

PIMA COUNTY PROTOCOL
FOR THE
VIOLENCE AGAINST WOMEN ACT

**RIGHT TO A MEDICAL-FORENSIC
EXAMINATION**

**STOP
VIOLENCE
AGAINST
WOMEN**



PARTICIPATING AGENCIES

Arizona Department of Public Safety	Pima County Sheriff's Department
Federal Bureau of Investigation	Sahuarita Police Department
Marana Police Department	South Tucson Police Department
Oro Valley Police Department	Tohono O'Odham Police Department
Pascua Yaqui Police Department	Southern Arizona Center Against Sexual Assault
Pima County Attorney's Office	Southern Arizona Children's Advocacy Center
Pima Community College Police	Tucson Police Department
Pima County Department of Institutional Health	University of Arizona Police Department

JANUARY 2009

This protocol was developed by a collaboration of the following agencies: Arizona Department of Public Safety Crime Lab, Federal Bureau of Investigation, Marana Police Department, Pascua Yaqui Police Department, Pima County Attorney's Office Victim Witness Program and Special Victims Unit, Pima Community College Police, Pima County Department of Institutional Health, Pima County Sheriff's Department, South Tucson Police Department, Tohono O'Odham Police Department, Southern Arizona Center Against Sexual Assault, Southern Arizona Children's Advocacy Center, Tucson Police Department Crime Lab, Tucson Police Department, University of Arizona Police Department, Oro Valley Police Department, and the Sahuarita Police Department.

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Pima County Protocol for Sexual Assault Victims Who Request a Medical-Forensic Exam

This protocol outlines how Pima County will provide medical-forensic exams to victims of sexual assault, age 13 and older, who present within 120 hours post-assault, regardless of whether they choose to report the assault to law enforcement.

The protocol was developed to address revisions to the Violence Against Women Act (VAWA) which stipulates that, in order for a state to comply with VAWA and be eligible for funds, it must demonstrate that procedures are established to ensure that sexual assault victims have access, at no charge, to a medical-forensic exam – and that their access to this exam is not contingent upon participation in the criminal justice system.

Protocol:

- A victim will report having been sexually assaulted to an agency (i.e., law enforcement, hospitals, the Southern Arizona Center Against Sexual Assault).
- If the victim is a minor, law enforcement shall contact the Southern Arizona Children's Advocacy Center (SACAC) as needed and protocols shall be adhered to, per *Pima County Protocols for the Multidisciplinary Investigation of Child Abuse*.
- If SACAC refers calls involving minors to the Southern Arizona Center Against Sexual Assault, or if the victim is an adult, the agency (law enforcement, hospitals, or SACAC) will dispatch a Sexual Assault Resource Service (SARS) Advocate to the hospital by calling **520-349-8221**.
- The SARS Advocate shall inform the victim of his/her rights/options related to reporting, medical care, and the medical-forensic exam. The SARS Advocate will provide the victim with a copy of the attached Sexual Assault Victim Rights Statement.
- If the agency or entity in which the victim makes the report has determined that they have a mandate or duty under ARS § 13-3806¹ to report the sexual assault, the agency or entity shall do so following their established policy and procedures.
- If the victim is a minor, the responding agencies shall contact Child Protective Services per ARS 13-3620 (see *Pima County Protocols for the Multidisciplinary Investigation of Child Abuse*).
- If the victim chooses to make a report to law enforcement, information is received by the responding officer and the law enforcement agency decides whether the case will be investigated.

