

Frequently Asked Questions for Prosecutors

- What is required by the legislation?
- Where can I find resources to assist in this process?
- Who can I contact for more information?

Sexual violence has a significant impact on victims, their family members, and the community as a whole. Sexual violence also has an impact on the resources of individual agencies and organizations involved in the response. When sexual assaults occur, a number of professionals respond: law enforcement officers, prosecutors, advocates from the local sexual violence programs, forensic nurse examiners, healthcare providers, and victim/witness personnel.

In 2009, the General Assembly enacted legislation to require Commonwealth's Attorneys to coordinate a multidisciplinary response to sexual assault in their localities. The purpose of this legislation is to encourage a more coordinated response of the multiple local agencies to sexual violence. A locality benefits from a coordinated response effort in a number of ways:

- Victims receive the immediate, short term, and long term services they need through interagency referrals;
- Evidence is collected and stored for future prosecution, and is handled in such a manner as to prevent compromising the chain of custody; and
- Access to more local resources enhances and facilitates the investigative process.

The local Commonwealth's Attorney, as a leader, prosecutor, and law enforcement agent in his or her community, is in a position to provide guidance and direction to this effort.

VIRGINIA CODE § 15.2-1627.4:

The attorney for the Commonwealth in each political subdivision in the Commonwealth shall coordinate the establishment of a multidisciplinary response to criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, and hold a meeting, at least annually, to: (i) discuss implementation of protocols and policies for sexual assault response teams consistent with those established by the Department of Criminal Justice Services pursuant to subdivision 45 of § 9.1-102; and (ii) establish and review guidelines for the community's response, including the collection, preservation, and secure storage of evidence from Physical Evidence Recovery Kit examinations consistent with § 19.2-165.1. The following persons or their designees shall be invited to participate in the annual meeting: the attorney for the Commonwealth; the sheriff; the director of the local sexual assault crisis center providing services in the jurisdiction, if any; the chief of each police department in the jurisdiction, if any; a forensic nurse examiner or other health care provider who performs Physical Evidence Recovery Kit examinations in the jurisdiction, if any; and the director of the victim/witness program in the jurisdiction, if any.

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WHAT IS REQUIRED BY THE LEGISLATION?

The statute requires that Commonwealth's Attorneys in each locality perform the following tasks:

- Coordinate the establishment of a multidisciplinary response to criminal sexual assault;
- Hold at least one meeting per year (i) to discuss implementation of protocols and policies for sexual assault response teams (SARTs); AND (ii) establish and review guidelines for the community's response, including guidelines for physical evidence recovery kit (PERK) examinations.

The establishment of a multidisciplinary response to criminal sexual assault is often accomplished through the establishment of a "sexual assault response team" or SART. This team is comprised of representatives from the key agencies involved in responding to these crimes. At a minimum, a SART includes members from the local law enforcement agency(ies), the Commonwealth's Attorney's Office, the local sexual assault crisis center, the local victim/witness program, and the local forensic nurse examiner(s) or health care provider that performs PERKs. The SART may also include local healthcare providers and others with a stake in responding to sexual violence.

Localities with active SARTs meet on a consistent basis throughout the year, whether monthly, bi-monthly, or quarterly. These issues include:

- The different roles and responsibilities of SART member agencies and how SART member agencies interact, including memoranda of understanding between agencies;
- Ideal response to an initial call for service on a sexual assault case (for example, do law enforcement officers contact a local sexual violence crisis center advocate for assistance);
- Preferred methods for collection and handling of evidence by local forensic nurse examiners and local healthcare facilities, and how the chain of custody is preserved for law enforcement;
- Storage of physical evidence recovery kits (PERKs);
- Referrals for victims to agency or community services; and
- Assisting victims through the investigation and prosecution of their case.

Commonwealth's Attorneys are required to have at least one meeting per year "to discuss implementation of protocols and policies for sexual assault response teams (SARTs)." Although only one annual meeting is required by the statute, SARTs operate most effectively when there is consistent communication and collaboration between agencies. The annual meeting should address, at a minimum, the policies and protocols required to establish and maintain the SART. As indicated by the statute, these policies and protocols should be consistent with those established by the Department of Criminal Justice Services (DCJS).

