



Sexual Assault
Response Team

An Garda
Síochána

Sexual Assault
Treatment Unit
SATU

Psychological
Support
Services

Sexually
Transmitted
Infections

Forensic
Science
Ireland

General
Practitioner

Legal

Child and
Adolescent
Forensic Medical
Assessments

National Guidelines on Referral and Forensic Clinical Examination Following Rape and Sexual Assault (Ireland).

5th Edition 2023



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency



National
Women & Infants
Health Programme



AN ROINN DLÍ AGUS CIRT AGUS COMHIONANNAS
DEPARTMENT OF JUSTICE AND EQUALITY

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Irish Sexual Assault Response Team

Strategic Vision, Working Philosophy and Mission Statement

Strategic Vision

We envisage all agencies **working effectively together** to provide the **optimum response** in a manner which reflects the core values of the mission and working philosophy of the National Sexual Assault Response Team.

The strategic vision will be realised by:

- Each **individual** being **informed** of their **options** and **supported** in **their decisions**.
- Engaging in **preventing** and **reducing** the incidence of sexual violence.
- **Continuous quality improvement** embedded in all national sexual assault response services.
- **Education** and **professional development** of the service providers being core to **enhancement** of service delivery.
- **Accountability** to **each person** availing of sexual assault services and society **as a whole**, with each organisation also **accountable** for their **participation** in an **inter-agency response** to sexual violence.

Working Philosophy

The **multi-agency team** believe that by **understanding** and **appreciating** the particular dynamics and **sensitivities** involved in **responding** to sexual violence, we can provide **individualised, timely, person-centred** services.

An **ongoing commitment** to the strategic vision and mission is demonstrated by **continuous quality improvement** and **services development**, including work on **prevention** and **reduction** of sexual violence.

Mission Statement

Our mission is to provide a **range of specialist multi-agency responses** following rape/sexual assault.

These services are delivered in a **respectful, non-judgemental** and **supportive** manner by **skilled, competent professionals**.

The above were developed, through collaborative inter-agency input from all the different agencies, which together make up the Irish Sexual Assault Response Team.

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Acknowledgments and Thanks

The Irish SARTs Logo

Following a consultative process with the Staff of the Irish SATUs, Ms. Andrea Mears, developed and donated the Irish SARTs Logo which appears on the front cover of this document. For an explanation of the Logo please see the inside back cover.

Funding

The National Guidelines Development Group acknowledges financial support provided by Department of Justice, Health Service Executive, National Woman and Infants Health Programme and Tusla. This document could not have been prepared and disseminated without these funds. To reflect this interagency collaboration and funding, the logo has been changed from SATU to SART (Sexual Assault Response Team).

Acknowledgement of Contributions

Many different agencies and individuals gave of their time, knowledge and expertise during the formation of this document, and the National SART Guidelines Development Group thank them all for their invaluable collective and individual contributions.

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Introduction

This is the fifth edition of the ‘National Guidelines on Referral and Forensic Clinical Examination Following Rape and Sexual Assault (Ireland).’

This document is designed to facilitate all aspects of a responsive and coordinated service for people who have experienced sexual violence. The primary emphasis in earlier editions was on care of people aged 14 years and over, but since the fourth edition this document has included a section on care of children and adolescents. This document therefore outlines comprehensive, best practice care for any survivor of sexual crime, regardless of their age, replacing the 4th edition in its entirety. In formulating the fifth edition of these guidelines, an evaluation of the 2018 edition was undertaken. This evaluation, combined with current best practice, provided the roadmap for updating this edition. The interagency and holistic nature of these guidelines supports consistent provision of high quality care at all stages of the journey, regardless of the circumstances of the incident or people’s involvement with criminal justice agencies.

This document ensures that clearly defined referral pathways exist, so that all people, regardless of age or gender, can access appropriate individualised care that is responsive to their needs. It is important to highlight that people respond to instances of sexual violence in different ways, and while this document provides guidance for compassionate and effective care, it does not represent the only medically or legally acceptable response. There may be circumstances where personal or clinical factors may mandate appropriate deviation from these guidelines.

As a service, and group of interagency professionals, we continue to be ambitious for the future. We remain involved with national and international programmes to reduce sexual crime but also continue to focus on provision of the highest standard of responsive care to those who need it. We are active participants in implementation of a range of initiatives, including implementation of recommendations of the Department of Health Policy Review of Sexual Assault Treatment Unit (SATU) services and the Domestic, Sexual and Gender Based Violence Strategy (2022-2026) as well as a range of other projects across many government departments and beyond. Ongoing developments within the SATU services include further work on our web-based, comprehensive, anonymous data collection platform which allows us to closely monitor key service activities as well as to assess and monitor various aspects of service provision, quality of care and interagency cooperation. These metrics are underpinned by the Mission, Vision and Philosophy of the services and also the patient documentation template. These developments are vital components of the interagency service that is provided.

Since the last edition the SATU services have adopted the Rainbow badge initiative, underpinning our commitment to delivering open, non-judgemental and inclusive care. In support of this, the SATU section of the Guidelines aims to use gender neutral language (eg ‘people’) throughout.

Many thanks to all funders, collaborators, authors, peer-reviewers and critical readers for their dedication to this project. We appreciate the time you took from your busy schedules to ensure that the Guidelines were appropriately updated. Ongoing review and informed amendment of these guidelines will be a continued objective of this group. Please forward any feedback and suggestions for future editions to SATU@rotunda.ie with the subject heading: Guidelines feedback/suggestions.

USING THE GUIDELINES

Operational Definitions/Glossary of Terms/Abbreviation List

In devising this book of guidelines, the diversity of language used by each discipline/agency has been recognised. In order to facilitate the reader, the correct terminology which is used by the different professionals is reflected in the section relevant to that discipline. For further clarity, operational definitions, glossary of terms and an abbreviations list have also been included (p. 238). The first time an abbreviation appears in the document, it follows the full text in brackets e.g. Rape Crisis Centre (RCC).

Quick Reference Pages

Quick reference pages have been devised to enable practitioners to access information quickly. The quick reference pages are:

- Response to a History of Rape/Sexual Assault (p. 15-17).
- Contact Details for SATUs and Psychological Support (p. 18-19).
- Guide to Help Preserve Forensic Evidence Which May Be Available (p. 20-21).

Discipline/Agency Guidelines Colour Coding

To provide a user-friendly format for the reader, the guidelines for each discipline/agency/section are located under a specific colour code.



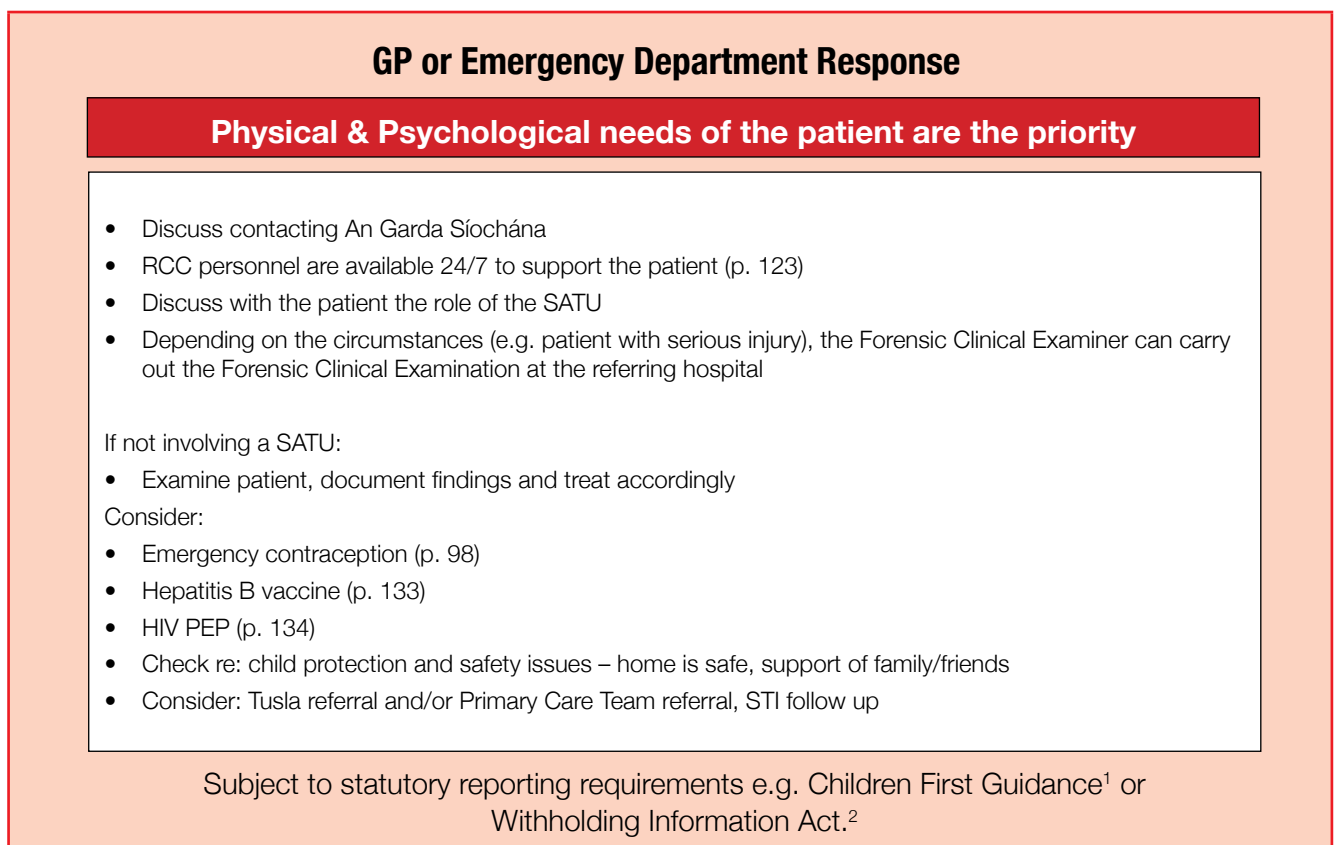
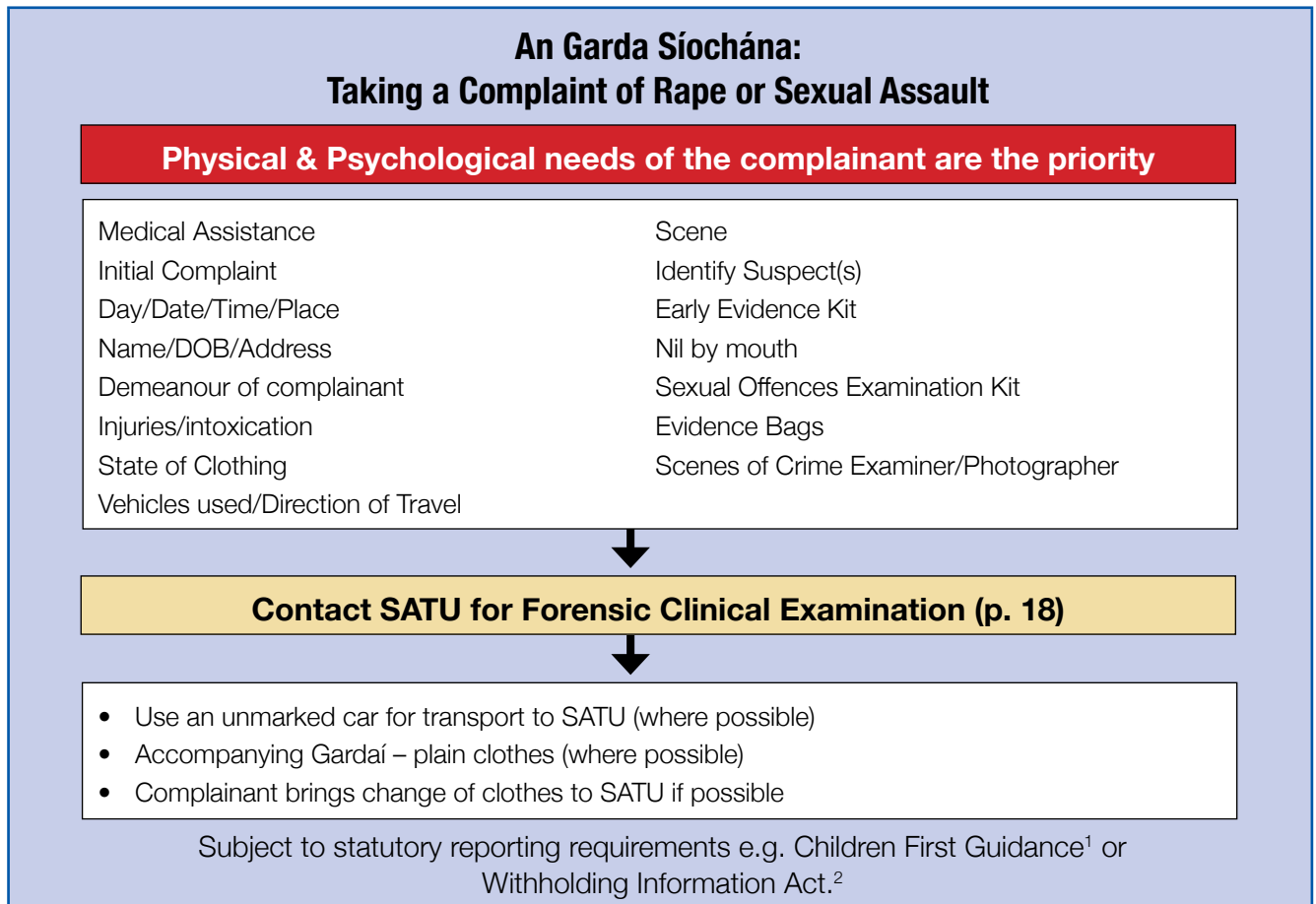
Boxes with Key Points

Key points relevant to each guideline are emphasised, not only because of their importance, but also for ease of reference when skimming through a particular guideline. The key points are portrayed in a colour coded box applicable to the discipline/agency within which the guideline appears.

References

References used in a guideline are recorded directly after the relevant section of the particular guideline.

RESPONSE TO A HISTORY OF RAPE/SEXUAL ASSAULT



Psychological Support Response

Physical & Psychological needs of the victim/survivor are the priority

- Support victims/survivors through each component of the SATU service that they choose.
- Serve as an information resource for victims/survivors.
- Provide victims/survivors with crisis intervention and support.
- Let victims/survivors know their reactions to the assault are normal and dispel misconceptions regarding sexual assault.
- Advocate for victims/survivors' self-articulated needs to be identified and their choices to be respected.
- Assist victims/survivors in planning for their safety and well-being.
- Link victims/survivors with relevant services.
- Help victims'/survivors' families and friends cope with their reactions to the sexual violence by providing information.

Subject to statutory reporting requirements e.g. Children First Guidance¹ or Withholding Information Act.²

SATU Response

Physical & Psychological needs of the patient are the priority

Following discussion and explanation the patient may choose from the following options:

Option 1: Forensic Clinical Examination and care (Section 2)

Option 2: Health check and care (Section 2)

Option 3: Collection and Storage of Forensic Evidence without Immediate Reporting to of An Garda Síochána (Section 2:21)

Subject to statutory reporting requirements e.g. Children First Guidance¹ or Withholding Information Act.²

Child and Adolescent Services Response

Physical & Psychological needs of the patient are the priority

- Urgent medical needs – local Emergency Department
- Urgent child safety concerns – contact Tusla / An Garda Síochána
- Other forensic opportunities – early evidence kit, clothing, nappies, bedding etc.

