

PARKER COUNTY

ADULT SEXUAL ASSAULT RESPONSE TEAM PROTOCOL

This protocol was developed by the Parker County SART and reflects current best practice in our community's response to adult victims of sexual assault. This is a living document that can be changed as best practices continue to develop, new assets become available to our community, and additional contexts of sexual assault need to be confronted.

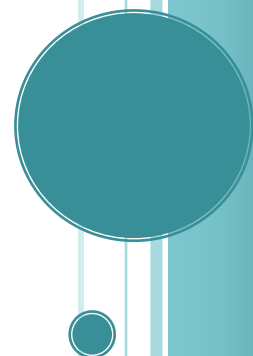


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SECTION 1

FOUNDATIONAL INFORMATION

PURPOSE OF THE SEXUAL ASSAULT RESPONSE PROTOCOL

The Parker County Sexual Assault Response Team (SART) is a multidisciplinary, system-focused collaboration that brings together various professionals who address adult sexual assault with the goal of improving the local response to victims/survivors. A system-focused response is a long-term comprehensive method for a community to address all aspects of their response to sexual assault, which concentrates on patterns across all disciplines and agencies involved in the response. The purpose of the protocol is to provide written guidelines that help define roles and responsibilities to the various agencies responding to disclosures and reports of adult sexual violence. The goal is to guide practice, optimize community wide response to sexual assault victims avoiding re-victimization, encourage victim participation when appropriate through the justice system and improve our community's ability to hold perpetrators accountable. This is the heart of collaborative teaming and this document serves as a commitment to that work on behalf of all agencies. In Texas, the age of consent for sexual activity is 17 years of age, so the SART will consider 17-year-olds to be adults and cases impacting them should be handled as described within these protocols.

TEAM MISSION STATEMENT

The mission of the Parker County Adult Sexual Assault Response Team is to promote a systemic response that fosters a community sensitive to the needs of sexual assault survivors and holds sexual offenders accountable. This will be done through the collaborative and coordinated multidisciplinary response of the agencies and organizations that work with sexual assault survivors in Parker County.

USE OF SEXUAL ASSAULT PROTOCOL

This protocol serves as one tool used to improve the experiences and outcomes of adult victims/survivors of sexual violence and address gaps or barriers in service provision. It is essential to remember that each agency may have specific policies or guidelines and the intent is not to supersede individual agency policies but to improve the overall coordination and enhance the community response to sexual assault.

HISTORY OF THE PARKER COUNTY SART

In 2021, the Texas legislature passed SB 476, which required each county in Texas to create a SART itself or in combination with other regional counties. On October 25, 2021, District Attorney Jeff Swain requested the Parker County Commissioner's Court to form the Parker County SART, which they did, including its initial membership. The members began meeting late that year and into 2022 to collaborate on establishing a set of protocols which can serve as a best practice guide to serving Parker County's adult victims of sexual violence.

TEAM PHILOSOPHY

The Parker County SART believes that a team-based, victim-centered, trauma informed response to sexual violence is the approach that will lead to the best outcomes for both survivors and efforts to seek justice on their behalf. In our community, a team-based

approach means that the various entities that work with the survivors will make their best effort to work collaboratively with other entities working with that same survivor, respecting the role and work of the other and trying to assure effective coordination between the various team members, always striving to improve. A victim-centered approach means that we will focus our keeping the survivor safe, actively listening with compassion, empowering victims to make informed choices, and making our best efforts on behalf of the needs and concerns of the survivor. A trauma informed response means that we will approach survivors of sexual violence with an understanding that our efforts to help may be re-traumatizing and that we will make efforts to reduce that possibility.

SART TEAM MEMBERS AND GUIDELINES

The core Parker County SART team members are as follows:

- Parker County District Attorney
 - District Attorney Jeff Swain (Presiding Officer)
- Parker County Sheriff
 - Sheriff Russ Authier
- Weatherford Police Department Chief of Police
 - Chief Lance Arnold
- Freedom House Executive Director
 - Executive Director Patti Wilson
- Willow Park Police Department Chief of Police
 - Chief Carrie West
- Sexual Assault Nurse Examiner Program Manager with JPS Hospital
 - Connie Housley, SANE
- Safe Harbor Counseling Center representative
 - Serena Freiberg, LPC

In addition, other members of prosecutor's offices, local law enforcement agencies, sexual assault programs, crime lab personnel, hospitals or other medical professionals who

provide SANE services, counselors who provide services to sexual assault victims, and local college title IX administrators will be invited to attend our regular meetings. SART is limited to professional service providers' part of investigative agencies across Parker County or service providers who play an essential role in the response to sexual assault in Parker County. The presiding officer will send out invitations to the quarterly meetings to the applicable agencies. Parker County SART meetings are not open to the general public, but the SART may invite persons or groups who are not members from time to time to provide training or perspectives that may be useful to the SART's membership.

Parker County SART meets quarterly at a location arranged by the Presiding Officer within Parker County. Each meeting will consist of a review of what is going on in our community surrounding sexual assault. We will discuss any issues that have arisen to better facilitate services and investigations for our survivors. The SART's goal is that every quarterly meeting will include a training provided by one of the participating agencies on topics that are reflective of the dynamics of sexual assault within Parker County. Every other year, after the Texas legislative session, the Parker County SART will review and amend, as necessary, any protocols, forms, or guidelines governed by new law. At that time, the SART will also review and reconsider the best practices procedures outlined in these SART protocols to ensure that it represents the most effective systems and procedures to provide services to survivors in our community.

As invited participants, all Parker County SART members and invited participants sign in and agree to not disclose or disseminate confidential information during the SART meetings. Members and participants are not to record meetings and are prohibited from using their participation for their private gain. The Core members will investigate all reported instances of protocol breaches and course of action as a result

PROFESSIONAL BEHAVIOR

Professional and ethical behavior is expected at all times from members and participants. Members and participants shall promote a harmonious work environment by communicating and interacting professionally and respectfully. Members and participants must conduct themselves in such a way as to promote a positive image of Parker County

SART and uphold its mission. Conflicts and disagreements will be handled respectfully with all participants listening to views of others.

REVIEW PROCESS FOR VIOLATIONS

Members and participants of Parker County SART shall report incidents of possible breaches of protocols or conflicts involving others to the approved Core members.

ACCOUNTABILITY

This protocol constitutes the standards of ethical business conduct required of all Parker County SART members and participants. Anyone who fails to comply with this protocol is subject to appropriate action, including termination from participation. The success of our SART is dependent on the trust and confidence we earn from our agencies, stakeholders, and especially the people we serve. We are committed to conducting our business with integrity.

The SART will also demonstrate accountability to the people of Parker County regarding the manner in which our county's various agencies address sexual assault cases by conducting a biennial evaluation through sexual assault case reviews of the effectiveness of individual agencies and interagency protocols and systems. That review will result in a report, which will be prepared and provided to the Parker County Commissioner's Court no later than December 1 of each odd-numbered year, and will include the information mandated by Government Code §351.257.

TRAINING

Law enforcement agencies, prosecutors, medical providers, advocates, counselors, and all related staff encompassed within the Parker County SART commit to ensuring that staff members who work with victims of sexual assault are trained in utilizing a victim-centered, trauma-informed approach. Since there are a wide variety of contexts in which sexual violence arises, all those who work with these victims should be trained in effectively and

compassionately providing services in their area of expertise on the differing dynamics in situations involving sexual assaults that arise from:

- Alcohol or drug facilitated assault
- Brief encounter or acquaintances
- Coworkers
- Statutory rape
- Sexual exploitation or trafficking
- Same gender assault
- Position of authority
- Helping professional
- Familial involvement and spousal perpetrators

The Parker County SART commits to providing at least four hours of annual cross-agency training for participating SART members on these contexts as well as the various aspects in all disciplines of our response to sexual assault, as further described in the protocols herein, in an effort to strengthen all components of our county's response to sexual violence. In this regard, the Parker County SART will invite those in our community who work with victims of sexual assault to attend and participate in this training.

VICTIM/SURVIVOR NOMENCLATURE

The Parker County SART recognizes that it is our goal in working with adults who have been sexually assaulted to move them from being victims to being survivors. We believe that the pathway from victim to survivor can be one that re-empowers those traumatized by sexual assault. However, to simplify nomenclature and avoid excessive and confusing wordiness, since most of the information in these protocols deals with the initial stages of that process, rather than referring to those traumatized by adult sexual assault as victims/survivors, we will simply use the term victim.

SECTION 2

CORE ASPECTS OF THE COLLABORATIVE RESPONSE

ACCESS TO SERVICES

Access to services in the aftermath of sexual violence is the most pressing issue facing many victims, responders, and communities. With an understanding that services must be available to all victims, we believe that a one-size-fits-all approach will often be unproductive and, in some cases, will yield a negative case outcome. Therefore, we believe that those who serve victims must be prepared to address and provided services across all populations, including language barriers, geographic issues, culture-specific issues, all sexual orientations, and background/socioeconomic-related issues, meeting victims “where they are” in all regards. All victims deserve to have access to services and feel comfortable and safe in doing so and we must assure that our community provides such services. Specifically, Parker County has a sizeable Spanish-speaking population. Therefore, we must all have processes in place to accommodate language barriers when working with victims who only speak Spanish. Also, we recognize that transportation can be a significant barrier to receiving services. Therefore, we are committed to assuring, by working with partners and securing resources from governmental and non-governmental agencies, that transportation and other geographic challenges are overcome and all populations can access services.

