SEXUAL ASSAULT KIT TESTING:
WHAT VICTIMS NEED TO KNOW
What is a sexual assault kit (SAK)?*

A sexual assault kit, or SAK (pronounced “sack”), is a set of swabs, slides, envelopes, instructions, and forms specifically designed to collect and preserve physical evidence that can be used in a criminal sexual assault investigation.

What is collected in a SAK?

- DNA evidence, including blood, semen, and saliva, is collected from the victim’s body to aid in identifying the perpetrator and to demonstrate that physical contact occurred.

- Other physical evidence, including clothing fibers, fingernail scrapings, and hairs, may be collected.

- The victim’s clothing, particularly undergarments or clothing that have biological stains, may also be collected and considered to be part of the SAK.

- Blood will be collected from the victim to determine if blood stains belong to the victim or someone else.

- Urine may be collected for testing if a victim suspects she may have been drugged by the assailant.

- The victim’s account of the assault will be documented and photographs of any injuries will be taken.

* A sexual assault kit may also be called a rape kit, sexual assault evidence collection kit, sexual assault forensic evidence (SAFE) kit, sexual offense evidence collection (SOEC) kit, physical evidence recovery (PERK) kit, or biological evidence kit.
Who collects the evidence?

- Sexual Assault Nurse Examiners (SANEs), Forensic Nurse Examiners (FNEs), or Sexual Assault Forensic Examiners (SAFEs) are specially trained healthcare providers who have been trained in the identification, collection, and documentation of forensic evidence that might be found on a victim’s body or clothing. They are also prepared to testify in court if needed.

- SANEs/FNEs/SAFEs typically work in hospital emergency rooms, but in some areas they work in outpatient or community-based settings that are specifically created to provide medical forensic care for sexual assault patients.

- If a SANE/FNE/SAFE is not available, an emergency room nurse or physician should be able to perform the sexual assault evidence collection and documentation.

Are sexual assault victims required to have a SAK collected?

A sexual assault victim is never required to have a sexual assault kit collected. In addition, a victim may stop or decline any portion of the exam. Providing victims with the choice to have a SAK collected and to set the pace or stop the exam if necessary returns power to the victim. Taking back control of their body can be an important part of the recovery process for sexual assault survivors.

What happens to a SAK after it is collected?

Kits are typically transferred to law enforcement after collection. In some jurisdictions, where the victim is undecided about reporting the assault, the kit may be stored at either a law enforcement facility or the exam facility.

Typically, the kit will remain unopened until the investigating agency requests the kit be analyzed by the crime lab. A few cities and states automatically test all sexual assault kits, as long as the crime has been reported to police.
Once the evidence is ready to be analyzed, forensic scientists at the crime lab will open the SAK and examine the evidence.

The forensic scientists will work to obtain a DNA profile of the assailant(s) from the samples collected in the SAK. If a DNA profile is obtained, the forensic laboratory can submit that profile for searching against state and national DNA databases using CODIS (Combined DNA Index System). CODIS may be helpful in a number of ways, including:

1. Identifying an unknown suspect;
2. Linking DNA profiles between crime scenes to find serial rapists; and
3. Eliminating suspects.

What is CODIS?

The Combined DNA Index System, or CODIS, is a system of national, state, and local databases managed by the FBI that allows crime laboratory personnel across the country to compare DNA profiles from known criminal offenders (and arrestees where applicable) with biological evidence from crime scenes. CODIS has proven crucial to solving crimes in which the offender’s identity is unknown. CODIS can match crimes to each other, thereby identifying serial offenders.
What happens if DNA evidence is not found?

Not all rape kits yield DNA evidence. However, DNA evidence is not necessary for a sexual assault conviction. DNA is only one piece of evidence in an investigation. Other types of evidence might include victim and witness statements, documentation of physical injuries, other physical evidence, and phone records.

If DNA evidence is not found, it does not mean that a sexual assault did not occur. DNA evidence may not be found in a sexual assault kit if the perpetrator did not leave any DNA behind, the DNA was washed off, the evidence was improperly stored or handled, or it simply degraded over time.

Are all SAKs tested?