For Child and Adolescent Forensic Medical Assessment referral pathways see pages 182-186 for pre-pubertal and pubertal pathways

References

1. Department of Children and Youth Affairs (DCYA) Children First: National Guidance for the Protection and Welfare of Children. Dublin: Government Publications; 2017 www.dcy.a.ie
2. Government of Ireland. Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012. www.irishstatutebook.ie

Sexual Assault Treatment Units (14 years and above)

Location	Address	Email/Fax address	Tel. No.	Out of Hours
CORK South Infirmary, Victoria University Hospital (SIVUH)	Old Blackrock Rd, Cork.	satu@sivuh.ie	021 4926297	Phone Hospital 0214926100 Ask for Nurse Manager on duty for Hospital
DONEGAL Letterkenny University Hospital	Letterkenny University Hospital, Co. Donegal.	satu.letterkenny@hse.ie	087 0681964 074 9121464	Phone 0870681964
DUBLIN Rotunda Hospital	Parnell Square, Dublin 1.	satu@rotunda.ie	01 817 1736	Phone Hospital 01 817 1700 ask for SATU
GALWAY Willow Centre	Willow Centre, Tuam Road, Galway.	satugalway.hsewest@hse.ie	091 765751 087 6338118	Phone 091757631 or 091524222 Ask for SATU Services Nurse Admin Manager on duty for Merlin Park Hospital
MULLINGAR Midland Regional Hospital	Regional Hospital Mullingar, Westmeath.	satu.mrhm@hse.ie	044 9394239 086 0409952	Phone Hospital 044 9340221 Ask for Nursing Admin to be bleeped
WATERFORD University Hospital Waterford	Dunmore Rd, Waterford.	wrh.satu@hse.ie	051 842157	Phone Hospital 051 848000 Ask for Nurse Manager on duty for Hospital

Child & Adolescent Forensic Medical Services (under 14 years)

Location	Address	Email/Fax address	Tel. No.	Out of Hours
CORK Family Centre, St Finbarr's Hospital	Family centre, St Finbarr's Hospital, Douglas Road, Cork		021-4923302 Cork	No out-of-hours service in Cork at present – contact 021-4923302 on next working day.
DUBLIN Childrens Health Ireland at Tallaght	Laurels Clinic, Childrens Health Ireland at Tallaght Dublin 24	laurels.clinic@nchg.ie	01 6406501	No out-of-hours service at present - contact 01 4096100 ask for Nursing Admin If child has urgent medical needs – attend local Emergency Department If urgent child safety concerns – contact Tusla / An Garda Síochána
GALWAY Hazel Clinic@Barnahus West	CASATS Barnahus West, Galway	satugalway.hsewest@hse.ie	091 765751 087 6338118	Phone 091 524222 or 091 757631 ask for the SATU co-ordinator on duty

Psychological Support Contact Details

Location	Address	Email/Fax address	Tel. No.	Helpline
RAPE CRISIS NETWORK IRELAND	All locations nationwide can be found at www.rapecrisishelp.ie	www.rapecrisishelp.ie		24-Hour Helpline: 1 800 778 888
A.S.S.C.	For futher info see assc.ie/contact	support@assc.ie	083 01 85501	083 01 85501
CARI	For further info please see www.cari.ie	info@cari.ie	01 830 8529	1890 924 567

Preservation of Forensic Evidence

NB. Medical stability always takes priority

Depending on individual circumstances, this guide should be followed as closely as possible if a person **is reporting the incident and awaiting a Forensic Clinical Examination and collection of forensic evidence**, providing there is no interference with the person's safety and they feel they can comply.

For All Types of Rape/Sexual Assault

- The type of seat the person sits on should be plastic, leather or a leatherette type covering.
- The person should not bathe/shower/douche.^{1,3}
- The person should not consume food or drink, including alcohol after the assault until oral samples have been taken.⁴

Vaginal & Anal Rape/Sexual Assault

The person should not if possible:

- Pass urine and/or open their bowel.¹
- Wipe the genital/anal area if they have to go to the toilet.¹

If possible:

- Save any sanitary protection worn at the time of the assault or afterwards.
- If a condom was used, it should be retained.^{1,2}

Oral Rape/Sexual Assault

The person should not if possible:

- Brush their teeth or use gargle in their mouth.
- Take fluid or food.
- Smoke.

Clothing

The person should if possible:

- Change out of the clothes worn at the time of the rape/sexual assault as soon as possible.
- Place the items of clothing in separate paper bags (not plastic) and label immediately¹ (See section 1:5).
- Underwear, worn after the incident, should also be collected and placed in a separate paper bag.²
- Do not handle clothing - if clothing is handled then it should be with gloved hands.

If clothing has to be cut:

- Do not cut through any damaged areas or breaks in a garment, which may be the result of the assault or bullet/knife damage.¹
- Do not cut through blood, semen or fluid marks.¹

Wounds and Blood/Saliva/ Semen Stains

- Blood, saliva or semen stains should have forensic swabs taken prior to cleansing.
- If possible, forensic swabs should be taken from any wound area prior to wound cleansing.

Forensic Specimens e.g. Weapons, Restraints, Tape, Bullets, Paint, Glass, Soil.

- Do not talk, cough or sneeze over any specimens.¹⁻³
- Do not handle specimens, but if specimen must be handled then do so with gloved hands.
- If bullets are handled then use gloved hands – metal forceps should NOT be used.
- Package specimens individually in an appropriate bag and label immediately.⁴

NB. The continuity of evidence should be maintained

References

1. Giardino AP, Datner EM, Asher JB. Sexual Assault. *Victimisation across the Life Span: A Clinical Guide*. St. Louis: GW Medical Publishing Inc; 2003: p.85- 6.
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3. World Health Organisation (WHO). *Guidelines for Medico-Legal Care for Victims of Sexual Violence*. Geneva: WHO; 2003.
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SECTION 1: AN GARDA SÍOCHÁNA

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1:1 Role of An Garda Síochána

An Garda Síochána is the **national police service** of the Republic of Ireland. It was established in 1922. An Garda Síochána is a **community based** service organisation with over 14,000 Gardaí and civilian employees. Garda Headquarters is situated at the Phoenix Park, Dublin with 564 Garda Stations throughout the State. (List of Garda Stations available at www.garda.ie)

The mission of An Garda Síochána is to deliver professional policing and security services with the trust, confidence and support of the people we serve. The functions of An Garda Síochána are outlined in section 7 of the Garda Síochána Act, 2005. The Criminal Justice (Victims of Crime) Act 2017 also requires certain procedures to be adopted by members of An Garda Síochána, with particular emphasis on the provision of information, protection and support to victims of crime.

The services provided by An Garda Síochána are determined and delivered in consultation and partnership with the community. They are constantly evolving to satisfy the requirements of the community. The key service concerns include: **preventing** criminal offences, **investigating** and **detecting** criminal offences, **informing**, **protecting and supporting** victims of crime, safeguarding **human rights** and dignity, guarding the **security** of the State, **preserving** the public peace, **responding** to emergencies, **contributing** to safety on the roads, **improving** the quality of community life and **enforcing** anti-drug legislation.

When a complaint of a criminal offence is made, it is the responsibility of An Garda Síochána to fully investigate that complaint. The Garda investigation is conducted, with a view to establishing the facts of the incident(s) concerned.

Once the formal Garda investigation is complete, a file is sent to the Director of Public Prosecutions (DPP) in all cases where directions are required to initiate a prosecution. It is the function of the Director of Public Prosecutions to decide whether there is sufficient evidence to prosecute any suspects, the charges, if any, to be preferred and the court in which those charges will be tried.

Prosecutions of Rape offences are heard in the Central Criminal court before a judge and jury. The majority of cases involving other sexual offences are tried in the Circuit Criminal Court, also before a judge and jury.

Where a court case results in a conviction, the victim has the right to address the court, at the sentencing stage, in order to deliver a Victim Impact Statement regarding the effect that the criminal offence has had on them. This can also be read to the court by the prosecuting barrister.

1:2 Initial Actions on Receipt of a Complaint

These guidelines outline the procedures that Gardaí should adhere to when investigating sexual offences. Gardaí must consider these guidelines in conjunction with the following documents:

- The Garda Síochána Policy on the Investigation of Sexual Crime, Crimes Against Children and Child Welfare.
- Criminal Justice (Victims of Crime) Act, 2017.
- Chapter 23 of the Garda Síochána Code.
- The Garda Síochána Crime Investigation Techniques Manual.
- Children First: National Guidance for the Protection and Welfare of Children.
- Joint Working Protocol for An Garda Síochána / Tusla – Child and Family Agency Liaison.
- Other relevant Garda H.Q. Directives.

An Garda Síochána: Taking a Complaint of Rape or Sexual Assault

Physical & Psychological needs of the complainant are the priority

Medical Assistance	Scene
Initial Complaint	Identify Suspect(s)
Day/Date/Time/Place	Early Evidence Kit
Name/DOB/Address	Nil by mouth
Demeanour of complainant	Sexual Offences Examination Kit
Injuries/intoxication	Evidence Bags
State of Clothing	Scenes of Crime Examiner/Photographer
Vehicles used/Direction of Travel	

Contact SATU for Forensic Clinical Examination

- Use an unmarked car for transport to SATU (where possible)
- Accompanying Gardaí – plain clothes (where possible)
- Complainant brings change of clothes to SATU if possible

Initial Actions

Members should arrange for the immediate provision of medical attention where required and the victim's removal to hospital when deemed necessary and appropriate.

The first Garda member to respond and subsequently appointed investigating members should take note of the following:

- Time and date of complaint
- Full particulars of the complaint
- The appearance and demeanour of the complainant – signs of emotional shock or distress
- Any evidence of injury or marks, intoxication or drugs
- The condition of clothing – torn or disarranged; buttons or jewellery missing; stains of mud, earth, blood or semen on clothing
- Detailed description of the scene
- Details of vehicles used and direction of travel

Where refreshments have been requested, members should be mindful of the fact that evidence could be lost from the mouth or surrounding area.

Criminal Justice (Victims of Crime) Act 2017

Upon first contact with a victim, Gardaí are obliged to provide the following information in accordance with Section 7 of the act:

- Procedures for making a complaint
- Information regarding support services available
- Available Protection Measures
- Certain Other Entitlements depending on the nature of the alleged offence and needs of the victim

Complainants should be provided with appropriate information including the name and contact details of the investigating member and a copy of the Garda Síochána leaflet 'Information for Persons Reporting Sexual Crime & Child Abuse'. Members should guide the complainant to the 'Useful Contacts and Links' section of the leaflet. The leaflet is available on the Garda Portal.

Sensitivity to Complainant

Disclosing a sexual offence is often difficult for a complainant. Gardaí should adopt a caring, sensitive and non-judgmental approach throughout the entire investigative process. Investigating Gardaí should bear in mind the emotional and physical pain the complainant may be suffering (See 3:2), while ensuring that all available evidence regarding the reported offence is obtained. On receipt of a complaint, a member of An Garda Síochána should, where a Forensic Clinical Examination is required, adhere to the following steps:

- Be aware of the needs of the complainant at all times.
- Immediate medical assistance should be sought, if necessary.

- The investigation process must be explained to the complainant.
- It should be established if the complainant consents to a Forensic Clinical Examination.
- The necessary consent in writing is required in all cases.
- Contact is made with a Sexual Assault Treatment Unit/Forensic Clinical Examiner to arrange a prompt Forensic Clinical Examination.
- Use an Early Evidence Kit where necessary and appropriate.
- Use an unmarked patrol car, when transporting the complainant to the Sexual Assault Treatment Unit/Forensic Clinical Examiner.
- Gardaí attending the SATU should dress in plain clothes (where possible) to ensure discretion and privacy is maintained regarding the complainant.
- If possible, avoid using areas of the Hospital where the complainant could be identified.

KEY POINTS

KEY POINTS: Sensitivity to Complainant



- Explain procedures.
- Obtain consent for Forensic Clinical Examination.
- Use unmarked patrol car where possible.
- Gardaí should dress in plain clothes if possible.
- Avoid areas where complainant may be identified if possible.
- Use Early Evidence Kit if indicated (See 1:3).
- Change of clothing brought with complainant to SATU.
- Be aware and sensitive to the needs of the complainant.

Preventing Contamination of Evidence

- If there are two or more complainants, they should be separated and different vehicles should be used to transport them.
- Separate vehicles should be used to transport each suspect – where there is more than one.
- Ensure the suspect(s) are not brought to any place that a complainant has been (See 5:5)
- Ensure different Gardaí are appointed to deal with each complainant / suspect. The member dealing with the victim should not have physical contact with any suspect(s) (and vice versa) prior to the taking of forensic samples, clothing, etc from the victim and/or suspect(s).
- A change of clothes for the complainant should also be taken to the SATU if possible.

KEY POINTS

KEY POINTS: Preventing Contamination of Evidence (See 5:5)



- Do not allow the suspect to be any place that the complainant has been.
- Different vehicles should be used to transport the complainant(s) and the suspect(s).
- Different Gardaí should deal with the complainant(s) and suspect(s), before forensic samples, clothing, etc. are taken from the complainant(s) and/or suspect(s).

1:3 Early Evidence Kits Oral or Drugs/Alcohol Facilitated Rape/Sexual Assault

With every hour that passes following a report, physical evidence may deteriorate or be lost. An Early Evidence Kit is available to be used by members of An Garda Síochána in cases of rape/ sexual assault.

It is to be used primarily in cases where:

- A. Non-consensual oral sex is reported/suspected to have been an element of the sexual offending, (See Box: Oral Sex) and/or
- B. Toxicological examination may be required where it is reported/suspected that the rape or sexual assault was drug/alcohol facilitated (e.g. where the complainant's drink may have been 'spiked') (See Box: Drug/Alcohol Facilitated Rape/Sexual Assault).

The early evidence kit contains:

Instructions, disposable gloves, 5 swabs, small universal container, large container for urine sample, sterile water and a tamper evident bag.

Availability and Use of the Early Evidence Kit

- The Early Evidence Kit should be available in all Garda stations so that it can be accessed quickly.
- The Early Evidence Kit is not a replacement for the existing Sexual Offences Examination Kit, or for the Forensic Clinical Examination.

Procedure when using the Early Evidence Kit

- The Garda who is present for the collection of these samples should have no prior contact with the suspect.
- Check the expiry date on the kit.
- Gloves must be worn.
- Explain the purpose of the Early Evidence Kit to the complainant.
- Obtain from the complainant her/his written consent for the collection of the samples before using the Early Evidence Kit.
- To enable the Forensic Scientist to interpret any results obtained, the Garda must fill out the information form accompanying the Early Evidence Kit.
- If/when a Forensic Clinical Examination is carried out on the complainant, the Forensic Clinical Examiner should be informed that the Early Evidence Kit was used and whether urine and/or oral swabs have been taken.
- The Garda Portal contains further instruction on the use of Early Evidence Kits.

Box: Oral Sex

If oral sex is disclosed, the swabs should be taken at the earliest opportunity. If the complainant wishes to have a drink, the mouth should be swabbed before the drink is taken. At least three swabs should be taken; an internal mouth swab, a gums/teeth swab and a swab from the lips. It would be preferable if the Garda took these swabs rather than the complainant.

- Gloves must be worn and swabs should be pre-labelled by the Garda with the victim's name and the site that the sample was taken from.
- If the reported sexual assault occurred more than 24 hours prior to presentation, there is no need to take oral swabs, as semen does not persist in the mouth beyond this time (See 5:5, Table 16).

Box: Drug/Alcohol Facilitated Rape/Sexual Assault

- If the complainant wishes to urinate and there is a delay getting a Forensic Clinical Examiner, a urine sample should be collected at this point.
- A large container is available in the Early Evidence Kit for the collection of urine. This can then be decanted into the smaller screw cap container provided.
- A Garda should witness the urine sample being taken and fill in the accompanying information form. Standing outside the cubicle is deemed adequate for witnessing.
- Urine samples collected from complainants of drug facilitated rape/ sexual assault are analysed at Forensic Science Ireland. A urine sample should be collected as soon as possible after the incident and up to 120 hours after the reported assault (See 5:8 on Toxicology).

