

**HILL COUNTRY
SEXUAL ASSAULT RESPONSE TEAM
AMENDED PROTOCOL
April 21, 2004**

Section I: Purpose

a) No Sexual Assault Nurse Examiner (SANE) program can operate in isolation. To be optimally effective and provide the best service possible to victims of sexual assault, the SANE must function as a part of a team of individuals from community organizations. Therefore the Hill Country Sexual Assault Response Team (SART) was formed. The SART is a group of individuals who work independently on a day-to-day basis but communicate with each other regularly to discuss mutual cases and solve mutual problems, thus making the system function more smoothly.

b) The purpose of this Protocol is to establish and maintain a clear, consistent, and effective community-wide approach to the problem of rape/sexual assault. This Protocol represents the combined efforts of professionals from law enforcement, medical personnel, advocacy, and the judicial system. The SART team may also include an expanded range of professionals who work with specific victim populations: a school counselor, school administration, a counselor, and any combination of representatives of programs in the community who are concerned about the problem of sexual assault and are approved by the team. The team membership may change over time depending on the needs of the clients served and the goals of the SART team. Interagency cooperation among each of these agencies is essential in supporting the survivor's healing process, and facilitating the arrest, prosecution, and conviction of sexual offenders.

Section II: Mission

a) The mission of the Hill Country SART is to build communication and collaboration between agencies serving sexual assault survivors. The SART initiative is a victim/survivor-centered project designed to provide a collaborative, interdisciplinary team response to sexual assault. The goal of SART is to provide services that ensure a transition from victim to survivor for every individual whose life is impacted by sexual violence.

b) The technical expertise and collaboration of the Sexual Assault Response Team (SART) is vital to the community's ultimate goal: SUCCESSFUL PROSECUTION and restoring the victim/survivor to an optimal level of living and functioning.

c) Members of the Hill Country SART will also meet regularly to discuss cases and communicate ways to continue to improve services to victims of sexual assault. The SART meets to discuss broader concerns and to communicate informally about specific cases. The goal of this type of meeting is to gather the primary decision-makers, such as the directors or managers of the involved agencies, and resolve problems that affect the

group as a whole. At this meeting, the nature of the Hill Country SART's work is usually broader policy issues, rather than specific case issues.

Section III: Guidelines

- a) The physical, emotional, and psychological well being of the victim will be given strong consideration throughout the sexual assault investigation and prosecution.
- b) The health care facility will consider the personal safety and the health care needs of the sexual assault victim.
- c) The sexual assault nurse examiner (SANE) will conduct a prompt, compassionate, comprehensive, proficient and objective health history and physical examination of each sexual assault victim as outlined in the "Texas Evidence Collection Protocol".
- d) The sexual assault counselor/advocate will consider the well being of the sexual assault victim as well as the victim's family and/or friends.
- e) The law enforcement representative will ensure the safety of the victim as well as the quality and integrity of the sexual assault investigation.
- f) The district attorney's office will work in coordination with the respective agencies to ensure an effective response to sexual assault.
- g) Sexual assault victims will have their diverse needs recognized, and action will be taken to provide appropriate accommodations and services.
- h) All victims of sexual assault will receive specialized treatment.
- i) 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.
- j) The victim may be uncertain about reporting. If a victim chooses not to report the crime to law enforcement, that is their choice. They should be encouraged to be seen in an emergency room to ensure that they have not received any injuries that they may not be aware of. Those clients who have chosen not to report and are requesting prescriptions for STD's and/or pregnancy testing can be referred to their primary care physician, public health department or planned parenthood. The victim also needs to be informed that without making a report to law enforcement, they cannot receive Crime Victim's Compensation reimbursement but that other sources may be available to them.

Section IV: Policies and Procedures

a) When law enforcement is called to the scene of a sexual assault, they will protect the victim from further harm, protect the crime scene evidence as much as possible, and take a limited statement from the victim to determine if a crime was committed. They will then determine if the assault is acute or non-acute. In ALL acute cases, as well as non-acute cases involving adult victims, the law enforcement officer will call the Family Crisis Center who will contact the SANE on call and the advocate on call and coordinate the location (Llano Memorial or Seton Highland Lakes Hospital).

