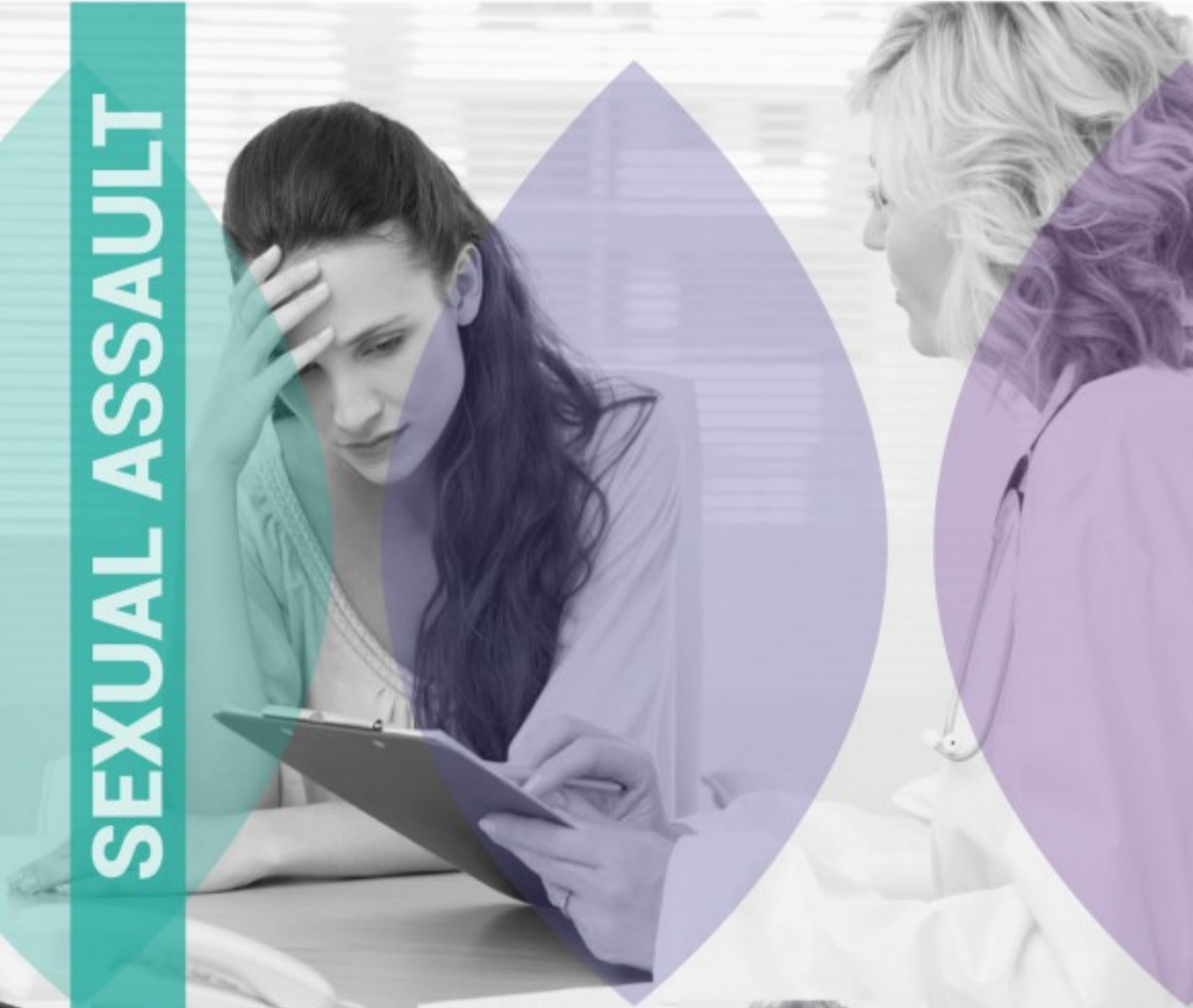


# Medical Treatment and Reporting Options

SEXUAL ASSAULT



# WHAT IS SEXUAL VIOLENCE?

Sexual violence or sexual assault is unwanted, forced or coerced sexual contact. It is also sexual violence when a person is unable or unwilling to give consent. Sexual violence can be in the form of:

- Rape  
(stranger or non-stranger)
- Sodomy
- Incest
- Statutory rape
- Sexual exploitation
- Sex trafficking
- Unwanted touching (i.e. fondling or molestation)
- Intimate partner sexual assault
- Alcohol and drug-facilitated sexual assault
- Child sexual abuse

## If you have been sexually assaulted:

- Get medical care as soon as possible after the assault. It is important to see a medical professional for any hidden injuries, or testing for pregnancy or sexually transmitted infections (STIs).
- Try not to wash, shower, douche or change clothes before receiving medical care.
- Take a change of clothes to the hospital if possible.

