

Fact Sheet: Forensic Medical Examination

1. What is a forensic medical examination?

It is a close and comprehensive physical examination of a person's body by a doctor or nurse (who is referred to as a '**forensic examiner' or FE**) in order to collect evidence of an assault.



The examination usually takes place at a hospital or clinic where the necessary privacy and treatment facilities are available.

The test results from the swabs and blood samples, along with any photographs and clinical notes, constitute evidence. This evidence can be used in a Police investigation and court proceedings. It may reveal the DNA or other identifying information about the perpetrator, and support claims made by the victim.

2. Why is it done?



A forensic medical examination is done after an allegation of sexual assault to collect evidence that can

- help verify the type of sexual assault that occurred
- help support the victim's explanation of what took place
- help identify the perpetrator.

3. Is an examination compulsory if a person has been sexually assaulted?

No. The person must consent to a forensic medical examination. If the person lacks decision-making capacity, refer to the **Fact Sheet: Decision-making Capacity**.

The options for a person who has been assaulted are:

- consent to a Forensic Examination for the purpose of reporting the assault to the Police, or
- consent to a medical examination for health reasons, but not to the collection of evidence,
- consent to a forensic medical examination just in case they decide to proceed with a report to Police at a later date, or
- decline a Forensic Examination.



A person who has been assaulted but who does not want to report to the Police can be encouraged to have an examination just in case they decide to pursue charges at a later date. Evidence can be kept indefinitely.

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4. Where is it done?

A full forensic medical examination usually needs to take place in a major hospital or specialist clinic which has privacy and the necessary testing equipment and qualified staff.

Currently forensic medical examinations are conducted at the North West Regional Hospital, Launceston General Hospital and the Royal Hobart Hospital.

If the assault has occurred in a remote area such as the Bass Strait islands or the West Coast, the person would need to travel to a major hospital for the full examination and collection of evidence.

If the assault has occurred in a remote area and the person does not wish to transfer to a major hospital, an **Early Examination Kit (EEK)** can be used by a treating GP to collect some evidence. An EEK is not a substitute for a forensic medical examination. An EEK is obtained from Tasmania Police. Tasmania Police will assist with the handling and transport of evidence collected by EEK, even when the person does not wish to proceed with charges at that time.



5. How do I arrange for a forensic medical examination to take place?

Your region's sexual assault service can provide free, expert advice on the telephone. They will be able to help you arrange a Forensic Examination. You can also organise a forensic medical examination through your local hospital's Emergency Department or Tasmania Police.

North and North West Tasmania

Laurel House Sexual Assault Service
Launceston Ph: 6334 2740 (9am-5pm)
Burnie: Ph: 6431 9711 (9am-5pm)
After hours: 1800 MYSUPPORT (1800 697 877)
<https://laurelhouse.org.au/>



Southern Tasmania

Southern Sexual Assault Service (SASS)
31 Tower Rd, Newtown 7008
Ph: (03) 6231 0044
After hours: 1800 MYSUPPORT (1800 697 877)
<https://www.sass.org.au/>



Emergency Department, North West Regional Hospital: 6493 6000
Emergency Department, Mersey Community Hospital: 6478 5500
Emergency Department, Launceston General Hospital: 6777 6777
Emergency Department, Royal Hobart Hospital: 6166 8308

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6. What happens during a forensic medical examination?

The person will be asked to go to a hospital or clinic where the examination can take place in privacy and with the necessary testing equipment.



It may not be possible for the person to choose a female or male doctor, but they can choose a female or male support worker to stay with them while the FE does the examination. The person can request a support person be present if no other worker of their preferred gender is available at the time. They can also have a friend or relative with them.

Before collecting evidence, the FE will talk with the person about the examination and give them time to ask questions about it. The person's consent will be required for the examination to proceed.

The examination typically involves a close examination of the person's body and genitals (private parts).

The person will be asked to wear a gown during the examination. The person will need to remove their clothing, which will be packaged for testing and treated as evidence. They will be given new clothing to wear, if needed. The person may be asked to provide their clothing to Police prior to going to the clinic for examination. The person will not be able to take the clothing home with them.



