

**Activating Advocates**  
**SART Listserv**  
**September 2007**

*States are listed as a reference; not as a statewide perspective*

**Background:** SANEs in a particular community refuse to allow advocates to support victims during the medical forensic exam. Do victims have a right to an advocate during the exam if they choose?

**Alaska**

- We have quarterly meetings and usually have 15-20 people in attendance, including our military folks.
- The whole team, SANE, Law Enforcement, and Advocate is activated at the same time.
- We call the forensic exam kits 'PERK', which stands for Physical Evidence Recovery Kit, much better than "rape kit". Rape kits are what rapist use to commit their crimes.

**California (Napa)**

- It should always be the victim's choice not the nurses/SANEs.
- I am a SART Nurse. I always want the advocate there and in the room if the victim wants her there.
- It certainly makes the process easier with an advocate to support the victim and to explain the criminal justice process with all the legal twist and turns.

**Michigan**

- The patient makes the choice as to whether an advocate is present during exams.

**New Hampshire**

- The medical provider or law enforcement might not always wait for advocate to arrive before beginning the exam or interview.

**New Jersey**

- Advocates are part of the SART response and are allowed in the exam room if victims agree.

**New York (Suffolk County)**

- Advocates are activated and very rarely does the victim refuse advocacy support.
- Advocates also assist families, which forensic examiners cannot do when they are with patients.
- It is also beneficial to have another person in the room for security when law enforcement is not involved. There have been instances when the victim has been going through drug withdrawal and became psychotic and physically combative. (The exam room is in a remote area of the hospital).

## **Oregon**

- The advocate is always called and reports to the hospital.
- We stay with the survivor through the forensic exam, LE interviews and assist with any follow-up support including filling out crime victim comp applications (if the crime is reported).
- Advocates and SANE programs work hand-in-hand to make the process as seamless as possible.

## **South Carolina**

- It is the victim's choice. If the victim desires to have an advocate present during the rape kit and exam then the advocate stays.

## **Texas**

- We cross-train (advocates participate in forensic medical examiner training and forensic examiners participate in advocate's training. It helps establish mutual understanding and builds relationships.
- There is a law that says an advocate MUST be allowed present, if victims choose.
- We had to fight hammer and tongs to get this law...at first there were objections from law enforcement that somehow having an advocate present would compromise the exam or the gathering of evidence.
- We negotiated a response that has worked fairly well, although we do still hear occasional horror stories
- There are over 1800 law enforcement agencies in Texas and I no longer know how many emergency rooms, so this is part of the challenge! Just getting the word out to everyone is a 10 year process at minimum!

## **Washington**

- A victim has a right to have an advocate with them at any point.
- We have an agreement with our emergency department to call advocates once a victim presents at the hospital.

## **Location Unknown**

- We've had this issue in our area with one of three SANE programs. The nurses felt that the victims were not asked if they wanted an advocate to be present at all during the exam after many years of automatic call.
- After several meetings with our SART, law enforcement agreed to ask victims if they wanted an advocate during the exam. Law enforcement agreed to notify the crisis center when they activated the forensic medical examiner.