

	<b>STANDARD OPERATING PROCEDURE</b> State Form 39870(R/S-06)	Reference Number <b>LAB-011</b>
	Subject <b>Victim Sexual Assault Kit Evidence Submission Requirements</b>	
	Special Instructions Replaces LAB-011 dated August 28, 2018	Effective Date <b>April 1, 2020</b>

**I. PURPOSE**

Establishes a formal procedure for the proper submission and tracking of victim sexual assault kit evidence obtained from medical service providers in furtherance of criminal investigations or as received from medical service providers associated with incidents in which a victim does not request law enforcement involvement.

**II. POLICY**

Department employees who obtain victim sexual assault kit evidence from a medical service provider shall inquire to confirm an entry has been made by the provider to track the kit within the Indiana Statewide Sexual Assault Kit Tracking System, and shall properly secure the item, complete a Property Record and Receipt (PRR) form, and submit the item for proper evidence storage, meeting the requirements noted in [SOP LAB-001](#).

A collaborative multidisciplinary approach should be employed in sexual assault cases, such as the inclusion of medical service providers, victim advocates, etc., and all sexual assault responders should use a victim-centered and trauma-informed approach when engaging with victims of sexual assault—to include the processes of obtaining and tracking victim sexual assault kits.

**III. DEFINITIONS**

A. **“Indiana Statewide Sexual Assault Kit Tracking System”** (Indiana SAKTS) – the system used by medical service providers, law enforcement agencies, and laboratories to track standard victim sexual assault kits, and it is accessed by a kit-specific bar code number and associated personal identification number (PIN) to document movement throughout the lifecycle of each kit.

B. **“Property Officer”** – shall (for the purposes of this procedure) include Crime Scene Investigators, Laboratory Evidence Clerks, District Evidence Clerks, Laboratory Region Field Supervisors, Laboratory Managers, or other laboratory personnel as designated by the Laboratory Division Commander having the necessary permissions to manage items of evidence.

C. **“Reporting Victim”** – a victim of a sexual assault who consented to a medical-forensic examination to allow for the collection of the SAK and has requested a criminal investigation by law enforcement.

D. **“Sexual Assault Kit”** (SAK) – a forensic evidence collection kit consisting of instructions and labeled packages for properly collecting and storing evidence associated to a victim of sexual assault for purposes of secure transfer to law enforcement for subsequent storage and/or laboratory analysis.

E. **“Sexual Assault Nurse Examiner” (SANE)** – a registered nurse who has completed required education and clinical experience and maintains current credentials to conduct medical-forensic examinations of victims of sexual offenses.

F. **“Unreported Kit”** – a sexual assault kit collected from a victim who has consented to the medical-forensic examination to allow for the collection of the SAK but has not consented to participate in the criminal justice process. Unreported kits are also sometimes referred to as “Jane Doe” or “anonymous” kits.

G. **“Unreporting Victim”** – a victim of a sexual assault who consented to a medical-forensic examination to allow for the collection of the SAK but has not requested a criminal investigation by law enforcement.

#### IV. **PROCEDURE**

A. The SAK examination and evidence collection process shall be completed by medically trained personnel.

1. For living victims, it is preferable for the medical-forensic examination to be performed by a SANE or other health care professional specially trained in the collection of evidence relating to sexual assault cases.

2. At autopsies, the examination and evidence collection process shall be completed by, or at the direction of, a pathologist or coroner.

B. When a SAK and any associated evidence (i.e. clothing, etc.) is obtained from a medical service provider, the Department employee shall ensure the items are properly packaged, sealed, marked and documented on a PRR form in order to complete the submission for evidence storage, according to the requirements noted in [SOP LAB-001](#), and:

1. Upon receiving a SAK, the receiving Department employee shall inquire to confirm the SAK, if not from an autopsy, has been entered by the provider in the Indiana SAKTS, and:

2. If the receiving Department employee learns the medical service provider has not entered the SAK from a living victim into the Indiana SAKTS, the receiving Department employee shall request entry be made by the provider when taking custody of the SAK.

