

Victims of Sexual Assault

Your rights and resources

Important information for victims seeking medical care or a forensic medical examination following a sexual assault.

Medical Forensic Examination

What are my rights?

- You have the right to decline or accept any part of the exam at any time.
- You have the right to have the doctor or nurse answer your questions during the exam.
- You have the right to have an advocate stay with you during the exam, if available.

What happens during a medical forensic exam?

- A doctor or nurse will ask you questions about what happened during the sexual assault.
- You will be checked from head to toe for pain and injuries.
- Samples may be collected from areas of your body that may have DNA from the person who hurt you. These samples are put in the sexual assault examination kit.
- Additional evidence, such as clothing, may be collected.
- The doctor or nurse will discuss your risk of getting pregnant, sexually transmitted infections, and HIV from the sexual assault.
- Medications may be offered to prevent sexually transmitted infections, HIV, and pregnancy.
- If you are injured during the assault, you may need additional medical care beyond the medical forensic exam.

Testing the sexual assault examination kit

What you need to know

- The kit will only be tested if you decide to report the crime to law enforcement.
- The kit will only be tested if you provide consent to have it tested. When this happens, the kit is called an “unrestricted kit,” meaning you have placed no restriction on it being tested.

No one has the right to touch, force, threaten, or have sexual contact with you without your consent.

No matter the circumstances, you did not deserve to be sexually assaulted.

Following a sexual assault, you might feel helpless, lonely, shocked, angry, fearful, depressed, anxious, embarrassed or ashamed.

Sexual assault is a traumatic event; each person reacts in a different way and experiences a variety of emotions.

Choosing to get a medical forensic examination after a sexual assault is about your health and safety.

All kits are given to the law enforcement agency which then sends them to a laboratory. Only unrestricted kits are tested.

- The hospital does not perform any tests on the evidence that has been collected.

You decide whether you want the kit tested

- **I want the kit to be tested.**

If you want the kit tested, notify the nurse or doctor performing the exam. You will be asked to sign a Sexual Assault Evidence Storage and Testing Consent Form that gives permission for the kit to be tested. As part of this process, you will also be asked to sign a release of information form so the information the hospital has collected about you can

be shared with law enforcement. When this happens, the kit is called an unrestricted kit, meaning you have given permission for it to be sent to a forensic laboratory for testing.

- **I don't want the kit to be tested.**

If you don't want the kit tested, notify the nurse or doctor performing the exam. On the Sexual Assault Evidence Storage and Testing Consent Form, it will be noted on the box that you do not give permission for the kit to be tested. When this happens, the kit is called a "restricted kit," meaning you have placed a restriction on it being tested. Restricted kits will be stored for at least 30 months.

What if I change my mind about having the kit tested?

- If a report has already been made to law enforcement, contact that agency and tell them that you don't want the kit tested. If the kit has not yet been tested, you can withdraw your permission for it to be tested. At that point it will be considered "restricted."
- If you have not made a report yet to law enforcement, contact the agency and tell them that you want to make a report. Explain that you have already had a medical forensic examination and wish to have the kit tested.

Making a report to law enforcement

Do I have to report to law enforcement?

- A victim of a sexual assault does not have to report the crime to law enforcement.

How do I make a report to law enforcement?

- You can make a report by calling the law enforcement agency in the jurisdiction where the crime occurred. The doctor or nurse helping with the examination can explain how to do that.
- If you make a report to another law enforcement agency, they will pass the information along to the correct agency to investigate.
- A victim can report the crime right away or wait until later, however, waiting to report may make the investigation and prosecution more difficult.
- A sexual assault advocate can provide more information about reporting to law enforcement

How do I find out what happened to my sexual assault examination kit?

A sexual assault victim may request information from law enforcement including:

- The date the kit was submitted to a forensic lab for testing.
- The date results were received.
- Whether or not a DNA profile was obtained.
- For more information, contact your local sexual assault advocacy program.

Cost of examination

Who pays for the medical forensic examination?

- Under Minnesota law, the county where the sexual assault occurred is responsible for the cost of collecting evidence during your medical forensic examination. The county must pay regardless of whether or not you report to law enforcement.

Will my insurance get billed for the medical forensic exam?

- The county can only bill your insurance if you give permission first. Whether or not the county bills your insurance is your choice.

Who pays for the cost of other medical care?

- You are responsible for the costs of other medical care provided by the hospital, including treatment of injuries and medications.
- The hospital will bill you or your insurance for these other health care costs. If you do not wish to have your insurance billed for this medical treatment, please talk to the hospital billing office.
- Hospitals have charity care and financial assistance programs available if you need help with your medical expenses.
- If you have reported the crime to law enforcement, you can seek assistance with your hospital bills from the Minnesota Reparations Program.
- Advocates from your local sexual assault advocacy program can assist with exam payment questions and concerns.

