

How Does a Victim Get a Non-Report Sexual Assault Exam?

Victims who are at least 18 years old should go to an emergency room and request a forensic medical exam. Victims who do not yet wish to report the assault to police should also notify the facility of their desire not to contact police. Sometimes the hospital may still contact police, but you don't have to give a statement unless you are ready. The hospital should also contact a sexual assault advocate from a rape crisis center for the victim.

Are drug tests conducted as a part of the exam?

Drug and/or toxicology screens will only be available through the hospital as a part of medical care. A victim should be informed that a drug/toxicology screen at the very sensitive levels possible through a forensic laboratory will **NOT** be conducted as a part of a non-report sexual assault examination. If a victim thinks he/she may have been drugged, they may want to consider making a report immediately to law enforcement.

Which Hospital Can Victims Go To?

Texas law requires every emergency room in the state to offer sexual assault exams. However, only some facilities have special nurses called sexual assault nurse examiners (SANEs). Receiving care from a certified SANE is best whenever possible, because SANEs are specially trained to collect evidence and provide compassionate care.

If a victim goes to a facility that does not have a SANE, that facility must offer to transfer the victim to the nearest SANE facility.

If a victim does not wish to be transferred to the SANE facility, the victim has the right to refuse a transfer and receive a sexual assault exam at the emergency room where she or he already is.

To find out which local emergency room provides sexual assault exams, contact your nearest rape crisis center. To find contact information for sexual assault centers throughout Texas, visit the Texas Association Against Sexual Assault website at www.taasa.org, or call the National Sexual Assault Hotline toll-free at 1-800-656-HOPE. The Texas Department of State Health Services (DSHS) also maintains a list of SANE facilities in Texas. Contact DSHS at 1-888-963-7111.

TAASA

TAASA is the statewide organization committed to ending sexual violence in Texas. TAASA member agencies comprise a statewide network of more than 80 crisis centers.

Texas Association Against Sexual Assault

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Austin, TX 78752

Phone: 512-474-7190 Fax: 512-474-6490

www.taasa.org

Resources

Rape, Abuse and Incest National Network

1-800-656-4673 • www.rainn.org

Texas Advocacy Project

1-888-296-7233 • www.texasadvocacyproject.org

Legal Aid

Texas RioGrande Legal Aid

1-888-988-9996 • www.trla.org


Legal Aid of North West Texas

1-888-429-5277 • www.lanwt.org

Lone Star Legal Aid


1-800-733-8394 • www.lonestarlegal.org

TLSC 888-343-4414 • www.tlsc.org



SEXUAL ASSAULT EXAMINATIONS WITHOUT POLICE INVOLVEMENT

A Guide to Texas' New Law

taasa 
TEXAS ASSOCIATION AGAINST SEXUAL ASSAULT

Sexual Assault Exams Are Now Available Without Police Involvement

If a sexual assault victim is not ready to get police involved, she or he still has the option to have a sexual assault examination conducted. **No police report is required.**

Sexual assault exams provide many benefits. This brochure explains how they work, how they help, and how to have one conducted without police involvement.

What is a Non-Report Sexual Assault Exam?

A sexual assault examination (also called a medical forensic exam) is a procedure conducted by a medical professional to treat and diagnose a victim of sexual assault while also collecting evidence of the crime.

“Non-report sexual assault exam” refers to the same examination, except the survivor can choose to involve police much later, or not at all. There is no law requiring medical facilities to report sexual assaults of adults to law enforcement, so the decision to report is entirely the survivor’s.

Why is a Sexual Assault Exam Important if the Victim Doesn’t Report?

Privacy is of paramount importance to most sexual assault survivors. Survivors often need time to prepare themselves before reporting since criminal investigations and prosecutions are often invasive and exhausting.

However, the immediate collection of forensic evidence is extremely important in sexual assault cases. It can mean the difference between a conviction and a dismissal—or even failing to identify the perpetrator at all. Evidence a perpetrator leaves behind after a sexual assault is especially vulnerable to contamination or being washed away. An immediate sexual assault exam allows for the collection of corroborating evidence to support a victim’s allegations in the criminal justice system.

Non-report sexual assault examinations balance the needs of the victim and the criminal justice system by allowing survivors to preserve important evidence to use against their attackers and still take the time they need to decide whether to report.

Victims who are unsure about reporting their attack to authorities may seek more information about the reporting process from their local sexual assault prevention and assistance programs. These programs provide survivors with support, confidential services, and an advocate to accompany victims to the emergency room.

Is a Non-Report Sexual Assault Exam Confidential?

Yes. All evidence collected during the exam will be securely stored and only released with the survivor’s written consent. Information about a survivor’s visit to the hospital and the treatment they receive is also confidential.

Who Can Get a Non-Report Sexual Assault Exam?

Any victim of sexual assault who does not wish to involve the police can receive a non-report exam, as long as she or he:

- is at least 18 years old,
- arrives at the medical facility within 96 hours (4 days) of the assault, and
- consents to the exam.

If a child (anyone younger than 18) has been sexually assaulted, that **MUST** be reported to law enforcement under Texas’ mandatory reporting laws.

How Long Does a Victim Have to Decide Whether to Report and Release the Evidence?

The Department of Public Safety will store any evidence collected during a non-report sexual assault exam for two years from the time it is collected. If the victim has not reported the assault at the end of two years DPS will destroy the evidence.

***NOTE:** The statute of limitation for sexual assault of an adult in Texas is 10 years. Sexual assault where there is DNA evidence and sexual assault of a child have no statutes of limitation. The fact that DPS only stores evidence for two years does not affect the amount of time a sexual assault survivor has to report her assault to police. Even though the evidence is destroyed after two years, a survivor can still report up to 10 years later.*

How Much Does a Non-Report Sexual Assault Exam Cost?

A sexual assault examination has two parts: the medical portion, and the evidence collection (“forensic”) portion. The law expressly states that sexual assault survivors never have to pay for any procedures or services related to evidence collection, or for the evidence collection kit (see *TEX. CODE CRIM. PROC. § 56.065(h)(2)*). **Under no circumstances should a survivor receive a bill for services related to evidence collection.**

The Department of Public Safety pays for the “forensic” portion of the exam and then seeks reimbursement from Office of the Attorney General’s Crime Victims’ Compensation fund.

However, victims will also receive medical treatment that is unrelated to evidence collection (e.g. medication, stitches). Medical facilities will still bill victims for those portions of the exam that are purely medical.

In contrast, victims who **do** report to police can receive reimbursement for the medical portions of the exam through the Crime Victims’ Compensation program. Victims who **do not** report to the police are not eligible to receive reimbursement for the medical portions of the exam through the Crime Victims’ Compensation program.