C. SAKs received as evidence from reporting victims of crimes resulting in an Indiana State Police criminal investigation shall be submitted to a Regional Laboratory for analysis as directed below:

1. Barring any extenuating circumstances, all SAKs from reporting victims shall be scheduled for submission to a Regional Laboratory within 14 days of obtaining custody in order to initiate the analysis process.

2. SAKs received in which the initial investigation factually determines that no crime was committed prior to the scheduled delivery at the Regional Laboratory shall not be submitted for analysis. This determination shall be made in collaboration with the prosecutor having venue and documented in the incident report in the Records Management System (RMS).

3. If a SAK was previously submitted to a Regional Laboratory for analysis and the continuing investigation factually determines no crime was committed, the receiving Regional Laboratory shall be contacted and the request for the analysis of the SAK shall be withdrawn. This determination shall be made in collaboration with the prosecutor having venue and documented in the incident report in RMS.

D. Upon a Regional Laboratory receiving a SAK for analysis, the Property Officer at the Regional Laboratory, in addition to the Laboratory Information Management System (LIMS) requirements, shall update the entry of the SAK in the Indiana SAKTS as directed below, regardless if the SAK originates from the Indiana State Police or from another contributing agency:

1. Upon initial delivery of the SAK at a Regional Laboratory, the receiving Property Officer at the Regional Laboratory shall update the entry in the Indiana SAKTS to designate the SAK as received at the laboratory for analysis, and:

2. Upon completion of analysis of a SAK at a Regional Laboratory, the Property Officer at the Regional Laboratory shall update the entry in the Indiana SAKTS to designate the SAK as laboratory analysis completed upon the analyst returning the kit to the Property Officer, and:

3. Upon returning the SAK from a Regional Laboratory to the contributing agency, regardless if the SAK originates from the Indiana State Police or from another contributing agency, the Property Officer at the Regional Laboratory shall update the entry in the Indiana SAKTS to designate the SAK as being returned to law enforcement as tested, or in some instances returned to law enforcement as not tested (i.e. analysis withdrawal request received, etc.).

E. SAKs received as evidence from unreporting victims in accordance to Indiana Code [\(IC\) 16-21-8](#), shall not be submitted to a Regional Laboratory for analysis until such time as the victim requests a criminal investigation.

1. Upon notification by a medical service provider of the existence of an unreported kit, the Indiana State Police, to comply with [IC 16-21-8-10](#), shall obtain the kit within 48 hours of notice and cause the unreported kit to be properly submitted for evidence storage per the requirements in [SOP LAB-001](#).

2. The receiving officer shall take custody of the unreported kit from the medical service provider as noted in Procedure B (1) and (2) above and also shall inquire to confirm with the provider that the status of the SAK in the Indiana SAKTS is unreported or anonymous.

3. The process of obtaining and storing an unreported kit shall be documented in a criminal incident report in the RMS using “Laboratory Service” as the offense, and an incident type of “Incident Involving Anonymous Victim Sexual Assault Kit Storage” shall be selected for the report.

4. Unreported kits shall be properly stored as evidence for at least a period of one year to comply with [IC 16-21-8-10](#), in order to allow time for the victim to decide within a one year period to involve law enforcement for an investigation.

5. If the reporting victim does not contact law enforcement to initiate a criminal investigation within the one year period of required storage, the unreported kit may be destroyed 30 days after

the one year period elapses, per the requirements noted in [SOP LAB-002](#), and the Property Officer at the District shall, in addition to the LIMS requirements, update the entry in the Indiana SAKTS to designate the SAK as destroyed.

F. When a Property Officer at a District completes an evidence status update that directs for the destruction of a SAK, regardless if it is from an unreported kit or from an actual investigation, the Property Officer shall, in addition to the LIMS requirements, update the entry in the Indiana SAKTS to indicate those SAKs disposed through court orders, case dispositions, etc. as being destroyed.

G. This procedure is to be used in conjunction with all relevant Department regulations, rules, policies and procedures.