RESPONDING TO DISCLOSURES OF SEXUAL VIOLENCE

The primary initial considerations in sexual assault investigations should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime is alleged and, if so, to identify the suspect. Efforts should be made to ensure that the victim feels safe in the location and with the officer prior to any preliminary interview. Prior to a preliminary interview about the sexual assault, efforts should be made to assure that the victim and the interviewing officer can understand one another and that any language barriers are overcome. Should the officer and victim speak different languages, only those facts necessary to address urgencies or emergencies with the case should be sought (i.e. suspect still on scene being identified, dangers to the victim being addressed, etc.) initially and additional information should be obtained when language barriers are more effectively removed.

APPROACH

Research consistently demonstrates that the first disclosure of sexual violence determines a victim's healing and recovery path. Disclosure often happens in multiple stages, with victims providing limited information to determine what type of reaction they will get from the person to whom they disclose; this also determines whether it is effective to disclose more information about the violence. This is especially true of the manner in which systems professionals, such as law enforcement, ask questions. If a victim experiences negative or judgmental reactions, they are more likely to never disclose again or alter what parts of their experiences they disclose. Negative experiences also deter the victim from seeking further help or engagement with systems, which increases experiences of negative mental and physical health outcomes and decreases the likelihood that someone who has committed a crime will not be held accountable. If a victim experiences positive and supportive reactions to their disclosures, they are more likely to continue to seek services and will experience fewer mental and physical health impacts. This allows service providers the opportunity to hold someone who has perpetrated sexual violence accountable. Positive or supportive reactions include empathy, support, active listening, and asking non-

judgmental questions. Each of these strategies can result in more victims/survivors disclosing and continuing with various services and processes.

Responders must handle sexual violence disclosures with understanding and compassion in order to facilitate better sexual assault case outcomes, increase public safety, and improved healing for victims. All responders, regardless of the nature of their position, can offer positive and supportive reactions without compromising the integrity of their work. As such, our team commits to increasing our effectiveness in responding to disclosures of sexual violence.

SEXUAL ASSAULT ADVOCACY PROGRAMS

The Parker County SART believes that the intentional incorporation of a sexual assault advocacy program into the process of responding to a sexual assault allegation is crucial to achieving the best possible outcome for the victim. It is important that, when working with sexual assault victims, all SART members assure that the victim is aware of the services available through a sexual assault program.

There are two types of sexual assault advocates—community-based and systems-based. One key difference between the two is the nature of communications and confidentiality protections. Each type of advocate provides an essential component of support for the victim. Teams and communities must distinguish between the types of advocacy available and incorporate advocacy that has confidentiality protections in order to provide the best possible services for victims.

Systems-based advocates—such as those who are employed by law enforcement or courts— cannot provide confidential services. A systems-based advocate’s records can be subpoenaed, or if a victim shares certain types of information—such as exculpatory information— they are compelled to share that information with other systems professionals. Systems-based advocates like a Victim Assistance Coordinator in a prosecutor’s office or crime victim liaison in a law enforcement agency typically have limited flexibility in being able to accompany a victim/survivor in all parts of the response process or providing long-term aftercare.

Community-based sexual assault advocacy—organizations that operate independently, provide comprehensive services, and exist outside of any criminal justice agency—play a critical role in the systems response to sexual violence and consistently improve outcomes for sexual assault victims and their cases. Community-based advocacy is typically separated from systems-based advocates in that they are usually the only service providers that can offer confidential services protected by privileged communications statutes. Further, community-based advocacy often can provide an array of assistance to victims outside of the typical types of assistance systems-based advocates can provide. It is important for victims to know that these services are available regardless of the outcome of any case within the criminal justice system.

Inclusion of community-based advocacy—from the point of disclosure to any systems professional—improves the likelihood that victims/survivors will report their assaults, seek further medical care, and continue in the criminal justice process all while reducing distress and negative outcomes. While each type of advocacy provides important response and support elements, teams and providers that intentionally include community-advocacy see better case outcomes and long-term success.

CONFIDENTIALITY

WITHIN THE SART

Different members of the Parker County SART have differing rules of confidentiality. As a result, any time when identifying information or case details are discussed at a SART meeting, a victim must have previously provided a release of information that is time-bound and specified to a limited discussion or activity so that all members may discuss that case. The purpose of the Parker County SART meetings are to focus on the elements of the response rather than individual case details to determine possible improvements in response, educational needs and quality assurance of current agency practices. In the interests of protecting victim confidentiality, it will be the practice of the Parker County SART to avoid talking about specific cases unless a release is in place permitting all

members to fully discuss the case. In the event that an exceptional circumstance necessitates the discussion of specifics, each discipline must keep in mind their specific confidentiality provisions and limit their participation in the SART's discussion accordingly. Furthermore, the statutes that govern the SART require that a specific consent of a survivor be given if their sexual assault case is to be reviewed at the SART meeting.

Meetings of the SART and records and information shared at those meetings are confidential by statute. As such, the information and records are exempt from open records requests, discovery, and subpoena.

WITH VICTIMS

It is important for victims to know that there are many ways in which their identity and allegations are protected from becoming public information. There are also many ways in which the levels of confidentiality of this information varies by which SART member is in possession of it. For example, the victim's identity may retain confidentiality from public disclosure by the use of a pseudonym, which is available through law enforcement and if utilized, will follow the victim throughout the criminal justice process. However, that confidentiality is limited by the fact that a criminal defendant and their attorney is entitled to know the victim's identity, so there is a limit on that confidentiality if criminal prosecution is pursued. Open records, criminal and civil discovery, and privilege are all methods by which absolute confidentiality about the victim or the victim's sexual assault allegations can be breached. It is important for those interacting with sexual assault victims to have an understanding of these issues and an ability to discuss and explain them to a victim. The Parker County SART is committed to having training on this issue and developing subject matter experts so that others will be able to have people that they can go to with questions.

PROVIDING INFORMATION AND FOLLOW-UP

Regardless of the outcome or the stage of a proceeding, better care and support will be provided for victims when they are provided updated information and explanations about

case status and outcomes. This is true regardless of whether that update or outcome is a desirable one or not or is simply that there is nothing new to report on the case. It is important that, when providing follow-up information, that clear, concise information is provided and giving it to victims in this manner leads to better comprehension, retention and outcomes.

Since victims are going through a difficult, confusing, often traumatic, process not of their choosing, they often do not remember all of the information provided. Additionally, many victims find themselves with questions that they did not ask initially but, after a meeting or conversation, find themselves wanting answered. For this reason, it is important that all those working with victims provide them with a way to contact them or the person who can answer their questions or provide follow up information. This information may be provided orally, but should always be provided in writing via a business card, brochure, handwritten note, email, or otherwise. Preferably, that contact information should be accompanied with instructions on who to contact and how that should take place.

REFERRALS AND INTERAGENCY COOPERATION

The Parker County SART recognizes that developing an interagency, coordinated approach to improving services and outcomes for victims/survivors of sexual violence can result in long-lasting change for our community. To this end, our SART will seek to strengthen our referral processes and to increase interagency cooperation. This can take place through big picture discussions at the SART meeting and changes in policy for various members of the SART or through direct communication between those working on individual cases with particular victims. Regardless, a cooperative team approach will result in better referrals and more successful outcomes for victims of sexual assault. Therefore, with collaboration being at the foundation of the Parker County SART, the Police and Sheriff's Departments along with Freedom House will respond in tandem, whenever possible, to ensure that all critical resources are considered when addressing the immediate and multi-faceted needs of a victim of sexual assault.

In the interest of making referrals simpler, each member of the Parker County SART should create a handout, checklist, or other documentation to provide to other agencies who work

with sexual assault victims to simplify the determination of whether a referral would be in the interest of the victim, provide the victim with information about the referral, and provide an easy way to give the victim contact information for the referred agency.

VICTIM AUTONOMY AND CHOICE

Disclosing sexual violence and seeking services from any discipline represented on the Parker County SART is difficult for many victims due to fear of reprisal, fear of not being believed, desire to avoid discussing traumatic events, or for a multitude of other reasons. Delays in reporting or refusing to report are especially common if a victim thinks they may not be believed about aspects of the assault or that their assault does not fit the typical model of sexual assault—such as the use of force or presence of physical injury. For victims to move forward in any reporting or service seeking, it is especially important that they know that their decisions and choices will be respected. This includes whether to report, the type of report, or whether or not to seek additional services from other providers. Victims are more likely to continue to engage and sustain contact with service providers when they are given choices, explanations, and compassion.

Service providers might feel frustration, confusion, or even disagree with the decisions a victim makes regarding their process and journey. However, it is essential as a trust-building component that a victim have their choices respected and honored in all instances possible and know that doing so is going to be our position whenever possible. This increases the likelihood of sustained contact or re-engagement with agencies. In the event that a choice cannot be upheld, the service provider should explain in detail why that is the case. Centering the right to autonomy and choice is a pivotal element of developing a meaningful response to sexual violence and increasing community safety, because it increases the likelihood of reports being made, the likelihood of continued contact with processes, and helps victims regain the sense of power that they may have lost through the trauma of the sexual assault, thereby yielding more positive victim outcomes.

