

# **SEXUAL ASSAULT EVIDENCE COLLECTION KIT (SAECK) ANNUAL SUMMARY REPORT**

**Fiscal Year 2025 Report**



**Executive Office of Public Safety and Security  
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## 1. Legislative Authority

Section 11 of Chapter 69 of the Acts of 2018, *An Act Relative to Criminal Justice Reform*, amended M.G.L. c. 6A by adding the following:

Section 18X. (a) The executive office of public safety and security shall establish and maintain a statewide sexual assault evidence kit tracking system. The secretary of public safety and security, hereinafter referred to as the secretary, in conjunction with the department of public health, shall convene a multidisciplinary task force composed of members that include law enforcement professionals, crime lab personnel, prosecutors, victim advocates, victim attorneys, survivors and sexual assault nurse examiners or sexual assault forensic examiners to help develop recommendations for a tracking system, methods to improve transportation of sexual assault evidence kits and funding sources. The secretary may contract with state or non-state entities including, but not limited to, private software and technology providers, for the creation, operation and maintenance of the system. A sexual assault evidence kit shall include the standardized kit for the collection and preservation of evidence in sexual assault or rape cases as designed by the municipal police training committee pursuant to section 97B of chapter 41.

(b) The statewide sexual assault evidence kit tracking system shall:

(i) track the location and status of sexual assault evidence kits throughout the criminal justice process, including: (1) the initial collection in examinations performed at hospitals or medical facilities; (2) receipt and storage at a governmental entity, including a local law enforcement agency, the department of state police, a district attorney's office or any other political subdivision of the commonwealth or of a county, city or town; (3) a hospital or medical facility that is in possession of forensic evidence pursuant to section 97B of chapter 41; (4) receipt and analysis at forensic laboratories; and (5) storage and any destruction after completion of analysis;

(ii) allow hospitals or medical facilities performing sexual assault forensic examinations, law enforcement agencies, prosecutors, the crime laboratory within the department of state police, or any crime laboratory operated by the police department of a municipality with a population of more than 150,000, and other entities in the custody of sexual assault kits to update and track the status and location of sexual assault kits;

(iii) allow victims of sexual assault to anonymously track and receive updates regarding the status of their sexual assault kits; and

(iv) use electronic technology or technologies allowing continuous access.

(c) Any public agency or entity, including its officials and employees, and any hospital and its employees providing services to victims of sexual assault may not be held civilly liable for damages arising from any release of information or the failure to release information related to the statewide sexual assault evidence kit tracking system, so long as the release was without gross negligence.

(d) Local law enforcement agencies shall participate in the statewide sexual assault evidence kit tracking system established in this section for the purpose of tracking the status of all sexual assault evidence kits in the custody of local law enforcement agencies and other entities contracting with local law enforcement agencies.

(e) The director of the crime laboratory within the department of state police and the director of any crime laboratory operated by the police department of a municipality with a population of more than 150,000 shall participate in the statewide sexual assault evidence kit tracking system established in this section for the purpose of tracking the status of all sexual assault evidence kits in the custody of the department of state police and other entities contracting with the department of state police or such crime laboratory operated by a police department of a municipality with a population of more than 150,000.

(f) A hospital or medical facility licensed pursuant to chapter 111 shall participate in the statewide sexual assault evidence kit tracking system established in this section for the purpose of tracking the status of all sexual assault evidence kits collected by or in the custody of hospitals and other entities contracting with hospitals.

(g) District attorney offices shall participate in the statewide sexual assault evidence kit tracking system established in this section for the purpose of tracking the status of all sexual assault evidence kits.

