



## South Carolina Law Enforcement Division

P.O. Box 21398  
Columbia, South Carolina  
29221-1398

*Henry D. McMaster, Governor*  
*Mark A. Keel, Chief*

*Tel: (803) 737-9000*

October 29, 2024

Director K. Earle Powell  
Legislative Audit Council  
1331 Elmwood Avenue, Suite 315  
Columbia, South Carolina 29201

Re: SLED Response to Legislative Audit Council's ("LAC") Report

Dear Director Powell:

As Chief of SLED, and on behalf of the many dedicated men and women who worked to implement a Sexual Assault Kit Tracking System in South Carolina, I am deeply disappointed by the countless misrepresentations set forth in the LAC's Report, titled *A Review of the Statewide Sexual Assault Kit Tracking System by the S.C. State Law Enforcement Division (SLED)* ("Report"). It is clear that the LAC has not presented an objective Report that properly evaluates SLED's statewide implementation of the sexual assault kit tracking system in South Carolina ("SAK"/"SAKTS"). With hindsight, this appears to have been inevitable. Notably, when the first meeting took place between SLED and the LAC on February 27, 2024, LAC staff almost immediately stated how knowledgeable they were about sexual assault kits and the implementation process, despite not yet having interviewed a single SLED employee or SLED having submitted and the LAC having received a single response to any of the numerous inquiries that followed. This sentiment is reflected in the Report, as the LAC appears to have disregarded important information in order to paint a seemingly predetermined and flawed narrative of SLED's performance, ultimately mistakenly indicating that implementation was in large part a failure rather than a resounding success for the State of South Carolina and the Sexual Assault Survivor community. Regardless, SLED appreciates the opportunity to provide important rebuttals and responses, which are largely based upon information that was made available to the LAC throughout this process.

### **SLED's Implementation of Sexual Assault Kit Tracking System**

SLED has been completely transparent since Act 134 (H. 3309) was signed into law on May 19, 2020, which was, of course, during the height of the COVID-19 Pandemic. To that end, SLED has consistently noted that certain obstacles would have to be overcome to implement a statewide SAKTS. Specifically, at the time this law went into effect, there was a lack of dedicated funding, additional employees, or any resources of any kind allocated to facilitate implementation. In addition, SLED was not afforded input regarding a reasonable implementation deadline or input as to any specifics of what resources would be needed for implementation. It is noteworthy that a Fiscal Impact was generated on November 20, 2020, which stated that "[t]his bill requires SLED to create a sexual assault kit tracking system. The agency reports that it has



*An Accredited Law Enforcement Agency*



solicited a number of quotes on the development of such a system that range from \$250,000 to more than \$500,000. SLED indicates that the number of end users needing to access the system, which is currently unknown, will affect the overall cost of development. Therefore, the expenditure impact of the bill on the agency's General Funds is undetermined." *See Attachment 1 (Fiscal Impact H. 3309, November 20, 2020)*. SLED noted these concerns in the SAK System Implementation Report submitted on January 4, 2021. *See Attachment 2 (SAKTS Implementation Report, January 4, 2021)*. Regardless, SLED recognizes its vital role as an assisting agency throughout the State of South Carolina, and in addition to an internal SAKTS working group, SLED immediately created a statewide sexual assault kit tracking task force (SAKTF) to ensure that a realistic and workable implementation plan was generated to most effectively meet the stated intent of S.C. Code Ann. § 23-3-1300, which is to "to further empower survivors with information, assist law enforcement with investigations and crime prevention, and create transparency and foster public trust."

Unfortunately, it appears that the LAC has failed to recognize the importance of cooperation and collaboration with key stakeholders throughout the state to implement a statewide SAKTS. However, as discussed below and throughout this response, SLED most certainly appreciates and acknowledges the critical need for input and collaboration from the various stakeholder groups since these groups represent the various end users whose input and involvement was vital towards successful implementation of the tracking system. Accordingly, SLED concluded its implementation report by saying that SLED would continue to work with the SAKTF toward a phased implementation with the goal of achieving full compliance by the June 1, 2022, deadline. SLED continued to acknowledge the numerous steps taken toward implementation in its semiannual reports provided to the Governor's Office, the House Judiciary Committee and the Senate Judiciary Committee. Notably, throughout these reports, SLED was fully transparent with the progress made toward full statewide implementation in 2024. *See Attachment 3 (SAKTS Semiannual Reports)*.

