

Sexual Assault Response Team Guidelines

A Multidisciplinary, Victim-Centered Response for:

- Law Enforcement
- Prosecution
- Health Care Professionals
- Advocates
- Victim Witness Specialists

Purpose

The use of a coordinated approach to the investigation and prosecution of sexual assault crimes helps ensure the integrity and quality of the fact-finding process by providing proficiency and uniformity in the collection of evidence. It also promotes collaboration among law enforcement, prosecutors, health care professionals, victim advocates, and victim witness specialists to ensure prompt and complete investigations. These combined efforts will result in more sexual assault crimes being solved and offenders arrested and successfully prosecuted. As a result, victims of such crimes will be more willing to report sexual violence and testify against their offenders.



SEXUAL ASSAULT RESPONSE TEAM (SART) GUIDELINES

Introduction

The actual number of rapes and sexual assaults that occur in South Dakota is unknown because many victims of these crimes choose not to report them to law enforcement officials. Approximately one third of all rapes and sexual assaults are reported to law enforcement. In part, embarrassment, fear and lack of confidence in the system explain this understanding in the legal system. Victims who are raped by their spouse and partners commonly describe embarrassment and a belief that “it is a private matter.” Victims are both fearful of reprisal from the offender and of entering the legal system with a report of rape. They are fearful of not being believed or not being supported in their allegations. Advocates, victim/witness specialists, prosecutors, law enforcement officials and health care professionals are working together to increase the reporting of sex crimes in the state.

Victims who do not report the crime usually do not receive treatment or assistance to treat rape trauma syndrome and post-traumatic stress disorder. Without immediate follow up care, victims of these crimes may experience long-term health related problems.

Prosecution of sex crimes is very difficult, as evidenced by the fact that only a small percentage of sexual offenders are apprehended and convicted. Victims of these crimes choose not to file a criminal complaint, not to participate in the prosecution process or recant due to fear or embarrassment. Nevertheless, holding the perpetrators accountable is a goal for prosecutors throughout the State of South Dakota.

In order to encourage victims to report these crimes and to seek treatment and counseling, the State must implement changes in community education and encourage the development of sexual assault response teams (SARTs). Members of a team would include, at minimum, a health care professional, a sexual assault advocate, a law enforcement representative, a victim/witness specialist, and a State’s attorney.

The Role of the Sexual Assault Response Team Guidelines

The Sexual Assault Response Team Guidelines will provide direction for individuals in South Dakota who provide services to victims of sexual assault. They are intended for all members of the sexual assault response team (SART), a multidisciplinary team providing services for the victim of sexual assault and for the community. The sexual assault response team ensures the quality and integrity of the fact-finding process used in all cases of sexual assault.

These Guidelines are intended for use by all the communities of South Dakota in order to:

- Promote consistency and coordination by and between community agencies and departments, sexual assault centers and providers of care and services;
- Provide a comprehensive set of recommended practice responses to sex crimes;
- Provide guidance to communities in their efforts to strengthen their responses to sex crimes;
- Assist communities in the evaluation of their current policies and practices and in setting goals; and
- Assist communities in identifying policy directions.

Background of the Sexual Assault Response Team Guidelines

The model of using sexual assault response teams as part of a comprehensive sexual assault approach began in the 1990s. Discussion led to a conclusion that a coordinated team effort was the most effective way of addressing sexual assault victims in communities in South Dakota. This collaborative team effort of representatives and prosecutors has proven to be invaluable to both victims and South Dakota as a whole.

The following Guidelines were written to serve as a guide for the development of sexual assault response teams. The duties and responsibilities of each team member, as well as suggestions for coordination are contained within this document. Communities that form and operate sexual assault response teams benefit across the board. Victims and society benefit, services are used to their fullest extent, and perpetrators are held accountable for the crimes they commit.

How to Use the Sexual Assault Response Team Guidelines

The guideline is the minimum criterion that establishes the conduct, performance, knowledge requirements, types of services and quality for individuals and communities in their response to sexual assault. Each guideline is divided into three sections: Rationale, Outcome and Measurement Criteria.

