

# **Report on Findings of the Annual Audit and Proper Submission of Sexual Assault Evidence Kits**

(FY2019 Appropriation Act - Public Act 207 of 2018)

**September 30, 2019**

**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 development and implementation 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 implementation and operation 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.***



## **Boilerplate Section 457(4) PA 207 of 2018**

The Department of Health and Human Services is not yet able to conduct the annual audit, including the county-by-county compilation of kits, as the ability to do so depends on the full statewide implementation of the tracking system which will collect this information. The Department entered into an Interagency Agreement with the Department of the Michigan State Police that allowed for Michigan State Police to contract with a vendor for the acquisition and implementation of the statewide electronic tracking system for sexual assault evidence kits. Staff of the Department of Health and Human Services worked together with Michigan State Police, the Department of Technology Management and Budget and the vendor to fully implement this system, called Track-Kit. The statewide rollout of Track-Kit was officially completed on August 18, 2019. However, since the system was rolled out in stages over one year in 6 different regions, not all healthcare and law enforcement organizations have been using the system in FY 2019. The last region (Macomb, Oakland, and Wayne counties) just completed rollout on August 18, 2019, so participating agencies in those counties have less than one month of kit collection and transmittal that would be tracked in the system. Further, since enrollment in the system currently is voluntary, not all healthcare and law enforcement organizations are enrolled in and using the system. Finally, DHHS staff continues to work with the vendor on required changes and enhancements to the Compliance Portal of the system that will generate reports with the data needed for the audit.

Now that the system is completely rolled out across the state, responsible staff at DHHS anticipate generating representative audit reports from the system after the close of the 2019 calendar year, and complete audit reports for all organizations using the system after the close of the 2020 calendar year.

As of August 30, 2019, reports from the Compliance Portal of Track-Kit reflect that a total of 1147 sexual assault evidence kits have been collected and entered into the system. Reports available from the Michigan State Police Policy Center on July 23, 2019, indicate that 105 survivors/victims had logged into the system at least once to track the location of their kits. The staged rollout of the tracking system and the current upgrades in process for the compliance portal of the system means that it is not possible at this point to report on the county-by-county location of these 1147 kits. *Please note: Track-Kit does not contain any identifying information about the survivors/victims who are accessing the system, only that a person has logged into the survivor portal.*