On the first page of the LAC Report there is a "Timeline of Key Dates in SAK Tracking System Implementation Process". However, this timeline creates the false perception that SLED took no beneficial or meaningful actions towards the implementation of the SAKTS for substantial periods of time throughout the 3½ year implementation process. To that end, the LAC's timeline identifies only arbitrarily defined "key dates" in the implementation process. This is simply not reflective of the effort SLED made during this process. Accordingly, SLED has generated an accurate and more complete timeline of this process, including what SLED believes fully denotes all of the key dates and actions taken. *See Attachment 4 (SLED Timeline of Key Dates)*. Below is synopsis of SLED's implementation activity from 2020 to 2024.

Governor McMaster signed H.3309 into law on May 14, 2020, and the law went into effect immediately. On May 20, 2020, SLED convened an internal SAKTS working group to begin discussing this important legislation and formulate a statewide task force. Follow up meetings of SLED's internal working group took place on May 22<sup>nd</sup> and on June 1<sup>st</sup>. Subsequently, on July 13<sup>th</sup>, I invited numerous stakeholders to join and participate in SLED's SAK Task Force. *See Attachment 5 (Chief Keel Invitation to SAKTF)*. Having been the Chief of SLED since 2011, I know first-hand the importance of involving our partners and stakeholders.

Thereafter, another SLED internal working group meeting took place on August 12<sup>th</sup>. And, the first SAKTF meeting occurred on September 3, 2020. While the initial meeting involved all of the stakeholders, it was quickly determined that smaller subcommittees would be the most prudent way to ensure that all represented groups had ample opportunity to weigh in and discuss

the unique needs of each representative member of the task force. Notably, SLED followed the working subcommittee structure used effectively by the General Assembly every legislative session. Subcommittees are often incredibly effective tools to facilitate targeted discussion by individual stakeholders in a manner that minimizes the burden on all other task force members.

On November 4, SLED hosted a virtual subcommittee meeting for input from local DNA laboratories. Later that same day, SLED hosted another working meeting with representatives with local law enforcement departments, including representatives from sheriff's offices and municipal agencies. On November 9th, SLED hosted a subcommittee meeting comprised of representatives of the various Medical Facilities along with other representatives from the statewide Forensic Nurse Examiner (FNE) program. On November 10<sup>th</sup>, SLED hosted a subcommittee meeting for the SLED Information Technology (IT) department and various end users to discuss technical aspects of configurability and functionality of a tracking system, and on November 12<sup>th</sup>, SLED hosted another meeting with Survivor/Victim Advocate Groups. Notably, all of these meetings and working sessions predated SLED's first mandatory report regarding its implementation plan. *See Attachment 2 (SAKTS Implementation Report, January 4, 2021).*

However, curiously, the LAC Report's timeline makes little reference to any of the work performed throughout 2021. This oversight presents a false and misleading narrative. It is noteworthy that during the time period from March through September of 2021, SLED performed the very actions discussed and noted in the implementation report, which was to identify and secure funding and to evaluate various methods of procuring a system. It is noteworthy that even as far back as 2017, SLED had participated in tracking system demonstrations by various vendors so as to evaluate possible options. During this period of system evaluations that lasted through 2020, SLED learned that there were two tracking systems being promoted as "free". However, as with many things, free is not free and SLED discovered that implementing most of these "free" systems actually require the payment of initial system set-up fees. Furthermore, many of these systems required additional costs for maintenance and technical support. For example, direct communication with one vendor revealed the following additional costs: one-time set up fee for Cloud at \$15,000 - \$20,000; hosting maintenance/support fee at \$70,000 - \$150,000 per year; enhancements based on state specific legislation, preferences, etc. at \$125.00 per hour. *See Attachment 6 (SLED Email Summarizing Conversations with John Sohner from HMB).*

Ultimately, given the actual costs involved in the procurement of a SAK tracking system, SLED determined that Request for Proposal (RFP) was the best way forward to comply with South Carolina Procurement Law while satisfying the requirements of S.C. Code Ann. § 23-3-1300. The RFP approach allowed SLED to procure a reputable and established system that would meet the unique requirements of South Carolina. During the month of September 2021, SLED drafted the RFP and, on October 1, 2021, a purchase order was entered through State Procurement. On October 8, 2021, the purchase order, system specifications, and approved IT plan was sent to the Materials and Management Office (MMO). From this point on until the end of 2021, SLED met with MMO on numerous occasions for finalization of the solicitation.

