



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 23

Agenda Date: May 2, 2024

In Control: City Council A Session

DEPARTMENT: Police Department

DEPARTMENT HEAD: William McManus, Chief of Police

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

TK-DNA Test Kit Fund/FY23 DNA Testing Grant Program

SUMMARY:

This ordinance authorizes the acceptance of funds for \$196,084.00 from the Office of the Governor (OOG), Public Safety Office (PSO) for the for the TK23-FY23 DNA Testing Grant Program for reimbursement of expenditures incurred by the SAPD during the period of January 1, 2024 to December 31, 2024.

The grant amount is for \$196,084.00 with a no cash or in-kind cash match for the period of January 1, 2024 to December 31, 2024.

BACKGROUND INFORMATION:

The purpose of the program is to assist law enforcement agencies with the costs associated with the forensic analysis of physical evidence in relation to sexual assault or other sex offenses.

The San Antonio Police Department is accepting a reimbursement grant not to exceed the amount of \$196,084.00 from the Office of the Governor, Public Safety Office for the period of January 1,

2024 to December 31, 2024.

The grant application was authorized through a Grant Approval Authorization Form and submitted on January 23, 2024.

These funds will be for the reimbursement of costs associated with DNA kits collected from sexual assault/sexual offense victims and offenders.

The funds will reimburse the Department for the processing of any evidence in an “active” sex offense investigation which would include: Victims of Sexual Assault Nurse Examination (SANE) kits, suspect SANE kits, suspect DNA swabs, as well as processing evidence such as bedding, clothing, and any other materials taken into evidence in a sex offense investigation. “Evidence” being anything that may help to corroborate or refute that the offense occurred or that a particular person committed the offense.

Victim SANE kits contain, among other things, swabs of different areas of the Victim’s body where the SANE nurse, through conversations with the victim in the case, has reason to believe DNA from the Suspect may be found. The “processing” is taking the swab and extracting any DNA found then producing a DNA profile and testing it against a sample of the victim’s DNA to see if any DNA foreign to the victim is found. If foreign DNA is found this can then be compared to the Suspect’s DNA or if the suspect is unknown the foreign DNA profile can be entered into CODIS which is the national DNA database compiled by the FBI. The goal of the CODIS database is to match the DNA profiles to known offenders or to match DNA profiles in one case to the profile in another case in order to identify instances of serial offenders.

Suspect SANE kits are processed in much the same way as victim SANE kits except that any foreign DNA is compared to the victim’s DNA. The Suspect’s SANE kit will include a control sample of the Suspect’s DNA.

Suspect DNA swabs are taken from the suspect if a SANE kit was not taken from the suspect within 5 days of the offense. This is normally done when foreign DNA is found in the Victim’s SANE or DNA foreign to the victim is found on any bedding, clothing, or any other material that would help place the Suspect at the place and/or time of the offense.

The evidence, once processed, continues to be a part of the investigation and if the investigation proceeds to prosecution the evidence is used for that purpose.

Chapter 420 (Subchapter B-1) of the Texas Government Code requires that “a law enforcement agency that receives evidence of a sexual assault or other sex offense shall submit that evidence to a public accredited crime laboratory for analysis not later than the 30th day after the date on which that evidence is received. This requirement came into effect on September 1, 2019.

The OOG has indicated that the acceptance ordinance (resolution) must contain specific language stating:

· The Chief of the San Antonio Police Department is the City's authorized official, and he is hereby

authorized to apply for, accept, reject, alter, or terminate an application for grant funds in an amount up to \$196,084.00 from the OOG TK23-FY23 DNA Testing Grant Program for the grant period January 1, 2024 to December 31, 2024.

· In the event of loss or misuse of OOG grant funds, the City Council will return all funds to the OOG.

This grant will provide up to \$196,084.00 for the reimbursement of costs incurred by the SAPD in submitting kits for testing. As this is a reimbursement grant it allows reimbursement for the costs incurred by the SAPD in submitting kits for testing for the period of January 1, 2024 to December 31, 2024.

On April 16, 2024, the Public Safety Committee approved this grant award to move forward to the full City Council for consideration.

ISSUE:

This action will continue City Council's policy of accepting financial assistance for improving the collection of crime data to provide specific, detailed information regarding crime, arrests, and identify crime trends.

ALTERNATIVES:

City Council could elect not to accept the funds from the grant. This action would result in funding the examination of Sexual Assault Kits entirely from the City's General Fund.

FISCAL IMPACT:

This ordinance authorizes the acceptance of funds for \$196,084.00 from the Office of the Governor (OOG), Public Safety Office (PSO) for the for the TK23-FY23 DNA Testing Grant Program for reimbursement of expenditures incurred by the SAPD during the period of January 1, 2024 to December 31, 2024.

The grant amount is for \$196,084.00 with a no cash or in-kind cash match for the period of January 1, 2024 to December 31, 2024.

RECOMMENDATION:

Staff recommends that City Council approve the acceptance of funds for reimbursement of DNA evidence collected from sexual assault/sexual offense victims and offenders and submitted to the Bexar County Criminal Investigation Laboratory.

