



Maryland Sexual Assault Evidence Kit
Policy and Funding Committee

**GUIDELINES FOR REVIEWING A LAW ENFORCEMENT AGENCY'S
DETERMINATION NOT TO TEST A KIT**

(Updated April 2020)

Earlier this year, the Maryland General Assembly enacted [Chapter 34 \(2019\)](#) directing the Sexual Assault Evidence Kit Policy and Funding Committee (the “Committee”) to make recommendations establishing an independent process to review and make recommendations regarding a decision by a law enforcement agency not to test a sexual assault evidence collection kit. Those recommendations, which are set forth below and in regulations (COMAR 02.08.03.01-.06) effective May 4, 2020, establish a two-tier review process—first by local Sexual Assault Response Teams (“SARTs”) and second, by the Committee. The Committee has developed the following guidelines to provide additional direction to SARTs and Committee members and to ensure uniform statewide implementation of the new review process. As a best practice and subject to each SART’s resources, victims and their advocates should be allowed to utilize the Untested Kit Review process to obtain an independent review of a decision not to test their kits, even if the decision was made prior to the effective date of the regulations.

COMAR 02.08.03.02-.03:

I. Definitions

(1) “Committee” means the Maryland Sexual Assault Evidence Kit Policy and Funding Committee.

(2) “Kit” means a sexual assault evidence collection kit.

(3) "SART" means a Sexual Assault Response Team which includes at least one representative from the following professions and organizations:

- (a) Forensic Nurse Examiner providing services at a local sexual assault forensic examination program, or other qualified health care provider from the local hospital;
- (b) Local Law Enforcement Agency;
- (c) Local States Attorney’s Office;
- (d) Local certified Rape Crisis Center;
- (e) Maryland Coalition Against Sexual Assault;
- (f) Crime Lab, if available; and
- (g) Crime Victim Rights Attorney, if available.

(4) “Untested Kit Review” refers to the independent review by a SART or the Committee of a law enforcement agency’s decision not to test a kit.

II. Untested Kit Review by SARTs

A. When a law enforcement agency decides not to test a kit, the victim, the victim’s representative, a Committee member, or a member of the SART where the alleged assault occurred, may request an Untested Kit Review.

B. The request for an Untested Kit Review must first be submitted to the SART where the alleged assault occurred, if one exists.

C. A person involved in the investigation of a sexual assault case may not participate in the Untested Kit Review for a kit related to that case.

D. The SART may request and consider case files and any other evidence it deems appropriate when conducting an Untested Kit Review.

E. The SART shall issue a written determination pursuant to an Untested Kit Review in a timely manner.

F. The SART’s determination will serve as a recommendation only and is not a contested case under the Administrative Procedure Act.

G. In jurisdictions where there is not a functioning SART as defined in I.(3) above, the victim, the victim’s representative, a Committee member, or a member of the SART where the alleged assault occurred shall submit a request for an Untested Kit Review directly to the Committee.

Additional Guidelines:

The request to review a law enforcement agency’s decision not to test a kit shall be submitted in writing to a member of the SART where the alleged assault occurred. Only those SARTs meeting the membership requirements set forth in I.(3) above may conduct an Untested Kit Review. The law enforcement agency member must represent the agency charged with investigating the case related to the untested kit. The Crime Victim Rights Attorney participating in the SART may not be the attorney representing the victim in the case being reviewed. A SART may expand the Untested Kit Review, within reason, to include other members. This may depend on the specific case being reviewed and the local practice. If a case involves a child, for example, the local child advocacy center may be an appropriate participant. A case involving a college campus may benefit from including Title IX representation. If a local jurisdiction uses advocacy services from the hospital where the SAFE program is located, an advocate from that program should also be included.

SART membership and the process for requesting an Untested Kit Review should be available to the public and easily accessible.

All SART members should review and have a thorough understanding of the regulations and guidelines governing the Untested Kit Review process.