In non-acute cases that involve a child victim, the officer will contact the Children's Advocacy Center to set up an interview following established policies and procedures. The SANE will stay with the victim during any necessary medical evaluation and until she/he is cleared medically and transferred to the SANE examination area.

b) If a client presents to a hospital emergency room initially, hospital personnel will notify law enforcement and the Family Crisis Center. Law enforcement will then have the Family Crisis Center notify the SANE and advocate on-call to help facilitate the victim's admission to the SART system. Law enforcement may request a particular SANE if they so choose, and that individual will be contacted before considering the on-call rotation. In a limited number of situations, the Victim Services Director of the prosecuting attorney also responds, upon request from law enforcement, as a member of the SART. The hospital and the SANE are compensated for the medical evidentiary exam by law enforcement and/or the Office of Crime Victim's Compensation only if there is an accompanying police statement certifying that there was a crime.

c) The sexual assault exam will be performed following the Texas Evidence Collection Protocol manual and the Policies and Procedures outlined and established by each medical facility and the Children's Advocacy Center.

d) When requested by the victim, an advocate will accompany the victim into the examining room (ER) to provide support during the exam. The advocates will conduct themselves as outlined in the ~~Process for Advocates in the Examining Room~~ (Appendix I). The advocate also will give the victim referral information including a referral to the District Attorney Victim Services Division for further assistance.

e) When the exam is completed, the SANE will make any necessary arrangements for follow-up medical care, and the advocate will make arrangements to contact the victim for follow-up supportive counseling and legal advocacy.

f) Any prescriptions for pregnancy prevention or other necessary medications will be prescribed by the SANE's medical director or emergency room doctor and SANE's are authorized to call in the prescription. In addition, Medical Directors authorize the SANE's to submit lab work in their name, when required.

Section V: Billing

a) In accordance with the Texas Code of Criminal Procedure Article 56.06 the law enforcement agency that requests a medical examination of a victim of an alleged sexual assault for use in the investigation or prosecution of the offense shall pay all costs of the examination. On application to the attorney general, the law enforcement agency is entitled to reimbursement for the reasonable costs of that examination if the examination was performed by a physician or by a sexual assault examiner or sexual assault nurse examiner, as defined by Section 420.003, Government Code.

b) However, this article does not require a law enforcement agency to pay any costs of treatment. Therefore the victim will be informed and provided information regarding Crime Victims Compensation in order to cover other expenses related to the crime. The District Attorney Victim Services Division will then use OAG Presumptive Eligibility to obtain CVC. Given that medical insurance information is required for billing in the event that the victim does not complete or follow CVC guidelines and are responsible for all medical expenses; all facilities performing SANE exams will obtain this information and any information regarding private insurance, Medicaid, or Medicare.

c) The following shall be considered when billing:

c1) Law Enforcement Responsibility:

- a) Exam by Physician
- b) Exam by SANE
- c) Use of Colposcope
- d) Facility Charge
- e) Lab Work relating to forensic collection (May include pregnancy or STD testing if requested by law enforcement or determined necessary by the SANE)

c2) Patient/Victim Responsibility:

- a) All other testing including:
 - 1. Pregnancy tests
 - 2. Sexually Transmitted Disease
 - 3. HIV / AIDS testing and treatment
- b) All other treatment
 - 1. Physical injuries
 - 2. Emergency contraceptives
 - 3. Prescriptions

d) The SANE's have agreed to an all inclusive fixed charge and will use a standard billing invoice provided by the SANE program. No SANE will deviate from this standardized billing in any manner.

e) The Family Crisis Center has agreed to cover expenses of emergency contraceptives not covered under CVC.

f) Because Seton Highland Lakes, Llano Memorial Hospital and Children's Advocacy Center will keep kits onsite and will provide facility and equipment, they will bill law enforcement separately for charges relating to costs for kits, examining room and equipment as necessary. SANE's will notify each facility of any supplies that are needed.

g) The District Attorney's Victim's Services Division will assist any law enforcement agency with CVC reimbursement and appeals as needed.

Section VI: Summary

a) For a SART program to be successful, all involved agencies must work together. It takes a coordinated community approach to deal with the multiple needs of the sexual assault victim and to prosecute the offender. The important concern is ensuring a coordinated community response with the needs of the victim as the primary focus. To help meet these needs, representatives of the agencies comprising the existing Hill Country SART have signed and agreed to follow the attached copies of the **Cooperative Working Agreements** (Appendix II); developing individual protocols within their respective agencies addressing the needs of the Hill Country SART.