

# Sexual Assault Nurse Examiner Prosecution Survey

The questions in this survey have been designed to elicit information about your office's prosecution of sexual assault cases; the extent of your collaboration with the Sexual Assault Examiner (SAE) program(s) in your county, rape crisis advocates and law enforcement; how data are routinely collected by your office; and how and with whom those data are shared.

For the purposes of this survey, sexual assault includes sex offenses defined under Article 130 of the New York State Penal Law.

## A. PROSECUTION PRACTICES

1. Approximately how many sexual assault cases have been assigned to you in your career? Please circle the appropriate number. (1) under 25 cases (2) 26–50 cases (3) 51–75 cases (4) 76–100 cases (5) 101 cases or more

2. Does your office utilize vertical prosecution in sexual assault cases?

Yes  No

3. Do you have a specialized unit to prosecute sexual assault cases?

Yes  No

4. Does your office have a victim advocate specializing in sexual assault?

Yes  No

5. Please estimate the percentage of your sexual assault cases in which victims choose not to cooperate with the prosecution after an arrest has been made?

\_\_\_\_\_ %

6a. Are offenders in sexual assault cases able to plead down to non-sexual offenses?

Yes  No

b. If yes, please estimate in what percentage of cases this occurs.

\_\_\_\_\_ %

7a. Do you compensate SAEs and/or Non-SAEs for trial testimony?

Yes  No

b. If yes, how much?

\_\_\_\_\_

## B. SAE-vs- NON-SAE FORENSIC EXAMINERS

8. Please name the SAE program(s) in your county which conduct the forensic examinations for the sexual assault cases your office prosecutes:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Have you found the quality of forensic evidence collected by SAE providers in comparison to the evidence collected by non-SAE providers as:

(1) inferior (2) comparable (3) superior

10. Have you found the consistency of documentation by SAE examiners in comparison to the documentation by non-SAE providers as:

(1) inferior (2) comparable (3) superior

11. Have you found the quality of testimony given by SAE examiners in comparison to the testimony given by non-SAE providers as:

(1) inferior (2) comparable (3) superior

## Sexual Assault Nurse Examiner Prosecution Survey

**12a. Do you believe that the involvement of SAEs make it more likely that the victim will follow through with prosecution?**

Yes  No  Unable to determine

**b. If yes, why?**

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**13. Have you found it more convenient to locate and communicate with SAE providers than with non-SAE providers for purposes of collaboration and preparation of testimony?**

Yes  No  Unable to determine

### **C. EVIDENCE**

**14a. Current NYS Department of Health protocol for sexual assault cases mandates complete forensic examinations be performed when victims present within 72 hours post-assault. Would you prefer that a different standard be established for determining when a forensic examination should be performed?**

Yes  No

**b. Please specify the standard you would prefer:**

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**15. Do you believe the use of a colposcope during a forensic examination increases the quality of evidence?**

Yes  No  Unable to determine

**16. Please rate the frequency of the following actions with regard to sexual assault cases your office prosecutes using the following key:**

(1) never (2) seldom (3) sometimes (4) often (5) always

\_\_\_\_\_ a. When SAEs testify in sexual assault cases, how often are they called as factual witnesses?

\_\_\_\_\_ b. When SAEs testify in sexual assault cases, how often are they called as expert witnesses?

**17. How important do you feel the issue of a SAE testifying as an expert witness rather than as a factual witness is to the prosecution of sexual assault cases? (1) of little or no importance (2) somewhat important (3) very important (4) critical**

**18a. Have you had difficulty with the court accepting the SAEs credentials as comparable to those of a physicians testimony?**

Yes  No  Unable to determine

**b. If yes, please indicate how often by circling the appropriate number: (1) never (2) seldom (3) sometimes (4) often (5) always**

**19. Please rate the extent to which you feel credentialing of SAEs would increase their credibility and the value of their testimony by circling the appropriate number:**

(1) Not at all (2) somewhat (3) significantly

**20a. Is the time lapse between assault and presentment of the victim for forensic examination a factor in prosecuting sexual assault cases?**

Yes  No

**b. Please explain:**

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## Sexual Assault Nurse Examiner Prosecution Survey

**21a. Is the time lapse between assault and reporting to the police a factor in prosecuting sexual assault cases?**

Yes    No

**b. Please explain:**

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**22. How often are standardized sexual assault evidence kits used by the examiners in performing forensic examinations? (Please circle.)** (1) never (2) seldom (3) often (4) always

**23a. Currently, the law mandates that completed sexual assault evidence kits not released to the police must be maintained for 30 days. Do you believe this is a sufficient amount of time?**

Yes    No

**b. Please indicate why or why not:**

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**24a. Are there any additional tests or samples collected which you feel should be included in the standard sexual assault evidence kit?**