On January 24, 2022, the Solicitation for an SAK Tracking System was posted by MMO. At this point, the solicitation was largely subject to State procurement laws and processes, and was largely out of SLED's direct control. In March 2022, the SAKTF was provided with an update on the procurement process. The Report states that in April of 2022 a notice was issued stating the award posting date was "extended until further notice." The LAC inaccurately concluded that this delay was the fault of SLED without verifying this information. Rather, it was due to MMO needing additional time to sort through issues. *See Attachment 7 (Email with*

**Brittany Sloan**). Between March and July, SLED’s designated evaluation team worked with MMO to review and score the various vendor proposals. On July 26, 2022, SLED entered into a contract with InVita Healthcare Technologies, Inc., to implement the Track-Kit™ system in South Carolina. Following the kickoff meeting with InVita in September, another SAKTF meeting was held on October 24<sup>th</sup> to update stakeholders on the progress of the vendor award and to inform all of the stakeholders of upcoming training. SLED and InVita hosted “Knowledge Transfer Sessions” (KTS) with medical facilities, law enforcement, survivors and advocate groups, and county DNA laboratory personnel, for each of the stakeholder group’s respective portals. These various meetings occurred on October 25<sup>th</sup>, 26<sup>th</sup>, 27<sup>th</sup>, and 28<sup>th</sup>. *See Attachment 8 (SLED Emails regarding KTS).*

In January of 2023, SLED continued Knowledge Transfer Sessions with prosecutors and SLED policy center administrators. From February through June, InVita conducted its formal “system design” to ensure that Track-Kit™ satisfied the specific needs and requirements of South Carolina and S.C. Code Ann. § 23-3-1300. Notably, this system design specifically accounted for the specific issues learned during the various subcommittee group meetings. On June 8<sup>th</sup>, SLED accepted the InVita system specifications and began the final process toward a pilot roll out of Track-Kit™. On August 7<sup>th</sup>, SLED began weekly meetings with InVita to monitor progress of system implementation and to address any outstanding issues or concerns. System testing and quality assurance took place over the next few months, and on October 2<sup>nd</sup>, SLED provided the SAKTF with an update on the instructions for the “go-live” process. Throughout this process and until statewide implementation on February 20, 2024, SLED hosted 31 training opportunities for all end user groups, 20 of which were virtual and 11 were in-person. *See Attachment 9 (SAKTS Training Calendars).* Additionally, SLED’s contract with InVita allows for annual training and registered users have access to training documentation and video resources in their respective portal. It is also noteworthy that once Track-Kit™ was procured, SLED submitted a non-recurring request in the FY23-24 budget seeking \$139,549 for “SAK Tracking System yearly licensing and Tech Support Fees”. *See Attachment 10 (FY23-24 Budget Request).*

As this timeline represents, SLED diligently worked to implement the requirements set forth in S.C. Code Ann. § 23-3-1300. While SLED acknowledges that it did not meet the arbitrary deadline imposed in the statute, SLED is informed and believes that the efforts taken to achieve implementation were necessary and proper. Simply put, SLED would not sacrifice thoroughness, legality, and diligence for speed in the SAK Tracking implementation process.

## **RESPONSES TO OTHER KEY ISSUES RAISED IN REPORT**

### **SLED DID NOT ADEQUATELY COMMUNICATE WITH STAKEHOLDERS**

The LAC states the following: SLED relied primarily on email communication to disseminate information regarding the SAKTS and that SLED has made minimal effort to ensure that stakeholders are using the system. SLED emphatically disputes this assumption. Although SLED did utilize email as one means of communication, there were multiple interactions with stakeholders via Teams meetings, WebEx live trainings, phone calls, and in-person training and interactions. These communications are supported by documentation initially provided in Responses to the LAC audit. It is also worth noting this took place during the COVID-19 Pandemic and measures were taken at all times to ensure the safety of the stakeholders and SLED staff.

