

2020

Adopted Protocols



INDIANA
Lake County
SART

Ending Violence Together

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Interagency Agreement

The participating entities herein share certain community goals and purposes in attempting to investigate, prosecute, and resolve cases of sexual assault. Each participating agency and organization recognize the requirement to address the needs of sexual assault victims while fulfilling its mandated responsibilities.

In combining our respective individual capabilities, each member agency seeks to increase the effectiveness with which such matters are dealt through the Lake County SART (Sexual Assault Response Team), a county-wide, multi-disciplinary, cooperative effort.

The purpose of the Lake County SART is to provide and promote closer coordination and better communication among all participants herein. In addition, the community, the victim, and those otherwise involved in the matters of sexual assault will benefit from the guidelines and protocol established using collaborative practices.

Each agency that associates with the Lake County SART agrees to work toward the implementation of standardized, victim-centered protocol for investigation, prosecution, and resolution of cases of sexual assault. Each agency participating in this effort agrees to cooperate with the procedures set forth in the protocols.

Each agency associated with the Lake County SART understands that it remains solely liable for the actions of its team members. Each agency agrees that there is no liability to the team by virtue of this agreement to provide public services.

Each agency that associates with the Lake County SART reserves the right to withdraw from association. Each agency agrees that withdrawal will happen only after written notification to other team members.

Each agency whose representative signs this open letter of association does hereby commit itself to a cooperative effort to investigate, prosecute and resolve cases of sexual assault.



X 
Bernard A. Carter
Lake County Prosecuting Attorney

Our Mission Statement

The purpose of the Lake County, Indiana Sexual Assault Response Team is to coordinate a victim centered, collaborative, interdisciplinary response to all victims of sexual assault by providing comprehensive forensic evaluation, continued advocacy and criminal justice services in an ethical and compassionate manner.

Sexual Assault Response Team

Indiana Code – Section 16-21-8-1.5: mandates every county to establish a Sexual Assault Response Team (SART)

The Sexual Assault Response Team is minimally comprised of representatives from the Prosecutor’s Office and Law Enforcement Officers, Sexual Assault Victim Advocates and Sexual Assault Nurse Examiners.

The SART uses a team approach in providing compassionate, comprehensive evidence collection, emotional support, information, assistance, and investigation of the alleged incident of sexual assault. **SART Activation Breakdown:**

Prepubescent Victim	Adolescent Victim	Adult Victim	Special Needs
The victim & non-offending family members are informed of the availability of services offered by SART.	The victim & non-offending family members are informed of the availability of services offered by SART.	The assault occurred within the past five days (120 hours)	The victim & non-offending family members are informed of the availability of services offered by SART.
Law Enforcement & Department of Child services will be contacted.	Law Enforcement & Department of Child services will be contacted.	Advocacy is made available to the victim and non-offending family members.	Law Enforcement or Department of Child Services or Adult Protective Services will be contacted.
Advocacy is offered & made available to the victim and non-offending family members.	Advocacy is made available to the victim and non-offending family members.	Victim is informed of Rights. (IC 35-40.5)	Advocacy is made available to the victim and non-offending family members.
When deemed necessary, medical forensic evidence collection services are scheduled with trained professionals and with the collaborative consent of both the victim & non-offending family member.	When deemed necessary, medical forensic evidence collection services are performed by trained professionals and with the collaborative consent of both victim & non-offending family member.	The victim is informed that she/he may choose any, all or none of the services offered.	When deemed necessary, medical forensic evidence collection services are performed by trained professionals and with the collaborative consent of both victim & non-offending family member.

The requested team members will respond within one hour or less. Specific roles and responsibilities of each discipline are set forth in the following standards.

Terms | Definitions | Codes

- Indiana Code (IC) 35-42-4-1: Rape: A person who knowingly or intentionally has sexual intercourse with another person or knowingly or intentionally causes another person to perform or submit to other sexual conduct when:
 - Compelled by force/threat of force
 - Victim is unaware
 - Victim is so mentally disabled/deficient they cannot consentRape is now a Level 3 Felony, but can be enhanced to Level 1 Felony
 - Use or threat of deadly force
 - While armed with deadly weapon
 - Resulting in serious bodily injury
 - Furnishing drug or controlled substance without victim's knowledge
- IC 35-42-4-3 Child molesting: (a) A person who, with a child under fourteen (14) years of age, knowingly or intentionally performs or submits to sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) commits child molesting, a Level 3 felony. However, the offense is a Level 1 felony if:
 - It is committed by a person at least twenty-one (21) years of age.
 - It is committed by using or threatening the use of deadly force or while armed with a deadly weapon;
 - It results in serious bodily injury.
 - The commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; or
 - It results in the transmission of a dangerous sexually transmitted disease and the person knew that the person was infected with the disease.(b) A person who, with a child under fourteen (14) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits child molesting, a Level 4 felony. However, the offense is a Level 2 felony if:
 - It is committed by using or threatening the use of deadly force;
 - It is committed while armed with a deadly weapon; or
 - The commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.(c) A person may be convicted of attempted child molesting of an individual at least fourteen (14) years of age if the person believed the individual to be a child under fourteen (14) years of age at the time the person attempted to commit the offense.
- IC 35-42-4-8: Sexual battery: A person who, with intent to arouse or satisfy the persons own sexual desires or the sexual desires of another person:
 - (1) Touches another person when that person is compelled to submit to the touching by force or the imminent threat of force or so mentally disabled or deficient that consent to the touching cannot be given; OR

- (2) Touches another person’s genitals, pubic area, buttocks, or female breast when that person is unaware that the touching is occurring
- Commits Sexual Battery, Level 6 Felony
- Enhanced to Level 4 Felony if the offense is facilitated by furnishing the victim (without their knowledge) a drug or controlled substance OR knowing that the victim was furnished with the drug or controlled substance without the victim’s knowledge.
- **IC 35-42-4-9: Sexual misconduct with a minor Sec. 9. (a)** A person at least eighteen (18) years of age who, with a child less than sixteen (16) years of age, performs or submits to sexual intercourse or deviate sexual conduct commits sexual misconduct with a minor, a Level 4, 5, or 6 felony.
- **SANE-** (Sexual Assault Nurse Examiner) is a qualification for forensic nurses who have received special training to conduct sexual assault evidentiary exams for rape victims. In addition, they provide emotional support, follow up medical referral information and testify in court to evidence collected.
- **SART-** (Sexual Assault Response Team) are coalitions or agencies that serve sexual assault victims. Core membership for SARTs typically includes victim advocates, law enforcement officers, forensic medical examiners, forensic scientists, and prosecutors. Lake County has a multidisciplinary SART that works together to formalize interagency guidelines that prioritize victims’ needs, hold offenders accountable, and promote public safety.
- **RCC-** (Rape Crisis Center) is an organization that provides a full continuum of services, including hotlines, victim advocacy, and support services from the onset of the need for services through the completion of healing, to victims of sexual assault.
- **Sexual Assault Victim Advocate-** Professionals trained to support victims of crime. Advocates offer victims information, emotional support, and help finding resources and filling out paperwork. Advocates go to police interviews and attend court with victims. Additionally, Advocates contact organizations, such as criminal justice or social service agencies, to get help or information for victims.
- **Victim Rights IC 35-40.5**
 - **IC 35-40.5-2-1 When rights attach** Sec. 1. The rights provided to victims under this article attach whenever a victim is subject to: (1) a forensic medical exam; or (2) an interview by a law enforcement officer, in relation to injuries, trauma, or an investigation resulting from an alleged sexual assault.
 - **IC 35-40.5-2-2 Victim continuously retains right** Sec. 2. A victim continuously retains all the rights under this article regardless of whether the victim: (1) agrees to participate in any civil or criminal proceeding related to the alleged sexual assault; or (2) consents to a forensic medical exam to collect forensic evidence related to the alleged sexual assault.
 - **IC 35-40.5-3-1 Victim's right to speak with certain persons** Sec. 1. A victim has the right to: (1) speak with a victim advocate or victim service provider during any hospital visit for the purpose of receiving a sexual assault examination; and (2) speak with a victim advocate or victim service provider during the course of the investigation. If a victim advocate or victim service provider is not available, a victim

