

Forensic Evidence Collection

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The Kempe Center
FOR THE PREVENTION AND TREATMENT
OF CHILD ABUSE AND NEGLECT



University of Colorado
Anschutz Medical Campus



Children's Hospital Color

Forensic Evidence Kit (FEK) Collection

Often referred to as “SANE” exam, however the SANE is the person completing exam, along with many other types of providers (MDs, NPs, PAs).

There are 12 steps in a rape kit for the collection of biological evidence.

There is an additional 13th step, which is consent and should be completed *prior* to starting the exam.

A patient must consent or assent for the exam. At any time the patient may stop the exam.

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Forensic Evidence Kit (FEK) Collection

Examiner should wear powder-free gloves when collecting and packaging evidence. AND change gloves between each step of the kit.

Wear a surgical mask when in a room with patient.

If the examiner has long hair, please pull it up.

All wet evidence should be dried whenever possible.

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Forensic Evidence Kit (FEK) Collection

If evidence is wet, place items in paper bag and then in plastic bags, only if the plastic has holes for ventilation (or you make holes).

Envelopes should not be sealed with examiners saliva. Please use tape or a saline bullet.

Paper bags should be sealed with tape.

All evidence collected and sealed should be labeled with date/time of collection and provider's initials.



Consent and Forms

Must be obtained prior to any exam or evidence collection

3 forms included in CBI kit (in English and Spanish)

- Consent Forms - only use ONE of the consent forms
 - Sexual Assault Consent and Information Form
 - Anonymous Report Consent and Information Form – ONLY for people over 18 years of age
- Sexual Assault Incident Form

THREE reporting options

- Report to LE with evidence to be collected and analyzed
- No report to LE (only if > 18 years of age)
- Anonymous report



Consent - Sexual Assault Consent and Information Form

COLORADO SEXUAL ASSAULT CONSENT and INFORMATION FORM (see C.R.S. 12-240-139)

▶ You have the right to have this form explained and all of your questions answered. Please initial and sign where appropriate. You will receive a copy of this form after it is completed.



Law Enforcement Agency:	Case #:
Officer Name:	Phone #:

Medical Forensic Exam Consent

▶ _____	I consent to a medical forensic exam. I understand I can stop the exam at any time and can decline any portion of the exam or collection of any sample.
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Reporting Decision Consent

(Select One Option Only: **A OR B**)

Option A (Law Enforcement Option) Initial below		Option B (Medical Reporting Option) Initial below	
▶ _____	I am choosing to make a report to law enforcement. I give permission for evidence collected during my sexual assault exam to be provided to law enforcement for use in investigation(s) and potential prosecution(s). I understand the investigating law enforcement agency will be given my name and contact information.	▶ _____	At this time, I am choosing the medical reporting option. Therefore, I am choosing not to participate in a law enforcement investigation. I understand law enforcement will be given my name and I also understand that I can change my mind and later choose to have law enforcement conduct an investigation. (For ages 18-69 only)

Evidence Kit Consent

(Select One Option Only: **1 OR 2**)

Option 1 (Evidence Kit testing) Initial below		Option 2 (Evidence Kit storage) Initial below	
▶ _____	I am also consenting for law enforcement to send the collected evidence to a forensic lab for analysis. I understand law enforcement may submit the evidence to a lab no later than 21 days after receiving it, per Colorado law. I understand the evidence will be analyzed and law enforcement will receive the forensic results for the purposes of investigation(s) and potential prosecution(s) OR to maintain a record of the results.	▶ _____	I DO NOT consent to have my evidence tested by a forensic lab. I understand that the evidence will only be stored at a law enforcement agency. I understand I can change my mind, make a report to law enforcement and have the evidence analyzed at a forensic lab. However, I understand law enforcement is only required to hold the evidence for a minimum of 2 years. (For ages 18-69 only)

Withdrawal of Consent for Evidence Analysis/ Provision of Forensic Results to Law Enforcement

▶ _____	I understand I may withdraw my consent for evidence analysis/provision of forensic results to law enforcement by contacting the law enforcement agency listed on this form. I understand the withdrawal of consent becomes effective when law enforcement verifies my identity but will not apply to any actions already taken. I understand that once analysis has begun, consent cannot be withdrawn. (For ages 18-69 only)
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Printed Patient Name

Patient Signature

Date

Printed Witness Name/Title

Witness Signature

Date



Consent – Anonymous Report

ANONYMOUS Reporting Patients Only



COLORADO SEXUAL ASSAULT ANONYMOUS CONSENT and INFORMATION FORM

(see C.R.S. 12-240-139)

Anonymous reporting is ONLY an option for patients who are 18 to 69 years old, as well as patients who are not intellectually or developmentally disabled. Mandatory reporting laws prevent minors under 18 and adults 70 years and older from anonymously reporting a sexual assault.

