

# NEW YORK CITY HEALTH & HOSPITALS CORPORATION

## Challenges in Rape/Sexual Assault Suspect Forensic Evidence Collection

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# LEARNING OBJECTIVES

- Discuss solution to barriers in implementing the suspect rape/sexual assault forensic evidence collection.
- Identify components of suspect forensic evidence collection for the investigation and prosecution of rape/sexual assault incidents.

# WHO WE ARE

- Largest public health care system in the country
- 11 acute care (Joint Commission-accredited)
- 4 long term care (Joint Commission-accredited)
- 6 Diagnostic and Treatment Centers
- A Certified Home Care Agency
- A Managed Care Organization with 310,000 enrollees
- Affiliation w/major NYC medical schools



# POPULATION SERVED

- 1.3 million New Yorkers; 480,000 uninsured
- 1,391,445 Emergency Department (ED) visits in 2008
- 900 Rape Sexual Assault cases seen in ED (2008)
- Disadvantaged, uninsured and lower socioeconomic
- Large Immigrant population
- Widely diverse, cultural and ethnic populations with language barriers

# OVERVIEW

- Sexual Assault is a significant social and medical problem affecting thousands of individuals in New York City.
- Health and Hospitals Corporation provides victims of rape/sexual assault medical and/or psychological treatment through the Sexual Assault Forensic Examiners (SAFE) and the Sexual Assault Response Team (SART).
- All 11 HHC hospitals are certified by the New York State Department of Health as designated Sexual Assault Forensic Examiner (SAFE) Centers of Excellence.

# SUSPECT FORENSIC EVIDENCE COLLECTION PROGRAM

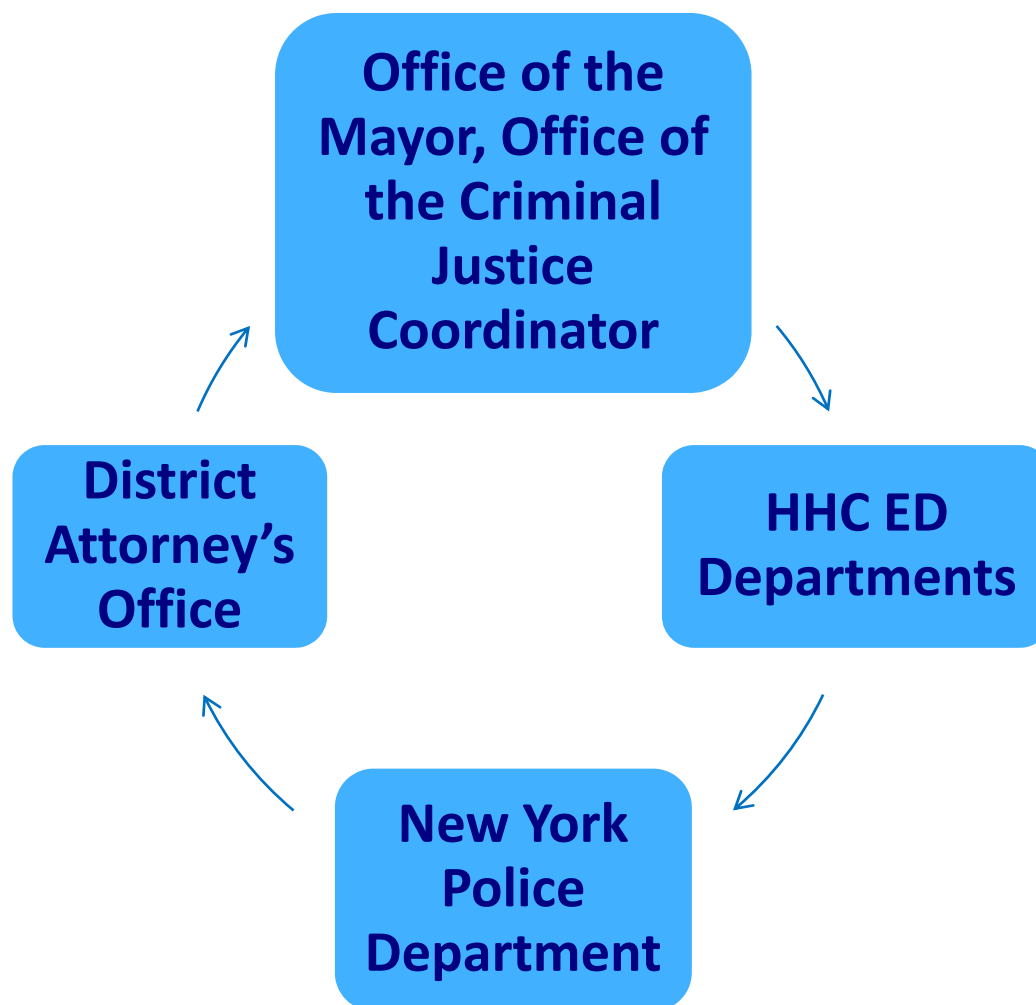
The Suspect Forensic Evidence Collection Program is a collaboration among the NYC Office of Criminal Justice; NYC Police Department; District Attorneys Offices; and Health and Hospitals Corporation. Utilization of the Sexual Assault Forensic Examiners (SAFE) to collect evidence from the rape/sexual assault suspect is a natural extension of the comprehensive medical, forensic and counseling services provided by HHC facilities to over 900 rape/sexual assault victims each year. This program will definitely provide a strong evidence for conviction or non-conviction of rape/sexual assault suspects.



