

Forensic Exam Kit Storage

SART Listserv
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States are listed as a point of reference and do not necessarily represent a statewide perspective.

Issue: Storing forensic medical exam kits for anonymous reports.

Background: A state is looking for best practices and wants to know if other states utilize law enforcement or hospital storage; if states needed to find extra storage sites- especially if kits are stored for the duration of the statute of limitations.

Resources:

- The Maryland Coalition Against Sexual Assault (MCASA) has received funding from the Office of Violence Against Women (OVW) to provide technical assistance to States as they work toward implementing changes within their policies and procedures to ensure that they are in compliance with anonymous reporting certifications. For more information see:
<http://www.mcasa.org/C/4/C4.htm>
- **SART Listserv - Storing Kits - June 2006**

Issue: *Has kit storage been a problem for communities (especially urban) that offer anonymous reporting?*

Maine

- Kits are stored for a minimum of 90 days. The language from the Maine statute follows:

“If the alleged victim has not reported the alleged offense to a law enforcement agency when the examination is complete, the hospital or health care practitioner shall then notify the nearest law enforcement agency, which shall transport and store the kit for at least 90 days. The completed kit may be identified only by the tracking number. If during that 90-day period an alleged victim decides to report the alleged offense to a law enforcement agency, the alleged victim may contact the hospital or health care practitioner to determine the tracking number. The hospital or health care practitioner shall provide the alleged victim with the tracking number on the forensic examination kit and shall inform the alleged victim which law enforcement agency is storing the kit”

Ohio (Cleveland)

- Law enforcement resists storing anonymous kits indefinitely.

Tennessee

- Our program is hospital based and the hospital is publicly owned. They report all felonies, including sexual assaults, to assure compliance with Tennessee reporting statutes. When law enforcement responds, it is with the understanding that it is up to the patient / victim whether they want to speak with police. Victims are encouraged to have an exam, regardless of whether or not they report. The hospital has neither the space nor the inclination to be in the evidence storage business however.
- When exhibits are collected in this manner, the officer makes a "suspicious situation" report (using the patient's hospital ID # or name) with the general information (i.e.: date & time presented at ER).
- Any exhibits collected are booked in under that report number for tracking purposes.
- From a law enforcement perspective, there is a storage problem. Right now, we are relying on the statute of limitations (seven years for rape in Tennessee).
- I can foresee a time in the near future where we will have to set an arbitrary time limit, where if the victim has not come forward to seek prosecution. that the evidence would have to be destroyed in several months to a year. I've never seen a property / evidence room that had "too much" space or enough technicians.

Supplemental Information

Iowa

- Iowa passed a bill last year that mandated storage of the kits for 10 years regardless of whether the victim filed a report with law enforcement.
- The bill can be found at:
http://www.legis.state.ia.us/scripts/Bill_Amend_d7_v2.dll
 - AN ACT RELATING TO EVIDENCE IN A SEXUAL ABUSE CASE. BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA: Section 1. NEW SECTION. 709.10 SEXUAL ABUSE - EVIDENCE.
 1. When an alleged victim of sexual abuse consents to undergo a sexual abuse examination and to having the evidence preserved, a sexual abuse evidence collection kit must be collected and properly stored with the law enforcement agency under whose jurisdiction the offense occurred or with the agency collecting the evidence to ensure that the chain of custody is complete and sufficient.
 2. If an alleged victim of sexual abuse has not filed a complaint and a sexual abuse evidence collection kit has been completed, the kit must be

stored by the law enforcement agency for a minimum of ten years. In addition, if the alleged victim does not want their name recorded on the sexual abuse collection kit, a case number or other identifying information shall be assigned to the kit in place of the name of the alleged victim.

Louisiana

- The hospital is obligated to collect the evidence, preserve it, and keep it secured under a code number that is given to the victim, in case he/she decides to report.
- After 30 days, if no law enforcement person retrieves the kit, the hospital can dispose of it.

New Jersey

- Forensic exam kits for anonymous reports are held per county policy.
- In some cases, the kits are kept by the SANE Coordinator in a locked cabinet; in other cases they are logged into county or local law enforcement evidence rooms using the case number only; and in one other case, the kits are stored at the hospital.
- If the victim is not releasing the kit to law enforcement at the time of the exam, only the case number is written on the outside of the box, not identifying information about the victim.

Vermont

- Provides the option of "confidential" reporting (e.g., the kit is marked with only the kit number on the outside and only initials inside, so technically identification is only possible through the medical record at the hospital) if a survivor doesn't want to report to law enforcement.
- Those kits are transported from the hospital by law enforcement in that jurisdiction to the state lab, where evidence is processed (and non-victim DNA is entered into CODIS, which is partly why they're no longer considered "anonymous" kits). The kit is held for six months. Once the six months are up, the kit is sent back to the law enforcement office to be destroyed.