



South Carolina Law Enforcement Division

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Henry D. McMaster, Governor

Mark A. Keel, Chief

Tel: (803) 737-9000

July 31, 2023

The Honorable Henry D. McMaster
South Carolina Governor
State House
1100 Gervais Street
Columbia, South Carolina 29201

Senator Luke A. Rankin, *Chairman*
Senate Judiciary Committee
101 Gressette Building
Columbia, South Carolina 29201

Representative Wm. Weston J. Newton, *Chairman*
House Judiciary Committee
512 Blatt Building
Columbia, South Carolina 29201

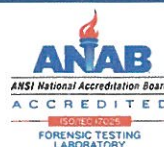
Sexual Assault Kit Tracking System Semiannual Report

In accordance with S.C. Code Ann. § 23-3-1300 (H.3309), the South Carolina Law Enforcement Division (SLED) hereby submits this report. By way of background, Governor McMaster signed Act 134 (H.3309) into law on May 19, 2020. The stated intent of the Sexual Assault Kit Tracking legislation is “to further empower survivors with information, assist law enforcement with investigations and crime prevention, and create transparency and foster public trust.” See Act 134 (H.3309). On January 4, 2021, SLED submitted its Sexual Assault Kit Tracking System (SAKTS) Implementation Report, a copy of which is enclosed in its entirety. In this report, SLED outlined the comprehensive efforts taken to engage with stakeholders on this important issue while working towards procuring a functional and quality tracking system.

In furtherance of the implementation effort, SLED continues to make substantial strides with this project. Specifically, SLED and InVita Healthcare Technologies (the third party vendor) continue to collaborate and advance a South Carolina specific platform using InVita’s Track-Kit™ Sexual Assault Kit (SAK) software. SLED has signed off on the system specifications and InVita is now transitioning into the development phase of the project, which requires Track-Kit™ to be specifically tailored to South Carolina’s mandated statutory requirements. In the coming months, a significant commitment will be required from SLED’s Forensic Technology Department to facilitate quality assurance system testing as well as coordination with stakeholders to upload all template information for end users.



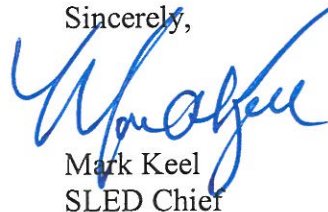
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Sexual Assault Kit Tracking
Semiannual Report
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Accordingly, SLED and InVita's team will continue to coordinate in order to finalize and roll out the pilot program of Track-Kit™ to targeted users who have agreed to participate in the pilot program in South Carolina. Following the anticipated successful rollout of the pilot program, SLED remains optimistic that the system will be fully implemented statewide within this calendar year. In that regard, SLED will continue to work together with the General Assembly to fulfill the purpose of this important legislation.

Sincerely,



Mark Keel
SLED Chief

Enclosures- listed in text



**South Carolina
Law Enforcement Division**

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January 4, 2021

Via Hand-Delivery

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State House
1100 Gervais Street
Columbia, South Carolina 29201

Senator Luke A. Rankin, *Chairman*
Senate Judiciary Committee
101 Gressette Building
Columbia, South Carolina 29201

Representative Chris Murphy, *Chairman*
House Judiciary Committee
308D Blatt Building
Columbia, South Carolina 29201

Sexual Assault Kit Tracking System Implementation Report

In accordance with S.C. Code Ann. § 23-3-1300 (Act 134, H. 3309), the South Carolina Law Enforcement Division (SLED) hereby submits the requirement implementation report. By way of background, Act 134 (H. 3309) was signed into law on May 19, 2020. This law enacted S.C. Code Ann. § 23-3-1300, a copy of which is enclosed in its entirety. The stated intent of this Sexual Assault Kit Tracking legislation is “to further empower survivors with information, assist law enforcement with investigations and crime prevention, and create transparency and foster public trust.” In order to achieve this laudable goal, § 23-3-1300 states the following:

(A) The State Law Enforcement Division (SLED) shall create and operate a statewide sexual assault kit tracking system. SLED may contract with state or nonstate entities including, but not limited to, private software and technology providers, for the creation, operation, and maintenance of the system.



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(B) All medical facilities, law enforcement agencies, forensic laboratories, or other persons or entities that collect evidence for, or receive, store, analyze, maintain, or preserve sexual assault kits, must participate in the statewide sexual assault kit tracking system for the purpose of tracking the location and status of all sexual assault kits in their custody. Participation must begin according to the implementation schedule established by SLED....

