

Palm Beach County Forensic Exam Protocol for Sexual Assault Victims

Not Reporting to Law Enforcement

This Palm Beach County protocol establishes the method to provide forensic exams to non-reporting victims within the same timeframe and to the same standards as those provided to victims who immediately report to law enforcement. This protocol reflects the following principles:

- All victims are entitled to voluntary, confidential services.
- All victims are entitled to advocacy.
- All victims are entitled to complete information regarding their rights.
- Per F.S.775.15 (14)(b) Except as provided in paragraph (a) or paragraph (13)(b), a prosecution for a first or second-degree felony violation of s. 794.011 [flsenate.gov], if the victim is 16 years of age or older at the time of the offense, must be commenced within 8 years after the violation is committed. This paragraph applies to any such offense except an offense the prosecution of which would have been barred by subsection (2) on or before July 1, 2015.
- The protocol does not displace or supersede any reporting, consent, or treatment requirement applicable to minor victims under Florida law; e.g., F.S. 39.201 (mandatory reporting of child abuse, abandonment, or neglect of a minor); F.S. 743.0645 (consent to medical treatment of minor); F. S. 394.4784 (consent to counseling for minors).
- All responders and agencies will work collaboratively to carry out the exams and preserve the evidence in the most effective and victim-centered way.
- All victims should be informed that non-reporting Sexual Battery Evidence Collection Kits will not be processed for DNA.

Guidelines

- I. Definitions:
 - a. Hospital: Any licensed facility which provides emergency room services.
 - b. Forensic Exam Facility: Location where sexual assault examinations and the collection of evidence are conducted.
 - c. Secure storage area: A locked location with limited and recorded access.
 - d. Sexual Battery Evidence Collection Kit (SAK): Kit for collecting evidence from victim's body.
 - e. Drug Facilitated Kit (DFSA): Kit for collecting samples of blood and urine for forensic testing.
 - f. Victim: A person seeking a forensic exam.
 - g. Forensic Nurse: Individual responsible for collecting evidence with a SAK.

- II. Engaging Certified Rape Crisis Program Victim Advocate (Palm Beach County Victim Services & Certified Rape Crisis Center, Helpline (561-833-7273):
- a. When a sexual assault victim arrives at a hospital or forensic exam facility requesting a forensic exam, the hospital or facility shall immediately call the Certified Rape Crisis Program, using the helpline number.
 - b. If a sexual assault victim first presents to law enforcement, the officer will contact an advocate to meet them at the hospital or forensic exam facility; if the victim contacts a law enforcement agency's dispatch center and clearly communicates that they want to be a "non-reporter" of a sexual battery and are not requesting a law enforcement officer to respond, the communications officer shall direct the victim to the nearest hospital emergency room or forensic exam facility and provide the Rape Crisis helpline number to the victim.
 - c. The advocate will stay with the victim until the exam is completed and will also offer to provide follow up services.

III. Engaging Law Enforcement

- a. The victim advocate will notify the agency to collect the SAK. Law Enforcement jurisdiction is determined by the location of the forensic exam site.
- b. The hospital or Forensic Nurse conducting the forensic exam shall maintain control of all evidence collected until a law enforcement officer arrives.
- c. Clothing will be collected by the hospital or Forensic Nurse using standard evidentiary protocol if the victim chooses to provide the clothing.
- d. The evidence collected and any evidentiary information will be turned over to the responding law enforcement officer.
- e. Law enforcement shall provide a receipt to the victim and Forensic Nurse or healthcare provider responsible for any evidence collected. The receipt shall indicate the date, time and description of items received for all or any evidence collected. The name of the victim shall not be recorded on the packaging of the SAK or any toxicology kit.
- f. Law Enforcement Officer Reporting Procedure: The responding officer shall use the non-reporting victim number provided by the hospital or Forensic Nurse and the non-reporting number on the evidence receipt and record it on the non-crime report. The victim advocates name and business information will serve as the complainant.
- g. Non-Reporting converted to Reporting:
 - i. If the victim later chooses to make a full report and it is discovered that the crime occurred in a different jurisdiction, it will be the responsibility of the law enforcement agency that took the initial report to contact the appropriate jurisdiction.

- ii. The responding law enforcement officer shall document the collection of the SAK and any other evidence by obtaining a case number and completing an information non-crime report.
- h. Guidelines for maintaining chain of custody and long-term storage of evidence at a law enforcement agency:
 - i. The responding law enforcement agency that initially takes custody of the evidence shall be responsible for the long-term storage of the evidence.
 - ii. The law enforcement officer shall directly transport the evidence to the secure evidence storage room, logging the date and time of arrival.
 - iii. DFSA kits must be stored in a refrigerator in a secure storage area.
 - iv. SAK and clothing in sealed evidence bags may be stored at room temperature in a secure storage area.
 - v. Evidence will be stored for 8 years, after which time the evidence may be destroyed. Victim Services will notify law enforcement of impending evidence destruction dates.

IV. Tracking SAK and DFSA Kits:

- a. All Forensic Exam Facilities should use the most current Florida Office of the Attorney General sexual assault protocols as a minimum standard for conducting the forensic exam.
- b. The hospital or Forensic Nurse shall collect the SAK and any toxicology kit and maintain records in a manner that protects the identity of the victim.
- c. The hospital or Forensic Nurse shall label the SAK and any DFSA kit with the appropriate non-reporting ID number. Information non-crime reporting number will be on the outside of the kit.
- d. The non-Report ID number will be the date of birth and date of the exam; 16 digits IE:
- e. 0802196010052014.
- f. The collecting party is responsible for turning all evidence collected over to law enforcement as well as maintaining and documenting the chain of custody. Law enforcement will provide the collecting party with a property receipt.
- g. The name of the victim shall **not** be recorded on the outside or inside the packaging of the SAK or any DFSA kit.
- h. The responding victim advocate shall record and track the non-reporting ID number on the Victim Services sexual assault forensic exam form.
- i. Victim Services will supply the SAK and DFSA kits.



Victim Services Sexual Non-Reporting Assault Forensic Exam Form

Helpline: 561-833-7273

Non-Reporting ID Number: _____ LE # _____

***Please use a non-reporting number** (date of birth and date of exam; 16 digits IE: 0802196010052014) **in place of the victim's name on the SAK and DFSA Kit**

Date of the exam: _____

Name of Law Enforcement Agency or forensic exam facility holding the SAK, DFSA kit and any other evidence: _____

Name and contact information of the hospital or forensic exam facility where the exam was conducted: _____

Name and contact information of the local certified rape crisis program and the victim advocate's name: _____

Evidence will be stored in the absence of a law enforcement report for 8 years, after which time the evidence may be destroyed. During this period evidence will not be tested.

If the victim decides to report the offense, contact Victim Services (561-833-7273). An advocate will coordinate the release of forensic examination information and notification of law enforcement agency.

Victim Advocate Instructions:

Make a copy to provide to the victim.

Provide a copy to the law enforcement officer and hospital if they want a copy.

Cc: Medical record

Victim Service Advocate

Victim

Responding Law Enforcement Agency