

Medical Evidence of Rape

- Presented by
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•Definition of Rape

- Rape or Sexual Assault is a violent illegal Act that can produce physical and emotional trauma.
 - 6% of all violent crimes



LEGAL ASPECT OF EXAM

- Physician or Other Medical Providers can be called upon to be an expert witness for the defense or prosecution
 - Prosecution states genital trauma is proof of rape.
 - Consensual Sex can cause genital trauma



PROBLEMS WITH EXAM

- Rape is a legal term (NOT MEDICAL)
 - Often difficult to establish whether rape occurred



THREE COMPONENTS OF RAPE

- Definition of Rape
 - Unlawful carnal knowledge of woman without her consent (Can be male in some instances), by force, fraud or fear or when she lacks the mental capacity to consent.
 - Penetration must have occurred

MEDICAL EXAM PROOF

- Proof
 - Semen, sperm, genital trauma
 - Genital trauma can infer penetration
 - cannot prove lack of consent
 - cannot prove force
 - Nongenital trauma and use of weapon can be evidence of force



LEGAL FACT

- Consent is a matter for the court to
prove

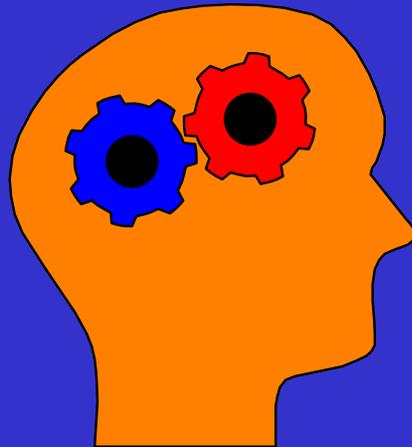


REASON FOR MED. EXAM

- Purpose of Medical Exam
 - provide evidence of intercourse and violence related to the event.
 - Gross exam
 - Colposcopic Exam
 - not purpose of exam to establish if RAPE occurred
 - collection of objective evidence to support victims claim of rape

MED/LEGAL EXAM NEEDS SPECIAL KNOWLEDGE

- Examiner needs training in forensic evidence collection
 - Becoming a specialized group of examiners
 - ER doctors
 - SART Nursing Teams





- Finding of SART exam
 - Consensual Sex Findings
 - erythema
 - minor lacerations of posterior fourchette
 - Associated with penetration of vagina

- Findings of genital trauma, consensual sex
 - More common in nulliparous pts
 - after prolonged abstinence
 - post menopausal woman
 - prior gyn surgery
 - younger women
 - after drinking or drugs

Nonconsensual Sex Findings

- proposed mechanism of injury
 - No sexual response from women
 - lack of cooperation
 - lack of pelvic tilt
 - lack of partner assistance in insertion
 - lack of lubrication
 - increased force
 - lack of communication

Other Examinations

- examine mouth
- throat
- arms
- breast
- thighs

Trauma should be documented

- photos are best
- description
- recheck in 3 days

Lack of trauma does not imply

- consent
- lack of penetration

Psychological Trauma

- Patients mental state
 - document
 - Rape Trauma Syndrome
- relaxation

TEARS

- (tears, ecchymosis, abrasions, redness, swelling)

Psychological Trauma

- Patients mental state
 - document
 - Rape Trauma Syndrome
 - shock, guilt, humiliation, fear
 - later insomnia, phobias, sexual dysfunction

Special Cases

- Presence of Semen or genital trauma proof of rape.
 - Children
 - mentally incapacitated.

Emergency Department Procedures

- Physicians Responsibilities
 - Obtain accurate gyn hx
 - accurate account of events
 - objective discription for documentation
 - Thorough sexual and gynecological Hx

Non Genital Evaluation

- external evaluation total body
 - fingernails

oral cavity

- secretion
- collect secretions for blood grouping
- injuries
- culture

Genitals

- Evidence of coitus can be present in vagina for 48 hours
- motile sperm present in vagina for 8 hours, cervix for 2-3 days
- Nonmotile vagina 24 hours, cervix for 2.5 wks.
- Semen can be detected with acid phosphatase determination on secretion.
- hair sample
- hair combing

Genitals Continued

- vaginal secretions
- pap smear
- secretion swab
- collect secretions for acid phos. refrigerate