POINTS OF ENTRY FOR SEXUAL ASSAULT VICTIMS

For purposes of the Parker County SART, the point of entry is considered the first agency to which a victim discloses a sexual assault. Parker County has three formal points of entry: law enforcement, consisting of the county's municipal police departments and the Parker County Sheriff's Department, the sexual assault program, which is Freedom House and includes the Freedom House hotline, and the sexual assault nurse examiner (SANE) staff at John Peter Smith Hospital. While not a formal point of entry, some victims may also make their initial disclosure about sexual assault at a different hospital or health professional's office or while in counseling with a Parker County counselor.

The Parker County SART protocols ensure that at any formal point of entry, any person reporting or disclosing a sexual assault should expect to receive or be offered the following: a safety assessment and referrals for immediate medical examination, including SANE examination if applicable, mental health supports including counseling, and law enforcement assistance with reporting the sexual assault. To this end, the Parker County SART will provide detailed discussion of the considerations and responsibilities of the personnel at each point of entry as well as a flowchart for steps personnel at each of the various points of entry should take after receiving an allegation that an adult has been sexually assaulted.

SECTION 3

DISCIPLINE SPECIFIC INFORMATION

The following will highlight information that is unique to each discipline.

LAW ENFORCEMENT

Law Enforcement provides safety, investigation, and case follow-up for victims of sexual violence. While there are differing types of officers based upon agency sizes and resources, the key elements that carry across law enforcement types is the primary focus on investigating criminal activity to determine if the elements of a crime are present. From taking the initial reports to filing, law enforcement focuses their efforts on increasing public safety.

LAW ENFORCEMENT RESPONSE

LAW ENFORCEMENT AS THE POINT OF ENTRY

When a law enforcement agency is a point of entry, it will typically be because the victim of sexual violence has called the agency, either via 911 or a law enforcement agency's non-emergency number, or has come to the agency's office to make a report. At first contact,

the agency's personnel should determine if the victim has emergency medical needs and, if so, procure the appropriate medical assistance. At this time, the agency must also assure the victim that their safety and physical wellbeing is of paramount importance. After that, the preliminary interview should be conducted and the investigation commenced.

THE INTERVIEW

Peace officers who may be in a position to conduct preliminary interviews should be trained on the utilization of trauma-informed interview techniques and should implement their training. An in-depth, follow-up interview should not be conducted until after the medical and forensic examinations have been completed, as dictated by the circumstances, and the personal needs of the victim have been met (such as bathing, change of clothes, etc.). A more extensive follow-up interview should be completed by a peace officer with training and experience specifically related to sexual offenses.

ADVOCATE NOTIFICATION

As soon as practical in the interview process, and certainly before an in-depth interview, the officer should advise the victim of their right to have an advocate from a sexual assault program present during the interview. If the victim chooses to have an advocate present, the officer should contact Freedom House, explain that a sexual assault victim would like to have an advocate present, and await that advocate's arrival before continuing the interview. Freedom House may be contacted at (817)596-7543 during normal business hours and via the 24-hour hotline at (817)596-8922 outside of normal business hours. If an advocate with Freedom House is unavailable, the officer should contact the Parker County District Attorney's Office at (817)598-6124 during normal business hours and ask for the Victim Assistance Coordinator. Outside of normal business hours, the officer can contact District Attorney's Office personnel via cell phone through the chain of command or dispatch. If District Attorney personnel are not available, if the law enforcement agency has a designated crime victim liaison available or a peace officer who has completed a sexual assault training program certified by the Office of the Attorney General, the agency can utilize that person as an advocate for the victim. While the interviewing officer must make a good faith effort to contact a victim advocate, the officer need not allow the unavailability of such an advocate to unreasonably delay or impede the interview process.

ADVOCATE ROLE

At this stage, it is the role of the advocate to assure that the victim knows of the availability of counseling and other support services as well as crime victim's rights under Chapter 56, Texas Code of Criminal Procedure. The advocate may not delay or impede the interview process. The advocate is present to provide reassurance to the victim and information about wrap-around services that can assist the victim in moving from victim to survivor.

PSEUDONYM NOTIFICATION

During the interview process, the interviewing officer should notify the victim of the availability of a pseudonym pursuant to Texas Code of Criminal Procedure Art. 58.102. The officer should inform the victim that the general purpose of utilizing a pseudonym is to ensure anonymity in court and public records but that their actual name will be known to the defendant and defense attorney. The officer should provide the pseudonym form to the victim and encourage, but not demand or require, them to consider checking the boxes available for release of information as doing so will likely simplify the criminal justice process for them moving forward.

Pseudonym forms commonly have a series of boxes which can be checked and which permit the law enforcement agency to release the name of the victim to local advocacy programs, other law enforcement agencies, Crime Victims' Compensation Program, prosecutors' offices, medical insurance carriers, and various restitution payment offices. Officers who are completing pseudonym forms with victims should advise them as to which boxes are important to accomplish which goals. For example, a release of the address of the victim to the Parker County Bond Supervision Office is essential to appropriately supervise an offender who is on a global positioning system electronic monitor, which directly impacts the ability of the system to increase victim safety. A sample pseudonym form is available as an addendum to these protocols.

NOTIFICATION OF PROGRAMS AND SERVICES

During or after the interview process, the interviewing officer or advocate or both should notify the victim of the availability of certain programs, including:

- Protective orders

- Bond conditions
- Jail release notification through www.vinelink.com
- Counseling through Freedom House
- Crime Victims Compensation program

This information should include the information necessary to access and understand the programs such as brochures, websites, etc. Law enforcement agencies and the District Attorney's Office should have this information readily available for victims as well. Officers should readily provide contact information for the District Attorney's Office Victim Assistance Coordinator, who may be reached at (817)598-6127 or (817)598-6124 and who is available to give additional information about any of these programs.

AVAILABILITY OF SERVICES IF PROSECUTION IS NOT DESIRED OR PURSUED

During or after the interview process, the interviewing officer or advocate or both should notify the victim that, in the event that they do not desire prosecution of their allegations or in the event that the allegations are not pursued in the criminal justice system, they may still be eligible for and receive victim services from Freedom House or other sexual assault programs as well as from the Crime Victims Compensation program.

NON-ENGLISH SPEAKING VICTIMS

Our community believes that victims who speak a language other than English deserve the same level of justice and service as those who speak English. To ensure that this occurs, it is necessary that an interviewing officer ensure that the victim is interviewed in a language they are comfortable with. For victims who do not speak English as their native language, the interviewing officer should assure that the victim has a thorough understanding of English so that misunderstandings do not occur. If the victim does not, a translator or translation service should be utilized for any in-depth interview and for the advocate, if requested, to provide needed information to the victim.

THE INVESTIGATION

These protocols are not designed to provide an investigative playbook for peace officers assigned to investigate adult sexual assault offenses. Doing so in a publicly available

document might be a disservice to victims as it would be available to and potentially assist offenders in avoiding responsibility within the criminal justice system by tipping them off as to strategies employed by the law enforcement community. Therefore, the materials below should simply be a part of the overall investigation and officers should use the experience and training that they have received in their law enforcement career to investigate these cases to the best of their abilities.

The investigation should include an interview with the victim, suspect, witnesses, where available, examination and photography of the crime scene as well as evidence retrieval, and any other methods of investigation deemed appropriate by the officer and departmental policy. The investigation must not include a request that a victim submit themselves to a polygraph examination.

REFERRAL FOR MEDICAL/SANE EXAMINATION

The officer investigating the victim's allegations should promptly refer the victim to get a medical examination and sexual assault nurse examination at John Peter Smith Hospital, 1500 South Main Street, Fort Worth, Texas. The protocols specific to this examination and the evidence gathered therein are detailed in their own section herein. The officer should complete the Law Enforcement Request for Sexual Assault form (available on the Texas Attorney General's website, <https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/crime-victims/Law-Enforcement-Agency-Sexual-Assault-Exam-Request.pdf>) and provide same to JPS staff. The victim should be advised about the purpose of that exam, which includes both medical evaluation and treatment of any physical injuries or potential sexually transmitted diseases as well as collection of evidence for use in a sexual assault investigation and prosecution. The victim should be advised that the examination will be at no cost to them. A victim is entitled to such an examination if it is within 120 hours (5 days) of the sexual assault alleged by the victim. However, the officer should consider and discuss with the victim the value of such an examination after that time period as well, especially where physical injuries or potential disease may be present.

When the victim's allegations potentially describe drug-facilitated sexual assault, residual amounts of "date rape" drugs will be quickly metabolizing in the victim's blood and it is imperative that the victim get a blood sample drawn. Therefore, in such situations, the officer should act with urgency to get the victim to the medical/SANE appointment and advise the victim accordingly.

Nothing disclosed in a SANE examination shall be used to commence or further a criminal investigation or prosecution against a victim.

TRANSPORTATION FOR MEDICAL/SANE EXAMINATION

The officer should ensure that transportation is never a bar to a victim receiving a SANE examination and medical evaluation. While the victim may have transportation themselves or have a family member or friend who can transport them, not all victims do. In such an eventuality, the officer could transport the victim or they may call on REACT to do so on their behalf. REACT (Responding to Every Assault and Crisis Team) may be contacted at (817)598-4325 24-hours a day and will be available to transport any Parker County victim to John Peter Smith Hospital for their examination.

