

Memorandum



CITY OF DALLAS

DATE February 5, 2021

TO Honorable Members of the Public Safety Committee

SUBJECT **Status of Rape Kit Testing**

Recently, the Dallas Police Department (DPD) has received questions about the status of rape kit testing and the progress toward reducing a backlog of kits that have already been submitted to the lab for testing.

In 2011, Texas became the second state to enact a law requiring law enforcement agencies to send all newly collected rape kits to a crime lab for testing within 30 days. The law, known as S.B. 1636, also required law enforcement agencies to count the untested rape kits in their storage facilities. At the time, DPD counted 4,789 untested rape kits in the property room which had been collected between September 1996 and July 31, 2011. These dates were selected by the Texas Department of Public Safety.

To address a national backlog in rape kits, in 2015, the Bureau of Justice Assistance awarded Dallas County with funds to test these kits under the Sexual Assault Kit Initiative (SAKI). To date, DPD has submitted 3,732 kits for testing to Bode Forensic Services, a vendor lab, leaving a current backlog of 1,057. These remaining kits will be tested as part of the SAKI grant administered by the Dallas County District Attorney's office, with a current completion goal of mid-2022.

House Bill 8 has created a second backlog of cases at Southwestern Institute of Forensic Sciences (SWIFS). SWIFS is the local government forensic pathology and laboratory science institution dedicated to serving the public interests of essential forensic services which are performed accurately, impartially, and timely. This second backlog involves kits that were collected on and after August 1, 2011, through August 31, 2019. From this time period, the Dallas Police Department has submitted approximately 2,506 rape kits to SWIFS for testing. SWIFS will process these kits as their workload allows and will bill the department as they do for all other tests. Additionally, the Dallas County DA's office is also exploring the possibility of applying for the Sexual Assault Evidence Testing Grant Program, FY2022, through the Office of the Governor, which will provide additional resources to address the backlog.

In 2019, Texas passed H.B. 8 establishing statutory testing timelines. This bill went into effect on September 1, 2019. Under this act, the Southwestern Institute of Forensic Sciences is required to complete its analysis of the rape kit no later than 90 days after receipt from the law enforcement agency or medical facility. As a result, the bill prohibits law enforcement agencies from destroying rape kits for 40 years, and it extends the statute of limitations in certain sexual assault cases. Furthermore, now that legislation has enacted laws to govern testing timelines DPD is current on the testing of rape kits from September 2019 to date.

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Unlike other agencies that have destroyed rape kits after 10 years, DPD has never destroyed untested rape kits. All offenses that are connected to these rape kits have been thoroughly investigated. In addition, some kits remain untested due to investigations that were suspended due to lack of cooperation from victims, the recanting of allegations, or evidence not being needed to close a case by arrest. As the rape kits are processed and if DNA evidence is obtained from a kit, DPD will remove the respective case from suspended status to active status, allowing the detectives to continually work leads to close the case.

Texas was the first state in the country to enact all six pillars of comprehensive rape kit reform, including laws requiring an audit, testing of backlogged kits, testing of newly collected kits, tracking of kits, victims' right to notice provisions, and funding for rape kit reform. The Dallas Police Department has been steadfast in its commitment to comply with all legislation to end the rape kit backlog.

In conclusion, DPD is currently receiving results within 90 days of all rape kits sent to the lab. Additionally, while the cases represented in the backlog that exists from kits obtained prior to 2019 have been investigated by DPD, they have also been submitted to a lab for testing and will be processed as the workload from the laboratory will allow.

Please contact me if you have any questions or need additional information.



Jon Fortune
Assistant City Manager

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