The prohibition on persons involved in the investigation from participating in the Untested Kit Review of that case extends to any person involved in the testing, investigation, or prosecution of that case. Similarly, persons with personal or familial relationships with the victim should abstain from participation in the related Untested Kit Review. Although a person involved in the investigation of a sexual assault case should not participate in the Untested Kit Review related to that case, that person may be required to be available for questions. SARTs are encouraged to give strong consideration to requests from persons involved in the investigation to present information to the SART during the Untested Kit Review. The SART may also meet with the victim, at the victim's discretion. In requesting evidence related to the case, SARTs should avoid handling any evidence in a manner that would disrupt the chain of custody or undermine the integrity of that evidence if produced at trial.

Organizations and individuals requested to provide documents or other information to the SART in support of its Untested Kit Review, should do so promptly but no later than 30 days after receipt of the request.

SARTs may not recommend the testing of any kit exempted from testing pursuant to Maryland Ann. Code, Crim. Proc. Art., §11-926(e). However, SARTs may review and issue a recommendation regarding the appropriateness of the kit's designation as exempt from testing.

Recommendations shall be determined by a majority of the SART members, with each profession/organization receiving one vote. SARTs should utilize the Untested Kit Review Case Review and Written Decision Forms developed by the Committee to memorialize its review and recommendations (See Attachments A and B). Both forms should clearly outline the reasons for the recommendation, including all evidence supporting the recommendation, and identify all participating SART members.

SARTs should endeavor to complete their reviews and share their recommendation in writing to the requestor within 90 days of receiving the request. Recommendations by the SART shall reflect the decision of the majority of the SART members and need not be unanimous.

A request for a second review by the Committee shall be made in writing to both the SART and the Committee, via the Committee Chair.

Upon request for a Committee review, the SART shall submit a copy of the Untested Kit Review Form and any supporting documentation to the Chair of the Committee within 15 days of receiving the request.

III. Untested Kit Review by the Committee

A. After the SART issues its recommendation, the victim, victim's representative, or member of the SART where the alleged assault occurred may request an Untested Kit Review by the Committee.

B. (1) The Committee shall designate a subcommittee with one Committee representative from each of the professions/organizations listed in Regulation .02B(3) of this Chapter to review the law enforcement agency's decision not to test a kit.

(2) The subcommittee shall include a representative from the Office of the Attorney General.

(3) A subcommittee member that participated in an Untested Kit Review by a SART may not participate in an Untested Kit Review of the same kit by the Committee.

C. A person involved in the investigation of a sexual assault case may not participate in the Untested Kit Review for a kit related to that case.

D. The Committee may request and consider case files and any other evidence it deems appropriate when conducting an Untested Kit Review.

E. The Committee shall issue a written determination pursuant to an Untested Kit Review in a timely manner.

F. The Committee's determination will serve as a recommendation only and is not a contested case under the Administrative Procedure Act.

G. Upon request by the victim, the victim's representative, a Committee member, or a member of the SART where the alleged assault occurred, and in those cases where there was no Untested Kit Review by the SART, the full Committee may conduct an Untested Kit Review.

Additional Guidelines:

All Committee members participating in Untested Kit Reviews should review and have a thorough understanding of the regulations and guidelines governing the Untested Kit Review process.

Requests for the Committee to conduct an Untested Kit Review should be submitted in writing to the Committee Chair.

The prohibition on persons involved in the investigation from participating in the Untested Kit Review of that case extends to any person involved in the testing, investigation, or prosecution of that case. Similarly, persons with personal or familial relationships with the victim should abstain from participation in the related Untested Kit Review. Although a person involved in the investigation of a sexual assault case should not participate in the Untested Kit Review related to that case, that person may be required to be available for questions. The Committee will give strong

consideration to requests from persons involved in the investigation to present information to the Committee during the Untested Kit Review. The Committee may also meet with the victim, at the victim's discretion. The Committee may request and review information not reviewed by the SART. In requesting evidence related to the case, the Committee will avoid handling any evidence in a manner that would disrupt the chain of custody or undermine the integrity of that evidence if produced at trial.

Although a person involved in the investigation of a sexual assault case should not be involved in Untested Kit Review related to that case, that person may be required to be available for questions.

Organizations and individuals requested to provide documents or other information to the Committee in support of its Untested Kit Review, should do so promptly but no later than 30 days after receipt of the request.

