

# Challenges in Medical Forensic Compliance

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This work is supported by Grant Number 2015-TA-AX-K014 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this program are those of the trainers and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

# About MNCASA and SVJI

- Statewide Coalition
- Public Policy
- Prevention
- Trainings for Systems Professionals
- Sexual Violence Justice Institute
  - National technical assistance provider
  - Collaborative Process
  - Protocol Development
  - Forensic Exam Access

# What We Have Learned



Why is this important?

- There is a need for **increased coordination**
- Victims receive vastly **inconsistent** medical forensic services
- Medical forensic approach is inconsistent and can have a **negative impact on survivors**

# What is “Forensic Compliance?”

Requirements for states, territories, and tribes receiving federal Violence Against Women Act (VAWA) Services, Training, Officers, and Prosecutors (STOP) grant money.

**COMPLIANCE**

# What is “Forensic Compliance?”

**Two primary requirements** that every state/territory/tribe must comply with in order to keep receiving their grant money:

- 1) Victims must have access to medical forensic exams without participating in the criminal justice system or cooperating with law enforcement;
- 2) Victims are not responsible for their medical forensic exam payment

# What Does Compliance Mean?

- Conforming to official requirements
- Privilege of receiving public grant funds
- Cooperation
- Best practices



## Why Is This Important?

Removing the burden of cost for the victim decreases barriers to exams





# Philosophies



- Justice philosophy
  - To increase reporting
  - To increase victim access to the criminal justice system and improve case outcomes



- Healthcare Philosophy
  - To increase victim access to health professionals
  - To improve physical and psychological outcomes

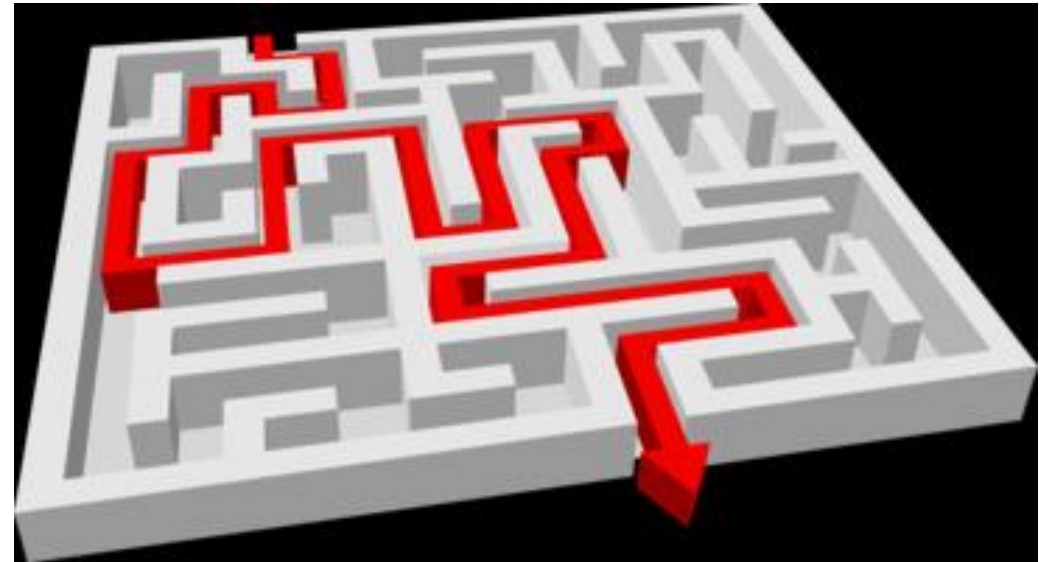
# Victim-Centered Approach

- Consider the victim first
- Listen
- Promote victim self-agency
- Coordinate and collaborate in the victim's interest
- Ensure victim safety
- Seek just solutions for all
- Hold self and others accountable



# Challenges

- What is in a Sexual Assault Kit (SAK)?
- Exam access and quality
- SAK storage
- SAK testing
- Statewide and community coordination



# What is in a SAK?

There are disagreements about what constitutes evidence collection and treatment

- Is it just swabs for DNA collection?
- Is the patient history part of the SAK?
- What about prophylaxis?
- How are all of the SAKs billed?



# Exam Access

- Victims/survivors should have exam performed at the facility to which they present
- Competent and compassionate medical forensic response looks different in every community
- Medical forensic exams can be performed by professionals that are specially trained in sexual assault evidence collection
- Law enforcement or prosecution do not have to authorize exams

# Kit Testing

- Do communities truly have a SAK backlog at a crime lab or is there an accumulation of unsubmitted kits by law enforcement?
- Best practices (IAFN, NIJ, EVAWI) state that only reported SAKs should be tested
- All reported SAKs should be submitted to crime labs as soon as possible

# Kit Storage

- Best practices: restricted SAKs should be stored with law enforcement
- Chain of Custody
- SAKs should be kept for at least the statute of limitations
- How are SAKs being tracked?
- Are victims/survivors notified when their SAK is destroyed?
- Climate control and security

# Statewide and Community Coordination

- You can't do this alone!
- All are responsible for compliance
- Local and statewide collaborative multidisciplinary approaches can address medical forensic compliance issues
- Law enforcement, medical, advocacy, and prosecution
- Best practices encourage trauma-informed investigations
- Protocols are critical



# Resources

- MNCASA:  
[www.mncasa.org](http://www.mncasa.org)
- ERAW International:  
[www.evawintl.org](http://www.evawintl.org)
- National Institute of Justice:  
[www.ncjrs.gov](http://www.ncjrs.gov)
- SAFE TA website (IAFN):  
[www.safeta.org](http://www.safeta.org)
- National Sexual Violence Resource Center:  
[www.nsvrc.org](http://www.nsvrc.org)

# Lingering Questions? Contact Us

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# Questions or Comments?



Thank you!