KEY POINTS: Using Early Evidence Kit**KEY POINTS**

1. Check the expiry date on the Early Evidence kit.
2. Take swabs as soon as possible within 24 hours.
3. There are 5 swabs within the Early Evidence Kit.
4. Take 4 swabs from the swab sites below.
5. The 5th swab is a control swab for reference and remains unused.
6. Offer the complainant the large container within the kit for the collection of urine.
Decant the urine into the smaller screw cap container provided.

Swab Sites

1. 2 inside the mouth (cheeks).
2. 1 gums/teeth.
3. 1 lips.
4. Inform the Forensic Examiner when an Early Evidence Kit has been used.

1:4 Continuity of Evidence

Items of evidence i.e. clothing, swabs, weapons etc., are referred to as exhibits.

Each item is packaged individually in the appropriate bag and sealed and labelled immediately.

Each item of physical evidence to be produced in court as an exhibit, must be identified by whom, where and when it was taken. This is achieved by hearing the evidence of the person who took possession of the item at the particular place and the date it was found.

Each witness may be required to give evidence as to what was done with the item.

A Garda will be appointed to the role of Exhibits Officer and all items should be handed over to the Exhibits Officer, who will prepare a chart showing all movements of the exhibits.

It is desirable that physical evidence passes through the custody of as few persons as possible.

A careful record of all exhibits should be maintained as follows:

- Description of the item.
- Source or location of item.
- Date and time of transfer of the item.
- From whom.
- To whom.

1:5 Collection of Clothing from the Complainant

- To avoid contamination, use gloves and other personal protection equipment (such as disposable coats) as required.
- The Garda who takes possession of the complainant's clothing should have no prior contact with the suspect.
- The Garda should establish whether these clothes have been washed since the reported rape/sexual assault.
- Possession should be taken of the clothing the complainant was wearing **during** the reported rape/sexual assault, preferably **before** attending for a Forensic Clinical Examination to preserve evidence.
- Where the change of clothes has taken place prior to the Forensic Clinical Examination, the need to take possession of the new clothing, particularly underwear, may also be considered. Replacement clothing should be brought to the SATU to allow for this eventuality. Exhibit bags should be available for such an occurrence.
- Each garment/item should be placed in a separate exhibits bag.
- The exhibit bags should be correctly sealed and clearly labelled by the Garda.
- If envelopes are used for smaller exhibits, these **should not** be sealed by licking.
- If the clothing is **dry**, pack items into separate sealed paper bags (Wet clothes - see Box overleaf).
- Sanitary protection should be packed in paper bags supplied in the Sexual Offences Kit and then placed in the appropriate re-sealable plastic bag labelled "Panties/Sanitary Module", if the sanitary protection is still on the underwear, do not remove it.
- Continuity of evidence (See 1:4) should be maintained at all times.

KEY POINTS

KEY POINTS: Colds/Allergy/Hay fever



- Masks should be worn.
- Avoid sneezing directly onto the clothing.

Box: Wet or Heavily Blood Stained Clothing

- If the clothing is wet or heavily stained with wet blood, pack items into separate paper bags, seal and submit to Forensic Science Ireland immediately for drying.
- Inform Forensic Science Ireland when submitting exhibits that are wet or heavily blood stained and that they require drying.

1:6 Attendance at the Sexual Assault Treatment Unit

When a member of An Garda Síochána receives a report of a recent rape or sexual assault an appointment with a Sexual Assault Treatment Unit should be made as a matter of urgency. Sexual Assault Treatment Units provide a wide range of services as well as the forensic examination, which include: Medical care of the victim, Prevention/Treatment of Sexually Transmitted Infections (STIs), Emergency contraception, and coordination of Psychological support.

Child and Adolescent Sexual Assault Treatment Services (CASATS)

Victims under 14 years must be referred to the CASATS, for a forensic medical service. This service may also accommodate adolescents aged between 14-18 years who disclose historical child sexual abuse (more than 7 days previously).

Children who have not reached puberty will not have an internal (speculum) exam but will be offered a top to toe physical examination including intimate examination of the external anogenital areas. They may be asked to provide a blood test, urine sample and clothing in addition to any forensic swabs. Intimate photographs may be taken by the Forensic Medical Examiner of the anogenital examination to document anogenital injuries observed during the exam. This prevents the necessity of having to re-examine the victim subsequently.

A video of what occurs during a forensic assessment for parents/guardians is available on the HSE website at <https://www2.hse.ie/services/child-and-adolescent-forensic-medical-assessment-services/child-andadolescent-forensic-medical-assessment-services.html#Forensic-assessment-under-14>.

Critical Time Considerations

Urgent medical care may be required. Following the commission of a sexual crime, evidence of the presence of semen can be lost from the mouth within 6 hours; from the rectum within 24 hours; and from the vagina within 48 hours. Preventative treatment for STIs should be commenced as soon as possible, HIV preventative treatment is only prescribed within 72 hours of an incident. To be most effective, emergency contraception should be administered soon as possible, however can be administered up to 120 hours. Alcohol and other substances begin to reduce in the body within 24 to 48 hours. The sooner a victim of sexual crime is provided with psychological support, the more beneficial it can be. SATU/CASATS can provide advice and direction on this should these time periods have expired.

Getting to the Sexual Assault Treatment Unit (SATU)

Garda members should dress in plain clothes and use an unmarked patrol car, when taking the complainant to the Sexual Assault Treatment Unit/Forensic Clinical Examiner. If possible, a change of clothes should be arranged for the complainant. Where there is a complaint of oral penetration or drug/alcohol-facilitated rape/sexual assault, the Early Evidence Kit should be used at the Garda station as soon as possible.

The Forensic Clinical Examiner should be informed of the use of the kit. Where it has not been possible to use the Early Evidence Kit members should ensure as far as possible that the complainant take nil by mouth.

Any non-intimate injuries should be photographed, either in the Garda Station or in the SATU, following consultation with the Forensic Clinical Examiner. Members should bring adequate evidence bags to the Forensic Clinical Examination.

In the event that the complainant wishes to have a friend, relative or other person accompany them to the SATU, this must be communicated to SATU staff prior to arrival at the SATU. Members should also ensure that the individual is NOT the suspect or a witness in the case and Gardaí are satisfied that their presence will not impede or obstruct the clinical examination and/or Garda investigation in any way.

Forensic Clinical Examination

The Garda member should inform the Forensic Clinical Examiner if clothing has been collected or the early evidence kit has been used prior to attendance at the SATU. The Forensic Clinical Examiner may consider the collection of secondary clothing (in particular the underwear) of the complainant worn to the examination even when the original clothing worn during the incident has been collected by the Garda member prior to the examination. Any clothing collected at the SATU should be retained as exhibits.

The Garda member should ensure that each sample has been correctly labelled by the Forensic Clinical Examiner, and that the examiner has signed each sample. Gardaí should not be present in the clinical forensic room during the clinical forensic examination.

Cancellation of Forensic Examination

Where the forensic examination is cancelled for any reason, the investigating Garda must ensure that all relevant persons are immediately informed, such as the SATU providing the Forensic Clinical Examination, Scenes of Crime Unit, Photographic Section, etc.

1:7 Collecting the Complainant's DNA

When the forensic clinical examination is complete, a member of An Garda Síochána must conduct the voluntary collection of the complainant's DNA pursuant to Section 27 of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014. This should not be done before or at the SATU but at a later date to prevent the unintentional collection of a suspect's DNA. Where practicable, the voluntary collection of the complainant's DNA should occur on the next occasion that a Garda member meets with the complainant. The complainant should be consulted as to the gender of the Garda member who takes the sample.

Prior to collecting the complainant's DNA, the Garda member should obtain the complainant's written consent in the prescribed form. Forms are available on the Garda Portal for the following categories of complainant:

- Persons over the age of 18
- Children of 14 years of age and over
- Children under the age of 14
- Protected persons

When the child is 14 years of age and over, the consent of the child and the parent or guardian is required. When the complainant is a protected person or child under the age of 14, only the consent of the parent or guardian of the complainant is required.

1:8 Transfer and Storage of the Completed Kits (Sexual Offences Examination Kit and Toxicology Kit)

This guideline covers the transfer and storage of the completed Sexual Offences Examination Kit and if present, the Toxicology Kit from the SATU to Forensic Science Ireland.

- Keep the medical form separate from the kits; do not put it in the tamper evident bags. The form must be submitted by the Gardaí when submitting the kit/s to Forensic Science Ireland.
- Samples should be packed in the tamper-evident bag provided in the Sexual Offences Examination Kit by the Forensic Clinical Examiner. The Garda will then sign the outside of the tamper evident bag and retain custody of the evidence.
- There is no need for the Garda member to handle or sign each individual sample. Where the Garda member is in the vicinity of the forensic exhibits they are required to wear a mask and double gloves. Furthermore, the Garda member is not required to be present in the forensic examination room during the Forensic Clinical Examination.
- On completion of the Forensic Clinical Examination, the Forensic Examiner packs, seals, dates and signs the tamper-evident bag in the presence of the Garda member. The Forensic Clinical Examiner completes, signs and dates the Sexual Offences Examination Form, which is then attached to the outside of the sealed bag.
- Unused elements of the Forensic kit are not required by Forensic Science Ireland and therefore can be discarded.

- Samples for toxicology are kept separate from the Sexual Offences Examination Kit.
- Toxicology samples (i.e. alcohol/drug module), if taken, should be packaged in the new tamper evident bag provided for this purpose in all alcohol/drug modules.
- The Garda should keep a record of the Serial Number on the tamper evident bag(s) containing the Sexual Offences Examination Kit and on the Toxicology Kit.
- The Sexual Offences and Toxicological Kits should be transported to Forensic Science Ireland, as soon as possible, by a member of An Garda Síochána, but in the interim the Kits should be kept in a fridge in a secure location.
- Continuity of evidence should be maintained at all times (See 1:4).

KEY POINTS: Transfer and Storage of the Kits



KEY POINTS

- Do not pack the medical form in with the samples. The forms must be submitted by the Gardaí when submitting the Kit/s to Forensic Science Ireland.
- Samples must be packed and sealed in the tamper evident bag from the Kits.
- Person who packs and seals also labels the tamper evident bag/s.
- Garda keeps a record of the serial numbers on the tamper evident bags.
- Transported to Forensic Science Ireland – ASAP.
- If delays in transporting, store in a secure fridge.
- Maintain continuity of evidence at all times.

1:9 Option 3: Collection and Storage of Forensic Evidence Without Immediate Reporting to AGS

This care pathway (Option 3) allows for the collection and preservation of evidentially valuable forensic samples, in circumstances where the person has yet to decide to make a complaint to An Garda Síochána. Persons can now choose to undergo an examination and collection of forensic samples, which will then be stored in an appropriate facility within the SATU for up to one year.

If the incident happened in another jurisdiction, Option 3 is still available, but the evidential value of the samples will be subject to the national law of that jurisdiction. As such there may be unforeseen restrictions on their probative value.

When a complaint is made to An Garda Síochána of a rape or sexual assault having occurred at any time within a year prior to the complaint being made, the Garda member taking the complaint should establish whether the complainant has availed of Option 3.

Mechanism for Formally Reporting to AGS

- A person may make a formal report either directly to An Garda Síochána at any Garda Station or via a Rape Crisis Centre or SATU. Where a report is made at a Garda Station other than that local to where the incident occurred, the member taking the report must ensure that contact is made with the local station.

- The investigation will normally be led by the local Divisional Protective Services Unit (DPSU).
- The complainant may inform the member taking the report that forensic evidence is currently being stored in the relevant SATU. The complainant may simply advise the Garda that they have availed of Option 3.

An Garda Síochána: Process

- The complainant is treated as a first time reporter. The Garda member follows the procedures as outlined above with the following exceptions:
- The Forensic Clinical Examination has already been conducted.
- The complainant is requested to sign the appropriate consent form for the release of stored forensic evidence and a legal report from the SATU to An Garda Síochána.
- The investigating Garda informs the relevant SATU as soon as possible that a formal report has been made.
- The investigating Garda will ensure that an appointment is made with the SATU, to collect the stored forensic evidence and, when available, the legal report from the Forensic Clinical Examiner.
- The Garda responsible for collecting the forensic evidence brings the completed consent form to the SATU, authorising the release of the stored forensic evidence and issue of a legal report.
- The Garda and SATU staff confirm the integrity of the tamper evident bags prior to signing the stored evidence record. Any irregularity is documented by the Garda.
- The investigating Garda must make arrangements for collecting the forensic evidence from the relevant SATU and submitting it to Forensic Science Ireland.
- The Garda completes the SATU Stored Evidence Record form for continuity of evidence and two photocopies are made.
- The original copy is retained by the SATU.
- The two photocopies are taken by the attending Garda:
- One photocopy is retained by the Gardaí ('true copy') as a possible future exhibit with regard to continuity of evidence.
- Second photocopy will be taken by the Gardaí with the forensic evidence, to Forensic Science Ireland.
- The investigating Garda should check with the complainant whether they had retained relevant items of clothing and if so, take possession of these items for delivery to Forensic Science Ireland.
- The Garda transports the Sexual Offences Examination Kit and the Toxicology Kit in a cool box and a copy of the completed SATU Stored Evidence Record form to Forensic Science Ireland. Where possible the forensic evidence should be delivered to Forensic Science Ireland on the same day.

1:10 Interviewing the Complainant

Following a complaint of rape or sexual assault, a member of An Garda Síochána will take a statement, either in writing or via Enhanced Cognitive Interview (ECI) from adult complainants. Members should first ensure that the investigation process is explained to the complainant. The interview should be conducted

as soon as is practicable in a suitable location, balancing the needs of the investigation with the needs of the complainant. Level 3 Interviewers, or those trained in ECIs should be allocated to take these statements unless circumstances dictate that it should be a Garda Specialist Interviewer (SI). The statement will be the complainant's account of what took place and any other salient information that may assist the investigation. The statement will provide a written record that will allow a decision to be made on the appropriate action to be taken.

As far as practicable, the complainant will be facilitated with a Garda of their chosen gender. Garda Specialist Interviewers have been trained specifically to deal with children (under the age of 18 years) and vulnerable persons.

1:11 Specialist Interviewers and Dedicated Interview Suites

Specialist interviews which are electronically recorded with children under 18 years and vulnerable persons may be admissible as direct evidence in court proceedings.

Recent legislative changes to the provisions of section 16(1)(b) of the Criminal Evidence Act, 1992, now allow for the interviewing of children by Specialist Interviewers up to 18 years of age, as set out above. It is best practice that a statement pertaining to a sexual crime be taken from a child victim by a Specialist Interviewer. Advice can be sought from Specialist Interviewers in advance of taking a statement from all other complainants of sexual crime.

Specialist Interviewers conduct electronically recorded interviews in dedicated interview suites, located throughout the country. The locations of the interview suites are undisclosed and marked Garda patrol cars/uniformed members are prohibited, to protect the anonymity of victims. Consent is required from the parent/legal guardian in order to conduct an SI with a child or person with an intellectual disability. If a parent(s)/legal guardian is a suspect, consultation will occur between Gardaí and Tusla to develop the most appropriate action plan. Where a complainant/parent declines an electronically recorded interview, or the individual is deemed unsuitable for such interview, a written statement will be taken by Specialist Interviewers.

Certain personnel within Tusla Child & Family Agency and the HSE have received training as Specialist Interviewers and may be employed where appropriate, in the circumstances outlined above.