Section 18Y. Annually, on or before September 1st, the following reports regarding the previous fiscal year shall be submitted to the executive office of public safety and security by law enforcement agencies, medical facilities, crime laboratories, and any other facilities that receive, maintain, store or preserve sexual assault evidence kit. The reports shall contain: (i) the total number of all kits containing forensic samples collected or received; (ii) the date of collection or receipt of each kit; (iii) the category of each kit; (iv) the sexual assault that was reported to law enforcement; (v) whether or not the victim chose not to file a report with law enforcement (non-investigatory); (vi) the status of the kit; (vii) the total number of all kits remaining in possession of the medical facility, law enforcement or laboratory and all reasons for any kit in possession for more than 30 days; (viii) the total number of kits destroyed by medical facilities, law enforcement or laboratories, and reason for destruction; (ix) in the case of a medical facility, the date the kit was collected, the date the kit was reported to law enforcement and the date the kit was picked up by law enforcement; (x) in the case of law enforcement, the date the kit was picked up from a medical facility, the date the kit was delivered to the crime laboratory and, for kits belonging to another jurisdiction, the date that the jurisdiction was notified and the date it was picked up; and (xi) in the case of crime laboratories the date the kit was received, from which agency the kit was received, the date the kit was tested, the date the resulting information was entered into CODIS and the state DNA databases and all reasons a kit was not tested or a DNA profile was not created.

The executive office of public safety and security shall compile the information in a summary report that includes a list of all agencies or facilities that failed to participate in the audit. The annual summary report shall be made publicly available on the executive office of public safety

and security's website and shall be submitted to the governor, the attorney general, the clerks of the house of representatives and the senate, and the house and senate chairs of the joint committee on the judiciary.

The executive office of public safety and security may obtain information from the tracking system established in section 18X and by additional means, such as manual counts and review of records such as case files.

## 2. SAECK Tracking System

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Pursuant to M.G.L. c. 6A, § 18X, the Executive Office of Public Safety and Security (hereinafter “EOPSS”) was granted the authority to establish and maintain a statewide sexual assault evidence collection kit (hereinafter “SAECK”) tracking system. Law enforcement agencies, the Massachusetts State Police Crime Laboratory (hereinafter “MSPCL”) and any crime lab operated by a police department of a municipality with a population of more than 150,000, a medical facility or medical facility licensed pursuant to G.L. c. 111, and the state’s district attorneys are statutorily required to participate in this statewide tracking system. The tracking system records the progress of SAECK(s) from initial collection at a medical facility through testing at a crime laboratory. Pursuant to M.G.L. c. 6A, § 18Y, EOPSS is required to report out all information from the tracking system each fiscal year.

The Policy Center is managed by EOPSS and responsible for overall TRACK-KIT® system functionality. The Policy Center monitors users’ performance and statutory compliance. The Policy Center does not provide information on SAECKs or Toxicology Kits to Survivors or the public. A Survivor can contact the Policy Center if they are having difficulty using the tracking system after first seeking assistance from either the Medical Facility or an LEA.

The TRACK-KIT® system is designed to allow for ease of use by all users: medical service providers, law enforcement agencies, laboratories, survivors, and prosecuting agencies. Some of the noteworthy features of the system are:

- The ability to track the location and status of a SAECK and toxicology kit through the entire process, from medical service provider to law enforcement agency, to the laboratory, and to storage;
- Privacy and anonymity for survivors;
- The ability to monitor agency-level workflow;
- Secure, easy-to-use website for each type of user;
- Mobile-friendly;
- Tracks kit location and status;
- Sends email notifications to ensure compliance with legislative timelines;
- Visualizes performance metrics in dashboards;
- Provides automatic inventory management to ensure a facility does not run out of kits;
- End-to-end audit trail of all activity;

- Multi-channel 24/7 end-user support;
- Training and user documentation is tailored for each type of user; and
- Survivors are able to access localized resource information.