- **You have the right to have this form explained and all of your questions answered. Please initial and sign where appropriate. You will receive a copy of this form after it is completed.**

Law Enforcement Agency:	Case #: Unique identifier # (if different than LE case #):
Officer Name:	Phone #:

Medical Forensic Exam Consent

▶ _____	I consent to a medical forensic exam. I understand I can stop the exam at any time and can decline any portion of the exam or collection of any sample.
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Reporting Decision Consent (both must be initialed by patient)

▶ _____	At this time, I am choosing to make an anonymous report. I understand I will have evidence collected that will be stored anonymously at a law enforcement agency. I understand that law enforcement will not be given my name or other identifying information. I understand I can change my mind and later report to law enforcement by providing the unique identifying number given to me.
▶ _____	I understand that the evidence will NOT be submitted to a forensic lab for analysis. I understand I can change my mind, make a report to law enforcement and have the evidence analyzed at a forensic lab, but must provide my name and contact information to law enforcement. However, I understand law enforcement is only required to hold the evidence for a minimum of 2 years.

Printed Patient Name _____	Patient Signature _____	Date _____
Printed Witness Name/Title _____	Witness Signature _____	Date _____



Sexual Assault Incident Form

Sexual Assault Incident Form

SEXUAL ASSAULT INCIDENT FORM
(COMPLETED FORM MUST BE PLACED IN THE SEXUAL ASSAULT EVIDENCE KIT)

Date of Collection/Examination _____ Time: _____ am/pm

Patient's Name: _____

Patient's Hospital Number: _____

Date of Assault: _____ Time: _____ am/pm

Date of Last Consensual Intercourse _____ Condom used at that time? Yes No

Patient menstruating at time of exam? Yes No N/A

Number of Assailants _____

Type of Assault: Oral - Please specify method: Patient to Assailant Assailant to Patient
 Vaginal Anal Unknown
 Other _____

Type of Penetration: Penile Digital
 Unknown
 Other _____

Did Suspect Ejaculate Yes
If yes, where _____
 No
 Unknown

Was Condom Used: Yes No Unknown

After Assault Did Patient:
 Douche Shower/Bathe
 Brush Teeth Change Clothes
 Defecate Urinate/Wipe
 Eat/Drink

Trauma: Not Present Present - Describe: _____

Location of Exam (Name of Facility): _____

Examiner: _____
Print Name and Credential Signature

White copy – enclose with kit Yellow copy – law enforcement agency Pink copy – medical records