- has the right to speak with victim's assistance or a social worker. A victim retains these rights even if the victim has waived one (1) or more of these rights in a previous examination or interview.
- **IC 35-40.5-3-2 Certain communications inadmissible as evidence** Sec. 2. A victim's communications with a victim advocate, victim service provider, victim's assistance, or a social worker are not admissible into evidence for any purpose except with consent of the victim.
 - **IC 35-40.5-4-1 Services provided to victim without charge** Sec. 1. As described in IC 16-21-8-6, a provider shall provide forensic medical exams and additional forensic services to a victim without charge.
 - **IC 35-40.5-4-2 Provider's duty to inform victim of certain rights** Sec. 2. Before a provider commences a forensic medical examination, or as soon as possible, the provider shall inform the victim of the following: (1) The victim's rights under this article and other relevant law in a document to be developed by the state sexual assault response team, which shall be signed by the victim to confirm receipt, unless the victim has already been provided with the document under IC 35-40.5-5-1. (2) The victim's right to speak with a victim advocate or victim service provider. If a victim advocate or victim service provider is not available, a victim has the right to speak with victim's assistance or a social worker.
 - **IC 35-40.5-4-3 Provider to notify victim advocate** Sec. 3. Before a provider commences a forensic medical examination, or as soon as possible, the provider shall notify a victim advocate or a victim service provider. If a victim advocate or victim service provider is not available, the provider shall notify victim's assistance or a social worker.
 - **IC 35-40.5-5-1 Law enforcement duty to inform** Sec. 1. Before a law enforcement officer commences an interview of a victim, the law enforcement officer shall inform the victim of the following: (1) The victim's rights under this article and other relevant law in a document to be developed by the state sexual assault response team, which shall be signed by the victim to confirm receipt, unless the victim has already been provided with the document under IC 35-40.5-4-2. (2) The victim's right to speak with a victim advocate or victim service provider during the course of the investigation, and that the victim has the right to speak to victim's assistance or a social worker if a victim advocate or victim service provider is not available.
 - **IC 35-40.5-6-1 Defendant may not object to failure to comply** Sec. 1. (a) A defendant or a person accused or convicted of a crime against a victim may not object to any failure in complying with this article. (b) The failure to provide a right or notice to a victim under this section may not be used by a defendant to seek to have the conviction or sentence set aside.
 - **IC 35-40.5-7-1 Duty of law enforcement to inform victim of rights** Sec. 1. (a) Upon initial interaction with a victim, a law enforcement officer or provider shall provide the victim with a document developed by the state sexual assault response team that explains the rights of victims: (1) under this article and other relevant law; (2) in a format accessible to persons with visual disabilities; and (3) in English, Spanish, and German. (b) The document described in subsection (a) shall include the following: (1) A clear statement that a victim is not required to receive a medical evidentiary or physical examination in order to retain the rights provided under this

article or any other relevant law. (2) Information concerning state and federal victim compensation funds for medical and other costs associated with the sexual assault.

Rape Kit Policy Reform

During the 2017 legislative session, Senate Resolution Number 55 was passed and adopted by the Indiana General Assembly. In adopting this resolution, Indiana State Police were urged to conduct a thorough audit of all untested rape kits within the state. Participation in the audit, while strongly recommended and even noted as expected, was voluntary.

Lake County submitted 238 as the net number of untested rap kits in evidence. Also noted was that not all agencies within the county reported data towards the reported total.

The Lake County SART Rape Kit Policy Reform is in direct response to the Indiana Statewide Audit and outlines protocol that will both address our current backlog and prevent any future backlog.

- **Beginning April 1, 2018:**
 - Every rape kit shall be picked up by law enforcement with corresponding jurisdiction from the hospital within 72 hours of being notified of the kit.
 - This includes anonymous and non-anonymous kits
 - Every non-anonymous rape kit shall be taken down to ISP Lab within 30 days of pick-up.
 - Anonymous kits will be stored by law enforcement in a secure location and shall be destroyed after 365 days if the victim does not come forward.
- **Addressing the back log of cases:**
 - Every non-anonymous rape kit shall be tested, beginning with newest to oldest.
- **Filing Cases**
 - Once a detective has determined their investigation is over, they shall present it to the Lake County Prosecutor's Office within 72 hours.

Standard 1: Sexual Assault Victim Advocate

Victims of sexual assault will be provided the opportunity to have the support of a sexual assault victim advocate prior to & during all medical and legal proceedings and throughout the entire legal and healing process.

The Role of the Advocate is to provide the continuum of care from the first contact until the victim decides support is no longer needed. An Advocates' only responsibility is to provide support to the victim.

The Advocate will provide the victim with a continuum of care from case initiation to case closure and beyond, providing client wrap-around services, coordination, and case management. This includes accompaniment services to the Hospital, to Law Enforcement interviews and through the Prosecution process.

The Advocate's responsibility is to listen and to empathize with the survivors feelings, to reduce the isolation of the experience, to inform, to explain, to clarify, to support to ensure the survivors needs are met to the fullest extent possible, to aid with practical issues & concerns, and to assist the survivor in dealing with others such as family, employers, law enforcement officers, medical and legal personnel.

The Advocate will verify that the victim has been informed and has received information regarding **victim rights** (IC 35-40.5), all procedures, options, and resources, including rape care services, the importance of seeking medical attention and the value of immediate evidence collection and early police reporting.

When dispatched & working within a hospital, an Advocate will:

- provide the victim a safe, neutral, and confidential avenue to explore and weigh options and support the victim's choices and decisions.
- maintain the confidentiality of all communications occurring solely between the advocate and the victim. IC 35-37-6-9
- provide the victim with emergency clothing, toiletries, safety planning, information, and referrals where needed, arrange emergency transportation from location if needed.

