

# Sexual Assault Survivors' Task Force

## EXECUTIVE SUMMARY

- Added **FOUR NEW TASK FORCE MEMBERS**, including two additional survivor members, to ensure a comprehensive, holistic perspective and a stronger focus on survivors' voices;
- Implemented **TWO NEW SUBJECT-MATTER EXPERT WORKING GROUPS**; and
- Held over 160 meetings<sup>1</sup>, including quarterly meetings attended by SASTF members, and monthly meetings of specialized working groups focused on a variety of topics tied to mandated deliverables.
- Proposed **12 POLICY RECOMMENDATIONS** for consideration in the upcoming legislative session;
- Submitted over 1,000 comments and recommendations to the Texas Commission on Law Enforcement and the Texas Municipal Police Association for improvements in training for law enforcement officers;
- Submitted 50 comments and recommendations for improving the Information Sheets for Survivors of Sexual Assault maintained by the Health and Human Services Commission;
- Completed major projects including the creation of a trauma-informed rubric, a safety planning framework, a law enforcement investigative protocol, a sexual assault evidence kit pilot project, and a survivors' rights guide;
- In consultation with the Steering Committee and the SASTF, The University of Texas at Austin's Institute on Domestic Violence and Sexual Assault (IDVSA) completed Part 2 of its research into resources available to sexual assault survivors, which included interviews with 70 survivors and family members of survivors; and
- A comprehensive, statewide sexual assault survivors' resource directory is now available on the Governor's website.

## SURVIVOR INCLUSION

The SASTF embraces survivor inclusion as a guiding principle. Our understanding and awareness of how to thoughtfully engage and include survivors has evolved over the past two years, requiring deeper levels of communication and trust and adjustments to our partnership approach. We are fully committed to continuous improvement in how we work together in service to our critical mission.

## TASK FORCE RECOMMENDATIONS

The SASTF generates recommendations through a collaborative and coordinated process that is often informed by an initial review of existing best practices, policies, procedures and protocols, followed by discussions in both multidisciplinary and focused working groups. Staff members document and organize discussion points and draft recommendations for review and approval by the Steering Committee and the Task Force.

## POLICY RECOMMENDATIONS

### *Promote Survivor Healing*

- Clarify that sexual assault survivors who undergo a forensic medical exam have cooperated with a law enforcement investigation for purposes of eligibility for Crime Victims Compensation reimbursement (Texas Code of Criminal Procedure Article 56B.107, *Denial or Reduction of Award*).
- Ensure that health care facilities can be reimbursed directly for Emergency Medical Care from the Crime Victims Compensation Program by filing an application on behalf of the survivor; include a list of specific services that are eligible for Emergency Medical Care and a specific timeframe of eligibility ([Texas Code of Criminal Procedure Article 56A.252, \*Payment of Costs of Examination \(Reported\)\*](#); [Article 56A.254, \*Payment of Costs for Certain Medical Care \(Reported\)\*](#); [Article 56A.304, \*Payment of Fees Related to Examination \(Non-Reported\)\*](#); and [Article 56A.305, \*Payment of Costs for Certain Medical Care \(Non-Reported\)\*](#)).
- Extend Sexual Assault Nurse Examiner certifications from two years to three years ([Texas Government Code Section 420.011, \*Certification by Attorney General: Rules\*](#)).
- Expand sexual assault forensic examination training requirements for emergency room medical and administrative professionals ([Texas Occupations Code Section 301.306, \*Forensic Evidence Collection Component in Continuing Education \(Emergency Room Nurses\)\*](#); [Texas Occupations Code, Chapter 204, \*\(Emergency Room Physician Assistants\)\*](#); [Texas Occupations Code Section 156.057, \*Continuing Education in Forensic Evidence Collection \(Emergency Room Physicians\)\*](#); [Texas Health and Safety Code Section 323.0045, \*Basic Sexual Assault Forensic Evidence Collection Training \(Facilities with Emergency Rooms\)\*](#); [Texas Health and Safety Code Chapter 323, \*Emergency Room Intake/Admin Support Staff\*](#); and [Texas Health and Safety Code Chapter 323.002, \*Non-SAFE-Ready Facilities Plan\*](#)).