### 3. Fiscal Year 2025 System Enhancements

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During Fiscal Year 2025 (FY25), EOPSS was unable to implement system enhancements due to budget constraints. Despite its budget constraints, EOPSS was still able to work with its stakeholders to make further progress and improvements to the kit tracking process, as a whole. See below for highlights:

During FY25, EOPSS, in coordination with the Municipal Police Training Committee (MPTC), hosted four (4) voluntary, in-person training courses on TRACK-KIT® to nearly 200 individuals from agencies across the Commonwealth including: local and state law enforcement; Department of Correction (DOC); and the Massachusetts Sheriffs' Offices. In addition to trainings provided by EOPSS, training has also been embedded in the mandatory Sexual Assault Investigator Training provided by MPTC.

The Policy Center has also expanded its partnership with the Boston Area Rape Crisis Center (BARCC) as a means for Survivors to obtain their Toxicology results. If a Survivor has not reported the incident to police and had a Toxicology Kit collected, they may reach out to BARCC once they have been notified via TRACK-KIT® that testing is complete.

EOPSS is committed to improving the kit tracking process to ensure all stakeholders receive the necessary training that enables this program to be a successful tool for Survivors. We are looking forward to expanding our in-person training opportunities in the coming fiscal year to include District Attorney Offices and specialized training to the Massachusetts State Police.

In addition to weekly compliance reviews, in FY25, the Policy Center has also implemented quarterly reviews of the data as a means of supporting stakeholders to alleviate the strain of the Annual Report. With the implementation of this process, the Policy Center, in conjunction with various stakeholders, has been able to mitigate and quickly resolve issues that may come up.

### 4. Fiscal Year 2025 Summary

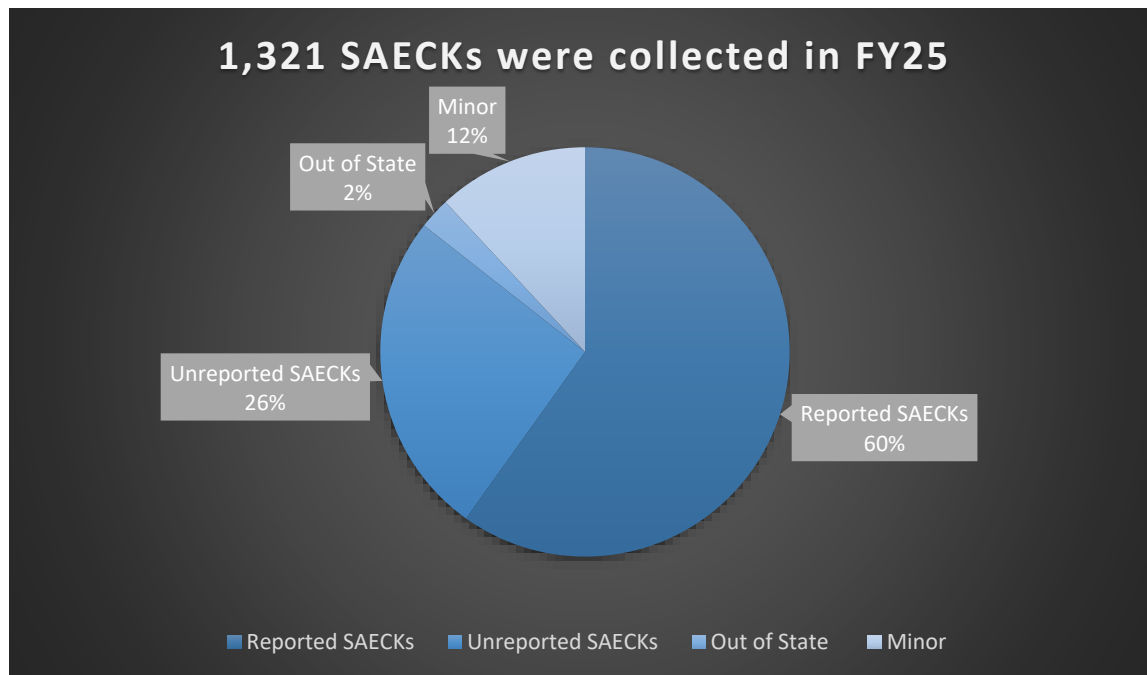
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#### a. General

All agencies and facilities are required to submit annual reports to EOPSS containing the data points outlined in G.L. c. 6A, § 18Y. Given the remarkable aspects and features of the TRACK-KIT® system, the required data has been consistently reported to EOPSS throughout Fiscal Year 2025. As such, EOPSS has been tracking the information prior to the deadline of September 1, as set forth in the statute, and was able to query the data that is the basis for this report on August 13, 2025. As a result of this feature, no facility or agency failed to submit the information required in section 18Y.

