

**Mission:** To promote a community-wide response to sexual violence by coordinating a multi-disciplinary team that will ensure victims receive comprehensive, compassionate care

### Sexual Assault Response Team (SART) General Meeting Minutes Thursday, September 30<sup>th</sup>, 2021

#### Call to Order:

Carol Messam-Gordon, Program Coordinator, Palm Beach County Victim Services & Certified Rape Crisis Center (PBCVS)

#### **Welcome/Introductions of Members and Guests:**

Carol Messam-Gordon welcomed all who were in attendance at the meeting and facilitated introductions.

**Review/Approval of Minutes:** Minutes for the June 24<sup>th</sup> meeting were approved without any changes.

### **On-Going Business:**

SANE Report: Carol Messam-Gordon, PBCVS Program Coordinator

Carol Messam-Gordon reported on the Sexual Assault Responses for June, July, and August 2021.

For the month of June, SANEs responded to 19 calls and conducted 15 forensic exams. In the total call-outs, there were 5 non-reporting victims. 11 exams were completed at the Butterfly House and 4 were completed at a local Palm Beach County Hospital ER.

For the month of July, SANEs responded to 22 calls and conducted 21 forensic exams. In the total call-outs, there were 5 non-reporting victims. 12 exams were completed at the Butterfly House and 9 were completed at a local Palm Beach County Hospital ER.

For the month of August, SANEs responded to 15 calls and conducted 13 forensic exams. In the total call-outs, there was 1 non-reporting victim. 10 exams were completed at the Butterfly House and 3 were completed at a local Palm Beach County Hospital ER.

Nicole informed SART members about the new SANE Manager-Joy Radford-Cole. Joy will be starting on October 12, 2021. She is a registered nurse with thirteen years of experience working in the emergency department. In 2008 she began her career as a bedside nurse, she completed the SANE training in 2009 and successfully passed the SANE-A certification exam in 2012. Since then, she has trained staff on proper completion of forensic examinations, responsible for managing ED Triage Area, ED Observation Unit, Central Monitoring Unit, First Admit Unit, and the ED Psychiatric Holding Unit. In August 2021 she graduated with her Master of Science in Nursing with a concentration in Forensic Nursing at Duquesne University.

<u>Child Protection Team Report: Alison Hitchcock, Executive Director, Child Protection Team</u>
Alison provided the child abuse and child sexual abuse CPT case statistics for June, July, and August 2021.

#### **June 2021**

• 1027 Abuse Reports Screened

- 129 Cases Opened
- 213 Services Provided
- 19 Sexual Abuse Forensic Medical Exams were completed
- 4 Sexual Assault Kits were completed

#### **July 2021**

- 735 Abuse Reports Screened
- 98 Cases Opened
- 224 Services Provided
- 13 Sexual Abuse Forensic Medical Exams were completed
- 4 Sexual Assault Kits were completed

### August 2021

- 832 Abuse Reports Screened
- 86 Cases Opened
- 178 Services Provided
- 13 Sexual Abuse Forensic Medical Exams were completed
- 10 Sexual Assault Kits were completed

### Laboratory Testing Updates: Julie Sikorsky, Forensic Laboratory Manager, PBSO

Julie updated SART members on the rape kit backlog, the timeframe for processing sexual assault kits, the number of kits tested and the numbers remaining. Julie's team is still reviewing Pre SB 636 cases.

- Crime Lab sent to SID for review:
  - ▶ 958 cases without SAKs to SID for additional review (older cases)
    - SID has completed the review of 812 cases, 146 remaining (down 56 cases)
      - Classified as:
        - ▶ Does not need analysis (no physical evidence, etc.)
        - ► To be outsourced for DNA analysis
        - Additional research needed for possible evidence (forwarded to review list)
  - ► Current cases without a DNA request after *monthly* evidence vault query:
    - ▶ 3 Post SB 636 cases without a SAK
    - ▶ 10 Post SB 636 cases with a SAK
- Total SA cases reviewed (pre & post SB 636): 10,921 (up 177 cases)
  - ▶ 9,741 analyzed or do not need analysis (up 143 cases)
  - ▶ 282 identified to be outsourced (up 21 cases) (100 outsourced, 182 awaiting)
  - ▶ 36 identified to be processed in-house with *Rapid DNA analysis* (down 1 case)
  - ▶ 62 requested to be processed in-house (screening/DNA) analysis (up 18 cases)
  - ► 19 Other pending (up 7 cases)
  - ▶ 782 cases pending additional review for possible SA evidence for DNA analysis (down 8 cases)
    - ▶ 486 are from PBSO or merged agencies
    - ▶ 296 are from non-PBSO agencies (PBSO will need to reach out for these agencies to do research)
- ► Pre SB636 Cases
  - ▶ Profiles entered into CODIS: 863 profiles from 811 cases (up 10 profiles and 8 cases)
    - ► From evidence: 753 (up 8)
    - Suspect samples: 118 (up 2)
  - ► CODIS hits (across all agencies): 324 (up 5)
  - ▶ 13 arrests made: 9=PBSO, 4=WPBPD (no changes)