(D) SLED may use a phased implementation process in order to launch the system and facilitate entry and use of the system for entities required to participate pursuant to subsection (B). SLED may phase in initial participation according to region, volume, or other appropriate classifications. All entities must participate fully in the system no later than June 1, 2022. SLED shall submit a report on the current status and plan for launching the system, including the plan for phased implementation, to the House and Senate Judiciary committees and the Governor by January 1, 2021.

Prior to the passage of this legislation SLED had long endeavored to enhance and improve the processing and testing of sexual assault kits in South Carolina. While the formal legislation was not signed into law until 2020, SLED began its specific engagement in legislative and stakeholder discussions and began its contemplation of a tracking system in 2017. Since that time, SLED has been researching and studying the various platforms and methods by which an effective tracking system could be implemented in South Carolina. Thus far, SLED has studied and evaluated numerous potential systems, discussing with each potential vendor the functionality and the potential for state-specific customization to meet the specific needs of South Carolina. Further, SLED also engaged in routine conversations and communications with other state forensic laboratories that had already implemented similar tracking systems and has also sent representatives out of state to perform an evaluation of an operational system. The goal of these anticipatory efforts was to analyze the logistical challenges and obstacles faced by other labs in the hope of streamlining South Carolina's implementation.

In addition, in order to properly present an effective implementation plan that meets the needs of this state and to best empower survivors with information, SLED determined that specific input and collaboration with the relevant stakeholders would be invaluable. In that regard, on July 13, 2020, SLED invited representatives of the various stakeholders to join a Sexual Assault Kit Task Force (SAKTF). The SAKTF consisted of members that represented key groups that will play a vital role in the successful implementation of this tracking system.

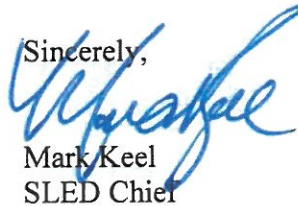
Specifically, the SAKTF had representatives from all the law enforcement DNA laboratories (Greenville, York, Beaufort, Richland, Orangeburg); the South Carolina Coalition Against Domestic Violence and Sexual Assault; the South Carolina Victim Assistance Network; Statewide Forensic Nurse Examiner Program (SANE); the Julie Valentine Center; the South Carolina Sheriffs' Association; the South Carolina Police Chiefs' Association; the South Carolina Attorney General's Office; the South Carolina Commission on Prosecution Coordination; and a survivor of sexual assault.

An initial meeting of the SAKTF took place virtually on September 3, 2020. In this meeting, Chief Mark Keel addressed all the stakeholders about the mandate set forth in H.3309. In addition, one vendor that had already implemented a tracking system in other states provided a demo so that the stakeholders could see what an established sexual assault kit tracking system looked like as well as begin to think about questions and concerns related to the implementation of such a system. Over the next few months, subcommittee meetings were held virtually with different groups to discuss specific thoughts and concerns in an effort to obtain feedback and collaborate on the implementation of such. These subcommittees were grouped into the following categories: Law Enforcement DNA Laboratories, Law Enforcement, Hospitals/SANE, Information Technology, and Survivor/Victim Advocates. Each of these meetings were productive and yielded helpful feedback for SLED that has been taken into consideration in determining the unique needs of each distinct group.

After months of thorough collaboration and deliberation, SLED has made the determination that an RFP will be necessary to procure a functional and established Sexual Assault Kit Tracking System. Specifically, based on input from the SAKTF, SLED has determined that a commercially existing system that has already been implemented in another state with the functionality and competency to meet the statutory requirements set forth in H. 3309 would be best. However, to date, SLED has not received any funding to procure such a system. To that end, SLED has updated the fiscal impact report for H. 3309 to reflect the cost and informed the S.C. Revenue and Fiscal Affairs Office. Based upon multiple systems that SLED has reviewed and evaluated, SLED is informed and believes that approximately One Hundred and Fifty Thousand Dollars (\$150,000) in funding will be needed in order to purchase and implement a system pursuant to the timeline set forth in H. 3309, which requires full implementation "no later than June 1, 2022." *See* S.C. Code Ann. § 23-3-1300(D). As such, the allocation of funds to procure a functional and quality tracking system is the first and most important step in SLED's phased implementation approach. Once SLED has obtained sufficient funding to proceed with a RFP, SLED will be in a better position to evaluate a realistic implementation schedule.

Regardless, once funding is secured, SLED anticipates a phased implementation beginning via a pilot program. SLED will work with the SAKTF to determine the best “pilots” and will proceed accordingly. SLED believes it will likely be necessary to start with large police agencies at the county and local levels, particularly ones with DNA laboratories. Of course, relevant hospitals, the SLED forensic services laboratory, and any of the various other law enforcement DNA laboratories or law enforcement entities may be necessary as well. This phased approach will allow all involved to identify and address any implementation problems or any other issues that may arise. Thereafter, pending the successful implementation of the pilot program, SLED will work with the SAKTF to continue a phased implementation with the goal of achieving full compliance by the required June 1, 2022 deadline. SLED will utilize the SAKTF throughout the implementation process.

