



SUMMARY

A REVIEW OF THE STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM OPERATED BY THE S.C. STATE LAW ENFORCEMENT DIVISION (SLED)



OCTOBER 2024

SLED'S IMPLEMENTATION OF THE TRACKING SYSTEM

Members of the S.C. General Assembly requested that we conduct an audit of the sexual assault kit tracking system operated by the State Law Enforcement Division (SLED).

AUDIT OBJECTIVES

- 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.

LAC SURVEYS

To assess the effectiveness of the statewide sexual assault kit tracking system, we surveyed users of the system, including law enforcement, medical facilities, forensic laboratories, and sexual assault nurse examiners (SANEs). We also surveyed other states about their SAK tracking systems.

FOR MORE INFORMATION

Our full report, including comments from relevant agencies, is published on our website. Copies can also be obtained by contacting our office.

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SOUTH CAROLINA GENERAL ASSEMBLY

Legislative Audit Council
Independence, Reliability, Integrity

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Director

SLED DID NOT MEET ITS JUNE 1, 2022 DEADLINE FOR IMPLEMENTING A SEXUAL ASSAULT KIT TRACKING SYSTEM AS MANDATED PER S.C. CODE § 23-3-1300.

The sexual assault kit (SAK) tracking system was fully implemented on February 20, 2024, almost 21 months past SLED's implementation deadline under state law. Overall, it took SLED over 3½ years to implement a SAK tracking system, as shown in the timeline. Note that this timeline is representative of key dates in the implementation process and not inclusive of all activity.

SLED SELECTED AN APPROPRIATE VENDOR FOR THE SAK TRACKING SYSTEM.

The vendor selected, InVita Healthcare Technologies, was the highest scoring vendor after technical and demonstration evaluations. With 15 clients as of April 2024, InVita Healthcare Technology's Track-Kit® Sexual Assault Kit software had the most deployments of any SAK tracking software on the market.

THE SEXUAL ASSAULT KIT TASK FORCE HAS HELD ONLY TWO MEETINGS, ONE IN 2020, AND ONE IN 2022.

The task force has not been active since the planning stages of the SAK tracking system. Task force members did not participate in the responsibilities described in the stated purpose of the task force.

SLED DID NOT ADEQUATELY COMMUNICATE WITH STAKEHOLDERS.

SLED has no oversight authority over the entities required to participate under the law, like local law enforcement agencies or medical facilities. However, as the mandated operator of the tracking system, we found SLED could have communicated better with stakeholders leading up to the Track-Kit system going live.

TIMELINE OF KEY DATES IN SAK TRACKING SYSTEM IMPLEMENTATION PROCESS



SLED'S CONTRACT TO OUTSOURCE SAK TESTING DOES NOT COMPLY WITH STATE LAW.

SLED has not required the vendor to participate in the SAK tracking system. S.C. Code §23-3-1300(B) requires participation in the system by all forensic laboratories that collect, receive, store, analyze, maintain, or preserve SAKs.

IMPROVEMENTS NEEDED TO ADMINISTRATION OF THE SAK TRACKING SYSTEM

SLED CANNOT VERIFY THE NUMBER OF UNTESTED SAKS STATEWIDE.

As of July 1, 2024, Track-Kit recorded 763 total kits in the system. However, as of October 2023, 1,987 kits pending testing were identified at SLED’s laboratory alone. Little effort has been made by SLED to ensure that legacy SAKs pre-dating implementation of the system are included in Track-Kit, making statewide data on untested kits in Track-Kit incomplete. Statewide data in Track-Kit is also incomplete because, as of July 1, 2024, only 64% of law enforcement agencies and 50% of medical facilities had enrolled in the system. South Carolina’s backlog cannot be eliminated without first identifying its full extent.

SLED HAS NOT ESTABLISHED COMPREHENSIVE GUIDELINES AS THE MANDATED OPERATOR FOR THE STATEWIDE SAK TRACKING SYSTEM.

Creating a user-friendly webpage and a comprehensive statewide manual outlining suggested timelines for individuals responsible for handling the collection, processing, and testing of kits could improve accountability and minimize errors that could hinder the tracking process for survivors.

SLED DOES NOT HAVE A WEBPAGE OR DASHBOARD DEDICATED TO HOSTING PUBLIC INFORMATION ON THE TRACKING AND PROCESSING OF SAKS.

Creating a public dashboard that allows users to filter data by county or law enforcement agency may encourage active participation in the statewide sexual assault tracking system.

THERE IS AN INSUFFICIENT NUMBER OF SEXUAL ASSAULT NURSE EXAMINERS (SANES) TO COVER THE NEEDS OF ALL SOUTH CAROLINIANS.

During our review of the statewide SAK tracking system, we were made aware of the SANE certification. We found the number of SANEs in South Carolina has decreased in the last three months. Not all hospitals in South Carolina have a SANE available, and some hospitals in our state turn away sexual assault patients because of this. There is no state law requiring hospitals to perform sexual assault forensic exams. Additionally, the S.C. Board of Nursing is not involved in the certification and/or administration of the SANE certification.

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

South Carolina is one of only six states without a required time frame for any stage of SAK processing. In the absence of mandated processing times, SAK processing times in South Carolina are considerably longer, on average, than the time frames required by the majority of other states, the National Institute of Justice’s National Best Practices for Sexual Assault Kits, and the Joyful Heart Foundation’s End the Backlog Initiative recommendations.

Anonymous SAKs in South Carolina may be destroyed after one year of storage, despite there being no statute of limitations for sexual assault offenses (except those involving a spouse). This does not align with national best practices and the requirements of the majority of other states regarding storage times for anonymous SAKs.

South Carolina’s sexual assault statistics and Track-Kit data show that the current system of investigating sexual assault offenses is inefficient. In the absence of mandated processing and storage times, justice is being delayed or denied for victims, many of whom are under the age of 18.

TIME FRAME COMPARISONS BETWEEN SOUTH CAROLINA AVERAGES AND MAXIMUMS AS OF JULY 1, 2024, OTHER STATES’ REQUIREMENTS, NIJ’S BEST PRACTICES, AND END THE BACKLOG RECOMMENDATIONS

(*SOUTH CAROLINA AVERAGE AND MAXIMUM DAYS ARE BASED ON DATA FROM ALL ENTITIES PARTICIPATING IN TRACK-KIT.)

SAK PROCESSING STAGE	SOUTH CAROLINA		MAJORITY OF OTHER STATES’ REQUIREMENTS	NIJ’S BEST PRACTICES	END THE BACKLOG RECOMMENDATIONS
	AVERAGE NUMBER OF DAYS	MAXIMUM NUMBER OF DAYS			
Length of time waiting for pickup by an LEA from a medical facility	49 days	198 days	Within 5 days or less	As soon as possible but ideally no later than 3 business days	Within 3 business days of notification
Length of time from pick up by LEA from a medical facility to delivery to a forensic laboratory	32 days	1,340 days	Within 30 days or less	As soon as possible but ideally no later than 7 business days	Within 7 days of pick up from the medical facility
Length of time from receipt at a laboratory to completed forensic analysis	457 days	2,087 days	Within 90 days or less	---	Within 30 days of receipt at laboratory