### SART Case Staffing's: Carol Messam-Gordon, PBCVS Program Coordinator

Carol updated SART members on the sexual assault case staffing held on July 9<sup>th</sup>, August 13<sup>th</sup>, and September 10<sup>th</sup>. Twenty-One cases were staffed. In attendance were Advocates, Coordinators, Team Supervisors, SANEs, and Law Enforcement. Rene provided three case summaries:

July Case Staffing: 17-year-old Female: The victim reported that she was walking to a shopping center from her home and was attacked by an unknown male. The victim stated that the suspect attempted to sexually assault her and he punched her in her mouth causing injuries. The victim fought the suspect off and ran away. The detective contacted VSRCC and the victim was brought to the Butterfly House. The victim and her mother were very distraught. The victim had an advocate present throughout the process and this helped to keep her calm. The detective spoke to the family in a calming tone, which helped to calm the victim's mother and the victim. As a result of the calming atmosphere in the Butterfly House, having an advocate present, and the detective's demeanor, the victim was able to the SAK and the interview. The SANE collected swabs from areas where the suspect grabbed and touched the victim and photos were taken of the injuries.

Several days after the assault, the detective contacted the assigned advocate to be present to provide support to the victim at the crime scene. Both the victim and her mother were grateful for the support.

Because of the thoroughness of this detective, the case came back with a positive DNA hit on the SAK.

This case showed how well the SART Process worked with all parties involved and how the whole team utilized a Victim Centered approach.

<u>August Case Staffing:</u> 42-year-old Female: Victim reported being attacked in her home by her ex-husband (suspect). He physically attacked her by stabbing her and then he sexually assaulted her in her bed while their 2 children were present. The victim got away from him and called LE. The victim was brought to the hospital and then the Butterfly House. A safety plan was done with the victim and she went to stay with her coworker. The suspect tried to flee the country; however, he was apprehended before he could flee. The suspect was charged with Aggravated Battery (Deadly Weapon), Sexual Battery, Aggravated Assault (Deadly Weapon), and Tampering with a Witness, Victim, or Informant. The victim filed a Domestic Violence Injunction and was granted a temporary order; the suspect was released on bond and has evaded service of the injunction.

At the last hearing, the injunction was denied/dismissed by the Judge due to the respondent not being served. The assigned advocate continues to safety plan & provide support to the victim.

September Case Staffing: 20-year-old Female: The victim reported that she was kicked out of a car on I95 & 45th Street in WPB. She contacted LE and FHP responded and met with her. FHP contacted the helpline and arranged to have the victim brought to the Butterfly House to meet with a SANE and an advocate. During the interview, the advocate realized that the victim was possibly a victim of HT based on her responses and comments. After the interview, the advocate completed an HT assessment. The advocate staffed the case with FHP and the Duty Supervisor. PBCVS HT Coordinator and PBCHTTF were contacted and responded out. The case was turned over to the task force. The task force assisted the victim with a safe place to stay for the night, getting her medications, food, clothing, and a phone. They worked with other resources to assist the victim with returning to her family in another state.

This case showed great teamwork and collaboration with the different agencies that were present.

#### **Committee Reports:**

### Community Action Network: Carol Messam-Gordon, PBCVS Program Coordinator

Carol informed SART members that during the last CAN meeting, Patrice Schroeder from 211 presented about Suicide Prevention. She provided the CAN members with information about how to assist persons in crisis and ways in which they can connect them with services through 211. Carol encouraged SART members to utilize 211 for resources within the county. Carol also informed SART members that the campus staff provided updates and are planning to schedule a meeting to discuss resources and support for students. The campus committee provided information about upcoming events for Domestic Violence Awareness Month.

