

KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS & TRAINING

Policy: 203 SEXUAL ASSAULT EVIDENCE COLLECTION KIT SUBMISSION, RETENTION & DISPOSAL

Issue/Rev: June 23, 2022

Page 1 of 2

Issuing Authority: Executive Director Doug Schroeder

I. PURPOSE

Although unlikely due to the administrative nature of Kansas Commission on Peace Officers' Standards and Training investigations, the purpose of this policy is to assure proper handling of evidence and compliance with state statutes for submitting sexual assault evidence collection kits to a forensic laboratory, retaining them, and eventual disposal of evidence. This policy only pertains to sexual assault evidence collection kits originally collected by CPOST, and does not pertain to the collection, method of obtainment, submission, retention or disposal of any kits or other sexual assault evidence that is originally collected by another law enforcement agency and subsequently released to CPOST in the course of an administrative investigation.

II. POLICY

It is the policy of this law enforcement agency to ensure that all sexual assault evidence collection kits are obtained, submitted, retained, and disposed of properly.

III. DEFINITIONS

Anonymous Kits: Sexual assault evidence collection kits that are collected by medical personnel but are not reported to law enforcement at the request of the victim.

Sexual Assault Evidence Collection Kit (SAECK): A package of items used by medical personnel to gather and preserve physical evidence from a victim's body following a report of a sexual assault; may also be referred to by other names, such as a rape kit, sexual assault kit (SAK), or a sexual assault forensic evidence (SAFE) kit.

IV. PROCEDURES

A. Submission of Sexual Assault Evidence Collection Kits to a Forensic Laboratory

1. It is the policy of this law enforcement agency that all sexual assault evidence collection kits that correspond to a report of sexual assault shall be submitted to the appropriate forensic laboratory for analysis within 30 business days from the collection of the kit for processing.

B. Retention and disposal of Sexual Assault Evidence Collection Kits

1. All sexual assault evidence collection kits shall be retrieved from medical facilities as soon as practical to the 30-day requirement for submission to a forensic laboratory. The exam evidence shall be stored in accordance with the agency's evidence policies.

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Page 2 of 2

2. Sexual assault evidence collection kits that have been returned from a forensic laboratory after analysis shall be stored in accordance with this agency's evidence policies.
 3. For sexual assault evidence collection kits related to an investigation that has resulted in charges being filed, the exam evidence shall only be disposed of after securing an order of the court.
 4. For sexual assault evidence collection kits related to a conviction, the exam evidence shall be retained until all appeals have been exhausted.
 5. For sexual assault evidence collection kits related to an investigation that has not resulted in charges being filed, the exam evidence shall be retained until the expiration of the applicable statute of limitations or up to 20 years, whichever is shorter.
- C. Distribution of Forensic Laboratory Reports
1. Upon receipt of the laboratory report(s) on sexual assault evidence, the report(s) shall be distributed to the case file, the lead investigator assigned to the case, and to the county/district attorney if a case has been filed for prosecution.
- D. Anonymous Kits
1. Anonymous kits are not to be retained by this law enforcement agency. The collecting medical facility shall directly report and submit all anonymous kits to the Kansas Bureau of Investigation Forensic Laboratory to be kept for up to 20 years.
 2. Anonymous kits shall not be tested in accordance with the Kansas bill of rights for victims of crime.
- E. Training
1. This agency is responsible for providing training to carry out this policy.