



# SAFVIC on the Scene

SoS Quarterly Newsletter

December 2019

## Sexual Assault Exam Reimbursement: What does law enforcement need to know?

Laurie Charles, MSN, RN, CA-CPSANE, Sane-A, Sane-P, CHSE

### *Background*

The investigation of a sexual assault can be a daunting task for even the most experienced investigator. Collaboration with medical professionals can positively influence the investigation and ensure accuracy. Numerous recent, major developments have significantly impacted the law enforcement agency (LEA) investigation of, and health care response to, sexual assault in Texas. Several statutory changes occurred during the 85th (2018) and 86th (2019) legislative sessions. Also, the release of the updated [Texas Evidence Collection Protocol \(Charles et al., 2019\)](#) may alter the patrol officer's or detective's response to sexual assault.

### *Evidence Collection Timeframe Extended to 120 hours*

House Bill 616 amended the [Code of Criminal Procedure 56.065](#) by extending the sexual assault evidence collection time frame from 96 hours to 120 hours (five days). Therefore, refer all persons who report sexual assault within the last five days to a medical facility that provides post-sexual assault health care. Best practice is to refer all suspected sexual assault survivors, regardless of the type of contact or penetration reported. Survivors may not feel comfortable to disclose the entirety of what occurred to law enforcement. They may feel more comfortable discussing what occurred with health care professionals. LEAs may also wish to consider completing examinations of suspects of sexual assault. Many forensic nurse programs will collaborate with LEAs to complete suspect medical forensic examinations.



*Julia Reihs/KUT*

### *Reimbursement for Forensic Medical Sexual Assault Examinations*

House Bill 616 also changed the process for reimbursement of forensic medical sexual assault examinations. Prior to September 1, 2019, LEAs paid health care facilities for completing the forensic medical examination of people who reported sexual assault. LEAs then requested reimbursement from the Office of the Texas Attorney General (OAG). Effective September 1, 2019, health care facilities can directly bill OAG, but the [Attorney General Law Enforcement Request for Sexual Assault Exam](#) form must accompany the bill.

### *Mandatory Notification for Sexual Assault Examinations*

People who report sexual assault to a LEA now shall be notified by said LEA whether a forensic medical examination was requested or denied. House Bill 616

mandates that LEAs shall document, utilizing the [Attorney General Law Enforcement Request for Sexual Assault Exam](#) form, whether the agency requested a forensic medical examination.

The LEA shall provide the form to:

1. The victim
2. The health care facility and the sexual assault examiner

Then maintain a copy of the form at the agency.

The form is required in order for the health care facility to request payment from the OAG. This form does not need to be completed by a supervisor; it can be completed by a patrol officer.

### Updated Texas Evidence Collection Protocol & Sexual Assault Evidence Collection Kits

The [Texas Evidence Collection Protocol](#) was also updated. The [Office of the Texas Attorney General](#) and [Texas A&M University Center of Excellence in Forensic Nursing](#) partnered to formalize the standardized guide for any professional who comes in contact with survivors or suspects of reported sexual assault. An advisory board of 22 subject matter experts, including three law enforcement experts, was formed to revise the protocol. The web-based resource reflects the latest best-practices and evidence-based research, and can be printed on demand. Additionally, the sexual assault evidence collection kit (SAEK) contents and [forms](#) were updated to reflect best-practices in DNA evidence collection and preservation.

### Sexual Assault Evidence Tracking



House Bill 281, in the 85<sup>th</sup> legislative session, amended the [Texas Government Code 420.034](#) mandating [Texas Department of Public Safety \(DPS\)](#) begin tracking sexual assault evidence effective September 1, 2019 so sexual assault survivors could track their SAEK throughout the process. DPS partnered with STACS DNA, Inc. to create the [Track Kit online portal](#). SAEKs are now tracked from the manufacturer to prosecution. Each professional along the process, enters data in Track Kit. Health care professionals, LEAs, and prosecuting attorneys must participate in Track Kit. The sexual assault survivor, however, may consent or decline to participate in Track Kit.

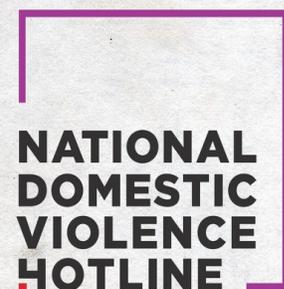
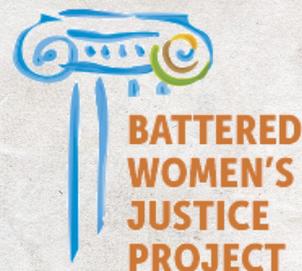
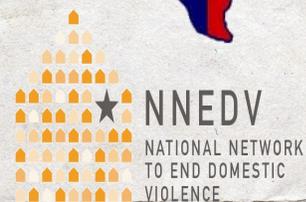
### Timeframe for Possession of SAEK

House Bill 8 amended the [Government Code 420.035](#) such that the health care facility shall immediately notify LEA that a SAEK requires pick up. Effective September 1, 2019, LEA have seven days to take possession of the SAEK, unless they are located more than 100 miles from the health care facility. These significant changes to Texas statutes greatly impact the health care and law enforcement response to sexual assault. However, collaboration between professionals ensures the law enforcement officer completes the best investigation of sexual violence.

## RESOURCE DIRECTORY

# Open Arms Crisis Center & LGBT+ Services

This facility, located in San Angelo, TX, has been providing comprehensive services for nearly 30 years, including 24-hour hotline, survivor advocacy, individual/support groups, counseling, information and referrals, accompaniment services, LGBTQ+ services, and education/prevention. The crisis center's website is [www.openarmscv.com](#) and they can be contacted at (325) 655-2000.