# RATIONALE

- Expedite the judicial process for conviction of suspects guilty of rape /sexual assault and acquittal of suspects not guilty/wrongly accused.
- Utilization of the Sexual Assault Forensic Examiners (SAFE) for collection of critical and time sensitive evidence from suspects that provides strong evidence for conviction or non-conviction.

# RAPE/SEXUAL ASSAULT SUSPECT FORENSIC EVIDENCE COLLECTION PARTNERSHIP





# SUSPECT FORENSIC EVIDENCE COLLECTION PROTOCOL

- NYPD notifies HHC Hospital ED of an individual for a Suspect Evidence Collection examination
- Individual (suspect) will not be brought to the same hospital where the victim of rape received treatment
- Suspect will never be left alone; a police officer will remain with the suspect in the duration of the examination
- Coordination between Police Department and SAFE for exam
  - Court order/suspect consent
  - NYPD discuss facts and circumstances of case
  - Collect and preserve evidence
- SAFE will open sealed suspect forensic evidence kit, follow instructions, omit steps deemed unnecessary based on facts of case or not included in the court order
- Signed completed kit endorse to law enforcement



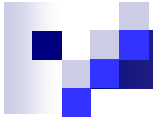
# CHALLENGES

- Resistance from the Sexual Assault Forensic Examiner (SAFE) staff to collect forensic evidence from rape/sexual assault suspect
- Mixing of patients/victims and suspects accused of rape/sexual assault
- Delineation of a designated area for suspect evidence collection



# OVERCOMING CHALLENGES

- Ongoing SAFE and ED staff education and training (e.g. evidence collection, process)
- Expedient communication amongst interagency teams within the Criminal Justice System, NYPD, and District Attorney's Office
- Collaboration with HHC hospitals ED medical/administrative leadership to ensure designation of site for suspect evidence collection



## DATA TO DATE...

- Four (4) Suspect Forensic Evidence Kits Collected (to Date)
- 1 Conviction

# CONCLUSION

- Important forensic evidence can be obtained from the body and clothing of a suspect in a sexual assault case.
- Evidence from the suspect's body is a crucial source of probative evidence to expedite the judicial process.
- Integration of suspect forensic evidence collection by specially trained clinicians inevitably increase the number of perpetrators accosted and acquit those who are innocent or wrongly accused.
- Timely collection of suspect forensic evidence expedites the judicial process for both the victim and suspect.