



**AMERICAN SOCIETY OF
CRIME LABORATORY DIRECTORS, INC.®**

65 Glen Road, Suite 123, Garner, NC 27529

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ASCLD Position Statement
At-Home Sexual Assault Kits

The American Society of Crime Lab Directors (ASCLD) is a nonprofit professional society of over 700 forensic laboratory directors and forensic science managers across the United States and worldwide, dedicated to providing excellence in forensic science through leadership and innovation. The purpose of the organization is to foster professional interests, assist the development of laboratory management principles and techniques; acquire, preserve and disseminate forensic-based information; maintain and improve communications among forensic laboratory directors; and promote, encourage and maintain the highest standards of practice in the field.

ASCLD is aware of the direct marketing to consumers of sexual assault evidence collection kits to be used by a survivor for the collection of evidence. Several organizations have already issued statements critical of this product:

- National Alliance to End Sexual Violence:
<https://njcasa.org/wp-content/uploads/2019/08/NAESV-statement-on-at-home-rape-kits.pdf>
- International Association of Forensic Nurses:
<https://www.forensicnurses.org/page/DIYkits/>
- New Jersey Coalition Against Sexual Assault:
<https://njcasa.org/news/njcasa-metoo-kits-have-inherent-flaws-in-forensic-evidence-collection-are-not-supported-by-the-coalition/>
- Campus Advocacy and Prevention Professionals:
<http://www.nationalcappa.org/me-too-kits>
- The Rape Recovery Center:
<https://www.raperecoverycenter.org/newsletter/2019/9/5/do-it-yourself-rape-kits-mislead-survivors?rq=rape%20kits%20>
- The Pennsylvania Coalition Against Rape:
<https://pcar.org/news/home-rape-kits-leave-victims-without-services-and-pathways-justice-0>
- The National District Attorney's Association:

<https://ndaa.org/wp-content/uploads/NDAAPressReleaseonMeTooKits.pdf>

ASCLD opposes the use of at-home sexual assault evidence kits. ASCLD affirms that kits collected in this manner would exclude the medical and mental health support provided to survivors by experts at a hospital and undermine the criminal investigation and criminal prosecution processes. First, the at-home sexual assault evidence kit does not address the health care needs of a sexual assault survivor. The at-home sexual assault evidence kit assumes that the only reason a survivor would go to a medical facility is simply for the collection of evidence, when in fact, a survivor may need medical attention, prophylaxis treatments, and/or mental health treatment. It is vital to note that while a kit may be collected from a hospital, a survivor still has the control to decide and wait to report if they choose to do so. Second, the at-home sexual assault evidence kit gives survivors false hope that their kit could be used in the criminal justice system. These kits create chain of custody issues and are likely to be inadmissible in court. Third, the inability for accredited forensic DNA laboratories to upload unknown perpetrator DNA profiles into the national DNA database developed from the at-home sexual assault evidence kits would limit the ability to link cases which limits law enforcement's ability to identify and investigate the suspect(s). This could result in a suspect's ability to continue to perpetrate such heinous crimes which pose a risk to public safety.

The Federal DNA Identification Act of 1994 (42 U.S.C. §14132 et seq.; hereinafter referred to as the "Federal DNA Act") and all amendments authorizes the Director of the FBI to establish a national index of DNA identification records of persons convicted of crimes and DNA samples recovered from crime scenes among other DNA associated records. The FBI sponsors the Combined DNA Index System (CODIS) as a part of a technical assistance program to State and Local forensic DNA laboratories which allow the forensic laboratories to store and match DNA records from legally collected samples, offenders, crime scene evidence and missing persons. State and Local forensic DNA laboratories must comply with the Federal DNA Act as well as any policies issued by the FBI to utilize CODIS as a tool to issue investigative leads.

Evidence submitted in association with a sexual assault (crime scene evidence) requires, among other things, documentation that a crime has been committed. Such documentation includes a law enforcement case report or other record of the initiation of a law enforcement investigation and a chain of custody for purposes of satisfying the relevant state/federal requirements for the admissibility of the evidence. In the absence of any law enforcement involvement, a laboratory's acceptance of an at-home evidence kit, without proper documentation from a law enforcement agency that a crime has been committed, will not be sufficient to establish eligibility for CODIS storage and searching. This will create an issue where unknown perpetrators will potentially not be identified, thus posing a risk to public safety.

ASCLD is acutely aware of risk associated with at-home sexual assault evidence kits and supports the criminal justice community in pursuing legislation to ban these kits from use.