In addition, at the annual meeting or more frequent meeting(s), Commonwealth's Attorneys are required "to establish and review guidelines for the community's response." These guidelines include guidelines for physical evidence recovery kit (PERK) examinations, as mentioned by the statute. These guidelines also include guidelines for SARTs and other multidisciplinary mechanisms for responding to sexual assault in the community.

WHERE CAN I FIND RESOURCES TO ASSIST IN THIS PROCESS?

State Resources

Department of Criminal Justice Services

Department of Criminal Justice Services - Sexual Assault Response Teams: A Model Protocol for Virginia
<http://www.dcjs.virginia.gov/victims/documents/DCJSSARTProtocol2011.pdf>

Department of Criminal Justice Services - Physical Evidence Recovery Kit (PERK) Authorization and Payment: Improving Access to Sexual Assault Forensic Examinations (August 2008)
<http://www.dcjs.virginia.gov/victims/documents/PERKFAQFINAL082208.pdf>

Department of Criminal Justice Services - Victims Services Resources
<https://www.dcjs.virginia.gov/victims/resources.cfm>

Virginia Sexual and Domestic Violence Action Alliance

Virginia's Healthcare Response to Sexual Assault: *Guidelines for the Acute Care of Adult and Post-Pubertal Adolescent Sexual Assault Patients*: <http://www.sexualanddomesticviolencevirginia.org/health.htm>

National Resources

Office for Victims of Crime, U.S. Department of Justice – SART Toolkit: Resources for Sexual Assault Response Teams: http://ovc.ncjrs.gov/notices/SART_Toolkit/index.html

National Sexual Violence Resource Center – SART (Sexual Assault Response Team) Resources
<http://www.nsvrc.org/publications/collaborative-responses/sart-sexual-assault-response-team>

Sexual Assault Nurse Examiners-Sexual Assault Response Team (SANE-SART) Resource Service (Minnesota) -
<http://www.sane-sart.com/>

AEquitas—The Prosecutors' Resource on Violence Against Women – *A Prosecutor's Resource: Medical Evidence and the Role of Sexual Assault Nurse Examiners in Cases Involving Adult Victims*
[http://www.aequitasresource.org/Prosecutor Reference Medical Evidence.pdf](http://www.aequitasresource.org/Prosecutor%20Reference%20Medical%20Evidence.pdf)

San Diego County Sexual Assault Response Team, Standards of Practice for Members of the Interdisciplinary SART Team
<http://www.sandiego.gov/police/pdf/standards.pdf>

Alaska Statewide Protocols for Sexual Assault Response Teams
<http://www.dps.state.ak.us/Ast/docs/SARTProtocols.pdf>

West Virginia Foundation for Rape Information and Services – Sexual Assault Response Team (SART) Resources
<http://www.fris.org/SARTs/SARTs.html>

WHO CAN I CONTACT FOR MORE INFORMATION?

Kristina Vadas
Department of Criminal Justice Services
1100 Bank Street
Richmond, VA 23219
(804) 786-7802
Kristina.Vadas@dcjs.virginia.gov

Kristine Hall
Virginia Sexual and Domestic Violence Action Alliance
5008 Monument Avenue, Suite A
Richmond, VA 23230
(804) 377-0335
khall@vsdvalliance.org

Additional Local Resources:

The Honorable S. Randolph Sengel
Commonwealth's Attorney, City of Alexandria
520 King Street, Suite 301
Alexandria, VA 22314
(703) 838-4100
randy.sengel@alexandriava.gov

Cathryn Evans
Assistant Commonwealth's Attorney, City of Alexandria
520 King Street, Suite 301
Alexandria, VA 22314
(703) 746-4100
Cathryn.Evans@alexandriava.gov

Nancy Oglesby
Deputy Commonwealth's Attorney, Henrico County
P.O. Box 90775
Henrico, VA 23273-0775
(804) 501-4218
ogl@co.henrico.va.us

Office of the Attorney General
900 E. Main Street
Richmond, VA 23219
(804) 786-2071
www.ag.virginia.gov
domesticviolence@oag.state.va.us