

National Protocol on Sexual Assault

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Tribal Sexual Assault Protocol: An Adaptation

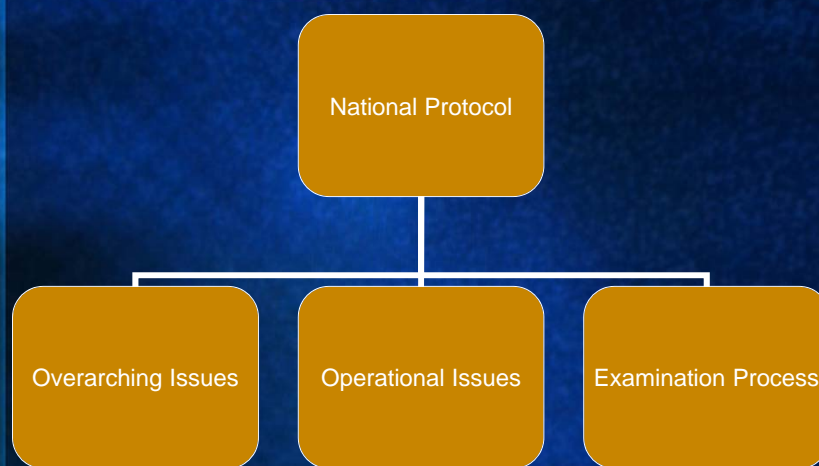
The Purpose of the Protocol

- Designed as a guide for criminal justice and healthcare practitioners who respond to sexual assault
- Combining cutting edge techniques with collaboration among service providers will greatly enhance the ability to treat and support victims as well as identification and prosecution of sex offenders
- The protocol is organized in to broad sections, and each one builds on information presented in the previous section.

Goals of the National Protocol

- Supplement local protocols
- Guideline for practice
- Guidance to those responding to adult/adolescent victims
- Support the use of coordinated community response
- Addresses the needs of victims while promoting the criminal justice response
- Promote high quality, sensitive and supportive examinations for victims
- Promotes timely, high quality evidence collection

The Protocol at a Glance



Overarching Issues

- Coordinated Team approach
- Victim Centered Care
- Informed Consent
- Confidentiality
- Reporting to Law Enforcement

Coordinated Approach

Ways to facilitate a coordinated approach to the exam process

Recommendations for jurisdictions: Coordinated Approach

- Understand the dual purpose of the exam: addressing the justice system needs and the patient's needs
- Identify the key responders and their roles
- Develop Quality Assurance measures to ensure effective response

Victim Centered Care

Recommendations to facilitate victim centered care

Victim Centered Care

- Respond in a timely manner
- Recognize that the forensic exam is an interactive process
- Be aware of issues that commonly face certain populations of victims
- Understand the importance of victim services in the process
- Accommodate victims requests during exam
- Involve victims service providers as soon as possible
- Integrate exam procedures where possible
- Address patient's safety concerns during the exam
- Provide information and referral for patient

Informed Consent

Patients should understand the full nature of their consent to each procedure. They should be aware of the impact of declining a particular procedure, how it may negatively affect the quality of care, the usefulness of evidence collection, and ultimately the criminal investigation and/or prosecution.

Confidentiality: Indian Country Concerns

-Be aware of the scope and limitations of confidentiality related to information gathering during the exam process

Recommendations to maintain confidentiality of patients

- Make sure that jurisdictional policies address confidentiality related to the medical forensic exam. (IE: photos, video, documentation)
- Increase responders and patients understanding of confidentiality
- Consider the impact of federal privacy laws re: health information
- Strive to resolve interjurisdictional conflicts

Reporting to Law Enforcement

Encouraging victims to report

Operational Issues

- Sexual Assault Forensic Examiners
- Facilities
- Equipment and Supplies
- Sexual Assault Evidence Kit
- Timing Considerations for evidence collection
- Evidence integrity

Sexual Assault Forensic Examiners

Recommendations to build the capacity of these examiners

Increase cultural competency and sensitivity of examiners under IC Protocol

Sexual Assault Evidence Kit

*Develop customized Indian Country kits
Ensure FBI Crime Lab Approval*

Timing Considerations

Recommendations to maximize evidence collection

Evidence Integrity

Properly collecting, preserving, and maintaining chain of custody is critical to evidence's use in court.

Triage and Intake

- Consider the sexual assault patient a priority
- Respond to acute injury, trauma care and safety needs before evidence is collected
- Alert examiners to their need at the exam site.
- Contact victim advocates so they can offer services.
- Assess and respond to safety concerns
- Assess need for immediate medical or mental health intervention
- Seek informed consent prior to treating, as per facility policy.

Documentation by Healthcare personnel

Recommendations to complete needed documentation

The Medical Forensic History

Facilitate Information Gathering

Photography

*Recommendations for photographing
evidence*

Exam and Evidence Collection Procedures

To facilitate Evidence collection

Drug Facilitated Sexual Assault

Facilitate response in suspected DFSA

Sexually Transmitted Infection Evaluation and Care

Facilitate STI evaluation and care

Pregnancy Risk Evaluation and Care

To facilitate pregnancy evaluation and care

Discharge and Follow-up

Recommendations to facilitate follow-up

Examiner Court Appearances

*Recommendations to maximize the usefulness of
examiner testimony*

SAFESTAR

- Sexual Assault Forensic Examinations, Support, Training, Access, and Resources
- Where capacity is lacking to support SANE-SART model

OVW's Approach

- Two pronged approach:
- SANE-SART model utilizing National Tribal Sexual Assault Forensic Exam Protocol where capacity is available
- SAFESTAR in communities where capacity currently lacking

National Clearinghouse on Sexual
Assault of American Indian and
Alaska Native Women

Technical Assistance is available

PLEASE Call us for ANY questions!

Helpline: 1-877-819-SART (IAFN)

1-520-623-8192 (SWCLAP)

1-866-599-9650 (Red Wind)