Yes    No

**b. If yes, please specify:**

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**25a. Are there tests currently being conducted or samples being collected that you would prefer were not?**

Yes    No

**b. If yes, please specify:**

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**26. Please specify the extent to which you feel forensic examiners should and/or should not record oral statements made by the victim during the examination:**

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**27. Please indicate of what value you feel the practices listed below could be in increasing successful prosecutions. Please use the following key to answer:** (1) no value (2) some value (3) significant value

- \_\_\_\_\_ **a.** Routine collection of a swab from the external genitalia.
- \_\_\_\_\_ **b.** Selective testing for date rape drugs when their use is suspected.
- \_\_\_\_\_ **c.** Routine visual examination of the rectum regardless of history.
- \_\_\_\_\_ **d.** The entire body looked at with a Woods lamp for evidence of semen.
- \_\_\_\_\_ **e.** Followup forensic examinations.
- \_\_\_\_\_ **f.** New chain of evidence protocol for sending urine to outside agencies to test for presence of date rape drugs.

## Sexual Assault Nurse Examiner Prosecution Survey

**28a. Is there any additional way in which you would like to alter the protocol for examining sexual assault victims?**

Yes  No

**b. If yes, how?**

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**29a. Have you encountered any difficulties in establishing the chain of custody for photographs taken during forensic examinations?**

Yes  No

**b. If yes, please explain:**

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### **D. COLLABORATION**

**30a. Does your office participate in cross-training with the SAE program(s) with which you are associated?**

Yes  No

**b. If yes, what were the topic(s) of the training?**

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**31. Please rate the quality of communication between your staff and SAE program(s) by circling the appropriate number:**

(1) poor (2) fair (3) good (4) very good

**32a. Are there specific obstacles you feel make communicating difficult between your program and the SAE program(s)?**

Yes  No.

**b. If yes, please describe:**

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**33. Please rate the quality of communication between your staff and your county's rape crisis advocates by circling the appropriate number:**

(1) poor (2) fair (3) good (4) very good

**34a. Are there specific obstacles you feel make communicating difficult between your program and the rape crisis advocate(s)?**

Yes  No

**b. If yes, please describe:**

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**35. Please rate the quality of communication between your staff and the police by circling the appropriate number.**

(1) poor (2) fair (3) good (4) very good  
(5) too varied to quantify

**36a. Are there specific obstacles you feel make communicating difficult between your program and the police?**

Yes  No.

**b. If yes, please describe:**

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# Sexual Assault Nurse Examiner Prosecution Survey

## **E. RECORD KEEPING**

**37. Which of the following formats do you use to collect and retain data/statistics on your caseload and conviction rates?**

(Please check all that apply.)

- a. Paper files
- b. Electronic/computer
- c. If data are maintained on a computer, please indicate the software program(s) used.**

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**38. Do you use a standard internal form to record information in sexual assault cases?**

- a.  Yes  No
- b. If yes, is the form computerized?**  
 Yes  No

**39. Do you cross reference the name of the victim with the name of the defendant in your files?**

- Yes  No

**40. Are you able to distinguish sexual assault cases in which a SAE provider examined the victim from those cases where the exam was performed by non-SAE providers?**

- a.  Yes  No
- b. If yes, how?**

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**41. Do you systematically track the disposition of sexual assault cases?**

- a.  Yes  No
- b. If yes, is the tracking done electronically?**  
 Yes  No

**42. Do you share disposition information with the SAE programs that conduct forensic examinations?**

- a.  Yes  No
- b. If yes, are the data shared electronically?**  
 Yes  No

**43. Do you share disposition information with the police?**

- a.  Yes  No
- b. If yes, are the data shared electronically?**  
 Yes  No

**44. Do you share disposition information with the rape crisis advocate involved in the case?**

- a.  Yes  No
- b. If yes, are the data shared electronically?**  
 Yes  No

**45. Please indicate whether you routinely record the following information and check the box if those data are computerized:**

	Yes	Yes	No	
	Yes	Computerized	No	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>a. Name of SAE program examiner in each case</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>b. SAE program case number</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>c. Name of non-SAE examiner in each case</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>d. Non-SAE case number</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>e. Name of police officer assigned to conduct the investigation</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>f. Police case number</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>g. Name of advocate who is involved in each case</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>h. Advocate's case number</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>i. Victim's relationship to attacker</b>

# Sexual Assault Nurse Examiner Prosecution Survey

**F. RECOMMENDATIONS**

**46. Please describe any additional training for SAEs you feel would facilitate prosecution in sexual assault cases:**

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**47. Are there any improvements you feel can be made to the SAE programs to facilitate successful prosecutions?**

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**48. Please take this opportunity to share ideas and comments that you feel would be important to the topic of this survey:**

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Name (Please print)

Date

**Thank you for taking the time to complete this questionnaire. Please return to:**

**Name  
Agency  
Address**