

Guidance for Hospitals on Unreported Sexual Assault Kits Collected from April 23, 2019 to June 30, 2020

The following information applies only to unreported sexual assault kits collected from April 23, 2019 until June 30, 2020.

1. Which sexual assault kits need to be shipped to the Washington State Patrol Crime Labs for storage?

- Any unreported sexual assault kit collected from a survivor on or after April 23, 2019. This is required by legislation passed in 2019 ([HB 1166](#)) that established a moratorium on destroying unreported sexual assault kits for 14 months.
- An “unreported sexual assault kit” is an evidence kit collected from a patient who has consented to the collection of the kit, but who has not reported the crime to law enforcement.

2. Who is responsible for the cost of shipping unreported sexual assault kit and arranging the shipment?

- The cost for shipping the kit will be paid for by the Washington State Patrol (WSP) if the hospital contacts the appropriate crime lab and uses the FedEx label and shipping directions provided (*see question 3*).
- Arranging for the shipment is an internal hospital procedure that will vary at each location.

3. Which shipping vendor should be used to ship unreported sexual assault kits?

- FedEx. Please email the laboratory that is closest to your hospital and a FedEx shipping label will be generated and emailed back to you. Here is the contact information for the two crime labs:
 - i. Vancouver Crime Laboratory:
EvidenceSubmission-VancouverCrimeLab@wsp.wa.gov
 - ii. Spokane Crime Laboratory: SpokaneCrimeLabPEC@wsp.wa.gov
- WSP will incur the shipping costs if the instructions for the storage and shipping of the kits is followed.
- Hospitals may utilize other vendors; however, using a vendor and procedure other than what is provided will be at the cost of the hospital.

4. When will hospitals receive the FedEx shipping labels?

- The WSP email box for the storage laboratory is checked at least once daily. Please allow one business day turnaround for a reply with an attached FedEx shipping label.

5. What kind of shipping containers should hospitals use and who is responsible for providing the containers to ship unreported sexual assault kits?

- Kits and any items related to the kit that are being shipped (*see questions 8 and 9*) must be packaged in a shipping container.
- Contact FedEx for packaging or use packaging that works best for you.
<http://www.fedex.com/gd/tools/packaging.html>

6. How do we ensure the unreported sexual assault kit arrives to the crime lab?

- Hospitals need to retain the tracking information found on the FedEx shipping label that is emailed to you for each kit. Hospitals should include this information in the patient's medical record and SANE report.

7. Are there additional chain of custody concerns?

- The kit will be logged into the WSP evidence tracking system once the crime lab has receipt of the kit. If the shipping instructions are followed there will be a clear traceable chain of custody established – essentially the same steps as what would take place for the kits historically, just a new destination for storage.

8. Can hospitals ship clothing and other material along with the unreported sexual assault kit?

- Clothing may be shipped with the kit but any evidence that would need to be refrigerated or frozen cannot be shipped with the kit. This would include, blood and urine for toxicology, evidence items such as tampons, pad, condoms, diapers, etc.
- Please package the additional non-refrigerated or frozen evidence items as you would have done in the past and send all the items together. Mark each item outside the kit with the SAK Tracking System barcode (write out the barcode number) so that the crime lab can associate bulk items with the kit. Do not duplicate the barcode itself.
- **DO NOT** include blood or urine samples or other items requiring refrigeration, due to a lack of refrigeration storage capacity in the labs (*see questions 9 and 10*).

9. If blood and urine (or other items that need to be refrigerated or frozen) are collected, should it be stored at the hospital indefinitely, or will someone come and collect it at a later date?

- The WSP storage laboratories do not have the refrigerated space to store blood and urine that is collected. Please do not include these inside the kit, as the kits are stored at room temperature.

- Blood and urine should be stored in a refrigerated space with limited access to maintain the chain of custody.
- Blood and urine should be stored for the duration of the moratorium on destroying unreported sexual assault kits (until June 30, 2020). The legislature is expected to develop a more permanent plan for unreported sexual assault kits during the 2020 legislative session.
- Hospitals with existing arrangement with a local law enforcement agency to store unreported sexual assault kits should discuss whether local law enforcement can store the blood and urine.

10. How should hospitals label blood and urine that is collected?

- Write the SAK Tracking System barcode on the blood and urine tubes (or other items that need to be refrigerated or frozen). This will allow the samples to be identified and associated with the survivor. Do not duplicate the barcode itself.

11. Can hospitals batch ship unreported kits, rather than ship them one at a time as they are collected?

- Batch shipping is advisable if your hospital processes larger volumes of unreported kits.
- Include the printed Kit Details page for each kit.
- If you choose to batch ship and one or more kits have associated bulk items (e.g. clothing, etc.), the additional items must be packaged and sealed according to requirements specified in the Forensic Services Guide available at this link: <http://wsp.wa.gov/forensics/crimlabs.htm>.
- Each additional item must also be labeled to clearly associate to the appropriate SAK (hand-written SAK Tracking System barcode will work for this).
- DO NOT include blood or urine samples in the shipment.

12. I deal with quite a few law enforcement agency (LEA) jurisdictions and some overlap, so will I need to check with LEA to find out who would be assigned even though the patient hasn't reported?

- Hospitals should open a dialogue with the LEAs in your area to determine a method to refer to when assigning the most likely LEA in the SAK Tracking System. Assigning the LEA prior to the survivor reporting will later allow the assigned LEA the ability to make updates to the kit status in the tracking system; this reduces the potential need for the survivor to contact the hospital if their survivor card with system login information is misplaced after leaving the hospital.

13. What should be on the outside of the unreported sexual assault kit? Should there be patient identifier or anything on the kit other than the barcode? Or can we fill out the information on the box?

- You may continue to follow your current practices. Some hospitals choose not to include the patient information on the outside of the box, so the barcode may be the only thing that makes the kit able to be identified as the correct kit for the survivor choosing to report a crime at a later date.

14. Since we are an emergency department, we do not always know when the patient chooses to report later and not all patients would let us know. Can the police change the tracking system to reported?

- In this instance the kit status will have to be updated by either the hospital or the SAK Tracking System support staff/administrator. Once the appropriate paperwork is received by the laboratory the status in the system would be updated, if the hospital had not already done this.

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Contact information:

Washington State Attorney General's Office: Kate Hemann, KatharineH@atg.wa.gov

Washington State Hospital Association: Zosia Stanley, ZosiaS@wsha.org

Washington State Patrol (shipping questions): Jennifer Burkdoll, Jennifer.Burkdoll@wsp.wa.gov

Washington State Patrol (SAK Tracking system): WASAKTS_Support@wsp.wa.gov