



Sexual Assault Survivors' Task Force

BIENNIAL REPORT TO THE TEXAS LEGISLATURE
November 2020

The Sexual Assault Survivors' Task Force
Biennial Report to the Legislature is required by
Government Code §772.0064 and covers activities from
December 2019 to October 2020 as well as discussion
of future undertakings.



Governor Greg Abbott
Aimee Snoddy, Executive Director

“Texas continues to make great strides in the fight against sexual violence, and the 86th Legislative Session was one of the most significant in history for addressing the atrocity of sexual assault. The Sexual Assault Survivors’ Task Force is a crucial component of our enduring goal to raise awareness, combat this heinous crime, and secure justice for survivors. Together, we will continue to develop methods of prevention, support these courageous survivors, and ensure a brighter future for all Texans.”

- Governor Greg Abbott

“Texas leads the nation through our effective, survivor-centered, trauma-informed response to sexual violence, where adult and child survivors are heard, believed and supported, offenders are held accountable, and all system partners work collaboratively to end sexual violence.”

- Sexual Assault Survivors’ Task Force Vision

TABLE OF CONTENTS

Executive Summary.....	4
Introduction.....	5
SASTF Membership and Governance.....	7
SASTF Vision, Mission, and Values.....	8
Project Deliverables, Plan, and Implementation.....	9
Major Activities.....	11
Sexual Assault Evidence Kit Audit	19
Conclusion and Vision for Next Biennium.....	20
Appendices.....	21

EXECUTIVE SUMMARY

The **Sexual Assault Survivors' Task Force (SASTF)** held its inaugural meeting on February 6, 2020, at the Texas State Capitol. Attended by representatives from all legislatively mandated agencies, members of the Steering Committee, members of law enforcement, Sexual Assault Nurse Examiners, and a survivor/victim family member, the SASTF launched an ambitious agenda to achieve the Legislature's vision as set forth in House Bill 1590 on behalf of Texas' sexual assault survivors.

Since the inaugural meeting, the Steering Committee and the Task Force have held **over 50 meetings**, including quarterly meetings attended by all SASTF members, and monthly meetings held by specialized working groups focused on a variety of topics tied to mandated deliverables. The Task Force has produced:

- **Over 150 recommendations** to the Texas Evidence Collection Advisory Board, the Office of the Attorney General of Texas, the Texas Health and Human Services Commission, and the Texas Department of Public Safety Crime Lab Service Manual Committee;
- **11 policy recommendations** for consideration in the upcoming 87th Legislative Session; and
- **A comprehensive, statewide** sexual assault survivors' resource inventory.

In the biennium to come, the SASTF is focused on objectives that get to the core of some of the most difficult challenges and meaningful opportunities facing our state as we continue to improve services and supports for adults and children affected by sexual violence, including:

- **Improving** the experience of survivors who are interacting with law enforcement, prosecutors, and judges;
- **Examining** Texas' performance in holding offenders accountable;
- **Reviewing** the availability and quality of services received by survivors post-victimization;
- **Monitoring** continued progress and improvement on the number of unsubmitted and unanalyzed sexual assault evidence kits; and
- **Identifying** a trauma-informed lens and approach to infuse Texas' approach to serving survivors across all systems.

Guided by core values of **respect**, **service to mission**, and **perseverance**, the SASTF comprises a passionate and committed group of people who are singularly focused on delivering critical system improvements on behalf of Texas' sexual assault survivors. Significantly, survivors and survivor/victim family members have been included in the SASTF's work since its inception as members of the Task Force, members of various working groups, and through the sharing of videotaped survivor stories. As work continues over the next three years, survivors and survivor/victim family members will continue to occupy an integral role and presence to ensure that all recommendations include the voices of the people this Task Force was created to serve.



INTRODUCTION

Sexual violence affects large numbers of children, adults, and families across the state of Texas. Data from a study conducted in 2015 by the University of Texas at Austin’s Institute on Domestic Violence and Sexual Assault (IDVSA) indicate that 6.3 million, or 33.2 percent, of adult Texans have experienced sexual assault at some point in their lives, with 65.2 percent of these adults reporting multiple victimizations.¹ Sexual assault causes physical, psychological, and emotional harm to child and adult victims, requiring both immediate and ongoing resources to support victims’ healing and recovery. Beyond the very troubling human costs of this crime, there are economic impacts to Texas as well. Research examining the costs of sexual assault suggests that this figure could be greater than \$8 billion annually.²

The vast majority of child and adult sexual assaults are committed by someone known to the victim, and for both groups of victims, most assaults are not reported to law enforcement. Indeed, IDVSA’s data suggest that only 9 percent of such crimes are reported.³ Research indicates that there are several reasons victims may not report or seek formal help, including the highly sensitive nature of sexual assault; not being believed or concerns about not being believed; not knowing how to report; and safety concerns, among others.⁴ Of the small number of sexual assaults that are reported in Texas, few proceed to a full investigation and trial. There are widely held societal misperceptions and biases about sexual assault, particularly adult, non-stranger sexual assault that may affect policing, response, investigation, effective prosecution, and ultimately, conviction rates. All of these factors contribute to an urgent need to address the prevention, investigation, and prosecution of sexual violence in Texas so that offenders are held accountable; survivors can be provided with a comprehensive and holistic road to recovery, whether their victimizations are reported to law enforcement or not; and Texas’ children and adults can live safer, healthier lives, free from the threat of sexual violence.

Acknowledging this urgent need and building on many years of collective effort and bi-partisan legislative momentum in past sessions, the **Sexual Assault Survivors’ Task Force (SASTF)** was authorized by *House Bill 1590*, which passed unanimously during the 86th Legislative Session. HB 1590 was authored by Representative Donna Howard, co-sponsored by Senator Kirk Watson, and signed into law by Governor Abbott on June 4, 2019. HB 1590 was one of several key bills passed during the 86th Legislative Session prioritizing Texas’ sexual assault survivors. In addition to the sweeping statewide, system-wide review and analysis of sexual assault prevention, investigation, and prosecution mandated by HB 1590, other legislation, including *House Bill 8 (the Lavinia Masters Act)* and *House Bill 616*, codified improvements to an array of system challenges that were negatively affecting survivors, including the number of unsubmitted and unanalyzed sexual assault evidence kits, and the process for reimbursement of sexual assault evidence kit costs. HB 8 mandated that the Texas Department of Public Safety (DPS) conduct an audit of law enforcement agencies statewide to determine the number of unsubmitted sexual assault evidence kits in their possession, and further mandated that law enforcement maintain up-to-date information on sexual assault evidence kits in DPS’s *Track-Kit*⁵ system. *Senate Bill 71* established a statewide telehealth center for sexual assault forensic examinations (SAFEs), with the goal of improving access to SAFEs for survivors in underserved and remote communities, and *Senate Bill 586* prescribed training for peace officers that includes instruction in trauma-informed techniques for the recognition, documentation, and investigation of cases involving child abuse or neglect, family violence, and sexual assault.

¹Busch-Armendariz, N.B., Olaya-Rodriguez, D., Kammer-Kerwick, M., Wachter, K., Sulley, C., Anderson, K. & Huslage, M. (2015). *Texas Statewide Sexual Assault Prevalence Study: Final Report 2015*. Austin, TX: Institute on Domestic Violence and Sexual Assault, The University of Texas at Austin, p. 9.

²Busch-Armendariz, N.B., Heffron, L.C., & Bohman, T. (2011). *Statewide Prevalence of Intimate Partner Violence in Texas*. Austin, TX: The Texas Council on Family Violence, p. 27.

³Busch-Armendariz, N.B., et al. (2015), p. 9.

⁴Busch-Armendariz, N.B. & Vohra-Gupta, S. (2011). *Sexual Assault Needs Assessment in Texas: Documenting Existing Conditions and Striving Toward Preferred Outcomes*, TX: Institute on Domestic Violence and Sexual Assault, The University of Texas at Austin, p. 10.

⁵The requirement for a statewide sexual assault evidence tracking system was created via House Bill 281 (85th Legislature, Regular Session). Participation in the system is required for all entities collecting evidence of sexual assaults or other sex offenses, as well as those investigating or prosecuting sexual assault or other sex offenses. DPS developed and implemented *Track-Kit* as Texas’ statewide electronic tracking system for sexual assault evidence kits. *Track-Kit* launched on 9/1/2019.

INTRODUCTION, continued

Finally, in accordance with *House Bill 1*, the State Auditor’s Office was directed by the Legislature to perform a comprehensive audit on the investigation and prosecution of adult and child sexual assaults in Texas from January 1, 2014, through December 31, 2018.⁶ The State Auditor’s Office will issue its audit findings on November 1, 2020, including an analysis of information collected via statewide sexual assault data; on-site visits with local law enforcement, district attorneys’ offices, and district clerks’ offices; and a statewide survey of all local law enforcement, district attorneys’ offices, district clerks’ offices, crime laboratories, and community-based groups supporting survivors of sexual assault.

This is a pivotal moment for sexual assault survivors in Texas. With the passage of key legislation prioritizing survivors’ needs, newly mandated requirements for increased system accountability and transparency, the collection of multiple data sets illuminating critical aspects of how the system is functioning, and the creation of a statewide task force that includes survivors along with some of Texas’ foremost experts and practitioners in the field of sexual assault, Texas is poised to change the landscape in a meaningful way for adult and child sexual assault survivors across our state.

