



Texas Response to Sexual Assault

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SAK Backlog Audit & Testing

September 1, 2011 – August 31, 2017

Legislation

- SB 1636 - Effective: September 1, 2011
- Established an endpoint for discretionary SAK submissions
- Required SAK submission to lab within 30 calendar days
- Required all “active cases” to be submitted
- Required an audit of the number of untested SAKs



The SAK Audit & Funding

- Statute only provided 45 days for audit & report
- No sanction for not reporting
- Lab directors estimated 20,000 untested kits
- Initial report to 2013 legislature – 136 LEAs reported just over 15,800
- August 2017 – 161 LEAs reported 18,955
- DPS secured grant funding from the Governor's Office which allowed for outsourcing to two private labs & UNT

Results

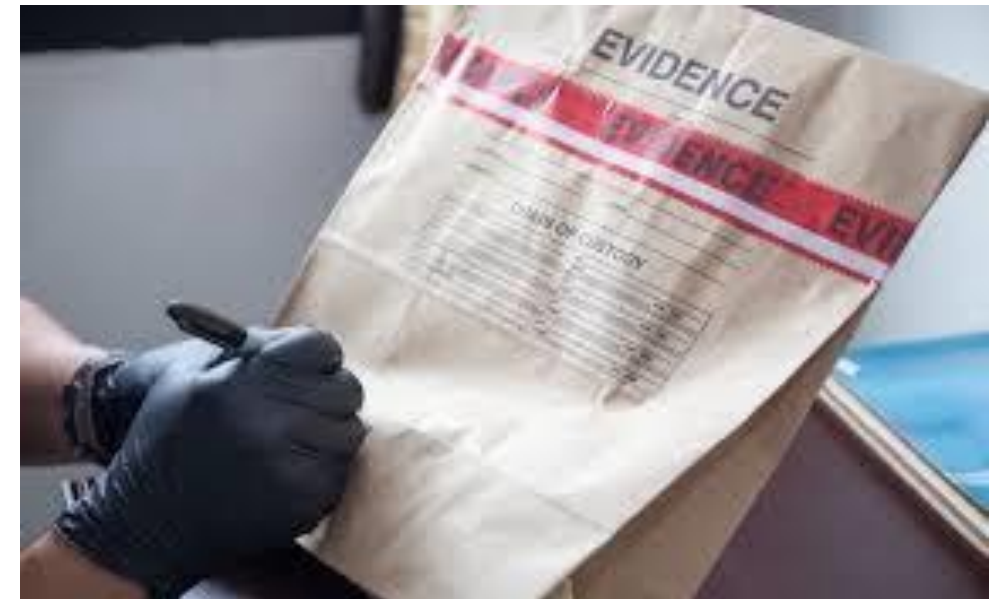
- Completed: August 31, 2017
- DPS had testing completed on 8,349 cases through outsource contracts
- Additionally, DPS completed testing of 1,761 kits internally prior to outsourcing contract being awarded
- The Houston Forensic Science Center had testing performed on 6,663 cases via outsource contracts
- TOTAL = 16,773 cases tested & submitted to CODIS if they contained eligible DNA profiles

Texas SAK Programs

Storage, Non-Report, Tracking

Storage of Biological Evidence

- HB 3594 – Effective: January 1, 2010
- Collaborated with other stakeholders to draft the “Best Practices for Collection, Storage, Preservation, and Retrieval of Biological Evidence”
- LEAs from counties with a population less than 100,000 can deliver for long-term storage biological evidence or bio-evidence to the DPS evidence storage facility in Houston
- Agencies store the evidence locally until conclusion pending trial
- Post conviction or bio-evidence related to an unsolved felony crime can be sent to DPS for storage



Non-Report Program

- HB 2626 – Effective: September 1, 2009
- Allows survivors to obtain a forensic medical exam and have evidence collected, without cost to the victim, even if they do not wish to involve law enforcement personnel at the time of its collection
- Defines the applicable health care facilities that are affected by the program and directs them to perform the appropriate exam
- Directs DPS to pay the health care facility fees for the forensic portion of the exam
- Directs the Texas Attorney General's Office to reimburse DPS
- Requires DPS to transfer and preserve the evidence for either two years or until the victim releases the evidence, whichever comes first

Tracking Program

- HB 281 – Effective: September 1, 2019
- Requires DPS to develop and implement a statewide electronic tracking system to...
 - track the status and location of each item of evidence through various stages of the criminal justice process
 - allow entities involved in the handling of the evidence to update and track the status and location of evidence
 - allow survivors to anonymously track or receive updates on the status of evidence
- Participation is required by any entity that collects evidence of sexual assaults or other sex offenses or investigates or prosecutes such offenses



Six Pillars of Legislative Rape Kit Reform

End the Backlog

Six Key Pillars

- 1) Annual statewide inventory of untested kits
- 2) Mandatory testing of backlogged kits
- 3) Mandatory testing of new kits
- 4) Statewide Tracking system
- 5) Victims' rights to notice
- 6) Funding for reform

By creating the statewide tracking system, Texas became the first in the nation to implement all six key pillars

Contact Information

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