The FE will:

1. write down the person's account of what happened during the assault,
2. take swabs from the part of the person's body affected by the assault, including mouth, skin and/or genital areas, if relevant.
3. collect blood or urine for testing if required, especially if drugs are suspected to have been used
4. record and photograph any visible injuries, and
5. ask the person to describe any symptoms and any distress they are experiencing.



The person will not be left alone with the FE unless that is their preference.

The FE will offer advice and treatment for possible unwanted pregnancy and sexually transmitted disease testing.

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7. How long does it take?

Each examination will take however much time the person needs, and will be different for each person, but expect a minimum of 1-3 hours. People with communication difficulties or complex physical disability will require additional time, but no person will be rushed or pressured to complete an examination. How much time is needed will depend upon several factors, including:

- the time needed by the person to talk about what happened, and comprehend the information they are being given;
- how well the person is able to cooperate during the examination;
- the need for 'time out';
- the number of swabs and samples collected;
- the number of photographs to be taken;
- any medical treatment required, eg. for cuts or bandaging; and
- the number and type of referrals needed.



8. Does the examination have to happen in a single medical consultation?

No. If the Forensic Examiner thinks that the person may need urgent medical care, the examination may be suspended while other care is provided, and then resumed at a later time. For example, a person may become unwell during an examination and require transfer from a clinic to the Emergency Department. When the person is medically stable they can return to the clinic and the examination can continue.

Depending on the length of time since the assault, an examination may be conducted over several consultations if the person is comfortable with that arrangement.



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9. How do I support a person during a Forensic Medical Examination?

Communication support

It is extremely important that the person is able to communicate effectively with an FE or other support persons during this time.

An assessment of the person's communication needs should be undertaken immediately they disclose the assault. Any pre-existing communication supports that the person uses, including devices, should be utilised during the examination and any subsequent consultations or interviews.

·If the person needs any communication supports, including a translator, consent for an examination must wait until those supports are in place and genuine communication is possible.

If the person wants to make a report to the Police, that report can normally wait until the examination is complete.

If a person needing communication support wants to make a report to Police you should contact the **Witness Intermediary Program** through Tasmania Police.



Psychological support

Reassure the person that they are safe and that they will not be abandoned, judged or blamed.

Check that the examination is culturally safe for the person. Ask the person what you can do to make things safer.

Encourage them to have the examination, but do not apply pressure.

Remind them that having the examination does not mean they have to report the assault to the Police.

Slow proceedings down to a pace that the victim can manage.

Check in with the person regularly about how they are feeling and what their wishes are.

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Physical support

Explain that evidence may be lost if they shower or wash before the examination, especially if they wash the parts of themselves that the perpetrator touched.



Discourage the person from eating, drinking or using the toilet prior to examination, as far as possible.



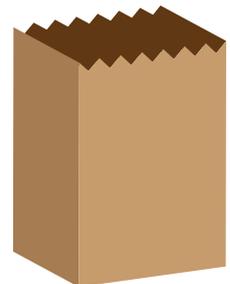
If the person needs to urinate before the examination, ask them to press their underpants to their external genitalia (vagina or penis) before removing them to urinate. If they wish to discard their underpants try to treat the pants as evidence by carefully placing them in a clean paper bag.

If the person needs to use their bowels before the examination, ask them to press their underpants to their anus before going.

Please do not wash clothing worn at the time of the assault. It is best if the clothing can remain on the person until the time of the examination, and the FE will collect it. It is important to maintain a clear chain of custody of specimens and evidence for legal reasons. It also reduces the likelihood of contamination of evidence.

If clothing is removed prior to the examination, place each item in a separate clean paper bag.

Even if underwear has been washed it should be placed in a bag as evidence because it may retain traces of evidence.



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10. What happens afterwards?

If the person wishes to make a report to the Police they can do that directly. They can make a decision about reporting later, however.

The person will be able to wash and will be provided with clean clothes to wear after the examination.



Ensure that the person has somewhere safe to go home to, and someone trustworthy to go with them. Organise crisis accommodation if necessary.

Ensure the person has all necessary information with them when they leave the clinic, such as referrals, prescriptions and appointments; and that this information is recorded somewhere confidential where it can be retrieved if required by the victim or an authorised person.



Evidence can be stored securely indefinitely or until the case is resolved by the courts.



Arrangements may need to be made for counselling as well as for on-going medical or dental treatment for injuries.

Your local sexual assault service can advise and assist with these arrangements.

