



REPORTING VICTIM SEXUAL ASSAULT KIT PROTOCOL

STATEMENTS:

This protocol is in effect as of July 1, 2016. This protocol will be updated as needed based on changes in statutes and best practice.

This protocol is implementing several Georgia State Statutes. The Official Code of Georgia (O.C.G.A. §17-5-72) states that: A victim shall have the right to have a free forensic medical examination regardless of whether the victim participates in the criminal justice system or cooperates with law enforcement in pursuing prosecution of the underlying crime.

The sexual assault forensic examiner is required by law to initiate a report to law enforcement and/or Department of Family and Children Services (DFCS) when the alleged sexual assault victim is 17 years of age or less.

PROCEDURE:

1. Sexual assault victim (patient), family or friend contacts the sexual assault center, hospital, or law enforcement to report a sexual assault.
2. Victim (patient) is provided a sexual assault victim advocate from the local sexual assault center for support.
3. Victim (patient) wants to report sexual assault to law enforcement and desires to have a sexual assault forensic medical examination completed.
4. Sexual assault center or hospital contacts the sexual assault forensic examiner or other appropriate medical staff (physician, physician assistant, nurse practitioner) to conduct the sexual assault forensic medical exam.

(It is highly recommended and best practice that the medical staff performing the sexual assault forensic medical exam is trained in doing these specific exams.)

5. The national guideline from the International Association of Forensic Nurses (IAFN) recommends collection of forensic evidence within 120 hours/5 days. This timeframe may be longer depending on the circumstances of the crime.

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6. The sexual assault forensic examiner will conduct an exam to include the completion of a Sexual Assault Forensic Medical Evidence Collection Kit (Rape Kit), photographic documentation of any physical findings, and completion of a forensic medical record.

The victim (patient) can refuse at any point prior to or during the exam any portion of the exam.

7. A victim (patient) “shall not be required to pay, directly or indirectly, for the cost of a forensic medical examination. The cost of a forensic medical examination shall be paid for by the Criminal Justice Coordinating Council, Crime Victims Compensation program”. (O.C.G.A. §17-5-72) <https://cjcc.georgia.gov/victims-compensation>
8. The Sexual Assault Forensic Examiner shall maintain chain of custody of all forensic evidence until all evidence is turned over to the receiving law enforcement agency.
9. Once the victim (patient) request that law enforcement officials be notified, the forensic medical examiner or her/his designee shall notify the appropriate law enforcement agency that evidence has been collected.
10. Law enforcement must take possession of the evidence no later than 96 hours after being notified.
11. Within 30 days of taking possession of the evidence, the law enforcement agency must submit it to the Georgia Bureau of Investigation.

(O.C.G.A. §35-1-2)*

When a victim has requested that law enforcement officials be notified, the person performing the forensic medical examination, or his or her designee, shall notify the appropriate law enforcement agency that evidence has been collected. The law enforcement agency must take possession of the evidence no later than 96 hours after being notified. Within 30 days of taking possession of the evidence, the law enforcement agency must submit it to the Georgia Bureau of Investigation, which is responsible for testing the evidence for purposes of identifying the perpetrator.

12. The sexual assault forensic examiner provides the following information to the reporting victim (patient) that includes:
 - i. “The person performing a forensic medical examination, or his or her designee, shall provide the victim with a written summary of all rights that are guaranteed to him or her under the Crime Victims’ Bill of Rights”, as provided by the Criminal Justice Coordinating Council. O.C.G.A §35-1-2, O.C.G.A §17-17-1 – 17-17-16
 - ii. The Case Record Number
 - iii. Date and Time of the Forensic Medical Examination

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- iv. The Law Enforcement Agency who will be receiving the collected forensic evidence
- v. The name and location of the center/facility where the medical forensic examination was conducted

* Note (O.C.G.A. §35-1-2), Georgia's new statute link is:

<http://www.legis.ga.gov/legislation/en-US/Display/20152016/SB/304>

A special thanks to Representative Scott Holcomb and his legislative colleagues for their commitment to ensuring that victims are treated with dignity and respect and ensuring that justice is served.

We would like to also thank all of the sexual assault centers who contributed to this document. In addition, we want to acknowledge the special contribution made by the Statesboro Regional Sexual Assault Center for their work and dedication.

This document is not intended to give legal advice or recommendations. This material is intended for general information purposes only and does not constitute legal advice. For legal issues that arise, the reader should consult legal counsel.

This sample protocol is provided by the Georgia Network to End Sexual Assault. If you have any questions or need further resources please do not hesitate to contact our office at (404) 815-5261 or visit our website at www.gnesa.org.