When dispatched & working with Law Enforcement, an Advocate will:

- provide information, support an accompaniment during interviews.
- bridge the gap by explaining the next steps.
- maintain the confidentiality of all communications occurring solely between the advocate and the victim. IC 35-37-6-9

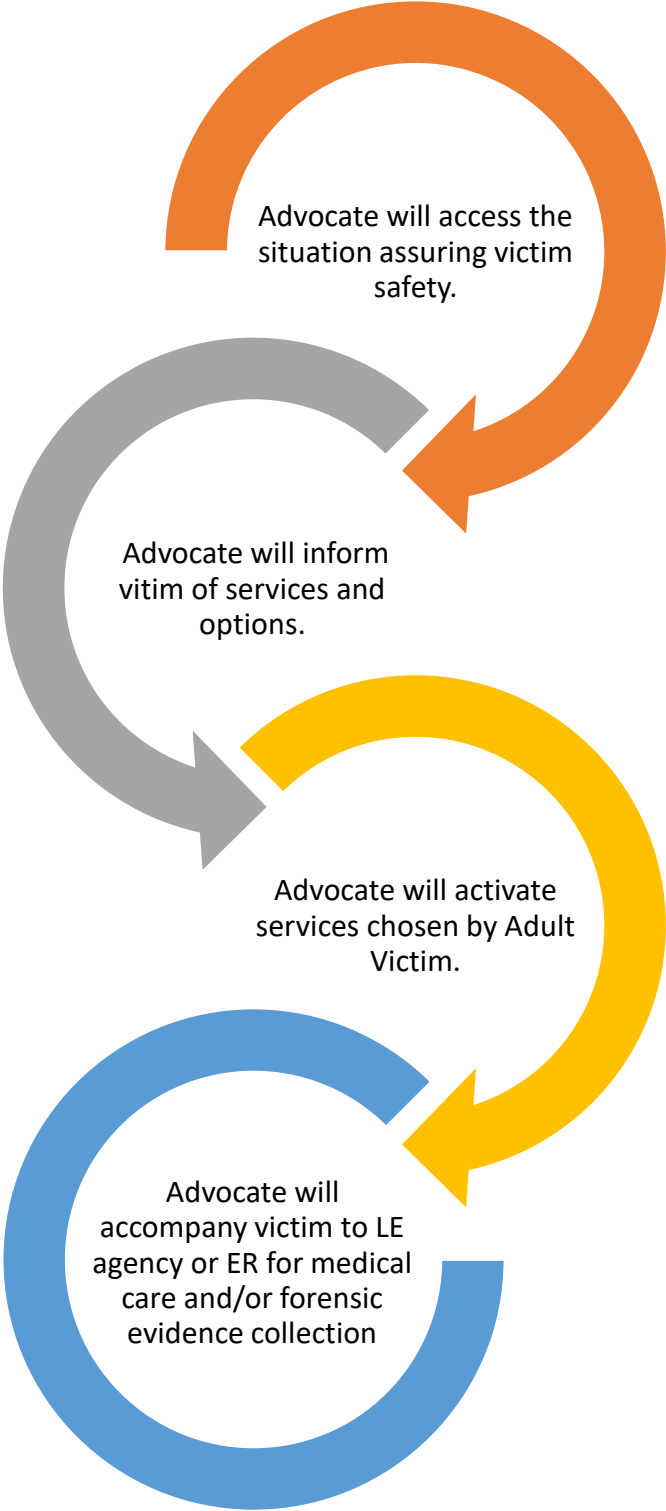
When working with Prosecutors, an Advocate will:

- provide information, support an accompaniment during interviews & court proceedings.
- bridge the gap by explaining the steps.
- maintain the confidentiality of all communications occurring solely between the advocate and the victim. IC 35-37-6-9

The Rape Crisis Center is available to provide support for the non-offending family members and friends.

SART Activation or Call-out Process

First Point of Contact: Rape Crisis Center



Standard 2: Law Enforcement

Victims of sexual assault will be provided with thorough, compassionate, and objective assistance from all Law Enforcement Officers responding to and investigating an incident of sexual assault.

All Law Enforcement Officers will ensure the immediate safety and security of the victim. Upon initial interaction with a victim, a law enforcement officer or provider shall provide the victim with the brochure that outlines Victim's Rights (IC 35-40.5-7-1)

All reported incidents of sexual assault will be investigated in a thorough, non-judgmental manner.

In every reported incident of sexual assault, the responding officer will obtain basic information about the incident and then inform the victim of his or her right to immediate medical attention and the value of immediate evidence collection. More specific details of the incident will be obtained by the officer at the conclusion of the medical forensic examination or at a later time.

Law Enforcement agencies shall provide sexual assault victims with information about their Victim Rights (IC 35-40.5-5-1) which includes their right to speak with a Victim Advocate. The victim has the right to have a Sexual Assault Victim Advocate present prior to and during any law enforcement interview. Law Enforcement will respect confidential communications between the victim and the Advocate.

When the victim requests the presence of an Advocate during a law enforcement interview, the Advocate may be asked to provide her full name, address, and agency in which she is affiliated.

In order to activate a SART response, the victim must be 13 years of age (with menses) or older (minimum age varies amongst health care providers.), the incident must have occurred within five days (120 hours) of the disclosure and the victim consents to activation of the SART.

No victim, regardless of age, will be forced to undergo a sexual assault forensic examination or provide evidence without his or her consent.

I. SART ACTIVATED CASES

In all cases where SART is activated through law enforcement, a law enforcement officer may respond with the victim to the examination site. The responding officer will provide members of the SART any relevant information necessary to provide services to the victim.

If the victim chooses to have law enforcement involved during the SART activation, the investigating officer may participate in the preliminary interview that is victim-centered and trauma-informed.

To respect the privacy of the victim, the officer will not be present in the room during the medical forensic examination.

At the conclusion of the examination, a law enforcement officer will take custody of the sealed Sexual Assault Forensic Evidence Collection Kit and any other evidence collected by the SANE.

- The Sexual Assault Kit must be picked up from the hospital within 72 hours.
- The Sexual Assault Kit must be taken to the ISP Laboratory within 30 days.

The officer will assist the victim in arranging transportation from the exam site if needed.

The investigating officer will arrange with the victim for a mutually agreed upon time to conduct the formal forensic interview. The victim has the right to determine when, or if, she/he is prepared to file a criminal complaint.

If the victim, who is over 18, chooses not to report the incident to police, information and evidence gathered will be conducted by the SANE. Evidence is to be collected as “Anonymous” and preserved up to 365 days, affording the victim the opportunity to decide to file a criminal complaint.

- Once a detective has determined their investigation is over, they shall present it to the Lake County Prosecutor’s Office within 72 hours.