⁶*The State Auditor’s Office’s Methodology for Examining the Investigation and Prosecution Processes for Reported Sexual Assaults in Texas*, 12/16/19.

SASTF MEMBERSHIP AND GOVERNANCE

As mandated by HB 1590, the SASTF Steering Committee comprises the **Office of the Governor**, the **Texas Association Against Sexual Assault (TAASA)**, and the **Children’s Advocacy Centers of Texas (CACTX)**.

HB 1590 further mandated Task Force representation from 14 separate state agencies and organizations.

As its first major act, the Steering Committee approved an initial list of Task Force members, including representatives from all legislatively mandated agencies and organizations. While HB 1590 specified that one SASTF member should be a law enforcement officer and one member should be a Sexual Assault Nurse Examiner (SANE), the Steering Committee approved the addition of two members from each discipline, with one member in each category having expertise with adult survivors, and one member in each category having expertise with child survivors.

In addition to the 14 legislatively mandated members, the Steering Committee has added members to represent the Department of Public Safety (DPS) Training, Education and Research Center and the Department of Family and Protective Services (DFPS); two judicial representatives; a child abuse pediatrician; a survivor; and a survivor/victim family member.

Task Force activities are governed by the *Sexual Assault Survivors’ Task Force Charter* (Please see **Appendix A**).

SEXUAL ASSAULT SURVIVORS’ TASK FORCE MEMBERS

- Office of the Governor (OOG)*
- Texas Association Against Sexual Assault (TAASA)*
- Children's Advocacy Center of Texas (CACTX)*
- Office of the Attorney General (OAG)
- Health and Human Services Commission (HHSC)
- Texas Commission on Law Enforcement (TCOLE)
- Texas Forensic Science Commission
- Texas Department of Public Safety (DPS)
- Texas Association of Crime Laboratory Directors
- Texas District and County Attorney's Association (TDCAA)
- Texas Society of Pathologists
- International Association of Forensic Nurses (IAFN) – TX Chapter
- Texas Department of Family and Protective Services (DFPS)
- Law Enforcement Representatives
- Sexual Assault Nurse Examiner (SANE) Representatives
- Child Abuse Pediatrician Representative
- Survivor/Family Survivor Representatives
- Judicial Representatives

**Member of SASTF Steering Committee*

SASTF VISION, MISSION AND VALUES

In the spirit of joint communication, collaboration, and mutual accountability and acknowledging the complexity inherent in bringing together professionals from different fields with multiple perspectives, the Steering Committee and Task Force set out to create the Task Force's **Vision, Mission, and Values** as guiding statements for the work. Final versions of the Vision, Mission, and Values were approved by the Steering Committee and the SASTF shortly after the Task Force kicked off its work in February of 2020.

VISION

Texas leads the nation through an effective, survivor-centered, trauma-informed response to sexual violence, where adult and child survivors are heard, believed, and supported, offenders are held accountable, and all system partners work collaboratively to end sexual violence.

MISSION

Establish a survivor-centered, trauma-informed, collaborative, and coordinated response to sexual violence experienced by adults and children in Texas.

VALUES

The SASTF's values are a set of shared expectations to help the group navigate the complex and challenging conversations necessary to promote the most progress for survivors. The values are grouped into three overarching categories: **Respect, Service to Mission, and Perseverance**. Please see **Appendix B** for a full list of SASTF group values.

OBJECTIVES

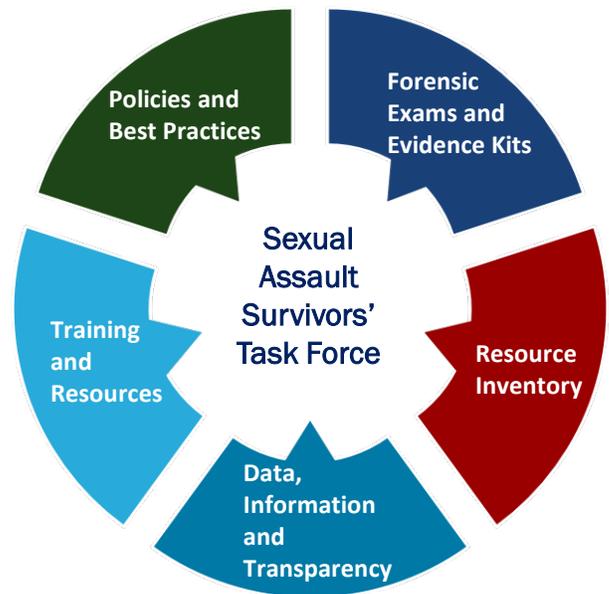
Objectives for the SASTF tie to the mission, and track closely to the HB 1590 legislative mandate:

- **Creating** and advancing actionable policy recommendations, protocols, and best practices that address the prevention, investigation, and prosecution of sexual assault and other sex offenses, services and resources for survivors, and funding for services;
- **Improving** the content, effectiveness, and accessibility of training and resources for professionals responding to sexual assault and other sex offenses, including law enforcement, prosecutors, and judges;
- **Providing** accurate information regarding resources for survivors in a centralized, accessible, and understandable format;
- **Building** transparency and accountability by making data related to sexual assault prevention, investigation, and prosecution publicly available in a centralized, accessible, understandable format; and
- **Promoting** culture change that counters prevalent myths about sexual assault and reflects the reality of sexual assault dynamics and effects on adults and children.

Project Plan

- The Office of the Governor’s Public Safety Office (OOG-PSO) staff created an initial project plan⁷ grouping mandated tasks and activities **into five major project components** with associated phases of work: **Component 1** - Forensic Exams and Evidence Kits; **Component 2** – Policies and Best Practices; **Component 3** – Training and Resources; **Component 4** – Data, Information and Transparency; and **Component 5** – Resource Inventory.
- For the most part, the phases of work associated with the project components were designed to signify the order in which tasks and activities were expected to commence. The project framework was designed to be flexible to allow for potentially shifting priorities and/or to allow for project re-scoping as needed. In addition, certain project components, like the **Resource Inventory**, and **Data, Information, and Transparency**, will be ongoing efforts throughout the four years that the SASTF is active.
- Please see **Appendix C** for a breakdown of mandated tasks and activities associated with each **Project Component**.

- In alignment with guidance articulated in HB 1590 that the Task Force “not unnecessarily duplicate existing standards, information, and protocol in preventing, investigating, prosecuting, and responding to sexual assault and other sex offenses,” SASTF members review existing policy, procedures, protocol, best practices, and training in the early stages of each phase of work.
- Task Force members submit comments and recommendations pertinent to existing standards, information, and protocol to OOG-PSO staff via an online questionnaire, and those comments become the foundation for working group discussion meetings on a variety of topics.



Project Components

⁷On March 25th, 2020, all OOG-PSO staff were moved to telework status due to the COVID-19 pandemic. This designation transformed all SASTF activities and meetings to a virtual format. The pandemic also caused some minor delays in Phase 1 work as SASTF members were focused on priorities related to Texas’ COVID-19 response.

Working Groups

Adult and Child Working Groups were mandated by HB 1590 to ensure that the SASTF’s work represented the needs and priorities of each survivor population. The Adult Working Group and Child Working Group have since been combined into a **Multidisciplinary Working Group**, which includes both adult and child perspectives. This shift created a more integrated dialogue among SASTF members on a variety of topics, a designated space to craft SASTF recommendations, and a more structured opportunity for other subject matter experts to join ongoing SASTF discussions. The Multidisciplinary Working Group meets semi-monthly for two hours. All SASTF members are invited, and SASTF members or the Steering Committee may invite additional subject matter experts to attend based on the topic(s) being discussed. **Focused Working Groups** are smaller groups of SASTF members and subject matter experts that meet as needed to discuss complex topics requiring specific expertise. Working groups are governed by the *Sexual Assault Survivors’ Task Force Working Group Guidelines, Appendix D*.⁸

Focused Working Groups

- **Data Working Group** – analyzes and interprets baseline data; leads directives from HB 1590 to make data and information available to survivors and to the general public; creates recommendations for the standardization of common data terms and language across systems/functions, including law enforcement and forensic science laboratories; and measures the overall impact of the SASTF.
- **Law Enforcement Working Group** – holds focused discussions on best practices and policy recommendations for the investigation of sexual assault and other sex offenses, and training information and resources for law enforcement.
- **Policy Working Group** – reviews and finalizes policy recommendations emerging from SASTF and focused working group discussions and develops strategies for accomplishing policy goals.
- **Safety Planning Working Group** – creates and/or adapts guidelines for effective trauma-informed, survivor-centered, safety planning processes for children, adolescent, and adult survivors of sexual violence, and makes recommendations to enhance information related to effective safety planning in training, procedures, and protocols utilized by law enforcement, advocates, SANEs, medical professionals, and others who respond to survivors’ needs after a sexual assault.
- **Sexual Assault Nurse Examiner (SANE)/Forensic Expert (FE) Working Group** – takes the lead in creating and developing the SASTF’s recommendations to the Texas Evidence Collection Advisory Board and Office of the Attorney General (OAG) for changes to Texas’ evidence collection protocols and documentation, as well as recommendations on changes to SANE education, certification, and licensing
- **Survivor-Centered Working Group** – comprises several sexual assault survivors and victim/survivor family members who contribute their voices and lived experience to SASTF discussions and recommendations.
- **Trauma-Informed Working Group** – explores and defines trauma-informed principles in the SASTF’s approach; documents a trauma-informed lens through which SASTF recommendations as well as state policies and procedures can be considered; and identifies areas where trauma-informed principles and approaches can be incorporated into state and local policies, procedures, and training.