### Training Committee: Kristen Ferguson, PBCVS Project Coordinator

Kristen informed SART members that the next Training Committee meeting will be on October 26th at 2pm. The SART Community Point cards and contact cards have both been approved to send to the graphic department. Kristen is hoping to have a sample ready in time for the October SART Meeting.

Kristen informed SART members that the SART Designation curriculum was created to train Law Enforcement officers on understanding the needs of sexual assault victims and the SART protocol.

Nicole and Kristen recognized the agencies and their representatives who have participated in the SART Designation Filming. Below is the list of participants:

- Channel 20
- Carol Messam-Gordon- Palm Beach County Victim Services
- Julie Sikorsky- PBSO Forensic Biology Unit
- Julie Weil- Not Just Me Foundation
- Laura Cusack- CILO
- Matthew Tyler- AVDA
- Chief Miuccio-Boca Raton Police Department/ SART-LEPC Liaison
- Patty Mika- SANE Program- Palm Beach County Victim Services
- Susan Sims- Child Protection Team

Nicole stated that the SART Designation training should be completed within the next 90 days and will be ready to promote to Law Enforcement Agencies. She also informed SART members about HB 1189, which requires Criminal Justice Standards & Training Commission to establish minimum standards for basic skills, & continued education-training programs for law enforcement officers that include specified responses to sexual assault. The SART Designation training should meet some of the requirements for this bill specifically Law Enforcement trainings.

<u>Legislative Committee: PBC Legislative Delegation & Abby Ross, Legislative Aide for Sen Berman</u>

Abby Ross informed SART members that Committee Week began on September 20<sup>th</sup>, 2021 in Tallahassee. She stated that Oct 11<sup>th</sup> will be the second week, October 18<sup>th</sup> will be the third week, there will be 2 weeks in November for the 4th and 5th week, and 1 week in December for the final week. She also stated the Florida Legislative session will start on January 11<sup>th</sup>, 2021, and will wrap on March 11<sup>th</sup>, 2022. Abby informed SART members that bills have been filed, for more information or a list of the bills filed, please see link: https://www.flsenate.gov/Session/Bills/2022

Abby provided an update about SB 1044, which was filed in February 2021. The bill was not passed during the Legislative session and so during the summer, Senator Berman, Michael Dolce, and their team reviewed the

feedback they received and worked to revamp the bill. Abby informed SART members that she would email the draft to Kristen to disseminate for everyone to review.

The draft has not been filed therefore all feedback is welcomed. The draft is below.

Abby stated that Senator Berman has been working with Chief ASA Brianna Coakley, from the State Attorney's Office in regards to a Human Trafficking bill that is in draft. The bill involves penalty increases. Abby will provide more information to SART as updates are made.

### New Business: SART Strategic Plan "Looking Back and Planning Ahead"

Nicole provided SART a brief history of the Office on Violence against Women grant cycle 2017.

She requested SART members to provide feedback on how important a strategic plan is to SART. The results are below.

**Polling Question**: How important do you think a strategic plan is to SART?

**Results:** Important: 22/46 (48%) Somewhat Important: 2/46 (4%) Not Very Important: 0/46 (0%) **No answer:** 22/46 (48%)

Nicole then explained that during the grant cycle, SART members came together to create a strategic plan. Nicole provided a brief overview of the main goals and the projects that were completed by grant partners.

- **Goal 1:** Increase support by strengthening legal advocacy service programs and other victim services for victims of sexual assault, domestic violence, dating violence and stalking.
  - o SPARC Training for SART members Know more, Do more-January 2020
  - o Anti-Stalking Toolkit Training-AVDA
  - o Motivational Interviewing- June 2018 and February 2020
- Goal 2: Improve judicial handling of cases
  - CILO, AVDA, PBCVS and the SANE program facilitated multiple trainings with court personnel and the SAO.
- Goal 3: Develop and promote policies that enhance best practices for responding to victims.
  - Identifying and Preventing Gender Bias Trainings: Training for SART Members-April 2021 with BWJP
  - o Veteran Affairs Law Enforcement Training on Best Practice Response-March 2021
  - o Training Committee and PBCVS facilitated a Mock Training to Law Enforcement
  - o Start by Believing Strategic Plan was developed
    - SBB implemented on Roll Call trainings
    - SBB printed on SART LE point cards
  - o TRAIN-U
    - Phase 1: Curriculum material was reviewed and updated
    - Phase 2: Partnered with Channel 20- Filming completed
    - Phase 3-Training Platform needs to be developed.
- Goal 4: Improve the quality of care provided to sexual assault victims through SANE.

