

Austin City Council 6/20 Agenda Item #63
Sexual Assault Kit Backlog – Forensics Activity Timeline

From: Austin Police Department

Over the last few years, the City outsourced backlogged sexual assault kits (SAK) with local funds and with grant funding provided by the District Attorney's Office of New York (DANY), the Department of Justice (DOJ), Bureau of Justice Assistance, and Sexual Assault Kit Initiative (SAKI) Program. All outsourced kits have returned laboratory reports to the Capital Area Laboratory (CAP Lab) operated by the Texas Department of Public Safety (TXDPS).

The current capacity of the CAP Lab to technically review each report is low – approximately 30 reports per month. In addition, Quality Assurance Standards required to use the Combined DNA Index System (CODIS) necessitates the technical review of positive cases prior to entry of eligible DNA profiles into CODIS. The addition of three qualified contractors to complete the technical review of the 1,300 reports yielding positive results will significantly impact the current timeline.

Remaining forensic activities for backlogged SAK under the purview of the CAP Lab:

- Technical review of positive cases
- Qualified DNA Analyst review of technically reviewed positive cases and upload of cases that meet CODIS eligibility*

**Per our grant agreement with DOJ, the City must ensure that CODIS eligible profiles are uploaded to the system in a timely manner.*

Impacts if the CAP Lab continues forward without the assistance of other qualified laboratories:

- Technical review of the 1,300 reports with positive results will not be complete until 2023
- Qualified DNA Analyst review and CODIS eligible profile entry will not be complete until 2023
- The City will not be in compliance with DOJ grant conditions and will be at risk of losing awarded federal funds

Impacts if the CAP Lab is provided with the ability to outsource the technical review of positive reports to qualified laboratories:

- Technical review of the 1,300 reports with positive results will be complete by September 30, 2020 (please see below chart)
- CODIS administrator review and the upload of CODIS eligible profiles will be complete by December 31, 2020
- The City will remain in compliance with DOJ grant conditions

Grant-Funded Activity Description	Estimated Completion Date	Responsible Party
Approval of three contracts	6/20/2019	Austin City Council
Procurement activities	7/12/2019	COA Purchasing Office (in cooperation with APD staff and CAP Lab)
DPS agreement (independent of COA contract)	10/1/2019	CAP Lab
Vendor technical proficiency review, analyst-specific proficiency review and testing, assurances of the use and understanding of CAP Lab procedures (including checklists and CODIS entry worksheets), and related certifications and documentation	10/30/2019	CAP Lab
Batched SAK case records will ship to vendors upon request. All vendor requests will include the vendor's current capacity based on the number of existing CAP Lab-approved analyst reviewers**	September 30, 2020	Vendors CAP Lab APD DNA Case Management
CAP Lab CODIS administrator review and upload of CODIS eligible profiles on a rolling basis following the return of case record reviews from the vendors	December 31, 2020	CAP Lab CODIS Administrator

****Relevant notes:**

- *Projections are conservative, assumes batches of 50-100 reports per vendor per month. We expect a higher level of productivity but are aware of potential timeline challenges.*
- *If Vendor identifies an issue with the DNA analysis completed by an original vendor, Vendor will immediately communicate the detail of the problem to both the CAP Lab and APD DNA Case Management. APD will coordinate any necessary retesting.*
- *If Vendor identifies an administrative error in the DNA analysis report submitted by an original vendor, Vendor will immediately communicate the detail of the error and a recommendation for resolving the error to both the CAP Lab and APD DNA Case Management. APD will coordinate report amendments with the original vendor.*
- *Following technical review, Vendor will return case records to the CAP Lab. If the CAP Lab does not agree with deduced CODIS profile, Vendor will resolve the concern within 10 business days of notification.*
- *Projections are based on current resources at the CAP Lab and assume vendors meet projections of training availability and execute DPS agreement expeditiously.*