38

**Multidisciplinary &
Focused Working Group
Meetings**

⁸OOG-PSO staff have also held over 75 meetings focused on SASTF objectives with various organizations and entities, subject matter experts, legislators, legislative staff, and community stakeholders.

Task Force Recommendations

- **The SASTF generates recommendations** through a review of existing best practices, procedures, and protocol, followed by discussions in both multidisciplinary and focused working groups. OOG-PSO staff document and organize discussion points and draft recommendations for review and approval by the Steering Committee and the full Task Force. This collaborative and coordinated process has produced a substantial number of concrete recommendations to various state agencies and organizations, along with identification of several policy recommendations in the Task Force’s first nine months. A complete list of documents and Texas statutes reviewed by the SASTF to date are available in **Appendix E**.

19 Steering Committee & Task Force Quarterly Meetings



SASTF PROCESS EXAMPLE

Legislature’s charge: Improve communication and coordination between state agencies.

Example Issue: Task Force working group discussions revealed notable differences in approaches taken to the Sexual Assault Forensic Exam (SAFE) in different regions. For example, in some regions SANEs may gather additional information during the SAFE that could be considered “investigatory” in nature. In other regions SANEs may take on duties typically handled by emergency department staff.

Process: By addressing these instances of variation holistically with multiple perspectives included, the Task Force was able to determine possible contributing factors including:

- Under-resourced law enforcement;
- Hospital resources and readiness;
- Differences in perspective within the SANE community about their roles; and
- A need for improved survivor-centered and trauma-informed law enforcement training.

Outcome: The results of these discussions yielded a consensus to move forward with specific recommendations to the Texas Evidence Collection Advisory Board (TXECAB) as well as specific next steps for discussion topics connected to **Phase 2** and **Phase 3** work.

Task Force Recommendations

Recommendations to the Texas Evidence Collection Advisory Board

Recommendations for proposed changes to the *Texas Evidence Collection Protocol* and the *SIRCHIE TX100A Sexual Assault Evidence Collection Kit* were prepared for the Texas Evidence Collection Advisory Board (TXECAB) in two parts. The initial recommendations were completed in July of 2020, with a set of supplemental recommendations completed in September of 2020. In keeping with the Task Force’s mission, proposed changes were guided by a survivor-centered and trauma-informed approach, and focused on clarifying the overall content and flow of the documents to ensure that forensic examiners, including SANEs, were empowered to leverage the most current best practices for working with victims during sexual assault forensic exams.

Examples of recommendations to the TXECAB generated by the Task Force’s review include:

- **Eliminating** the practice of pulling hair samples during forensic exams;
- **Updating** swabbing protocols to reflect current evidence collection standards;
- **Clarifying** language around survivor choice with respect to their support team during the exam; and
- **Adding** questions to assess for strangulation to the *Texas Evidence Collection Protocol* and the *SIRCHIE TX100A Sexual Assault Evidence Collection Kit*.

The SASTF Trauma-Informed Working Group will also be reviewing the TECP and the SIRCHIE instructions to ensure both documents contain sufficient guidance for conducting forensic exams using a trauma-informed, survivor-centered approach.

Recommendations to the Department of Public Safety Crime Lab Service Manual Committee

Initial recommendations to the DPS Crime Lab Service Manual Committee (CLSMC) pertained to two documents reviewed by the SASTF during Phase 1, the *Texas DPS Crime Lab Manual*, and the *Texas DPS Consent for Release of Non-Reported Sexual Assault Evidence*.

Examples of recommendations to the CLSMC include:

- **Clarifying** language and content to empower survivors to make informed choices about destruction of evidence;
- **Clarifying** survivors’ rights to report their sexual assault to law enforcement at any time during the five-year sexual assault evidence kit holding period; and
- **Removing** references to pulled hair samples to align crime lab documentation with the Task Force’s recommendation to TXECAB to eliminate the practice of pulling hair samples from survivors.

Over **150** Total
Recommendations

Task Force Recommendations

Recommendations to the Office of the Attorney General (OAG) – SANE Certification

Initial recommendations to the OAG on the requirements for certification of SANEs include suggestions for changes to **Texas Administrative Code Chapter 62 – Sexual Assault Prevention & Crisis Services – Subchapter A, Sexual Assault Nurse Examiner Certification and Sexual Assault Nurse Examiner Training Program Certification** and modifications to the **OAG SANE Certification Application Guide – Initial**.

Examples of recommendations to OAG include:

- **Extending** timelines for SANE recertification from two years to three years;
- **Updating** statutory language describing SANE certification;
- **Clarifying** training for SANEs with respect to certain clinical procedures, and;
- **Devising** new standards and methods to maximize the value of courtroom observation hours required for SANE certification.

Crime Victims Compensation

The Task Force has held several discussions about suggested improvements and enhancements to the **Crime Victims' Compensation (CVC)** program administered by the OAG's Crime Victim Services Division, specifically the Sexual Assault Exam Reimbursement Guidelines. Suggested improvements include:

- **Increasing** reimbursable costs and adding costs eligible for reimbursement including follow up care;
- **Creating** equivalent reimbursement rates for facility and non-facility settings; and
- **Including** reimbursement for multiple forensic exams where survivors were not able to complete the full exam during their first visit.

Understanding that data and evidence must inform any recommended changes, the Task Force is in the process of assembling various quantitative and qualitative data sets from stakeholders including OAG, DPS, TAASA, Texas A&M's Center for Excellence in Forensic Nursing, CACTX, SAFE Alliance, and the International Association of Forensic Nurses (IAFN) to inform their continued analysis of the CVC program.

Policy Recommendations - 87th Session

Policy Recommendations proposed by the SASTF include:

- Remove law enforcement’s ability to decline forensic medical examinations for sexual assaults reported within 120 hours and clarify language pertaining to law enforcement’s ability to decline forensic medical examinations outside of 120 hours, specifically the phrase “*as considered appropriate*” (Texas Code of Criminal Procedure Section 56A.251, *Request for Forensic Medical Examination* (effective 1/1/21) current Art. 56.06);
- Require law enforcement to complete the OAG Law Enforcement Request for Sexual Assault Exam for every sexual assault that is reported to them (Texas Code of Criminal Procedure Section 56A.251, *Request for Forensic Medical Examination* (effective 1/1/21) current Art. 56.06);
- Expand sexual assault forensic examination training requirements for medical professionals other than SANEs (Texas Health and Safety Code Section 323.0045, *Basic Sexual Assault Forensic Evidence Collection Training*);
- Clarify and enhance the definition of SAFE-Ready Facilities to include qualified programs that function outside of traditional hospital settings and that provide forensic medical exams to survivors of sexual assault (Texas Health and Safety Code Section 323.001, *Definitions*);
- Require that a forensic medical exam shall be offered to all children who report a sexual assault, including cases reported more than 120 hours post-assault (Texas Code of Criminal Procedure Article 56A.251, *Request for Forensic Medical Examination*);
- Clarify that medical facilities/entities shall notify law enforcement agencies investigating sexual assaults of evidence release by entering kit identifier information into the statewide tracking system at the conclusion of the exam or within 24 hours after the conclusion of the exam (Texas Government Code Section 420.0352 *Evidence Release*);
- Remove the word “alleged” when referencing a sexual assault or other sex offense (Texas Government Code Section 420.034, *Statewide Electronic Tracking System*);
- Clarify that kits from deceased victims should be tracked (Texas Government Code Section 420.034, *Statewide Electronic Tracking System*);
- Recommend a report of unsubmitted and unanalyzed sexual assault evidence kits in the possession of law enforcement agencies and accredited crime laboratories, to be titled “Statewide Electronic Tracking System Report,” be prepared annually by DPS (Texas Government Code Section 420.034, *Statewide Electronic Tracking System*);
- Repeal the requirement for law enforcement to submit quarterly reports on unanalyzed sexual assault evidence kits in *Track-Kit* (Texas Government Code Section 420.045, *Report of Unanalyzed Evidence of Sexual Assault or other Sex Offense*); and
- State agencies that provide grant funding should consider Government Code 420.046 when making grant eligibility or funding recommendations for entities that collect evidence for sexual assault or other sex offenses or investigate or prosecute sexual assault or other sex offenses (Texas Government Code Section 420.046, *Noncompliance*).

Resource Inventory

HB 1590 mandated that the Task Force include “a survey of the resources provided to survivors by nonprofit organizations, health care facilities, institutions of higher education, sexual assault response teams, and other governmental entities in each region of the state.” The intention of the survey was to provide a broad overview of sexual assault resources and services available for survivors across the state, along with service utilization. Data and findings from the study will be utilized by the Task Force to inform future recommendations to the Legislature about statewide standards of care for adult and child survivors.

The Office of the Governor contracted with the University of Texas at Austin’s Institute on Domestic Violence and Sexual Assault (IDVSA) to complete the inventory. Key findings from IDVSA’s research include:

- While there is broad availability for certain services statewide, there is an opportunity to increase availability of key services for sexual assault survivors including Therapy, Outreach/Prevention, Forensic/Medical, and Legal Services;
- Analysis revealed “substantial unmet needs” for key services in certain regions of the state, including Upper East Texas and Southeast Texas;
- Texas lacks access and resources for therapists with specialized trauma training;
- Texas lacks access and resources for therapists who are trained specifically to work with children; and
- Unmet basic needs, including access to transportation and housing, impact survivors’ ability to access services.