- Trainings for SANES: Strangulation training, SOA Training, PBSO Forensic Biology Unit Training.
- Goal 5: Enhance and Strengthen SART team
  - On going SART Meetings
    - Implemented SART LE meetings
  - Created SART point cards
  - Monthly case staffing
- Goal 6: Meaningfully increase access to OVW programming for specific underserved populations.
  - o Developed and posted accessibilities signs in all VS locations
  - o CILO developed "Sensitivity Point Card" in December 2018 and "ADA compliance point card in June 2019.
  - o PBCVS developed program materials both in Spanish and Creole.
  - o Radio PSA with WPBR and WWRF which targets Hispanic and Creole listeners. Between both radio stations, we were able to reach over 300,000 listeners.
  - PBCVS and Destiny By Choice developed the Clergy Tool Kit and facilitated trainings to the African American community.
  - o Tear-out advertisements were placed in the South Florida Gay News-the largest LGBTQ newspaper in South Florida.
  - PBCVS has had a 6% increase in Hispanic clients, 18% increase in male clients, 131% increase in LGBTQ clients, 200% increase in limited-English proficiency clients and 167% increase in deaf/hard of hearing clients (Grant Cycle).

Nicole requested SART members provide feedback on the best methods to gather information for a strategic plan. The results are below.

**Polling Question**: What is the best method to gather information to develop a strategic plan?

**Results:** In person focus group with Survivor: 11/45 (24%) In person focus group with SART Members: 6/45 (13%)

Survey for community partners: 9/45 (20%)

**No answer:** 19/45 (42%)

- SART members also provided feedback in the chat box on ways to gather information:
  - o Online Survey
  - o Interviewing specific community partners
  - o Surveying first will provide a foundation for developing the agenda for the first in person meeting
  - o Collaborative Lab at St. Pete College is able to facilitate the planning process.

Nicole informed SART members that PBCVS in conjunction with AVDA and the Criminal Justice Commission was awarded a grant of a million-dollar to develop a coordinated community response to Domestic Violence. She informed SART members that this will be based on the model that was developed for SART.

#### **Community Corner:**

<u>Lisa Murano- Donor Relations Manager and Allison Weiser, PsyD Education & Resources Manager-The Alliance for Eating Disorders Awareness.</u>

Ms. Murano and Ms. Weiser provided an in-depth presentation about eating disorder and gender based violence. They explained the different programs and services that their agency has to offer to individuals within Palm Beach County. They reviewed ways to connect clients to services and programs. They encouraged SART members to contact them for questions or comments. Ms. Murano's email is <a href="mailto:lmurano@allianceforeatingdisorders.com">lmurano@allianceforeatingdisorders.com</a> and Ms. Weiser's email is <a href="mailto:aweiser@allianceforeatingdisorders.com">aweiser@allianceforeatingdisorders.com</a>

**Member field discussion:** Carol opened the floor to members to discuss successful collaborations or provide updates.

### **Next meeting date:**

SART Law Enforcement Meeting August 26<sup>th</sup>, 2021 2pm-3pm SART General Meeting, September 30<sup>th</sup>, 2021, 2pm-3pm

### Thank you!



The Alliance for Eating Disorders Awareness ("The Alliance") is the leading national nonprofit organization providing referrals, education, and support for all eating disorders.

At least every 52 minutes someone dies as a direct result from suffering an eating disorder.

# 28.8 million Americans will experience an eating disorder in their lifetime.

That's 9% of the U.S. population.