During Fiscal Year 2025, a total of 1,321 SAECKs were administered to survivors and entered into the TRACK-KIT® system. Thirty – seven (37) of the total SAECKs entered into TRACK-KIT® pertain to incidents outside the jurisdiction of the Commonwealth. Of the remaining 1,284 SAECKs that involved incidents in

the Commonwealth, 898 of the incidents were reported to law enforcement and 386 were unreported. Of the 1,284 SAECKs, 179 SAECKs were administered to survivors 15 years of age or younger.



## b. Kit Processing

### *Medical Facilities and Law Enforcement Agencies*

The TRACK-KIT® system allows for monitoring and notification in compliance with G.L. c. 41, § 97B 1/2. Specifically, the system allows for the medical provider to notify the law enforcement agency that a SAECK was collected within 24 hours of the examination. Local law enforcement agencies then have three business days to take possession of the SAECK. The law enforcement agencies are required by law to submit the SAECK to the appropriate crime laboratory within seven business days of taking possession.

In accordance with G.L. c. 6A, § 18Y (vii), EOPSS is required to report “the total number of all kits remaining in possession of the medical facility, law enforcement or laboratory and all reasons for any kit in possession for more than 30 days.” Of the 1,321 SAECKs administered and entered into the TRACK-KIT® system, six (6) remained at a medical facility for more than 30 days for the following reasons:

1. The assault occurred out of state and the out-of-state law enforcement agency was unresponsive or delayed in picking up the SAECK;
2. SAECK was missing information; and

3. The medical facility delayed entering the kit into TRACK-KIT®, therefore, delaying law enforcement notification for pick-up.

Of the 1,321 SAECKs administered and entered into the TRACK-KIT® system, forty-nine (49) SAECKs remained at a law enforcement agency for more than 30 days for the following reasons:

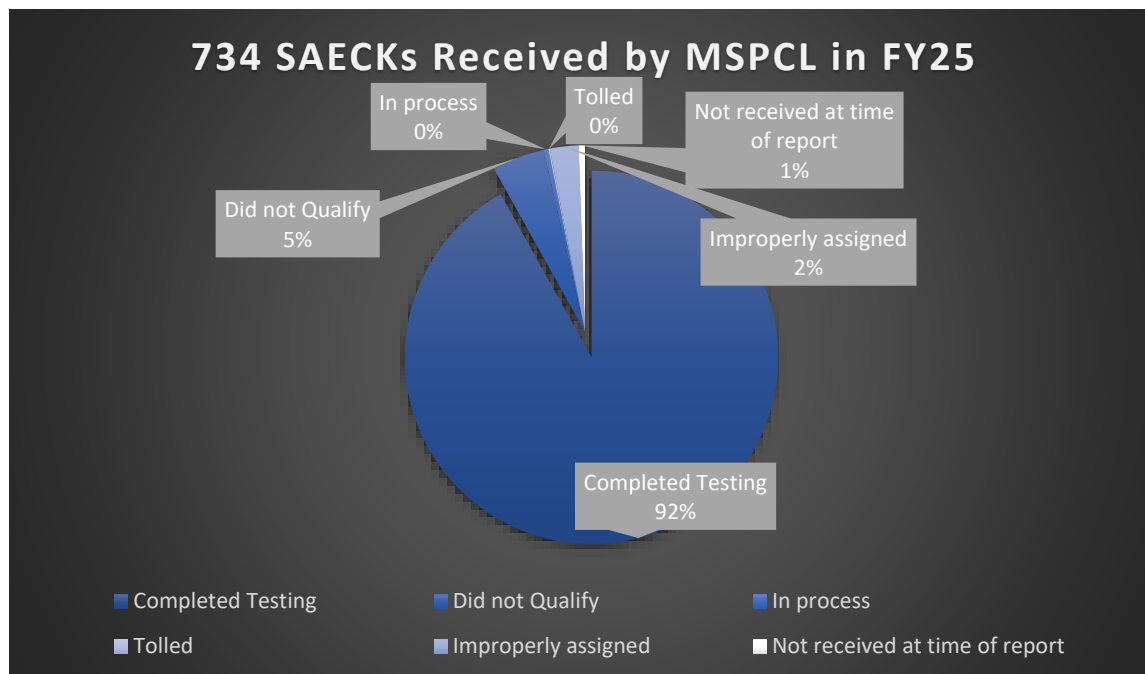
- a. Staffing limitations;
- b. Kit awaited transfer to appropriate jurisdiction;
- c. Change in kit status regarding reported and unreported;
- d. Ongoing investigation and awaiting more information; and
- e. Missing Information.

