



March 2, 2021

### **At-home or DIY rape kits leave victims without services and pathways to justice**

The New Mexico Coalition of Sexual Assault Programs does not support the use of at-home (also known as DIY) rape kits following a sexual assault.

- After an assault, it is important survivors consider seeking medical attention and understand the potential risks associated with the use of at-home kits.
- SANEs (Sexual Assault Nurse Examiners) are specially trained health care providers at SANE Clinics across New Mexico who are prepared to examine victims following an assault and care for their immediate safety. They conduct a forensic exam at no cost to the survivor, collect evidence, and screen for and treat sexually transmitted infections and other possible injuries.
- SANEs' training includes trauma-informed approaches to assist with acute mental health needs of survivors. Early trauma-informed approaches are the key to long-term psychological recovery and resilience.
- SANEs also connect survivors with rape crisis center counselors, who can provide support during and after the SANE exam. These counselors are confidential, trained professionals who help the survivor understand their legal options and support them in navigating their healing process.
- An at-home rape kit cannot reassure a survivor that their body has not been irreparably injured, prevent pregnancy, or identify or treat potential physical and mental health issues.
- It is highly unlikely the at-home kit collection would align with New Mexico's legal requirements, and it would not align with chain of custody requirements for evidence collection and handling in New Mexico. This would jeopardize the victim's ability to see the evidence used in criminal proceedings to hold the offender accountable.
- The most important forensic evidence from a rape evidence collection kit is the statement of the survivor to the medical provider. This statement is admissible in court as a statement provided for the purpose of seeking medical assistance. This portion of the kit is completely missing from the DIY kit process.

- Justice is a sought-after option articulated by many survivors who seek out an evidence collection kit. Justice is also an aspect of healing that comes up over and over in research on survivors needs for healing. It is highly unlikely that at-home evidence would be admissible to labs or courts of law throughout New Mexico — doing a great injustice to victims and survivors of sexual harassment, abuse, and assault.

For these reasons, the New Mexico Coalition of Sexual Assault Programs does not support at-home rape kits. We strongly caution against this product, which is clearly not aligned with best practices or pathways to justice and safety for survivors in New Mexico.

For more information on the services available to victims after a sexual assault, visit [nmscap.org](https://nmscap.org) or call your local rape crisis center.