

Everything You Need to Know About Sexual Assault Exams and Using a SANE in Court

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Disclaimer

- ▶ The protocols discussed are for adolescent and adult examinations.
- ▶ Most SANE nurses in Utah see adolescents starting at age 14. Children under the age of 14 are usually seen by a physician or nurse practitioner affiliated with a CJC.

Objectives

- ▶ Understand the purpose of the Medical Forensic Examination and the role of the SANE
- ▶ Interpret the Utah State Sexual Assault Examination form
- ▶ Understand physical findings in sexual assault.
- ▶ Be able to prepare a SANE for testifying in sexual assault case.

Resource

- ▶ [A Prosecutor's Reference – Medical Evidence and the Role of Sexual Assault Nurse Examiners in Cases Involving Adult Victims](#)
- ▶ Jennifer Markowitz
- ▶ <http://www.aequitasresource.org>



What is the Purpose of Sexual Assault Medical Forensic Exam ?

- ▶ Immediate Health Needs of the Victim
- ▶ Future Needs of the Justice System

National Protocol for Sexual Assault Forensic Medical Examinations –DOJ 2013



Role of Medical Providers

“It is essential that the medical care and treatment of patients provided in a compassionate, holistic manner is the underlying capstone of the medical– forensic examination, and consequently the primary role of the medical provider.”

Chasson and Day **Atlas of Sexual Violence** 2013



Advantage of Victim-Centered Care

Research demonstrates that victim centered approach by SANEs facilitated victims staying engaged in the criminal justice system through prosecution of cases.

Campbell, **Systems Change Analysis of SANE Programs: Identifying the Mediating Mechanisms of Criminal Justice System Impact** 2009



Sexual Assault Nurse Examiner

- ▶ Registered Nurse with specialized training in the care of sexual assault patient
- ▶ Role of a nurse is defined by Nurse Practice Act
- ▶ Cannot independently provide medical diagnosis or treat medical conditions.
- ▶ May provide nursing diagnosis and nursing interventions.
- ▶ May provide treatment under standing orders



Nursing Role

“Nursing is about modifying the patient's response and adaptation to wellness, injury or illness– through independent nursing measures.”

Elise Turner 2012



SANE as Nurse First

- Allows for admission of hearsay evidence under Crawford

Who Gets a Medical Forensic Examination

- Sexual assault occurred within the last 5 days.
- Patient consents to the examination.
- A patient may request an examination even if they are unwilling to cooperate with any other aspect of the law enforcement investigation.
- An examination may be conducted outside of the 5 days if there is reason to believe that there may be physical evidence of the assault still present. (examples – patient continues to have vaginal or rectal bleeding or incapacitated patient)

Steps of a Medical Forensic Examination

- Informed Consent
- Health History
- History of event
- Inspection of entire body for injury
- Genital examination
- Collection of trace evidence
- Treatment to prevent pregnancy and sexually transmitted infections
- Discharge and Community Services

Health History

- Allergies
- Current medications
- Chronic health problems/ Surgeries
- Women's health history – age of first menses, last menstrual period, number of vaginal births



History of Event

- Location and circumstances of the assault
- Relationship to suspect
- Use of drugs and alcohol
- Actions by suspect that could have cause non-genital injury
- Specific questions about genital contact
- Post assault hygiene



The Examination

- Head to toe inspection of entire body
- Photo-documentation of identified injury
- Collection of samples of possible sources of DNA
 - Saliva
 - Semen
 - Touch DNA



Other Samples Collected

- Head hair
- Pubic hair
- Oral swabs
- Blood for DNA standard and toxicology
- Swabs from fingernails if victim reports scratching suspect
- Clothing
- Debris such as condoms, hair or fibers



Photo-documentation

- Picture that clearly identifies location on body
- Close-up photo of injury
- Close-up with measuring device or known object to provide scale



Written Documentation of Injuries

- Location marked on body diagram
- Written description
 - Size
 - Type of injury
 - Bruise
 - Abrasion
 - Laceration
 - Subjective statements by patients



The Genital Examination

- Sample collection from external genitalia
- Inspection
- Identification of injury
- Application of toluidine blue dye
- Placement of speculum and inspection of vagina and cervix and collection of samples
- Anal examination and collection of samples



Female Genitalia

the basis for evaluating the findings that occur in sexually assaulted patients.

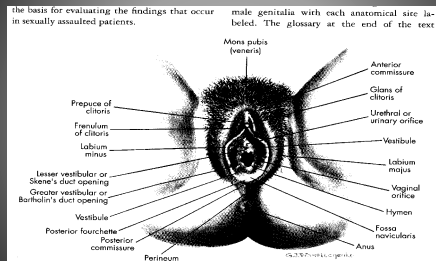


FIGURE 1-1 Anatomical sites on the external female genitalia. (From Losdermilk DL, Perry SE, Bolick IM: Maternity and women's health care, ed 6, St Louis, 1997, Mosby.)

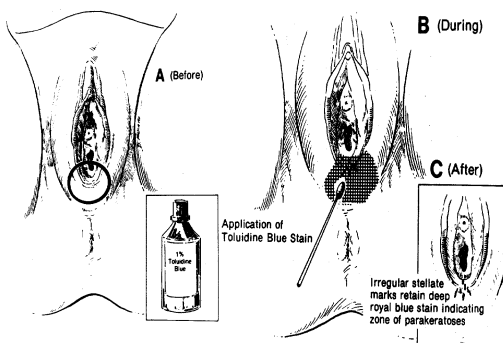


Figure 1. Toluidine blue dye application procedure: A) Before, B) during, C) after.

Factors That Influence Identification of Injury

- Age of patient
- Medications
- Previous sexual experience
- Time since assault
- Position during assault
- Sexual dysfunction of suspect
- Level of consciousness of patient during assault



What A SANE Can Say

- Injury is consistent with patient's history of event.
- Injury does not always occur in sexual assault.
- Must admit that injury could be the result of consensual contact.



Consensual v. Nonconsensual Genital Injury

- Rate of injury in non-consensual intercourse 20% – 53%
- Rate of injury in consensual intercourse 5%–73%

Markowitz and Pierce-Weeks **Atlas of Sexual Assault** 2013



Preparing the SANE for Trial

- Establish the nurse's expertise
- What are the key issues you want the SANE to discuss
- What are potential weaknesses of case



Establishing Expertise

- Nursing experience
 - ED
 - Labor and delivery
 - Wounds and healing
- SANE education
- Number of examinations
- Cases reviewed with other SANEs



Areas of Testimony

- Educate jury about forensic examination
- Presence or absence of physical findings
- Description of injuries and mechanism of injury
- Patient demeanor and behavior



Demonstration