Components of a Forensic Evidence Kit

2 types of kits – Victim vs Perpetrator

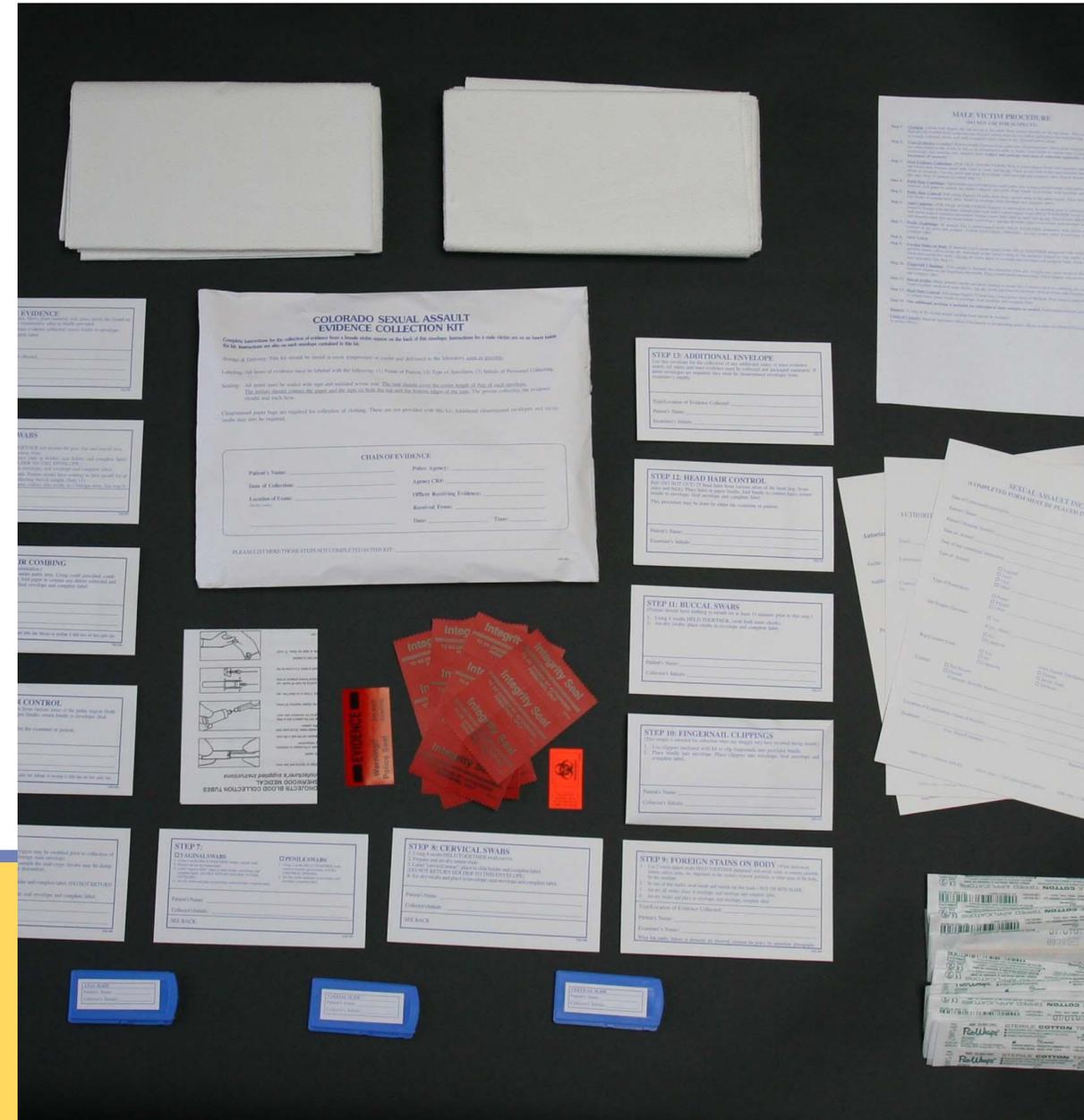
- Self evident which kit to use
- They are not gender specific

Steps in a FEK

- 12 steps in a FEK. In adolescents or adults depending on timing one might collect all 12 steps. Generally in pre pubertal children the FEK is modified and abbreviated.



The "KIT" Forensic Evidence Collection Kit



Step 1: Clothing

Frequently the most important piece of evidence.

- Provides surface upon which trace foreign matter may be found (saliva, semen, blood, hair, debris from crime scene). Foreign matters can be found intact on clothing for considerable length of time.
- Damaged or torn clothing might be evidence of forces and can provide standards for comparing trace evidence from patient with trace evidence of suspect and/or crime scene.
- Different garments should be taken only if worn at time of assault (do not take jewelry).



Step 1: Clothing

Use two paper drapes enclosed in the kit.

Place first drape down on the floor (this will be discarded). Place second drape on top of the first drape. This is where patient will stand.

Place the top drape (second drape) in its own large paper evidence bag and seal accordingly.

Each article of clothing should be placed into individual paper bags (try to allow wet clothing to dry prior to packaging) and seal accordingly.



Step 2: Trace Evidence

Material or fibers that are found related to the assault.

Place any hairs, fibers, other materials in the bindle (folded paper enclosed in envelope).

Seal and label accordingly.



Step 3: Oral Swabs and Smear

For cases where patient was orally penetrated – purpose is to recover seminal fluid from oral cavity.

Holding 4 swabs together swab the oral cavity, including the gum line and inside cheeks. Pay attention to gum line as it can be a repository for semen.

Prepare smear by wiping swabs (held together) across middle of glass slide.