If the victim is hospitalized, efforts must be made to get a SANE examination completed, subject to the medical needs of the victim. In such a situation, if transfer to John Peter Smith Hospital is necessary to accomplish that examination, the officer should make all efforts to complete that transportation, subject to the medical needs of the victim.

RECEIPT OF SANE KITS

The officer or their department who refers a victim for a SANE examination should ensure that the examination kit is promptly picked up from the hospital. The officer or a designee from the law enforcement agency shall make appropriate entries into the Track-Kit database so that the progress of the kit in the DNA testing system can be tracked. The SANE kit shall be promptly taken by the law enforcement agency to the Department of Public Safety, Tarrant County Medical Examiner's Office, or other laboratory licensed to test and compare DNA evidence by the Texas Forensic Science Commission.

VICTIM NOTIFICATION

Law enforcement agencies should have procedures in place to keep victims apprised as to the progress of their case in a timely manner. Agencies should be responsive to victims' requests for status updates, including, but not limited to, the issuance of arrest warrants, the execution of same, bond conditions entered by a magistrate, and the disposition of the case, including forwarding to a prosecutor or closure. With the consent of the victim, notification can be accomplished by utilizing the victim advocate from Freedom House.

PUBLIC INFORMATION

Law enforcement agencies shall not release the victim's name to the public, whether the victim chooses to utilize a pseudonym or not.

PROSECUTION RESPONSE

Prosecutors provide the component of the response to sexual violence involving holding offenders accountable within the criminal justice system. In Parker County, the Parker County District Attorney prosecutes felony offenses of sexual violence like sexual assault and aggravated sexual assault. Under Texas law, it is the job of the District Attorney "to see that justice is done".

INITIAL CONTACT

The Parker County District Attorney's Office, by and through the Victim Assistance Coordinator ("VAC"), will initially contact a victim shortly after a case involving sexual violence is received from law enforcement to advise the victim that the case is now in the hands of the grand jury prosecutor. In this contact, the victim will be provided with contact information for the District Attorney's Office if the victim has questions as well as brief information on the initial stages of case review and grand jury presentation. The VAC will also provide the victim with information regarding seeking counseling through Freedom House and about the availability of and application process for Crime Victim's Compensation. For cases involving an incarcerated defendant, the VAC will advise the victim on registering with the VINE system so that the victim can be advised if the defendant is released from jail.

WORKING WITH THE VICTIM PRE-TRIAL AND WITH PLEAS

Upon grand jury indictment, the VAC will promptly notify the victim that the case was indicted, the offense of indictment, case number, court to which the case was assigned, and the prosecutor handling the case. If a case is no-billed by the grand jury or closed by the prosecution, the VAC will promptly advise the victim of that disposition.

The prosecutor assigned to the case and the VAC (“prosecution team”) will ensure that the victim is advised of any initial court settings on the case, including notification of the availability of the county’s website, www.parkercountytexas.com, through which the victim can look up the initial and subsequent case settings on their own. The prosecution team will assure that the victim is aware of the procedural stages of the case, including what can happen at each court setting. Regarding trial, the prosecutor will give the victim an explanation as to the manner in which trials are conducted and the necessity of the victim’s testimony if the case goes to trial. The prosecution team will also assure that the victim knows that they have a right to make a victim impact statement and have same considered by the judge prior to sentencing. The prosecution team will also advise the victim of their right to make an allocution after the defendant is sentenced at which time the victim can orally tell the judge and defendant about the impact that the offense had on the victim. Where possible, the prosecutor will have a meeting with the victim prior to making a plea offer to permit the victim to provide input into that decision. At that meeting, the prosecutor will explain the range of punishment for the offense charged and the possible sentencing options, including a description of what parole, probation, and deferred adjudication are and how parole laws will apply to the charged offense. The prosecution team will keep the victim informed as to the status of plea negotiations, including any plea bargain that is accepted by the defendant and any plea setting.

WORKING WITH THE VICTIM ON TRIALS

In the event that a case goes to trial, the prosecutor will meet with the victim prior to trial, discuss the victim’s potential testimony as well as anticipated cross-examination, and give the victim the opportunity to ask questions about the trial. At trial, the prosecutors handling the case will, consistent with their ethical obligations, introduce testimony from the victim and other lay and expert witnesses, items of evidence of a forensic or other

nature, and strongly advocate for a just outcome to the case. The prosecution team will keep the victim apprised as to the outcome of the trial. To the extent possible with existing facilities, during the trial, the prosecution team will provide the victim with a waiting area that is separate from the area where the defendant and those associated with the defense are waiting. In any event, the prosecution team will assure that the victim is safe in the courthouse environment and will make reasonable accommodations to assure that the victim feels safe.

WORKING WITH THE VICTIM POST-DISPOSITION

For cases involving a defendant who is sentenced to incarceration in prison, the VAC will provide the victim with information on how to contact TDCJ Victim Services to sign up for services, including notification of parole consideration, release, and escape.

If an appeal is taken from a disposition or another form of post-conviction proceeding is commenced, the prosecution team will make efforts to inform the victim thereof as well as providing information about the nature of the appeal or proceeding. The prosecution team will advise the victim as to the disposition of the post-conviction proceeding and any additional proceedings which are anticipated.

RESOURCE FOR SART MEMBERS

The Parker County District Attorney's Office will serve as a resource for issues within the criminal justice system for SART members, providing case-by-case advice for legal issues that arise with the knowledge that the District Attorney's Office cannot and does not represent any of the SART membership, the victims, or anyone other than the State of Texas. The District Attorney and his staff will endeavor to provide training on legal issues to the SART, including information on legislative changes that impact the various aspects of sexual violence and the community's response to it.

COMMUNITY-BASED SEXUAL ASSAULT ADVOCACY PROGRAMS

Sexual assault advocacy programs, which are community-based organizations that provide comprehensive services and operate independently outside of any criminal justice agency,

play a critical role in each community's response to sexual violence. These programs improve outcomes for sexual assault victims and their cases and help the victimized become survivors. Community-based advocacy is typically separated from systems-based advocates in that they are usually the only service providers that can offer confidential services protected by privileged communications statutes.

Inclusion of community-based advocacy—from the point of disclosure to any systems professional—improves the likelihood that victims will report their assaults, seek further medical care, and continue in the criminal justice process all while reducing distress and negative psychological and physical outcomes.

While there are other providers in systems positions such as Victim Assistance Coordinators or a law enforcement agency's crime victim liaison, these groups do not offer victims the same types of protections regarding any information shared during disclosure. Further, community-based advocacy often can provide an array of assistance to victims outside of the typical types of assistance systems-based advocates can provide. While each type of advocacy provides important response and support elements, teams and providers that intentionally include community-advocacy see better case outcomes and long-term success.

ROLE OF ADVOCACY

Advocates play a unique role in the community and systems response to sexual violence in that they are the only member of the response whose sole focus is to be a supportive person to the victim as well as secondary victims. Advocates offer information, options, and supportive assistance in navigating the healing and justice processes. Advocates can accompany a victim in nearly all parts of the response—providing support during medical forensic exams, law enforcement interviews, as well as going through the court processes, and providing aftercare. Advocates focus their efforts on validating and supporting a victim/survivor in all of their choices.

FREEDOM HOUSE – Parker County's Sexual Assault Program

In Parker County, the sexual assault program available to victims is Freedom House, a Weatherford based organization with a satellite facility in Springtown. Freedom House has

a 24-hour hotline available to victims of sexual abuse and provides victims many services, including:

- Emergency shelter
- Counseling, including EMDR therapy
- Advocacy
- Accompaniment to law enforcement interviews, SANE exam, meetings with prosecutors, and court settings
- Assistance with setting up victim services like Crime Victims Compensation or VINE jail release notification

24-HOUR HOTLINE

The Freedom House 24-hour hotline is always available for sexual assault victims to contact if they are in need of assistance. The hotline will assist victims in finding resources for issues that they are facing, including counseling, shelter, medical assistance, and law enforcement or prosecutorial referrals. Hotline personnel will be available to sexual assault victims who want to discuss making important decisions about whether or not to get a SANE examination or to report their sexual abuse to law enforcement.

EMERGENCY SHELTER

The emergency shelter at Freedom House is available for victims on a 24/7 basis and provides safe accommodations at a secure location known to law enforcement but not publicly advertised. Staff are present at the shelter 24 hours per day to intake new clients and assist them with their needs.

ADVOCACY AND ACCOMPANIMENT

Freedom House advocates are available to help victims of sexual abuse seek their desired outcomes with law enforcement agencies, prosecutors, and state agencies. Freedom House also provides staff to accompany victims for interviews and meetings with law enforcement and prosecutors, for SANE examinations, and court settings.

COUNSELING

The Parker County SART recognizes the importance that counseling plays in the healing process in the wake of sexual abuse. Freedom House provides trained, licensed counselors to work with victims of sexual assault and their supportive family members to achieve the best possible outcome from a mental health perspective. These services are free of charge to those receiving counseling. In addition to traditional counseling, Freedom House also offers Eye Movement Desensitization and Reprocessing (EMDR) therapy.