*Crime Laboratories: The Massachusetts State Police Crime Laboratory*

Pursuant to the TRACK-KIT® system, the MSPCL was due to receive 738 SAECKs that were collected between July 1, 2024, and June 30, 2025. When kits are entered as reported in the TRACK-KIT® system, they are automatically assigned for transfer to and testing at the MSPCL. Sometimes, for very limited reasons, the MSPCL does not receive the kits assigned to it. Of the 738 kits entered into TRACK-KIT® that were due for arrival at the MSPCL, the MSPCL did not receive four (4) kits as of the date of the data extraction for this report (August 13, 2025). Of the 734 remaining kits the MSPCL completed testing on 670 kits. The remaining sixty-four (64) kits were not tested due to the following limited reasons:

- a. thirty-three (33) did not qualify for testing because they were unreported to law enforcement and/or the incident occurred outside the jurisdiction of the Commonwealth and therefore should not have been assigned to MSPCL;
- b. eighteen (18) were due to be sent to Milford Storage Facility but were incorrectly sent to MSPCL instead;
- c. One (1) remains in process due to its tolled status, explained below;
- d. nine (9) kits were canceled for testing because the kit was tolled and the prosecuting attorney did not approve testing;
- e. and three (3) remain in process for testing.





In FY2025, fifteen (15) SAECKs were designated as tolled kits in TRACK-KIT®, which required the MSPCL to await further information from the prosecuting attorney’s office to either proceed with testing or mark the kit as administratively closed, which indicates testing is halted. Because the MSPCL’s regulations on tolled kits prohibit testing without the prosecuting attorney’s approval, the MSPCL makes every effort to obtain this necessary information on tolled kits. In situations in which the prosecuting attorney’s office is unresponsive, the MSPCL does not proceed with DNA testing but marks the kit as administratively closed in TRACK-KIT® pursuant to the applicable regulations. In situations where the prosecuting attorney’s office is responsive and requests testing be halted, the MSPCL considers marks these kits in process. When the prosecuting attorney’s office is responsive and requests further testing, the MSPCL continues with the standard testing practices and the kit will ultimately receive a testing complete designation in TRACK-KIT®.

In FY25, the prosecuting attorney’s office was unresponsive on ten (10) tolled kits, and therefore, the MSPCL marked these kits as administratively closed in TRACK-KIT® and halted testing. The prosecuting attorney’s office responded on one (1) of the tolled kits and requested that testing be halted. The MSPCL marked this tolled kit as in process in TRACK-KIT® and halted testing. The MSPCL received approval from the prosecuting attorney’s office to proceed with testing on four (4) kits and all four (4) have been tested.