Recommendations shall be determined by a majority of the Committee members, with each profession/organization receiving one vote. The Committee shall memorialize its review and determination in writing in a format similar to that of the SART Untested Kit Review Written Decision Form. The document should clearly outline the reasons for the recommendation, including all evidence supporting the recommendation, and identify all participating Committee members.

The Committee should endeavor to complete its review and share its recommendation in writing to the requestor within 90 days of receiving the request.

The Committee will consider the lack of unanimity in a SART's recommendation affirming a decision not to test a kit when conducting its Untested Kit Review.

Before issuing a recommendation contradicting a SART's review, the Committee will alert the SART, share its reasoning, and provide the SART with an opportunity to reconsider its recommendation. If the SART does not change its recommendation within 45 days of receiving the Committee's feedback, the Committee shall share its recommendation with the requestor and the law enforcement agency.

COMAR 02.08.03.05:

IV. Confidential Proceedings

- A. SART and Committee meetings held for the purpose of conducting Untested Kit Reviews are not open to the public.
- B. Information provided to, or gathered by, a SART or the Committee for purposes of conducting an Untested Kit Review are confidential.
- C. Written determinations issued by a SART or Committee are not confidential, however, any personally identifying information shall be redacted prior to release.

Additional Guidelines:

All members of a SART or the Committee which conducts Untested Kit Reviews should sign confidentiality agreements. A sample confidentiality agreement is attached for your convenience (Attachment C). All documents created and collected by SARTs and the Committee should be placed in the official case file upon the conclusion of the Untested Kit Review process. Duplicate documents should be shredded or otherwise destroyed in a manner which protects confidential information.

Written Decision Forms, unlike SART Case Review Forms, are subject to disclosure and must include the reasons for the determination.

Attachment A
Untested Kit Review: Case Review Form
SEXUAL ASSAULT RESPONSE TEAM
CASE REVIEW

ALL CONTENT CONTAINED IN THIS DOCUMENT IS CONFIDENTIAL

Case Number: _____ Date of Incident: _____ Case Review Date: _____

Investigating Detective/Supervisor: _____

Current Case Status (see definitions):

Unfounded:

False Baseless

Cleared by Arrest

Cleared by Exception:

Victim Prosecution

Other (i.e. administrative): _____

Reason for declining to test SAEK:

False Baseless Suspect in CODIS Jane Doe/Anonymous Victim Declined Testing

Other: _____

SART Case Review Recommendation

Recommendation:

Uphold decision not to test Submit SAEK for testing

Other: _____

How was this recommendation reached?:

Unanimously By majority

Local SART point of contact:

Name: _____

Email: _____

Phone: _____

Attachment A
Untested Kit Review: Case Review Form

A. Instructions

Local SARTs that wish to conduct Untested Kit Reviews must include at least one representative from the following professions and organizations:

- (a) Forensic Nurse Examiner providing services at a local sexual assault forensic examination program, or other qualified health care provider from the local hospital;
- (b) Local Law Enforcement Agency;
- (c) Local States Attorney's Office;
- (d) Local certified Rape Crisis Center;
- (e) Maryland Coalition Against Sexual Assault;
- (f) Crime Lab, if available; and
- (g) Crime Victim Rights Attorney, if available.

The Sexual Assault Evidence Kit Policy and Funding Committee recommends that this case review form be utilized by all local SARTs conducting Untested Kit Reviews. This form will ensure that each SART is considering a minimum level of information during the review process.

A final copy of this form, which includes member comments, decisions, and the recommendation of the SART, should be placed in the official case file. Any remaining copies should be returned to the appointed Coordinator to be shredded or otherwise destroyed in a manner which protects confidential information.

Upon the SARTs final recommendation, all participating members must sign the form indicating their participation in the review process. Members must also include their profession or organization in the space provided and indicate their final vote. If the case is reviewed by the SAEK Committee, the Committee will consider the lack of unanimity in a SART's recommendation affirming a decision not to test a kit when conducting its Untested Kit Review.

Upon request for a Committee Review, the SART shall submit a copy of the Untested Kit Review Form and any supporting documentation to the Chair of the SAEK Committee within 15 days of receiving the request.