II. NON-SART CASES

There are several situations in which a victim may report a sexual assault to law enforcement, but full SART activation may not be appropriate. Examples of these situations may include:

- Victim reports incident more than five days after it occurs.
- Victim is less than 13 years old or
- Victim chooses not to undergo a sexual assault medical forensic examination

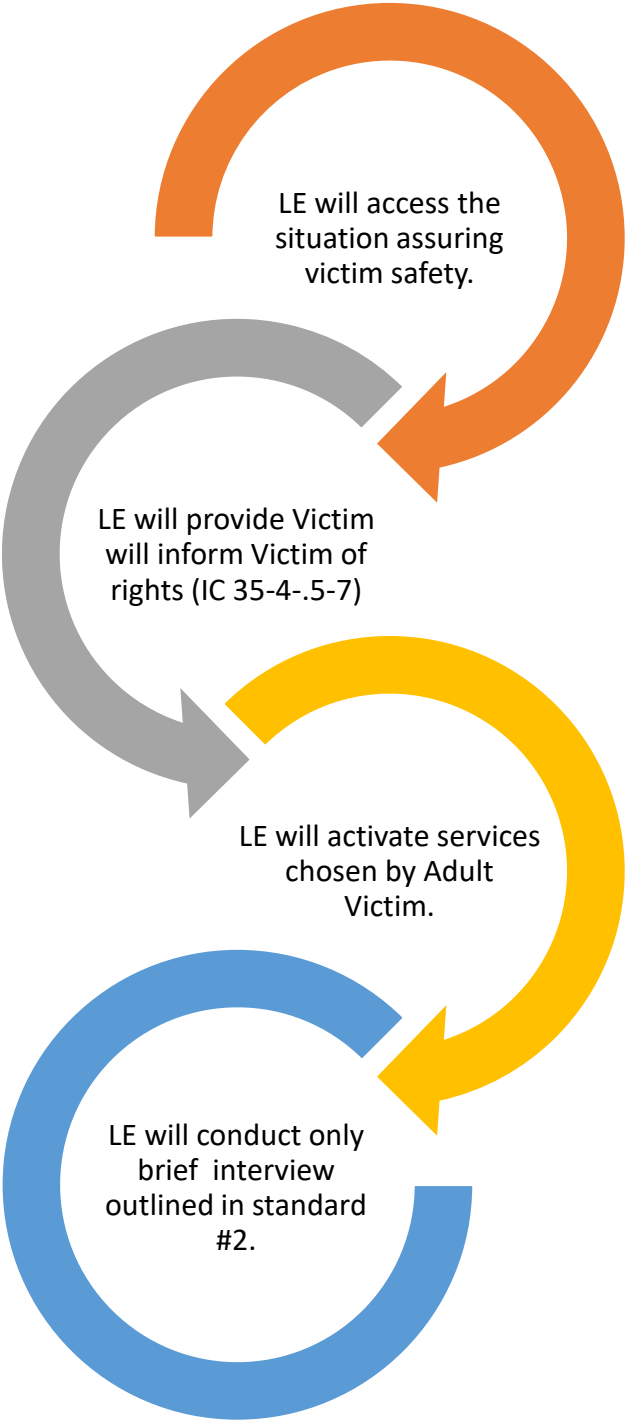
In cases where the victim reports the incident more than five days (120 hours) after it has occurred, a sexual assault medical forensic examination will not routinely be performed. Nonetheless, the victim is entitled to and should be offered the services of a sexual assault victim advocate. Additionally, the Victim should be directed to a healthcare facility to be seen to potentially treat for any STIs (sexually transmitted infections) or exposures, or assessment of any injuries related to the sexual assault, ensuring their healthcare needs are met.

In cases where the victim is 13 years old without menses or less than 13 years old (age varies amongst health care providers), specialized services for children should be utilized. (See standard 6: Specialized Services for Child and Adolescent Victims (IC 35-40.5-5-1).

Some victims may report incidents that meet the criteria for SART activation but choose not to undergo a sexual assault medical forensic examination. In these situations, the law enforcement officer should offer the victim information about RCC services and should assist the victim who chooses to contact the RCC prior to any formal interview.

SART Activation or Call-out Process

First Point of Contact: Law Enforcement



Standard 3: Health Care Providers

Health care professionals will provide every victim of sexual assault comprehensive treatment thorough, compassionate, and objective services.

The opportunity to undergo a sexual assault medical forensic examination will be offered to all victims who are at least 13 years of age with menses (age varies amongst health care providers) and disclose a sexual assault within 5 days of when the incident occurred. Victims who present more than 5 days (120 hours) after the assault will not routinely undergo a sexual assault medical forensic examination. However, under extenuating circumstances and at the discretion of the forensic clinician, a medical forensic examination may be performed.

Medical facilities providing treatment to sexual assault victims are recommended to contact the Rape Crisis Center's 24/hour hotline to dispatch an Advocate to the facility upon presentation or as soon as possible.

IC 35-40.5-4-3 Provider to notify victim advocate Before a provider commences a forensic medical examination, or as soon as possible, the provider shall notify a victim advocate or a victim service provider.

Victims who present at a medical facility more than 5 days (120 hours) after the assault occurred and/or victims who present within 5 days but decline a sexual assault medical forensic examination must be evaluated and treated for any emergent medical needs. These victims must be advised of their rights (IC 35-40.5).

All hospitals shall provide sexual assault victims with information about Victim Rights (IC 35-40.5) regardless of when or where the incident occurred, or whether the victim has reported the incident to police.

The victim will be offered the opportunity to speak privately with an advocate prior to investigative and sexual assault medical forensic interviews or procedures. The advocate will explain the advocate's role and the services of the Rape Crisis Center.

For child victims of sexual assault who are below the age of 13 years old (age varies amongst health care providers), please see Standard 6: Specialized Services for child and adolescent victims.

Every adolescent or adult victim of sexual assault has the right to consent or decline a sexual assault medical forensic examination. No sexual assault medical forensic examination will be performed without the express consent of the victim, regardless of the wishes of any SART member, hospital staff member or the victim's parents, guardian, spouse, family, or friends.

SANE's will be Registered Nurses, who have completed Sexual Assault Nurse Examiner Training for Adult/Adolescent or Pediatric populations, or any health care provider/physician, advanced practice nurse or physician assistant who have completed an educational/competency

guideline that has been established by the International Association of Forensic Nurses and best practice guidelines.

All victims of sexual assault will have the opportunity to discuss their medical condition, treatment options and medical referral plan privately with the SANE or trained health care provider before and during treatment.

The SANE or trained health care provider that is examining and providing care for a victim of sexual assault is responsible for obtaining appropriate written consent and continually validating verbal consent with the victim throughout the examination and evidence collection process.

The SANE or trained health care provider is responsible for documenting information pertaining to the victim's complaint of sexual assault, obtaining a pertinent medical history, performing the sexual assault medical forensic examination, ensuring that necessary medical treatment is provided, providing patient education and making all necessary referrals for follow-up care.

The SANE or trained health care provider will ensure that every victim is offered information about sexually transmitted infections and available treatment options. Victims should also be provided with information about emergency contraception.

At the conclusion of the sexual assault medical forensic examination, any evidence collected will be packaged and protected in a manner to ensure the integrity of specimens and maintain the appropriate chain of custody of the evidence.

