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
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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:
________________________________________
________________________________________
________________________________________

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? (l) 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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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:
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

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:
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

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:
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

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.
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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?
__________________________________________
__________________________________________
__________________________________________

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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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

If data are maintained on a computer, please indicate the software program(s) used.

__________________________________________
__________________________________________
__________________________________________

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?

__________________________________________
__________________________________________

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:

<table>
<thead>
<tr>
<th>Yes</th>
<th>Computerized</th>
<th>No</th>
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<tbody>
<tr>
<td>☐</td>
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a. Name of SAE program examiner in each case
b. SAE program case number
c. Name of non-SAE examiner in each case
d. Non-SAE case number
e. Name of police officer assigned to conduct the investigation
f. Police case number
g. Name of advocate who is involved in each case
h. Advocate’s case number
i. Victim’s relationship to attacker
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