



Part A – Sexual Offense Evidence Collection Kit Information and Instructions

If you have any questions, please contact the Division of Criminal Justice Services (DCJS) Office of Forensic Services (OFS) at kits@dcjs.ny.gov or 518-457-1901.

To Order Additional Kits

The Sexual Offense Evidence Collection Kit (SOECK) order form is available on the DCJS website at the following web address:

https://www.criminaljustice.ny.gov/ofpa/pdfdocs/sexual_offense_kit_2020_order_form.pdf.

Completed order forms should be returned electronically to kits@dcjs.ny.gov.

Background

DCJS provides New York State SOECKs free of charge to approved medical providers in the State.

The NYS SOECK was developed and updated through the collaborative efforts of DCJS, the New York State Department of Health (DOH), the New York State Office of Victim Services (OVS), the New York State Office for the Prevention of Domestic Violence (OPDV), New York State public forensic laboratories, as well as medical and legal practitioners.

The NYS SOECK, and recommended evidence collection protocol, is informed by the following documents from the US Department of Justice (DOJ):

- National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach (2017)
- A National Protocol for Sexual Assault Medical Forensic Examinations (2013)
- A National Protocol for Sexual Abuse Medical Forensic Examinations, Pediatric (2016)
- National Training Standards for Sexual Assault Medical Forensic Examiners (2018)

(It is generally recommended to refer to latest available DOJ guidance and documentation on sexual assault)

NYS DOH also administers the State's Sexual Assault Forensic Examiner (SAFE) Program. Please refer to the DOH website for additional information: <https://www.health.ny.gov/professionals/safe/>

General Notes

- Every hospital in New York State is required to provide care and evidence collection to sexual assault patients.
- Evidence can be collected by any registered nurse, nurse practitioner, physician's assistant, or physician.
 - It is recommended that providers be SAFEs and/or Sexual Assault Nurse Examiners (SANEs).
- Evidence collection kits are designed to assist in the uniform collection of evidentiary specimens in any case in which the crime/incident involved is a sexual assault.
- These kits may be used for an adult, adolescent, or pediatric sexual assault patient.
 - With prepubertal patients please refer to the included Prepubertal Patient Information Sheet and Step 11 envelope instructions.
- It is acknowledged that while the completion of every evidence collection step is generally recommended, the medical practitioner may elect to not complete one or more steps based on the physical and/or emotional wellbeing of the patient, or the patient's history.
- It is also acknowledged that the patient has the right to refuse one or more individual steps without relinquishing the right to have evidence collected.
- Medical practitioners are asked to appropriately document deviations from the recommended examination procedure.

- The patient is not required to report the assault to the police to receive evidence collection.
- Each individual kit is designed to collect evidence from only one sexual assault patient.
- Medical providers should not analyze collected evidence.

Pre-Sexual Offense Evidence Collection Considerations

- Triage and Medical Treatment: Every sexual assault patient should be given a complete medical exam before evidence collection. Generally, the patient must be medically stable and able to provide consent before evidence collection can begin.
- Medical Provider Notes:
 - Practitioners should change gloves for each step.
 - Please document the names of all medical personnel present during the examination in the patient's medical record.
- Patient Rights: The New York State Sexual Assault Victim Bill of Rights must be provided to every presenting sexual offense victim before a medical facility commences a physical examination of a sexual offense victim. The medical practitioner conducting the exam shall inform the victim of the victim's rights by providing a copy of the sexual assault victim bill of rights and offering to explain such rights. This document details a patient's legal rights. Patients must also be provided with the contact information for the police agency, prosecutorial agency, or other law enforcement agency personnel who are trained in trauma and victim response.
- Consent: The entire sexual assault medical forensic exam is conducted at the patient's discretion. Written or oral, informed consent must be obtained and documented for the medical exam, evidence collection, photography, and evidence storage or release of evidence and information to law enforcement. If a patient is unconscious and unable to give consent, please refer to medical provider's policy.
- Advocacy: Hospital personnel shall advise sexual assault patients of the availability of services from a local rape crisis program, if any, to accompany the patient through the medical-forensic exam. If the patient wishes the presence of an advocate, the hospital shall contact the appropriate organization and request that one be provided.

SOECK Components

There are two distinct NYS Sexual Offense Evidence Collection Kits, [Part A](#) and [Part B](#).

- The Part A Kit is to be used for the collection and preservation of sexual offense forensic evidence. This kit is generally used within 120 hours of a sexual assault.
- The Part B Kit is to be used **only** in cases where there is a suspicion of a drug facilitated sexual assault. The Part B Kit **must** be used in conjunction with the Part A Kit and cannot be used on its own. This kit is also generally used within 120 hours of a sexual assault.

Part A Kit

The Part A Kit includes twelve (12) examination steps. The individual instructions for each examination step are printed on the corresponding sample envelope, which are included sequentially in the kit. The Part A Kit is generally ordered for the examination to proceed from "head-to-toe."

