SANE Kits and Health Records as Evidence
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Our institution is trying to understand what to do with SANE (Sexual Assault Nurse Examiner) kits (also known as rape kits) and/or health records as evidence in Title IX case files. In New York State, SANE kits can be released to police solely for the purposes of a student conduct process. We have campus police who have begun releasing these kits to us as evidence. In addition, we are seeing more students bring general health records as evidence for things like STD testing after the report of an assault has occurred.

1. Do you work with campus police or local/state police?
2. Does your institution use SANE kits solely for the purposes of student conduct as evidence?
   a. If so, how do you address who pays to process the kits?
   b. Do you redact any information in a SANE kit for decision makers such as unrelated health issues or family history?
3. How long do you wait for SANE kit evidence before moving forward with a case?
4. Are your investigators and/or decision makers trained on how to interpret SANE Kits and/or health records?
5. Does your process change at all if that SANE Kit is intended for criminal purposes as well as student conduct?
6. Does your institution use health records (an STD screening appointment) outside of SANE kits for student conduct as evidence?
   a. Do you redact any information in the health records for decision makers such as unrelated health issues or family history?

I will attempt to get the ball rolling on some of the questions I can respond to.

1. Not Applicable
2. Yes, we have introduced SANE evidence. I’m on the record with generally thinking that we don’t need to, that its usually not very helpful evidence, or often confuses things and/or creates a biasing effect. There are exceptions of course
   a. Generally, the school does, but sometimes we get the Kits post-processing, or we don’t get the Kit, but get a Nurse or Doctor who will testify as to the records of what they found. More often, we get the intake and treatment notes about the Kit, but not the Kit itself. Sometimes, a party or parties is willing to pay to get the Kit processed.
   b. Yes, but sometimes the question of what is unrelated in challenging.
3. We don’t generally wait months. You can have a Kit processed privately, for a fee, very quickly in most places. The backlog is usually when you are waiting for the law enforcement entity to have the Kit processed for you. But, unless there is a unique forensic question, or DNA results are needed, I again question the value of just having the Kit results. The value of the Kit is having the SANE testify to what the results mean. The Kit itself is going to be of very limited value to most Hearing Officers at the current level of training common in the field. In fact, the results are likely more susceptible to mis-interpretation than being helpful. Still, if someone wants to submit the
results, you need to consider them. This will likely require you to engage a medical consultant or expert of some kind to help you interpret what you are seeing.

4. No, and I would not go that route.

5. Not really, once you have it, you can use it.

6. This could be relevant, but it depends on the situation
   a. Again, yes.