers, hiring grant personnel, and enhancement of Phoenix Program.
- **Diane Umphress, Chair**, thanked Jody Wolf for taking the time to explain the information, being as it is not common knowledge.
- **Jason Zimmerman** asked has there been any advancement in the ability to differentiate between twins with these new DNA techniques. **Vince Figarelli** responded saying that SNPs has the potential to differentiate twins. **Jody Wolf** added that SNPs and latent prints are the only options. **Jason Zimmerman** stated that he had a case with DNA for twins and were stuck.
- **Steve Stahl** commented that the federal and state government spend a lot of money to test every

kit. Many of the elect officials have no knowledge of this, especially in rural communities. Phoenix take a proactive approach in informing the community. **Vince Figarelli** stated that they service 200 stations in the state and many of them do not know this is available but he is interested in getting the word out. It may require that they duplicate efforts now but in the future that will not be necessary because RAPID DNA will be trusted. Long term, five years or more, RAPID will be the same format.

### **Sexual Assault Awareness Month Overview**

- **Ms. Rebecca Chesley** gave an overview sexual assault awareness month. She discussed the outreach and awareness that was done in the month of April, including the creation of myth and facts cards, tabling at ASU and the farmers market, and the creation of buttons with the hotline number, which were funded by DHS, in addition to the supplies that were donated by DHS. **Rebecca Chesley** discussed the three brown bag sessions that took place at DHS, DES, and the Executive Tower. Approximately 20 people attended each session, which was a good turn out for the first year. She went on to discuss the Faith Community Sexual Assault Awareness Roundtable, which had approximately 110 participants. Participants rated the event 4.85 out of 5 for overall satisfaction, and were most satisfied with the survivor speaker, mandatory reporting, and sexual assault prevention. **Rebecca Chesley** also gave an overview of the Sexual Assault Response Symposium in April, which had approximately 90 participants. Attendees ranked this training at 4.5 out of 5 and indicated that the Prosecution and Judiciary Services Panel and the Sexual Assault Response Team Panel were the most beneficial. This represents the statewide need to better understand the judicial services and the desire to collaborate with other service providers.
- **Elizabeth Ortiz** asked if she could use some of the resources to take to a conference she will be attending. **Rebecca Chesley** confirmed that there were additional resources she could give Elizabeth.

### **Subcommittee Reports**

- **Outreach and Awareness Committee**
  - **Mr. Steve Stahl** gave a report on the Outreach and Awareness Sub-committee. He reported that the committee met a couple of weeks ago and the first topics were overview of goals and objectives. No one had any additional goals, so they are on track. They spent a large amount of time talking about additional partners and opportunities for outreach. They discussed increasing the use in social media, reaching out to all agencies and cities, and discussed having the Governor do a video for domestic violence awareness month. He mentioned that Lighting Arizona Purple attendance was discussed and how to add onto that. The sub-committee discussed changing the logo but decided that the stop sign has been effective and has become known across the state. He recapped on sexual assault awareness month and mentioned that they brainstormed having a survivor sing the national anthem at Lighting Arizona Purple.
- **Victim Services Committee**
  - **Mrs. Kirstin Flores** discussed the priorities addressed by the committee, such as creating a database of all service providers, and any of their collaborative partners and expanding on what already exists, including health providers, law enforcement, and housing. The sub-committee had several people that they would like to recruit to the sub-committee such as representatives from different tribal communities and universities. She mentioned the fatality review teams and how it is a priority to get the reports done. There are fewer teams

and fewer reports coming in. Kirstin Flores would like any help that the commission can give to increase the number of reports that are submitted. **Dr. Websdale** stated that the commission has an opportunity to pass information to the Attorney General's office and turn it into a solid policy proposal. It requires commitment and the commission could use its influence and use someone from the Attorney General's office to determine how to do this. **Jason Zimmerman** stated that the participation has dwindled. **Dr. Websdale** stated that some do review as cases present themselves. some meet regularly, and some do not meet at all. **Chief Stahl** added that the east valley team has had several challenges and had not been meeting. **Diane Umphress, Chair**, asked is there something the commission can do about this. **Kirstin Flores** responded that the sub-committee can continue to discuss the issue. **Malcolm Hightower** stated that GOYFF is happy to support the commission in any way it can.

- **Training and Prevention Committee**
  - **Rebecca Chesley** stated the sub-committee has not yet met but they will be meeting next week.
- **Diane Umphress, Chair**, thanked everyone and asked were there any other updates. **Neil Websale** discussed the issues regarding the fatality review teams, stating we have an international summit June 24-26 in Flagstaff, where they are bringing 5 representatives from review teams. They are trying to create a uniform reporting system, funded by DOJ. They could put something out statewide, that needs to be done in conjunction with Attorney General's office and maybe the revitalization of East Team. He will connect with Steve Stahl via phone about suggestions for the east valley.

#### **Future Meeting Dates**

- **Chairperson Diane Umphress**, announced the following meeting dates
  - Thursday, August 15, 2019  
2<sup>nd</sup> Floor Conference Room
  - Thursday, November 21, 2019  
2<sup>nd</sup> Floor Conference Room

#### **Call to the Public**

- **Chairperson Diane Umphress** gave call to the public. No speakers responded to the call.

#### **Adjourn**

- **Chairperson Diane Umphress** called for adjournment at 12:45pm. **Patricia George** motioned to adjourn, **Kirstin Flores** seconded the motion.

Dated the 16th of May 2019  
Commission to Prevent Violence Against Women  
Respectfully Submitted By:  
Rebecca Chesley  
Program Administrator, GOYFF