



**Empowering Survivors:
Dealing with the trauma of
rape in the community**

**The Rape Crisis Program in
New York State**

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Speakers

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What is Rape

- **Rape** is sexual intercourse without the consent of the victim.
- **Lack of consent** could be due to force, threat of force or incapacity to consent.
- **Incapacity to consent** can be due to age (under 17), mental disability, mental incapacitation (such as involuntarily being under the influence of drugs or alcohol), physical helplessness (such as being in a coma), or certain custodial situations (such as inmate and correction officer).

What is Sexual Assault

- **Sexual assault** is used to describe sex offenses in general.

Rapes and Sex Offenses Reported in New York State

- | • Rapes | • Sexual Offenses |
|---------------|-------------------|
| • 1998- 3,937 | • 1998- 18,278 |
| • 1999- 3,436 | • 1999- 18,040 |
| • 2000- 3,352 | • 2000- 20,305 |
| • 2001- 3,448 | • 2001- 19,920 |

Facts About Rape

- One out of every six American women have been the victims of an attempted or completed rape in their lifetime (14.8% completed rape; 2.8% attempted rape)
- Seven out of every eight rape victims are female. One in every eight victims are male.

Facts About Rape

- Two thirds of all rape victims know their assailant.
- About half of all victims are raped by a friend or acquaintance; 30% by a stranger; 16% by an intimate; 2% by another relative and in 4% of cases the relationship is unknown.

Facts About Rape

- Four out of ten sexual assaults occur at the victim's own home.
- Two in ten occur at the home of a friend, neighbor or relative.
- About one in 12 rapes occurs in a parking garage.
- 43% of rapes occur between 6pm and midnight.

Facts About Rape

- 24% occur between midnight and 6am.
- 33% take place between 6am and 6pm.
- Girls between the ages of 16 to 19 are four more times likely than the general population to be victims of rape, attempted rape or sexual assault.
- 80% of all rape victims are under the age of 30.

NYSDOH Rape Crisis Program

The mission of the NYSDOH Rape Crisis Program is to:

- reduce the incidence of rape, sexual assault, and sexual abuse
- alleviate the immediate and long-term negative physical and emotional effects of sexual assault
- improve societal response to victims of these crimes.

NYSDOH Rape Crisis Program

- Currently fund 55 Rape Crisis Programs responsible for providing:
 - 24-hour crisis intervention and advocacy to victims of rape and sexual assault and their significant others
 - Individual counseling and follow-up
 - Sexual assault prevention/education programs

NYSDOH Rape Crisis Program

- Training programs to professional groups to increase their awareness and understanding of sexual assault
- Trained crisis workers/advocates to accompany victims to medical facilities
- Providing advocacy on behalf of victims within the criminal justice system

NYSDOH Rape Crisis Program

- Providing advocacy on behalf of victims within the criminal justice system
- Providing information and referral services
- Ensuring the confidentiality of client communication and records
- Developing relationships with community agencies in order to enhance the effectiveness of a comprehensive rape crisis response and prevention system.

NYSDOH Rape Crisis Program

- Funds two Rape Crisis coalitions in the state:
 - New York State Coalition Against Sexual Assault (NYSCASA)
 - New York City Alliance Against Sexual Assault (Alliance)

NYSDOH Rape Crisis Program

- Coalitions are charged with:
 - Developing collaborative relationships with policy makers in order to enhance the effectiveness of a comprehensive rape crisis response and prevention system.
 - Uniting sexual assault providers, health care professionals, members of the criminal justice system, community leaders, and others with the shared purpose of improving rape crisis services and advocacy for all victims of sexual assault.
 - Providing expertise, education and technical assistance to providers and policymakers.

Sexual Assault Forensic Examiner (SAFE) Programs

- SAFE programs are comprehensive and designed to meet the needs of victims of sexual assault by providing not only medical care, but also forensic examinations in private settings by specially trained sexual assault forensic examiners

Sexual Assault Forensic Examiner (SAFE) Program

- The SAFE program philosophy is based upon the belief that providing a specialized standard of medical care and evidence collection to victims of sexual assault which:
 - will support recovery and prevent further injury or illness arising from victimization
 - may increase the successful prosecution of sex offenders for victims who choose to report the crime to law enforcement

Sexual Assault Forensic Examiner (SAFE)Program

- DOH approved SAFE programs are interdisciplinary collaborations involving hospital based SAFE programs, rape crisis centers, law enforcement, prosecutors' offices and other appropriate service agencies.
- They provide a coordinated response to meet the needs of the sexual assault victim, and improve community response to sexual assault.