These interview suites may also be utilised for conducting ECIs with victims of sexual crime, as the setting may be more appropriate than Garda stations, however their primary function is for use by Specialist Interviewers.

KEY POINTS: Taking a Statement



Specialist Interviewers and Dedicated Interview Suites:

- For all complainants under the age of 18 years.
- For all persons with an intellectual disability.

Detailed Account Taken of:

- Events leading up to incident.
- Incident itself.
- The events following the incident.

On Completion of the Statement:

- It is read over to the complainant.
- The complainant signs the statement.
- The complainant can request a copy of the written statement.

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2:0 Sexual Assault Treatment Units – Introduction

Sexual Assault Treatment Units (SATUs) in the Republic of Ireland aim to provide **holistic, responsive and patient focused care**¹ for **persons** who have experienced **sexual crime**. SATUs need to be appropriately staffed and available **around the clock** to allow **prompt** provision of **medical** and **supportive care** and collection of **forensic evidence**. SATUs in Ireland work within the context of a core agreed upon **model of care**, which includes defined **multiagency guidelines**, choice of **care pathways**,² and close links with the Rape Crisis Network Ireland, Forensic Science Ireland, An Garda Síochána³ and allied specialties including Social Services, Tusla: The Child and Family Agency and Infectious Disease Clinics. Such a **nationally agreed upon service** is invaluable so that all patients are assured of receiving a **high quality, standardised care package**,⁴ regardless of where or to whom they disclose.⁵ Delivery of care is against the background of the Irish Sexual Assault Services: Strategic Vision, Working Philosophy and Mission.

In addition, SATUs participate in patient, staff and community **education** and **risk reduction** programmes. SATUs also contribute to development, evaluation and implementation of **national strategies** on domestic, sexual and gender based violence.^{2, 4, 5, 6}

2:1 Pre-requisites for All SATU Staff

- Have (or be in the process of undertaking) training in providing services and care for victims of sexual violence (relevant to the role to be undertaken).
- Have (or be in the process of undertaking) a local SATU induction programme, relevant to that particular SATU.
- Have a working knowledge of the current edition of the National SATU Guidelines and local SATU protocols/policies/guidance.
- Be committed to participating in an around-the-clock, on-call rota, as part of a coordinated SATU response.
- Be willing to respond within a defined timeframe i.e. within 3 hours from call to commencing the Forensic Clinical Examination (**KPI**).ⁱ

2:1.1 Ongoing Commitment to SATU

- Attend relevant local liaison and update meetings etc.
- Participate, if applicable, in local/national peer review meetings on a quarterly basis.
- Engage in supervision and avail of appropriate learning opportunities.
- Address own health and wellness needs, mindful of this challenging area of care.
- Participate, if applicable, in the SATU National Study Day.

NB. The above lists are not definitive or exhaustive.

Key Performance Indicator

ⁱ **KPI:** % of patients seen by a Forensic Clinical Examiner within 3 hours of a request to SATU for a Forensic Clinical Examination (See Appendix 1: Record of Request for SATU Services).

2:2 Forensic Clinical Examiner Role

The Forensic Clinical Examiner has many roles. **A caring, non-judgemental** approach is of the utmost importance when providing services for a victim of sexual crime. The Examiner should clearly convey that no one deserves to be raped, and the patient is not responsible for the assault. The person should be reassured that they made the best choices possible, under the circumstances (See Box 1). It is important to remember that the person may not recollect the entire incident (See 3:2), or may be unable or unwilling to talk about some aspects of the incident.

All victims should be encouraged to **report** the assault to An Garda Síochána. The person, however, should be made aware that they can themselves decide whether or not to progress the complaint. Although forensic specimens will usually be taken up to 7 days after an alleged incident, physical evidence (if present initially) may not exist more than 72 hours after the assault. **Prompt reporting** should, therefore, be encouraged.

Consent for all of the procedures undertaken should be obtained after a thorough explanation. Healthcare providers are responsible for **documenting** the pertinent aspects of the **history**, performing a careful **physical examination**, collecting the required **forensic material**, **treating physical injuries** that have resulted from the assault, **providing care** in terms of prophylaxis against pregnancy and sexually transmitted infections and ensuring that appropriate psychological support is available.²

The history taken should be sufficiently **precise and accurate** to ensure an appropriate examination and collection of relevant forensic evidence. The Examiner must be able to detect and document all physical injuries and for this reason, must be familiar with the normal appearance of the ano-genital region. The Examiner must pay close attention to detail and must **record** all specimens taken.

An **objective report** of the history and examination findings is prepared, and it may include an interpretation of the findings (See 2:21). The report is best **prepared as soon as possible (KPIs)^{i,ii}** while the details remain fresh in the Forensic Clinical Examiner's mind.

KEY POINTS: Forensic Clinical Examiner Role



KEY POINTS

- Adopt a caring, non-judgmental attitude.
- Consent should be obtained for all the procedures undertaken.
- Pertinent aspects of the history must be documented.
- Collect all forensic evidence and record all specimens taken.
- Detect, treat and record any physical injuries.
- Provide care and prophylaxis against:
 - o Pregnancy.
 - o Sexually Transmitted Infections.
- Ensure that appropriate psychological support is given.
- A report of the history and examination should be prepared as soon as possible.
- The report may include objective interpretation of the findings.
- Appropriate follow up should be organised and patients given the details in writing.

Key Performance Indicator

i KPI: % of patients who had the opportunity to speak with a Psychological Support Worker at the first SATU visit.

ii KPI: % of patients seen by a Forensic Clinical Examiner within 3 hours of a request to SATU for a Forensic Clinical Examination.

2:3 SATU Support Staff

The SATU Support Staff plays a key role in helping to co-ordinate responsive SATU care. This role is vital in prioritising the patient's need for support and reassurance throughout their SATU attendance.⁷ Traditionally this role has been provided by registered nurses and midwives ('assisting nurses'), but Units may choose to train and support other appropriately skilled staff members to provide this care. A local guideline/policy should outline specific responsibilities of the SATU Support Staff to ensure that the patient receives the highest standard of responsive care¹ throughout their SATU attendance. Support Staff may be called upon by the Gardaí to give a statement and may be requested to attend court.

In particular, the following points should be considered:

Pre-examination

- Relevant personnel are informed that a case is commencing/ongoing e.g. Nursing/Midwifery Administration, Security Staff.
- Ensure that a Psychological Support Worker from the Rape Crisis Centre (RCC) or, where relevant, the Accompaniment Support Services for Children (ASSC) has the opportunity to meet with the patient. **(KPI)**ⁱ
- Follow the local anti-DNA contamination protocol regarding SATU preparation before a case.
- Keep accurate relevant documentation including documenting delays **(KPI)**.ⁱⁱ

Arrival of Patient

- Introduce yourself and guide the patient to the waiting room.
- Ensure the patient's wellbeing is treated as a priority.
- Introduce the Psychological Support Worker to the patient.
- Provide the patient with information regarding the Clinical Forensic Examination and reassure them that you will be with them throughout.
- Record the patient's details and contact information.

During the Examination

- Be with the patient, providing support and encouragement in a chaperone capacity.
- Answer questions or queries, if required.
- Assist the Forensic Clinical Examiner with appropriate care provision within your scope of practice. This may include documentation of weight and height, performing a urinary HCG pregnancy test, cleaning and dressing of wounds and administering prescribed medications according to professional guidance.⁸
- Prevent contamination of forensic samples (See 5:5).

Key Performance Indicator

i KPI: % of patients who had the opportunity to speak with a Psychological Support Worker at the first SATU visit.

ii KPI: % of patients seen by a Forensic Clinical Examiner within 3 hours of a request to SATU for a Forensic Clinical Examination.

Post-examination Care

- Offer the patient a shower and change of clothing.
- Facilitate the patient spending time with the Psychological Support Worker prior to discharge.
- Ensure the patient is informed of follow up appointment details.
- Ensure the patient is provided with contact information for the SATU of attendance, including relevant leaflets and information.

Following Completion of a Case

- Complete the SATU register and any relevant documentation.
- Follow best practice procedures for blood spillages, laundry, used instruments etc.
- Ensure the local anti-DNA contamination protocol re: actions on completion of a case is followed.
- Leave the SATU prepared and ready to receive the next patient.
- Inform appropriate personnel that the case is finished and the SATU is vacated.

All SATU Staff: Some Do and Don'ts When Receiving the Patient

Box 1: Some Do and Don'ts When Receiving the Patient	
Do	Don't
Reassure the patient regarding their safety and confidentiality.	Proceed if the patient is not medically stable.
Listen, reassure and affirm: "Whatever you did worked, because you survived, you are here now."	Proceed with an examination if the patient does not give their consent.
Encourage the patient to vent their feelings, concerns and needs.	Judge the patient's dress or behaviour.
Give reassurance that their response was normal - be aware that there is no typical victim, so there is no typical response.	Try to minimise the patient's trauma by using words such as "well at least....."
If the patient is alone, offer to contact a family member or friend if needed for support.	Question the patient's actions or decisions. This creates disbelief and may re-victimise.
Contact the on-call Psychological Support Worker if not already present.	Make assumptions about what the patient needs.

2:4 Evaluation of Patients with Serious Injury

The Forensic Clinical Examiner is sometimes asked to evaluate a patient who has significant physical injury. In this circumstance, life threatening conditions must be dealt with as a priority, and the Forensic Clinical Examination can then be performed after stabilisation of the patient. Depending on the circumstances, the Forensic Clinical Examiner may carry out the Forensic Clinical Examination at the referring Hospital (See Box 2, below). In these situations, it is important to document the extent and reason for any delay (See consent re: unconscious patient: 2:5.3).

Box 2: Forensic Clinical Examination in Locations Other Than a SATU

In certain circumstances (e.g. co-morbidities, security concerns), it may be necessary to conduct an examination outside the confines of a dedicated SATU.

The following points should be noted:

1. A liaison person should be identified by the Hospital or other facility where the Forensic Clinical Examination is to be carried out.
2. Both the Forensic Clinical Examiner and SATU Support Staff should attend such cases.
3. Each SATU should have a defined list of items to be brought to a case. This list should include a set of patient documentation, including patient labels, Sexual Offences Examination Kit, equipment and disposable linen (if available).
4. Medications that may be required should also be brought – e.g. Emergency Contraception, Hepatitis B immunisation and HIV PEP.
5. Consideration needs to be given to potential sources of DNA contamination in the location of the Forensic Clinical Examination (e.g. Emergency Department). Appropriate cleaning of the location prior to the examination and minimisation of staff throughput during the examination are important factors.
6. Forensic samples are taken and given directly to An Garda Síochána to ensure the continuity of evidence from the moment of collection.
7. Patient information and appointment cards should be provided to facilitate ongoing patient care.
8. Appropriate follow up, including with RCC/ASSC, is organised.
9. Consent and the unconscious patient (See 2:5.3).

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2:5 Consent to Forensic Clinical Examination

The purpose of a Forensic Clinical Examination is explained to the patient using simple and concise language to explain the nature and the potential risks and benefits of the process in a way the patient understands, avoiding medical terminology and jargon where possible.^{1,2} Obtaining valid consent for a Forensic Clinical Examination is an ongoing process of communication rather than a once-off event. The patient should be fully informed throughout the process, allowing informed choices about their care.¹ A person's consent for a forensic clinical examination should be given freely, voluntarily and without coercion providing they have the decision-making capacity to make the decision even if requiring support to do so; for example, being offered alternative forms of assisted communication systems that will support decision making.^{1,2,3,4,5} See 2.5.1: special considerations regarding consent for persons 16 and 17 years of age.

Box 4: Valid Consent**Valid consent is obtained when:**

- The patient has received sufficient and relevant information in a comprehensible manner about the nature and potential risks and benefits of the proposed examination.
- The patient should not be acting under duress; consent should be given freely. The patient is provided the choice to give or refuse consent.
- The patient has the decision-making capacity, even if requiring support to do so.

Documenting Consent**Consent is witnessed and signed where appropriate by:**

- The patient and legal guardian¹ (when applicable)
- The Forensic Clinical Examiner
- The attending member of An Garda Síochána (where relevant)
- SATU Support Staff.

Remember

- A person may require additional support to make a decision.
- No other person or agency can give consent on behalf of an adult, even if the decision appears unwise.
- A patient may indicate their consent, verbally, non-verbally or in writing.
- Document clearly what was explained, discussed and agreed verbally.
- Consent is fluid; an ongoing process – the patient can withdraw consent at any stage.
- Every patient and every situation is unique.

An outline of what should be explained to the patient prior to obtaining consent for Forensic Clinical Examination can be found in the National SATU Patient Documentation, Version 4. It is vital to ensure that the patient understands that personal information, details of the incident, examination findings as well as a record of forensic samples will be documented and may be disclosed to criminal justice agencies. The patient should be advised that other details recorded in their chart, including follow-up care may also be disclosed to criminal justice agencies if requested.

Read and explain the consent form to the patient in a language and format appropriate to their understanding. Explain each section of the consent process in a balanced way, inclusive of the nature, purpose, benefits and risks of the forensic clinical examination. At each section, a tick box is completed to indicate if the patient agrees with each of the elements of the consent. Once satisfied, the Clinical Forensic Examiner then obtains verbal and/or written consent for the Forensic Clinical Examination from the patient and/or legal guardian where applicable.¹ The attending member of An Garda Síochána if relevant and the SATU Support Staff also witness and sign the consent form.

Valid Consent is also appropriately sought for:

- Any care/treatment given.
- Provision of a report to the GP regarding the patient's attendance at the SATU.
- Future contact with the patient and methods of preferred contact, including telephone, text, post, and/or email.
- Anonymous use of records for potential future research.
- Contact in the future with regard to further research.

2:5.1 Special Considerations Re: Consent

Age

'A child' means a person under 18 years.^{6,7} Current and various aspects of legislation should be considered when obtaining consent from someone less than 18 years of age.^{6,7,10,11} The Childcare Act 1991⁶ prescribes that due consideration must be taken of the wishes of the child as the child increases in age and understanding and the Children First Act, 2015, regard the best interests of the child "as the paramount consideration."⁷

Staff in the SATU (mandated persons) have a responsibility in safeguarding children and making a report to Tusla (Child and Family Agency) when a person under 18 years attends the service. This report must be made irrespective of whether the child consents to the making of the report or not. It is good practice to inform a child's parent or guardian that a report is being made to Tusla – unless doing so will place the child at further risk or if making a report could impair Tusla's ability to carry out a risk assessment. Furthermore, a practitioner does not need to inform a child's family if they reasonably believe that doing so could place them (the practitioner) at risk of harm from the family.

The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 provides that a person shall be "guilty of an offence if he or she knows or believes that a Schedule 1 offence (including rape, sexual assault and other sexual offences) has been committed by another person against a child, and he or she has information which he or she knows or believes might be of material assistance in securing the apprehension, prosecution or conviction of that other person for that offence, and fails without reasonable excuse to disclose that information as soon as it is practicable to do so to a member of the Garda Síochána."¹⁰ A defence is, however, provided where a child, who is capable of forming a view on the matter, makes it known that a disclosure should not be made to An Garda Síochána. Consequently, all treatment or care options that SATU provide to persons under 18 years (including those aged 16 and 17 years) remain subject to the reporting obligations on mandated persons as set out in the Children First Act.⁷ Accordingly, the child should be informed of the limitations on confidentiality within the SATU.

If the person aged 16 or 17 years and deemed capable of forming a view on the matter makes known their view that the commission of the offence or information relating to it should not be disclosed to An Garda Síochána and the relevant person within SATU knew of and relied on that view, they ought have a valid defence under section 4(1)(a) of the 2012 Act.¹⁰ A written record of this view should be documented in the patients chart. In this event, when the report is being made to Tusla it is appropriate to include that a disclosure to An Garda Síochána has not been made by SATU staff.