- **Rationale**
 - The rationale explains the specific reasons and concepts that support the guidelines.
- **Outcome**
 - This is the specific objective of the Guideline or how the Guideline will be applied
- **Measurements and Criteria**
 - These are the specific statements that describe measureable conduct, procedures and services. They provide a method for determining if the Guideline is met. The measurement criteria also form the basis of a community action plan for a comprehensive coordinated response to sexual assault.

Sexual Assault Response Team (SART) Guidelines

Contents

1. Communities throughout South Dakota will strive to develop a coordinated team approach to sexual assault, affording each victim access to needed services.
2. The sexual assault response team will develop procedures and protocols that ensure the quality and integrity of the sexual assault investigation and prosecution.
3. The physical, emotional and psychological well-being of the victim will be given strong consideration throughout the sexual assault investigation and prosecution.
4. The health care facility will consider the personal safety and the health care needs of the sexual assault victim.
5. The sexual assault forensic examiner (SAFE) will conduct a prompt, compassionate, comprehensive, proficient and objective health history and physical examination of each sexual assault victim.
6. The sexual assault counselor/advocate will consider the well-being of the sexual assault victim.
7. The law enforcement representative will ensure the quality and integrity of the sexual assault investigation.
8. The Victim/Witness Specialist will provide information on the criminal justice system, crime victims' rights and responsibilities, provide referrals for community resources, and work as a liaison between the victim, law enforcement and prosecution.
9. The State's attorney will work in coordination with the respective agencies to ensure an effective response to sexual assault.
10. Sexual assault victims will have their diverse needs recognized, and action will be taken to provide appropriate accommodations and services.
11. Child victims of sexual assault will receive specialized treatment.
12. Each victim of sexual assault will have the opportunity to provide feedback regarding access to the process of and services provided by the sexual assault response team.

Guideline One

Communities throughout South Dakota will strive to develop a coordinated team approach to sexual assault, affording each victim access to needed services.

Rationale: A consistent, competent and comprehensive response to sexual assault should be provided to each victim regardless of where the assault occurred or where the victim resides. Each victim of sexual assault should have access to a community based sexual assault response team (SART). The SART model ensures an approach that results in more comprehensive care, better access to support services, clearer communication between team members, and higher rates of successful prosecutions. The SART model also recognizes the importance of communication between and among SARTs to facilitate the transfer of services between jurisdictions.

Outcome: Each community will have a sexual assault response team to which every victim has access. Each sexual assault response team will have channels for open communications between and among other SARTs.

Measurement Criteria:

1. Each SART will include, at a minimum, the following members:
 - a. The health care professional, who provides guidance for the development of protocols and is available for consultation as needed, who also collects and preserves forensic evidence, offers prophylactic measures for preventing pregnancy and sexually transmitted diseases, provides resources and referrals and will be available to testify as a witness;
 - b. The sexual assault counselor/advocate, who provides support, advocacy, crisis counseling and information;
 - c. The law enforcement representative, who responds to the crime, interviews the victim and investigates the incident;
 - d. The Victim/Witness Specialist, who provides criminal justice support, ensures victims understand their legal rights and responsibilities, acts as a liaison between law enforcement, prosecution, and other court staff, and provides referrals for community resources.
 - e. The State's attorney, who determines if there is sufficient evidence for prosecution, and if so, prosecutes the case.
2. Team members will work collaboratively to achieve team goals.
3. Each SART will develop mechanisms for interfacing with other SARTs in order to provide seamless care to every victim.

4. Each SART may add Allied Members to the team to provide insight into global and community views on sexual assault or provide resources when working with victims of mental or physical disabilities.

Guideline Two

The sexual assault response team will develop procedures and protocols that ensure the quality and integrity of the sexual assault investigation and prosecution.

