

Forensic Compliance: Self-Assessment Tool

Community Team:

Forensic Examination Facility

Describe where sexual assault medical forensic exams are performed in your community:

- Hospital - Emergency department
- Hospital - Designated area other than emergency department (please describe):
- Community-based facility (please describe):
- Other (please describe):

Who provides the evidentiary kit? Where are the kits stored, to be used for a forensic exam?

Forensic Examinations with a Standard Law Enforcement Report

What is the designated source for the payment of forensic exams in your community? For this question, please assume that the victim has participated in reporting to law enforcement.

- Law enforcement agency with jurisdiction over the assault location
- Other law enforcement agency (e.g., state police agency)
- Victim Compensation funds

If Victim's Compensation funds are the payment source for exams, is the victim's insurance company automatically billed first?

- Yes, always Yes, only if the victim agrees No

- Community-based (nonprofit) agency (please specify):
- Legislated state funding (please describe):
- Victims' insurance
- Attorney General's office
- Other (please explain):

Does law enforcement have to authorize a sexual assault medical forensic exam to be conducted?

- No Yes

If yes, can this authorization be obtained without identifying the victim? Please explain:

Mandated Reporting

Does your state/territory/tribe require medical professionals to report a sexual assault of a competent adult to law enforcement?

- No
 Yes

If the answer is yes, please choose one of the following:

- The statute explicitly requires medical professionals to notify law enforcement officials of a suspected sexual assault against a competent adult victim.
- The statute requires medical professionals to report any non-accidental or intentional injury against competent adult victims, including those caused by violent crime.
- Mandatory reporting is listed under the Child Sex Abuse statutes and it is generally interpreted to apply to all victims, regardless of age.
- Mandatory reporting is not required by statute; it is required by policies of the exam facility.

Are mandated reporting requirements interpreted consistently statewide? Yes No

What type of disclosure triggers this type of mandated report?

What information is included in the mandated report? Does the mandatory report include identifying information for the victim? Does it have to?

What is the protocol for who reports to whom, how, and within what timeline?

Forensic Exams without Law Enforcement

What percentage of forensic exams in your community are performed without a report to law enforcement – or with a report where the victim does not talk with law enforcement?

- 1-5% 6-10% 11-15% 16-20%
 Other (please specify):

What agency is the designated payment source for forensic exams performed without a report to law enforcement?

- Law enforcement agency with jurisdiction over the assault location
 Other law enforcement agency (please specify):
 Victim Compensation funds

If Victim's Compensation funds are the payment source for exams, is the victim's insurance company automatically billed first?

- Yes, always Yes, only if the victim agrees No

- Community-based (nonprofit) agency (please specify):
 Legislated state funding (please describe):
 Victims' insurance
 Attorney General's Office
 State Funds earmarked for exams
 Federal funds (please describe):
 Corporate/Foundation funds (please describe):
 Other (please explain):

While the specific payment mechanism may differ across communities, a model that honors the spirit of VAWA 2005 will ensure that victims are not billed and do not pay for their forensic exams – regardless of whether or not they report to law enforcement or participate in an investigation. This will likely require a statewide system, as well as local coordination between first responders and those involved in the billing and payment process.

When exams are performed without a law enforcement report, where are the rape kits stored?

- Hospital; in an unsecured area
 Hospital; in a secured area
 Law enforcement agency with jurisdiction over the assault location
 Other law enforcement agency (please specify):
 Exam site; in an unsecured area
 Exam site; in a secured area
 Other (please explain):

If the evidence kits are stored somewhere other than the hospital facility, who transports them?

How is chain of custody maintained for the evidence kit in these cases?

How long are forensic exam kits held when a victim has received an exam without a law enforcement report?

- 30 days or less 60 days 90 days 1 year
 Statute of limitations for the crime Other (please specify):

What percentage of forensic exams that are performed without a report to law enforcement (i.e., with a victim who is unsure or unwilling to report) eventually lead to a formal report?