SATU provide medical treatment to persons aged 16 and 17 years where that person is consenting to the treatment. The consent of a parent is not required for the purposes of medical treatment of children aged 16 and over.¹¹ However, consent of a parent/guardian is required for forensic sampling, (regardless of whether Option 1 or Option 3) when a person is under 18 years.

Table 1: Consent and Age Considerations**NB. Excerpts only – Each Act is available in full at <https://www.irishstatutebook.ie/>**

Age	Legal Consideration	Legal Reference
< 18 years	<p>A 'child' means a person under the age of 18 years other than a person who is or has been married."⁵</p> <p>The Child Care Act (1991, section 24b) states that: "in so far as is practicable, give due consideration, having regard to their age and understanding, to the wishes of the child."</p> <p>Amendment to the Constitution of Ireland: "..... in respect of any child who is capable of forming his or her own views, the views of the child shall be ascertained and given due weight having regard to the age and maturity of the child."</p>	<p>Childcare Act (1991).⁵ Children First Act (2015).⁶ Children First: National Guidance (2017).⁷</p> <p>Thirty-First Amendment of the Constitution (Children) Act 2012.⁸</p>
	<p>Withholding of Information Act, "a person shall be guilty of an offence if– (a) he or she knows or believes that an offence, that is a Schedule 1 offence, has been committed by another person against a child, and (b) he or she has information which he or she knows or believes might be of material assistance in securing the apprehension, prosecution or conviction of that other person for that offence, and fails without reasonable excuse to disclose that information as soon as it is practicable to do so to a member of An Garda Síochána."</p>	<p>Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012.¹⁰</p> <p>NB. This Act also applies to vulnerable adults.</p>
	<p>The Children First Act, 14(1) Mandated Persons states: " where a mandated person knows, believes or has reasonable grounds to suspect, on the basis of information that he or she has received, acquired or becomes aware of in the course of his or her employment or profession as such a mandated person, that a child– (a) has been harmed (b) is being harmed, or (c) is at risk of being harmed, He or she shall, as soon as practicable, report that knowledge, belief or suspicion, as the case may be, to the Agency." Part 1 (7) "...The Agency (Child and Family Agency), in performing a function under this Act, regard the best interests of the child as the paramount consideration."</p>	<p>Children First Act (2015).⁶</p>

Table 1: Consent and Age Considerations (Cont)

NB. Excerpts only – Each Act is available in full at www.irishstatutebook.ie

Age	Legal Consideration	Legal Reference
16 years	<p>“A minor who has attained 16yrs can consent to surgical, medical and dental treatment.” While the National Consent Policy retains the position that the age of consent to medical treatment is 16 years, it is also recognised that the legal basis for this has not been definitively established in the Irish Courts.¹</p> <p>Therefore, when a person under 18 years presents to the SATU, the Forensic Clinical Examiner is mandated to adhere to the statutory reporting requirements of the Children First Act (2015) and the Criminal Law (Withholding Information Act) (2012).</p>	Section 23: Non-Fatal Offences Against the Person Act (1997) ¹⁰

2:5.2 Capacity

The Assisted Decision-Making (Capacity) Act 2015³ states that “...a person’s capacity shall be assessed based on his or her ability to understand, at the time that a decision is to be made, the nature and consequences of the decision to be made by him or her in the context of the available choices at that time.”³

Vulnerable Persons

A vulnerable person is an adult who may be restricted in decision-making capacity to protect themselves from harm or to report such harm. Restriction of decision-making capacity may occur because of physical or intellectual disability. Vulnerability to abuse is influenced by both context and individual circumstances.¹¹

Assessment of Capacity

There is a presumption of capacity,^{1,2,3,4,11} unless it is proven that this is not the case,^{1,2,3,4,11} for every person who has reached the age of majority at 18 years of age.¹³ All practical steps have to be taken to support a person in terms of decision-making capacity before it can be decided there is a lack of capacity (See Box 5)^{1,2,3,4,12} Capacity should focus on the specific decision that needs to be made, at the specific time the decision is required.⁴ It does not matter if the capacity is temporary, or the person retains the capacity to make other decisions, or if the capacity fluctuates. The assessment of capacity is issue or task-specific.⁴ A person cannot be deemed to lack decision-making capacity simply because there is a risk that they might make an unwise decision.^{1,2,3,4,12} It is important to give those who may have difficulty making decisions the time and support they need to maximise their ability to make the decision for themselves^{2,4,12,14} (See Box 5).

Box 5: To Demonstrate Capacity, the Patient Should Be Able To:

- a) Understand in simple language what the Forensic Clinical Examination is, its purpose and nature and why it is being proposed.
- b) Understand the principal benefits, risks and alternatives.
- c) Understand in broad terms the consequences of not having a Forensic Clinical Examination and appropriate treatment.
- d) Retain the information long enough to make a voluntary choice.
- e) Communicate that decision whether by talking, writing, using sign language, assisted technology or any other means of communication, or if the implementation of the decision requires the act of a third party, to communicate by any means with that third party.⁴

Assisted Decision-Making

The underpinning philosophy of the Assisted Decision-Making (Capacity) Act 2015⁴ is that all persons have equal legal rights and are presumed to have capacity unless the contrary is shown.^{1,4} A person may be deemed to lack capacity in making their own decisions due to a disability, life-long condition or acquired condition and, therefore, may require additional assistance and support to exercise their individual rights. These rights are protected under the Constitution of Ireland, the European Convention on Human Rights and the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD).¹

The guiding principles of the Assisted Decision-Making (Capacity) Act 2015 ('the Act') provide that support must be given to people who may have difficulty making and communicating decisions. It also requires that the will and preference of the person and their beliefs and values, insofar as is practicable and reasonably ascertainable, are considered, even when the person has been found to lack the decision-making capacity.^{2, 4, 16}

The Forensic Clinical Examiner should work from a position of enabling and supporting the patient's decision-making rather than purely from a best interests or their perceived best course of action viewpoint. If an adult patient lacks capacity to decide and is not a Ward of Court, or not subject to a decision-making order/decision-making representation order, or detained under the mental health legislation, the doctrine of necessity applies.^{4,39} The doctrine of necessity applies where there is a need to take action for a patient who lacks capacity to make a decision, and the action is one that a reasonable person would take in good faith and for the benefit of the person.⁴ It applies where a patient, for whatever reason, lacks capacity to make decisions about medical treatment, making it necessary for others with appropriate qualifications to take such decisions. In general, the doctrine is broad enough, to permit, in a situation of urgency, actions taken for the benefit of a patient who lacks capacity.^{1,4} In addition, the Forensic Clinical Examiner must take reasonable steps to find out if anyone has the legal authority to make decisions on the patient's behalf.⁴ If so, the Forensic Clinical Examiner should seek that person's consent to the proposed treatment.⁴

In situations where there is no one with legal authority to make decisions on the patient's behalf, then the Forensic Clinical Examiner should consider and apply a number of general principles.¹ (See Box 7).

Consideration should weigh up a range of factors regarding the will and preference of the patient and the views of their families and carers. Decisions should be based on the balance of all information sought and what will benefit the patient now and in the future.^{1,2,3,4} These decisions encompass not only medical, but also emotional benefits. The aim is to build a picture of the patient's will and preference so the action taken will tally with what the patient would have wanted, had they been able to say so.^{1,4}

2:5.3 Patient with Serious Injury/Unconscious Patient

Attendance in an acute care setting to carry out a Forensic Clinical Examination on a seriously ill/unconscious patient should be with the prior knowledge and permission of the Consultant in charge of that patient's medical care.¹⁴ Each patient and their condition should be evaluated on an individual basis. Consideration is always given to the constitutional rights^{4,15} of the patient, namely:

- The right to life.
- The right to bodily integrity.
- The right to privacy.
- The right to self-determination.

Acting on the basis of good professional practice,^{1,16,17} the Forensic Clinical Examination should be undertaken if it is considered to be the will and preference of the patient and for the benefit of the patient.^{1,4} The rationale behind any decisions, the factors considered and the judgements made need to stand up to any future scrutiny.¹⁵ All steps taken and decisions made are clearly documented^{1,14} (See Box 6 and 7).

Patient Regains Capacity

If the patient regains capacity to understand, they are informed as soon as possible that a Forensic Clinical Examination was performed and why.

Box 6: Patient with Serious Injury/Unconscious Patient

The Forensic Clinical Examiner independently assesses the patient's capacity/lack of capacity to consent and whether they believe any incapacity will persist for a considerable time.

Prior to undertaking the Forensic Clinical Examination:

- The Forensic Clinical Examiner speaks with the Consultant in charge of the patient's care and informs the patient's family/ significant others.*
- The Forensic Clinical Examiner elicits any will and preferences and values the patient may hold prior to this so these can be considered.^{1,4,14}

***NB:** No other person, such as a family member, friend or carer, and no organisation can give or refuse consent on behalf of an adult patient who lacks capacity to consent unless they have specific legal authority to do so. If someone has the legal authority to make decisions on the patient's behalf, the Forensic Clinical Examiner should seek that person's consent to the proposed Forensic Clinical Examination.^{1,4,18} If informing patient's family/significant others, it is important to consider whether it is appropriate to do so.⁴

There may be a temporary loss of capacity in patients who are intoxicated due to alcohol or drugs.¹⁴ A guiding principle is that no action should be taken if the matter is not urgent, or if the person is likely to recover capacity shortly.^{1,4} Forensic Clinical Examinations should therefore normally be deferred until the patient's capacity has returned.^{1,4,14} Always record the clear and precise reasons for deferring a Forensic Clinical Examination. Time is crucial in relation to the collection of forensic evidence, and therefore, the Forensic Clinical Examination should take place as soon as capacity returns (See Box 7).

Box 7: General Principles When Dealing With Decisions Concerning A Person Who Lacks Capacity¹

The Forensic Clinical Examiner should consider:

- Is this an emergency where an urgent decision is necessary?
- Is there someone with the legal authority to make the decision on behalf of the patient?
- Is the patient's lack of capacity temporary or is capacity fluctuating?
- Is there someone who can help the patient participate in decision-making?
- What are the past and present will and preferences of the patient and what beliefs and values or other factors would the patient likely consider important in making a decision?
- What options, including the option not to intervene, would provide overall benefit for the patient?

2:5.4 Communication Difficulties and Informed Consent

Principles of equity, accessibility and person-centredness are central to effective and efficient services.¹⁹ Patients attending for a Forensic Clinical Examination may have ethnic, cultural, linguistic and/or literacy challenges.^{20, 21} Health literacy has been defined as multi-dimensional and includes both system demands and complexities, as well as the skills and abilities of individuals to process and understand the basic health information and services they need to make appropriate informed decisions.^{21, 22, 23} Services should be flexible to meet individual's specific abilities and needs. Several studies have found that repeating information to patients, in various formats and modes, at different times, can strengthen comprehension and recall.^{24, 25, 26}

2:5.5 Use of Interpreters

Using interpreters enables staff to provide high quality care and services through effective communication. It is important to use professional interpreters¹ who are neutral, independent and who accept the responsibility of keeping all information confidential.^{19, 27, 28, 29, 30} If the patient has reported the incident then the Gardaí should adhere to current An Garda Síochána policy regarding the use of interpreters. For the patient who is not reporting the incident, check the Hospital/local policy on the use of interpreters. Obtaining informed consent and maintaining confidentiality are critical elements of medico-legal responsibility.¹⁹ The use of an interpreter, and the interpreter's name, registration number and contact details should be recorded in the SATU patient documentation.

Using family members or friends as interpreters is not recommended,^{1, 19, 27, 28, 29, 30} unless there is no alternative. Good practice guidelines state that friends or relatives do not interpret where there are:

- Child protection issues.
- Vulnerable adult issues.
- Reasons to suspect Domestic Violence.¹⁹

The use of family members or friends may cause the Forensic Clinical Examination and any evidence to be called into question in any subsequent court proceedings, and the reason for choosing to use such a person must, therefore, be clearly documented.

Refer to guidance on good practice in the use of interpreters¹⁹ and Emergency Multilingual Aids²⁰ for further information.

2:5.6 Deaf/Hard of Hearing

The Deaf community are recognised as a linguistic and cultural minority group in Ireland.³¹ Irish Sign Language (ISL) is the first and/or preferred language of 5,000 Deaf people with approximately 40,000 people communicating in ISL.³¹ ISL was recognised in Irish law as the native language of the Deaf community in 2017. Subsequently, all public bodies were stipulated to provide ISL users with free interpretation when availing of or seeking to access entitlements and services.³²

Members of the Deaf community presenting to the SATU should be asked how they would like to communicate. Clinicians should be prepared to take additional time and be patient during the interview process, as communication is slower when a patient is using ISL interpreter services or lip-reading as a mode of communication.

International studies examining sign language provision and practice highlight limitations faced by Deaf sign language users in gaining access to appropriate healthcare and legal systems.^{33, 34, 35}

To ensure equal rights, informed decision-making and consent for people from the Deaf community, it is important to endeavour to have an ISL interpreter available for every attendance at SATU. When this is not possible on a 24-hour basis, it is essential that alternative methods of communication are provided, for example, the use of ISL videos, diagrams, or the English written word. These alternative methods of communication should only be used in the event where:

- Access to an ISL interpreter is not available for more than 24 hours
- The timeframe for the collection of forensic evidence is limited
- The patient consents to an examination using the SART ISL videos (See Box 8).

2:5.7 Sign Language Interpreting Services

It is not appropriate to ask family members/friends to interpret for patients. Using a sign language interpreter is the only effective communication method with someone whose first language is sign language.^{1,19}

Box 8: Communicating with Patients who are Deaf or Hard of Hearing

To ensure equal medico-legal rights, informed decision-making and consent:

- Have an ISL Interpreter available to interpret during every Forensic Clinical Examination
- Find a suitable place to talk, with good lighting away, from noise and distraction.
- Maintain direct eye contact with the patient, conveying direct communication.
- Talk directly to the patient who is Deaf. Do not talk to the interpreter; for example, do not say, "Tell them [this]. Tell them [that]."
- Speak clearly in short sentences. Do not speak too slowly, and do not exaggerate lip movements.
- Avoid distractions, like putting your hand in front of your face, pen chewing.
- Have the light on your face, not the patient's face.
- Do not talk to the patient if your back is turned or when you are writing.
- Do not shout. It is uncomfortable for the patient and looks aggressive.
- If the patient does not understand what you have said, do not keep repeating the same statement; try to say it in a different way.
- Use simple language; do not use jargon and technical medical terms.
- Avoid using the written English word as much as possible as this is not the Deaf person's first language.
- Use alternative methods of communication, such as the SART ISL videos and the written English word, only when an ISL Interpreter is unavailable for more than 24 hours and the collection of forensic evidence is time-sensitive.

For further information contact
<https://www.irishdeafociety.ie>

2:5.8 Patients who are Blind or Vision Impaired

Over 8,000 people use the services of the National Council for the Blind of Ireland (NCBI) every year and of this figure, 95% have some degree of useful vision. With an ageing population, the number of people needing to access the NCBI is increasing by 12% each year.

If a person is vision impaired, their vision may be blurred, colours can become dulled, and they may not see small details.³⁶ Patients who are blind or vision impaired should be supported through effective communication to understand the process and give their informed consent. The NCBI provide information on a range of ways in which services can be more accessible for patients who are blind or vision impaired (See Box 9).

Box 9: Supporting the Process of Valid Consent and Care for the Patient who is Blind or Vision Impaired:

- Provide documents in accessible formats¹ and read aloud to the patient.
- Facilitate the patient in making use of their other senses, for example, when referring to swabs, the patient should be encouraged to feel a swab (which is then discarded).
- Follow clear print guidelines to make written documents accessible, for example, Consent forms.
- Use a Media Centre which converts information documents into accessible formats.
- Make websites and other technologies accessible.