Rationale: A thorough and proficient fact-finding process will help to ensure the apprehension, prosecution and conviction of the sexual offender. The use of consistent procedures and protocols provides the framework for the comprehensive investigation of each sexual assault report.

Outcome: The implementation of procedures and protocols by the SART will increase victim access to the team, improve victim interaction with community resources and increase successful prosecutions.

Measurement Criteria

1. Each community will form a SART to provide services 24 hours a day, 7 days a week, in a safe and private location.
2. The SART will provide convenient access to emergency medical care.
3. Procedures and protocols will be developed to allow activation of the SART by the victim from various points of entry into the system.
4. Procedures and protocols will be developed for the team that clearly define each member's roles and responsibilities.
5. Procedures and protocols will be developed to address confidentiality issues.
6. Procedures and protocols will be developed to address victim consent issues.
7. Procedures and protocols will be developed to address aftercare and follow-up.
8. Procedures and protocols will be reviewed by the team on a regularly scheduled basis to ensure their effectiveness.

Guideline Three

The physical, emotional and psychological well-being of the victim will be given strong consideration throughout the sexual assault investigation and prosecution.

Rationale: A victim of sexual assault has the right to be treated with fairness, dignity, compassion and respect. A victim who does not fear mistreatment is more likely to seek help and to report the sexual assault.

Outcome: A victim of sexual assault who has been treated with fairness, dignity, compassion and respect is more likely to support the investigation and prosecution processes. Stronger victim involvement will result in an increase in the apprehension, prosecution and conviction of sexual offenders.

Measurement Criteria:

1. Physical safety of the victim will be the top priority.
2. Each victim will be informed that he or she has the right to speak with a sexual assault counselor/advocate prior to beginning any treatment, evidence collection or law enforcement interviews.
3. Informed consent for all medical procedures and for the collection of evidence for the sexual assault kit will be obtained from the victim in all cases. Implied or surrogate consent can be used when necessary.
4. Each victim has the right to withdraw consent for any part of the forensic examination.
5. Each victim will be given information on the basic services available for victims of crime, including the Rights of Crime Victims, information on Crime Victims Compensation, and the SD SAVIN Program.
6. Each victim will have the services of the SART available to him or her up to and during the prosecution, if necessary.
7. Each victim will receive information pertaining to services and support for victims of sexual assault.
8. Each victim will be examined and treated for physical injuries.
9. Each victim will receive information on aftercare for physical, medical and emotional needs.

Guideline Four

The health care facility will consider the personal safety and the health care needs of the sexual assault victim.

Rationale: A health care facility, which participates in the specialized services of a SART, recognizes, responds to and provides for the diverse needs of its community.

Outcome: A health care facility will provide medical care as needed and will use health care professionals to provide comprehensive and standardized forensic examinations. Provision for private, secure facilities for waiting, interviewing and examining the victim will be made.

Measurement Criteria:

1. The health care facility will immediately activate the SART when the victim arrives for care.
2. A health care provider will treat urgent or emergent physical injuries requiring medical intervention prior to intervention by members of the SART.
3. The health care facility will provide the victim with a comprehensive forensic examination and provide resources for immediate emotional and psychological needs.
4. The health care facility will provide a separate, private, secure, quiet waiting area for the victim and for any personal support person(s) accompanying them.
5. The health care facility will provide a relaxed, private setting for the forensic interview.
6. The health care facility will provide a private examination room with measures in place to assure the victim's privacy from intrusion during the examination. A bathroom with shower facilities should be available for the victim's use immediately following completion of the examination, if available.
7. The health care facility will provide proper equipment and supplies to facilitate a comprehensive, consistent forensic examination.

Recommended equipment includes but is not limited to

- Sexual assault evidence collection kit
- Pelvic examination table
- Light source for pelvic examination
- Vaginal speculums
- Anoscopes
- Phlebotomy supplies
- Wood's lamp or equivalent

- Photography equipment
 - Colposcope with photographic capability
 - Urine pregnancy testing supplies
8. The health care facility will offer medications to the victim, as currently recommended by the Centers for Disease Control, for possible exposure to sexually transmitted diseases and medications for the treatment and/or prevention of pregnancy.