# WHAT ARE YOUR REPORTING OPTIONS?

1. Obtain a forensic medical examination (forensic exam) and make a report to law enforcement.
2. Obtain a forensic exam without making a report to law enforcement. Victims are not required to report a sexual assault to law enforcement, however you may still report at a later time.
3. Make a report to law enforcement without receiving an forensic exam.
4. Decline a forensic exam and decline making a report.

## Notice of Mandatory Reporting

In accordance with ND law, health care professionals are required to report sexual assaults to law enforcement.

## Sexual assault crisis intervention center advocates

Generally, an advocate from a crisis intervention center is contacted to meet with you. An advocate is there primarily to provide support, and will respect your cultural needs and show sensitivity regarding your gender and sexual orientation. They will also explain your options, both immediate and delayed reporting options and discuss the forensic exam. (If an advocate is not available, then a law enforcement officer will provide this information, even if you do not make a report.)

# REPORTING INFORMATION OPTIONS

## Immediate Investigation

You may choose to report the details of the sexual assault at the time of the forensic medical examination (forensic exam). If you do, consider that:

- You may access North Dakota Crime Victims Compensation Fund. You can receive funds if you report the crime to law enforcement within 96 hours of the occurrence and cooperate with law enforcement and prosecution.
- Law enforcement can investigate the crime scene before evidence is lost and will also attempt to locate and interview witnesses while memories are fresh.
- An immediate investigation may lead to identification, apprehension and prosecution of the offender.
- Evidence collected in the forensic exam may be processed as soon as possible.
- Court intervention to provide protective services, such as arrest of the defendant and issuance of orders prohibiting contact, could happen fairly quickly.

## Delayed Investigation

You may choose *NOT* to immediately participate; if so, consider that:

- You can still receive the same forensic exam to preserve forensic evidence.
- An investigation of the assault could be more difficult. Evidence and witnesses disappear, and memories fade.
- Delayed reporting may affect the perceptions and response of prosecutors and jurors and may influence the prosecutor's ability to obtain a conviction.
- A victim's identifying information is entered into the law enforcement agency's data system and may be subject to North Dakota's open records law.

# WHEN DRUGS ARE USED IN A SEXUAL ASSAULT

If you think you were given a drug without your knowledge prior to the assault, it is important to let law enforcement and/or medical personnel know. The danger of serious harmful effects is increased when certain drugs are consumed with alcohol or other drugs.

Alcohol is the most commonly used drug in a sexual assault. Other common drugs used may include: Benadryl, eye drops, Morphine, Codeine, Methadone, Rohypnol, GHB, Ketamine and Ecstasy.

Urine is one way to detect common drugs used during a drug-facilitated sexual assault. Before consenting to urine collection, you may want to discuss the possible results of such a test with an advocate. You have the right not to answer questions related to being involved in criminal activity, including the use of drugs and alcohol. You have the right to refuse to answer questions from law enforcement related to the assault, even if you are under the age of 18.

Whether you choose to report immediately or not, if illegal drug use or underage drinking on your part is discovered as part of a medical examination, you cannot be prosecuted.

**This does not include information discovered through a criminal investigation.**

# FORENSIC MEDICAL EXAMINATIONS

The purpose of a forensic exam is to gather evidence of the crime. This is different than a medical examination which is done to diagnose and treat any physical injuries that may have occurred from the incident. You can consent to a medical exam without consenting to evidence collection. You may be encouraged to have a forensic exam, but no one can force you. It is your choice to decide, even if you are a minor. You will be asked to sign a consent form explaining your various reporting options. You have the right to know the purpose of any papers you sign.

## What should you expect during the forensic medical examination?

The forensic exam is conducted as privately as possible. It may take between two and four hours. You may have a support person, such as an advocate, present during the exam. A nurse or doctor will explain the exam procedures, conduct the exam, collect evidence, administer treatment and prescribe necessary medication. You have the right to know why tests or procedures are being performed, and risks of any medications offered. Law enforcement is not required to be present during the exam. Tell medical staff the location of any bruises, cuts and scratches, as well as, places on your body where you may have been held, grabbed, punched, or are experiencing pain or discomfort.