In accordance with G.L. c. 6A, § 18Y (vii), EOPSS is required to report “the total number of all kits remaining in possession of the medical facility, law enforcement or laboratory and all reasons for any kit in possession for more than 30 days.” For purposes of this 30-day timeframe, the MSPCL distinguishes between kits that are in its possession and kits that are tested. For example, the MSPCL may complete

testing within 30 days, but the kit may remain at the laboratory for more than 30 days because the law enforcement agency has yet to retrieve the kit. Similarly, a kit could be returned to a law enforcement agency within 30 days but the MSPCL's testing is still ongoing and may exceed 30 days.<sup>1</sup> The breakdown below addresses both scenarios and are values that are independent of each other.

#### MSPCL SAECKs in MPSCL Possession for More Than 30 Days

Of the 734 kits the MSPCL received, 211 SAECKs remained in the laboratory's physical possession for more than 30 days for the following reasons:

1. SAECK report was not submitted to the lab when kit was submitted and as such, testing cannot begin until SAECK investigative report is submitted to the lab;
2. SAECKs were tested in less than 30 days but awaited pickup from the law enforcement agency<sup>2</sup>; and
3. Kit remained in custody during processing.<sup>3</sup>

#### MSPCL SAECKs Where Testing Took More Than 30 Days

Although Section 18Y does not require EOPSS to report the number of kits that were not tested within 30 days, EOPSS provides this data point in the interest of transparency in summarizing the MSPCL's efforts during Fiscal Year 2025. Of the 734 SAECKs the MSPCL received, seventy - two (72) SAECKs were not tested within 30 days for the following limited reasons:

1. SAECK report was not submitted to the lab when kit was submitted and as such, testing cannot begin until SAECK investigative report is submitted to the lab;
2. Staffing limitations at the MSPCL; and
3. Complex testing that required additional time to complete analyses.

#### *Crime Laboratories: The Boston Police Department Forensic Laboratory*

The Boston Police Department Forensic Laboratory (BPDFL) received 160 SAECKs that were collected between July 1, 2024, and June 30, 2025. Of the 160 kits involving incidents, the BPDFL determined that, upon further examination, three (3) kits did not qualify for testing because the incident was not reported to law enforcement and/or the incident occurred outside the jurisdiction of the Commonwealth. Of the 157 kits involving reported incidents, the BPDFL was instructed to halt testing on zero (0) kits.

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<sup>1</sup> For example, an item could be tested and awaiting results.

<sup>2</sup> There is no designated time period set forth in the statute by which the law enforcement agency is required to retrieve the kit from the lab. As such, some kits remain in the possession of the lab for more than 30 days.

<sup>3</sup> The evidence box remained at the MSPCL in the event other evidence needed testing or the kit was delayed in being placed in outgoing regardless of testing status.

Because the BPDFL exclusively tests SAECKs from assaults within the City of Boston, it encounters no delays in picking up or obtaining required investigative information, as the MSPCL does. Therefore, for the 30-day timeframe, the BPDFL does not distinguish between kits that are in its possession and kits that are tested.

#### BPDFL SAECKs Where Testing Took More Than 30 Days

Although Section 18Y does not require EOPSS to report the number of kits that were not tested within 30 days, EOPSS provides this data point in the interest of transparency in summarizing the BPDFL's efforts during Fiscal Year 2025. Of the 160 SAECKs the BPDFL received, zero (0) SAECKs exceeded the 30-day testing timeframe.

The BPDFL evaluated internal workflow and: i) worked with its partners to optimize submission; ii) assessed resources to improve throughout; and iii) assigned priorities to select processes to improve the timeliness of reporting. This process was completed and implemented post-January 15, 2024.

### **c. CODIS Submission**

The DNA samples contained in the SAECKs are processed and analyzed by the laboratories in order to create DNA profiles. If the DNA profiles meet specific criteria established by the FBI, the profiles may be entered into the state and national DNA database (CODIS).