If you fear for your safety

- If you fear for your safety or fear contact from the person who hurt you, you can seek a civil **protective order** from the court. The judge can order that the offender have no contact with you and stay away from you.
- There are two types of civil protective orders: **Order for Protection** and **Harassment Restraining Order**. The type of order that is appropriate for you depends on the type of relationship you have with the person who hurt you and the type of the violence or harassment that has occurred. You can file a petition for these orders at no cost.
- Contact your local sexual assault advocacy program or your local courthouse for information about how to get a **protective order**.
- If the person who hurt you was arrested, you can find out when the person gets out of jail through the VINE service at 1 (877) 664-8463 or go to www.vinelink.com. Your local sexual assault advocacy program can help you get more information about the criminal case.

Financial assistance (Reparations)

- Victims of sexual assault who report to law enforcement may apply for financial assistance from the Minnesota Crime Victims Reparation Board if they have suffered economic loss as a result of the crime.
- The Crime Victims Reparations Board can pay for expenses such as counseling services, lost wages, and medical costs, including prescriptions.
- Forms and information can be obtained from the Minnesota Office of Justice Programs at (651) 201-7300 or 1(888) 622-8799 or online at ojp.dps.mn.gov.

Definitions

Sexual Assault: Sexual contact or behavior that happens without the victim's permission. Some forms of sexual assault include: attempted rape, unwanted sexual touching, or forcing a person to do sexual things that they don't want to do.

Medical forensic examination: An exam conducted by a nurse or a doctor of a victim following a sexual assault. Sexual assault examination kit: Evidence collected which may contain the DNA from the person who hurt you, including swabs and other samples related to the sexual assault.

Unrestricted kit: A sexual assault examination kit where the victim has reported the crime to law enforcement and consented to have the kit tested.

Restricted kit: A sexual assault examination kit where the victim has not consented to have the kit tested.

Kit testing: When a forensic laboratory tests the evidence in the sexual assault examination kit to determine if DNA from a person other than the victim is present.

Sexual Assault Evidence Storage and Testing

Consent Form: A form that victims sign that shows whether they want their sexual assault examination kit tested or not.

Advocate: A person whose only job is to help and support the victim. They are not hospital staff and not connected with law enforcement. What you say to an advocate is not shared with anyone else without your permission.

Reparations Program: A program run by the state that provides financial help to victims of sexual assault and other violent crimes.

Law enforcement: The police department or sheriff's office that has the responsibility to investigate because the location of the crime was in their jurisdiction.

Help is Available

- Services are available to you free of charge from your local sexual assault advocacy program, including 24-hour hotlines, crisis intervention, support groups and advocacy.
- An advocate from a sexual assault advocacy program can:
 - Help you understand the topics described in this handout in greater detail.
 - Help you understand how your emotional and physical reactions are a normal response.
 - Listen to your feelings and concerns.
 - Help you understand and weigh your options.
 - Explain the legal process to you if you are considering reporting the crime.
 - Contact others on your behalf with your permission.
- Sexual assault advocacy programs are legally and ethically required to protect your confidentiality. Your rights to privacy will be explained to you when you seek services.

Finding help

Find local 24-hour sexual assault crisis lines:

www.rapehelpmn.org

For referral to sexual assault, domestic violence, and human trafficking services:

Minnesota Day One Line

Call: (866) 223-1111

Text: (612) 399-9995

www.dayoneservice.org

For referral to other local services:

United Way 211 – 24-hour information and referral
211 or (800) 543-7709

For information on eligibility for financial compensation and forms:

Crime Victims Reparations Board

(651) 201-7300 or 1 (888) 622-8799

ojp.dps.mn.gov

To request to be notified of an inmate's release from jail or to obtain other custody information:

Minnesota Victim Information and Notification Everyday (VINE)

(877) MN4-VINE or (877) 664-8463

www.vinelink.com

Safe at Home Address Confidentiality Program

(866) 723-3035

www.sos.state.mn.us

Minnesota Coalition Against Sexual Assault

Fact sheets and educational resources:

www.mncasa.org

If you are a crime victim or witness and you believe your rights have been violated:

Crime Victim Justice Unit

(651) 201-7310 or 1 (800) 247-0390

This notice was developed in collaboration by the Department of Public Safety, the Minnesota Coalition Against Sexual Assault, and the Minnesota Hospital Association.