Guideline Five

The health care professional will conduct a prompt, compassionate, comprehensive, proficient and objective health history and physical examination of each sexual assault victim

Rationale: A victim evaluated in a non-judgmental and respectful manner, who receives specialized care, will be more likely to seek treatment and cooperate in the evidence collection process. The victims and community are best served by consistent, quality, forensic evidence collection and preservation.

Outcome: The evidence collection process will be more proficient and reliable, and the evidence will be preserved and presented as required in any subsequent prosecution. The victim will be seen in a timely manner. The victim will consent to the evidence collection process and receive appropriate follow-up care and information on resources.

Measurement Criteria:

1. The health care professional will arrive at the examination site within one hour of notification unless extenuating circumstances exist.
2. The health care professional will conduct all communications in a private location.
3. The health care professional will assure that the victim has the opportunity to speak with a sexual assault counselor/advocate prior to the interview and examination process if at all possible.
4. The health care professional will explain the forensic examination process to the victim.
5. The health care professional will obtain written, informed consent for photography, evidence collection, medication administration and release of medical records.
6. The health care professional will perform a comprehensive forensic sexual assault examination.
7. The health care professional will maintain the chain of custody at all times.
8. The health care professional will provide information about sexually transmitted diseases and offer the medications available for treatment.
9. The health care professional will perform a pregnancy risk evaluation and offer emergency contraception as indicated.
10. Written discharge instructions will be provided and should include at a minimum
 - a. A list of symptoms, which may require medical and/or psychological evaluation;
 - b. Instructions for medical follow-up and a list of available medical resources;

- c. A list of available counseling, behavioral health and personal safety resources; and
 - d. A list of resources for law enforcement and legal services.
11. The health care professional will assist the victim in obtaining clean clothing prior to discharge
 12. The health care professional will provide testimony in court as needed.
 13. The health care professional will participate in case review and performance improvement activities.

Guideline Six

The sexual assault counselor/advocate will consider the well-being of the sexual assault victim.

Rationale: A victim may not want to obtain medical care, undergo a forensic exam or report the assault to the authorities because of a distrust of the medical and legal systems, inadequate information about options, fear of reprisal by the assailant and/or embarrassment. These concerns must be considered by the sexual assault counselor/advocate.

Outcome: The sexual assault counselor/advocate will provide support, advocacy and information to help empower the victim to make informed choices about reporting the assault, medical care, evidence collection counseling and prosecution. By addressing the victim's concerns, the sexual assault counselor/advocate will reduce the victim's anxiety and increase the victim's participation in the SART process.

Measurement Criteria:

1. If the victim's initial contact is with the sexual assault counselor/advocate, the SART is activated immediately with the informed consent of the victim.
2. The sexual assault counselor/advocate will be called to the medical examination site when the SART is activated.
3. The sexual assault counselor/advocate will arrive at the examination site within one hour of notification unless extenuating circumstances exist.
4. The sexual assault counselor/advocate will inform the victim that
 - a. Free and confidential counseling and support services are available for the victim, the victim's family and significant others.
 - b. The victim will not be billed for the forensic exam directly related to the sexual assault;
 - c. The victim may be eligible for compensation program through the crime Victims Compensation Program for counseling loss of earnings and/or any additional unpaid medical expenses. The sexual assault counselor/advocate will provide information on how to access this service; and
 - d. A sexual assault counselor/advocate may accompany the victim during the forensic examination and for follow-up medical care; and
 - e. Sexual assault counselor/advocates are available to support the victim throughout the criminal justice process.
5. The sexual assault counselor/advocate will participate in the evaluation of services provided by the SART.

Guideline Seven

The law enforcement representative will ensure the quality and integrity of the sexual assault investigation.

Rationale: By ensuring the quality and integrity of the investigation, it is more likely that the goal of law enforcement, to apprehend the perpetrator of the sexual assault, will be achieved.