IDVSA’s study also examined the impact of the COVID-19 pandemic on services for survivors and includes key findings relative to increased needs and provider concerns about the ability to meet those needs.

The final version of IDVSA’s Resource Inventory study and analysis may be found [here](#).

Funding Mechanisms

The Legislature directed the SASTF to accomplish the following tasks with respect to analyzing the funding and provision of services for sexual assault survivors:

- “A description of potential sources and mechanisms of funding available to implement the recommendations;”
- “Develop a statewide standard for best practices in the funding and provision of services to survivors by nonprofit organizations, health care facilities, institutions of higher education, sexual assault response teams, and other governmental entities;” and
- “Effectively coordinate funding for services to child and adult survivors” (House Bill 1590, 86th Session (Reg)).

Pursuant to this mandate, OOG-PSO staff developed an online survey to obtain information from certain agencies and organizations regarding funding that was received or administered for programs serving child and/or adult survivors of sexual violence, along with the specific purpose of each program where funding for sexual assault services was received or administered. The following agencies and organizations received the survey and have submitted responses:

- Office of the Governor
- Office of the Attorney General (OAG)
- Health and Human Services Commission (HHSC)
- Children’s Advocacy Centers of Texas (CACTX)
- Texas Court Appointed Special Advocates (CASA)
- Texas Association Against Sexual Assault (TAASA)
- Texas Center for Judiciary - Children’s Justice Act of Texas (CJA)
- Texas Department of Criminal Justice (TDCJ)
- Texas Access to Justice Foundation

OOG-PSO staff is currently analyzing information from the survey and will utilize the data to inform SASTF recommendations as directed in HB 1590. Funding and program information for additional agencies and organizations including private entities and foundations that may provide funding opportunities for sexual assault related services will be gathered as this effort continues. Please see **Appendix F** for a summary of findings to date.



Task Force Activities Phase 2: Prevention, Investigation, and Prosecution

The Steering Committee and the Task Force began brainstorming ideas for Phase 2 topic areas during meetings held in July and August of 2020, with additional input for investigation-related topics garnered from the *Law Enforcement Working Group*. The SASTF identified the following focus areas:

(1) Prevention

The SASTF's prevention focus will include the following areas:

- To ensure the SASTF continues its adherence to the legislative mandate to “not unnecessarily duplicate existing standards, information, and protocol in preventing, investigating, prosecuting, and responding to sexual assault and other sex offenses,” the SASTF closely followed its initial brainstorming sessions with multi-disciplinary working group discussions focused on adult and child sexual assault prevention initiatives currently underway across the state, with the goal of providing consultation, input, and support for those initiatives. This work will continue through the end of 2020 and into early 2021 as the SASTF moves toward endorsing a statewide prevention model and strategy.
- The SASTF posits that the prevention model and strategy should be created within the context of an accurate and shared conception of child and adult sexual assault, with “starting by understanding” a key to making actionable progress to end sexual violence in Texas.
- In light of this priority, the SASTF identified the development of broad-based education and training as a first step to ensure that the reality of child and adult sexual assault dynamics are understood by those working to prevent sexual assault from both system-based and community-based orientations, as well as by those who are interacting directly with sexual assault survivors, including advocates, law enforcement, prosecutors and judges, and health care providers.

(2) Investigation

The SASTF's investigation focus will include the following areas:

- **Law Enforcement Data** – discussions among Task Force members in various working groups revealed the need to identify and highlight discrepancies in the way that law enforcement terms and codes are being used across the state. Terms like “unfounded,” and codes such as “exceptional clearance,” have come up in multiple conversations as avenues of deeper inquiry to ensure that there is consistency across the state in sexual assault investigations. The Task Force expects that the State Auditor's Office report due to Governor Abbott on November 1, 2020, will provide direction for this effort.

Task Force Activities Phase 2: Prevention, Investigation and Prosecution

- **Law Enforcement Training** – the Task Force has prioritized a broad, improvement-focused inventory and review of law enforcement training statewide to include offerings provided by the Texas Commission on Law Enforcement (TCOLE), such as the Sexual Assault Family Violence Investigator’s Course (SAFVIC). SASTF members, along with the Law Enforcement Working Group, the Trauma-Informed Working Group, and the Survivor-Centered Working Group, will participate in the overview and subsequent recommendations related to law enforcement training.
- **Law Enforcement Procedures** – the SASTF has further prioritized an overview of model policies and procedures related to investigations of sexual assault. Policies and procedures will be collected from national and state resources, including the International Association of Chiefs of Police (IACP); the Sexual Assault Kit Initiative (SAKI); a cross-section of urban and rural police departments in Texas; and statewide law enforcement associations. The Task Force will leverage several SASTF working groups in this effort to ensure a comprehensive and thorough review and discussion by participants with diverse perspectives on this very critical topic.

(3) Prosecution

The SASTF’s prosecution focus will include several topics suggested by the Task Force and approved by the Steering Committee. To note, it is anticipated that the State Auditor’s Office Report, expected on November 1, 2020, will provide data and information to guide much of the Task Force’s work. Prosecution topic areas include:

- An analysis of “no bills;”
- The expansion of Code of Criminal Procedure Article 38.37 to apply in cases of adult sexual assault, which will permit the admission of evidence of other “crimes, wrongs, or acts committed by the defendant;”
- District Attorney’s (DA’s) Office Case Intake Processes, including those DA’s Offices that include specialized units for the prosecution of sexual assault cases;
- Intake, filing, and grand jury process;
- Juror bias and how to effectively educate jurors about the dynamics of sexual assault; and
- The practice of issuing subpoenas to Rape Crisis Centers and Advocates.

House Bill 8 (86th Session) – Historical Audit of Unsubmitted Sexual Assault Evidence Kits

The results of the Department of Public Safety’s (DPS) historical audit of unsubmitted sexual assault evidence kits, reported to Governor Abbott and relevant legislative committees on August 31, 2020 (see **Appendix G**), indicate that Texas has significantly decreased the number of known unsubmitted sexual assault evidence kits across the state. An unsubmitted sexual assault evidence kit is one that has been collected, but has not been submitted to a crime laboratory for testing. In 2011, a statewide audit revealed that there were 18,955 such kits in Texas. DPS’s most recent audit reflects an 80 percent decrease in that number.

This is good news for sexual assault survivors seeking justice, as well as good news for all Texas citizens, as with each kit submitted and analyzed, law enforcement has additional information to apprehend and hold accountable perpetrators of sexual violence.

Roughly one-third of law enforcement agencies statewide that received notification from DPS of the historical audit have not yet responded. Ongoing follow-up continues with those agencies to ensure that a complete accounting of unsubmitted SAEKs is accomplished.

The quarterly reporting required from law enforcement agencies mandated by HB 8 has also not seen full compliance. Because DPS has the ability to run regular *Track-Kit* reports containing real-time information about the status of kits statewide, it may be reasonable to remove this quarterly reporting requirement and replace it with an annual audit to be performed by DPS (see **SASTF Policy Recommendations**).

Finally, DPS has yet to see full compliance with the requirement that all law enforcement agencies register in the *Track-Kit* system. The SASTF supports measures designed to ensure participation, including a recent decision by the Office of the Governor’s Public Safety Office to establish a grant eligibility condition requiring any facility or entity that collects evidence for sexual assault or other sex offenses or investigates or prosecutes a sexual assault or other sex offense for which evidence has been collected to participate in the statewide electronic tracking system (*Track-Kit*) developed and implemented by DPS.

**80 Percent
Decrease in
Unsubmitted Kits**

3,582*

**Number of sexual assault evidence kits
awaiting submission**

*** Total does not include law enforcement agencies
that have not responded to the HB8 Audit and/or have
not registered in *Track-Kit***

CONCLUSION AND VISION FOR NEXT BIENNIUM

In the nine months since the SASTF's inaugural meeting, the Task Force has made remarkable progress towards several of its legislatively mandated objectives. The Task Force has successfully come together as a team and has built a successful working model grounded by a detailed project framework and guided by core values of respect, service to mission, and perseverance. The SASTF convenes regular meetings several times a month, creating and achieving actionable goals and milestones and producing results.



In the coming year, the SASTF will focus on objectives that get to the core of some of the most difficult challenges and meaningful opportunities facing Texas to improve services and supports for those affected by sexual violence, including:

- **Improving** the experience of survivors who are interacting with law enforcement, prosecutors, and judges;
- **Analyzing** quantitative and qualitative data examining Texas' performance in holding offenders accountable;
- **Exploring** the mechanisms that affect survivors who may wish to report their victimization but are reluctant to engage with the criminal justice system;
- **Understanding** the experiences of survivors who choose not to report to law enforcement, but who wish to receive services that support their recovery and healing;
- **Examining** the availability and quality of services received by survivors post-victimization from various systems designed to support them, including the health care system, rape crisis centers, and the Crime Victims' Compensation program;
- **Monitoring** continued progress and improvement on the number of unsubmitted and unanalyzed sexual assault evidence kits;
- **Providing** consultative feedback to DPS on opportunities to expand the ability of *Track-Kit* to guide and inform data-driven decision-making that will benefit child and adult survivors statewide;
- **Identifying** a trauma-informed lens and approach to infuse Texas' approach to serving survivors across all systems; and
- **Creating** a transparent and accountable system that has easily accessible, high-quality performance data available to all Texas citizens – and most importantly – to survivors.