For further information, resources and supports, contact:
<https://www.ncbi.ie/>

2:5.9 Patients with Disabilities

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) 2006,³⁷ is a human rights treaty that exists to protect and affirm the human rights of people with disabilities.^{37,38} Ireland became a signatory to the UNCRPD in 2007 and ratified it in March 2018,³⁸ protecting the fundamental rights of equal recognition and treatment for all people with disabilities.

The Assisted Decision-Making (Capacity) Act 2015⁴ has been framed to meet Ireland's obligations under Article 12 of the UNCRPD and prescribes a model of supported decision-making aimed at enabling all persons to exercise their decision-making capacity.

2:5.10 Patients with Intellectual Disabilities

Each patient 18 years and over should be assessed as an individual regarding their capacity to understand and give their consent (See 2:5.2, p. 51). If a person with an intellectual disability lacks the capacity to give consent, the Forensic Clinical Examiner should consult their parents, and/or carers. Many Intellectual Disability Services now have a Designated Person structure, with nominated Organisation Designated Persons and onsite Designated Contact Persons to manage abuse incidents/allegations. The SATU should establish local service level agreements with the Intellectual Disability Services regarding referral processes and activating the Organisation Designated Persons system. An Garda Síochána may consider the benefits of using Garda Specialist Interviewer's skills when interviewing the patient with an intellectual disability (See 1.11).

2:5.11 Patients with Mental Health Conditions/Disorders

Consent in relation to a patient with a mental health condition should be obtained in the same manner as all other patients – they give their consent freely, following adequate information which is given in the appropriate manner^{1,2,3,4} (See 2:5.2, p.51). Where an adult patient is deemed to lack capacity to make the decision, steps should be made to find out whether another person has legal authority to make decisions on the patient's behalf.^{1,4}

In the case of a patient who is an in-patient through an Involuntary Admission Order to a Psychiatric Hospital, then the Consultant Psychiatrist responsible for the patient's care assesses that the patient is capable of understanding the nature, purpose and likely effects of the proposed treatment.^{39,40,41,42} Guidance on

consent with regard to the Mental Health Act^{39, 40, 41, 42} and the Mental Health Commission (MHC) reference guides^{40, 41} should be accessible from within the SATU.

2:5.12 Ward of Court

Currently, a Ward of Court falls into one of two categories:

- The first comprises adults who have been brought into Wardship because of mental incapacity.⁴⁰
- The second is persons under 18 years of age who are taken into Wardship as minors.⁴¹

The following approach was recommended by the Wards of Court Office (May 2014) regarding Wards of Court and Forensic Clinical Examination:

- In circumstances where the Wards of Court Office cannot be contacted and the Clinical Forensic Examiner deems it to be in the best interests of the Ward, then a Forensic Clinical Examination should be carried out. The Wards of Court Office have recommended that if it is in the best interests of the Ward to have the examination carried out as a matter of urgency, it should proceed and be reported to the Wards of Court Office as soon as practicable afterwards.
- Any treatment or procedure that might be considered controversial should not be carried out without the consent of the Court. In that regard, it is always possible to arrange an urgent sitting of the High Court, if the Court's intervention is necessary. The Judge on duty is authorised to exercise the Wardship jurisdiction, and the solicitor dealing with any such application can make arrangements by contacting the Four Courts, even after normal business hours and at weekends.³⁵

2:5.13 Wards of Court Transition to the Decision Support Service

With the ratification of the UNCRPD in 2018 and the Assisted Decision-Making (Capacity) Act 2015 acting as the key instrument of legislation essential for ensuring its compliance, there have been important changes for people who are Wards of Court. On foot of the Act, a new Decision Support Service (DSS) was established to support adults who need support making decisions. This may include people with an intellectual disability, psychiatric illness, acquired brain injury and those with age-related conditions, including dementia.⁴³

It is expected that the DSS will start registering new decision support arrangements in mid-2022.⁴³ All Wards of Court will be discharged from Wardship, following a capacity review, over a three year period. This three year review period will start when the Act is commenced.⁴³

What This Will Mean For Wards of Court

The Act moves away from a 'best interests' principle and replaces substituted decision-making for people who need support making decisions. It is a move to a 'rights-based' approach, with respect for the will and preference of the person and will maximise autonomy for people who require support to make decisions about their personal welfare, property and financial affairs.

Every person will be able to make decisions for themselves unless the opposite is shown.

All Wards of Court will be discharged from Wardship and, where appropriate, the relevant person will then transition to one of the new supports available under the Act.

Transition Period

The Wards of Court Office will continue to operate as normal during this transition period. The office and the staff understand this is a period of great change for many wards and committees. For further information and support, contact:

wardsdischargeapplication@courts.ie

The Decision Support Service at: <https://www.decisionsupportservice.ie>

NB. Any type of care order or court order about a patient should be photocopied and attached to the patient's SATU record.

2:5.14 Refusal of a Forensic Clinical Examination

Every adult with capacity is entitled to refuse medical treatment, and their refusal must be respected.^{1,4} A person cannot be deemed to lack decision-making capacity simply because there is a risk that they might make an unwise decision.¹

If a patient chooses not to have a Forensic Clinical Examination, then they should do so with a clear understanding of the implications of the choice they are making.¹⁶ The person can report the incident to An Garda Síochána at a future date if they change their mind, but they must be aware that any delay in reporting the incident may cause forensic evidence to be lost. Other available options, for example, a Forensic Clinical Examination for storage of evidence without involvement of An Garda Síochána, are fully explained (See 2:22). The Rape Crisis Centre personnel and SATU Staff are available to support the person with decision-making (Other possible scenarios: see Box 10).

Box 10: Possible Scenarios**1. Patient Wishes to Seek Advice from An Garda Síochána:**

- Without making a formal complaint.
- Without having a Forensic Clinical Examination.

Action:

- Inform An Garda Síochána.
- Arrange RCC psychological support for additional support.
- The patient may have an informal discussion with An Garda Síochána.
- Proceed, following informed consent, with a physical/health examination, appropriate care, treatment and follow up. No forensic evidence is collected.

2. Patient Does Not Wish An Garda Síochána Involvement:**Action:**

- Proceed, following informed consent with a physical/health examination, appropriate care, treatment and follow up. No forensic evidence is collected.
- The patient is made aware that they may change their mind at any time and involve An Garda Síochána, but that forensic evidence may be lost.

NB: The documentation should reflect the patient's decision-making and the Forensic Clinical Examiner's facilitation of the patient's informed choice.

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2:6 Forensic Clinical Examination

2:6.1 History Taking

The purpose of taking the history in a Forensic Clinical Examination is to:

- Obtain a medical history that may assist in the management of the patient^{1, 2} or explain subsequent findings.³
- Precisely and accurately record a brief account of the events that occurred, as relayed by the patient.
- Guide the clinical examination and forensic evidence collection.^{1, 2, 5}
- Assess the risk of possible pregnancy and Sexually Transmitted Infections (STIs).^{1, 2, 5}
- Facilitate discharge planning and follow-up care.^{2, 6}

By initially obtaining a medical and social history, the examiner aims to put the patient at ease, rather than escalating their distress by immediately obtaining an account of the events that precipitated their referral.⁴ The patient should be informed that it will be necessary to ask some personal questions. Questions should be limited to recording relevant medical history. The history should accurately reflect what the patient has told the Forensic Clinical Examiner in relation to the incident, and it does **not** need to be an exhaustive account of every detail of surrounding events. To ensure accuracy, the history as documented may be read back to the patient.⁷ It is important that the clinician does not stray into the role of an investigator.⁵ The full history of the incident and recording of the statement is the remit of An Garda Síochána⁷, not the Forensic Clinical Examiner.

KEY POINTS: History Taking



KEY POINTS

The purpose is to:

- Obtain a medical history to assist in the management of the patient.
- Record a brief account of the events, as relayed by the patient.
- Guide the clinical examination and forensic evidence collection.
- Assess the risk of possible pregnancy and STIs.
- Facilitate discharge planning and follow-up care.
- Assess the patient's safety

To ensure accuracy:

- The history may be read back to the patient.

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2:6.2 Medical History

The medical history should include the following information:

- Past relevant medical/surgical/mental health (including incident of self harm)/family history.
- Medications (prescribed, over the counter and/or recreational).
- Allergies.
- Social history: alcohol intake/cigarettes/illicit drug use.
- Home circumstances, with a view to discharge planning.

Gynaecological/Obstetric history including:

- Menstrual cycle.
- Date of last menstrual period.
- Tampon/sanitary pad use.
- Obstetric history.
- The patient is asked if they had sexual intercourse within the last 7 days, or since the incident.
If yes:
 - Type and frequency of sexual experience.
 - Use of a condom.
- Contraceptive use.
- Possibility of current pregnancy.^{1,2,3,4,7}

2:6.3 Forensic History

The forensic history provides a brief account of the incident. The patient must be informed that they may stop the questioning for a time if they wish and then continue, if and when ready. The patient is given the time throughout to find the words to articulate details of the event.²

Forensic history taking should include:

- Brief description of the incident.
- Number and identity of the alleged perpetrator(s), if known.
- Date and time of the incident and the time lapse from the incident.
- Location where the incident took place.
- Type of sexual acts that the patient reported occurred:
 - For a female: contact with the vulva/vagina/anus/mouth/breasts and other locations on the body.
 - For a male: contact with the mouth/anus/genitalia or other parts of the body.

Also noted is the following:

- Consideration as to whether and where ejaculation took place.
- Use of a condom.
- Use of objects to achieve penetration.
- Reported use of weapons or restraints.
- Any bites or other wounds.
- Actual or threatened violent behaviour used in the course of the incident.

Any bleeding:

- Menstrual bleeding.
- Bleeding due to genital/anal injury.
- Tampon/pad in place during the incident.
- Tampon/pad worn after the incident.
- Bleeding from any other part of the body at the time of the incident.

After the incident, document whether the patient has:

- Eaten/brushed teeth/washed out mouth (If the oral cavity was involved).
- Bathed/showered.
- Changed clothes, including undergarments.
- Opened their bowel (If anal involvement).
- Passed urine; if yes, how many times since the incident and the time they last urinated.

2:6.4 Prior to Commencing a Forensic Clinical Examination

Prior to Commencing a Forensic Clinical Examination

Record:

- Consent.
- Date and time (24 hour clock) of the examination.
- Date and time (24 hour clock) of the incident.
- Time interval from the incident until examination.
- Location of the examination.
- Name of the SATU support person, grade and location.
- Name of any other person present (e.g. interpreter/family member).
- Garda Name, Garda Station and Garda Registration Number.
- Name, grade of Forensic Clinical Examiner.

The Sexual Offences Examination Kit

Check and record:

- The expiry date on the outside of the Sexual Offences Examination Kit.
- The Sexual Offences Examination Kit is opened in the presence of the Garda (Storage of evidence).
- The Sexual Offences Examination Kit number.
- The tamper evident bag number.
- Toxicology bag number.

2:6.5 Collection of Clothing

The patient should be asked to remove their clothing, including underwear (if relevant). A disposable gown is provided. If appropriate, the patient may be asked to undress in a private area standing on a clean paper sheet, which will collect any debris that might be used as evidence.² The clothing may need to be retained for forensic evidence^{1, 2, 3, 4, 5, 6} (See 1:5).

2:6.6 General Physical Examination^{1,2,3,4,5,6}

General Physical Examination:

- Appropriate measures are taken to prevent contamination of evidence (See 5:5).
- A thorough physical examination is performed.
- A head-to-toe survey is carried out.
- The forensic samples may be collected as the examination progresses (Table 2: p 70). Where body fluids may have been deposited, or if there are marks or injuries on the skin that the patient attributes to direct contact with the alleged perpetrator, use the double swab technique, and document as to why the swabs were taken. (See below).

Double Swab Technique^{3, 5, 7, 8}

- Moisten a swab with the sterile water provided.
- Swab the area with the moistened swab.
- Use a second dry swab to mop up any remaining body fluid.

Assessment of Non-Genital Physical Trauma

- Non-genital trauma may include, but is not limited to, mouth trauma, lacerations, bruises, abrasions, evidence of bite marks, kicks, ligature marks, tape marks or marks from attempted strangulation (See 2:12).

Documentation

- The Forensic Clinical Examiner should document all findings in detail as the physical examination proceeds.
- Documentation of general appearance, presentation and behaviour may also be appropriate, bearing in mind that individuals respond to stressful circumstances in different ways (See 3:2).
- Relevant negative findings should also be documented.
- Body maps are helpful and are included in the National Patient Chart and should be used to document injuries.

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Collection of Forensic Samples

2:6.7 Collection of Forensic Samples

Table 2 on the following pages provides guidance regarding forensic sample collection. It is important to remember that:

If there is an allegation of oral sex

The patient should **not** be given a drink until after oral swabs have been taken either via an Early Evidence Kit (See 1:3) or during the Forensic Clinical Examination (See Table 2 p. 70).

If toxicology is required

- Blood samples for toxicology should be taken **as soon as possible** (See Table 2).
- If the patient needs to urinate, collect a urine sample in case it is required for toxicology (See Table 2).

Table 2: Collecting Forensic Samples from Different Locations of the Body

Unused swab	Control sample <ul style="list-style-type: none"> Submit one unopened swab (for every kit used). 		
External lip swabs	<p>Detection of body fluids on lips and skin around mouth e.g. semen; blood stain which may not be from the victim.</p> <ul style="list-style-type: none"> If stain is moist, recover on a dry swab. If stain is dry, dampen swab with sterile water and rub lips and skin around the mouth. Repeat with second swab. Return swabs immediately to the tubes. 		
Mouth swabs	<p>Detection of semen if oral penetration within 1 day.</p> <ul style="list-style-type: none"> Take 2 sequential samples by rubbing swab around inside of mouth, under tongue and gum margins or over dentures and dental fixtures. Return swabs immediately to the tubes. 		
Skin swabs	<p>Detection of body fluids on skin e.g. semen; saliva on kissed, licked, bitten area; blood stain which may not be from the victim.</p> <ul style="list-style-type: none"> If stain is moist, recover on a dry swab. If stain is dry, dampen swab with sterile water prior to swabbing. Repeat with second swab. Return swabs immediately to the tubes. 		
Head hair	Rationale for Collecting	Method of Collecting	Method of Packaging
	A. Detection of semen.	A. Cut or swab relevant area if applicable.	A. Place hair in plastic bag/ return swabs immediately to the tubes.
	B. Detection of fibres, foreign particles, foreign hairs.	B. Draw comb with cotton wool through all the hair.	B. Place in plastic bag.

Table 2: Collecting Forensic Samples from Different Locations of the Body (Cont.)

