

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 want to know more, want someone to talk to about the decision, or if you have any questions along the way, 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 want. 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 the better. Evidence can 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 and DNA from any consensual sexual partners you've had recently 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 box 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” or just “the 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 your 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. painkiller, 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?

Evidence can only be collected in the first 5 days after an assault happens. If you haven't decided whether to report to law enforcement or need more time to think about it, you can still have evidence collected so it is available if you need it.

Can I make a report without giving my name?

If you want to have evidence collected, you have a little bit of control over how much information is provided to law enforcement. The medical provider conducting the forensic exam should tell you about the following three options:

Option 1: Full Report to Law Enforcement:

If you wish to make a full report, the medical provider will contact law enforcement and an officer will come to the medical facility to take your initial statement. Once the exam is completed, the evidence will be turned over to law enforcement and they will continue to investigate the case, including follow-up interviews. The evidence will be sent to the crime lab to be tested. Any DNA evidence found may be entered into a national database called CODIS, which will tell them whether that DNA has ever been linked to a crime before. It usually takes about 6 months for the evidence to be tested. Law enforcement will continue their investigation while waiting for evidence to be tested. Once the testing is complete, law enforcement should contact you to tell you what was found.

Option 2: Partial Report to Law Enforcement

If you choose to make a partial report, law enforcement will **not** come to take your statement. Once the exam is completed, the medical provider will contact law enforcement and tell them that there is evidence to be picked up. Law enforcement will be given your name and contact information and the evidence will be sent to the crime lab for testing. Any DNA evidence found may be entered into a national database called CODIS, which will tell them whether that DNA has ever been linked to a crime before. It usually takes about 6 months for the evidence to be tested. Once the testing is complete, law enforcement will contact you and tell you what was found. Law enforcement will **not** investigate your case unless you make a full report. You can choose to change a partial report into a full report at any time by contacting law enforcement and letting them know.

Option 3: Anonymous Report

If you choose this option, evidence will be collected, but law enforcement will **not** be given your name, contact information, or any information about what happened. After the evidence is collected, it will be sealed in the evidence collection kit. The sealed kit will be given to law enforcement but it will **not** be opened or tested. Law enforcement will store the kit for 20 years or until you decide to make a full report, whichever comes first.

If I made a partial or anonymous report but want to turn it into a full report, what do I do?

All evidence collection kits are labeled with a number we call a “kit number.” The medical provider will put the “kit number” in your file. They should also give the number to you when you are done with the exam. To turn a partial or anonymous report into a full report, contact law enforcement, give them your name and kit number, and tell them that you want to “convert” your report into a full report. If you no longer have your kit number, you can call the medical provider, give them your name, and ask them to give you the number. If you do not know which law enforcement agency has your kit, the medical provider can tell you that as well.

What happens after the exam?

If you made a full report (see above), the evidence and photos will be given to law enforcement and 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.