With an established project infrastructure, multiple focused working groups comprising teams of knowledgeable and passionate subject matter experts including survivors and survivor/victim family members, and a proven track record of holding candid, respectful, and productive conversations, the Task Force is poised to continue its work in service to Texas' child and adult sexual assault survivors throughout the next Biennium.

The Task Force is grateful to the Legislature for their overwhelming support of survivors, as evidenced by the unanimous passage of House Bill 1590, and to Governor Abbott for his steadfast, unwavering, and principled leadership on behalf of survivors across our great state. Together, we will collectively ensure the achievement of the Sexual Assault Survivors' Task Force vision, where *"Texas leads the nation through our effective, survivor-centered, trauma-informed response to sexual violence, where adult and child survivors are heard, believed, and supported, offenders are held accountable, and all system partners work collaboratively to end sexual violence."*



GOVERNOR GREG ABBOTT

Sexual Assault Survivors' Task Force Member Charter

I. Mission and Purpose

Establish a survivor-centered, trauma-informed, collaborative and coordinated response to sexual violence experienced by adults and children in Texas through:

- Creating and advancing actionable policy recommendations, protocols, and best practices that address the prevention, investigation, and prosecution of sexual assault and other sex offenses, services and resources for survivors, and funding for services;
- Improving the content and effectiveness of training and resources for professionals responding to sexual assault and other sex offenses, including law enforcement, prosecutors, and judges;
- Providing accurate information regarding resources for survivors in a centralized, accessible, understandable format;
- Building transparency and accountability by making data related to sexual assault prevention, investigation, and prosecution publicly available in a centralized, accessible, understandable format;
- Promoting culture change that counters prevalent myths about sexual assault and reflects the reality of sexual assault dynamics and effects on adults and children.

II. Vision

Texas leads the nation through our effective, survivor-centered, trauma-informed response to sexual violence, where adult and child survivors are heard, believed and supported, offenders are held accountable, and all system partners work collaboratively to end sexual violence.

III. Governance

- a. The Sexual Assault Survivors' Task Force (SASTF) is established by the Governor within the Office of the Governor's Public Safety Office (PSO).
- b. The Governor or his designee is the presiding officer of the SASTF.
- c. The SASTF includes a Steering Committee that will:
 1. create relevant working groups;
 2. ensure the SASTF identifies systemic issues and solutions pertaining to survivors of all ages;
 3. ensure the task force does not unnecessarily duplicate existing standards, information, or protocols, and;
 4. review and approve all task force reports, recommendations, resources, protocols, advice, and other information before release.
- d. The SASTF is staffed by an Administrator, Associate Administrator, and Administrative Assistant who will coordinate and facilitate meetings and activities of the SASTF in accordance with this charter and the guidelines established by the 86th Legislative Session in House Bill 1590.

- e. Communication and cooperation between stakeholders relating to the prevention, investigation, or prosecution of sexual assault or other sex offenses or services provided to survivors is a guiding principle of the SASTF.
- f. The SASTF will build upon other groups, committees, and governance structures that already exist. (See Section IV. Composition.) By facilitating communication, collaboration, and planning, SASTF members will help to reduce potential duplication of effort and maximize the efficiency among agencies, jurisdictions, and community partners.

IV. Composition

- a. **Membership:** The SASTF is composed of stakeholders representing various sexual assault service providers, agencies, and levels of government including representation among entities with sexual assault prevention, investigation, and prosecution expertise across the state. At a minimum, membership on the SASTF will include individuals from the following*:
 - Office of the Governor
 - Office of the Attorney General
 - Health and Human Services Commission
 - Texas Commission on Law Enforcement
 - Texas Forensic Science Commission
 - Texas Department of Public Safety - Crime Laboratory Service
 - Texas Association of Crime Laboratory Directors
 - Texas District and County Attorney's Association
 - Texas Society of Pathologists
 - International Association of Forensic Nurses Texas Chapter
 - *statewide organization* described by Section 264.409, Family Code, or the president's designee;
 - *state sexual assault coalition*, as defined by Section 420.003, or the president's designee;
 - a representative from a *law enforcement* agency appointed by the steering committee described by Subsection (c);
 - a *sexual assault nurse examiner* appointed by the steering committee described by Subsection (c) to represent the interests of health care facilities that perform sexual assault forensic exams; and
 - *other members* considered appropriate by the steering committee described by Subsection (c).

***Note:** See the attached *SASTF Membership List* for the complete list of organizations and individuals.

- b. **Steering Committee:** Consisting of the statewide organization described by Section 264.409, Family Code, or the president's designee; the state sexual assault coalition, as defined by Section 420.003, or the president's designee; and the governor, or the governor's designee.
- c. **Workgroups:** An Adult-Focused Working Group and a Child-Focused Working Group will be established within the SASTF. Other ad hoc working groups may be established for the purpose of providing subject matter expertise in the development of SASTF recommendations. Such working groups may be requested by the SASTF and will be reasonably facilitated by OOG staff upon approval of the Steering Committee. All working groups are formed solely for the purpose of informing SASTF members on issues related to the SASTF's mission and purpose.
- d. **External Brain Trust:** This term is used to acknowledge existing experts in the field of sexual assault prevention, investigation, and prosecution, and others who may be called upon to support and inform SASTF members on various issues and processes.

V. Meetings and Administration

- a. **Frequency, Format, and Financial Considerations:** The SASTF will meet quarterly to review and discuss progress and recommendations, and to share working group status updates. Working groups will meet as needed to review and discuss current policies, procedures and trainings and to create recommendations. The Steering Committee will meet monthly to monitor overall deliverables and review/approve outputs. Conference calls and virtual meetings are permissible and a conference bridge may be used to facilitate participation. Any travel expenses incurred for participation will be the responsibility of the individual member.
- b. **Attendance:** Attendance at quarterly task force meetings is required for members to be considered in "active" status. While task force members are encouraged to participate in each SASTF meeting, an alternate individual may be designated to represent a member or agency at a meeting.
- c. **Task Force Support:** OOG staff will provide support to the SASTF preceding, during, and following each meeting. The OOG staff will:
 1. Maintain the SASTF membership list;
 2. Maintain the calendar for SASTF meetings and workgroups, including obtaining input from members regarding available dates and agenda topics;
 3. Provide a clear agenda to all members for each meeting;
 4. Facilitate SASTF meetings;
 5. Disseminate information;
 6. Distribute post meeting summaries;
 7. Document activities;
 8. Track progress;
 9. Prepare SASTF summaries and reports; and
 10. Provide other support as needed.

VI. SASTF Member Responsibilities

- a. Maintain an active status through meeting and work group attendance and participation;
- b. Work to fulfill the mission and purpose of the SASTF as outlined in this Charter;
- c. Designate an alternate or replacement representative when necessary; and
- d. Refrain from disseminating Task Force work product without express approval from the OOG.

With my signature below, I affirm that I have read and understand the Governor’s Sexual Assault Survivors’ Task Force (SASTF) charter. I agree to serve as a designated member, comply with the above Charter, and cooperate in its implementation. In the event that a replacement or proxy representative is required, I will contact OOG as soon as possible to arrange an appropriate substitution or replacement as may be needed.

Signature

Typed Name

Date:

SEXUAL ASSAULT SURVIVORS' TASK FORCE GROUP VALUES

As members of the SASTF, we are guided by the following core values:

RESPECT

We demonstrate this by:

- Being present and engaged.
- Keeping our minds open.
- Having courageous conversations.
- Being mindful of all voices.
- Practicing open and honest communication.
- Considering the intent and impact of our language.
- Listening to understand.
- Assuming the best about each other and committing to stay there.
- Demonstrating compassion for everyone, of all backgrounds.

SERVICE TO MISSION

We demonstrate this by:

- Being survivor-centered.
- Being trauma-informed.
- Being self-reflective.
- Working collaboratively.

PERSEVERANCE

We demonstrate this by:

- Being visionary.
- Being solution-focused.
- Committing to continuous improvement.
- Prioritizing progress, acknowledging that our work will unfold over the next four years.
- Practicing self-care.