<p>Underwear and sanitary protection</p>	<p>Detection of semen on sanitary protection and underwear worn after incident.</p> <p>Underwear and sanitary pads</p> <ul style="list-style-type: none"> • Take underwear worn at time of examination. • Underwear in paper bag. If wet, put paper bag into a plastic bag. • Leave pad attached to underwear if present. • Pack in the tamper evident bag with the kit. <p>Tampons</p> <ul style="list-style-type: none"> • Take tampon if worn. • Tampon in plastic bag.
<p>Mons pubis area swabs</p>	<p>Take only if pubic hair is absent. The detection of body fluids e.g. semen, saliva, blood that may not be from the victim.</p> <ul style="list-style-type: none"> • If stain is moist, recover on a dry swab. • If stain is dry, dampen swab with sterile water. • Repeat with second swab. • Return swabs immediately to their tubes.
<p>Vulval swabs</p>	<p>Detection of body fluids if vaginal intercourse within 7 days or if anal intercourse within 3 days, or ejaculation onto perineum.</p> <p>First sample (Moisten swabs with sterile water if required)</p> <ul style="list-style-type: none"> • Rub 2 sequential swabs over whole of vulval area. • Return swabs immediately to their tubes.
<p>When using a speculum or proctoscope, take the sample beyond the instrument and avoid contact with its sides to prevent contamination.</p>	
<p>Vaginal swabs – Low</p>	<p>Detection of body fluids if vaginal intercourse within 7 days or if anal intercourse within 3 days.</p> <p>Second sample (Moisten swabs with sterile water if necessary)</p> <ul style="list-style-type: none"> • Take 2 sequential swabs approx 1 cm above hymen, using a speculum. • Return swabs immediately to their tubes.
<p>Vaginal swabs – High</p>	<p>Detection of body fluids if vaginal intercourse within 7 days or if anal intercourse within 3 days.</p> <p>Third sample</p> <ul style="list-style-type: none"> • Take 2 sequential swabs from the posterior fornix via the speculum. • Return swabs immediately to their tubes.

Table 2: Collecting Forensic Samples from Different Locations of the Body (Cont.)

Endocervical swabs	Take only if vaginal intercourse more than 48 hours previously. Final sample <ul style="list-style-type: none"> Take 2 swabs via the speculum. Return swabs immediately to their tubes. 		
Pubic Hair Take only if hair is present	Rationale for Collecting	Method of Collecting	Method of Packaging
	A. Detection of semen.	A. Cut or swab relevant area if applicable.	A. Place hair in plastic bag/ return swabs immediately to the tubes.
	B. Identification of foreign hairs.	B. Comb pubic hair.	B. Place in plastic bag.
Penile swabs	Detection of body fluids if intercourse within 7 days. <ul style="list-style-type: none"> Use swabs moistened with sterile water. <ul style="list-style-type: none"> A. 2 sequential swabs from shaft & external foreskin. B. 2 sequential swabs from coronal sulcus. C. 2 sequential swabs from glans. D. 2 sequential swabs from base of penis including pubic hair and scrotal sac. Return swabs immediately to their tubes. 		
Perineum swabs	Detection of body fluids if vaginal or anal intercourse within 7 days. <ul style="list-style-type: none"> Take 2 sequential swabs from the perineum area using swabs moistened with sterile water. Return swabs immediately to their tubes. 		
Perianal swabs	Detection of body fluids if vaginal or anal intercourse within 3 days. <ul style="list-style-type: none"> Take 2 sequential swabs from the perianal area using swabs moistened with sterile water. Return swabs immediately to their tube. 		

Table 2: Collecting Forensic Samples from Different Locations of the Body (Cont.)

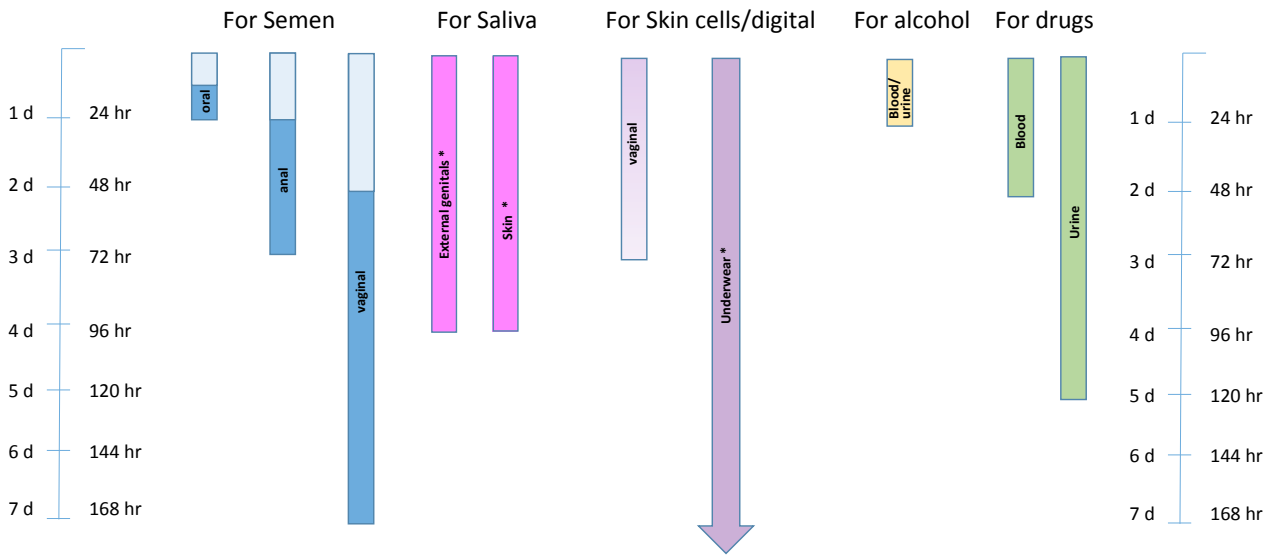
<p>Rectal swabs</p>	<p>Detection of body fluids if anal intercourse within 3 days.</p> <ul style="list-style-type: none"> • Pass a proctoscope 2-3 cm into the anal canal. (Use lubricant if necessary). • Take 2 swabs from the lower rectum. • Return swabs immediately to their tubes.
<p>Fingernails including false fingernails</p>	<p>Recovery of trace evidence (e.g. body fluid, possible fibres) or connection with fingernail broken at scene (if the circumstances suggest this as a possibility).</p> <ul style="list-style-type: none"> • Preferably swab nails. • Moisten a swab with sterile water and thoroughly swab the area underneath each fingernail of one hand. • Use a second swab for the fingernails of other hand. • Return swabs immediately to their tubes. • If false nails are worn and some are missing, remove samples of the nail and place in an evidence bag. • Nails may also be cut if required.

Toxicology Samples

<p>Blood</p>	<p>Detection of alcohol and drugs of abuse. Only taken if within 48 hours of incident.</p> <ul style="list-style-type: none"> • Approximately 2 x 5ml of blood (no more than $\frac{3}{4}$ full). • Place blood samples into sealed plastic containers provided and then into tamper evident bag. • REFRIGERATE OR FREEZE.
<p>Urine</p>	<p>Detection of alcohol and drugs of abuse. Only taken if within 120 hours of incident.</p> <ul style="list-style-type: none"> • Ask subject to urinate into the wider foil capped container and decant into the 2 smaller glass tubes containing tablet (no more than $\frac{3}{4}$ full). • Do not discard tablet (preservative for sample). • Place urine samples into sealed plastic containers provided and then into tamper evident bag. • REFRIGERATE OR FREEZE.

Testing cut hair for drugs of abuse is done 1 month after the incident in special circumstances; contact FSI. (See 5:10).

Table 2a: FSI Sampling timeframe guidelines 2023



* If unwashed

Additional forensic samples

Depending on circumstances, other biological samples sourced outside SATU may also be relevant for an investigation. A chain of custody, in which the evidence is in the possession of an identified person at all times, must be maintained. Such samples could include fetal DNA (eg obtained through CVS/ amniocentesis or products of conception at termination of pregnancy/ERPC). Such samples should not be stored in formalin and should be directly frozen or immediately transferred to FSI. Further information on collection or management of specific samples can be obtained from FSI.

2:7 Female External Genitalia

See Table 3 below and Figure 1, p. 75

Table 3: Female External Genitalia

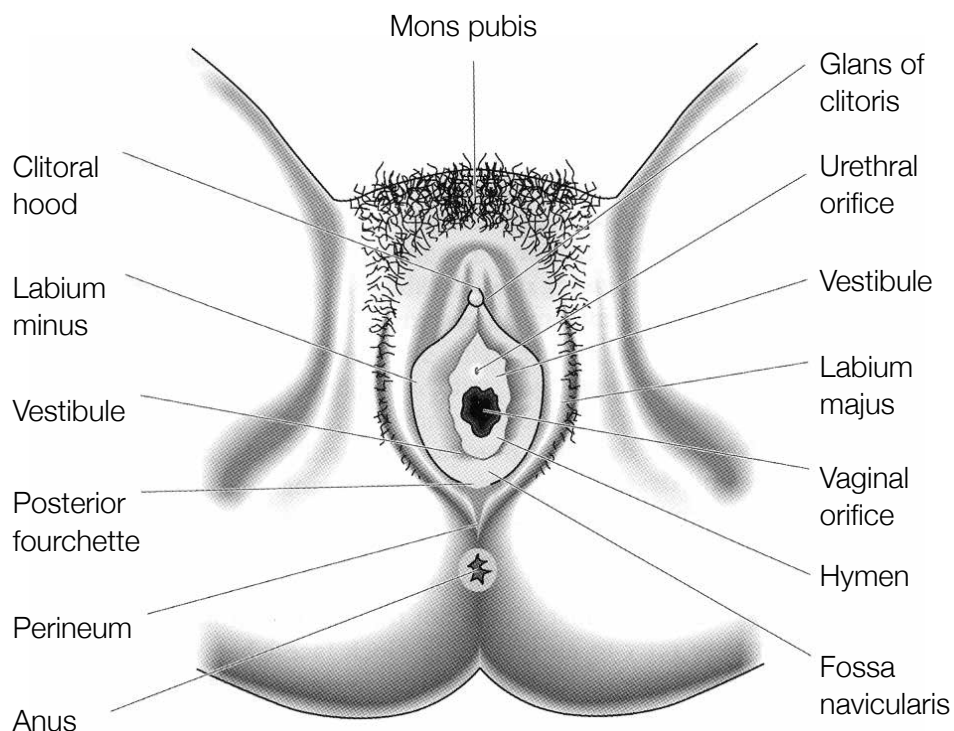
NAME	DESCRIPTION
Vulva	The collective term used to describe the external female genitalia. It incorporates the mons pubis, labia majora, labia minora, clitoris, clitoral hood and vestibule. ^{2,3}
Labia Majora	The two large folds which form the outer boundary of the vulva.
Labia Minora	Two smaller folds of skin between the labia majora. Anteriorly the labia minora meet at the clitoris and posteriorly they fuse to form the fourchette. ^{2,4}
Clitoris	Erectile tissue situated beneath the mons pubis and above the urethra; the clitoris is covered by the clitoral hood or prepuce. ^{2,5}
Urethral Orifice	Opening into the urethra.
Hymen	A membranous collar or semi collar inside the vaginal introitus ³ (See Table 4).

Table 3: Female External Genitalia (Cont.)

NAME	DESCRIPTION
Hymenal Remnants	After vaginal delivery.
Fourchette	The posterior margin of the vulva: the site where the labia minora unite posteriorly. ¹
Introitus	An opening or entrance into a canal or cavity as in the vaginal introitus. ³
Fossa Navicularis	Concavity anterior to the posterior fourchette and posterior to the hymen. ³
Vestibule	An almond shaped space between the lines of attachment of the labia minora; four structures open into the vestibule-urethral orifice, vaginal orifice, and the two Skene's ducts of the glands of Bartholin. ³
Perineum	Area between the posterior fourchette and the anus. ¹⁰
Anus	see Table 6
Vagina	see Table 5

Figure 1: Female: Genital Landmarks

Figure 1: Female: Genital Landmarks from Maureen Dalton (Ed.), *Forensic Gynaecology, Towards Better Care for the Female Victim of Sexual Assault* © 2004 The Royal College of Obstetricians and Gynaecologists, published by Cambridge University Press, reproduced with permission.



2:7.1 Hymen: Definition, Anatomical Variations and Terms

Table 4: Definition of the Hymen: A membranous collar or semi collar inside the vaginal introitus. All females have this structure but there is wide anatomical variation.³

Hymen: Anatomical Variations

- Annular: (circumferential) the hymenal tissue forms a ring-like collar around the vaginal opening.
- Crescentic: the hymen has anterior attachments at approximately the 11 o'clock and 1 o'clock positions, in a crescent shaped pattern. There is no hymenal tissue at the 12 o'clock position.
- Cribiform: the hymen which stretches across the vaginal opening, but is perforated with several holes.
- Imperforate: the hymen with tissue completely occluding the vaginal opening.
- Microperforate: there is a very small hymenal opening.
- Septate: the hymen has bands of tissue attached to either edge, creating two or more openings.

Terms relating to the hymen

- Oestrogenized: effect of influence by the female sex hormone oestrogen, resulting in changes to the genitalia: the hymen takes on a thickened, redundant, pale appearance.
- Fimbriated/denticular: hymen with multiple projections along the edge creating a 'ruffled' or 'scrunchie-like' appearance.
- Redundant: abundant hymenal tissue that tends to fold back on itself or protrude.³

2:7.2 The Vagina: Definition and Descriptive Terms

Table 5: Definition of the Vagina and Descriptive Terms for the Vagina

Definition of the vagina: A fibromuscular sheath extending upwards and backwards from the vestibule.⁴

Descriptive terms for the vagina

- Anterior/Posterior.
- Left/Right.
- Lower third/Middle third/Upper third.

The Fornix: Spaces in which the upper vagina is divided; the spaces are formed by the protrusion of the cervix into the vagina.³ The spaces are referred to as:

- Anterior/posterior.
- Right/left.

2:7.3 Anal Canal: Definition and Descriptive Terms

Table 6: Definition of the Anal Canal and Descriptive Terms for Anal Anatomy

Definition of the anal canal: The terminal part of the large intestine extending from the rectum to the anal orifice.⁵

Descriptive terms for the anal anatomy

- Anal skin fold: Folding or puckering of the perianal skin radiating from the anal verge.⁵
- Anorectal line: The line where the rectal columns interconnect with the anal papilla: also called the dentate line.³
- Anus: The anal orifice; the outlet of the large bowel, opening of the rectum.³
- Dentate line: See anorectal line.³
- Perianal: Around the anus.

2:8 Male External Genitalia

Table 7: Male External Genitalia (See Figure 2, overleaf)

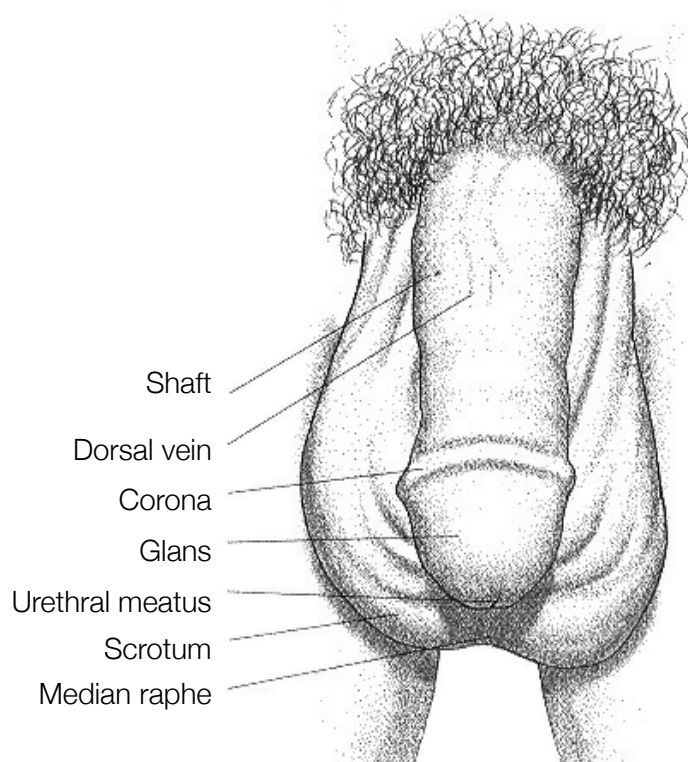
NAME	DESCRIPTION
Penis	Male organ of reproduction and urination, ⁶ composed of erectile tissue, through which the urethra passes. It has a shaft and glans (head); the glans may be covered by the foreskin. ^{7,8}
Shaft of the penis	The shaft of the penis is the area from the body of the male to the glans penis and is composed of three cylindrical masses of erectile tissue. ⁸ The dorsal surface of the penis is located anteriorly on the non-erect penis, and its ventral surface is in contact with the scrotum. ⁹
Glans of the penis	The cone shaped head of the penis, ⁶ distal to the coronal sulcus.
Foreskin	The movable hood of skin covering the glans of the penis. ⁶
Frenulum	The thin fold of tissue that attaches the foreskin to the ventral surface of the glans penis. ⁹ It attaches immediately behind the external urethral meatus. ¹⁰
Corona	The widest portion around the glans, ¹⁰ the ridge that delineates the glans from the shaft of the penis. ⁸
Coronal sulcus	The groove at the base of the glans. ⁹
Urethral meatus	Situated at the end of the penis the external opening of the urethra which serves as the duct for both urine and ejaculate flow. ⁶

Table 7: Male External Genitalia (Cont.)