## Why is there a 96 hour time limit for the forensic medical examination?

Forensic exams are most often done within 96 hours of the incident, unless there is a reason for the delay. Other situations will be evaluated to determine if collection of evidence is appropriate after 96 hours. The time limit relates to when DNA and evidence collected will most likely be effective.

## Who pays for the forensic medical examination?

A victim is not required to pay for any pre screening or exam for the purpose of gathering evidence, including the cost of medications administered as part of the exam. The hospital or clinic will be reimbursed by the North Dakota Office of Attorney General and cannot bill you or your insurance company. You will however, be responsible for the costs of additional care you may receive not related to the collection of evidence. You may be asked to provide insurance information and/or eligibility for Medicaid or Indian Health Services. If you do not have coverage, or there are costs not covered by insurance, you may be eligible to have these costs paid by the North Dakota Crime Victims Compensation Fund. For additional information contact ND Crime Victim's Compensation: 701.328.6195.

# EVIDENCE COLLECTION

Evidence collection involves taking samples from the body and documentation of evidence seen on the body. The samples taken during the forensic exam are used to detect hair, cells and any bodily fluids of the person who sexually assaulted you. With your consent, and for the purpose of gathering evidence, the hospital staff may take clothing you were wearing during or right after the assault, as well as, photograph any injuries that may have occurred. The forensic kit with your name and address may be kept by the law enforcement agency in the jurisdiction where the sexual assault occurred for a minimum of seven years or until you turn twenty-two, whichever occurs later.

## OTHER THINGS TO CONSIDER

You have the right to discuss with medical personnel, law enforcement or an advocate the possible release of information from your medical records.

It is important to voice concerns, and have them heard and respected.

### REMEMBER...

**Your actions did not cause this assault.**

**Seeking medical attention can be a helpful first step toward recovery. It can enable you to regain the power to make decisions regarding your own body.**

**You will eventually regain a sense of strength and control often lost in the assault.**

**You may feel a sense of justice by participating in holding the offender accountable.**

**Talking about the assault may help you in dealing with what happened to you.**

Answer as directly as possible any questions the police or medical staff may ask. Sometimes due to feelings of shame and embarrassment, victims do not disclose certain things. It is important to be specific, detailed and not to leave anything out. But if you are unsure about disclosing something, talk to your advocate first.

You can ask for an explanation if you don't understand why a question is necessary. You can also ask questions regarding tests done and treatment given.

Be aware that, due to trauma, you may not recall all the details or the order events occurred during your first interview with law enforcement.

Once a report is made, you have no control over whether the case is prosecuted or what happens to your kit.

There may be a plea agreement, or the case may be dismissed.

There may be long delays in the process.

A description of what happened may become public even if your name is not mentioned.

You may have to testify in court.

You cannot be asked or required to submit to a polygraph.



For more information or confidential help with a crisis 24 hours a day, call RAINN at 1-800-656-HOPE.

This project was supported by Grant Number 2014-MU-AX-0004, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

*Information in this brochure was adapted from: North Dakota Office of Attorney General, Abused Adult Resource Center in Bismarck ND; With assistance from the: ND Forensic Medical Examination Working Group, North Dakota Department of Health.*

## CONCERNS YOU MAY HAVE

### **Pregnancy**

During the exam, you can be tested to determine an existing pregnancy. You can discuss emergency contraception to prevent pregnancy from the assault with the SANE or doctor. Emergency contraceptives are available at most pharmacies and are available over the counter. They do not impact a current pregnancy. Six weeks after the exam, you can be tested to determine pregnancy from the assault.

### **Sexually transmitted infections (STIs)**

STIs such as syphilis, gonorrhea and chlamydia can be transmitted during a sexual assault and may be treatable with preventive medicine. If you are concerned discuss STIs with the SANE or doctor during the exam. Talk about preventive treatment and receive a patient information form that lists medication, dosage and purpose of medication.

### **HIV/AIDS**

Risk of HIV/AIDS infection as a result of sexual assault is a very real fear. Discuss with medical personnel the degree of risk of contracting HIV/AIDS, what possible treatment is available, and what option is best for you. It is possible to pass the infection to others in the meantime, so please talk to medical personnel before engaging in any sexual activity. For free and confidential STI and HIV testing call the ND AIDS hotline at 800.472.2180.

## FOR MORE INFORMATION



525 N. 4th St.  
Bismarck, N.D. 58501  
PH: 888.255.6240  
TTY: 800.366.6888

Statewide program  
directory available  
at [cawsnorthdakota.org](http://cawsnorthdakota.org)



For a directory  
of state crisis  
intervention  
centers, scan  
this code with  
a smartphone.