



City of Austin

City Manager's Office

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March 14, 2017

Ms. Emily Rudenick LeBlanc, LPC-S
7701 N Lamar Blvd, Ste 301
Austin, Texas 78752

Re: Response to SARRT letter of February 22, 2017

Dear Ms. LeBlanc:

I first want to recognize the work you and the Austin/Travis County Sexual Assault Response and Resource Team (SARRT) do on behalf of sexual assault victims. The Austin Police Department (APD) is committed to providing thorough and timely investigations for the survivors of sexual assault. This letter serves to address the questions asked in your letter and provide information on the City's efforts to establish interim DNA analysis services while researching the best solution for DNA analysis capability for the future.

You are aware of the issues that led up to APD's decision to cease DNA lab operations in June 2016. Since then, the City has diligently worked toward identifying alternate resources to provide DNA analysis services. In January 2017, APD contracted with Signature Science Labs to conduct serology testing, the first step in determining whether DNA evidence is present for subsequent analysis. Beginning this month, Signature Science has begun work to conduct full DNA analysis on 30 cases each month with an expected 60 day turnaround. Signature Science Labs has also committed to ramping up their ability to conduct DNA analysis and expects to accept 60 APD cases each month with a 60 day turnaround by June 2017.

In addition to Signature Science, APD has been working with the Texas Department of Public Safety (DPS) and will recommend to the Austin City Council on March 23, 2017 that the City enter into an interlocal agreement wherein DPS will open its 10th DNA Lab ("DPS Capitol Area Regional Lab") in the lab space where APD previously conducted DNA analysis. Within the agreement, DPS will provide management, a trainer, and analysts who will work exclusively on APD cases. In addition to the DPS personnel working at the lab, APD will have three additional analysts working in this lab under DPS supervision. The oversight and operation of the lab will be provided by DPS management exclusively. The new DPS lab plans to open in April 2017 and will immediately begin performing serology. The goal is for the lab to be fully functional and accredited to conduct full DNA analysis by the fall of 2017.

On March 23, 2017 APD will recommend that the Austin City Council approve a contract with Bode Cellmark Labs to conduct DNA analysis on both District Attorney of New York (DANY) Sexual Assault Kits (SAKs) and non-DANY cases. The 12-month contract will cover the processing of 1,000 DANY cases and up to 25 non-DANY cases per month with an expected 60 day turnaround.

The plan outlined above will allow us to process SAKs in a much timelier manner while also working towards the elimination of backlog kits.

Following are answers to your specific questions addressed in your February 22 letter:

1. Are APD cases being placed in the queue for testing at DPS or just being stored?

Yes, cases are being queued for DPS HQ or the new DPS Capitol Area Regional Lab.

2. Is all evidence relevant to the case being accepted and tested by DPS or are the items accepted per case limited for APD cases?

APD is being treated the same as the other 2000 agencies DPS serves. Therefore, APD must abide by the DPS submission guidelines which state: "The initial submission will be limited to the sexual assault evidence collection kit, one pair of underwear, and one condom (if applicable). If the SA kit is negative, a second submission of up to five (5) items such as clothing or bedding will be accepted."

3. Has APD received results from DPS on any cases submitted since June 2016, and if so, how many?

Yes, DPS has completed 45 cases since June 2016. The results have been sent to the submitting detective.

4. How many total cases are awaiting DNA testing? Of those, how many are sexual assault-related crimes?

We currently have 2535 cases awaiting DNA analysis. Of those, 1686 cases are Sexual Assault Kits (1233 DANY SAK and 453 non-DANY SAK).

5. Does the proposed inter-local agreement allowing staff to work in the APD lab under DPS supervision restrict the work done by that staff to APD cases?

The personnel working under the DPS interlocal agreement will work exclusively on APD cases and under the supervision and direction of DPS management.

6. What is the timeline for APD to be caught up on all cases needing testing and to be able to handle the capacity moving forward?

Based on our current contracts and those going to council on March 23rd we anticipate the SAK backlog for both DANY and NON DANY SAKs will complete by April 2018.

7. Are the sexual assault forensic exam kits being stored at DPS being refrigerated and is chain of custody being maintained?

Yes, chain of custody has been maintained and the kits are refrigerated.

8. Additional question from March 6th email – As of late February, there were sexual assault kits that have been stored at APD for months? If so, have all SAKs now been submitted to DPS?

APD still has SAKs and will be contracting with DPS to open an accredited lab within our forensic facility. All APD cases that are not being outsourced to private labs will be worked by the new DPS Capitol Area Regional Laboratory. APD has been following the submission guideline set by DPS and has steadily been working with DPS to submit all SAKs since June 2016. Although APD still has a number of SAKs within evidence, those kits will remain in evidence in queue for the opening of the new DPS lab. We have discussed the issue of submitting the rest of the SAKs to DPS, but both agencies have agreed that this would complicate the chain of custody and create unnecessary work for both agencies.

In closing, I would like to reiterate that the City is committed to providing thorough and timely investigations for the survivors of sexual assault. I believe the agreements we have put in place will quickly show results. As you know, the City is engaging a consultant to identify options and make recommendations on how best to provide for DNA analysis services that will best serve the Austin community. We envision that the DPS Capital Area Regional Lab will serve as the kernel for the eventual laboratory that emerges from recommendations and decisions made by the City in conjunction with Travis County. As the consultant goes through the process of developing their recommendations, SARRT will be among the stakeholders we ask to provide input on this important decision.

Please feel free to reach if you have additional questions.

Sincerely,



Rey Arellano
Assistant City Manager

Cc: Mayor and City Council
Elaine Hart, Interim City Manager
Brian Manley, Interim Police Chief