B. Definitions

- **Cleared by Arrest:** A law enforcement agency may report that an offense is cleared by arrest, or solved for crime reporting purposes, when three conditions have been met. Those three conditions are as follows:
 - Arrested.
 - Charged with the commission of the offense.
 - Turned over to the court for prosecution (whether following arrest, court summons, or police notice).
- **Cleared by Exception:** Law enforcement can clear an offense exceptionally when elements beyond law enforcement's control prevent the agency from arresting and formally charging the offender. The following four conditions must be met by the

Attachment A
Untested Kit Review: Case Review Form

law enforcement agency in order to clear an offense by exceptional means. The agency must have:

- Identified the offender.
- Gathered enough evidence to support an arrest, make a charge, and turn over the offender to the court for prosecution.
- Identified the offender's exact location so that the suspect could be taken into custody immediately.
- Encountered a circumstance outside the control of law enforcement that prohibits the agency from arresting, charging, and prosecuting the offender.
 - Examples of appropriate exceptional clearances include, but are not limited to:
 - Death of the offender
 - Victim's refusal to cooperate with the prosecution after the offender has been identified
 - Denial of extradition because the offender committed a crime in another jurisdiction and is being prosecuted for that offense.
- **Unfounded:** it is determined, through investigation, that no offense occurred nor was attempted. An unfounded complaint is *either* false or baseless.
 - **False:** a report can only be determined to be false if the evidence from the investigation establishes that the crime was not completed or attempted.
 - In order to classify a report as false there must be a thorough investigation that factually proves that a criminal offense neither occurred nor was attempted.
 - **Baseless:** a reported sexual assault that does not meet the elements of a crime
 - The following are examples in which a case may not be classified as false or baseless:
 - Insufficient evidence to prove sexual assault happened;
 - Identity of the suspect is known;
 - Suspect admitted to sex with the victim, but maintained that it was consensual;
 - Suspicions that a report is false;
 - Victim changes their account of events;
 - The State's Attorney's Office determined that a crime had been committed, but declined prosecution.
- **Suspect in Combined DNA Index System (CODIS):** cases in which the suspect is already in the CODIS as a convicted offender, the identity of the suspect is not

Attachment A
Untested Kit Review: Case Review Form

disputed, and there has been a final conviction, with all appeals having been exhausted.

- **OR** as outlined in COMAR §11-926(e)(4), the suspect's profile has been collected for entry as a convicted offender for a qualifying offense in CODIS and the suspect has pleaded guilty to the offense that led to the sexual assault evidence collection kit.
- **Jane Doe/Anonymous:** sexual assault evidence kits that are collected from a victim who does not wish to report the assault to law enforcement and engage with the criminal justice system. The victim may choose to engage with the criminal justice system at a later date. If and when the victim chooses to report the assault to law enforcement, the case is reclassified as reported and the SAEK may be eligible for testing.
- **Safety needs:** victims of sexual assault may have unique needs that need to be addressed during an investigation. These needs may directly impact a victim's ability or willingness to participate in an investigation. These needs are often, but not solely, related to cases of intimate partner violence. The safety needs of a victim may include, but are not limited to, the following:
 - Safe housing separate from the suspect
 - Access to child care not dependent on the suspect
 - Fear of suspect retaliation

B. Summary of case:

Report Date: _____ Charge(s): _____

Age/Sex of victim(s): _____ Age/Sex of offender(s): _____

Relationship between victim and suspect:

Family member Spouse/Partner Friend/Acquaintance Stranger

Other (please indicate): _____

C. First Responders

Law Enforcement

- | | | | |
|--|------------------------------|-----------------------------|----------------------------------|
| 1. Was there direct contact with the victim? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| 2. Is the offender known? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| 3. Was a suspect arrested? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| 4. Were the victim's safety needs addressed? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |

Attachment A
Untested Kit Review: Case Review Form

5. Was the victim notified and provided information regarding crime victim rights?
 Yes No Unknown
6. Date case was closed? _____

Advocacy

1. Did the victim have access to an advocate before, during, or immediately following the SAFE?:
 Yes No Unknown
2. Was an advocate present with the victim during the SAFE?
 Yes No Victim Declined Unknown

