

**Procedure
3.5**

**EFFECTIVE
DATE
7-8-22**

**Eugene
Police Department**



SEXUAL ASSAULT KITS

3.5.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for investigating reports of sexual assaults, notification procedures for victims, and govern timelines for the collection, submission, and reclassification of sexual assault forensic evidence.

3.5.2 GENERAL GUIDELINES

a. Sexual Assault Forensic Exam (SAFE)

This exam yields evidence that cannot be acquired in any other way, such as signs of trauma, bite mark documentation, and bruising. Responding officers should ask to have this evidence photographed. Officers should not hesitate to have an officer of the same gender as the victim assist in taking the photographs.

1. If more than five days (120 hours) has elapsed from the time of the sexual assault to the time of the medical examination, the chances of finding semen evidence in the body of a living victim are greatly diminished, although it may still be possible to detect male DNA. However, it may be prudent to collect a SAFE Kit if you have any doubts or concerns about the timeline.
2. Showering, bathing, and douching by the victim does not necessarily eliminate the possibility of finding semen, saliva, or trace evidence on the body. A SAFE Kit should be collected under these circumstances.
3. Underwear that the victim was wearing during or immediately after the incident should always be collected as soon as possible. (This is especially important for those cases with a long-elapsed time between incident and exam.) The underwear worn at the time of the incident should be collected if different from that worn at the time of the exam.
4. If oral contact on a victim's body surface was made by the suspect, swab the affected area for a saliva transfer if the victim hasn't bathed. Showering and bathing may eliminate the possibility of finding saliva on the surface skin of a victim (e.g., bite marks, hickeys.) DNA standards should be obtained from all listed individuals in a case who may have contributed DNA to evidentiary items. This includes victim and suspect standards, and, in sexual assault cases, standards from any recent (within 5 days) consensual sexual partner(s).

5. DNA may be found from the suspect in SAFE Kit samples when digital or foreign object penetration occurred.
6. In cases of anal sodomy, the attending health professional shall collect internal rectal swabs and swabs around the opening of the anus. The underwear that was worn during or immediately after the incident should be collected.
7. Each piece of seized clothing should always be collected separately and placed in a brown paper bag.
8. Copies of all paperwork (e.g., copies of the worksheet from the SAFE Kit, medical exam) must be included either in the report or routed separately to the Violent Crimes Unit.
9. If in doubt, a SAFE Kit should be collected. The crime lab will examine the samples even if they were collected outside the guidelines described above.

3.5.3 ORAL SODOMY CASES

- a. Deceased victims
 1. When sexual assault is suspected normally the crime scene will be secured and investigators from the Violent Crimes Unit will ensure the body is processed for evidence.
 2. The timelines described in Section 3.5.2 above do not hold for deceased victims. Normally, SAFE Kit samples (vaginal, oral, rectal) will be collected from deceased victims regardless of gender. Penile kit samples (penis shaft, scrotum) will be obtained from deceased male victims, as well as blood, head hair and public hair standards.
 3. The collection of fingernail clippings or scrapings may be necessary, depending on the case. This evidence can be preserved by placing paper bags over the decedent's hands.

3.5.4 SPECIAL CIRCUMSTANCES – OTHER VICTIMS

- a. Children often do not clean themselves or get cleaned thoroughly. They may also be unable to clearly articulate or remember timelines accurately. For these reasons, always do a sexual assault forensic exam (SAFE) on children (if anything more than touching is suspected) and document any physical trauma.
- b. The same considerations also apply to the elderly and people with mental and/or cognitive disabilities.

3.5.5 SEX ASSAULT KIT PROCESSING AND STORAGE

- a. The Evidence Control Unit (ECU)
 1. Shall submit the SAFE kits to Oregon State Police for forensic testing within 14-days from the time of receiving the kit from a medical facility. ECU will provide Oregon State Police (OSP) with a copy of the initial police report to assist OSP in prioritizing the testing.

2. The Evidence Control Unit shall not submit any anonymous kits to OSP for testing.
3. If a victim chooses to file a sexual assault report at a later time, the sexual assault kit associated with the report shall be reclassified as a non-anonymous kit and submitted for testing to OSP within 14-days of the reclassification (*ORS 181A.325*).
 - a. The ECU shall be notified of this change by the reporting officer.
4. All SAFE kits, including anonymous kits, shall be retained for no less than 60-years after the kit was collected.
5. The Evidence Control Unit Supervisor is the liaison between Eugene Police Department and Oregon State Police.

b. Violent Crimes Unit (VCU)

The Violent Crimes Unit Supervisor will serve as the liaison for the victim and provide information allowed in *ORS 181A.325 (2)(c)* within 30-days of the inquiry unless it is determined that providing the information would interfere with the investigation or prosecution of a case. The status of the SAFE kit can also be viewed at: <https://trackit.osp.oregon.gov/>

c. Victim authorization

The victim may provide the Department with written, notarized authorization for a specified designee to access the above information on their behalf. The victim can make an appointment with the Evidence Control Unit Supervisor to complete the written, notarized authorization.

Chris Skinner
Chief of Police