No. While there are a few cities and states that automatically test all sexual assault kits, in general, SAKs are not tested unless specifically requested by a law enforcement agency for a criminal investigation. There are a variety of reasons that a kit might not be tested including:

- A decision by law enforcement due to a variety of reasons—such as not prioritizing sexual assault cases or a perceived lack of victim credibility or cooperation—not to further investigate the case.
- A decision by law enforcement that the results of the kit would not be significant to the investigation. This occurs most often when the suspect does not deny physical contact, but instead claims the contact was consensual.
- Backlogged crime labs. Due to resource issues, some crime labs may take up to a year or longer to test a SAK.
- Lack of funding for DNA analysis. Some law enforcement jurisdictions, including crime laboratories, are underfunded and may be unable to test every SAK.
How long does it take to test a SAK once it is at the crime lab?

The amount of time needed to process a SAK varies widely by jurisdiction. Processing a SAK is a multi-step process that includes screening for biological material, extracting DNA from stains or swabs, analyzing the DNA, producing a written report, and reviewing the entire process for errors. Each step is conducted systematically in an effort to avoid mistakes. It is possible for a very high-priority case (e.g., a current serial rapist or sexual homicide case) to be processed in as little as 2-5 days, however, 3-6 months is a more typical testing time. Unfortunately, some crime labs may take up to a year or longer to test a SAK. This delay or “backlog” can often be a result of funding constraints, which limit a lab’s ability to maintain adequate staffing, purchase updated or more modern equipment, and keep pace with testing requests. Labs may triage cases and at times are asked to prioritize high profile or urgent cases, or cases with court dates, which pushes some SAKs further down the line for testing.

What happens if DNA is found in the SAK?

If a DNA profile is obtained, it can be compared to offender profiles in CODIS. If there is a match, often called a “hit,” the lab will confirm the results and notify the law enforcement department that submitted the evidence. The DNA profile will also be searched against a database of DNA profiles of unknown perpetrators developed from crime scene evidence. Sometimes more than one crime can be linked together and a serial offender can be identified. Confirming a match found through a CODIS search can take an additional 15-30 days. In some areas, it can take up to 90 days.

If there is a hit, will the victim be informed?

Victims will be informed of a hit, although notification may be delayed if disclosure would interfere with the criminal investigation. Some cities and states have started testing old SAKs, some as old as 20 years. In these cases, law enforcement will attempt to find the victim when there is a hit. Locating victims
in these old cases can be difficult because people move, change names, or change their contact information.

Law enforcement should work with local advocates to notify victims and ensure that they are informed of the resources and support available in their communities.

**Does the victim’s DNA go into CODIS?**

No. The CODIS database is made up of DNA profiles from individuals convicted of or, in some states, arrested for particular crimes and also includes DNA profiles from crime scene evidence.

**If the SAK is not tested, how long will the kit be kept?**

This varies from state to state, but is generally equal to the statute of limitations for sexual assault in that state and the amount of time proscribed in the state’s evidence retention laws. There may be reasons to keep the kit indefinitely because of future changes in the statute or technological advances that may provide for future testing.

**How much does it cost to test a SAK?**

The cost of testing SAKs varies, but can range from $400 - $1500 depending on the amount of biological evidence to be tested. The more items that need to be tested, such as sheets, couch cushions, or multiple items of clothing, the more expensive the testing becomes.

**Will I have to pay for the kit to be tested?**

A victim should never have to pay for a SAK to be collected or tested. Due to a mandate in the Violence Against Women Act and subsequent legislation, most states have laws prohibiting victims from being charged for the collection of evidence from their bodies during a medical forensic examination. In most cases
the investigating agency, the city, or state is responsible for the cost of testing. A summary of state laws and guidelines for payment of sexual assault forensic exams can be found at: www.aequitasresource.org/Summary_of_Laws_and_Guidelines-Payment_of_Sexual_Assault_Forensic_Examinations_2.6.12.pdf.

Can I pay for the kit to be tested?

No. Crime labs and law enforcement agencies are not set up to allow victims to pay for the testing of their own SAK. When kits are tested, it is at no cost to the victims.

Who can I call to find out where my kit is or if it has been tested?

Contact the law enforcement agency that took your sexual assault report to obtain information about your SAK. Some states have laws requiring victims to be informed of the status of their kit, if they wish to know. If law enforcement does not provide you with the information you are seeking, contact your local rape crisis center or prosecutor’s office for assistance.
Helping Victims of Crime Rebuild Their Lives

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