- If law enforcement determines that a medical-forensic exam will benefit their investigation, the SARS Advocate will dispatch a Sexual Assault Nurse Examiner (SANE).
 - Law enforcement will provide the SANE with a case number.
 - The SANE will contact law enforcement when the Sex Crime Evidence Kit is ready for pick-up and an officer will transport the kit to evidence.
- If the victim chooses to have a medical-forensic exam without cooperating with law enforcement, the SARS Advocate will dispatch a Sexual Assault Nurse Examiner (SANE).
 - The hospital will call law enforcement per ARS § 13-3806¹ and provide the following information:
 - Name of victim/patient
 - Description of victim/patient
 - Character of wound or other facts
 - Law enforcement will provide a case number to hospital personnel.
 - Hospital staff will provide the case number to the SARS Advocate and SANE.
 - The SANE will contact law enforcement when the Sex Crime Evidence Kit is ready for pick-up and an officer will transport the kit to evidence or the SANE will store the kit in a mini-refrigerator at Tucson Medical Center or Northwest Medical Center and the Forensic Examiner Coordinator will arrange pick-up with the appropriate law enforcement agency.
 - Law Enforcement will classify the Sex Crime Evidence Kit as *61-05 Exam, no criminal prosecution*.
- The Sex Crime Evidence Kit will be stored for one year.
 - After one year, the Pima County Attorney's Office (PCAO) shall review the case prior to destroying the Sex Crime Evidence Kit.
 - A SARS Advocate with the Southern Arizona Center Against Sexual Assault shall make an effort to contact victims 18 and over via phone or by mail 30 days before PCAO reviews the case, in an effort to remind the victim that the Sex Crime Evidence Kit may be destroyed.
 - The victim can make a report to law enforcement at any time. If the victim decides to make a report to law enforcement, a statement is taken and the Sex Crime Evidence Kit is made available for purposes of an investigation (if the report is made within one year of the exam date).

¹ **ARS § 13-3806. Duty of physician or attendant upon treating certain wounds;** **A.** A physician, surgeon, nurse or hospital attendant called upon to treat any person for gunshot wounds, knife wounds or other material injury which may have resulted from a fight, brawl, robbery or other illegal or unlawful act, shall immediately notify the chief of police or the city marshal, if in an incorporated city or town, or the sheriff, or the nearest police officer, of the circumstances, together with the name and description of the patient, the character of the wound and other facts which may be of assistance to the police authorities in the event the condition of the patient may be due to any illegal transaction or circumstances. **B.** Any violation of the provisions of this section by a physician, surgeon, nurse or hospital attendant, is a class 3 misdemeanor.



*A Member of Arizona's Children Association
Family of Agencies*

Statement of a victim's right to a medical-forensic exam

As a victim/survivor of sexual assault, you have the right to a medical-forensic exam, at no cost to you. You have the right to this exam regardless of whether you cooperate with law enforcement and prosecution.

What is a Medical-Forensic Exam?

A medical-forensic exam is a comprehensive medical exam performed by a Sexual Assault Nurse Examiner/Sexual Assault Forensic Examiner (SANE/SAFE) who is a specially trained Registered Nurse, Nurse Practitioner, Physician's Assistant or Physician with advanced education and clinical preparation.

The SANE/SAFE will do the following during the medical-forensic exam:

- ***Obtain a detailed history of the assault or abuse***
- ***Provide a detailed head-to-toe examination***
- ***Perform a detailed genital examination, which may include an examination with a speculum***
- ***Collect biological or trace evidence from your body***

The medical-forensic care you receive from the SANE/SAFE is being provided at no cost to you; however, there may be costs related to your medical care provided by the emergency department staff including labs, tests, and medications. The Sexual Assault Resource Service (SARS) Advocate or SANE/SAFE can arrange for you to speak with emergency department staff if you have questions about billing.

The evidence collected may help with the identification and prosecution of the perpetrator of the crime. Without this evidence, it is often more difficult to identify and/or prosecute the person who committed the sexual assault.

Facts to consider when deciding on a medical-forensic exam

You can receive medical care without having a medical-forensic exam.

- Hospital staff can provide medications, including medications to prevent sexually transmitted infections (STI) and Plan B® to prevent pregnancy.
- A physician can treat you for any injuries you have as a result of the assault

You can receive advocacy provided by a specially trained Sexual Assault Resource Service (SARS) Advocate without having a medical-forensic exam.

The exam often takes several hours to complete and victims are asked to refrain from certain activities during this time (i.e., drinking, eating, smoking, and using the bathroom).

Over time, evidence is lost, begins to degrade, or becomes contaminated, and is difficult or impossible to process. After a certain point, typically around **120 hours (five days after an assault)**, most experts believe that little or no useful evidence will be collected during a medical-forensic exam.

Even when a medical-forensic exam is performed immediately after a sexual assault, sometimes there isn't much evidence that can be collected.

You can make a report to law enforcement at any time; however, your kit may be destroyed within one year of receiving the medical-forensic exam.

Any delay in the investigation may substantially reduce the ability of law enforcement to assign or investigate the case.

The biological evidence in your kit may be analyzed even if you do not cooperate with law enforcement.

Law enforcement may choose to contact you, but you have the right to decide when you make a report.