APPENDIX C: HB 1590 Mandated Activities

Description	SASTF Project Component
Develop policy recommendations to allow the state to effectively coordinate funding for services to child survivors	1
Develop policy recommendations to allow the state to effectively coordinate funding for services to adult survivors	1
Facilitate communication between state agencies that have duties relating to the prevention, investigation or prosecution of sexual assault or other sex offenses or services provided to survivors in order to identify and coordinate state resources available for assisting survivors	N/A
Collect, analyze, and make publicly available information, organized by region, of services provided to survivors, including a list of SAFE-ready facilities designated under Section 323.0015, Health and Safety Code	5
Make and periodically update recommendations regarding the collection, preservation, tracking, analysis, and destruction of evidence in cases of sexual assault or other sex offenses including recommendations:	1
<ul style="list-style-type: none"> • to the attorney general regarding evidence collection kits for use in the collection and preservation of evidence of sexual assault or other sex offenses 	1
<ul style="list-style-type: none"> • to the attorney general regarding protocols for the collection and preservation of evidence of sexual assault or other sex offenses 	1
<ul style="list-style-type: none"> • to the attorney general regarding the curriculum for training programs on collecting and preserving evidence of sexual assault and other sex offenses 	1
<ul style="list-style-type: none"> • to the attorney general regarding the requirements for certification of sexual assault nurse examiners 	1
<ul style="list-style-type: none"> • to other appropriate individuals or organizations regarding the procedures for obtaining patient authorization for forensic medical examinations of child survivors under Articles 56.06 and 56.065, Code of Criminal Procedure 	1
<ul style="list-style-type: none"> • to other appropriate individuals or organizations regarding the procedures for obtaining patient authorization for forensic medical examinations of adult survivors under Articles 56.06 and 56.065, Code of Criminal Procedure 	1
<ul style="list-style-type: none"> • to other appropriate individuals or organizations regarding the requirements for maintaining an appropriate evidentiary chain of custody 	1
<ul style="list-style-type: none"> • to other appropriate individuals or organizations regarding the identification and reporting of untested evidence throughout the state 	1

APPENDIX C: HB 1590 Mandated Activities

Description	SASTF Project Component
<ul style="list-style-type: none"> to other appropriate individuals or organizations regarding the standards for the submission of evidence to forensic laboratories for analysis, including procedures for submitting evidence in cases for which no evidence has been previously submitted or tested 	1
Biennially contract for a survey of the resources provided to survivors by nonprofit organizations, health care facilities, institutions of higher education, sexual assault response teams, and other governmental entities in each region of the state	1
Develop a statewide standard for best practices in the funding of services to survivors by nonprofit organizations, health care facilities, institutions of higher education, sexual assault response teams, and other governmental entities	1
Develop a statewide standard for best practices in the provision of services to survivors by nonprofit organizations, health care facilities, institutions of higher education, sexual assault response teams, and other governmental entities	1
Develop policy recommendations to allow the state to better prevent incidents of sexual assault and other sex offenses	2
Develop policy recommendations to allow the state to better investigate incidents of sexual assault and other sex offenses	2
Develop policy recommendations to allow the state to better prosecute incidents of sexual assault and other sex offenses	2
Advise and provide resources to the Texas Commission on Law Enforcement and other law enforcement organizations to improve law enforcement officer training related to the investigation and documentation of cases involving sexual assault and other sex offenses, with a focus on the interactions between law enforcement officers and survivors	3
Provide to other law enforcement agencies, prosecutors, and judges with jurisdiction over sexual assault or other sex offenses cases information and resources to maximize effective and empathetic investigation, prosecution, and hearings, including information and resources:	3
<ul style="list-style-type: none"> regarding trauma-informed practices and the dynamics and effects of sexual assault and other sex offenses on child survivors 	3

APPENDIX C: HB 1590 Mandated Activities

Description	SASTF Project Component
<ul style="list-style-type: none"> regarding trauma-informed practice and the dynamics and effects of sexual assault and other sex offenses on adult survivors 	3
<ul style="list-style-type: none"> intended to improve the understanding of and the response to sexual assault or other sex offenses 	3
<ul style="list-style-type: none"> regarding best practices in the investigation and prosecution of sexual assault or other sex offenses 	3
<ul style="list-style-type: none"> for judges regarding common issues in the criminal trials of sexual assault and other sex offenses 	3
Collect, analyze, and make publicly available information, organized by region, regarding the prevention of sexual assault and other sex offenses	4
Collect, analyze, and make publicly available information, organized by region, regarding the investigation of sexual assault and other sex offenses	4
Collect, analyze, and make publicly available information, organized by region, regarding the prosecution of sexual assault and other sex offenses	4
Make recommendations as necessary to improve the collecting and reporting of data on the investigation and prosecution of sexual assault and other sex offenses	4



GOVERNOR GREG ABBOTT

Sexual Assault Survivors' Task Force Working Group Guidelines

I. Mission and Purpose of the Sexual Assault Survivors' Task Force

Establish a survivor-centered, trauma-informed, collaborative and coordinated response to sexual violence experienced by adults and children in Texas through:

- Creating and advancing actionable policy recommendations, protocols, and best practices that address the prevention, investigation, and prosecution of sexual assault and other sex offenses, services and resources for survivors, and funding for services;
- Improving the content, effectiveness, and accessibility of training and resources for professionals responding to sexual assault and other sex offenses, including law enforcement, prosecutors, and judges;
- Providing accurate information regarding resources for survivors in a centralized, accessible, understandable format;
- Building transparency and accountability by making data related to sexual assault prevention, investigation, and prosecution publicly available in a centralized, accessible, understandable format; and
- Promoting culture change that counters prevalent myths about sexual assault and reflects the reality of sexual assault dynamics and effects on adults and children.

II. Vision

Texas leads the nation through our effective, survivor-centered, trauma-informed response to sexual violence, where adult and child survivors are heard, believed and supported, offenders are held accountable, and all system partners work collaboratively to end sexual violence.

III. Governance

- a. The Sexual Assault Survivors' Task Force (SASTF) is established by the Governor within the Office of the Governor's Public Safety Office (PSO).
- b. The Governor or his designee is the presiding officer of the SASTF.
- c. The SASTF includes a Steering Committee that will:
 1. create relevant working groups;
 2. ensure the SASTF identifies systemic issues and solutions pertaining to survivors of all ages;
 3. ensure the task force does not unnecessarily duplicate existing standards, information, or protocols, and;
 4. review and approve all task force reports, recommendations, resources, protocols, advice, and other information before release.
- d. The SASTF is staffed by an Administrator, Associate Administrator, and Administrative Assistant who will coordinate and facilitate meetings and activities of the SASTF in accordance with this charter and the guidelines established by the 86th Legislative Session in House Bill 1590.

- e. Communication and cooperation between stakeholders relating to the prevention, investigation, or prosecution of sexual assault or other sex offenses or services provided to survivors is a guiding principle of the SASTF.

IV. Composition

- a. **Membership:** The SASTF is composed of stakeholders representing various sexual assault service providers, agencies, and levels of government including representation among entities with sexual assault prevention, investigation, and prosecution expertise across the State. At a minimum, membership on the SASTF will include individuals from the following:
 - Office of the Governor
 - Office of the Attorney General
 - Health and Human Services Commission
 - Texas Commission on Law Enforcement
 - Texas Forensic Science Commission
 - Texas Department of Public Safety - Crime Laboratory Service
 - Texas Association of Crime Laboratory Directors
 - Texas District and County Attorney's Association
 - Texas Society of Pathologists
 - International Association of Forensic Nurses Texas Chapter
 - *statewide organization* described by Section 264.409, Family Code, or the president's designee;
 - *state sexual assault coalition*, as defined by Section 420.003, or the president's designee;
 - a representative from a *law enforcement* agency appointed by the steering committee described by Subsection (c);
 - a *sexual assault nurse examiner* appointed by the steering committee described by Subsection (c) to represent the interests of health care facilities that perform sexual assault forensic exams; and
 - *other members* considered appropriate by the steering committee described by Subsection (c).
- b. **Steering Committee:** Consisting of the statewide organization described by Section 264.409, Family Code, or the president's designee; the state sexual assault coalition, as defined by Section 420.003, or the president's designee; and the governor, or the governor's designee.

- c. **Working Groups:** An Adult-Focused Working Group and a Child-Focused Working Group will be established within the SASTF. Other ad hoc working groups may be established for the purpose of providing subject matter expertise in the development of SASTF recommendations. Such working groups may be requested by the SASTF and will be reasonably facilitated by OOG staff upon approval of the Steering Committee. All working groups are formed solely for the purpose of informing SASTF members on issues related to the SASTF's mission and purpose.
- d. **External Brain Trust:** This term is used to acknowledge existing experts in the field of sexual assault prevention, investigation, and prosecution, and others who may be called upon to support and inform SASTF members on various issues and processes.

V. Meetings and Administration

- a. **Frequency, Format, and Financial Considerations:** The SASTF will meet quarterly to review and discuss progress and recommendations, and to share working group status updates. Working groups will meet as needed to review and discuss current policies, procedures and trainings and to create recommendations. The Steering Committee will meet monthly to monitor overall deliverables and review/approve outputs. Conference calls and virtual meetings are permissible and a conference bridge may be used to facilitate participation. Any travel expenses incurred for participation will be the responsibility of the individual task force and working group member.

VI. SASTF Working Group Member Responsibilities

- a. Maintain an active status through work group attendance and participation;
- b. Work to fulfill the mission and purpose of the SASTF as outlined in this document;
- c. Review all documentation for relevant phase of work;
- d. Complete survey feedback form for each document reviewed;
- e. Participate in discussions related to documentation review and phase-specific recommendations;
- f. Attend relevant SASTF meetings as an invited guest;
- g. Keep strictly confidential any Task Force working group discussions; and
- h. Refrain from disseminating Task Force work product without express approval from the OOG.

APPENDIX D: SASTF Working Group Guidelines

With my signature below, I affirm that I have read and understand the Governor's Sexual Assault Survivors' Task Force (SASTF) Working Group Guidelines document.