The MSPCL was able to develop 453 DNA profiles, 207 of those profiles met the specific criteria established by the FBI for CODIS submission and were uploaded into the database. The other 246 profiles that were developed did not meet state and federal CODIS eligibility requirements.

The BPDFL was able to develop 76 DNA profiles, 33 of those profiles met the specific criteria established by the FBI for CODIS submission and were uploaded into the database. The other 43 profiles that were developed did not meet state and federal CODIS eligibility requirements.

Both the MSPCL and BPDFL were unable to create DNA profiles for the remaining SAECKs due to the following reasons:

1. The case was unreported;
2. There were no kit items to test;
3. The DNA quantity was not sufficient for analysis; and
4. Testing was tolled due to limited quantity of evidence.

### **d. Destroyed Kits**

In accordance with G.L. c. 6A, § 18Y (viii), EOPSS is required to report "the total number of kits destroyed by medical facilities, law enforcement or laboratories, and reason for destruction." TRACK-KIT® provides

data on collected and uncollected destroyed kits.<sup>4</sup> No medical facility, law enforcement agency or laboratory destroys collected SAECKs. As with all other fiscal years, in Fiscal Year 2025, no collected kits were destroyed. Collected and reported SAECKs are preserved pursuant to G.L. c. 41, §§ 97B and 97B 1/2, which require the preservation of the SAECKs for not less than 15 years. Collected and unreported SAECKs are similarly preserved for the duration of the statute of limitations for all sexual assault and rape cases.

Uncollected kits<sup>5</sup> may be destroyed for a limited number of reasons. In Fiscal Year 2025, 206 uncollected SAECKs were designated as discarded (destroyed) in TRACK-KIT®. Twelve (12) of these SAECKs were utilized for training purposes and properly disposed of after use and seventy-one (71) arrived at the medical facility damaged or with a broken seal and thus were unable to be used and were properly destroyed. According to TRACK-KIT®, medical Facilities were unable to locate 111 SAECKs despite records showing they were delivered.

## 5. Conclusion

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For the sixth consecutive year, EOPSS has received full participation from every facility and agency required to submit information into the tracking system. The high standard of compliance is a testament to the efficiency and usability of the software program and the dedication of our key stakeholders to continuously advance and exceed the expectations of the legislative mandate. EOPSS is grateful to our medical, scientific, and law enforcement partners for their ongoing commitment to the successful implementation of the SAECK tracking system.

The MA TRACK-KIT® team, along with Invita Health, will continue to monitor the system, remain responsive to the needs of all users, and update the system as needed. EOPSS will continue to work with its partners in an effort to maintain the successful reduction in turnaround times and improved service to stakeholders to assist them in compliance with the Track-Kit system. Whether by attending webinars, outreach through the policy centers, hosting informational sessions, or being available 24/7, EOPSS will continue to provide resources and assistance to stakeholders and survivors to ensure all needs are met.

In an effort to address specific needs highlighted during Fiscal Year 2025, the MA TRACK-KIT® team intends to work with Invita Health to implement the following changes to the TRACK-KIT® system in the upcoming fiscal year:

1. Upgrade the notification system so law enforcement agencies are clearly notified when a kit is ready to be picked up at the laboratories so as to avoid any unnecessary delays.
2. Create further options for the laboratories to use to change kit designations to properly identify kits. Specifically, add options for laboratories to designate a kit as being transferred to Milford Storage Facility or identify that a kit has been logged in error. These options are

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<sup>4</sup> TRACK-KIT® designates destroyed kits as “discarded” kits.

<sup>5</sup> Uncollected kits are SAECKs in the medical facility’s inventory that have not been administered to a Survivor.

useful when a kit was improperly sent to the laboratory or when the laboratory accepted receipt of the kit before realizing it should not be in possession. Or, when a kit has been logged as received but, due to likely clerical error, has not actually been received by the laboratory.