

## Sexual Assault Kits

### **Minnesota Must Standardize the Processing of Sexual Assault Kits**

When someone is sexually assaulted and chooses to seek medical care, they have the right to a sexual assault exam.<sup>1</sup> This exam, provided at no cost to the victim/survivor, offers holistic medical care and gathers evidence that can be used for investigation and prosecution. A sexual assault kit (or SAK) is not *just* a collection of evidence. Each SAK represents a victim/survivor who experienced a life changing trauma and *then* went through a comprehensive 4-6 hour sexual assault exam. Survivors of sexual violence deserve to know what is happening with their SAK. It is crucial that Minnesota law support survivors who choose to engage with the criminal justice system.

#### **Centralized storage of restricted and unrestricted SAKs<sup>2</sup>**

- Federal best practices call for law enforcement or laboratories to be responsible for the long-term storage of all SAKs.
- Centralized storage at the Bureau of Criminal Apprehension will allow Minnesota to consistently and effectively track, inventory, and audit SAKs.

#### **Tracking system for restricted and unrestricted SAKs**

- In 2018, the legislature recognized a survivor's right to know the date their SAK was submitted to the lab, the date the agency received notice of the

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<sup>1</sup> [Minn. Stat. 609.35](#) and the Violence Against Women Act.

<sup>2</sup> [Minn Stat. 299C.106](#) defines restricted and unrestricted kit as follows:

- "Restricted sexual assault examination kit" means a kit that does not have an accompanying release form signed by the patient authorizing law enforcement to submit the kit to a forensic laboratory. A health care professional shall provide the patient with information about how to convert a restricted sexual assault examination kit to unrestricted status.
- "Unrestricted sexual assault examination kit" means a kit that has an accompanying release form signed by the patient allowing law enforcement to submit the kit to a forensic laboratory.

results, and whether a DNA profile was obtained. However, this information is difficult to obtain because Minnesota does not have a tracking system for kits.

- The same legislation requires law enforcement and prosecution to document why any SAK that is not tested. However, this data is not collected. Unless Minnesota chooses to test all unrestricted SAKs, this data is crucial to understanding these decisions.

### **Statewide Consent Form**

- A statewide consent form is necessary to standardize the information that victims/survivors receive when they decide whether to release their SAK for testing.
- This is also a safeguard to ensure that restricted kits are not accidentally tested.

### **Why Test All Unrestricted Kits?**

#### **SAKs must be tested regardless of whether the offender is known to the victim**

- Repeat offenders tend to assault both acquaintances and strangers. Testing all unrestricted kits helps determine whether the suspect's DNA matches DNA from another case.
- Evidence gathered from a SAK often corroborates the victim's account of the crime.

**Testing all SAKs sends a powerful message to survivors and offenders.** If a community tests all kits, offenders know law enforcement is serious about using the evidence they left behind to apprehend and prosecute them. More importantly, testing all SAKs sends a message to survivors that they—and their cases—matter.

**DNA in SAKs can identify repeat offenders and connect different crimes.** Public safety is enhanced by linking cases within and across jurisdictions (such as identifying repeat offenders).

**Federal best practices calls for testing all unrestricted SAKs.** The National Institute of Justice’s July 2017 report, “National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach,” outlines 35 nationwide recommendations for handling SAKs.

**Communities save money by testing sexual assault kits and prosecuting offenders.** As of November 2019, Cuyahoga County, Ohio (Cleveland) had tested over 7,000 backlogged SAKs, investigated every lead, engaged survivors, and prosecuted cases. Through this testing, repeat offenders were identified, [saving the county \\$38 million](#). [Kentucky’s Sexual Assault Response Team Advisory Committee’s 2018 report](#) demonstrates the economic cost of not testing SAKs, and makes clear that it is most cost effective to test all (unrestricted) SAKs.

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