

# Implementation and Operation of the Uniform Statewide Sexual Assault Evidence Kit

(FY2020 Appropriation Act - Public Act 67 of 2019)

**March 30, 2020**

**Sec. 457.** (1) *From the funds appropriated in part 1 for the uniform statewide sexual assault evidence kit tracking system, in accordance with the final report of the Michigan sexual assault evidence kit tracking and reporting commission, \$800,000.00 is allocated from the sexual assault evidence tracking fund to contract for the administration of a uniform statewide sexual assault evidence kit tracking system. The system shall include the following:*

(a) *A uniform statewide system to track the submission and status of sexual assault evidence kits.*

(b) *A uniform statewide system to audit untested kits that were collected on or before March 1, 2015 and were released by victims to law enforcement.*

(c) *Secure electronic access for victims.*

(d) *The ability to accommodate concurrent data entry with kit collection through various mechanisms, including web entry through computer or smartphone, and through scanning devices.*

**(2) *By March 30 of the current fiscal year, the department shall submit to the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies, the senate and house policy offices, and the state budget office a status report on the administration of the uniform statewide sexual assault evidence kit tracking system, including operational status and any known issues regarding implementation.***

(3) *The sexual assault evidence tracking fund established in section 1451 of 2017 PA 158 shall continue to be maintained in the department of treasury. Money in the sexual assault evidence tracking fund at the close of a fiscal year shall remain in the sexual assault evidence tracking fund and shall not revert to the general fund and shall be appropriated as provided by law for the development and implementation of a uniform statewide sexual assault evidence kit tracking system as described in subsection (1).*

(4) *By September 30 of the current fiscal year, the department shall submit to the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies, the senate and house policy offices, and the state budget office a report on the findings of the annual audit of the proper submission of sexual assault evidence kits as required by the sexual assault kit evidence submission act, 2014 PA 227, MCL 752.931 to 752.935. The report must include, but is not limited to, a detailed county-by-county compilation of the number of sexual assault evidence kits that were properly submitted and the number that met or did not meet deadlines established in the sexual assault kit evidence submission act, 2014 PA 227, MCL 752.931 to 752.935, the number of sexual assault evidence kits retrieved by law enforcement after analysis, and the physical location of all released sexual assault evidence kits collected*

*by health care providers in that year, as of the date of the annual draft report for each reporting agency.*



## **Implementation and Operation of Uniform Statewide Sexual Assault Kit**

In early 2018, the Department of Health and Human Services (DHHS) entered into an Interagency Agreement with the Department of the Michigan State Police (MSP), through which MSP contracted with STACS DNA, Inc. for the acquisition, customization, and use of the Track-Kit™ system in Michigan. Track-Kit™ was first piloted in one community in August 2018, and then rolled out in phases through six regions across Michigan. The rollout was completed in August 2019, with all relevant organizations in the state able to register and use the tracking system.

Track-Kit™ is a secure online web-based system, accessible from computers and mobile devices. There are portals for healthcare, law enforcement, and laboratories to both enter and view information about kit status. There is also a prosecutor portal. Prosecutors do not enter any information about kits but can access Track-Kit™ to view kit status and generate reports about kits retrieved and/or delivered by law enforcement in their jurisdiction.

The system also contains a survivor portal. Survivors can log in anonymously and track the location of the sexual assault evidence kit that contains evidence gathered from their bodies during the medical forensic exam. The system allows MSP as the policy center to view the number of unique survivor logins to the system (note that there is absolutely no identifying information provided in the system). As of February 20, 2020, 14% of survivors with kits in the system had logged in at least once.

Track-Kit™ also has a compliance portal which, when completely operational, will allow the Michigan Domestic and Sexual Violence Prevention and Treatment Board within DHHS to (1) monitor healthcare, law enforcement, and lab compliance with the requirements of the Sexual Assault Kit Evidence Submission Act, and (2) generate an annual report that reflects each organization's compliance with that Act. The system provider is currently working on a build to make the compliance portal fully functional.

Michigan does not currently mandate the use of Track-Kit™, although the July 2016 Report of the Sexual Assault Evidence Kit Tracking and Reporting Commission recommended legislation that would mandate use of the system. In an effort to increase participation by organizations not yet registered, (1) MSP partnered with the Michigan Commission on Law Enforcement Standards (MCOLES) to provide Track-Kit™ information to law enforcement agencies through outreach and their website, (2) DHHS staff contacted all hospitals and healthcare organizations that either are required by statute to perform sexual assault medical forensic exams or have a history of performing these exams, and (3) a member of the Sexual Assault Evidence Kit Tracking and Reporting Commission did follow up outreach to prosecutors. Currently, 100% of Michigan's accredited laboratories, 71% of prosecutors, 51% of relevant healthcare providers and 63% of the 618 law enforcement agencies are registered on Track-Kit™. Per MSP, the participation rate by law enforcement may not be cause for alarm, as it

does not reflect the fact that some law enforcement agencies are small and do not conduct their own sexual assault investigations. Instead, some of those small agencies have working agreements with another law enforcement agency, such as MSP, to investigate sexual assault crimes. In light of that, MSP estimates that approximately 9% of law enforcement agencies that should be registered with Track-Kit™ are not yet participating.

There was a brief systems outage on December 17, 2019 (lasting just under 17 hours) caused by a migration issue between Domain Name System service providers. STACS DNA worked to restore the service and provided progress reports to MSP and DHHS throughout the downtime. MSP issued a portal broadcast message alerting users to the outage, and then notified users when the system was restored. DHHS notified staff at the Michigan Sexual Assault hotline of the outage and of system restoration.

In October 2019, the STACS online support team flagged that its online support service was receiving spam e-mail in a foreign language coming from a law enforcement user's e-mail address and from several other non-organizational e-mail addresses purporting to be that law enforcement user. STACS immediately contacted MSP to notify the administrator that a law enforcement user's account may have been hacked. STACS suspended that user and the fake e-mail addresses associated with that user's name from access to the tracking system. MSP notified the participating law enforcement agency that the officer's e-mail address may have been compromised or hacked. MSP informed the agency that it would need to provide a clean or a new e-mail address for that user before the user would be allowed to access the system. In an abundance of caution, the affected law enforcement agency suspended all email accounts and issued new e-mail addresses to all its staff. The problem has not occurred again since.