- All sexual assault kits are to be registered in the Indiana Sexual Assault Kit Tracking System. This will generate a pin # that is to be provided to the patient.
- The pin number is to be written on the kit.
- The pin # is to be provided to the patient prior to discharge. It can be written on the Indiana Criminal Justice Institute Sex Crimes Victims Application Information Sheet and/or the Victim's Rights Brochure. ICJI info sheet has a space for kit # and pin# for tracking purposes as well.

*Please refer to the [Indiana Statewide Sexual Assault Kit Tracking System User Manual for SANE personnel](#) for more detailed information regarding the state's tracking procedures. This document and the [Victim Rights Brochure](#) can be found on the Lake County SART website www.LakeCountySART.org

Standard 4: Sexual Assault Forensic Evidence Kits

Every victim of sexual assault that is in the window of evidence collection is entitled to request a sexual assault medical forensic examination for the purpose of identifying injuries and collecting forensic evidence.

It is considered best-practices that the examination be completed by individuals who have specialized training in the examination of adolescent and adult victims of sexual assault (SANE)

Every emergency healthcare facility in the county will have available the Indiana Sexual Assault Evidence Collection Kit. Kits will be kept on-site to be used for sexual assault medical forensic examinations.

Every sexual assault medical forensic examination should be completed using the Indiana Sexual Assault Evidence Collection Kit and Examination their facilities examination forms for documentation purposes. The Indiana Sex Crimes Victim's Application is to be used for those crimes committed in the state of Indiana. However, as a courtesy to our neighboring state of Illinois, hospitals may use the Illinois Sexual Assault Forensic Evidence Collection Kit and corresponding forms.

All individuals, age 13 or older (age varies amongst health care providers), reporting sexual assault victimization should be advised of the value of immediate evidence collection. All victims have the right to consent or to decline any or all parts of a sexual assault medical forensic examination. The consent of the victim will be obtained prior to the performance of any examination. No examination will be conducted without the consent of the victim. In the case where a victim is a minor, his or her consent must be obtained before an examination is conducted.

In a situation where the victim is unable to consent due to permanent mental incapacity, Indiana Senate Bill 255 states that a health care provider may conduct a forensic medical examination of an unconscious person who is suspected to be the victim of a sex crime without the consent of the victim or other authorized individuals under certain circumstances. The Bill provides the health care provider with immunity in conducting the examination.

At the conclusion of the sexual assault medical forensic examination, any evidence collected will be packaged and protected in a manner to ensure the integrity of specimens and maintain the appropriate chain of custody of the evidence.

- All sexual assault kits are to be registered in the Indiana Sexual Assault Kit Tracking System. This will generate a pin # that is to be provided to the patient.
- The pin number is to be written on the kit
- The pin # is to be provided to the patient prior to discharge. It can be written on the Indiana Criminal Justice Institute Sex Crimes Victims Application Information Sheet and/or the Victim's Rights Brochure. The ICJI info sheet space for kit # and pin# for tracking purposes as well.

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Sexual Assault Kits must be picked up from the hospital by law enforcement within 72 hours.

Victims who report anonymously will be offered 365 days in which evidence will be held pending the victim's decision.

Standard 5: Examination/Medical Facilities

All victims of sexual assault will be provided with a sexual assault medical forensic examination and treatment in a timely, compassionate, and respectful manner.

I. SART Participating Examination Facilities

Sexual assault victims will be offered access to the participating facility(s) for a full range of services including sexual assault medical forensic examinations, sexual assault victim advocacy and law enforcement assistance.

Each participating facility will provide interview and treatment areas that offer the victim privacy and security. It is considered best practices to offer victims a private bathroom and access to a shower facility.

Each participating facility that has its designated SANE area located in an area other than the emergency department, will establish procedures to ensure that every victim has access to emergency services as needed.

Each participating facility is always responsible to keep sealed Indiana Sexual Assault Evidence Collection kit available. Evidence collection kits will be supplied by the Indiana State Crime Lab at no charge to the facility.

Each participating facility will establish procedures to ensure the secure storage and/or transfer of evidence with special consideration to issues of specimen integrity and chain of custody.

Each participating facility will employ measures to ensure the safety and security of all forensic equipment used as part of the sexual assault medical forensic examination. This forensic equipment may only be used by a SANE or trained health care professional who is conducting a medical forensic examination as part of the SART.

Each participating facility will establish a procedure to ensure the confidentiality and security of forensic examination records. It is recommended that each facility establish a policy requiring the use of standardized terminology.

A victim who is seen at a participating facility will not be charged any fee for services that are directly associated with the sexual assault medical forensic examination. These services include routine medical screening, medications for prophylaxis of some sexually transmitted infections, pregnancy tests and emergency contraception, supplies, equipment and use of space.

A victim of sexual assault who is 18 years of age or older, who is eligible for SART services has the option of obtaining those services without reporting the incident to law enforcement. Minors, (17 yrs. of age and younger) require mandatory reporting to law enforcement agency and Department of Child Services.

Victims requiring emergency health care services beyond the scope of the forensic examination may be charged according to hospital policy for any services provided. Victims will be informed of the services of the Victims of Crime Compensation and give an application form.

All participating facilities are required to work cooperatively with the SART to ensure that emergency department personnel and first responders are educated regarding SART policies and procedures, including timely advocacy activation.

II. Non-Participating Examination Facilities

Sexual assault victims may seek medical attention at any health care facility, including non-participating facilities.

It is recommended that victims of sexual assault be offered information about the county SART and the specialized services available and should be offered the opportunity to see those services. Emergency Medical Treatment and Labor Act (EMTALA) requirements must be met before a patient is discharged or transferred to a participating facility.

When a victim of sexual assault seeks services at a non-participating SART facility, that facility will have a professional healthcare provider collect and preserve evidence from victims of sexual assault.

The non-participating SART facility is always responsible to keep sealed Indiana Sexual Assault Forensic Evidence Collection kits available. Evidence collection kits will be supplied by the Indiana State Lab at no charge to the facility.

It is recommended that each non-participating facility establish procedures to ensure the secure storage and/or transfer of evidence with special consideration to issues of chain of custody. It is further recommended that the facility consult with the County Prosecutor's Office in developing these procedures.

Health care facilities providing treatment to sexual assault victims are recommended to contact the Rape Crisis Center's 24/hour hotline to dispatch an Advocate to the facility upon presentation or as soon as possible.

IC 35-40.5-4-3 Provider to notify victim advocate. Before a provider commences a forensic medical examination, or as soon as possible, the provider shall notify a victim advocate or a victim service provider. *Please see HIPAA Position Statement on page 19.

It is recommended that non-participating facilities provide interview and treatment areas that offer the victim privacy and security; access to a shower facility; and access to a clean change of clothing following the medical forensic examination.