Signature

Printed Name

Date:

APPENDIX E: Documents and Texas Code Sections Reviewed

Texas 100A Sexual Assault Evidence Collection Kit (SIRCHIE)

Texas Evidence Collection Protocol

Texas Government Code Chapter 420 - Sexual Assault Prevention & Crisis Services

- Section 420.034 - Statewide Electronic Tracking System

Office of the Attorney General of Texas (OAG) Documents

- OAG's Law Enforcement Request for Sexual Assault Exams
- OAG's Sexual Assault Exam Reimbursement Application (LE Agency)
- OAG's Sexual Assault Reimbursement Guidelines

Texas Health and Safety Code Chapter 323. Emergency Services for Survivors of Sexual Assault

- Section 323.0045 - Basic Sexual Assault Forensic Evidence Collection Training

Texas Administrative Code Chapter 62. Sexual Assault Prevention & Crisis Services

- Subchapter A. Sexual Assault Nurse Examiner Certification and Sexual Assault Nurse Examiner Training Program Certification

Texas OAG's SANE Certification

- OAG's SANE Certification Application Guide - Initial

Texas A&M University - Center of Excellence in Forensic Nursing

- Texas SANE Education Course Outline

International Association of Forensic Nurses (IAFN)

- IAFN Sexual Assault Nurse Examiner (SANE) Education Guidelines
- IAFN 43-hour Online Pediatric-Adolescent SANE Training Program Outline
- IAFN 41-Hour Online Adolescent/Adult SANE Training Program Outline
- IAFN Commission for Forensic Nursing Certification 2020 Certification Examination Handbook
- IAFN SANE Certification Checklist

APPENDIX E: Documents and Texas Code Sections Reviewed

Texas Health & Human Services (HHSC) Information Forms

- HHSC's Information for Survivors of Sexual Assault (SAFE-ready facility)
- HHSC's Information for Survivors of Sexual Assault (Facility not SAFE-ready)

Texas Health and Safety Code - Chapter 323. Emergency Services for Survivors of Sexual Assault

- Section 323.005 - Information Form
- Section 323.0051 - Information Form for Sexual Assault Survivors at Certain Facilities
- Section 323.0052 - Information Form for Sexual Assault Survivors who have not reported assault
- Section 323.0015 - Safe-Ready Facilities
- Section 323.004 - Minimum Standards for Emergency Services
- Section 323.0044 - Provision of Emergency Services to Certain Adult Sexual Assault Survivors

Texas Government Code - Chapter 420. Sexual Assault Prevention & Crisis Services

- Section 420.034 - Statewide Electronic Tracking System
- Section 420.035 - Evidence Release
- Section 420.035 - Duty to Enter Certain Information into Violent Criminal Apprehension Program Database
- Section 420.042 - Analysis of Evidence
- Section 420.045 - Report of Unanalyzed Evidence of Sexual Assault or Other Sex Offenses
- Section 420.047 - Audit of Unanalyzed Evidence of Sexual Assault or Other Sex Offenses

Texas Department of Public Safety (DPS) Documents

- Texas DPS Crime Laboratory Service Manual:
 - Section 10.4 - General Evidence Submission Guidelines (Page 69)
 - Section 16.2 - Evidence Packaging Requirements (Page 104)
 - Section 18.4 - Submission of Biological Evidence to the Laboratory (Page 113)
 - Section 28.2 - Submission of Non-Reported Sexual Assault Evidence (Page 168)
 - Appendix 5 - Best Practices (Page 181)
- DPS's Consent for Release of Non-Reported Sexual Assault Evidence

APPENDIX F: Funding Mechanisms

Survey results identified 23 reported fund sources including 14 state-appropriated and nine federally funded sources. While many of these sources benefit victims of a variety of crimes, the 11 programs noted in **red text** are exclusively dedicated to sexual assault services or programs.

Program Name	Description	Source of Funds/Method of Finance	FY 2020	FY 2021
Health and Human Services Commission – State Appropriated				
Child Advocacy Programs	Provide training, technical assistance, evaluation services, and funds administration to support local children's advocacy center and volunteer advocate programs.	HHSC Rider 95(a) - Child Advocacy Center Programs: -General Revenue -General Revenue-Dedicated Compensation to Victims of Crime Account 0469 -General Revenue-Dedicated Sexual Assault Program Account 5010 HHSC Rider 95(b) - Court Appointed Special Advocate Programs: -General Revenue -General Revenue-Dedicated Compensation to Victims of Crime Account 0469 -License Plate Trust Fund Account 0802	\$38,574,815	\$38,563,004
Family Violence Services	Provide emergency shelter and supportive services to victims and their children, educate the public, and provide training and prevention support to various organizations.	HHSC Rider 100. General Revenue	\$13,889,906	\$13,889,906
Health and Human Services Commission – Federally Funded				
Family Violence Prevention and Services Act Grant	Provide resources, technical assistance, and support to victims of domestic violence who may also experience sexual assault, homelessness, economic hardship, and culturally specific needs.	Department of Health and Human Services - CFDA 93.671 Family Violence Prevention	\$6,706,736	\$6,706,736
Social Services Block Grant	Provide essential social services that help achieve a myriad of goals to reduce dependency and promote self-sufficiency; protect children and adults from neglect, abuse, and exploitation; and help individuals who are unable to take care of themselves to stay in their homes or to find the best institutional arrangements.	Department of Health and Human Services - CFDA 93.667 Social Services Block Grant	\$1,005,289	\$1,055,289
Temporary Assistance for Needy Families (TANF) to Title XX	Provide financial and medical assistance to needy dependent children and the parents or relatives with whom they are living.	Department of Health and Human Services - CFDA 93.558 Temporary Assistance for Needy Families	\$11,002,361	\$11,002,361
Office of the Attorney General – State Appropriated				
Crime Victim Civil Legal Services (Legal Services Grant)	Increase the availability of free and affordable civil legal services for victims of crime, such as protective orders, disability benefits, and other legal assistance.	OAG Rider 9. General Revenue-Dedicated Compensation to Victims of Crime Account 0469	\$2,500,000	\$2,500,000
Other Victim Assistance Grants	Address the unmet needs of victims by maintaining or increasing their access to quality services.	OAG Rider 9. General Revenue-Dedicated Compensation to Victims of Crime Account 0469	\$10,798,860	\$10,798,860
Sexual Assault Prevention and Crisis Services	Maintain or expand the existing services of local sexual assault programs and any other purposes consistent with Texas Government Code, Chapter 420.	OAG Rider 9. -General Revenue -General Revenue-Dedicated Compensation to Victims of Crime Account 0469 -General Revenue-Dedicated Sexual Assault Program Account 5010	\$14,897,287	\$14,267,617
Sexual Assault Statewide Services Program	Promote the development of programs for survivors of sexual assault, standardize the quality of services provided, prevent sexual assault, provide training and technical assistance to sexual assault programs, and improve services to survivors and other individuals affected by sexual violence.	OAG Rider 9. -General Revenue-Dedicated Compensation to Victims of Crime Account 0469 -General Revenue-Dedicated Sexual Assault Program Account 5010	\$1,524,468	\$1,524,468
Victims Assistance Coordinators and Victims Liaisons	Designate the mandated positions described in the Texas Code of Criminal Procedure, Article 56.04, specifically Victim Assistance Coordinators in prosecutor's offices and Crime Victim Liaisons in law enforcement agencies.	OAG Rider 9. General Revenue-Dedicated Compensation to Victims of Crime Account 0469	\$2,431,001	\$2,431,001

Note: State- appropriated amounts were derived from the 2020-2021 General Appropriations Act and federally funded amounts were derived from each agency's 2022-2023 Legislative Appropriations Request.

APPENDIX F: Funding Mechanisms

Program Name	Description	Source of Funds/Method of Finance	FY 2020	FY 2021
Office of the Attorney General – Federally Funded				
Sexual Assault Prevention and Crisis Services	Support strategies and activities for the primary prevention of sexual violence.	Centers for Disease Control and Prevention - CFDA 93.136.003 Injury Prevention and Control Research & State and Community Based Programs (Rape Prevention Education)	\$2,053,000	\$2,053,000
Sexual Assault Prevention and Crisis Services - Prevention and Public Health Funds Block	Maintain or expand the existing services of local sexual assault programs, fund activities that support the prevention of sexual violence, and any other purposes consistent with Texas Government Code, Chapter 420.	Department of Health and Human Services - CFDA 93.758.000 Preventative Health and Human Services Block Grant	\$562,234	\$562,234
Office of the Governor – State Appropriated				
Child Sex Trafficking Prevention	Support projects that prevent, investigate, and/or prosecute the commercial sexual exploitation of children, as well as provide direct services to youth victims.	OOG - Trusteed Programs Rider 24. -General Revenue -General Revenue-Dedicated Sexual Assault Program Account 5010	\$2,837,650	\$2,830,650
District Attorney Testing of Forensic Evidence	Reimburse district attorneys for costs associated with the testing of forensic evidence.	OOG - Trusteed Programs Rider 33. General Revenue	\$1,000,000	\$1,000,000
Evidence Testing	Support local law enforcement agencies or counties for testing evidence collected for sexual assault or other sex offenses.	OOG - Trusteed Programs Rider 29. General Revenue-Dedicated Evidence Testing Account 5170	\$1,100,000	\$1,100,000
Prostitution Prevention Grants	Support the implementation of prostitution prevention and pre-arrest diversion programs for counties in Texas.	OOG - Trusteed Programs Rider 35. General Revenue-Dedicated Criminal Justice Planning Account 0421	\$1,750,000	\$1,750,000
Sexual Assault Forensic Exam (SAFE)-Ready Facilities Program	Support hospital facilities seeking to achieve or maintain a Sexual Assault Forensic Exam (SAFE)-Ready designation as defined in Chapter 323 of the Texas Health and Safety Code.	OOG - Trusteed Programs Rider 30. General Revenue	\$3,000,000	\$3,000,000
Sexual Assault Survivors Task Force Program	Establish a Sexual Assault Survivors' Task Force to review and make recommendations regarding statewide policies and practices, personnel training, evidence collection and preservation, and data collection and analysis regarding the prevention, investigation, and prosecution of sexual assault and other sex offenses.	OOG - Trusteed Programs Rider 38. General Revenue-Dedicated Criminal Justice Planning Account 421	\$988,703	\$372,703
Office of the Governor – Federally Funded				
Victims of Crime Act – Victim Assistance Formula Grant Program	Support a wide range of direct services to victims of violent crimes. A minimum of 10 percent must be allocated to provide direct services to victims of sexual assault.	United States Department of Justice (Office for Victims of Crime) - CFDA 16.575 Crime Victim Assistance	\$211,132,927	\$200,970,783
Sexual Assault Services Program – Texas Association Against Sexual Assault	Support rape crisis centers with direct services to survivors of sexual assault.	United States Department of Justice (Office on Violence Against Women) - CFDA 16.017 Sexual Assault Services Formula Program	\$916,493	\$1,059,918
STOP Violence Against Women Act Formula Grants	Promote a coordinated, multi-disciplinary approach to improve the justice system's response to violent crimes against women, including domestic violence, sexual assault, dating violence, and stalking. A minimum of 20 percent must be allocated for sexual assault-related services and activities.	United States Department of Justice (Office on Violence Against Women) - CFDA 16.588 STOP Violence Against Women Formula Grant Program	\$11,704,846	\$11,580,633