- 1-5% 6-10% 11-15% 16-20%
 We don't know yet. Other (please specify):

Informed Consent for Victims

How will victims be provided with information about their options for reporting? What information are they currently given?

Do victims who have a forensic exam without law enforcement involvement receive any follow-up contact? Who contacts victims, how do they do so, and when do they do it? Options include:

- Routine contact; to check in on the victim's well-being and desire to report the crime
 If the same suspect is named in another report
 If another victim is assaulted with a perpetrator with a similar M.O.
 If the crime lab gets a "hit" on the same DNA profile as the suspect in their case

Can victims opt out of any future contact? Please describe.

For an excellent template, please review materials developed by PAVSA in Duluth. These materials specify that patients must be provided with the following information in writing:

- ***Possible length of time the evidence will be stored anonymously***
- ***Where evidence will be stored***
- ***How to change an anonymous report to a standard report***
- ***How to have clothing returned***
- ***How and when patient will be notified by the SANE program***
- ***Where to call with questions***

Records / Case Tracking

For forensic exams conducted without law enforcement, how is an incident number generated?

How is the incident number recorded for tracking? How is it linked to the evidence kit?

If the incident numbers are obtained from law enforcement, are they stored separately from crime reports (also called “scored reports”)? Describe the process.

What type of report is generated when a forensic exam is conducted without law enforcement or when a victim is willing to talk to law enforcement but does not want her identity revealed at the time of the forensic examination?

- Informational reports (also called “information only reports,” “officer’s reports,” etc.)
- Anonymous reports (victim has talked to law enforcement without providing identity)
- Blind / Third party report (report is received from someone other than the victim)
- Crime report (also called a “scored report”)
- “Jane Doe” report (a report where the victim’s identity is known, but recorded as a pseudonym on public documents)

How long is this type of report stored in the case tracking system? Is it stored in the system for the same length of time as the evidence kit from the medical forensic exam? If not, why?

Are these cases excluded from crime counts for UCR and other reporting purposes?

Anonymous Reporting

Are victims currently offered the option of reporting a sexual assault anonymously in your community? This would be the case if victims could talk with police and provide information about the sexual assault without offering their name or other identifying information. If you have this, please explain how this report is recorded, given an incident number, stored, and used.

For victims who report to law enforcement anonymously, what information is recorded? Is any evidence collected other than the forensic evidence kit? Is an investigation conducted? Please describe the procedures.

We believe that the responding officer should record as much information about the sexual assault as the victim is willing to give. The IACP Supplemental Report and Guidelines can be used to record this information for anonymous reports, as well as standard crime reports.

Evidence Processing / Destruction / Victim Notification

Is urine or blood collected from victims during a forensic exam that is conducted without law enforcement involvement? If not, what are the barriers?

What happens to evidence other than the evidence kit (crime scene evidence, clothing) collected during a forensic exam conducted without law enforcement involvement?

Are foreign DNA profiles entered into CODIS or any other DNA databank(s)? How are CODIS specifications met, since no crime has been established and consensual partners have not been ruled out? What happens if there is a "hit?"

We believe evidence should not be submitted to a crime lab for processing if the victim hasn't signed a form documenting informed consent.

What information are victims given about the processing of the evidence in their rape kit or other evidence if collected, like clothing?

What happens if the victim wants the rape kit or other evidence returned?

When/how will evidence from these cases be destroyed, in light of relevant laws and policies?

Will victims be notified that their rape kit will be destroyed? If so, how?

Evidence-Based Prosecution

Is there any situation in which an investigation or prosecution would proceed against the victim's wishes? Please describe.

Research and Evaluation

Is your SART planning to collect data, to track any increase in the number of forensic exams that are conducted without a report to law enforcement? Yes No

Please make sure to track the percentage of victims who are initially unsure or unwilling to report at the time of their forensic exam but later decide to report to law enforcement.