



A VICTIM OF SEXUAL ASSAULT SHOULD NEVER BE CHARGED FOR A FORENSIC EXAM

If a victim of a sexual assault contacts your agency, it is important that everyone has this information.

VICTIMS CHOOSING TO NOT YET REPORT A SEXUAL ASSAULT TO LAW ENFORCEMENT

Medical Forensic Exams

Under Colorado law (C.R.S. §18-3-407.5), an adult victim can receive a medical forensic exam without having to cooperate with law enforcement. These victims do not have to pay for the evidence collection portion of the medical forensic exam. It is recommended that the victim access a Sexual Assault Nurse Examiner (SANE) program, or a Medical Forensic Exam program (MFEP), if possible.

The evidence collection portion of the medical forensic exam for medical reporting victims (those not cooperating with law enforcement at the time of the medical forensic exam) is paid for by the Colorado Division of Criminal Justice (DCJ) (C.R.S. §18-3-407.5(1)(b)). However, it is important to know that any additional medical expenses may be the responsibility of the patient. Other costs may include the emergency department fee, medications, sexually transmitted infections testing and other treatment costs based on injury, disease or pregnancy.

An initially medical reporting victim **can decide at a later date** that she/he wants to have the crime investigated and prosecuted. Under Colorado law (C.R.S. §18-3-407.5(3)(c)), law enforcement must store the medical forensic exam kit for a minimum of two years.

Drug Facilitated Sexual Assault Testing (DFSA)

Drug testing is not a standard component of the medical forensic exam. If the attending medical professional determines a need for DFSA testing, then DCJ will pay for the testing in medical reporting cases. Only the victim will be able to access the test results.

VICTIMS CHOOSING TO REPORT A SEXUAL ASSAULT

Medical Forensic Exams

If a victim wants a medical forensic exam and wants to report the crime, the law enforcement agency where the crime occurred is obligated to pay for the medical forensic exam (C.R.S. §18-3-407.5(1)).

Drug Facilitated Sexual Assault Testing (DFSA)

Drug testing is not a standard component of the medical forensic exam. If it is determined that a test is warranted, then law enforcement will pay for the test as part of evidence collection. Law enforcement will receive the test results.



FINANCIAL ASSISTANCE FOR SEXUAL ASSAULT VICTIMS

Colorado has a **Victim Compensation Program** that provides assistance with medical bills. One requirement of receiving victim compensation is that the victim has cooperated fully with law enforcement officials. The victim compensation board can waive this requirement. Victims should not plan on victim compensation paying for any expenses, but she/he may contact the victim compensation program in the judicial district where the crime occurred to discuss her/his particular situation. Victim Compensation Programs are administered through the District Attorney's office.

Planned Parenthood Health Centers may be appropriate referrals for victims seeking follow-up medical services at reduced cost.

Victim Advocates can help victims address concerns and provide information regarding costs, resources and available victim assistance services. Colorado has community-based advocates who can provide confidential services to both medical reporting and law enforcement reporting victims. Law enforcement advocates typically work with victims after the crime has been reported to law enforcement.

TIME FRAMES FOR OBTAINING MEDICAL FORENSIC EXAMS AND DFSA TESTING

Medical Forensic Exams

Victims can choose to do the exam within 120 hours (5 days) of the assault, although up to 72 hours (3 days) is preferable. Even outside of this time frame, medical attention may still be warranted. There is a misperception that showering after an assault washes all evidence away. **Evidence can still be present after a shower.**

DFSA Testing

Medical professionals should be able to collect blood and urine specimens for drug-facilitated sexual assault testing within 24 hours and urine only up to 96 hours. Please consult with your nearest SANE or MFEP program to determine best practices in your jurisdiction. Even if evidence is not collected, the victim may still require a medical assessment.

MANDATORY REPORTING FOR MEDICAL PROFESSIONALS

Under Colorado law (C.R.S. §12-36-135 (1)), any injury that occurs due to a suspected criminal act must be reported to the law enforcement agency in the treating facility's jurisdiction. In most jurisdictions, the victim's name will be provided to the law enforcement agency, but the victim does not have to cooperate or participate in the investigation of the case.

RESOURCES

The Colorado Division of Criminal Justice—additional information regarding medical reporting victims, payment for medical forensic exams and the DFSA medical reporting policy.
<http://dcj.state.co.us/ovp/VAWA>

The Colorado Coalition Against Sexual Assault—additional information on SANE, MFE program, and community based advocacy site locations, along with information about sexual assault and other resources.
<http://www.ccasa.org>