## Unbelievable (2019): A Netflix Miniseries

Inspired by true events, this miniseries tells the story about a young woman who reports her rape, but is accused of lying by law enforcement. This damages her self-worth and isolates her from her community. Years later, similar attacks are under investigation by two female detectives. These detectives take a victim-centered approach to sexual assault investigations.

This miniseries is based off of [An Unbelievable Story of Rape](#), an article published by Ken Armstrong and T. Christian Miller. Click [here](#) to watch *Unbelievable*.

# RELEVANT RELEASES

## Know My Name: A Memoir

This anonymous woman was in the spotlight after her rapist, Brock Turner, was sentenced to just six months in county jail. In 2019, she revealed her name: Chanel Miller. Her memoir tells the story about her trauma and courage, transforming how we view sexual assault. Click [here](#) to purchase *Know My Name: A Memoir*.

## Dirty John (Podcast)

After Debra builds an instant connection with John through an Internet site, she struggles to figure out why her family does not like him. After all, he's charming, handsome, and a nurse anesthetist! During this relationship, Debra's family members slowly realize what he is: an abusive con artist. His manipulation tactics begin to fall apart and Debra begins to question who she really married.

This podcast, based on a true story, provides a prime narrative of deceit and manipulation in a relationship. To listen to the podcast, click [here](#) or visit any podcast app.

# SEEKING SAFVIC INSTRUCTORS

## SAFVIC for Telecommunications Professionals Instructor Course

SAFVIC for TCPs Instructors will be responsible for teaching the SAFVIC for TCPs 8-hour curriculum. Instructors will be asked to teach a minimum of two classes within one year of completing the instructor course.

**Application Deadline: March 9, 2020**  
**Instructor Course: April 20 – 22, 2020**

To review all qualifications and criteria, or to apply, click [here](#) or scan the code.



APPLY



NOW

## SAFVIC Instructor Course

SAFVIC Instructors are responsible for teaching the SAFVIC 24-hour curriculum. Instructors will be the local point of contact and resource for local law enforcement agencies. Instructors are expected to interact and network with local victim support coalitions. All applicants must be commissioned by a TCOLE agency in the state of Texas.

**Application Deadline: January 13, 2020**  
**Instructor Course: February 24 – 28, 2020**

To review all qualifications and criteria, or to apply, click [here](#) or scan the code.



# Statewide Training on Violence Against Women Conference

## Recap

From July 22-24, 2019, the Statewide Training on Violence Against Women hosted its 9<sup>th</sup> annual conference at the Hilton Palacio del Rio on the San Antonio River Walk. Nearly 150 law enforcement officers and telecommunicators attended this 3-day training. The focus of the training was to



strengthen the response of law enforcement and telecommunicators to combat violence against women. Workshops were presented on various topics, including strangulation, human trafficking, sexual assault, Title IX, digital investigations, trauma-informed interviews, and stalking. During these workshops, attendees were given the opportunity to network in order to build an open line of communication between jurisdictions.

Our program is excited to host its 10<sup>th</sup> annual conference in the summer of 2020! The VAWT Program is managed by Jennifer Greene and coordinated by Shannon Lowry. For more information on our training, please visit [www.VAWTConference.org](http://www.VAWTConference.org), or contact the VAWT Program staff at (512) 454-8900.

## Top 10 Holiday Safety Tips

1. Inspect electrical decorations for damage before use.
2. Do not overload electrical outlets.
3. Never connect more than three strings of incandescent lights.
4. Keep tree fresh by watering daily.
5. Use battery-operated candles.
6. Keep combustibles at least three feet from heat source.
7. Protect cords from damage.
8. Check decorations for certification label.
9. Stay in the kitchen when something is cooking.
10. Turn off, unplug, and extinguish all decorations when going to sleep or leaving the house.

To get more information, visit [Top 10 Holiday Safety Tips](#), or click [here](#).



## 2020 INTERNATIONAL CONFERENCE ON SEXUAL ASSAULT, DOMESTIC VIOLENCE, AND VIOLENCE ACROSS THE LIFESPAN

April 14-16, 2020

Washington, DC

Pre-Conference

April 13, 2020



# SAFVIC

## Sexual Assault Family Violence INVESTIGATOR COURSE

### About Us

The Sexual Assault Family Violence Investigator Course (SAFVIC) is designed to provide law enforcement officers around the state with the tools they need to effectively investigate and prevent sexual assault and family violence. SAFVIC is funded by a grant from the Office of the Governor's Criminal Justice Division and U.S. Office on Violence Against Women. This program was originally developed by a statewide steering committee composed of representatives from law enforcement, prosecution, and victim services. The SAFVIC Program will use a network of certified trainers to deliver the training on a local basis, thus enabling more officers the access to this very important training.

### Contact Us

SAFVIC/TMPA

6200 La Calma Drive, Suite 200  
Austin, TX 78752

Main Line: (800) 848-2088

Fax: (512) 454-8860

Interested in hosting a SAFVIC?  
Click [here](#) or scan the code on  
the right.



### SAFVIC Program Staff

**Jennifer Greene**

Program Manager

[jennifer.greene@safvic.org](mailto:jennifer.greene@safvic.org)

**Brooke Balmos-Hinojosa**

Program Services Specialist

[brooke.hinojosa@safvic.org](mailto:brooke.hinojosa@safvic.org)

**Matthew Gutierrez**

Program Analyst

[matthew.gutierrez@safvic.org](mailto:matthew.gutierrez@safvic.org)

**Alexandra Greer**

Program Assistant

[alexandra.greer@safvic.org](mailto:alexandra.greer@safvic.org)

