



## Sexual Assault Victim Rights & Evidence Notification Protocol

Pennsylvania's Sexual Assault Testing and Evidence Collection Act provides that a victim of sexual offenses has the right to have crime evidence collected. The evidence may be referred to as either a sexual assault evidence kit or a rape kit. For more information about what to expect at the forensic exam, visit the PA Coalition Against Rape's [website](#) or the PA Chapter of Child Advocacy Centers' [website](#).

Act 29 of 2019 strengthened the rights and resources available to victims of sexual offenses who choose to have sexual assault evidence kits collected throughout the Commonwealth. The Act ensures that victims have the right:

- to the confidential support of a counselor from a rape crisis center at the hospital and afterward (Click [here](#) or call 1-888-772-7227 to contact a local rape crisis center.);
- to have the sexual assault evidence kit collected and tested anonymously/without a name attached to it;
- for the sexual assault evidence kit to be collected and tested even if the exact location of the crime cannot be provided;
- to not be billed or charged for the costs of the forensic exam or sexual assault evidence kit; and
- for evidence to be kept according to the statute of limitations, which may be found [here](#).

The law requires victims to be notified related to the status of their sexual assault evidence kit if the victim requests such notification. Pursuant to Act 29, below is a standard protocol for notifying sexual assault victims of information relating to evidence gathered regarding the victim.

1. In order to be notified, a victim, guardian or relative must submit contact information, including an address and phone number, to the attorney representing the Commonwealth or to the law enforcement agency where the crime took place.

If the law enforcement agency or location of crime is unknown, contact information must be submitted to the Pennsylvania State Police station within the county where the evidence kit was collected. A victim, guardian or relative must provide notification of a change in address or telephone number.

2. If the victim provided contact information and wishes to receive notification, that shall take place:
  - a. when the sexual assault evidence kit is submitted to the lab for testing;
  - b. when the lab has received a request to compare the evidence collected from the victim's kit to existing profiles maintained by CODIS or other federal DNA databases;
  - c. if a match is found by comparing evidence collected from the victim to existing profiles maintained by CODIS or other state or federal DNA databases; and
  - d. at least 60 days prior to the date of intended destruction or disposal of the sexual assault evidence collection kit or its contents.

These notifications shall take place unless disclosing the information would interfere with the investigation or prosecution of the offense, in which case the victim shall be informed of an estimated timeframe for notification, if known.

There are several models in Pennsylvania and beyond that give local providers examples and best practices related to sexual assault evidence kit collection, testing and victim notification, including:

- U.S. Department of Justice: National Best Practices for Sexual Assault Kits [Report](#)
- \*Cambria County Sexual Assault [Protocol](#)
- \*Westmoreland County [Guidelines](#) for Law Enforcement Initial Victim Notification of “Backlogged” Forensic Rape Exams – Adult Victims
- \*PCAR Forensic Rape Exam Testing: Victim Notification [fact sheet](#)
- \*Child Advocacy Center [fact sheet](#)

\*Please note that these protocols were drafted prior to the enactment of Act 29 of 2019 and do not reflect the changes in statute.

This protocol was developed by the following organizations, in collaboration with the [Office of the Attorney General](#). They may be contacted for further assistance and more information:

[Pennsylvania Chiefs of Police Association](#)

717-236-1059

[Pennsylvania Coalition Against Rape](#)

800-692-7445

[Pennsylvania District Attorneys Association](#)

717-238-5416

[Pennsylvania Office of the Victim Advocate](#)

800-563-6399

[Pennsylvania State Police](#)

717-783-5599