**6.7%** = Major Depressive Disorder (MDD)

**3.1%** = Generalized Anxiety Disorder (GAD)

**1.0%** = Obsessive Compulsive Disorder (OCD)

- 1. Eating disorders are not choices, but serious biologically influenced illnesses.
- 2. An eating disorder diagnosis is a health crisis that disrupts personal and family functioning.
- 3. Genes and environment play important roles in the development of eating disorders.
- 4. Genes alone do not predict who will develop eating disorders.



5. Eating disorders affect people of all genders/gender identities, ages, races, ethnicities, body shapes and weights, sexual orientations, abilities/disabilities and socioeconomic statuses.





6. Eating disorders carry an increased risk for both suicide and medical complications.

Anorexia Nervosa has the second highest mortality rate among all psychiatric illnesses.

- 7. Many people with eating disorders look healthy, yet may be extremely ill.
- 8. Families are not to blame, and can be the patients' and providers' best allies in treatment.



9. Full recovery from an eating disorder is possible.

Early detection and intervention are important.

Help. Support. Recovery.



### Gender-Based Violence

- What is it?
  - Gender-based violence (GBV) is violence directed at an individual based on biological sex OR gender identity
    - Physical, sexual, verbal and/or emotional abuse
    - Psychological abuse, threats, coercion, and economic or educational deprivation





Individuals who have experienced trauma and GBV have higher rates of eating disorders than the general population.



Girls and women who have experienced trauma (GBV) and eating disorders are also more likely to have co-occurring psychiatric illnesses, including Borderline Personality Disorder, PTSD, Dissociative Identity Disorder.



## Effects of GBV and Trauma

- Difficulty with regulating or managing strong emotions
- Unpredictable triggers
- Dissociation
- Flashbacks, vivid memories
- Physical responses and symptoms
- Interpersonal difficulties

ED behaviors help distance self from thoughts, emotions, memories associated with trauma



# Eating Disorders often serve as a maladaptive way of coping with trauma and gender-based violence history

- Restricting = a way to numb
- Purging = a way to get rid of something unwanted (emotion, memory, or symptom)
- Bingeing = a way to fill a void



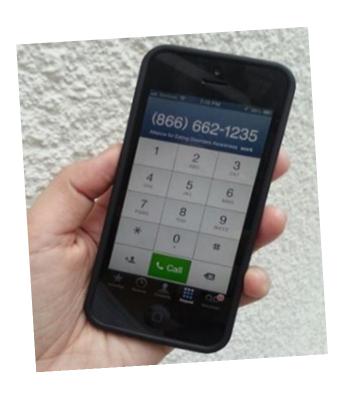


Since October 2000, we have worked tirelessly to raise awareness; eliminate secrecy and stigma; promote access to care; and support those susceptible to, currently experiencing, and recovering from eating disorders.

### The Alliance offers comprehensive services, including:

- Educational presentations and training days
- Free, weekly, therapist-led support groups nationwide (virtual and in-person) for those experiencing eating disorders and for their loved ones
- Support and referrals through both our free help-line and comprehensive referral website/app
- Direct, low-cost, life-saving, outpatient treatment to underinsured and uninsured adults in the South Florida community.
- Unique and empowering scale Southern Smash smashing events and SmashTALK panel discussions.





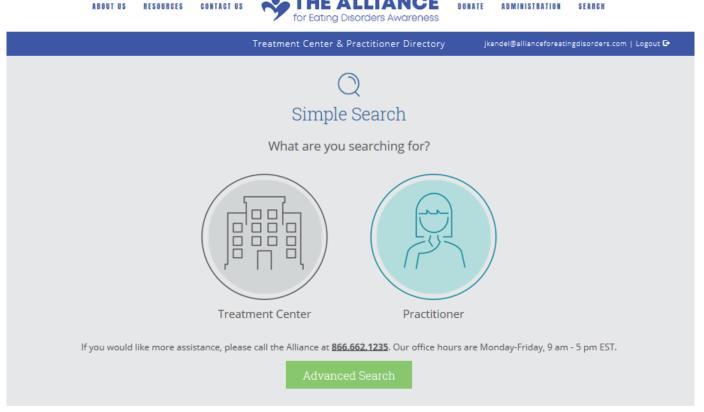
### Referrals to All Levels of Care

(Phone, Email, Social Media)

Our toll-free help line 866-662-1235 is operated by licensed therapists and offers support, psycho-education, and referrals to eating disorder treatment at all levels of care.