CONFIDENTIALITY

It is important to the effectiveness of counseling that a victim knows that what they tell the counselor will be protected from release. Under Texas law, all communications and records from a victim's work with a sexual assault program is confidential and privileged. That means that the sexual assault program will not give out any information about the victim receiving assistance and will not acknowledge that the victim is receiving assistance unless the victim provides them with their written consent or is ordered by a court to provide the information. While sexual assault program staff may have to attend court in response to a subpoena, the victim has a right to assert a privilege to prevent them from testifying about matters related to the victim's activities with the program. This privilege is similar to, but not as complete as, the better-known attorney-client privilege. A judge may order that the privilege does not apply, but only under very narrow circumstances and only after the judge privately reviews the information to see if the law permits the disclosure.

INFORMED CONSENT AND RELEASE OF INFORMATION

Freedom House makes use of informed consent waivers and other paperwork. Due to the manner by which trauma affects memory and brain function, many victims have difficulty understanding or remembering information, especially complex information if given during the first days after an assault. As a result, Freedom House should develop practices that gain informed consent only when a victim has the capacity to fully understand the implications, both positive and negative, of their signing a consent form or providing verbal consent. Additionally, Freedom House providers should create follow-up procedures to ensure informed consent, waivers, and release of information (ROI). For releases of

information, best practice and federal guidelines state that a ROI should have validity for no longer than 30 days and should specify to whom and what information will be shared. Additionally, releases of information should only occur when it is in the best interest of the victim or improves their access to services or support.

FREEDOM HOUSE AS POINT OF ENTRY

When Freedom House is a point of entry, it will typically be because a victim of sexual violence has contacted the Freedom House 24-hour hotline. In such an instance, the person receiving the call should assess the needs of the caller and present and discuss resources and options based on the unique experiences of the individual caller. The caller's unique experiences can include specific medical needs, the length of time since the assault, and the specific nature of the assault. These unique experiences can, in some circumstances, dictate short or long-term options that may be available and best suited to meet the victim's needs.

CALLER WANTS A FORENSIC EXAM

The caller should be asked whether or not they want a SANE examination. If the caller discloses a sexual assault and wants a forensic exam, the Freedom House staff will coordinate with the Sexual Assault Advocate to meet the caller at John Peter Smith Hospital in Ft Worth. If the victim needs a ride, Freedom House staff can provide such a ride if that is available and permitted by Freedom House policies or can be coordinated with REACT by calling (817)598-4325 24-hours a day. Freedom House staff will notify JPS Hospital that a caller is on the way for a SANE examination. A Freedom House Advocate will arrive at the hospital within one hour of the accompaniment dispatch unless an exam has been scheduled for a specific time in the future.

CALLER DOES NOT WANT A FORENSIC EXAM

If the caller does not want a forensic exam, the Freedom House staff will continue to support the caller throughout the crisis with short and long-term referrals for mental, medical legal support and safety planning.

CALLER WANTS TO MAKE A LAW ENFORCEMENT REPORT

The caller should be asked whether or not they would like to make a report to law enforcement. It is important that the caller knows that they do not have to make a report to law enforcement in order to be eligible for advocacy and counseling services through Freedom House or to medical services, including a SANE examination.

If the caller does want to make a report to law enforcement, the Freedom House call taker should make a brief inquiry as to where the sexual assault took place. A referral will be made to the municipal police department where the sexual assault took place, if it was inside the city limits of a city with a police department, or to the Parker County Sheriff's Office if it was outside such a municipality's city limits or if the call taker cannot determine where it took place. If the caller is going to JPS for medical treatment and a SANE examination, the call taker should contact the appropriate law enforcement agency to request that an officer or deputy meet the victim at the hospital. A caller does not have to submit themselves to a forensic examination in order to report a sexual assault to law enforcement. If they are not going to JPS for medical treatment or a forensic examination, the call taker should request that an officer or deputy meet the victim at their department or arrange for a time at that department for a report to be taken, as appropriate.

CALLER DOES NOT WANT TO MAKE A LAW ENFORCEMENT REPORT

If the caller does not want to make a report to law enforcement, the caller should be reassured that services through Freedom House and medical services are available to them nevertheless and referrals should be made in that regard based upon the desires of the caller.

FREEDOM HOUSE ADVOCATE'S ROLE

The sexual assault advocate at Freedom House provides many important victim services, including support, reassurance, crisis intervention, and information to the victim during the medical, investigative, and judicial process. Those aspects include, but are not limited to, the following, all of which will be accomplished respectfully and with a respect for the human dignity and uniqueness of each victim and unrestricted by consideration of race,

age, socioeconomic status, sexual orientation, personal attributes, or the nature of any health problems:

- Greets the victim, introduces self and explains advocates' role
- Supports the victim during the medical-legal examination
- Advocates on behalf of the victim /survivors' rights when necessary and appropriate
- Removes her/himself from any part of the process that the victim /survivor does not want the advocate present
- Does not participate in evidence collection for the SANE
- Does not remain in the examination room alone with evidence
- When presented with conflicting needs, defers to the victim/survivor's choice
- Facilitates informed decision -making
- Offers various support measure options for the victim/survivor
- Offers the victim/survivor a refreshment
- Converses, reinforces explanations, questions regarding understanding, and reassures during the examination
- Aids the SANE in monitoring the tolerance of the victim/survivor
- Provides information, referrals, and education to the victim/survivor
- Provides a written copy of the Victims' Rights to the victim/survivor
- Assesses a sense of safety at the time of discharge and helps arrange for safe housing if placement is needed
- Facilitates explanation by the SANE, law enforcement, prosecution, and professional counselor when appropriate
- Facilitates communication between all SART members and the victim/survivor to include a translator if required
- Informs the family/friend in the waiting area at the victim/survivor's request
- Provides support for the family/friend of the victim/survivor
- Acts as liaison between SART members and the victim/survivor once a waiver has been obtained from the victim/survivor
- Informs victim/survivor of their right to utilize a pseudonym
- Assists with comfort needs, during and after the medical exam at the request of the victim/survivor when appropriate (clothing, food, drink, shower access, contact with parent support person)
- Ensures that the victim leaves the facility safely with family, a friend, or law enforcement
- Advocate does not transport, however FH can arrange transportation
- Provides input to the SART, as an interdisciplinary member with signed consent
- Maintains confidentiality of victim information unless a waiver is in place

AVAILABILITY OF MATERIALS

As the sexual assault provider for Parker County and as an agency which will receive referrals in all circumstances, Freedom House will assure that all potential referring agencies have available to them brochures and other information sources that they can provide to victims that they encounter.

PRIVATE PRACTICE COUNSELORS

Some victims will first disclose a sexual assault in the process of receiving counseling from within the private sector. The Parker County SART recognizes that counselors in private practice are an important component of our community's response to sexual assault.

PRIVATE PRACTICE COUNSELOR AS POINT OF ENTRY

When a victim discloses a sexual assault for the first time in counseling, the counselor is the point of entry. In such a situation, the counselor should inquire whether the victim has reported this to law enforcement. If not, the counselor should advise the victim that our law enforcement community is ready and willing to take their complaint and investigate their case if they choose to make one. If the victim does not desire to make a complaint, the counselor should respect that decision. The counselor should also advise the victim of their right to a SANE examination for evidence collection and preservation if the sexual assault is within the past 120 hours, as well as the availability of medical treatment regardless of that time period. The victim should be informed that the SANE exam will be conducted at no cost to them. The counselor should also advise the victim about the availability of counseling, accompaniment, advocacy, and the emergency shelter at Freedom House.

If the victim desires to make a complaint to law enforcement or have a SANE examination and medical treatment, the counselor should provide them with step-by-step instructions on how to do that. For law enforcement referrals, if the counselor can determine which city an offense occurred in, the counselor should refer the victim to the police department for that municipality. If the offense occurred outside of any municipality's city limits or the counselor cannot determine in which city the offense happened, the counselor should refer the victim to the Parker County Sheriff's Office or the sheriff's office of the county where

the offense is believed to have occurred, if it was outside of Parker County. If no location information is available, the counselor should refer the victim to the Parker County Sheriff's Office. If the victim desires to have a SANE examination, without making a complaint to law enforcement, the counselor should give the victim the JPS SANE number so that an appointment can be made.

CONFIDENTIALITY

Victims of sexual assault should be informed that the communications and records about those communications during their counseling are confidential. However, they should also be advised that under Texas law, unlike with a counselor or advocate with Freedom House or another sexual assault program, the counselor may be subject to being subpoenaed to testify about the counseling or provide the counseling records without being able to claim that they are privileged.

HEALTH CARE PROFESSIONALS

ROLE OF HEALTH CARE PROFESSIONALS

Health professionals provide victims with critical access to health care and evidence collection. Regardless of the recency of an assault, all victim should be provided the opportunity to access medical care. Above all, the medical forensic exam provides, both, medical care and forensic examination. In some cases, medical providers may be able to offer support to criminal proceedings. Throughout the response, the health professional focuses on the health and wellbeing of the victim and can uniquely give accurate health information and assistance.

HEALTH CARE PROFESSIONALS AS POINT OF ENTRY

When victims of sexual violence first report that abuse to health care professionals, those professionals are the point of entry. Since the health care workers are responding to the victim's desire for medical care, their first concern must be for the medical wellbeing of the victim. During the course of the treatment of the victim, the health care provider should ask the victim if they want a SANE examination and if they would like to make a

complaint to law enforcement. If they desire a SANE examination, the provider should give the victim the number to the JPS SANE department and advise them that the examination will be conducted at no cost to them. If the victim does not desire to make a complaint to law enforcement or does not desire a SANE examination, the health care professional should respect that decision.

