

DIVISION OF CRIMINAL INVESTIGATION
DEPARTMENT OF JUSTICE
STATE OF MONTANA

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Date: December 16, 2024
From: Montana Department of Justice Sexual Assault Response Network Program
Re: Information only (no action needed) – Revisions to the Montana Sexual Assault Evidence Collection Kit

Pursuant to 2-15-2034 and 44-4-1702, Montana Code Annotated, the Montana Department of Justice (DOJ) established the Sexual Assault Response Network (SARN) Program, which manages the distribution and tracking of sexual assault evidence kits (hereinafter referred to as “kit”) and the Forensic Rape Examination Payment Program. The SARN program operates within the Office of Victim Services. With the hiring of the SARN Coordinator, DOJ collaborated with subject matter experts and the State Crime Lab to review the kit’s contents. This informational memo outlines the resulting changes to the kit and its forms.

In early 2025, upon receipt from the manufacturer, SARN will begin distributing the updated kits (Catalog Number MT100B). Medical facilities will begin using the new kits after their existing kit inventory is depleted. If you need to order additional kits, please email dojfrepp@mt.gov.

The DOJ Office of Victim Services SARN program will host two “office hours” meetings via Zoom to review the changes and answer questions on the following dates:

- Friday, January 17, 2025, from 12-1 p.m.
- Wednesday, January 29, 2025, from 12-1 p.m.

This memo and the updated kit forms are posted in the [Office of Victim Services online resource library](#) under the Sexual Assault Response resources “For Healthcare”. Please visit the resource library to view or download the forms and to subscribe to the [Office of Victim Services email list](#).

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Changes to kit forms:

- A. All kit forms are in duplicate instead of triplicate format. There are original (white) and duplicate (yellow) forms. Examiners place the original (white) set of completed forms in the envelope on the underside of the kit for law enforcement. Place the duplicate (yellow) set or a photocopy of the originals inside the kit for the crime lab. Examiners must scan or retain a photocopy of the originals for their medical facility.
- B. Patient consent to send kits collected in unreported sexual assaults to the Forensic Rape Examination Payment Program (FREPP) is incorporated in the language of the Step 1 Patient Consent for Exam and FREPP Billings form. If a kit is sent to FREPP, place a copy of the Step 1 form in the shipping package with the kit. A separate FREPP claim form is not required.

Changes to kit evidence collection envelopes:

- A. Swab drying (all envelopes): place collected swabs in swab cartons unless saturated. If saturated, first allow swabs to air-dry.
- B. Step 5 oral swabs collection should only be performed within 24 hours of an assault and if the patient has not brushed their teeth.
- C. The Step 7B underwear bag is stored externally from the kit. Do not place the Step 7B underwear bag inside the collected kit.
- D. Head and pubic hair samples are combined in the Step 9A envelope. Previously, head hair samples were collected in Step 5.
- E. Step 9C: when collecting vaginal/cervical swabs, swab cervical area with the same swabs as the vagina unless patient history indicates prior intercourse with an individual other than the assailant in the past week. In that case, follow the instructions below:
 - o Collect two swabs from the vagina and two swabs from the cervix.
 - o Box the sets separately and label appropriately.
 - o If saturated, allow swabs to air-dry before boxing.
- F. Step 10 Known DNA Reference Swabs must be collected from a victim.
- G. The Laboratory Samples envelope was eliminated. Place samples collected in Step 5, 6, 8B, 9B, 9C, 9D, 9E, and 10 directly in the kit. Any remaining collected envelopes are placed and sealed in the Trace/Non-Laboratory Samples Envelope. Discard unused envelopes and document the reason for omission on the Step 11 checklist.

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Additional Information:

- A. The [National Protocol for Sexual Assault Medical Forensic Examinations for adults and adolescents](#) released in September 2024 states sexual assault evidence samples should be collected from any consenting patient seeking care as soon as possible and up to five (5) days or longer post-assault. The protocol recommends examiners make decisions about whether to collect samples and what samples to collect on a case-by-case basis (U.S. Department of Justice Office on Violence Against Women, 2024, p. 76).
- B. The National Protocol says evidence samples should be collected regardless of the patient’s post-assault activities, e.g., showering, urinating, douching, swimming, sexual activity, eating, or drinking (ibid). Recent research found full or partial short tandem repeat DNA profiles from assailants could still be developed from samples collected after a patient bathed or showered. In Utah, 25% of offender DNA profiles uploaded into the federal Combined DNA Index System were obtained from patients who reported bathing or showering post-assault (Valentine, 2024).