(M-F, 9-5:30pm EST)

## findedhelp.com



THE ALLIANCE Download the What are you searching for? findEDhelp app today! This inclusive database allows users to search for treatment using various criteria, including age, gender, treatment modalities, insurance coverage, and more. Contact Support: 866.662.1235

The Alliance for Eating Disorders Awareness does not recommend or endorse any of the treatment centers listed here.

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Our national, interactive database, www.findEDhelp.com, includes eating disorder treatment options at all levels of care.

### **Education**

Goal: Inform non-specialized provider on how to recognize and refer individuals experiencing eating disorders



- Free CE presentations and trainings to mental health professionals, medical professionals, within school system, to social services agencies
- Examples of presentations:



- Eating Disorders: The Latest Information
- Body Image, Self Esteem, Media and Eating Disorders
- Eating Disorders and Substance Use/Trauma
- Medical Complications of Eating Disorders for Healthcare Professionals





### **Southern Smash:**

### Unique and empowering scale smashing event and SmashTALK panel discussions

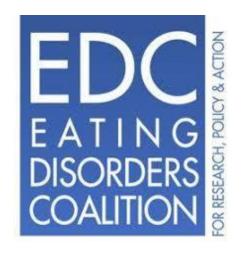






### **Advocacy/EDC**

- Proud member organization of the Eating
   Disorders Coalition for Research, Policy & Action
- Member of the Board of Directors
- Participate in Hill Days, as well as advocacy efforts in the State of Florida since 2002
- Incorporate advocacy in our presentations and events (i.e. phone2action, post cards, etc.)







# Free, Weekly, Virtual Therapist-Led Support Groups

**Pro-Recovery Support Groups: individuals 18+, experiencing and/or recovering from eating disorders** 

- Mondays, 7pm 8:30 pm EST
- Saturdays, 11am 12:30 pm EST

LGBTQ+ Pro-Recovery Support Group: individuals ages 18+ in the LGBTQ+ community, experiencing and/or recovering from an eating disorder

• Wednesdays, 7:00 – 8:30 PM EST

Friends and Family Support Group: loved ones of individuals currently experiencing/recovering from eating disorders

• Wednesdays, 7 - 8:30 pm EST

# Psychological Services (West Palm Beach)

- Outpatient treatment to uninsured or underinsured adults
- Treatment costs are nominal and based on ability to pay
- Amount of sessions, frequency, and duration of treatment determined on a case-by-case basis
- Treatment provided by postdoctoral fellows, under supervision of Clinical Director







# For more information about The Alliance: 866.662.1235

www.allianceforeatingdisorders.com www.findEDhelp.com

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An act relating to victims of crimes of sexual violence or sexual exploitation; creating s. 960.31, F.S.; defining terms; providing that a victim of any crime of sexual violence or sexual exploitation has the right to prevent any person or entity from disclosing or disseminating information or records that might identify him or her as a victim of such crimes; prohibiting a person or an entity in possession of information or records that might identify an individual as a victim of a crime of sexual violence or sexual exploitation from disclosing or disseminating such information or records without first obtaining the express written consent of the victim; authorizing an aggrieved person to initiate a civil action for an injunction against certain persons or entities after following specified procedures; providing that an aggrieved party who prevails in seeking an injunction is entitled to reasonable attorney fees and costs; providing that specified rights may be waived only by express action; providing construction; providing applicability; providing an effective date.

A bill to be entitled

2324

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Be It Enacted by the Legislature of the State of Florida:

252627

Section 1. Section 960.31, Florida Statutes, is created to read:

2829

960.31 Rights of victims of crimes of sexual violence or

### sexual exploitation.-

- (1) As used in this section, the term:
- (a) "Crime of sexual violence or sexual exploitation" means any sexual offense prohibited by law under s. 787.06, chapter 794, chapter 796, chapter 800, or s. 827.071.
- (b) "Public proceeding" includes any public proceeding and is not limited to a criminal justice proceeding.
- (c) "School" includes any public or private K-12 school, college, or university.
- (d) "Victim" includes minors and adults, including adult survivors of a crime of sexual violence or sexual exploitation suffered as a minor. The term also includes a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime of sexual violence or sexual exploitation. The term also includes the victim's lawful representative, the parent or guardian of a minor victim, and the next of kin of a homicide victim, except upon a showing that the interests of such individual would be in actual or potential conflict with the interests of the victim. The term does not include the accused. The terms "crime" and "criminal" include delinquent acts and conduct.
- (2) (a) A victim of any crime of sexual violence or sexual exploitation has the right to prevent any person or entity from disclosing or disseminating information or records that might identify him or her as the victim of sexual violence or sexual exploitation to any member of the public, including in response to a public records request or in any public proceeding, in accordance with s. 16, Art. I of the State Constitution.