If no, please explain _____

3. Was the victim older than 17 but has a legal guardian due to disability?
 Yes No Unknown
4. Was counseling or other victim services offered to the victim?
 Yes No Unknown
5. Was an advocate utilized throughout the investigative process?
 Yes No Unknown

Health

6. Date of the SAFE: _____
7. If indications of drug-facilitated sexual assault, was a toxicology screening completed?
 Yes No Unknown
- a. If not, why not? _____
8. Was the SAEK transported to law enforcement within 30 days?
 Yes No Unknown
- a. If not, what date was the SAEK transferred to LE? _____

C. Prosecution

9. Was the case accepted for prosecution? Yes No Unknown
- a. If not, why not?

**SEXUAL ASSAULT RESPONSE TEAM (SART)
UNTESTED KIT REVIEW
WRITTEN DECISION FORM**

*The content contained in this document is NOT confidential pursuant to COMAR 02.08.03.05(C)(2020)

After conducting an Untested Kit Review pursuant to COMAR 02.08.03.03, the

_____ SART issues the following recommendation
(Insert name/jurisdiction(s) of the SART)

in reference to _____.
(Insert unique case identifier)¹

The _____ should:
(Insert law enforcement agency name)

- Submit the kit for analysis
- Not submit the kit for analysis
- Other: _____

Date: ____/____/____

The following SART members voted _____ in support of this decision:
(unanimously [or] by majority)

Name	Profession/Organization
	FNE [or] Qualified Health Care Provider
	Local Law Enforcement Agency
	Local States Attorney's Office
	Local certified Rape Crisis Center
	Maryland Coalition Against Sexual Assault
Other Voting Parties	
	Crime Lab (if available)
	Crime Victim Rights Attorney (if available)

¹ Please select a case identifier, the disclosure of which would maintain the confidentiality of the parties in the case.

SEXUAL ASSAULT RESPONSE TEAM (SART) CONFIDENTIALITY AGREEMENTS FOR CASE REVIEWS

Instructions: Before implementing a case review process, member organizations are responsible for reviewing the proposed confidentiality agreement. All member organizations should have their agency's executive (e.g. executive director, commanding officer) review and sign the Case Review Confidentiality Provision. As noted in the signature portion, the agency executive's signature indicates that the member agency is agreeing that all participating representatives will abide by the outlined provision. Once signed by the member organizations the SART Coordinator is responsible for maintaining copies on file. The Case Review Confidentiality Agreement should be passed out and signed prior to each case review as a reminder of the confidentiality provision for the participating individuals.

[Insert County] Sexual Assault Response Team (SART) Case Review Confidentiality Provision

The mission of the [insert county] Sexual Assault Response Team is to promote a systemic response that holds sexual offenders accountable and fosters a community sensitive to the needs of sexual assault survivors. This will be done through the collaborative and coordinated multidisciplinary response of the agencies and organizations that work with sexual assault survivors in [insert county].

General SART Case Review: The purpose of the General SART Case Review is to involve the expertise of the multi-disciplinary team in holding offenders accountable and improving the criminal justice process for survivors. This will ensure a trauma-informed and victim-centered approach to criminal case investigations involving sexual assault.

Untested Kit SART Case Review: The purpose of the Untested Kit SART Case Review is the same as the General SART Case Review, but must also ensure that cases with untested sexual assault evidence kits are being reviewed in accordance with COMAR 02.08.03.01-.06.

It is critical that the SART uphold a victim's right to be treated with "dignity, respect, courtesy, and sensitivity," Md. Code Ann., Crim. Pro. §11-1002, by acknowledging the sensitive nature of the information being discussed, and the importance of maintaining the survivor's confidentiality through redaction of personally identifiable information.

In addition, it is important to understand the different confidentiality limits each member of the SART has and each party's obligation to maintain compliance with the laws outlining those limits.

Specifically, the Violence Against Women Act (VAWA), requires all grantees and subgrantees receiving VAWA funding from the Department of Justice, Office on Violence Against Women, to protect the confidentiality and privacy of persons to whom those grantees and subgrantees are providing services. 34 U.S.C. § 12291(b)(2). There is additional guidance in the supporting Federal Regulations, which provide that absent a "written, informed, and time-limited release," personally identifying information or information collected in connection with services "requested, utilized, or denied" through grantees' and subgrantees' programs is strictly prohibited. See 28 C.F.R. § 90.4.