Outcome: A complete investigation, which includes the interviewing of all witnesses and the collection of physical evidence, will lead to a more successful investigation and prosecution and will result in holding the perpetrators of sexual assault accountable.

Measurement Criteria:

1. The law enforcement representative will promptly refer the victim to the most appropriate health care provider before proceeding
2. The law enforcement representative will explain that an examination is necessary for evidence collection, and if delayed, apprehension and prosecution may be adversely affected.
3. The law enforcement representative will explain each step of the investigation, especially the need to ask personal, intimate and detailed information about the assault.
4. The law enforcement representative, with the agreement of the victim, will arrange transportation to a healthcare facility.
5. The law enforcement representative will obtain all pertinent information from all witnesses.
6. The law enforcement representative will collect appropriate physical evidence, take photographs, and attempt to identify corroborating information.
7. The law enforcement representative will submit the physical evidence to a testing facility. A sexual assault kit will be retrieved from the health care facility ASAP but no later than within 14 days of exam and delivered to the forensic lab ASAP but no later than within 14 days of law enforcement gaining possession of said kit as required by South Dakota law.
8. The law enforcement representative will inform the victim of the basic services available.
9. The law enforcement representative will participate in the evaluation of the services provided by the SART.
10. The law enforcement representative will receive annual training in the area of sexual assault response.

Guideline Eight

The Victim/Witness Specialist will provide support and resources to ensure the rights of victims are upheld. They will guide a victim through the criminal justice process, act as a liaison between the victim, law enforcement, prosecution, and other court staff, to ensure they understand their legal rights and responsibilities.

Rationale: By ensuring that victims have knowledge of the criminal justice process, their rights, responsibilities and community resources, the victim will feel supported through the process and their interests will be heard and upheld.

Outcome: Educating the victim on the criminal justice process, understanding their rights and responsibilities, and being provided to community resources, helps ensure the safety of the victim and accountability of the perpetrator.

Measurement Criteria:

1. The Victim/Witness Specialist, upon notification or assignment of a sexual assault case, will meet with the victim as soon as practical and explain court language, court documents, court personnel, and upcoming court proceedings.
2. The Victim/Witness Specialist will go over the Rights of Crime Victims, ensuring the victim understands their rights and responsibilities.
3. The Victim/Witness Specialist will act as a liaison between victims and law enforcement, prosecutors, and other court staff.
4. The Victim/Witness Specialist will ensure the victim is aware of the Crime Victims' Compensation Program and the SD SAVIN Program.
5. The Victim/Witness Specialist will help the victim navigate through the court process as it relates to their case, contact the victim prior to upcoming hearings, and attend all hearings with, or in the absence of, the victim, keeping them apprised of all matters relating to their case.
6. The Victim/Witness Specialist will assist the prosecutor in preparing the victim for court appearances, hearings, and victim testimony.
7. The Victim/Witness Specialist will assist victims with Victim Impact Statements, restitution figures, DOC Notification, registration for SD SAVIN, and the completion of Crime Victims' Compensation Applications.
8. The Victim/Witness Specialist will provide referrals for community resources.
9. The Victim/Witness Specialist will attend SART meetings on a regular basis and will adhere to their agencies policy on confidentiality.
10. The Victim/Witness Specialist will participate in the evaluation of the services provided by the SART.
11. The Victim/Witness Specialist will receive annual training in the area of sexual assault.

Guideline Nine

The State's attorney will work in coordination with the respective agencies to ensure an effective response to sexual assault.

Rationale: By coordinating with the appropriate agencies, the State's attorney will be well informed and will be the best position to pursue a prosecution and hold the offender accountable.

Outcome: The State's attorney will protect the interests of society by using the criminal justice system to hold the perpetrator accountable.