<sup>1</sup> OOG-PSO staff held an additional 240 meetings focused on SASTF objectives with various organizations and entities, subject matter experts, legislators, legislative staff, and community stakeholders.

### **Strengthen Statewide Efforts**

- Update SASTF statutory membership to include a representative from the Texas Department of Family and Protective Services, an adult survivor of child sexual abuse or a parent or guardian of a survivor of child sexual abuse, and a survivor of adult sexual assault ([Texas Government Code Section 772.0064](#), *Sexual Assault Survivors' Task Force*).
- Extend the SASTF expiration date ([Texas Government Code Section 772.0064](#), *Sexual Assault Survivors' Task Force*).
- Provide travel reimbursement for SASTF members and survivor speakers attending SASTF quarterly meetings ([Texas Government Code 772.0064](#), *Sexual Assault Survivors' Task Force*).

### **Enhance Systems Response**

- Promote essential access to forensic medical exams for adult and child survivors of sexual assault by making necessary statutory modifications, including synthesizing the reported and non-reported Subchapters within the Code of Criminal Procedure ([Subchapters F and G, respectively](#)) into one combined Subchapter. Make other necessary statutory modifications to ensure that survivors of sexual assault have access to forensic medical exams ([Texas Code of Criminal Procedure Subchapter F, Forensic Medical Examination of Sexual Assault Victim Reporting Assault](#) and [Subchapter G, Forensic Medical Examination of Sexual Assault Victim Not Reporting Assault](#)).
- Clarify that system-generated emails or text communications from Track-Kit, or information viewable to the user in Track-Kit, meets Texas Department of Public Safety (DPS) notification requirements in cases in which the survivor has not reported the sexual assault to law enforcement ([Texas Code of Criminal Procedure Article 56A.306, Procedures for Transfer and Preservation of Evidence](#)).
- Add a minimum of eight hours of instruction related to trauma-informed child sexual abuse and adult sexual assault investigations to the Texas Commission on Law Enforcement's Basic Peace Officer Course ([Texas Occupation Code Section 1701.253, School Curriculum](#)).
- Mandate training for trauma-informed response to child sexual abuse and adult sexual assault for all law enforcement officers ([Texas Occupation Code Subchapter F, Training Programs, Schools, and Policies](#)).
- Amend the sexual assault statute with respect to consent to provide clear protection for victims of sexual assault in circumstances not explicitly covered by current Texas law ([Texas Penal Code Section 22.011, Sexual Assault](#)).

## **LAW ENFORCEMENT TRAINING RECOMMENDATIONS**

**RECOMMENDATIONS TO THE TEXAS COMMISSION ON LAW ENFORCEMENT (TCOLE)** to create and improve training related to sexual assault, sexual assault investigations, victim/survivor-centered approach, trauma-informed

approach, including the effects of trauma on both victims/survivors and law enforcement, and collaborative, coordinated response to adult and child sexual assaults.

### **Basic Peace Officer Course Instructor Guide** *TCOLE Course #1000696*

441 comments and 5 summary recommendations.

### **A Trauma-Informed Approach to Sexual Assault Investigations Instructor Guide** *TCOLE Course #4070*

263 comments and 5 summary recommendations.

**RECOMMENDATIONS TO THE SEXUAL ASSAULT FAMILY VIOLENCE INVESTIGATOR COURSE (SAFVIC)** to create and improve training content related to sexual assault, sexual assault investigations, victim/survivor-centered approach, trauma-informed approach, including the effects of trauma on both victims/survivors and law enforcement, and collaborative, coordinated response to adult and child sexual assaults.

184 comments and 9 summary recommendations.

Additionally, reviewers submitted 21 comments to the student manual specifically for 911 telecommunicators.

## **RECOMMENDATIONS TO TEXAS HHSC**

The SASTF submitted 50 recommendations for updates to the Information for Survivors of Sexual Assault documents, which are maintained by the Texas Health & Human Services Commission (HHSC) pursuant to Sec. 323.005 of the Health and Safety Code and are provided to survivors in health care settings.