SEXUAL ASSAULT RESPONSE TEAM (SART) CONFIDENTIALITY AGREEMENTS FOR CASE REVIEWS

Similarly, the Victims of Crime Act (VOCA), which also authorizes a formula grant administered by the Department of Justice, Office of Violence Against women, has strict confidentiality requirements for the State Administering Agencies and sub-recipients of VOCA funds. *See* 34 U.S.C. § 20103 et. seq. The supporting Federal Regulations describe the confidentiality guidelines, stating that all State Administering Agencies and sub-recipients of VOCA funds “shall, to the extent permitted by law, reasonably protect the confidentiality and privacy of persons receiving services under this program and shall not disclose, reveal, or release,” any personally identifying information collected in connection with VOCA-funded services “requested, utilized, or denied.” 28 C.F.R. § 94.115.

However, State Administering Agencies and sub-recipients of VOCA may share individual client information with “informed, written, and reasonably time-limited” consent of the person, except “consent cannot be given by an abuser of a minor or the abuser of another parent of the minor.” 28 C.F.R § 94.115(a)(2). Non-personally identifying information can also be shared in the aggregate regarding services to their clients to comply with reporting, evaluation, or data collection requirements 28 C.F.R. § 94.115(c)(1).

These federal laws may limit VAWA and VOCA funded agency’s ability to provide identifying victim information but it does not limit their ability to have non-identifying victim case conversations, to comment on the delivery of services in the community, or to participate in discussions regarding decisions relating to the testing of a sexual assault evidence kit.

Furthermore, mental health professionals and licensed social workers, who may be working in rape crisis centers or as victim advocates, must keep victim information privileged, absent an express waiver of privilege from the victim. *See* Md. Code Ann., Cts. & Jud. Proc. §9-109 and Md. Code Ann., Cts. & Jud. Proc. §9-121. Similarly, medical information shared with a healthcare professional or hospital is considered confidential under Md. Code Ann., Health Gen. §4-302, and can only be released as provided in the statute.

Prosecutors, who may be attending the SART case reviews, must remember their duties to abide by *Brady v. Maryland*, 373 U.S. 83 (1963). *Brady* requires prosecutors to disclose certain exculpatory evidence, including evidence that is in law enforcement officers’ possession, to the defense. Exculpatory evidence is anything that could oppose the guilt of a defendant, undermine the credibility of a prosecution witness, or support the testimony of a defense witness.

The confidentiality provision outlined in this agreement applies to any personally identifiable information. This includes all information that may directly or indirectly identify an individual. For example, information such as an individual’s name, address, other contact information, and social security number. Personally identifiable information can also include an individual’s race, date of birth, number of children, occupation, area of residence, or marital status if that information could identify the individual.

Rural communities, LGBTQ+ communities, immigrant communities, and any other close communities within the SARTs jurisdiction are especially vulnerable to the unintentional release of personally identifiable information. In these cases, consideration should be given to details that

SEXUAL ASSAULT RESPONSE TEAM (SART)
CONFIDENTIALITY AGREEMENTS FOR CASE REVIEWS

might not normally be considered personally identifiable information but may put the confidentiality of the victim at risk due to the nature of the community itself.

However, personally identifiable information does not include the identities of law enforcement personnel, investigators, or prosecutors acting in their professional capacity.

It is the responsibility of the SART meeting coordinator, or other designated member, to ensure when cases are reviewed, all personally identifiable information is removed, all documents used during the case review are returned to the SART Coordinator, and necessary documents are stored securely, within law enforcement case files, and in accordance with the case review process outlined in COMAR 02.08.03.01-.06 following the meeting.

I, _____, understand the purpose of the [insert county] SART case review process and agree to adhere to the above Case Confidentiality Provision, to work cooperatively with other SART members, and to keep details of case discussions strictly confidential.

As the member organization's executive, my signature below indicates that all employees participating in any of [insert county] SART case reviews will abide by the guidelines in this Confidentiality Provision.