- (b) A person or an entity in possession of information or records that might identify an individual as a victim of a crime of sexual violence or sexual exploitation may not disclose or disseminate such information or records without first obtaining the express written consent of the victim, including in response to a public records request or in any public proceeding, in accordance with s. 16, Art. I of the State Constitution.
- (3) For purposes of this section, a crime of sexual violence or sexual exploitation is deemed to have occurred at the moment the crime is committed, regardless of whether the accused perpetrator is identified, arrested, prosecuted, or convicted, and regardless of whether a law enforcement officer or law enforcement agency confirms by probable cause that a crime occurred.
- (4) This section applies to any crime of sexual violence or sexual exploitation reported by, or on behalf of, a victim. Such a crime is deemed reported if the victim, or someone acting on the victim's behalf, reports the crime to any of the following:
- (a) A law enforcement officer or law enforcement agency, including a law enforcement officer or law enforcement agency of a school.
- (b) A licensed medical provider or facility, including by seeking a sexual assault examination or any other medical care related to the crime of sexual violence or sexual exploitation.
- (c) A mental health provider, including any crime victim counselor or victim advocate, or any school counseling service.
- (d) A school employee in a teaching or administrative position.
  - (e) A school employee whose job functions include oversight

of on-campus housing at any school.

- (5) A person aggrieved in violation of this section may initiate a civil action for an injunction against a person or an entity, excluding a public official, a public employee, or a public entity, to prevent or remedy further violation of this section.
- (a) Except as provided in paragraph (d), at least 5 business days before instituting such action, and as a condition precedent to such an action, the aggrieved person shall serve notice in writing on the intended defendant, specifying that the identity of the aggrieved person qualifies for protection under this section based on the criteria under subsection (4), without the need to specify which criteria applies or provide any documentary proof.
- (b) In response to such notice, the recipient of the notice may avoid the civil action for injunction by certifying in writing to the aggrieved party all of the following:
- 1. An intent to thereafter maintain as confidential all information and records identifying the aggrieved person as the victim of a crime of sexual violence or sexual exploitation;
- 2. Confirmation that the recipient of the notice has withdrawn from public access any such information or records that were previously exposed; and
- 3. That the recipient of the notice has informed in writing any persons or entities to whom the information and documents were previously disseminated that the victim's rights under this section apply and that the information and documents may not be further disseminated. Copies of any such notices under this subparagraph must be provided to the aggrieved person as part of

117 the certification.

- (c) If the recipient of the notice timely provides written certification as provided in paragraph (b), the aggrieved person may not initiate an injunction proceeding unless at least one of the following applies:
- 1. The violation of this section was knowing and malicious and was committed with the intent to cause harm to the aggrieved party.
- $\underline{\text{2. The violation of this section was done with reckless}}$  indifference to such harm.
- 3. The person or entity in violation of this section was the perpetrator of the crime of sexual violence or sexual exploitation or was otherwise legally responsible for the crime.
- (d) Paragraph (a) does not apply if the person or entity in violation this section commits a new violation of this section after receiving notice in accordance with paragraph (a) for a previous violation.
- (e) In addition to injunctive relief, an aggrieved party who prevails in seeking an injunction under this subsection is entitled to an award of reasonable attorney fees and costs incurred in enforcing rights under this section.
- (6) The remedies provided in this section are cumulative to other existing remedies.
- (7) The rights guaranteed under this section may be waived only by express action. An action by a victim may not be deemed an implicit waiver of his or her rights under this act.
- (8) This act does not apply in any case in which a law enforcement agency, after investigation, concludes that the reported crime was intentionally false.

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146	(9) The granting of the rights enumerated in this section
147	to a victim may not be construed to deny or impair any other
148	rights possessed by a victim.

Section 2. This act shall take effect July 1, 2022.

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