Sexual Assault Forensic Examiner (SAFE)Program

- Hospitals in NYS can apply to receive DOH certification as a SAFE Center if they:
 - Meet the criteria as a SAFE Center
 - Provide care as mandated in the New York State *Protocol for the Acute Care of the Adult Patient Reporting Sexual Assault*

Sexual Assault Forensic Examiners (SAFEs)

- SAFEs are physicians, nurses or physician assistants with special training and competence in the forensic examination of victims of rape.
- The Department of Health will also certify Sexual Assault Forensic Examiner training programs that provide didactic training and preceptorships to physicians, nurses or physician assistants according to NYS standards.

NYSDOH Rape Crisis Program

- Further information about the program can be accessed through the Department's web site at:
<http://www.health.state.ny.us/nysdoh/provider/provider.htm>
- Or by contacting the New York State Department of Health Rape Crisis Program at 518 474 3668.

Sexual Assault Examiner Programs

- Function under the auspices of the Department of Criminal Justice Services
- Established in 1995 to improve the delivery of emergency care to sexual assault victims.

Sexual Assault Examiner Programs

- Follow basic protocols and incorporate unique elements as needed by their service area. Sexual assault examiners and rape crisis counselors work together as a team to provide optimal care for sexual assault victims.

Sexual Assault Examiner Programs

- Information regarding the nearest DCJS Sexual Assault Examiner Program may be obtained on the DCJS web site at:
<http://criminaljustice.state.ny.us/ofpa/sanemap.htm>

Forensic Payment Act

- Requires hospitals to provide services to survivors of sexual assault without charge and bill the Crime Victims Board (CVB) directly.
- Services include but are not limited to a health care forensic examination.

Forensic Payment Act

- Specific services to be covered by the reimbursement will be defined by CVB and the NYSDOH.
- The reimbursement is capped at \$800 for each survivor's care.

Emergency Contraception

- The emergency contraception (EC) legislation was passed requiring all hospitals providing emergency treatment to sexual assault survivors to:
 - Promptly provide the survivor with information related to emergency contraception;

Emergency Contraception

- Tell the survivor that emergency contraception is available and describe its use and effectiveness
- Provide emergency contraception to the survivor at her request unless she is already pregnant or there are medical contraindications.

Drug Facilitated Rape Kits

- Drug Facilitated Sexual Assault evidence collection kits should be used when a sexual assault has occurred and there is suspicion that drugs were used to incapacitate the rape victim and facilitate the rape.
- These kits are available free of charge to all hospitals in New York State through: DCJS, Bureau of Justice Funding (518) 457 926

Drug Facilitated Rape Kits

For further information about DCJS services, access their web site at:

www.criminaljustice.state.ny.us

The Rape Crisis

- Rape is a crime that puts criminal justice demands on a victim in a state of trauma that includes an invasive physical examination in a hospital Emergency Room.
- Rape is a sex act with physical consequences requiring medical treatment.
- Rape is an intimate act perpetrated by a known or unknown party without consent of the victim. How the lack of consent came about and/or the relationship of the perpetrator to the victim pose a psychological crisis of fear, loss of trust or shame.

The Development of Rape Crisis Centers

- Rape Crisis Centers were developed to meet the public's needs:
 - Victims needed to talk to someone informed about the crime who is non-judgmental.
 - The public required education to understand the difference between consensual sexual intercourse and rape.
 - The public needed information on who commits rape and who are its likely victims.

Developments in Rape Crisis

- Sweeping reforms of the NY Penal Law from 1980 through 2003 improving victim treatment.
- Professional Rape Crisis Centers in every county in NY available to hospitals treating sexual assault victims.
- Standardized evidence collection and victim treatment protocols such as the New York State *Protocol for the Acute Care of the Adult Patient Reporting Sexual Assault*.

Developments in Rape Crisis

- Development of programs such as the Sexual Assault Forensic Examiner (SAFE) Program developed by NYSDOH and DCJS to improve services to survivors of rape.
- Specialized prosecution Units in District Attorney's Offices.

Albany County Crime Victim and Sexual Violence Center Services

- Victim accompaniment to police stations, courts and the District Attorney's Office.
- Victim accompaniment to three local hospitals for sexual assault evidence collection.
- Partner to Albany Medical Center Hospital's SANE Program.

Albany County Crime Victim and Sexual Violence Center Services cont.

- Assistance in filing compensation claims with the NYS Crime Victims Board.
- Public awareness regarding sexual assault prevention, victim treatment and the criminal justice response.

