

Your Sexual Assault Evidence Kit

Know Your Rights

If you are a survivor of sexual assault in Maryland and had a sexual assault forensic exam (SAFE), you have rights over your sexual assault evidence kit ("kit"). These rights ensure that you are able to make informed decisions regarding your kit.

Your Body. Your Kit. Your Rights.

Testing of Your Kit

Q: What are my rights regarding the testing of my kit?

A: Law enforcement will decide if your kit will be tested or not. You have the right to request that they notify you when this decision is made. If your kit is tested, you can request to be updated about the status of testing and the testing results.

Q: When will law enforcement respond to my request regarding the testing of my kit?

A: If you request information regarding the testing of your kit, law enforcement must respond within 30 days.

Q: Will my kit be tested?

A: Generally, law enforcement must submit all kits that are eligible for testing in accordance with state law. However, you have the right to decline to have your kit sent for testing. If you do not want your kit to be tested, an advocate can assist you with the process as you will need to speak to the assigned investigator.

Q: What if law enforcement decides not to test my kit?

A: If law enforcement decides not to test your kit, you have the right to request an independent review of the decision by the local Sexual Assault Response Team. An advocate from your local Rape Crisis Center or SALI can help you make this request.

Q: What if I wish to remain anonymous?

A: If you chose to have an anonymous exam, your kit will not be sent for testing. An anonymous kit will only be considered for testing if, and when, you decide to file a criminal complaint with law enforcement.

Retention of Your Kit

Q: How long will law enforcement keep my kit?

A: Generally, law enforcement must retain your kit for at least 20 years after the evidence is collected. However, you are entitled to request that law enforcement keep your kit beyond 20 years. You can do this by submitting a written request to law enforcement.

Disposal of Your Kit

Q: Will I be notified prior to the destruction of my kit?

A: You can make a written request that law enforcement notify you prior to the destruction of your kit.

Q: If I request to be notified prior to the destruction of my kit, when will I be notified?

A: Law enforcement must notify you at least 60 days before your kit is destroyed.

Q: Will law enforcement ever destroy my kit prior to the 20 years?

A: Law enforcement may destroy your kit prior to the 20 years if the case resulted in conviction and the sentence has been completed, or all suspects identified after the kit testing are deceased.

*If you have questions or would like assistance, you can contact the Sexual Assault Legal Institute (SALI) at 301-565-2277
www.mcasa.org*

