

CHAPTER 19 – STATEWIDE SEXUAL ASSAULT EVIDENCE COLLECTION KIT TRACKING SYSTEM

SUBCHAPTER 19A – GENERAL PROVISIONS

14B NCAC 19A .0101 SCOPE

The rules in this Chapter are applicable to persons or entities in the State that have custody of any sexual assault evidence collection kits, including medical service providers, law enforcement agencies, forensic laboratories, and the Department of Public Safety Law Enforcement Support Services.

History Note: Authority G.S. 114-65;
Eff. April 1, 2021.

14B NCAC 19A .0102 DEFINITIONS

As used in this Chapter:

- (1) "Covered entity" means an agency, medical facility, or medical professional, person, or entity subject to the System tracking requirements.
- (2) "Director" means the Director of the North Carolina State Crime Laboratory.
- (3) "Forensic laboratory" means a person, agency, or department that takes custody of a sexual assault evidence collection kit for purposes of conducting forensic testing.
- (4) "Forensic medical examination" means an examination provided to a sexual assault victim by medical personnel trained to gather evidence of a sexual assault in a manner suitable for use in a court of law and includes collection and evaluation of physical evidence.
- (5) "Kit" or "sexual assault evidence collection kit" means a prepared kit used to conduct a forensic medical examination.
- (6) "Law enforcement agency" means any police department, sheriff's office, campus police department, or any other person, agency, or department investigating a reported sexual assault for which a sexual assault evidence collection kit has been utilized by a medical service provider or that is taking possession of or storing an unreported or anonymous sexual assault evidence collection kit.
- (7) "Medical service provider" means a medical facility or medical professional in the State who administers a forensic medical examination using a sexual assault evidence collection kit.
- (8) "Previously untested kit" means a sexual assault evidence collection kit used in a forensic medical examination that has not undergone forensic testing and was identified and included in the 2017 Statewide inventory.
- (9) "Statewide System Administrator" means an employee of the North Carolina State Crime Laboratory who has responsibility for the overall administrative functions of the System, including providing assistance to covered entities, training all covered entities, making corrections in the system, and generating data reports for the Director's annual tracking report to the Joint Legislative Oversight Committee on Justice and Public Safety.
- (10) "System" means Sexual Assault Evidence Collection Kit Tracking and Inventory Management System (STIMS).
- (11) "System guidelines" means the guidelines published by the Director of the North Carolina State Crime Laboratory for use by covered entities.

History Note: Authority G.S. 114-65; 143B-1200;
Eff. April 1, 2021.

14B NCAC 19A .0103 STATEWIDE SYSTEM ADMINISTRATOR DESIGNATION

- (a) The System shall be administered by the Statewide System Administrator.
- (b) The Statewide System Administrator shall:
 - (1) grant System access to each covered entity;
 - (2) provide training on the System and technical assistance to all local administrators; and
 - (3) keep a log of all notifications for entities out of compliance with the rules of this Chapter.
- (c) The Statewide System Administrator contact information is NCSTIMS@ncdoj.gov.

History Note: Authority G.S. 114-65;
Eff. April 1, 2021.

14B NCAC 19A .0104 COVERED ENTITY SYSTEM ACCESS; LOCAL ADMINISTRATORS

(a) Each covered entity shall access the System and require that its users are trained to enter kit information data in the System.

(b) Each covered entity shall designate a local administrator, who shall provide his or her contact information to the Statewide System Administrator in writing, by mail, hand delivery, or email. The address for the State System Administrator is the State Crime Lab, 121 East Tryon Road, Raleigh, NC 27603. If a covered entity changes its local administrator or contact information for its local administrator, the covered entity shall update the System administrative information and provide written notice of the change to the Statewide System Administrator within 10 business days.

(c) The local administrator shall report any issues requiring technical support to the Statewide System Administrator within two business days at NCSTIMS@ncdoj.gov.

History Note: Authority G.S. 114-65;
Eff. April 1, 2021.

SUBCHAPTER 19B – COVERED ENTITY TRACKING REQUIREMENTS

14B NCAC 19B .0101 SYSTEM COMPATIBILITY FOR KITS

Any State or local government agency responsible for the production of kits to be used in this State shall produce kits that are compatible with the System. A government agency that contracts for kit production by a vendor shall ensure that the vendor is contractually obligated to meet this requirement.

History Note: Authority G.S. 114-65; 143B-1201;
Eff. April 1, 2021.

14B NCAC 19B .0102 MEDICAL SERVICE PROVIDERS

(a) Medical service providers shall:

- (1) In the System, receive all kits used for the collection of physical evidence during forensic medical examinations from the kit vendor;
- (2) make all required data entries in accordance with System guidelines; and
- (3) track all kit transfers from the provider to a law enforcement agency or to Law Enforcement Support Services (LESS) in the System.

