

## YOUR RIGHTS AS AN ADULT VICTIM/SURVIVOR OF SEXUAL ASSAULT

- **You have a right to a medical forensic exam, regardless of whether you report to law enforcement.**
- Medical forensic exams are provided at no cost to you.
  - However, there may be costs related to medical care provided by emergency department staff, such as lab work, tests, and medications.
    - An advocate can arrange for you to speak with emergency department staff if you have questions about billing.
- You can still receive medical care without having a medical forensic exam.
  - Hospital staff can treat injuries and provide medications, including medication to prevent sexually transmitted infections and pregnancy.

## IF YOU CHOOSE TO RECEIVE MEDICAL CARE WITHOUT A MEDICAL FORENSIC EXAM

- You can still receive advocacy, including support during this process and information about your options for services and aftercare.
  - See our “Sexual and Domestic Violence Services” List for advocacy services in Arizona.
- You can go to the emergency room, your physician, or a local clinic.
- Healthcare providers in some counties are mandated to report to law enforcement, however, **you do not have to speak with police.**
- Without a medical forensic exam, biological and trace evidence will not be collected, and this can make investigation and prosecution more difficult if you decide to pursue a case in the criminal justice system.

## WHAT TO EXPECT DURING A MEDICAL FORENSIC EXAM

- A medical forensic exam is a comprehensive medical exam performed by a forensic examiner.
  - A forensic examiner is a registered nurse, nurse practitioner, or physician with specialized education and clinical preparation in the medical care and treatment of sexual and domestic violence.
- **Each component of a medical forensic exam requires your consent—you do not have to participate in anything that makes you uncomfortable.**
  - Each part of a medical forensic exam has a purpose, and the forensic examiner or an advocate can explain the purpose for each step and potential outcomes if that step is not completed.
- During a medical forensic exam, a forensic examiner will:
  - Gather information about your medical history and ask you to describe the assault or abuse.
  - Provide a detailed head-to-toe physical examination, which may include photographing injuries.
  - Perform a detailed genital examination, which may include an examination with a speculum.
  - Collect biological and/or trace evidence from your body.
- Forensic examiners can provide you with information about follow-up healthcare and services in your community for victims/survivors of sexual and domestic violence.

## EVIDENCE

- Evidence collected may help with the identification and prosecution of the perpetrator of the crime.
  - Without this evidence, it is often more difficult to identify/prosecute the person who committed the assault.
- In order to preserve evidence, victims/survivors are asked to refrain from eating, drinking, smoking, using the bathroom, or showering prior to the exam.
  - Even if you have done one or more of these things, it is possible that evidence is still present, and you may want to consider a medical forensic exam.
- Over time, evidence begins to degrade or becomes contaminated, and then becomes difficult or impossible to process.
- Even when a medical forensic exam is performed immediately after an assault, there is the possibility that little-to-no evidence will be found.

## THINGS TO CONSIDER WHEN DECIDING TO REPORT TO LAW ENFORCEMENT

- For many people, the decision to report victimization to law enforcement can be stressful.
- Many victims/survivors are concerned they will be blamed for their appearance or their behavior before, during, and after the assault.
- **Victims/survivors are NEVER at fault for sexual or domestic violence.**
- Reporting to law enforcement can be a difficult decision, and it is important that you take as much time as needed to decide whether reporting is right for you.
- In making this decision, it can be helpful to understand possible outcomes associated with immediate reporting, delayed reporting, and not reporting:
  - There are benefits to cooperating with law enforcement, which include:
    - Law enforcement will have the opportunity to collect evidence from you, the suspect, and the crime scene in a timely manner.
    - Witnesses may be interviewed in a timely manner.
    - You may be eligible for Victim Compensation.
    - The person who assaulted you may be prosecuted and held accountable for their actions.
  - Any delay in the investigation may reduce law enforcement's ability to investigate the case:
    - Evidence, like that on suspects and at the crime scene, may be permanently lost.
    - Suspects and witnesses will not be interviewed, and may be unwilling to cooperate or unable to provide information with as much accuracy at a later date.
    - It may be more difficult for a prosecutor to file charges against the assailant, and more difficult for successful prosecution to occur.
- Law enforcement may choose to contact you, but you have the right to decide if or when you want to make a report.
- **Ultimately, it is your decision whether you want to speak with law enforcement. An advocate can support you during this process, and help you make informed decisions.**

## SEXUAL ASSAULT KIT STORAGE

- If you do not report to law enforcement, evidentiary kits will be kept in storage in case you decide to report to police at a later date.
- **You can report to police at any time, but your kit may be destroyed within one year of receiving the exam.**
  - Storage length varies by jurisdiction—most agencies hold kits for a minimum of 90 days.
- You can contact an advocate or your local police department to find out how long kits are stored in your area.
- The biological evidence in your kit may be analyzed even if you do not participate in the criminal justice process.

## VICTIMS/SURVIVORS OF DOMESTIC VIOLENCE AND/OR STRANGULATION

- Medical forensic exams can be conducted to provide medical care and collect evidence if you have experienced domestic violence/strangulation.
- **Provisions under state and federal law are currently specific to sexual assault exams.** If you are a victim/survivor of domestic violence/strangulation and are considering a medical forensic exam, it is important to know:
  - Counties are **not** mandated to cover the costs of medical forensic exams performed as a result of domestic violence/strangulation, although some counties will still conduct these exams at no cost to you.
  - Policies regarding the storage of evidence collected during domestic violence or strangulation exams vary by jurisdiction.
    - An advocate or forensic examiner in your area can provide more information on payment policies and the storage of evidence.

## IF YOU WANT TO GET A MEDICAL FORENSIC EXAM IN ARIZONA

- See our "Arizona Medical Forensic Exam Facilities" List.
- To date, there are not medical forensic exam facilities in all Arizona counties. For information on the facility nearest you, you can speak with an advocate on the phone or chat online at our **Sexual and Domestic Violence Services Helpline: 602-279-2900/800-782-6400/TTY 602-279-7270/acesdv.org/gethelpnow**