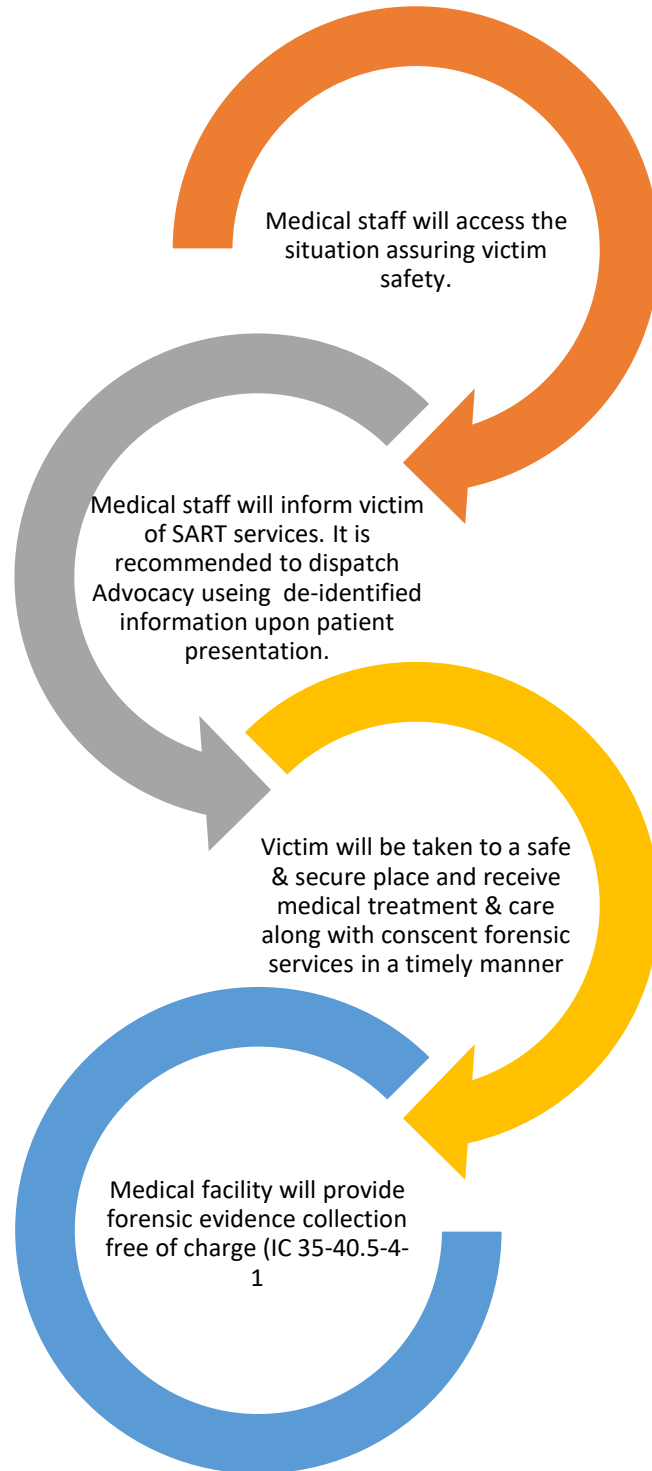
It is recommended that non-participating facilities establish a procedure to ensure confidentiality and security of medical forensic examination records. It is further recommended that these records be stored separately from the victim's medical record.

It is recommended that non-participating facilities establish a policy requiring the use of standardized terminology to protect the victim's privacy.

It is recommended that all non-participating facilities work cooperatively with the county SART to ensure that emergency department personnel and first responders are informed about SART policies and procedures and victim rights.

SART Activation or Call-out Process

First Point of Contact: Medical Facility



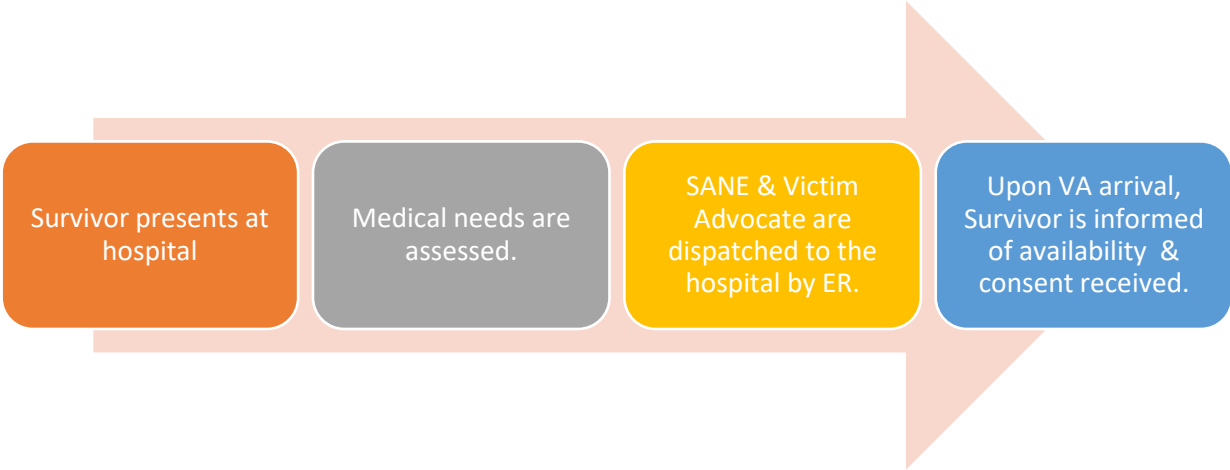
HIPAA Position Statement

The purpose of the Lake County, Indiana Sexual Assault Response Team is to coordinate a victim centered, collaborative, interdisciplinary response to all victims of sexual assault. Recently, questions have arisen regarding the application of the Health Insurance Portability and Accountability Act (HIPAA) to sexual assault programs. Specifically, when can an advocate be contacted by the hospital to respond to the hospital for a sexual assault victim.

The U.S. Department of Health and Human Services issued Standards for Privacy of Individually Identifiable Health Information (Privacy Rule) to implement the requirements of HIPAA. The Privacy Rule is a set of national standards for the protection of certain health information. A major purpose of the Privacy Rule is to define and limit the circumstances in which an individual's protected health information may be used or disclosed by covered entities, such as health care providers.

The Privacy Rule permits release of certain information under the certain circumstances. There is no restriction on the use or disclosure of **De-identified health information** and is no longer considered protected health information. When using only de-identified information, hospital personnel may notify the Rape Crisis Center of a victim's presence in the ER upon arrival.

The Lake County SART Recommended Activation Procedure is as follows:



It is recommended that Health Care Providers work toward the above activation procedure that will allow for the **immediate contact** of the Rape Crisis Center using **only** de-identified information which is allowable under the HIPAA Privacy Rule.

For any Health Care Provider who continues to be concerned for HIPAA compliance, it is recommended that the Provider enter into a Business Associate Agreement (BAA) with the Rape Crisis Center. A simple BAA will eliminate any HIPAA compliance concern the Provider may have and allow the discipline of Advocacy to respond quickly and efficiently to Victims presenting at local hospitals.

Standard 6: ISP Lab Policy for Rape Kit Reform

All sexual assault evidence collection kits in Lake County will be tested. The Indiana State Police Laboratory will ensure that all kits are tested thoroughly to provide the highest quality results to Law Enforcement and Prosecution.