As Chief of SLED, I routinely speak with the Police Chiefs, Sheriffs, and Prosecutors. Since the passage of this legislation, I have often discussed SLED's implementation plan and the importance of training and user enrollment at conferences and other gatherings across the state. Additionally, this was also addressed in SLED's quarterly Newsletter, which is used as a tool to provide important information to our law enforcement partners across the state. Finally, SLED Regional Captains also directly contacted Sheriffs and Police Chief's across South Carolina as implementation deadlines approached to encourage enrollment and participation in the SAKTS.

## **SLED USE OF GRANTS RELATED TO SAKs**

As subject matter experts on this topic, SLED is informed and believes that Sexual Assault Kit Initiative (SAKI) grants are designed for local and county government bodies – not statewide laboratories. Specifically, the overall purpose of SAKI funding is to not only fund the analysis of unsubmitted sexual assault kits, but to also evaluate investigative practices, victim support services, fund training, address cold cases, etc. SLED is unwilling to seek grant funds designed for other purposes and other entities. Rather, SLED has utilized Capacity Enhancement for Backlog Reduction (CEBR) grants since 2005, which are specifically designed to address backlogs. Notably, SLED has utilized CEBR grants to fund overtime for the in-house analysis of sexual assault kits and upcoming outsourcing of the analysis of sexual assault kits. Additionally, SLED sought and received confirmation in 2023 from the Bureau of Justice Assistance (BJA) stating that if sexual assault kits at the laboratory were officially submitted for testing and this is delayed because of laboratory backlogs, then CEBR funding should be used. If the sexual assault kits are purely being stored at the laboratory without official testing requests, then analysis would qualify for SAKI funding. However, SLED does not serve as long-term storage for local law enforcement agencies and is informed and believes that CEBR grants – not SAKI grants are appropriate. *See Attachment 11 (BJA Correspondence)*. SLED has and will continue to properly use available federal grant funding to address backlogs.

## **LEGACY KITS**

Legacy kits are sexual assault kits that were either collected or manufactured prior to the implementation of Track-Kit™. These kits do not possess the barcodes necessary to track them in Track-Kit™. Also, medical facilities may have unutilized kits that were manufactured and circulated before implementation in their uncollected inventories. Similarly, law enforcement agencies may have kits that were collected, but remain untested and in their unsubmitted evidence storage. Local DNA laboratories may also have untested kits in their backlogs that have not been barcoded. Once Track-Kit™ was implemented, medical facilities, law enforcement agencies, and local DNA laboratories were notified and asked to provide a count of the number of sexual assault kits in their respective possession that required Track-Kit™ barcode stickers. The necessary materials to bar code these kits were sent to all organizations that requested them. Internally, SLED Forensic Services Laboratory personnel barcode legacy kits when they are submitted for analysis by a law enforcement agency, if they do not already possess a Track-Kit™ barcode sticker. Additionally, DNA Casework Department personnel will barcode legacy kits when they are prepared for analysis, if they do not already possess a Track-Kit™ barcode sticker. However, SLED has and will continue to prioritize testing sexual assault kits and barcoding them in this manner and is informed and believes that this is the most effective way to reduce testing backlogs. Simply put, SLED would have to further delay testing to barcode all legacy kits in SLED's possession.

## **SLED RESPONSE TO LAC SURVEY**

The LAC's "survey" was so flawed that it fails to provide helpful information in any regard. Notably, while chastising SLED for only utilizing email for communication in certain respects, the LAC used SurveyMonkey®, distributed via email, to assess the effectiveness of Track-Kit™. It is unknown to SLED whether the LAC verified if any of the surveys sent to stakeholders were lost in spam folders or filtered out by security measures at the recipient's organizations as there is simply no mention of that anywhere in the report. The LAC also failed to disclose whether they followed up with all of the stakeholders who did not respond. Although the LAC received 127 total responses across all stakeholder groups, only 101 indicated in their survey that they were registered users. Currently there are 2,040 registered users in Track-Kit™, to include 137 users of the prosecutor portal, none of which were surveyed by the LAC. Therefore, the LAC only received responses from approximately 4.9 % of registered Track-Kit™ users and based their Track-Kit™ audit conclusions and recommendations on an invalid and unfair representation of registered Track Kit™ users. Utilizing information from less than 5% of actual users as representative information for the entire system is simply inappropriate. SLED would note the following additional issues with this survey:

### **Law Enforcement Agency (LEA)**

- The LAC failed to survey all 334 active LEAs in South Carolina. Accordingly, all of the statistical representations related to LEAs are inaccurate.
- For example, on Page 6, the LAC surveyed 281 LEAs, and received 88 responses, which the LAC reported as approximately 31% participation. This is only representative of 26% of the total LEAs in South Carolina.
- On Pages 75-76 (Appendix B), the LAC reports that 88 LEA responses were received. The Table for LEA survey results indicates questions were inconsistently answered and various questions were randomly skipped. This certainly affects the reporting.
- In addition, there is no indication that the LAC distributed the survey to any SLED Agents in any of the 4 SLED Regional offices or any SLED Agents in the Special Victims Unit.
- Notably, there are currently **1,488** registered LEA users in Track-Kit™, which based on 88 responses that the LAC received, equates to LAC relying on a sample data set representing approximately 5.9% of LEA users registered in Track-Kit™.

### **Forensic DNA Laboratories**

- On Page 7, the LAC reports that it surveyed a representative from each of the five forensic laboratories in South Carolina. However, the LAC indicated they excluded SLED's forensic lab, which comprises essential staff in Evidence Control, DNA Casework, and SLED Crime Scene who are trained, registered Track-Kit™ users positioned to utilize Track-Kit™ on a daily basis. Notably, SLED is the largest user of the system in the forensic DNA laboratory portal, yet it had no input in the survey.
- There are currently **83** registered laboratory users in Track-Kit™; therefore, the LAC failed to include information from 93% of laboratory users in the survey. Therefore, the sample data set is simply not reflective of registered laboratory users.
- On Page 7, the LAC reports that one staff member surveyed received training "after" the go-live date. The LAC failed to specify if the 1 respondent who received training "after" the go-live date "failed to attend" in-person laboratory specific training or "failed to register" for the Make-Up Laboratory webinar session that was offered. All local DNA laboratory staff were offered in-person "non-Region specific" training by InVita on December 7, 2023, and again December 8, 2023, at SLED. These trainings were offered and conducted before any Regions went live. However, this survey fails to accurately

note why training was not received or whether SLED was made aware of any potential conflict with those dates by that individual user.

- On Page 79 Appendix C indicates Question # 9 was skipped by 4 respondents (80%) and Question #10 was skipped by 2 respondents (40%). Therefore, data is incomplete.

### **Medical Facilities (MF)**

- On Page 7, LAC reports that the South Carolina Hospital Association (SCHA) distributed the survey link to medical facilities and hospital staff, initially sending 217 invitations to hospital leaders followed by a second invitation to 249 leaders, for a total of 466 invitations. LAC received 22 of 466 (approximately 5%) responses. The LAC failed to disclose whether duplicate invitations were sent. There is also no explanation as to whether the second invitation was sent to 249 “new” leader contacts or if the second invitation was sent to only 32 “new” leader contacts. The sample data set for MFs is also not well defined. Furthermore, the LAC does not disclose whether their survey was sent to the same Medical Facility representatives that SLED collaborated with during system set up, training, and implementation; or if any of the **332** Track-Kit™ users currently registered were included as respondents.
- On Page 7, the LAC also inexplicably states that an approximate 5% survey response rate from medical facility respondents provided “valuable insights”. This is flawed.
- On Pages 81-84 (Appendix D) the survey indicates that not all 22 respondents answered all 12 questions and 11 of the 12 questions varied by being skipped by 2-15 of the respondents. These discrepancies affect the usefulness of the survey.
- On Page 7, the LAC reports that fewer than half of MFs received sufficient training “before” go-live dates, while some respondents received training “after” the go-live date. The LAC failed to specify whether the respondents who received training “after” the go-live date, “failed to attend” in-person MF specific training or “failed to register” for MF specific webinars that were offered. SLED not only communicated through the SCHA (as did the LAC) regarding MF training opportunities, but also took additional opportunities to communicate through virtual meetings with the Forensic Nurse Examiners (FNE) Task Force and with individual medical/SANE staff at the medical facilities to ensure participation was maximized.
- On Page 7, the LAC reports that most of the survey respondents “did not” contact SLED regarding any issues. SLED asserts that it cannot attempt to resolve Track-Kit™ issues for medical facilities that do not seek assistance and can’t fix problems or issues that it is unaware of. SLED further notes that the lack of contact further substantiates that the MF survey does not provide “valuable insights”.