Smear should not be fixed or stained.

Seal and label accordingly.

Have patient rinse mouth after this process and wait 30 minutes to collect buccal swabs.



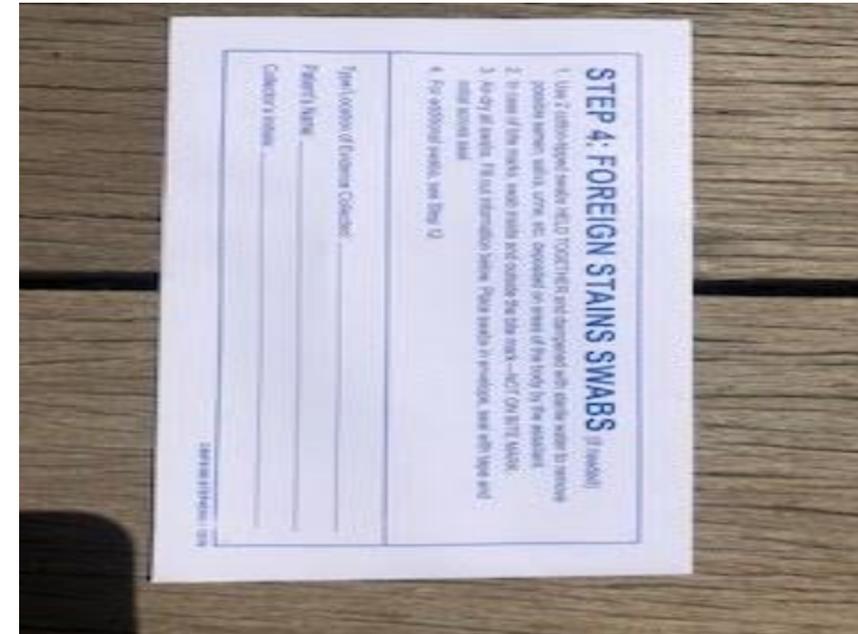
Step 4: Foreign Stains on Body Swabs

Fluids such as saliva, dried blood, semen found on the body during examination.

Different swabs (2 per site) or every fluid collected from each location on the body.

Dampen swabs with sterile water/saline, swab indicated area, dry swab and place in envelope. If multiple sites require collection, obtain additional swabs and envelopes.

Seal and label accordingly.



Step 5: External Genital Swabs

If concern for contact between the patient's genitalia and assailant's mouth or penis **within 5 days of exam**, two swabs should be moistened (sterile water/saline) and entire pubic area swabbed.

Dry swabs, package, seal and label accordingly.

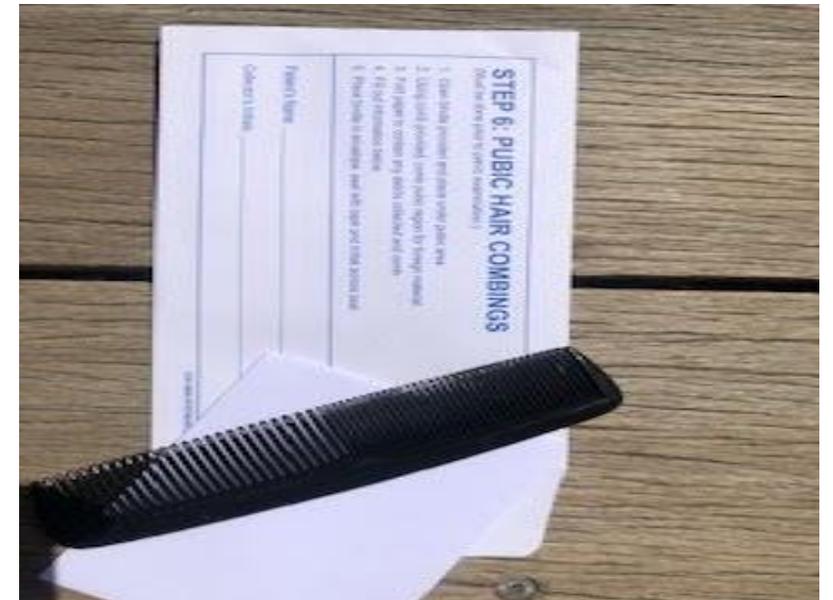


Step 6: Pubic Hair Combing

Pubic hair might have trace evidence from assault.