If the victim desires to make a complaint to law enforcement, the medical provider should provide them with step-by-step instructions on how to do that. For law enforcement referrals, if it can be determined which city an offense occurred in, the victim should be referred to the police department for that municipality. If the offense occurred outside of any municipality's city limits or it cannot be determined in which city the offense happened, the victim should be referred to the Parker County Sheriff's Office or the sheriff's office of the county where the offense is believed to have occurred, if it was outside of Parker County. If no location information is available, the victim should be referred to the Parker County Sheriff's Office.

In any event, the victim should be made aware of the availability of counseling, accompaniment, advocacy, and the emergency shelter at Freedom House.

JPS HOSPITAL - PARKER COUNTY'S SANE EXAMINATION PROVIDER

The Parker County SART partners with John Peter Smith Hospital ("JPS") for medical examination referrals and sexual assault nurse examiner ("SANE") examinations. JPS is located at 1500 South Main Street in Fort Worth, Texas.

TRANSPORTATION

For victims who need transportation to JPS for a SANE examination, that transportation is available from Parker County REACT (Responding to Every Assault and Crisis Team), which can be reached at 817-598-4325.

SANE EXAMINATION PROVIDER AS POINT OF ENTRY

When the SANE examination provider is the first person that a victim of sexual assault tells about their experience, the SANE will be the point of entry. After receiving consent, the SANE will conduct the examination and collection of evidence. They will then determine if

the victim would like to make a complaint to law enforcement. If so, they will complete waivers with the victim, handle evidence collected accordingly, and make appropriate referrals to law enforcement, as set out below. If not, they will respect the victim's decision and handle evidence collected accordingly. In any event, the victim should be made aware of the availability of counseling, accompaniment, advocacy, and the emergency shelter at Freedom House.

INFORMED CONSENT

A patient who presents to JPS as a sexual assault victim should be advised about the nature of the care to be provided and should be asked for their written consent to treatment. A victim should be advised by JPS staff that they have a right to have a SANE examination with evidence collection conducted if the sexual assault is alleged to have occurred within the last 120 hours prior to the examination. They should be advised that this examination will be free of charge to them as a patient.

SANE EXAMINATION CONSENT

If a patient is to have a SANE examination, they should be advised as to the nature of that procedure and be asked for their written consent to that procedure. The explanation should include the fact that it is for medical purposes for diagnosis and treatment as well as for evidence recognition, collection, and preservation. They should be told that the examination will begin with a patient history and will include a physical examination. They should be told that treatment can include lifesaving interventions, time-sensitive treatment for complications, including physical injury, due to sexual activity, treatment of physical injuries, prophylaxis for sexually transmitted diseases, and emergency contraceptive protection. Treatment will also often include referrals for follow-up medical treatment, counseling, and local sexual assault advocacy agencies such as Freedom House for Parker County victims.

The victim should be advised that they have the right to have a SANE examination with evidence collection regardless of whether they choose to report their sexual assault allegation to law enforcement. They should be requested to sign a consent to release form for their SANE results either opting to have the results released to law enforcement or opting not to do so. If they opt not to do so, they should be advised that the evidence

collection kit will be sent to a State of Texas evidence facility and will remain there for five (5) years, after which time it will be destroyed if the victim has not requested it be forwarded to a law enforcement agency.

If the victim is not conscious, the consent necessary to perform a SANE examination may come from a person with a medical power of attorney for the patient. Alternatively, a court order will permit the SANE examination to take place. While a SANE examination will not be performed absent consent or a court order, as described above, a patient believed to be a sexual assault victim will still receive all medical care necessary to treat any injuries and as otherwise medically indicated.

FACILITIES AND STAFF

JPS will provide a SAFE-ready facility with a certified sexual assault nurse examiner or a physician with specialized training to conduct a forensic medical examination of a sexual assault survivor. This facility will have a dedicated room for the examination with appropriate magnification equipment for such an examination and alternative light source. It will have a private shower for the victim to use and will have an emergency change of clothes available for the patient. JPS will permit an advocate or other person requested by the victim to attend the examination, but will also have an advocate on staff at the hospital to accompany the patient during the examination.

SANE EXAMINATION KITS

During and after a SANE examination, the SANE should complete the Track-Kit sexual assault evidence tracking system forms and set up the kit within the Texas Department of Public Safety online portal. If the patient completes the waiver of confidentiality form, requesting that the kit be forwarded to law enforcement, JPS staff should notify the agency of the sample via the email provided within the Track-Kit system. If the patient has not completed the waiver of confidentiality form, requesting that the kit not be forwarded to law enforcement, JPS staff should package and send the kit to the Department of Public Safety location for such kits. In either circumstance, the patient should be given the Track-Kit account information for their kit.

While the Track-Kit kits are awaiting pickup or mailing, JPS staff should keep them in a secure, temperature-controlled location, accessible only by authorized personnel. Law enforcement agencies should pick up kits within seven (7) days after they are notified that they are available for pickup. If a kit has not been picked up by law enforcement within that time period, JPS staff should call the agency to ensure that they were properly notified that the kit needs to be picked up and request that the agency do so.

When a patient has completed a waiver of confidentiality, JPS staff should forward a copy of the SANE examination report to the law enforcement agency having jurisdiction.

If a patient who had previously elected not to waive confidentiality and, therefore, the Track-Kit was not forwarded to law enforcement, returns and elects to waive confidentiality, JPS staff should forward a copy of the SANE examination report to the law enforcement agency having jurisdiction and update the Track-Kit system so that the kit will be forwarded to the law enforcement agency.

DETERMINATION OF LAW ENFORCEMENT AGENCY HAVING JURISDICTION

If the examination was conducted pursuant to a Law Enforcement Agency Sexual Assault Examination Request, that is the agency that should be presumed to have jurisdiction and is the agency that should be notified of the availability of the Track-Kit and the SANE examination report. Otherwise, JPS staff should send them to the municipal police department in which the sexual assault is alleged to have occurred according to the patient history. If the sexual assault is alleged to have occurred in Parker County outside of the city limits of any municipality or if it is alleged to have occurred in Parker County but JPS staff is uncertain whether or not it is inside a city, JPS staff should consider the Parker County Sheriff's Office to be the law enforcement agency having jurisdiction. If JPS staff simply does not know where the sexual assault occurred, the Parker County Sheriff's Office is willing to assume jurisdiction to assist in that determination, especially for Parker County residents, and JPS staff can forward the Track-Kit and SANE examination report to their department.

RECORDS AND CONFIDENTIALITY

Patients should be informed that their communications and treatment with the medical providers are confidential. Records regarding the patient's SANE examination and treatment should be held in a secure location with limited access.

GLOSSARY OF TERMS

CVC – Crime Victim’s Compensation
DPS – Department of Public Safety
FNE – Forensic Nurse Examiner
HX – History (typically in medical terminology)
JPS – John Peter Smith Hospital
LEA – Law Enforcement Agency
LEO – Law Enforcement Officer
PCSO – Parker County Sheriff’s Office
REACT – Responding to Every Assault & Crisis Team
SAFE – Sexual Assault Forensic Exam
SANE – Sexual Assault Nurse Examiner
SART – Sexual Assault Response Team
STI – Sexually Transmitted Infection
TL – Team Leader
VAC – Victim Assistance Coordinator (in a prosecutor’s office)

RELEVANT STATUTES

Penal Code §22.011 – Sexual assault offense
Penal Code §22.021 – Aggravated sexual assault offense
Government Code §351.251 – SART establishment & rules
Government Code §420.031 - .036 – Collection/preservation/tracking of evidence in sexual assault cases
Government Code §420.071 - .074– Confidential communications & records privilege
Code of Criminal Procedure Ch. 56A – Rights of crime victims
Code of Criminal Procedure Ch. 56B – Crime Victims’ Compensation
Health & Safety Code Ch. 323 - SAFE facility requirements

RESOURCES

Attorney General's Office CVC Page

Attorney General's Office LEA Sexual Assault Exam Request

Rape, Abuse, & Incest National Network (RAINN) hotline (800)656-4673 www.rainn.org