All kits will be brought to the Indiana State Police Laboratory within 30 days of being picked up by law enforcement. Kits will undergo a presumptive test for seminal fluid and DNA extraction and analysis of all swabs and underwear in the kit. In instances where the kit is more than three (3) years old, there is only an issue of consent, prosecution has been declined, or profiles are ineligible for CODIS, an alternative protocol will be performed. The alternative protocol will include four (4) samples to be extracted and evaluated for DNA. No presumptive testing will be performed.

Standard 7: Specialized Services for Prepubescent & Adolescent Victims

Health care personnel, law enforcement officers, and sexual assault victim advocates will ensure that all child (prepubescent) and adolescent victims of sexual assault or sexual abuse and their families are treated with compassion and respect. All services will be provided in a manner that is specific to the physical, emotional, and developmental needs of the child or adolescent.

The Department of Child Services is contacted when there is a reasonable cause to believe that a person under the age of 18 has been sexually assaulted. If DCS determines that the family needs intervention service, DCS staff will be responsible to make the appropriate medical and counseling referrals. A Sexual Assault Victim Advocate will be made available to the victim and family during any Forensic Exam and Law Enforcement Interviews following **IC 35-40.5**.

Health care facilities providing treatment to sexual assault victims are recommended to contact the Rape Crisis Center's 24/hour hotline to dispatch an Advocate to the facility upon presentation or as soon as possible.

In cases where DCS determines the child is safe to return to their home and no further intervention services are required, the child and adolescent victims and their families may be referred for medical follow-up, counseling services and other community resources by Hospital and/or Rape Crisis Center.

No prepubescent or adolescent victim of sexual assault is to be restrained or otherwise forced to undergo a sexual assault medical forensic examination.

Services for prepubescent victims of sexual assault should be provided by professionals who are specially trained and certified in Pediatric Evidence Collection.

Victims age 13 with menses or older and their family will be offered the services of a sexual assault victim advocate and programs offered through the RCC. Advocates are also available to

provide support services to non-offending family members of all child and adolescent victims, regardless of the child's age or when the assault occurred.

Standard 8: Special Needs / Vulnerable Populations

The special needs of victims will be recognized and addressed by law enforcement officers, health care providers and sexual assault victim advocates.

Residents from nursing homes, skilled care facilities, community-based group homes and others with physical, mental, and/or emotional disabilities may be at greater risk of sexual assault victimization. SART procedures and training programs will include information regarding methods of identifying special needs populations, effective communication methods and mandatory reporting requirements for special needs populations including:

- DCS regulations for reporting a suspicion of child abuse
- Adult Protective Services regulations for reporting abuse of vulnerable adults in Lake County.
 - UNIT 1 County: Lake 2900 W 93rd Ave Crown Point, IN 46307 219-755-3863 219-755-3865 FAX Matt Cooper - Dir 219-755-3863
 - The Adult Protective Services (APS) Program was established to investigate reports and provide intervention and protection to vulnerable adults who are victims of abuse, neglect, or exploitation. APS field investigators operate out of the offices of county prosecutors throughout the state.
- Office of the Indiana Attorney General for reporting abuse of patients residing in nursing homes and institutions.
 - Anyone who suspects patient abuse or neglect is legally obligated to report it to a law enforcement agency, Adult Protective Services (800-992-6978) or Child Protective Services (800) 800-5556. Individuals are also encouraged to report suspected instances of abuse and neglect to the Indiana Attorney General's Patient Abuse and Neglect group using the hotline (800) 382-1039 or by reporting it online at www.AttorneyGeneral.IN.Gov
 - The Indiana Attorney General's Patient Abuse and Neglect program was created to protect vulnerable Hoosiers—patients in nursing homes, homes for the disabled, assisted living residences, homes for the mentally ill and other residential care facilities.

SART members have protocols and tools to address the communication needs of all victims including:

- The availability of interpreters who communicate in victim's primary language
- Sign interpreters for persons who are deaf or hard of hearing; and
- Methods of communicating in an age appropriate manner with persons who have developmental disabilities.
 - Victim Advocates have 24/7 access to language line.

Standard 9: Discharge and Safety Plan

Every victim of sexual assault will have the benefit of a discharge plan that addresses personal safety, medical follow-up, and emotional needs.

Advocates & all individuals who provide services to a victim immediately after a sexual assault will assess if the victim feels safe returning to his or her residence. If the victim does not feel safe, then assistance in developing a safety plan will be provided. Alternatives to returning to their residence may include seeking temporary housing in the home of a relative or friend or a local domestic violence shelter.

In the case of child and adolescent victims sexually assaulted by a family member or caretaker, DCS must be notified and will be responsible to determine appropriate placement.

If the sexual assault occurred in the context of a domestic violence incident, the victim will be provided with information regarding domestic violence victim's rights including information on temporary restraining orders and other means of increasing safety.

The victim will be given assistance to safely reach home or an alternative location. If the victim does not have transportation, it will be arranged by advocacy or hospitals.

Victims will be assisted in identifying personal support systems such as relatives, friends, clergy, or others who may provide emotional, financial, or physical assistance in the days following the assault. Victims will also be given information regarding professional resources for counseling which will include the contact number of the local RCC and how to access those services.

Following medical treatment for a sexual assault, victims will receive information regarding recommended follow-up to address medical concerns that may arise. This information will be provided by the SANE or other medical personnel who provided care.

Every victim will be provided with the [Victims' Rights Brochure](#) which includes contact information for the Rape Crisis Center and the Victims of Crime Compensation information. Brochure can be found on the LC SART website: www.LakeCountySART.org.

Victims will be advised of the investigative process and provided with the name of a contact person from the local law enforcement agency and/or the prosecutor's office.

Standard 10: Prosecution

Recognizing the profound impact that crimes of sexual assault have on both; child and adult victims and their families, prosecutors will utilize a victim-centered approach when working with victims of sexual assault and in handling their cases.

The Lake County, Indiana Prosecutors Office will assign one (1) Deputy Prosecuting Attorney with specialized training in the investigation and prosecution of sexual assault crimes to each criminal courtroom.

Deputy Prosecuting Attorneys will establish procedures to maintain custody of any forensic evidence collected during a sexual assault medical forensic examination conducted within the county. If the victim is undecided about reporting an incident to law enforcement at the time of the sexual assault medical forensic examination, the prosecutor will establish a procedure for all evidence to be secured for 365 days from the date of the examination. This procedure will allow every victim an opportunity to make an informed decision regarding if Law Enforcement can begin to investigate.

Deputy Prosecuting Attorneys will adhere to the Attorney General Standards to Ensure the Rights of Crime Victims when working with victims of sexual assault.

The victim of a sexual assault will be provided the opportunity to consult with the Deputy Prosecuting Attorney prior to the conclusion of any plea negotiations per IC Code 35-35-3-2 Felony charge; duties of prosecuting attorney

Sec. 2. (a) In making a recommendation on a felony charge, a Deputy Prosecuting Attorney must:

(1) inform the victim that he has entered into discussions with defense counsel or the court concerning a recommendation; (2) inform the victim, of the contents of the recommendation before it is filed; and (3) notify the victim that the victim is entitled to be present and may address the court (in person or in writing) when the court considers the recommendation.