Place provided bindle under patient's pubic hair/buttocks, run provided comb through pubic hair. Collect any foreign matter that falls onto bindle.

Place comb and folded bindle into envelope, seal and label accordingly.



Step 7: Anal Swabs and Smear

Explain procedure to patient, place patient in supine, prone knee chest, or side lying position, apply gentle pressure to buttocks. Swab anal cavity using 4 swabs provided (consider moistening swabs (sterile water/saline)).

Prepare smear by wiping swabs (held together) across middle of glass slide.

Smear should not be fixed or stained.

Seal and label accordingly.



Step 8: Vaginal / Penile Swabs and Smear

Vaginal swabs only in pubertal or adult patients.

Blind intravaginal swabs if patient cannot tolerate speculum.

Use speculum, swab vaginal vault with 4 swabs.

Prepare smear by wiping swabs (held together) across middle of glass slide.

Smear should not be fixed or stained.

Seal and label accordingly.

Complete remainder of pelvic exam as needed



Step 8: Vaginal / Penile Swabs and Smear

Child and adult patients.

Moisten swabs (sterile water/saline) and thoroughly swab external surface of penile shaft and glans. Also swab scrotum. Avoid urethral meatus.

Place in envelope, seal and label accordingly.



Special Note: Tampon Collection

Obtain sterile urine specimen collection container, label with name of patient, date, time and examiner's initials.

Punch 3 or 4 small holes (using 18-gauge needle) through cover of container. Place tampon in container. Cover.

Place in paper bag, seal and label accordingly. **Refrigerate sample.**

Sample should be separate from FEK, not enclosed with kit. The Kempe Center



Step 9: Cervical Swabs and Smear

Cervical swabs only in pubertal (menstrual) or adult patients. (Cervix is a reservoir for sperm).

Use speculum, swab cervical face and os with 4 dry swabs.

Prepare smear by wiping swabs (held together) across middle of glass slide.

Smear should not be fixed or stained.

Seal and label accordingly.

Complete remainder of pelvic exam as needed

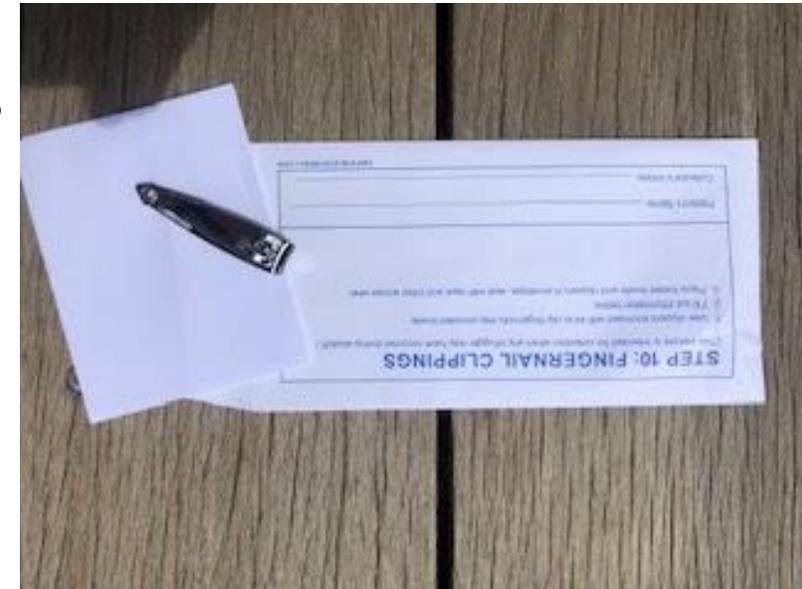


Step 10: Fingernail Clippings/Swabblings

Commonly collected where a physical altercation occurs during assault. They might contain skin cells of suspect.

Use enclosed clippers from kit. Patient or provider may cut nails onto enclosed bindle. Collect nails from both hands. Enclose clippers and bindles in envelope.

Alternately, a swab may be use. Moisten one swab (sterile water/saline) and swab underneath each of the 10 fingernails. **Only 1 swab is used.**



Air dry the swab, place in envelope, seal and label accordingly.

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Step 11: Buccal Swabs

Purpose of this swab is to determine patient's DNA for comparison.

Have patient rinse mouth, wait 30 minutes.