APPENDIX F: Funding Mechanisms

Program Name	Description	Source of Funds/Method of Finance	FY 2020	FY 2021
Texas Center for the Judiciary – Federally Funded				
Children’s Justice Act Grants	Develop, establish, and operate programs designed to reform state systems and improve the processes by which states respond to cases of child abuse and neglect.	Department of Health and Human Services - CFDA 93.643 Children's Justice Grants to States	\$1,950,892	\$1,820,833
The Supreme Court of Texas – State Appropriated				
Basic Civil Legal Services for Victims of Sexual Assault - Texas Access to Justice Foundation	Provide victim-related legal services to sexual assault victims, including legal assistance with protective orders, relocation-related matters, victim compensation, and actions to secure privacy protections available to victims under law.	Supreme Court of Texas Rider #6. General Revenue-Dedicated Sexual Assault Program Account 5010	\$4,649,964	\$5,350,036

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

www.dps.texas.gov



STEVEN C. McCRAW
DIRECTOR
FREEMAN F. MARTIN
RANDALL B. PRINCE
JEFF WILLIAMS
DEPUTY DIRECTORS



COMMISSION
STEVEN P. MACH, CHAIRMAN
NELDA L. BLAIR
STEVE H. STODGHILL
DALE WAINWRIGHT

September 01, 2020

Report to the Governor and the appropriate standing committees of the Senate and the House, in compliance with Section 420.047 GC, Audit of unanalyzed evidence of sexual assault or other sex offense.

Background

Effective September 1, 2019, Texas Government Code (GC) Section 420.034 required every sexual assault evidence collection kit (SAK) collected in Texas to be tracked in the statewide electronic tracking system. The Department of Public Safety (DPS) is utilizing Track-Kit as the statewide electronic tracking system. This system tracks the status and location of the SAK through various stages of the criminal justice process, allows entities involved in the handling of the kit to update and track the status and location of the kit, and allows survivors to anonymously track or receive updates on the status of their kit.

Because Track-Kit is a web-based application, users are not required to purchase software or specialized equipment to utilize the system. Additionally, since the Track-Kit system is being used by local Law Enforcement and non- DPS Texas Crime Laboratories, the system is being used to perform the audit specified under Section 420.047 GC (hereafter referred to as the “Historical Audit”). The system is also being used to perform the quarterly SAK reporting required under Section 420.045 GC.

Historical Audit Findings

The Historical Audit was performed as a requirement under HB 8 of the 86th Legislative Session, Section 420.047 GC.

Summary:

As of August 4th 2020, 421 Law Enforcement (LE) agencies have participated in the historical audit and reported via Track-Kit either a list of sexual assault evidence collection kits that included case numbers and offense dates, or they reported having “no SAKs on hand.” Although there was a statutory deadline, the Department is still accepting reports in Track-Kit and we are actively following up with local agencies that are registered in Track-Kit but did not report data to be included in the Historical Audit.

The historical audit of unanalyzed evidence of sexual assault was focused on law enforcement agencies in possession of an evidence collection kit that has not been submitted for laboratory analysis, per GC 420.047. Though SAKs have also been left in the hands of the health care facilities that completed the forensic medical examination, these kits are not included in totals below.

Results:

DPS sent notice of the audit via email and through the Track-Kit portal to 652 Texas state and local law enforcement agencies on December 4, 2019, at which time the Audit Feature was made available to all Track-Kit users to meet the legislative deadline of December 15, 2019. Since that notification, 421 agencies have responded and the following SAKs were reported:

- 136 Law Enforcement agencies reported a total of 3,582 SAKs that had not been submitted to a laboratory for analysis.
 - 1,051 cases of the 3,582 (29%) were reported by the Dallas Police Department.
 - The remaining 2,531 cases were spread across 135 Agencies.
- 285 Law Enforcement agencies reported No SAKs on hand.
- 231 Law Enforcement agencies did not respond to the multiple attempts to report this information.

Timeline of Actions Taken by DPS

December 4, 2019:

- The initial audit notification letter was sent to all 652 LE agencies listed in JusticeTrax (any agency who submits evidence to DPS).
- A “Banner” was created in the Track-Kit software stating that the “Audit feature was now live”. This was visible to any LE agency upon login to the system.
- The DPS public facing website was updated with information on how LE agencies could report.
- DPS informed the users of the statutorily mandated reporting deadline of December 15, 2019 by a letter and a notice within the Track Kit software.

January 30, 2020:

- A follow up email was sent to all individual LE agencies that had not yet reported for the historical audit.
- DPS informed the recipients that the deadline had been extended to February 29, 2020.

APPENDIX G: DPS Audit of Unanalyzed Evidence

March 10, 2020:

- Per Section 420.045 GC, notice of the Quarterly Reporting requirements was sent to the Crime Laboratory’s customer distribution list. That list contains the individual email addresses of more than 15,000 criminal justice personnel. The notice also included a reference to the Historical audit requirements.

April 8, 2020:

- The Sexual Assault Evidence Tracking System Newsletter – 1st Quarter 2020 references the historical audit requirements and quarterly reporting requirements and includes links to the DPS website and contact information.

Timeline for Completion of Testing

DPS proposes that the most effective way to get the approximately 3,600 SAKs in Law Enforcement custody tested will be to outsource them to Private DNA Laboratories. The private laboratory capacity can be leveraged to test these kits allowing the DPS laboratory system to focus on the SAKs that are currently in-house and being submitted to the crime lab system. Based on the need for additional funding (see below) if the outsourcing were to begin on September 1, 2021 and DPS has 150 SAKs per month tested, then the project would be complete in August 2023. Because private laboratories also have limited capacity to complete this work, it is estimated that they could accommodate 150 SAKs per month. While this timeline does not meet the deadline outlined in HB 8, it is a reasonable estimate of what capacity is available in the private laboratories.

Required Funding

Based on previous experience with outsourcing cases to Private DNA Laboratories, it is expected that it will cost approximately \$1,000 per SAK for DNA testing. Therefore, the entire project will cost \$3,600,000. The DPS Crime Laboratory does apply for federal grant funding each year. This funding can be used to complete a portion of this testing. Additional funding sources will need to be identified to complete all of the testing that is required. Law enforcement agencies continue to add additional kits to the totals received during the historical audit. The estimated cost may rise based on these additional kits.

Grant funding available (FY 2019 CEBR) - \$1,047,000

Grant funding requested (FY 2020 CEBR) - \$1,355,000

Additional State Funding needed -	<u>\$1,198,000</u>
Total	\$3,600,000

Laboratories Capable of Completing Outsourced SAKs

The following is a list of Private Laboratories that are listed on the Texas Forensic Science Commission website that are accredited in Forensic Biology/DNA Testing. The DPS Crime Laboratory will have to complete a quality review before any SAKs are sent to an outsource laboratory. DPS has existing agreements to review data from Signature Scientific Forensic Laboratory and Bode Technology.

- DNA Reference Lab – San Antonio, TX

APPENDIX G: DPS Audit of Unanalyzed Evidence

- SigSci Forensic Laboratory – Austin, TX
- Forensic Analytical Sciences – Hayward, CA
- Serological Research Institute – Richmond, CA
- Pure Gold Forensics – Redlands, CA
- DNA Lab International – Deerfield Beach, FL
- Independent Forensics – Lombard, IL
- North Louisiana Criminalistics Lab – Shreveport, LA
- DNA Diagnostics Center Forensic Lab – Fairfield, OH
- DNA Solutions Inc. – Oklahoma City, OK
- Guardian Forensic Sciences – Abington, PA
- NMS Labs – Horsham, PA
- Sorenson Forensics – Salt Lake City, UT
- Bode Technology – Lorton, VA