The Part A Kit examination steps are:

Step 1 – Trace Evidence & Debris

Step 2 - Underwear

Step 3 - Clothing (no envelope provided for this step, collected clothing items must be packaged separately in paper bags)

Step 4 - Oral Swabs

Step 5 - Buccal Swab

Step 6 - Fingernail Swabs

Step 7 - External Dried Secretion & Bitemark Swabs (non-genital)

Step 8 - Pubic Hair Combing

Step 9 - Perianal & Anal Swabs

Step 10 - Vulvar or Penile Swabs

Step 11 - Vaginal / Cervical Swabs (combined swabbing; in same envelope)

Step 12 - Tampon / Pad / Liner

The Part A Kit also includes the following documents and forms:

For the Provider –

- Patient Consent Form
- Part B Kit Information Sheet
- Prepubertal Patient Information Sheet
- Provider Reimbursement Claim Form and Instructions
- Forensic Laboratory Supplemental Information Form
- Evidence Seals

For the Patient –

- Patient Reimbursement Claim Applications and Instructions
- HIV Testing Pamphlet (English & Spanish)
- Emergency Contraception Pamphlet

For medical providers that do not utilize their own documentation forms, the following are also available for download on the DCJS website at <https://www.criminaljustice.ny.gov/evidencekit.htm>:

- Medical Record Sexual Assault Form
- Patient Information Form
- Patient Diagram Form

Part B Kit

As indicated above, the Part B Kit is to be used **only** in cases where there is a suspicion of a drug facilitated sexual assault. If asked, please advise the patient that Part B Kit evidence has limited probative value without the collection of corresponding Part A Kit evidence.

The Part B Kit contains:

- Blood and Urine Specimen Collection Instructions
- Drug Facilitated Sexual Assault Patient Examination Form
- Authorization Form for Release to Law Enforcement for Drug Screening
- Antiseptic Prep Pad
- 2x 6ml Gray Top Blood Tubes
- 100 ml Urine Specimen Bottle
- Urine Specimen Bottle Ziplock Bag
- Liquid Absorbing Sheet
- Evidence Seals
- Security Seal

Medical Provider and Victim Reimbursement

The Office of Victim Services directly reimburses medical providers for forensic rape examinations if victims of sexual assault do not have access to private health insurance or choose not to use their private health care insurance for the examination.

OVS also provides compensation to victims and certain other parties for compensation of out-of-pocket expenses not covered by insurance or other resources.

Medical Providers

Please see the enclosed Medical Provider Forensic Rape Examination Direct Reimbursement Claim Form. Also refer to the following OVS webpage for additional information:

<https://ovs.ny.gov/forensic-rape-examination-fre-direct-reimbursement-program>

Victims

Please see the enclosed Claim Application and Instructions. Also refer to the following OVS webpage for additional information:

<https://ovs.ny.gov/victim-compensation>

Post-Sexual Offense Evidence Collection Considerations

- **Photography:** Taking photographs may be a part of the medical forensic exam process. However, do not include photographs in the SOECK. Any photos should be stored in the patient's medical record, and/or released to the investigating officer as determined by the institution's policy.
- **Completing the SOECK:** Make sure each envelope used contains all requested items and information. Be sure to indicate no or declined on any envelopes that were not used. Return all envelopes to the kit. Sign the Evidence Seal and use it to seal the kit. Do not seal patient documents or consent form inside kit. Fill in all Medical Provider Information on box top.
- **Procedures for Release of Evidence:** If the patient has consented to notify and release evidence to law enforcement, the sealed kit and clothing bags must be given to the investigating law enforcement officer. If the officer is not present, the evidence must be temporarily stored in the hospital or a contracted entity.
- **Procedure for Storage of Evidence:** Patients may choose not to authorize notification or release of evidence at the time of examination. The hospital, or a contracted entity, must maintain sexual offense evidence in a locked, separate, and secure area, for no less than twenty years. At any time thereafter, the patient may direct the hospital to surrender their evidence to the police, or for certain kinds of evidence, the police may request its surrender.
- **Proper Storage of Evidence:** Where appropriate, clothing and swabs must be dried, stored in paper bags, and labeled. Part B Kit evidence must be refrigerated. Evidence must be kept in a locked, separate, and secure area. For more information on storage condition recommendations, refer to the hospital's local forensic laboratory. Please also refer to DOJ best practice recommendations.
- **Chain of Custody:** Chain of custody refers to a chronological log of who handled evidence and the area where it was maintained. The area must have limited access and all access must be logged. The log must also reflect any movement of the evidence from one area to another. All evidence must be properly labeled and sealed. Each item of evidence must be marked and logged with a number corresponding to the sexual assault victim's medical record.
- **Patient Discharge and Follow-up:** Prior to discharge, review all materials with the patient, as appropriate. Also prior to discharge, hospital personnel must assess the patient's medical and mental health needs, and safety concerns. The hospital must provide information and referrals, as needed. Patient's must also be provided with oral and written medical instructions, and arrangements for follow-up care.