Swab inner aspect of both cheeks with all 4 swabs held together until moistened.

Air dry the swab, place in envelope, seal and label accordingly.



Step 12: Additional Evidence

One additional envelope is included in the kit.

Use your clinical discretions if it needed for collection or not.

Each additional sample should be packaged in own separate envelope, seal and label accordingly.



Pubic Hair Standard / Head Hair Standard

No longer typically collected unless:

- Unknown offender where scene investigation is expected
- Scene investigation where evidence collection reveals hair sample in need of comparison.
- In these circumstances pull minimum of 25 hairs (make sure patient consents to this) from multiple locations with gloved hands.
- Do not use tweezers – might damage hair shaft
- Do not cut hair
- Place in bindle and envelope, seal and label accordingly.



Photographs

May be collected with (written) consent of patient.

Should be placed in medical record, not in FEK.

Generally 3 photos, one zoomed out, one with measuring device, one zoomed in.



Drug Facilitated Sexual Assault (DFSA)

Consider if patient clinically intoxicated

- Consider alcohol other drugs (THC, cocaine, crack, meth, etc)
- Also used – Rohypnol, Ketamine, Gamma Hydroxybutyrate (GHB) and Gamma-Butyrolactone (GBL) – these drugs cause disinhibition and anterograde amnesia (victim does not remember incident)
- Most of these drugs leave your system within 12-72 hours.

Special labs drawn and sent to law enforcement for evaluation

- Urine – dirty catch
- Blood
- Do not place patient label on DFSA box or in contents of box!



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DFSA – if within 24 hours

With patient consent collect:

- 30 cc blood in gray top tubes
- Alcohol should not be used to clean the skin prior to venipuncture
- Label and seal specimen, seal in 2 biohazard bags
- Place in evidence bag sealed and marked as BLOOD FOR REFFRIGERATION, DO NOT FREEZE.
- 90 cc of dirty urine in specimen container (first voided urine preferred)
- Label and seal specimen, seal in 2 biohazard bags.
- Place in evidence bag sealed and marked as URINE FOR REFFRIGERATION.



DFSA – if occurred 24-120 hours prior

With patient consent collect:

- 90 cc of dirty urine in specimen container (first voided urine preferred)
- Label and seal specimen, seal in 2 biohazard bags.
- Place in evidence bag sealed and marked as URINE FOR REFFRIGERATION.



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What About The Issue Of “Touch DNA”?

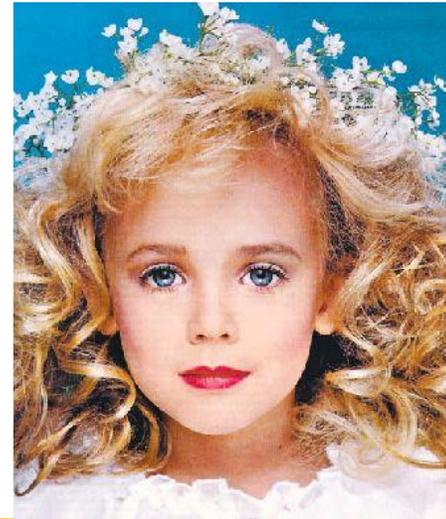
What is it?

- “...so-called ‘touch DNA’ evidence, which is generally perceived to be the result of DNA obtained from shed skin cells transferred from donor to an object or person during physical contact”²

What’s the big deal?

- High profile and cold cases¹¹

What are the limitations?



Chain of Custody

Forensic evidence must be collected, preserved and documented so as to ensure its admissibility at a later date for court.

Chain of custody chronologically documents each individual who handles a piece of evidence from the time it was collected.

Unbroken chain of custody establishes integrity of evidence and subsequent analysis of evidence.



Chain of Custody

Seal FEK with evidence tape, initialing the seal to establish that the kit has not been tampered with. This also applies for clothing or other items not in the kit envelope.

Procedure for documenting name/date that an item is received and/or transferred to another individual.

Evidence must be labeled with name of the unique patient information, examiner, and source of specimen.

Documentation of chain of custody includes: Receipt, Storage, and Transfer of Evidence.

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Colorado Sexual Assault Evidence Collection Protocol

<https://www.colorado.gov/pacific/sites/default/files/ECP-v6.pdf>



Questions/Comments?



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