## **WORKING GROUP PROJECTS**

### **Law Enforcement Working Group** **First Responder's Sexual Assault Guide** *Statewide Roll-out and Implementation in 2023*

The SASTF's First Responder's Sexual Assault Guide provides best practices for law enforcement's initial interactions with an adult sexual assault survivor by incorporating a trauma-informed, victim/survivor-centered, and offender-focused response. The guide was developed through a multidisciplinary, collaborative approach that included law enforcement professionals, sexual assault survivors, sexual assault advocates, and prosecutors.

### **Trauma-Informed Working Group** **Trauma-Informed Rubric** *Statewide Roll-out and Implementation in 2023*

SASTF's Trauma-Informed Rubric includes detailed criteria for evaluation of a policy, procedure, or recommendation using a trauma-informed lens. It includes specific criteria and expectations for each aspect of a trauma-informed approach. The Rubric is currently being pilot tested by different state and local agencies in the Central Texas area and will be fully launched in 2023.

*Safety Planning Working Group*  
**Safety and Well-being Planning Framework and Protocol**

*Statewide Roll-out and Implementation in 2023*

The SASTF's Safety and Well-being Planning Framework sets forth a personalized, survivor-driven process that empowers sexual assault survivors and their supporters with strategies, resources, and tools to address immediate and longer-term physical safety, emotional safety, economic safety, security, and healing. Strategies, resources, and tools address four primary areas of risk: the offender(s), formal system(s)/ supports(s)/intervention(s), the survivor's immediate social system, and the community. A statewide protocol derived from the framework will be completed in 2023.

*Data Working Group*  
**Sexual Assault Evidence Kit Processing Pilot**

*In collaboration with the Houston Forensic Science Center, the Houston Police Department, and the Texas Department of Public Safety Crime Lab Track-Kit Program*

*Pilot in Progress*

To gain a more complete picture of Texas' pending SAEKs along with a platform to explore root causes of the kit processing delays, each stage of the SAEK processing continuum has been clearly identified and documented. Available data are currently being collected and analyzed with the goal of creating clear action plans to target necessary improvements for survivors—initially in Houston and ultimately statewide.

*Sexual Assault Nurse Examiner (SANE) and Forensic Expert Working Group*  
**Forensic Nursing Program Coaching and Development Framework (Program Pilot in Development)**

Develop a coaching, development, and continuous quality improvement program for SAFE-Ready Facilities, including hospitals, freestanding emergency centers, and SAFE programs as defined in Health & Safety Code Chapter 323, Subchapter B. The goal of this program is to increase access to high-quality medical forensic examinations for adult and child sexual assault survivors in Texas.

*Survivor-Centered Working Group*  
**Survivors' Rights Guide and Glossary of Terms (Posted to Governor's Website in 2022)**

The Survivors' Rights Guide and Glossary of Terms will inform, empower, and assist survivors, providers, supporters, and the general public in understanding survivors' rights, including terms used by the medical field and the criminal justice system (CJS) pertaining to those rights. The glossary of terms includes medical, legal, and CJS terms and acronyms that are used or referenced in discussions of survivors' rights along with definitions of each term. Both documents have been posted on the Office of the Governor's website.

**STATE OF THE DATA**

In House Bill 1590 (86R), the Texas Legislature directed the SASTF to “[m]ake recommendations as necessary to improve the collecting and reporting of data on the investigation and prosecution of sexual assault and other sex offenses” and “[c]ollect, analyze, and make publicly available information organized by region regarding the prevention, investigation and prosecution of sexual assault and other sex offenses.”

The November 2020 State Auditor's Office (SAO) Report Investigation and Prosecution Processes for Reported Sexual Assaults in Texas identified several issues with Texas' sexual assault data.

In summary, SAO found:

- there are no comprehensive statewide data that provide complete information on the progress of reported sexual assaults through investigation and prosecution;
- law enforcement investigation outcome data are collected locally, hindering statewide analysis of sexual assault investigation outcomes;
- there are no statewide data available with respect to actions taken by prosecutors' offices, including case declinations and no bills; and
- arrest, prosecution, and court disposition data in the DPS Computerized Criminal History System are inaccurate and incomplete, particularly with respect to prosecution records.