Measurement Criteria:

1. The State's attorney will contact the appropriate agencies to determine the existence of witnesses, the completion of interviews and that the notification of proceedings have been forwarded to such individuals.
2. The State's attorney will contact law enforcement representatives to ensure that the efforts have been made to secure relevant evidence and that the appropriate scientific tests have been conducted.
3. The State's attorney will provide information to the victim concerning the status of the case, from the initial filing of charges throughout the trial process to parole determinations, and will work with a Victim/Witness Specialist in these efforts.
4. The State's attorney will discuss the court's expectations of the victim/witness, as well as prepare the victim for court.
5. The State's attorney will provide notice to the victim as delineated under South Dakota law.
6. If possible, the same State's attorney will handle all matters from the investigation through prosecution.
7. The State's attorney will participate in the evaluation of services provided by the SART.
8. The State's attorney will receive annual training in the area of sexual assault cases.

Guideline Ten

Sexual assault victims will have their diverse needs recognized, and action will be taken to provide appropriate accommodations and services.

Rationale: The SART should be prepared to provide victims with access to auxiliary aids and services based on their needs. Victims may have diverse needs that require identification by team members and consultation and/or referral to appropriate personnel and/or agencies.

Outcome: Identifying victims with diverse needs and providing access to available accommodations and services will minimize further trauma related to sexual assault and enable victims to participate in the process.

Measurement Criteria

1. The SART will identify representatives within the community and establish collaborative relationships with those people, who will address and advocate for the following populations:
 - Adolescent
 - Geriatric
 - Rural
 - Disability
 - Deaf and hard of hearing
 - Same sex

And the following issues

 - Cultural
 - Language (non-English speaking)
 - Faith
2. The SART will elicit feedback from community agencies in regard to services provided by the SART.

Guideline Eleven

Child victims of sexual assault will receive specialized treatment

Rationale: The majority of sexually abused children do not receive immediate medical attention, and when they do, it is usually at the request of a third party. Because sexually abused children have experienced something for which they are developmentally unprepared, it is imperative that they are interviewed, examined, treated and counseled by team members trained in both sexual assault and pediatrics.

Outcome: Individuals trained in both pediatrics and sexual assault will evaluate child sexual assault victims. Such specially trained individuals will minimize further trauma to the child, promote healing of the child and facilitate a successful prosecution.

Measurement Criteria:

1. Safety of the child will be the first priority at all times.
2. The privacy of the victim will be supported from the first moment of presentation.
3. Mechanisms will be developed for appropriate screening and referral, as well as efficient and appropriate contact to all necessary agencies.
4. Child sexual assault victims and their support person(s) will be treated with fairness, dignity, compassion and respect.
5. Law enforcement officers will receive specialized training in regard to child victims of sexual assault.
6. Agencies will cooperate with each other to avoid multiple interviews of the child.
7. Health care team members will receive specialized training in the interview and examination processes for child victims of sexual abuse.
8. A mechanism will be developed in order to ensure expedient forensic evidence collection for children who were assaulted less than 96 hours prior to presentation.
9. Child sexual assault victims and their support person(s) will have access to a sexual assault counselor/advocate and/or a Victim /Witness Specialist at all times.

Guideline Twelve

Each victim of sexual assault will have the opportunity to provide feedback regarding access to, the process of and service provided by the sexual assault response team.

Rationale: SART members will benefit from the information provided by victims about services provided.

Outcome: Evaluation survey forms will be provided to each victim, and/or the victim's support person(s), thereby offering the victim an opportunity to comment on the services provided by the SART. Policies and procedures can be adjusted based upon input from victims of sexual assault.

Measurement Criteria:

1. The SART will collaboratively develop evaluation forms and survey methods that will be user friendly and maximize data collection.
2. The SART will identify a method of making sure a victim receives an evaluation form.
3. Evaluation forms will include questions related to access to the SART as well as process and services.
4. The SART will provide assistance in completing the survey forms if needed.
5. A SART member will be chosen to review and compile the survey data.
6. The SART will meet regularly to review survey form results and update and adjust procedures and protocols according to victim feedback.