Albany Medical Center Hospital's Sexual Assault Nurse Examiner (SANE) Program

- Victim enters the system by:
 - police
 - presents to the Emergency Department
 - calls the Rape Crisis Hot line for assistance and are directed to SANE program

Collaborative Approach to Treat Victims of Rape

- Quality intervention requires a multidisciplinary approach including:
 - Pre-hospital provider
 - Emergency staff
 - Sexual assault forensic examiner
 - Sexual assault nurse examiner
 - Rape Crisis Program Support & Counselor
 - Law enforcement

Goals of Sexual Assault Forensic Examiner (SAFE) Program

- Forensic evidence collection / preservation
- Objective documentation of findings
- Evaluate and treat preventively for:
 - pregnancy
 - sexually transmitted infections
 - HIV
 - Hepatitis B

Goals of Sexual Assault Nurse Examiner (SANE) Program

- Comprehensive / supportive care to victims
- Refer for follow up medical & counseling treatment
- Enhance ability of law enforcement to obtain evidence from the body of a crime scene.
- Improve chances for successful prosecution

Services Provided by SAFE/SANE

- Rape crisis volunteers called immediately
- Crime Victim's Assistance application process begun at time of examination
- Forensic evidence collected using standardized protocol and evidence collection kit

Role of Rape Crisis Counselor

- Promote informed decisions on police reporting by helping victims understand what will occur if they choose to report the crime.
- Explain the criminal law and physical behaviors that define rape and criminal sexual activity.

Role of Rape Crisis Counselor

- Explain the need to collect forensic evidence from victims' bodies to provide valuable information to aid in prosecuting a crime.
- Provide support during the examination process.

Forensic Evidence Collection Process

- Collection of evidence can occur, depending on the circumstances, up to 96 hours.
- Purpose of exam
 - Confirm recent sexual contact
 - Demonstrate force or coercion
 - Identify the assailant by physical evidence left behind on the person's body / clothing
 - Corroborate the patient's history of events

Components of the Forensic Exam

- Patient consent
- Maintaining the Chain of Custody of evidence
- Sexual Assault documentation
- Health Care - Medical documentation
- Injury documentation
- Body diagrams
- Forensic photography
- Prophylaxis against pregnancy, Hepatitis B & C, HIV and Sexually Transmitted Diseases

When is Drug Facilitated Sexual Assault Suspected?

- Unable to recall what happened for a period of time after consuming beverage.
- Felt someone had sex with them, but unable to recall any or all of the events.
- Experienced more intoxication than amount consumed.

When is Drug Facilitated Sexual Assault Suspected?

- Woke up feeling hung over, fuzzy, or memory lapse.
- Woke up in strange location without recall.
- Clothes were absent, inside out, disheveled or not theirs.

Examination Documentation

- Standardized Sexual Assault documentation tool includes:
 - Objective narrative of observable findings.
 - Drawings of injuries in relation to anatomical landmarks.
 - Photographs
 - Log of photographs taken.

Examination Documentation

- All procedures performed.
- Hospital lab specimens collected.
- Treatments provided.
- Referrals made:
 - Rape crisis counseling and services
 - Crime Victim's compensation application
 - Follow up healthcare assessments

Examination Documentation

- Summary of findings:
- Nursing diagnosis:
 - Alteration in skin integrity, genital
 - Alteration in skin integrity, non-genital
 - Potential for infection related to exposure
 - Potential for drug facilitated event
 - Alteration in comfort
 - Fear related to event

Chain of Custody

- List of items collected
- Identify when/who items released to
- Obtain signatures on items released.
- Log of who removed items removed from secure storage.
- Authorization to release signed by patient required to release items.

Post-Assault Care and Discharge

- Written documentation of testing, treatment and follow up health care
- Hospital must ensure safe discharge
- Information on community resources
- Linkage with a Rape Crisis Program for counseling and support

Resources for Further Information

New York State Department of Health
Rape Crisis Program at (518) 474-3368
or through DOH web site at:
<http://www.health.state.ny.us/nysdoh/provider/provider.htm>

Resources for Further Information

Division of Criminal Justice Services
Bureau of Justice Funding at
(518) 457-9726 or through the DCJS
web site at:
<http://criminaljustice.state.ny.us/ofpa/sanemap.htm>

Resources for Further Information

To locate a Rape Crisis Program
nearest you contact:

New York State Department of Health
Growing Up Healthy Hotline
at 1-800-522-5006

**Resources for
Further Information**

**Albany Medical Center Department of
Emergency Medicine Sexual Assault
Program**

(518) 262-3477

**Albany County
Crime Victim and Sexual Violence Center
(518) 447-5500**

**Resources for
Further Information**

**New York State Coalition Against Sexual
Assault**

(518) 482-4248 or

at NYSCASA's web site at:

www.nyscasa.org

**New York City Alliance Coalition Against
Sexual Assault at (212) 523.4344 or at the**

Alliance's web site at:

www.nycagainstrape.org