The issues impacting Texas' ability to analyze sexual assault data lead to a limited understanding of how reported sexual assaults are investigated and charged and to a limited understanding of how—or whether—sexual assault offenders are being held accountable for their crimes. This leads to understandable frustration and mistrust in the criminal justice system's handling of sexual assault cases.

Texas must prioritize a resolution to this issue. Possible resolutions include a dedicated statewide project team tasked with identifying an effective solution, appropriated funding for any system and data collection improvements identified by the project team, and increased accountability for law enforcement agencies and district attorney's offices to report both the outcomes of investigations and the decisions being made about cases considered for investigation and prosecution.

**SEXUAL ASSAULT EVIDENCE KITS AND TRACK-KIT**

*Unsubmitted & Unanalyzed Sexual Assault Evidence Collection Kits*

Data from the second DPS annual report published on December 1, 2022, detail 3,849 kits pending submission or analysis. Significantly, DPS labs, which process approximately 50% of the state's sexual assault evidence collection kits, are now processing all sexual assault evidence collection kits within statutorily mandated timeframes.

The SASTF strongly recommends that the Legislature continue to appropriate the necessary funds to ensure that all sexual assault evidence collection kits are processed in compliance with the timeframes set forth in House Bill 8 (86R). The SASTF further recommends that jurisdictions with high numbers of unsubmitted and unanalyzed kits submit specific plans of action to DPS that will demonstrate a path to compliance by 2025.

## **SURVIVOR-CENTERED RESEARCH**

The University of Texas at Austin's IDVSA conducted a research project on behalf of the SASTF, interviewing 70 sexual assault survivors and family members of survivors to determine their experience seeking and utilizing sexual assault-specific services in Texas as well as identifying unmet needs.

## **STATEWIDE STANDARDS**

Texas' Statewide Standards for Sexual Assault Survivors "Whole Survivor" Care Guiding Principles

### **1. FIRST, PROVIDE WHAT IS NECESSARY**

A survivor's basic needs, including food, clothing, shelter, and transportation, must be met for the survivor to begin healing.

### **2. A BROADER VISION FOR ADVOCACY**

No survivor should ever be alone when attempting to understand and navigate the systems responding to her or his sexual assault.

### **3. TRAUMA MATTERS**

A survivor must have access to therapy to process the trauma of sexual assault.

### **4. HEALING HAPPENS IN CONTEXT**

A survivor must have access to resources to treat mental health issues, substance use and misuse issues, and any other health care-related needs.

### **5. EVERY SURVIVOR IS ENTITLED TO HIGH-QUALITY, EXPERT MEDICAL FORENSIC CARE**

Medical forensic exams conducted by a Sexual Assault Nurse Examiner in a SAFE-Ready Facility must be standard of care for every sexual assault survivor.

### **6. INFORMATION MATTERS**

Survivors who report their assaults must have consistent access to current, reliable information from advocates, law enforcement, and prosecutors about the status of their case. All survivors must have consistent access to information about available services for support, recovery, and healing.

### **7. EVERY SURVIVOR COUNTS**

Texas must work toward full access to services for survivors across all Texas communities.

## **CONCLUSION AND VISION FOR NEXT BIENNIUM**

- **FULLY ARTICULATE** statewide standards of care for survivors, including services and funding;
- **IDENTIFY** a comprehensive, statewide sexual violence prevention framework and strategy;
- **FOCUS** on male survivors, including implementation of the SASTF Services for Male Survivors Working Group;
- **CONTINUE TO REVIEW AND IMPROVE** law enforcement policies, practices, and training with an emphasis on law enforcement leadership;
- **PRIORITIZE** SASTF's criminal justice focus to include prosecutorial and judicial training, the judicial system and jury education;
- **MONITOR** continued progress and improvement on Texas' sexual assault evidence kit backlog; and
- **ADVOCATE** for resolution of problems with sexual assault data collection to ensure that the state can measure performance and maintain accountability for actions taken to investigate and prosecute sexual assault cases.