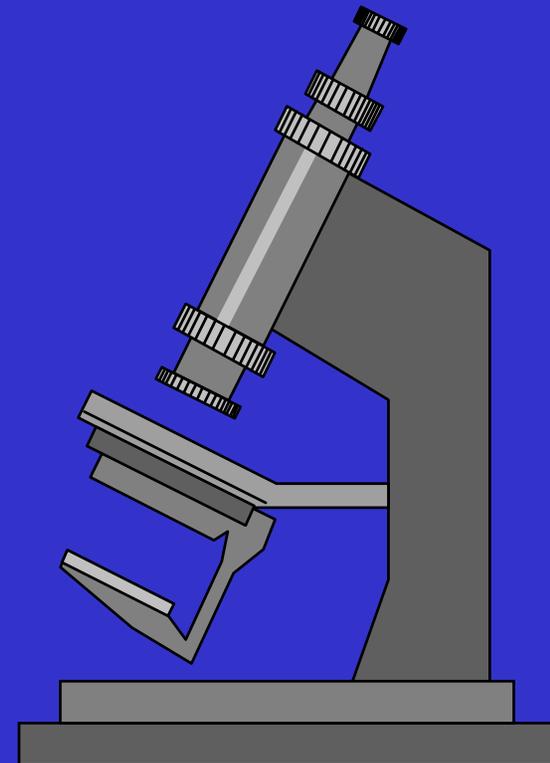
Culture

– Rectal

- trauma
- culture

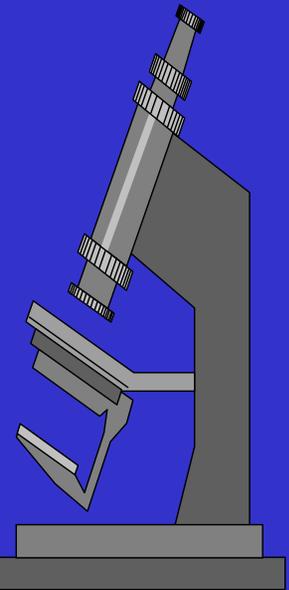
– Oral

- Culture
- Secretions



Assess and Treat physical injuries

- Obtain appropriate cultures and treat any existing infections
 - Baseline vdrl, hiv, hepatitis, herpes titer, gc, chlamydia
 - repeat in one month



Prophylactic antibiotics

- ceftriaxon 250mg IM + Doxycycline 100mg bid
X 7 days



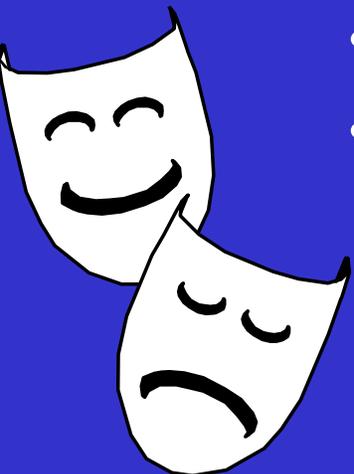
Provide Therapy to prevent unwanted conception

- Morning after regimen
 - Ovral, LoOvral



Provide counseling

- Arrange follow-up care and counseling
 - patients wishes should be honored in all things.
 - get her permission about whom she would like to be followed by
 - patient may appear in control but this could be defense mechanism
 - followup in about 1-2 wks for psychological eval
 - followup in 4 weeks for general medical eval.



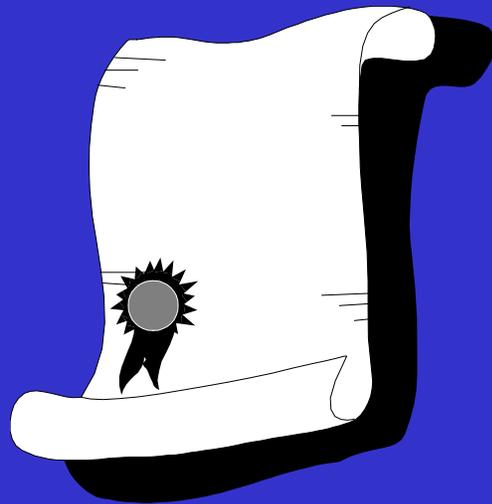
Provide accurate recording of events

- Document Injuries
- Collect Samples
- Report to authorities as required



Get all appropriate consents

- Getting consents impt because gives women back control of her body



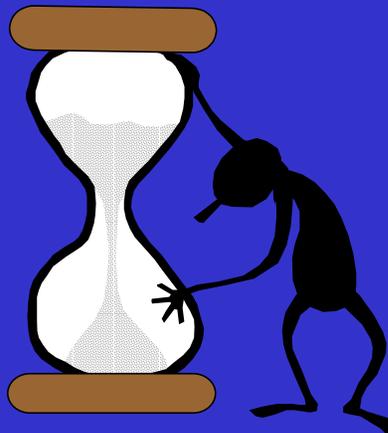
Emergency Dept. Personnel duties

- Care for acute health and life threatening injuries.
- Provide a supportive environment where the patient feels she is in control of what is happening to her.

Be Considerate of Victim

Expedite Exam

- provide trained counseling and support personnel as quickly as possible
- have available the necessary equipment and forms to expeditiously do examination
- Explain procedures and reasons for procedures to victim



Documentation of Vaginal Trauma

- Need Colposcope with ability to take 35mm color slides.
- Need toluidine Blue to highlight for photography
- Must take multiple pictures
- Have patient return in a week to note healing

Need Personnel Trained in the handling of Evidence

- Labeling
- Chain of evidence
- Documentation
- Evidentiary Package facilitates this
 - Documents present
 - Go By
 - Packaging