Sincerely,



Mark Keel
SLED Chief

Enclosures – listed in text

Code of Laws of South Carolina 1976 Annotated
Title 23. Law Enforcement and Public Safety
Chapter 3. South Carolina Law Enforcement Division
Article 15. Statewide Sexual Assault Kit Tracking System

Code 1976 § 23-3-1300

§ 23-3-1300. Statewide sexual assault kit tracking system; creation; requirements; reports; confidentiality.

Effective: May 14, 2020
Currentness

(A) The State Law Enforcement Division (SLED) shall create and operate a statewide sexual assault kit tracking system. SLED may contract with state or nonstate entities including, but not limited to, private software and technology providers, for the creation, operation, and maintenance of the system.

(B) All medical facilities, law enforcement agencies, forensic laboratories, or other persons or entities that collect evidence for, or receive, store, analyze, maintain, or preserve sexual assault kits, must participate in the statewide sexual assault kit tracking system for the purpose of tracking the location and status of all sexual assault kits in their custody. Participation must begin according to the implementation schedule established by SLED.

(C) The statewide sexual assault kit tracking system must:

- (1) track the location and status of sexual assault kits throughout the criminal justice process, including the initial collection in examinations performed at medical facilities, receipt and storage at law enforcement agencies, receipt and analysis at forensic laboratories, and storage and any destruction after completion of analysis;
- (2) allow participating entities who have custody of sexual assault kits to update and track the status and location of the kits;
- (3) allow victims of sexual assault to anonymously track or receive updates regarding the status of their sexual assault kits; and
- (4) use electronic or other technologies which allow for continuous access.

(D) SLED may use a phased implementation process in order to launch the system and facilitate entry and use of the system for entities required to participate pursuant to subsection (B). SLED may phase in initial participation according to region, volume, or other appropriate classifications. All entities must participate fully in the system no later than June 1, 2022. SLED shall submit a report on the current status and plan for launching the system, including the plan for phased implementation, to the House and Senate Judiciary committees and the Governor by January 1, 2021.

(E) SLED shall submit a semiannual report on the statewide sexual assault kit tracking system to the House and Senate Judiciary committees and the Governor. SLED may publish the current report on its website. The first report is due July 31, 2022, and subsequent reports are due January thirty-first and July thirty-first of each year. The report must include the:

- (1) total number of sexual assault kits in the system statewide and by jurisdiction;
- (2) total and semiannual number of sexual assault kits where forensic analysis has been completed statewide and by jurisdiction;
- (3) number of sexual assault kits added to the system in the reporting period statewide and by jurisdiction;
- (4) total and semiannual number of sexual assault kits where forensic analysis has been requested but not completed statewide and by jurisdiction;
- (5) average and median length of time for sexual assault kits to be submitted for forensic analysis after being added to the system, including separate sets of data for all sexual assault kits in the system statewide and by jurisdiction and for sexual assault kits added to the system in the reporting period statewide and by jurisdiction;
- (6) average and median length of time for forensic analysis to be completed on sexual assault kits after being submitted for analysis, including separate sets of data for all sexual assault kits in the system statewide and by jurisdiction and for sexual assault kits added to the system in the reporting period statewide and by jurisdiction;
- (7) total and semiannual number of sexual assault kits destroyed or removed from the system statewide and by jurisdiction;
- (8) total number of sexual assault kits, statewide and by jurisdiction, where forensic analysis has not been completed and six months or more have passed since those sexual assault kits were added to the system; and
- (9) total number of sexual assault kits, statewide and by jurisdiction, where forensic analysis has not been completed and one year or more has passed since those sexual assault kits were added to the system.

(F) For the purpose of reports under subsection (E), a sexual assault kit must be assigned to the jurisdiction associated with the law enforcement agency anticipated to receive the sexual assault kit or otherwise in custody of the sexual assault kit.

(G) SLED shall establish guidelines to ensure that the statewide sexual assault kit tracking system protects victim information from disclosure to nonparticipating entities. Except as otherwise required for reporting under subsection (E), information maintained in the statewide sexual assault kit tracking system is confidential and not a public record as defined in Section 30-4-20(C).

Credits

HISTORY: 2020 Act No. 134 (H.3309), § 1, eff May 14, 2020.

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Code 1976 § 23-3-1300, SC ST § 23-3-1300

Current through the 2020 session, subject to technical revisions by the Code Commissioner as authorized by law before official publication.

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