(b) Prior to using any kit that does not already have a tracking number, the medical service provider shall affix a tracking label received from the Statewide System Administrator.

(c) The medical service provider shall inform the victim of the North Carolina Department of Justice Sexual Assault Kit Tracking Web Portal found at <https://www.sexualassaultkittracking.ncdoj.gov/SexualAssaultKitTracking/> and provide the victim with the kit tracking number to view kit tracking and testing information.

History Note: Authority G.S. 114-65;
Eff. April 1, 2021.

14B NCAC 19B .0103 LAW ENFORCEMENT AGENCIES

(a) Each law enforcement agency in the State shall comply with System guidelines to track the:

- (1) receipt of kits by the law enforcement agency from medical service providers or Law Enforcement Support Services (LESS);
- (2) transfer of kits from the law enforcement agency to forensic laboratories; and
- (3) transfer of kits from forensic laboratories back to the law enforcement agency.

Each law enforcement agency shall enter all data in accordance with System guidelines and keep the data updated as the investigation of the incident evolves.

(b) When a law enforcement agency submits a kit to any private vendor laboratory or any public laboratory outside of North Carolina for forensic testing, the law enforcement agency shall coordinate with that forensic laboratory to ensure that entries for the tracking of the kit are made in the System, in accordance with System guidelines.

(c) Each law enforcement agency that receives into its custody a kit that does not already have an assigned tracking number shall affix a tracking label received from the Statewide System Administrator.

(d) Each law enforcement agency shall enter all data from each previously untested kit in its custody into the North Carolina SAKI online data collection tool. Kits entered in the collection tool will be placed into STIMS by the Statewide System Administrator to make them trackable. Each law enforcement agency shall send an e-mail to NCSAKI@ncdoj.gov to gain access to the online data collection tool.

History Note: Authority G.S. 114-65;
Eff. April 1, 2021.

14B NCAC 19B .0104 LAW ENFORCEMENT SUPPORT SERVICES

Law Enforcement Support Services shall:

- (1) confirm all kits held or received into its custody have tracking labels;
- (2) enter tracking data in accordance with System guidelines; and
- (3) track the subsequent transfer of any kit to a law enforcement agency in the System.

History Note: Authority G.S. 114-65;
Eff. April 1, 2021.

14B NCAC 19B .0105 FORENSIC LABORATORIES

(a) Any forensic laboratory in this State that takes custody of a kit for purposes of conducting forensic testing shall:

- (1) Enter the transfer and receipt of the kit in the tracking System in accordance with System guidelines;
- (2) Enter all data on the examination in accordance with System guidelines; and
- (3) Enter the transfer of the kit back to the submitting law enforcement agency in the tracking System in accordance with System guidelines.

(b) Any forensic laboratory in this State that receives into its custody a kit that does not already have tracking label shall affix a tracking label to the kit received from the Statewide System Administrator.

(c) North Carolina law enforcement agencies that submit kits to private vendor laboratories or public laboratories outside of this State for purposes of conducting forensic testing shall coordinate with those laboratories to ensure that entries for the tracking of the kit are made in the System in accordance with System guidelines.

History Note: Authority G.S. 114-65;
Eff. April 1, 2021.

14B NCAC 19B .0106 PREVIOUSLY UNTESTED KITS

(a) Each covered entity's local administrator shall contact the Statewide System Administrator to obtain tracking labels designated for previously untested kits.

(b) Covered entities shall comply with System guidelines for submitting data to be used by the Statewide System Administrator to enter previously untested kits in their custody in the tracking System.

History Note: Authority G.S. 114-65;
Eff. April 1, 2021.

SUBCHAPTER 19C – COMPLIANCE

14B NCAC 19C .0101 DEFICIENCY CORRECTION AND SANCTIONS

(a) The Statewide System Administrator shall give written or oral notice to any covered entity out of compliance with the rules of this Chapter. The notice shall include:

- (1) identification of the deficiency; and
- (2) notice that the deficiency must be corrected within 10 business days following notification.

(b) If a covered entity fails to correct the deficiency within 10 business days following notification, the Statewide System Administrator shall give written notice by mail, hand delivery, or email to the covered entity and such notice shall include:

- (1) identification of the deficiency; and

- (2) notice that the failure to resolve the identified deficiency within 10 business days following notification may result in the covered entity being listed in the Director's annual tracking report to the Joint Legislative Oversight Committee on Justice and Public Safety.
- (c) The Statewide System Administrator shall keep a log of all notifications for entities out of compliance with the rules of this Chapter.

*History Note: Authority G.S. 114-65;
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