RAINN 24/7 Online Chat Hotline: online.rainn.org

JPS -SANE examination office (10 am to 10 pm): (817)702-7263

-24-hour number: (817)702-7829

TAASA (512)474-7190 www.taasa.org

Freedom House (817)596-7543 www.freedomhousepc.org

Hotline at Freedom House (817)596-8922

REACT (817)598-4325

PARKER COUNTY LAW ENFORCEMENT NON-EMERGENCY NUMBERS

Aledo ISD Police Department (817)441-8327

Hudson Oaks Police Department (682)229-2400

Parker County Sheriff's Office (817)594-8845

Reno Police Department (817)221-2500

Springtown Police Department (817)220-0828

Weatherford Police Department (817)598-4328

Weatherford College Police Dept (817)771-3535

Willow Park Police Department (817)441-9747

PARKER COUNTY DISTRICT ATTORNEY'S OFFICE

Receptionist: (817)598-6124

Victim Assistance Coordinator: (817)598-6127

PARKER COUNTY ATTORNEY'S OFFICE

Receptionist: (817)594-8409

FLOWCHARTS FOR POINTS OF ENTRY

Addendum A – Sexual Assault Program Point of Entry

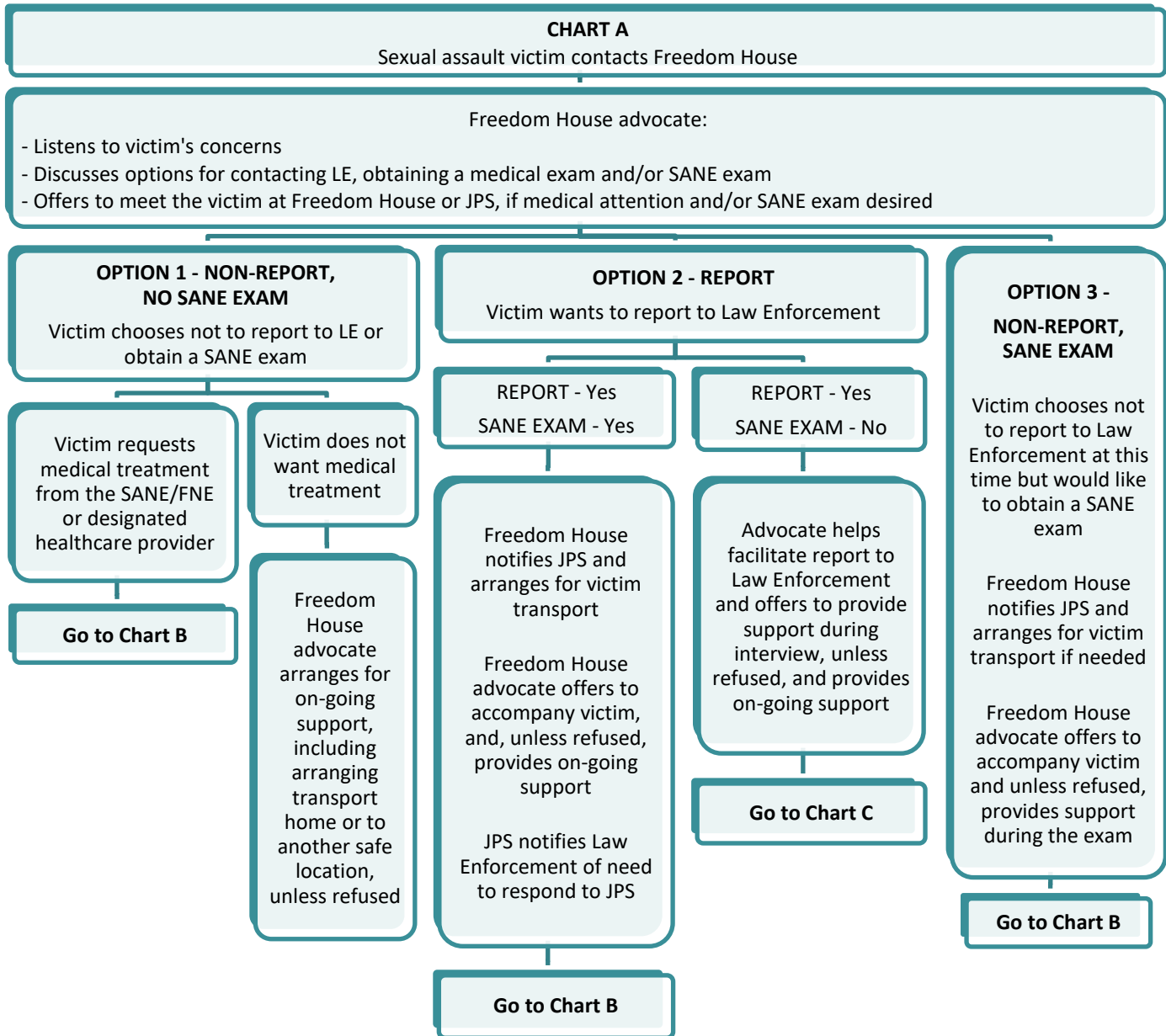
Addendum B - SANE Nurse/JPS Program Point of Entry

Addendum C – Law Enforcement Point of Entry

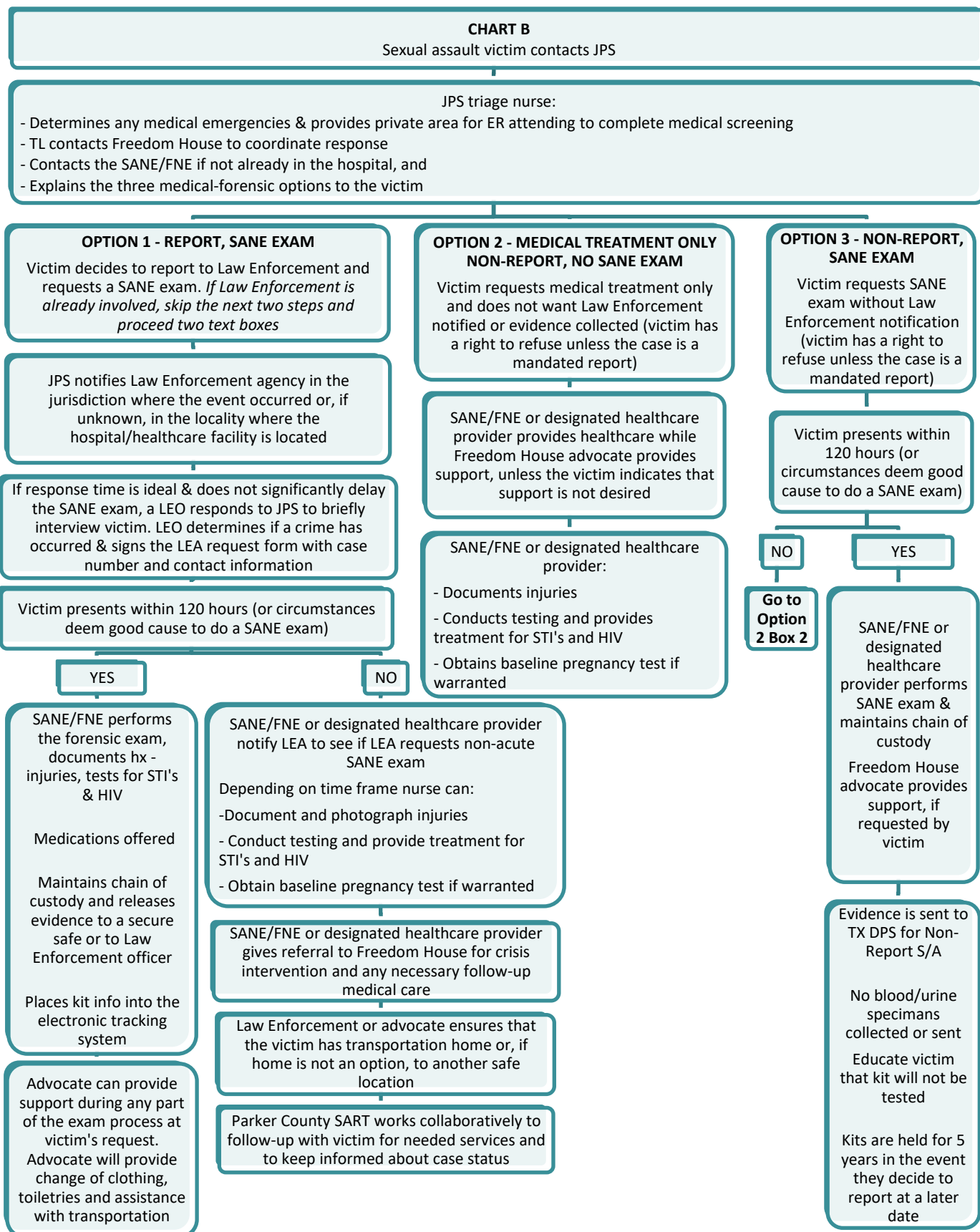
Addendum D – Private Counselor Point of Entry

