



County of Los Angeles CHIEF EXECUTIVE OFFICE


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April 13, 2018

To: Supervisor Sheila Kuehl, Chair
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From: Sachi A. Hamai 
Chief Executive Officer

REPORT BACK ON AN ANALYSIS OF SEXUAL ASSAULT RESPONSE TEAM SERVICES (ITEM NO. 33-A, AGENDA OF JANUARY 16, 2018)

On January 16, 2018, the Board of Supervisors (Board) directed the Chief Executive Office (CEO), in conjunction with Emergency Medical Services (EMS) Agency, to assess the services provided by Sexual Assault Response Team (SART) providers and report back in 60 days on the following:

1. A comparison of the rates in other jurisdictions paid to nurses and physicians with advanced forensic training for sexual assault forensic examinations;
2. The number of exams performed for the Los Angeles County Sheriff's Department (Sheriff), along with the associated costs and reimbursement; and
3. An evaluation of funding opportunities to help identify ongoing support for this vital service.

Background

There are 11 designated Sexual Assault Response Team (SART) centers in Los Angeles County. Designation is administered by the EMS Agency to ensure that each center meets quality standards, and provides for forensic examination and patient care appropriate to the circumstances. The SART centers provide specially trained nurses and physicians to collect evidence that is crucial to the conviction of perpetrators of this type of crime. The SART centers also provide specialty equipment, documentation,

follow-up care, medications and connections to appropriate counseling for the victims. Law enforcement agencies take the victim, and sometimes suspects, to the designated SART centers for this specialty forensic examination knowing that the forensic exam will be completed following strict standards of evidence preservation. Frequently, the case then advances to the court system where SART nurses are called upon to testify regarding the evidence collection process. By law, the law enforcement agencies are required to pay for the examination. However, costs associated with staff testifying in court is not expressly required to be reimbursed by law. Since 2002, the Sheriff pays \$730 for each SART examination. There is concern that the current fee does not adequately cover the costs of performing these exams, which may jeopardize the SART providers' ability to maintain this vital service.

Rate Comparison

The EMS Agency sent out a survey to the ten non-County designated SART centers in Los Angeles County to determine the costs associated with this service. Nine of the ten SART centers responded to the survey providing cost information.

The average reported cost per forensic evidentiary examination was \$1,010, which includes personnel and non-personnel costs including equipment, supplies and facility costs. The SART centers reported conducting 2,806 sexual assault forensic examinations in fiscal year (FY) 2016-17 for the over 40 law enforcement agencies in the County, including 597 forensic examinations completed for the Sheriff.

In addition, SART centers reported that all law enforcement agencies reimburse victims' sexual assault and suspect forensic examinations at the rate approved by the Sheriff (currently \$730). One exception to this is that the Los Angeles Police Department reimburses \$200 for a suspect's forensic examination.

The EMS Agency contacted the EMS Administrators from other California counties regarding the reimbursement rates paid by law enforcement in their county for sexual assault forensic examinations. Below is a summary of the responses to that survey:

| County | Reimbursement Rate |
|---------------|---------------------------|
| Monterey | \$925 |
| Orange | \$925 |
| Sacramento | \$1,400 - \$1,650 |

Rate Increases

In order to keep the exam reimbursement rates in line with increasing costs, the rate should be adjusted annually. From January 2002 to January 2018 the Consumer Price Index (CPI) for medical care increased 74 percent. Had the County implemented a CPI increase in 2002, and not limited the amount of the increase, the current reimbursement rate would be \$1,270. By limiting the annual rate to the actual CPI increase for the preceding 12 months or 3 percent, whichever is less, and applying this to the \$730 approved in 2002, the reimbursement rate would be \$1,080, which is very close to the actual cost of delivering this service.

Sheriff's Department Data

In FY 2016-17, the Sheriff paid \$425,656 for 597 sexual assault forensic examinations. Nine of the exams were ones that the Sheriff identified as incomplete, since the victim declined the forensic exam after SART center staff had completed some initial work. Incomplete exams are currently reimbursed at \$200 each.

The Sheriff's sexual assault forensic examinations account for only 21 percent of the total examinations completed by the various SART centers throughout Los Angeles County. It is important to note that the payment amount established by the County is typically adopted by the other law enforcement agencies in the County.

Funding Opportunities

California Penal Code Section 13823.95 allows for some cost recovery through a reimbursement program, up to \$300 for each forensic examination of a sexual assault victim who does not participate in the criminal justice system. The reimbursement program is administered by the State Office of Emergency Management and is funded by federal grants from the Violence Against Women Reauthorization Act (VAWA) of 2013. In these cases, law enforcement agencies are often not contacted since the victim has declined to participate; therefore, there is insufficient data to estimate the potential annual reimbursement. However, based on anecdotal evidence provided by the Sheriff, the number of these cases is very minimal and would not represent a material amount of reimbursement each year.

Recommendations

Based on the results of this survey, the CEO, in conjunction with the EMS Agency and Sheriff, recommends the following:

1. Increase the reimbursement rate for all sexual assault forensic examinations of victims and suspects to \$1,020, based on the average cost per examination plus \$10 per examination to cover the additional cost associated with preparing for and testifying in court cases. The rate should be adjusted annually by the lesser of the CPI increase for medical care for the West Urban Area for the preceding 12 months or 3 percent, unless the CPI declines, in which case the rate would remain at the current rate.
2. Increase the reimbursement rate for incomplete examinations, where a partial examination is completed but the victim does not participate in the criminal justice system, to \$300. This rate is based on the VAWA, Penal Code Section 13823.95.

Using the FY 2016-17 data from the Sheriff and applying the above recommended rates, the annual cost would be \$602,460, an increase of approximately \$177,000. The Sheriff will cover this nominal increase with their existing resources, and the CEO will work with the Sheriff to monitor their budget to determine if an increase is necessary in a future budget phase.

If you have any questions, please contact me or your staff may contact Mason Matthews, Budget and Finance Division, at (213) 974-2395 or mmatthews@ceo.lacounty.gov.

SAH:JJ:MM
MM:RL:bjs

c: Executive Office, Board of Supervisors
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