### **SANEs**

- On Page 8, the LAC reports they surveyed 43 SANEs, with only 12 responding, representing nearly 28% of survey recipients. The LAC does not disclose whether all 43 SANEs received the survey, nor whether the LAC survey was sent to any of the same SANE representatives that SLED collaborated with during system set up, training, and implementation. Furthermore, 12 responses equate to approximately 3.6% of the **332** MF Track-Kit™ users (including SANEs) currently registered.
- On Page 8, the LAC reports that half of the respondents said they did not receive sufficient training from SLED before the system rollout. From their sample data set, half equates to a total of 6 individuals. There are currently **332** registered MF users; 6 users from this registered group (including SANEs) equates to 1.8% of the users. The LAC failed to specify of the half who did not receive sufficient training from SLED before the system rollout, how many of those respondents “failed to attend” in-person MF (SANE) specific

training or “failed to register” for MF (SANE) specific webinars that were offered. SLED not only communicated through the SCHA (as did the LAC) regarding MF (SANE) training opportunities, but also took additional opportunities to communicate through virtual meetings with the Forensic Nurse Examiners (FNE) Task Force and with individual medical/SANE staff at the medical facilities to ensure participation was maximized.

- Finally, on Pages 85-88 (Appendix E) the Table indicates not all 12 respondents answered all 10 questions and Question #9 was skipped by 2 respondents and Question #10 was skipped by 7 respondents. Therefore, the data is incomplete.

SLED asserts that the LAC survey reflected in Appendices A, B, C, D and E was fatally flawed. The surveys were designed using open-ended responses using undefined terms like “adequate” and then the LAC summarized the responses throughout the report. Simply put, utilizing a “summary” of responses to questions with undefined terms and interpreted by non-subject matter experts does not yield an accurate representation of content. In addition, the LAC did not mention each specific go-live date for the four regions. They only provided the date range and the survey question about “training before the system went live” did not specify if it was the overall go-live date on December 11, 2023, or the region-specific go-live date. If the question was for the December go-live date, there is no separate question if the respondent received training before or after their region’s go-live date.

In conclusion, while stakeholder feedback is extremely valuable and appreciated, the subset of respondents who participated in the LAC surveys is not a fair, statistical representation of the current registered Track-Kit™ users. Therefore, inequitable percentage weights were given to unfavorable responses, thus failing to provide a fair and objective evaluation of how SLED has implemented and complied with the requirements of S.C. Code §23-3-1300 regarding the sexual assault kit tracking system, which was a primary audit objective of the LAC.

## **SLED RESPONSES TO “IMPROVEMENTS NEEDED” SECTION**

The Report states that the following improvements are needed:

### **SLED CANNOT VERIFY THE NUMBER OF UNTESTED SAKS STATEWIDE**

Response: S.C. Code Ann. § 23-3-1300 does not require SLED to verify the number of untested SAKs nor has SLED been provided any resources to accomplish this task. Rather, as discussed above, SLED continues to fully implement S.C. Code Ann. § 23-3-1300 and is addressing unlogged legacy kits in what SLED is informed and believes is the most efficient and effective manner.

### **SLED’S CONTRACT TO OUTSOURCE SAK TESTING DOES NOT COMPLY WITH STATE LAW**

Response: Contrary to the LAC’s findings, the outsourcing of sexual assault kits for testing does comply with the intent of this legislation. SLED’s interpretation of the legislation is that forensic DNA laboratories in South Carolina accept the responsibility for the tracking status of a sexual assault kit from the time it is received at the laboratory to the time analysis is deemed complete. This information is accessible to the survivor through the survivor portal. According to InVita, there is no differentiation made in the survivor portal timeline between the local DNA laboratory and the private DNA laboratory that may possess the kit for analysis. Track-Kit™ is not intended

to be a chain of custody record. All documentation regarding outsourcing will be maintained in the internal case record and available for discovery purposes.

