



South Carolina

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**REMARKS OF SLED CHIEF MARK KEEL IN RESPONSE TO
THE LEGISLATIVE AUDIT COUNCIL'S PRESENTATION ON
THE IMPLEMENTATION OF THE SEXUAL ASSAULT KIT TRACKING SYSTEM
PURSUANT TO S.C. CODE §23-3-1300**

As the Chief of SLED, I appreciate the opportunity to respond to the Legislative Audit Council's Report. Staff have been provided with my official response to provide to each of you. Today, I want to address two important issues the LAC highlighted in their report, the time it took to fully implement the system and the authority SLED has as it relates to South Carolina Code §23-3-1300.

First, I want to thank the dedicated SLED employees and stakeholders who worked collaboratively to research, procure, and implement a sexual assault kit tracking system that works for South Carolina. And it is working.

Currently, 95% of law enforcement agencies and 100% of Solicitor's Offices in South Carolina are users of the system.

The LAC's Stated Objectives are to evaluate how SLED has implemented and complied with the requirements of S.C. Code §23-3-1300 regarding the sexual assault kit tracking system, and determine how SLED can improve its administration of the sexual assault kit tracking system.

That's where we are today, but I want to take you back to when this legislation was being debated and ultimately enacted. SLED encouraged members of the General Assembly to make the implementation deadline contingent upon funding since there was no funding associated with the legislation. Ultimately it was enacted and the two-year clock started upon the signature of the Governor... again without any dedicated funding. To date, we still have no actual basis or understanding of how 2 years to fully implement the system was chosen. However, I've been in state government since 1979 so I have my thoughts.

A 4-page SLED Timeline of Key Dates was provided to the LAC to ensure they had a snapshot of the work SLED did from May 14, 2020, the date the Governor signed H. 3309 into law until February 20, 2024, the date Track-Kit was officially live in all regions of South Carolina.



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What I also have is a 31-page document that tracks SLED's work from January 17, 2017, to October 23, 2025. This is 31 pages of key milestones. What it shows is there is consistent work being done.

What the LAC leads the General Assembly and the public to believe in their summary where they provide a timeline with 9 key dates is there was little work being done to research, procure, and implement a sexual assault kit tracking system. That allegation is bluntly false. Again, this is after being provided with a detailed timeline by SLED.

From the date the legislation was enacted to full implementation was 3 years 9 months.

Upon review of the LAC's survey to other states which begins on page 61 but specifically looking at page 68.

Question 37 - 6 of the 12 states who responded and procured a system said it took 6 months to 2 years to procure the software. SLED fell within this same timeframe.

Question 38 - 9 of the 14 states who responded said it took 1 year to 3 years to implement the system statewide. Again, SLED fell within this same timeframe.

Again, If SLED was given this survey today, we would fall into the average procurement timeframe as well as the average implementation time frame. The LAC would falsely lead you to believe otherwise.

These responses don't even consider when the system was procured and implemented, or which system was ultimately implemented. Both of which are important as it relates to time. Nonetheless, SLED fell within both average timeframes according to the LAC's survey.

It's important to note that this bill was enacted at the height of the COVID-19 pandemic.

As you know, the COVID-19 pandemic impacted not only state employees and procurement but also set vendors behind.

Finally, keep in mind, once SLED chose Track-Kit, SLED was not InVita's only client. Track-Kit, developed by In-Vita Healthcare Technology, is currently used by 15 of the 37 states who utilize a sexual assault kit tracking system. At the time they were developing a tracking system for South Carolina they were also working with Florida, Maryland and Connecticut.

On the front page of their summary, the LAC rightly notes "SLED has no oversight authority over the entities required to participate under the law, like local law enforcement agencies or medical facilities."

However, throughout the report, they mistakenly lead the General Assembly and the public to believe the statute granted SLED wide ranging authority including the authority to go to every law enforcement agency in South Carolina and demand access to every sexual assault kit for the purposes of creating an inventory.

To be clear, the bill as enacted gave SLED no authority to promulgate regulations or to enforce inaction by local law enforcement or medical facilities.

Section 1 letter (G) of the statute simply states, “SLED shall establish guidelines to ensure the statewide sexual assault kit tracking system protects victims’ information from disclosure to nonparticipating entities.”

On page 48 recommendations 18, 19, 20, and 21 convey authority upon SLED where no such authority was specifically given by the General Assembly in this legislation.

SLED has no authority granted by this legislation to promulgate regulations to establish required time frames for the stages of sexual assault kit processing.

SLED has no authority granted by this legislation to require that all reported sexual assault kits are picked up by the law enforcement agency and enrolled in the tracking system within 3 days.

SLED has no authority granted by this legislation to require that all reported sexual assault kits are delivered by the law enforcement agency to the forensics laboratory within 7 days.

SLED has no authority granted by this legislation to require all forensic laboratories in South Carolina to process all sexual assault kits within 30 days of receipt. It is noted SLED through internal policy could require SLED’s Forensic Services Laboratory to process all kits within 30 days. SLED is currently utilizing an external vendor, paid for with federal grant dollars, to analyze sexual assault kits to reduce the backlog with that goal in mind.

Again, I want to read you the stated objectives of the LAC’s audit: Evaluate how SLED has implemented and complied with the requirements of S.C. Code §23-3-1300 regarding the sexual assault kit tracking system. Determine how SLED can improve its administration of the sexual assault kit tracking system.

I submit to you we fulfilled the intent of the legislation in a timeframe that is in line with other states who have researched, procured and implemented a sexual assault kit tracking system.

The success of the system implementation is still being realized every day. SLED employees continue to do their part to ensure stakeholders are participating and victims are provided the access they deserve.

As I stated before, 95% of law enforcement agencies and 100% of Solicitor’s Offices in South Carolina are users of the system.

If the goal of the audit was to say SLED did not meet the arbitrary 2-year deadline established in this legislation, as the Chief of SLED, I will own that.

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