I understand that this agreement is valid for 1 year - expires: ____/____/____

Signature: _____

Agency/Title: _____

Date: _____

SEXUAL ASSAULT RESPONSE TEAM (SART)
CONFIDENTIALITY AGREEMENTS FOR CASE REVIEWS

Instructions: The following document is a sample confidentiality agreement that outlines specific terms that must be met for participation in any case review. This form should be signed by all members participating in each case review, prior to starting any review proceedings, as a reminder of their confidentiality obligations.

[Insert County] Sexual Assault Response Team (SART)

Case Review Confidentiality Agreement

1. Each individual representative and agency is responsible for maintaining privilege or confidentiality to the extent required by their respective professions and the law.
2. Each member of the team is bound by their professional ethics and legal obligations to share information within their organization only to the extent allowed by law and required by their professional ethical responsibilities.
3. All personally identifiable information, such as the survivor’s name, date of birth, or social security number, in the case review information or discussions are to be regarded as confidential. As a team member you are expected to –
 - a. Protect and secure information in your possession.
 - b. Not discuss or share specific information about individual cases or the process of the case review outside of the meeting except if the member organization is required by legal or professional ethical duties.
 - c. Return all written case information to the SART meeting coordinator at the conclusion of the case review meeting.
 - d. Not photocopy or duplicate case review information.
4. Refrain from using individual’s names (including family members or other witness names) or other personally identifiable information during the case review process.

I, _____, agree to adhere to the above request to work cooperatively with other SART members and to keep details of case information and discussions strictly confidential.

Signature: _____ Date: _____

Agency/Title: _____

SEXUAL ASSAULT RESPONSE TEAM (SART) CONFIDENTIALITY AGREEMENTS FOR CASE REVIEWS

Instructions: This sample status update form is an optional tool for local SARTs, designed to assist in information sharing among team members. Law enforcement agencies are responsible for providing the case number to the SART, or SART Coordinator, for inclusion in the following chart. Once a case is noted as “closed” it may be removed from the list or the State’s Attorney’s Office may continue to provide updates regarding the trial status (i.e. plea, conviction).

Anonymous cases may be listed for the purposes of collecting data, but no case or survivor information will be discussed, and the kit will not be tested unless the victim decides to report the assault to law enforcement.

Providing updates on the status of sexual assault evidence kit testing will allow SART members to request a review if they feel it is necessary. All confidentiality agreement rules and provisions will be followed and upheld during case discussion.

[Insert County] Sexual Assault Response Team (SART) Status Updates on Sexual Assault Evidence Kits

Terms:

- **SA:** Sexual Assault
- **ST:** Strangulation (only reported to SART when co-occurring with SA)
- **DV:** Domestic Violence (only reported to SART when co-occurring with SA)
- **AN:** Anonymous/Jane Doe – may be tracked for data purposes
- **Open:** the case is still being investigated by the assigned law enforcement agency
- **Closed:** the case is no longer being investigated and has received a classification in line with the FBI UCR Codes (cleared by arrest, cleared by exemption, unfounded – false, unfounded – baseless)
- **In Process:** the Sexual Assault Evidence Kit (SAEK) has been sent to the crime lab for testing purposes
- **Not Sending:** the investigation law enforcement agency and/or State’s Attorney’s Office has decided not to send the SAEK to the crime lab for testing purposes
- **N/A:** Not applicable due to anonymity
- **Baseless:** After thorough investigation, the events alleged, assumed true, do not meet the elements of a crime
- **False:** After thorough investigation it was determined that the evidence indicates that a crime was not completed or attempted

Case Number/Identifier	Investigating Agency	Case Type	Status	SAEK Testing
012345	[Insert County] Sheriff’s	SA/ST	Open	In Process
234567	[Insert County] Sheriff’s	SA	Closed	Not sending – baseless classification

Attachment C

SEXUAL ASSAULT RESPONSE TEAM (SART)
CONFIDENTIALITY AGREEMENTS FOR CASE REVIEWS

345678	[Insert County] Sheriff's	AN	N/A	N/A
456789	[Insert City] PD	SA	Open	No sending – known offender, pled guilty and in CODIS