**SLED HAS NOT ESTABLISHED COMPREHENSIVE GUIDELINES AS THE MANDATED OPERATOR FOR THE STATEWIDE SAK TRACKING SYSTEM AND SLED DOES NOT HAVE A WEBPAGE OR DASHBOARD DEDICATED TO HOSTING PUBLIC INFORMATION ON THE TRACKING AND PROCESSING OF SAKs**

Response: Registered Track-Kit™ users have access to detailed guidance documents and training videos for users through the Help Center on its website in the respective portals. *See* <https://www.sled.sc.gov/track-kit>. In addition, S.C. Code Ann. § 23-3-1300(G) mandates only that “SLED shall establish guidelines to ensure that the statewide sexual assault kit tracking system protects victim information from disclosure to nonparticipating entities.” SLED would note that a publicly accessible website dashboard is not required. SLED complies with S.C. Code Ann. § 23-31-1300 and provides semiannual reports with all appropriate data fields, fully satisfying the legislation. *See Attachment 3 (SAKTS Semiannual Reports)*. SLED will always strive to achieve best practices and will continue to evaluate appropriate means on how to make information available while continuing to protect the confidentiality of victim information on its website.

**THERE IS AN INSUFFICIENT NUMBER OF SEXUAL ASSAULT NURSE EXAMINERS (SANEs) TO COVER THE NEEDS OF ALL SOUTH CAROLINA**

Response: SLED does not employ or have any role in SANE certification so this finding appears to be outside the scope of this audit and SLED’s purview. Nevertheless, SLED agrees that survivors would benefit from more SANEs throughout South Carolina. Additionally, SLED would note that it has staff that serve as members on the South Carolina Forensic Nurse Examiner (FNE) Task Force and will continue to participate and collaborate with these important partners.

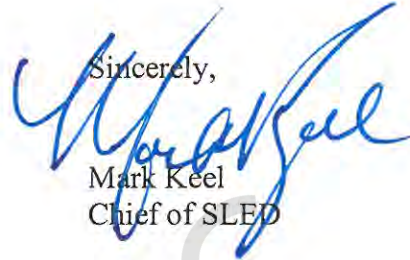
**ADDITIONS TO STATE LAW AND SLED POLICY ARE NEEDED TO ADDRESS THE HANDLING OF SAKs AND MAKE PROCESSING MORE EFFICIENT**

Response: SLED Forensic Services Laboratory personnel continue to triage submissions of violent crime cases, to include sexual assaults, and assign available resources to prioritize analysis and reporting. At present, SLED has 2,358 SAKs that have not yet been tested. Out of those, 23.6% (556) involve a known subject, 53.6% (1,264) involve an acquaintance, 11.1% (261) involve a stranger, and 11.7% (277) do not have information sufficient to allow for a classification into one of the aforementioned categories. Specifically for sexual assault cases, those involving minors, vulnerable individuals, an unknown subject, or high degree of violence will be prioritized for analysis. Additionally, sexual assault cases with upcoming court dates are prioritized as well. As such, legislation or policy that mandates timeframes for the testing of SAKs removes law enforcement’s ability to utilize discretion and effectively process kits in a manner consistent with the administration of justice.

## CONCLUSION

For the reasons set forth above, SLED is pleased to report that it has successfully implemented Track-Kit™ statewide and in doing so, accomplished the stated intent of S.C. Code Ann. § 23-3-1300, which is to “further empower survivors with information, assist law enforcement with investigations and crime prevention, and create transparency and foster public trust.”

Sincerely,



Mark Keel  
Chief of SLED

### Attachment List

- Attachment 1 (Fiscal Impact H. 3309, November 20, 2020)
- Attachment 2 (SAKTS Implementation Report, January 4, 2021)
- Attachment 3 (SAKTS Semiannual Reports)
- Attachment 4 (SLED Timeline of Key Dates)
- Attachment 5 (Chief Keel Invitation to SAKTF)
- Attachment 6 (SLED Email Summarizing Conversations with John Sohner from HMB).
- Attachment 7 (Email with Brittany Sloan)
- Attachment 8 (SLED Emails regarding KTS)
- Attachment 9 (SAKTS Training Calendars)
- Attachment 10 (FY23-24 Budget Request)
- Attachment 11 (BJA Correspondence)

Due to size limitations, all attachments referenced within this response are available from SLED upon request. Please submit any such request to Executive Affairs Director Ryan Alphin at [ralphin@sled.sc.gov](mailto:ralphin@sled.sc.gov).