



NEBRASKA COALITION

TO END SEXUAL AND DOMESTIC VIOLENCE

Evidence collection

Having evidence collected increases the likelihood that the perpetrator will be charged and prosecuted for a crime. Evidence from a sexual assault can be collected from your body, clothes, and other personal belongings in a process called a *forensic medical exam*.

You may not want to even think about a forensic exam right now. That's okay. It is your choice whether or not to have the exam. The process can also be overwhelming and you may have a lot of questions. We will try to answer the most common questions here. If you are not sure if you want evidence collected, or if you want to know more about the exam, advocates from your local sexual assault/domestic violence program can give you information and talk to you about your options.

Where do I go for the exam?

Often the forensic exam is done at a hospital but it may also be done at a medical clinic or Child Advocacy Center, depending on your community. Not every hospital or medical clinic has staff trained to conduct a forensic exam. A law enforcement officer, medical provider or advocate can tell you where you need to go to have evidence collected.

Can someone go with me?

The forensic exam can be a very difficult experience, both physically and emotionally. If you choose to have a forensic exam, it may be helpful to have someone with you for support, such as a family member, friend, or advocate from your local sexual assault/domestic violence program. Advocates from your local program can meet you at the hospital, clinic, or advocacy center and may be with you during the actual exam if you request. Be aware that if you invite someone other than an advocate into the exam room, they could be called as a witness if you decide to report the crime.

How soon do I need to have the exam?

Evidence will be lost or damaged over time, so the sooner the exam is done after the assault the better. Ideally, evidence will be collected within 5 days (120 hours) after an assault.

What kind of evidence are they looking for?

They are mostly looking for evidence of the perpetrator's DNA. They will also document any injuries you have from the assault. Your DNA may be tested to distinguish it from other DNA they find.

Preparing for the Exam

If you choose to have evidence collected immediately after the assault, it is best not to do anything that could damage evidence such as:

- Eat, drink, or smoke
- Change clothes
- Bathe or shower
- Use the restroom

It is normal to want to do these things after a sexual assault. Even if you have done these things, you can still have the forensic exam.

The forensic examiner will want to keep the clothes you were wearing during the assault as evidence. Many facilities have clothes available for you to change into, but you may want to bring your own set from home. If you have already changed clothes, put the clothes in a **paper** bag and bring them with you when you go for the exam.

How long is the exam?

The length of the exam varies but it is common for it to take several hours.

What is a rape kit?

Sometimes the term “rape kit” is used to refer to the sexual assault forensic exam. However, the term “rape kit” actually refers to the kit that holds all the materials necessary for collecting and storing evidence during a forensic exam. The rape kit may also be called an “evidence collection kit.”

Who conducts the exam?

While it is possible in Nebraska for any doctor or nurse to conduct the exam, it is best if evidence is collected by someone specially trained to conduct forensic examinations, such as a Sexual Assault Nurse Examiner (SANE) or Forensic Nurse Examiner (FNE).

What happens during the exam?

There are several parts to the forensic exam. You can stop, pause, or skip a step *at any time* during the process. If you want to skip one or more parts of the exam, you can still have the other parts done.

During the exam, you have the right to be informed about what is happening. It is okay to ask for more information or explanation about what is happening. Be honest with the examiner and let them know when you are uncomfortable or upset.

Immediate care – If you have injuries that need to be taken care of immediately, this will be done first.

History – You may be asked about your current medications, pre-existing conditions, and other questions related to your health history. You may also be asked about recent consensual sexual activity. These questions may seem very personal. They are asked so that investigators can rule out any DNA or other evidence that is not connected to the assault.

Details about the assault – The examiner will ask you what happened so they have an idea of what kind of evidence and injuries to look for. Let them know if you are sore or hurting anywhere.

Head-to-toe examination – The examiner will ask you to remove your clothing and place each piece into a separate paper bag. Next they will examine your body for external injuries. They may take photographs of any injuries from the assault such as bruises, scratches and tears. If there was vaginal penetration during the assault, the examiner may perform an internal examination by inserting a speculum into the vagina to look for injury. In the case of anal penetration, they will closely examine the anus to assess for injury.

Collecting samples – To collect other potential evidence, the examiner may:

- Pull approximately 20 strands of hair from several areas of your scalp
- Swab your mouth and gums for DNA between your teeth
- Comb through your pubic hair and collect any stray pieces of debris
- Swab under your fingernails
- Swab the inside of you vagina and/or anus
- Swab any other areas of your body where the perpetrator may have left body fluid, such as a bite mark or area of fluorescence from an ultraviolet light.

Do I have to pay for the exam?

Federal and state law requires that sexual assault victims **must** be able to get the exam without paying for it. In Nebraska, the exam is paid for by the state's Sexual Assault Payment Program Cash Fund. This fund should pay for the examination and collection of evidence, the facility fee, and any lab fees for pregnancy testing, testing for sexually transmitted infections (STIs), and the collection and processing of evidence. **These costs should not be billed to you or submitted to your insurance.**

You or your insurance **could** be billed for expenses related to medical treatment, such as medications for injury or infection (e.g. pain killer, antibiotics), x-rays, MRIs, or a doctor's fee that is billed separately from the hospital and not covered by the Sexual Assault Payment Program Cash Fund.

I don't know if I want to report to law enforcement. Should I still have evidence collected?

If you do not want to make a formal statement to law enforcement, you may still want to have evidence collected so that it is available if you change your mind. Federal and state law says victims have a right to the forensic exam, even if law enforcement hasn't authorized it. **This means you must be given the option of a forensic exam, even if you do not want to make a formal report.** Remember that medical professionals in Nebraska are required by law to call law enforcement if they treat someone for injuries relating to a sexual assault. However, even if law enforcement is called, the decision to make a formal statement is still yours.

Can I make a report without giving my name?

In a few communities, you can make an anonymous report, which would allow you to have evidence collected without identifying yourself to law enforcement. In this case, the kit will be labeled with a case number. Law enforcement will hold the evidence for a specific amount of time in the event that you decide to make a formal report later. *This is not possible in every community.* An advocate from your local sexual assault/domestic violence program can tell you if this is an option in your area.

What happens after the exam?

When the examination is over, the evidence and photos will be given to law enforcement to be used as part of their investigation. Unfortunately, having a forensic exam does not guarantee that your case will move forward. Remember that the evidence kit is only one part of the legal case. If your case goes forward, you will still need to speak with the prosecutor and possibly testify in court if the prosecutor requests.

Where can I get information and support?

An advocate from your local sexual assault/domestic violence program can help you through this process. To find services near you or to access a 24-hour hotline, see the [Get Help](#) section on our website.