A table outlining all kit and form changes follows. Direct questions or comments to dojsarn@mt.gov or call Hope Stockwell, Sexual Assault Response Network Program Coordinator, at 406-444-9869.

Detailed list of changes to Montana Sexual Assault Evidence Kit (Catalog Number MT100B)	
Change location	Change description
Kit exterior – Front/Top End	Moved location of biohazard seal and forensic laboratory numbering from bottom front of kit box to top end.
Kit exterior – Front	Added additional chain of custody lines.
Kit exterior - Front	Added middle section for medical personnel to check off whether the following samples were collected: <ul style="list-style-type: none"> • Step 5 (oral) • Step 6 (fingernail) • Step 8B (stain) • Step 9B (external genitalia) • Step 9C (vaginal) • Step 9D (additional swabs) • Step 9E (rectal/anal/perianal)

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All forms	All kit forms are <u>duplicate</u> instead of triplicate. Place the original (white) set of completed forms in the envelope on the underside of the kit for law enforcement. The duplicate (yellow) set or a copy of the originals should be placed inside the kit for the crime lab. Scan or retain a copy of the originals for your medical facility.
Step 1	Eliminated FREPP claim form. Consent to submit kit collected in assault not reported to law enforcement to FREPP is included in the Step 1 Patient Consent for Exam and FREPP Billing form.
Step 4	Revised Methods Used by Assailant and Acts Described by Patient.
Step 4	Added strangulation/suffocation assessment.
Step 4	Revised ingestion of alcohol/drugs section.
Step 5	Added NB (Non-blanching) and PI (Previous Injury) findings. Reorganized legend.
Step 8	Added NB (Non-blanching) and PI (Previous Injury) findings. Reorganized legend.
Step 8	Moved questions regarding patient vitals, physical appearance, and demeanor to Step 12 Form.
Step 9 (Female)	Revised instructions/notations for speculum and anoscope insertion and swab collection.
Step 9 (Male)	Revised instructions/notations for anoscope insertion and swab collection.
Step 11	Revised instructions to reflect elimination of Laboratory Samples envelope. Place samples collected in Step 5, 6, 8B, 9B, 9C, 9D, 9E, and 10 directly in kit. Remaining collected envelopes are placed and sealed in the Trace/Non-Laboratory Samples Envelope.
Step 11	Revised inventory list to indicate reasons any steps were omitted. Unused envelopes should be discarded.
Step 11	Revised list of recorded ano-genital exam methods.
Step 12	Notes on patient vitals, physical appearance, and demeanor moved to Step 12.
Step 12	Assessment and assessment summary sections removed.
Step 12	Revised completion check list.
Step 12	Added record of who was present for stages of exam.
All unused envelopes	Discard all unused envelopes. Do not put back into the kit. Note the reason for omitting the collection step on the Step 11 Inventory List.
Step 5A envelope	Eliminated the Step 5A Head Hair samples envelope. Head hair sample collection moved to Step 9A.

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Step 5B oral swabs envelope	Renamed "Step 5 Oral Swabs Envelope" after collection of head hair samples moved to Step 9A.
Step 9A envelope	Head/pubic hair sampling combined in the Step 9A envelope.
Step 9B envelope	Collection of penile/scrotal swabs moved from Step 9C to Step 9B.
Laboratory Samples Envelope	Eliminated the Laboratory Samples Envelope. Place all envelopes collected in Steps 5, 6, 8B, 9B, 9C, 9D, 9E, and 10 directly in the kit.

References:

U.S. Department of Justice Office on Violence Against Women. (2024). *A National Protocol for Sexual Assault Medical Forensic Examinations: Adults/Adolescents, Third Edition*. U.S. Department of Justice.

Valentine, J. L. (2024). *Assessment of Sexual Assault Kit (SAK) Evidence Selection Leading to Development of SAK Evidence Machine-Learning Model (SAK-ML Model)*. Ogden: Utah Bureau of Forensic Services.