(b) A court may consider a recommendation on a felony charge only if the Deputy Prosecuting Attorney has complied with this section.

The victim of a sexual assault will be provided the opportunity to draft and submit a victim impact statement. The Sexual Assault Victim Advocate will be available to support the victim while drafting her statement and court accompaniment.

In the event the offender is formally charged, indicted, convicted or adjudicated a delinquent, the Prosecutors Office will ensure that the victim is advised of the right to obtain a court order requiring defendant to submit to an approved serological test for HIV. Additionally, the victim will be offered assistance and referral to obtain an approved serological test for infections with HIV and appropriate counseling and medical care. (SB9, Public Law 88-123 (88)).

Standard 11: Evaluation of SART Services

Victims of sexual assault who utilize SART services will be offered an opportunity to evaluate the services provided. Members of the SART will also be offered an opportunity to evaluate the services provided and to recommend improvements.

Victims will be offered an opportunity to evaluate services they received through SART and will be provided with a short, pre-printed standardized victim survey form. The victim will be asked to (anonymously) complete and return the self-addressed, stamped survey to: Fair Haven RCC 2645 Ridge Road, Highland, IN 46322.

The RCC will provide victims with follow-up telephone contact within 72 hours of the reported assault. The purpose of this contact is to evaluate the victim's well-being and to offer further opportunities for referral for continuing supportive services. At this time, the RCC will request permission to mail and/or email the SART Quality of Services Questionnaire.

The letter and questionnaire to be distributed to survivors is as follows:

Sexual Assault Response Team
c/o Fair Haven Rape Crisis Center
2645 Ridge Road
Highland, IN 46322
(219) 961-4357

The Sexual Assault Response Team (SART) is a countywide, victim sensitive program designed to provide a team approach to the investigation of sexual assaults. Our goals are to give the best care possible to persons involved in sexual assaults, to minimize the traumatic effects during the medical and legal examinations, and to gather evidence.

The team consists of: nurse examiners who provide a forensic evidentiary examination and medical support, law enforcement officers who conduct an investigation and provide emergency assistance, victim advocates who provide emotional support and the Lake County Prosecutors Office who collaborate our efforts.

SART is an important program in Lake County, IN and your input is very important to us.

Please take a few moments to complete the enclosed questionnaire. Your comments, both positive and negative, will help us to make improvements where they are needed. Additionally, this survey is completely confidential and anonymous. Please use the enclosed self-addressed and stamped envelope to return the completed questionnaire.

Sincerely,

Lake County SART

Enclosure

Medical Facility _____
Nurse Examiner _____
Law Enforcement Agency _____
Advocacy Agency _____
Advocate Name _____

Lake County, Indiana Sexual Assault Response Team Questionnaire

This is a CONFIDENTIAL survey and is for the exclusive review of the SART team members.

1. Please evaluate the examination process:

- a) Was the examination process explained to your satisfaction? Yes _____ No _____
- b) What if anything would you change about the examination process?
- c) What could be done to make the examination more comfortable?

2. The services provided by the SANE nurse were:

Excellent _____ Good _____ Average _____ Poor _____

3. Comments or suggestions regarding services provided by the SANE nurse?

4. The services provided by Law Enforcement were:

Excellent _____ Good _____ Average _____ Poor _____

5. Comments or suggestions regarding the services provided by Law Enforcement?

6. Did you contact the 24-Hour Lake County Sexual Assault Crisis Line? Yes ___ No ___
7. If yes, did the Victim Advocate provide you with compassion & information? Yes ___ No ___
8. Comments or suggestions regarding the services provided by the Dispatch Victim Advocate?
9. Did you have a Victim Advocate respond to and with you at the Hospital? Yes ___ No ___
10. If yes, how would you rate the services provided by the Responding Victim Advocate at the hospital:
Excellent ___ Good ___ Average ___ Poor ___
11. Comments or suggestions regarding the services provided by the Responding Victim Advocate?
12. Did the Victim Advocate provide referral information for any of the following?
- Fair Haven RCC Individual Counseling
 - Fair Haven RCC Support Group
 - Other _____
13. Do you intend to use Beacon of Hope continued services?
- Law Enforcement Advocacy
 - Judicial System Advocacy
 - Individual Counseling
 - Support Group

Additional comments or suggestions:

Standard 12: SART Training

Standardized SART training will be provided to all members of SART.

The Lake County SART will present basic SART training course for all individuals, including SANE's, Sexual Assault Victim Advocates, Law Enforcement Officers, Detectives, and Investigators who provide services to Victims of Sexual Assault in Lake County.

The Lake County Prosecutor's office will conduct basic SART training as necessary to meet the needs of the participants.

Curriculum for the SART training should include:

- SANE/SART History
- County SART History and Statistics
- Dynamics of Sexual Assault
- Effects of Trauma
- Victim-Centered Approach
- Cultural Awareness and Special Needs Population
- Role of Sexual Assault Victim Advocate
- Role of Law Enforcement
- Role of SANE
- Medical Forensic Examination Process
- County SART Activation method
- County SART Policies and Procedures
- County Evidence Handling Procedures
- Legal Issues Associated with Prosecution

At the conclusion of the training course, the participants should be afforded an opportunity to evaluate the course content and methods of presentation.

SART training updates will be presented periodically to apprise team members of changes to SART policies and procedures.

References

This document was compiled using resources and information from the following sources:

- National Sexual Violence Resource Center- SART Resources, www.nsvrc.org/projects/sart-resources
- Attorney General Standards for Providing Services to Victims of Sexual Assault
 - Division of criminal Justice 2nd edition, 2004
- Looking Back, Moving Forward: A program for Communities Responding to Sexual Assault
 - National Victim Center
- Office of Victims of Crime-SART Tool Kit
 - www.ovc.ncjs.gov/sart/kit
- International Association of Forensic Nurses
 - Creating a Community Protocol for Sexual Assault Forensic Examinations, www.iafn.org
- Sexual Violence Justice Institute, Minnesota Coalition Against Sexual Assault
 - Minnesota Model Sexual Assault Response Protocol, www.mncasa.org
- Florida Council Against Sexual Violence
 - Florida SART Toolkit, www.ccasa.org
- Wisconsin Coalition Against Sexual Assault
 - Wisconsin Adult Sexual Assault Response Team Protocol, www.wcasa.org
- A National Protocol for Sexual Assault Medical Forensics
 - US Department of Justice, Office on Violence Women, April 2013
- Privacy in HIPAA & VAWA
 - Confidentiality Institute & NNEDV
- HIPAA Privacy Guidelines
 - Office of the Attorney General Texas
- Guidelines for the Medical Forensic Examination of Adult and Adolescent Sexual Assault Patients, Indiana ENA, Indiana IAFN & ICESA
- Office of Victims of Crime First Response Guidebook for LE

ACKNOWLEDGEMENT



The Lake County SART would like to recognize the lead author of this document: Kelly Vates.

Vates is the Cofounder and Executive Director of Fair Haven Rape Crisis Center and serves as a Co-Chair of the Lake County SART.