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## Anonymous Sexual Assault Kit Recommendations: HEALTHCARE FACILITIES

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### **Definitions – Anonymous vs. Non-Reporting Victim:**

**Anonymous Victim/Unreported Kit:** A victim of sexual assault requesting a medical forensic examination, inclusive of a sexual assault kit (SAK), but does not consent to disclosing identifying information or to participate in the criminal justice process. Healthcare providers should not release identifying information, print/label name on outside of SAK, chain of custody, or other items. (May also be referred to as Jane Doe kits.)

**Non-reporting/Unreporting Victim:** A victim of sexual assault requesting a medical forensic examination, inclusive of a sexual assault kit (SAK), that is choosing to not report to law enforcement at time of examination. Victim may consent for healthcare providers to use identifying information that may be released to outside agencies (i.e., name can be printed or labeled on outside of sexual assault kit, chain of custody, or other items).

**\*\*Victims 17 years and younger cannot be non-reporting or anonymous victims.\*\***

### **Recommendations for Healthcare Facility Responsibilities:**

*DO:*

- ✓ Add the Sexual Assault Kit (SAK) to the Indiana SAK Tracking System anonymously:
  - Label “Victim First Name” as: “Anonymous”
    - Ex: Anonymous
  - Label “Victim Last Name” as: Medical Record Number (MRN)
    - Ex: 000012345
  - Provide the victim with the SAK tracking number and PIN for status updates through the tracking system.
  - Educate the victim that the status of the SAK may not update until a report is made to law enforcement.
- ✓ Contact the law enforcement agency in the jurisdiction where the incident occurred to pick up the SAK.
- ✓ Inform the victim of the risks/benefits associated with remaining anonymous/non-reporting. Specifically, law enforcement agencies are only required to keep the SAK for one (1) year.

***DO NOT:***

- ☒ Do not put any victim identifying information on the SAK or Chain of Custody (COC) form:
  - Label “Victim Name” on SAK and COC as: Anonymous MRN
    - Ex: Anonymous 000012345
- ☒ Do not include a copy of the Indiana Criminal Justice Institute (ICJI) Sexual Assault Victim Reimbursement Application form with the SAK.
- ☒ Do not discuss case details with outside agencies without a subpoena or signed Release of Information (ROI).
- ☒ Do not release the patient chart to outside agencies without a subpoena or a signed Release of Information (ROI).

***DELAY OF REPORT:***

When an initially anonymous victim later decides to report the sexual assault to law enforcement, the following should be considered when a healthcare facility is ultimately asked to release victim information:

- Law enforcement should provide a signed Release of Information (ROI) to the healthcare facility before any information sharing is permitted.
- Healthcare facility should work with the local law enforcement agencies to ensure the facility is able to accept the ROI form being used by law enforcement.