Addendum E – Health Care Professional Point of Entry

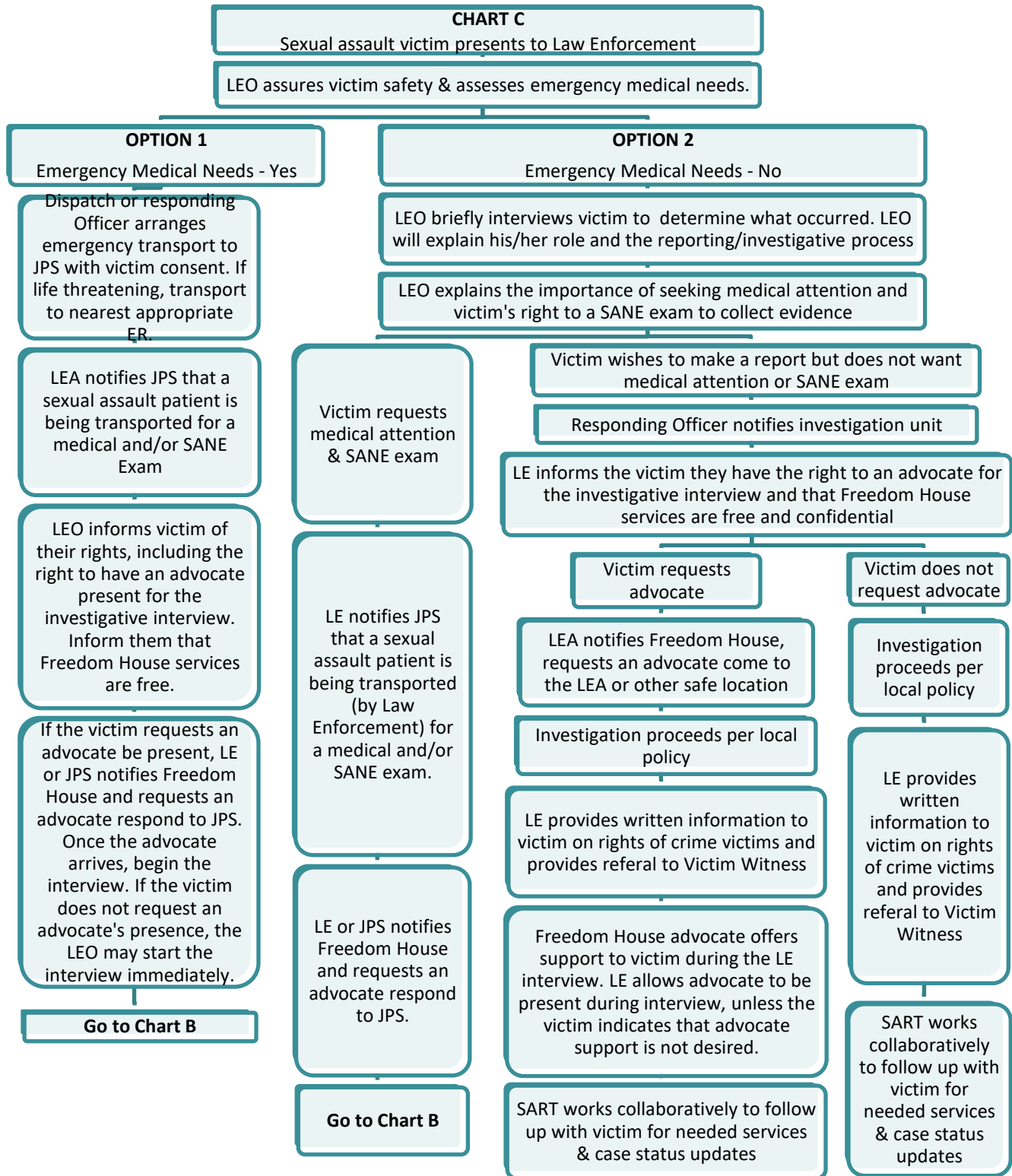
ADDENDUM A – SEXUAL ASSAULT PROGRAM POINT OF ENTRY



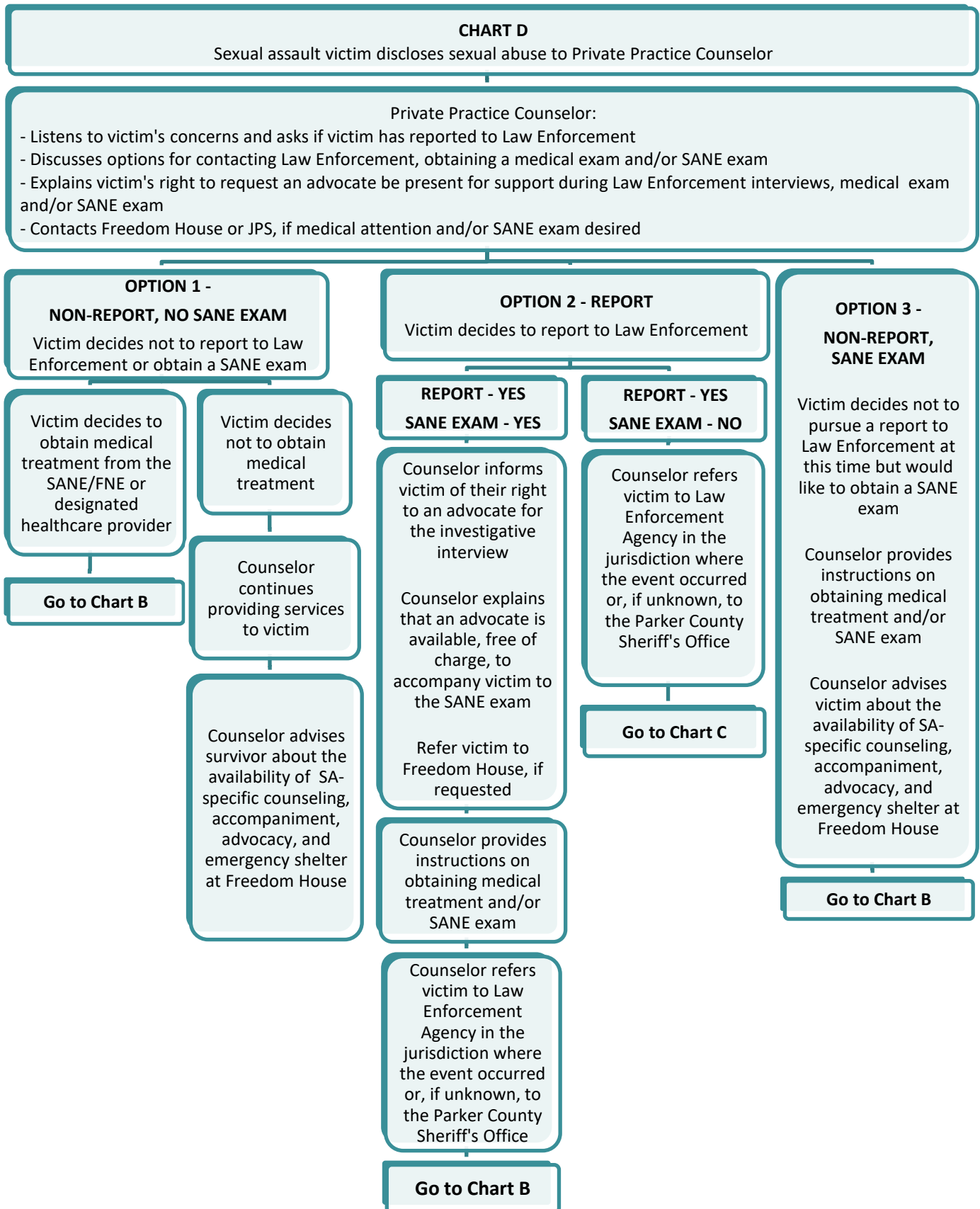
ADDENDUM B - SANE NURSE/JPS PROGRAM POINT OF ENTRY



ADDENDUM C – LAW ENFORCEMENT POINT OF ENTRY



ADDENDUM D – PRIVATE COUNSELOR POINT OF ENTRY



ADDENDUM E – HEALTH CARE PROFESSIONAL POINT OF ENTRY

CHART E

Sexual assault victim contacts Health Care Professional (other than JPS)

Health Care Professional:

- Determines any medical emergencies
- Contacts Freedom House to coordinate response
- Explains the three medical-forensic options to the victim (presumably they want health care since they contacted them)

OPTION 1 - REPORT, SANE EXAM

Victim decides to report to LE and requests a SANE exam. *If LE is already involved, skip the next two steps and proceed two text boxes*

Notify the LEA in the jurisdiction where the event occurred or, if unknown, in the locality where the health care facility is located

A patrol officer responds to the health care facility to briefly interview victim. LEO determines that crime has occurred and signs the LEA request form with case number and contact information

Victim presents within 120 hours (or circumstances deem good cause to do a SANE exam)

YES

After emergency medical clearance facilitate transfer to JPS (Freedom House &/or LEA to assist if transportation is needed)

Advocate can provide support during any part of the process at victim's request.

OPTION 2 - REPORT, NO SANE EXAM

Victim decides to report to LE and does not want evidence collected. *If LE is already involved, skip the next two steps and proceed two text boxes*

Notify the LEA in the jurisdiction where the event occurred or, if unknown, in the locality where the health care facility is located

A patrol officer responds to the health care facility to briefly interview victim. LEO determines that crime has occurred and signs the LEA request form with case number and contact information

Health care facility should provide medical care
Referral to Freedom House for Crisis Intervention

NO

IF LEA does not request a **non-acute** exam:
Health care facility should provide medical care, conduct STD testing, provide treatment & follow up for STI's and HIV as needed
Obtain baseline pregnancy test as warranted
Referral to Freedom House for Crisis Intervention

LE or advocate ensures that the victim has transportation home or, if home is not an option, to another safe location

Parker County SART works collaboratively to follow-up with victim for needed services and to keep informed about case status

OPTION 3 - MEDICAL TREATMENT ONLY - NON-REPORT, NO SANE EXAM

Victim requests medical treatment only and does not want LE notified or evidence collected (victim has a right to refuse unless the case is a mandated report)

Health care provider provides health care and contacts Freedom House advocate to provide support, unless the victim indicates that support is not desired

Health care provider:
- Documents injuries
- Conducts testing and provides treatment for STI's and HIV
- Obtains baseline pregnancy test if warranted

OPTION 4 - NON-REPORT, SANE EXAM

Victim requests SANE exam without LE notification (victim has a right to refuse a police report unless the case is a mandated report)

Victim presents within 120 hours

NO

Go to Option 2 Box 2

YES

After emergency medical clearance facilitate transfer to JPS (Freedom House can assist if transportation is needed)
Freedom House advocate provides support, if requested by victim