NAME	DESCRIPTION
Scrotum	The scrotum is a pouch of deeply pigmented skin, fibrous and connective tissue and smooth muscle. It is divided into two compartments each containing one testis, one epididymis and the testicular end of a spermatic cord. ¹¹
Median Raphe	A ridge or furrow that marks the line of union of the two halves. ¹⁰
Perineum (Male)	The area between the base of the scrotum and the anus. ¹¹
Anus	See 2:7.3

Figure 2: Male Patients: Genital Landmarks

Reprinted with permission from Gaffney, D. Genital Injury and Sexual Assault. In: Giardino AP, Datner EM, Asher JB, eds. *Sexual Assault Victimization Across the Life Span: A Clinical Guide*. Saint Louis, Missouri: STM Learning: 2003: 225. Copyright © 2003 STM Learning, Inc. (www.stmlearning.com).



Frontal view of the external male genitalia

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2:9 Male Patient

2:9.1 Prevalence and Incidence

Internationally male rape and male sexual assault is still a taboo subject. It is estimated that the occurrence of male-on-male rapes is approximately 5-10% in the western world. This highlights the belief that male sexual assault is severely under-reported.¹ One of the reasons for this is that victims feel that the authorities will not believe them.² This attitude together with feelings of stigma, shame and fear continues to discourage men from reporting and seeking services.² In response, the SATU services promote a patient-centred approach to service delivery, acknowledging and addressing the patient's fears in a sensitive, non-judgmental and caring environment.

2:9.2 Examination of the Male Patient

The Forensic Clinical Examiner firstly evaluates the patient to determine if:

- There are any acute injuries that need to be medically assessed.
- If the patient is competent to give consent for the Forensic Clinical Examination (see section 2:5.3).

The Sexual Examination Offences Kit is used for both male and female patients.

The history taking involves a general medical history and a history of the events that occurred. A top-to-toe examination is performed with the patient wearing a disposable hospital gown. Forensic swabs and samples are taken as suggested in the Sexual Offences Examination Kit. A genital examination is performed with care. The penis and scrotum are examined for signs of injuries.

Proctoscopy allows inspection of the rectum for injuries and also for collection of evidence.

If ano-genital injury is present, it should be clearly documented using standard accepted descriptive terminology for classifying wounds.

References

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2:10 Ano-Genital and Pelvic Examination

When relevant, following the general physical examination, patients should be offered a comprehensive assessment of the ano-genital area, during which injuries, scars and medical conditions are noted.^{1,6} The ano-genital examination also allows for trace evidence, such as semen, saliva, blood and lubricant, to be recovered.⁵ The collection of forensic sampling should be deferred if there are injuries found which require immediate medical attention (e.g laceration with ongoing bleeding, haemodynamic instability, foreign

material present which requires medical review for removal - glass/sharp implements). Prompt escalation of care including possible referral to the nearest emergency department should be arranged.⁴

This part of the examination may be particularly difficult for the patient because it may remind them of the assault.¹ Prior to commencing, inform the patient of any expected discomfort so that they can stop the examination at any time.⁵ Swabs are taken as suggested in the Sexual Offences Examination Kit for forensic evaluation from the external genitalia. A gentle stretch at the posterior fourchette may help reveal abrasions that are otherwise difficult to see.²

Vaginal Examination

The speculum examination should be performed after the complete examination of the external genitalia. A transparent plastic speculum, should, if possible, be used for the vaginal examination to inspect the vaginal walls and cervix.¹ Assessment is made for vaginal and/or cervical bleeding, lacerations and/or foreign bodies. Any foreign body e.g. a tampon or hair should be removed and retained for forensic analysis.³ Swabs are taken as suggested in the Sexual Offences Examination Kit for forensic evaluation. When blood is seen during genital examination, a differential diagnosis should be considered. For example, the bleeding could either be menstrual in origin or from peripheral blood vessels secondary to trauma⁵.

Anal Examination

People may find it particularly difficult to mention anal penetration and concerns they may have with regard to anal penetration. Penetration of the anus may be by an object, digit or penis.⁴ Inspection of the anus for lacerations, bleeding or abrasions should be performed. If there is reason to suspect that a foreign object has been inserted into the anal canal, then a digital rectal examination is performed prior to a proctoscopy or anoscopy.¹

Proctoscopy is usually only performed when anal assault is alleged or in cases of anal bleeding or severe anal pain post-assault. The recommended swabs should be taken from the ano-rectal area.

Pelvic Examination

It is important to consider a pelvic bi-manual examination, in order to exclude internal trauma e.g. broad ligament haematoma,⁵ which can occur without vaginal bleeding or vaginal discomfort being present, in the early hours after the incident. This is more commonly seen with accompanying physical trauma.

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2:11 Ano-genital Injuries in Adult Patients

The presence and diagnosis of injury in patients who report sexual assault and rape is thought to significantly influence decision-making in the criminal justice process, from the decision of people to report an incident, the decision to prosecute, and decision-making around conviction.¹ It is essential that ano-genital injury, or its absence, be interpreted carefully within the unique context of each individual case. The Forensic Clinical Examiner should explain the relevance of clinical examination findings prudently. Opinion upon the relevance of clinical examination findings should draw upon the clinical experience of the Forensic Clinical Examiner in addition to their knowledge and understanding of research literature.^{2, 12} It is important that the implications of ano-genital injury, or its absence, be described in a balanced way, whereby any limitations to the significance of clinical examination findings are made clear. The Forensic Clinical Examiner should state when a particular subject falls outside of their professional expertise.

Ano-genital injury is not an inevitable consequence of sexual assault or rape.¹¹ Very many patients who undergo forensic examination will have no physical injuries identified⁷. Absence of injury does not mean that sexual contact was consensual, even when the disclosure is one of anal or vaginal penetration and in patients who have never previously been sexually active. While genital injury may be identified (and should be appropriately documented as described in section 2:13), the belief that absence of the hymen confirms that there has been penetration of the vagina is incorrect, and equally false is the suggestion that a 'normal' or 'intact' hymen means that penetration has not occurred⁹. In support of this, for example, one paper reviewed examination findings in a group of pregnant adolescents and identified that, despite definitive evidence of sexual contact (pregnancy), only 2 of 36 adolescents had genital changes that were diagnostic of penetrating trauma.¹⁰

Many research studies have explored the frequency with which injury is detected in patients who undergo forensic examination after reporting sexual violence. Those studies have reported a wide range in results, with some citing a very low rate of injury and others a very high rate.³ The variation in results appears to be, at least in part, related to heterogeneity in research methodologies between the studies.³ For example, some studies employed colposcopy as part of a standard clinical examination technique. Those studies are not reflective of current Irish clinical practice because colposcopy is not routinely used in the forensic examination of adult patients. It is important that the presence or absence of ano-genital injury be interpreted in the context of research data that are most reflective of clinical practice in each individual case.

Furthermore, ano-genital injury may arise from consensual, as well as non-consensual, sexual contact. Thus, the presence of ano-genital injury should not be automatically considered to reflect a non-consensual act.

Several research papers have described the anatomical locations at which ano-genital injury is most commonly identified in women who undergo forensic examination.^{4,5,6} The posterior fourchette and the fossa navicularis appear to be most frequently injured (See Figure 1: Female Genital Landmarks).

If ano-genital injury is present, it should be clearly documented using standard accepted descriptive terminology for classifying wounds (See Table 8).

Injury, or its absence, should always be interpreted within the broad context of each individual case.² Consideration must be afforded to all factors that can influence the presence or absence of injury. In addition to the mechanism of injury and the provided history, other factors include pre-existing skin disease, blood

disorders, anti-clotting medications, previous FGM, ano-genital injury or episiotomy injury that pre-dates the incident (e.g. bruising from contact sports), and so forth.

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2:11.1 Role of Colposcopy for Adult Patients in Sexual Assault Forensic Examination

The potential advantages of colposcopic examination include provision of a light source, magnification and the ability to obtain photo documentation.⁴ It is known that colposcopy increases the rate of detection of injury after both consensual and non-consensual intercourse, particularly if it is carried out within 48 hours of intercourse. There continues to be discussion on the evidential significance of ano-genital findings at sexual assault forensic examination, and the increased identification of genital injury when colposcopy is used, which does not precisely define the aetiology of that injury.^{5, 1,2} Colposcopy is not currently in routine use for examination of adults in Irish SATUs. The use of colposcopy differs in accordance with paediatric patients in sexual assault forensic examinations. Other factors that need to be considered if routine use of colposcopy is to be explored, include acquisition and storage of equipment and images, maintenance and de-contamination of equipment, training of relevant personnel and data protection of acquired images.⁶

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2:12 Non-Fatal Strangulation

Assessment of Non-Fatal Strangulation

Strangulation refers to asphyxia¹ caused by direct external pressure on the neck, a constricting band (ligature) or arm (sleeper hold or chokehold).^{1,2,3,4} Non-fatal strangulation (NFS) is surviving an episode of strangulation.² However, the possibility of severe injury, both immediate and delayed, taking hours or weeks to become apparent, has resulted in NFS being recognised as a serious assault that can lead to death or permanent disability.^{1,2,3,4,5} NFS has implications for clinical practice within the SATU and the wider Sexual Assault Response Team.

Local policies, referral pathways and risk assessments aligned to international best practice⁶ and legislative frameworks⁷ should be developed in collaboration with Emergency Departments and/or ENT Departments and An Garda Síochána in responding to this type of assault.⁸

Strangulation Assessment Tool (adapted from the Training Institute on Strangulation Prevention). ⁶		
Signs	Symptoms	Checklist
<ul style="list-style-type: none"> • Red eyes or spots (Petechiae) above the point of compression • Neck swelling • Nausea or vomiting • Unsteady • Loss or lapse of memory • Urinated • Defecated • Possible loss of consciousness • Ptosis – droopy eyelid • Droopy face • Seizure • Tongue injury • Lip injury • Mental status changes • Voice changes 	<ul style="list-style-type: none"> • Neck pain • Jaw pain • Scalp pain (from hair pulling) • Sore throat • Difficulty breathing • Difficulty swallowing • Vision changes (spots, tunnel vision, flashing lights) • Hearing changes • Light headedness • Headache • Weakness or numbness to arms or legs • Voice changes 	<p>Safety. Ensure the patient is safe.</p> <p>Trauma. The patient is traumatised. Provide sensitive, non-judgmental care.</p> <p>Reassure and Resources. Reassure the patient and ensure psychological support is available.</p> <p>Assess. Assess the patient for signs and symptoms of strangulation and traumatic brain injury</p> <p>Notes. Precisely and accurately record the account of the events and document all findings.</p> <p>Give. Provide an information leaflet about delayed consequences and information on who to contact in the event of delayed signs and symptoms.</p> <p>Loss of Consciousness. Patients may not remember. Have a lapse of memory? Change in location? Urination? Defecation?</p> <p>Encourage. Encourage patient to go for further medical attention if medical instability exists.</p>

- During direct questioning, if the patient reports ‘throat’ as a location of restraint, perform a strangulation risk assessment.
- Patients may report no signs or symptoms during initial attendance at SATU. However, internal injury and/or delayed consequences may take some time to present.^{2,3,4,5,3}
- The patient may develop delayed swelling, haematoma, voice changes, displaced laryngeal or hyoid fractures, obstructed airway, stroke or even delayed death from a carotid dissection, blood clot, respiratory complications or anoxic brain damage.⁹
- The patient may develop delayed cognitive/psychological outcomes, and in pregnancy there is an increased risk of miscarriage.³
- Patients who are pregnant and/or patients who present with a history of loss of consciousness, loss of bladder or bowel control, vision changes, petechial haemorrhage, breathing difficulties or

swallowing difficulties should be referred to the Emergency Department and where applicable; Maternity Emergency Room for further assessment.⁷

- Following NFS, a CT angiography of the carotid/vertebral arteries or a CT neck with contrast or an MRI of neck and brain is strongly recommended.⁷

KEY POINTS: Non-Fatal Strangulation



KEY POINTS

- If the patient reports 'throat' as a location of restraint, perform a strangulation risk assessment using the Strangulation Assessment Tool.
- Patients may refer to strangulation using other terms like "choking", "pressure on my neck", "throttling" or "I couldn't breathe"- determine what the patient means by these terms.⁶
- Arrange photo-documentation with An Garda Síochána where relevant. Document and photograph additional potential injuries such as petechiae in and around the eyes, inside the mouth, behind the ears and the scalp.
- Depending on the patient's brief account and where relevant, inform An Garda Síochána about potential items at the scene of the incident such as a ligature or instrument that may have been used, broken fingernails.
- Ensure episodes of strangulation are noted in legal report.
- A Tusla referral should be made where the alleged perpetrator is an intimate partner/ex-intimate partner and a concern exists that a child is or may be at risk.
- Provide an information leaflet about delayed consequences and information on where to go and who to contact in the event of delayed signs and symptoms.

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2:13 Classification and Documentation of Wounds and Injuries

Any wound or injury should be clearly documented using standard accepted descriptive terms.^{1,2} The presence of areas of tenderness should also be documented.

Table 8: Standard Descriptive Terms for Classifying Wounds^{1,2} (adapted)

<p>Abrasion</p>	<p>Defined as: <i>superficial injuries to the skin caused by the application of blunt force.</i></p> <p>Produced by a combination of contact pressure and movement applied simultaneously to the skin.</p> <p>Different types of abrasions subdivided as:</p> <ul style="list-style-type: none"> • Scratches. • Imprint e.g. pattern of the weapon leaving imprint abrasion on the skin. • Friction e.g. grazes from contact with carpet or concrete.
<p>Bruise</p>	<p>Defined as: <i>an area of haemorrhage beneath the skin</i></p> <p>Bruising follows blunt trauma; the discolouration is caused by blood leaking from ruptured vessels. The site of the bruise is not necessarily the site of the trauma and may not necessarily reflect the shape of the weapon/s. Some bruises may bear features that may well assist in their interpretation.</p> <ul style="list-style-type: none"> • Bite marks: Oval or circular bruises with a pale central area. • Fingertip bruises: Caused by the forceful application of fingertips. Usually appear as 1 – 2 cm round shaped clusters of three to four bruises. There may also be a linear or curved abrasion from contact with fingernails. • Patterned (imprint) bruises: Occurs when a bruise takes on the specific characteristics of the weapon used (e.g. the sole of a shoe). Clothing imprints may also occur. • Petechial bruises: Pinpoint areas of haemorrhage and are caused by the rupture of very small blood vessels. Usually seen on the face, scalp or eyes after neck compression. • Trainline bruises: These are parallel linear bruises with a pale central area produced by forceful contact with a linear object (e.g. stick or a baton) (See also 2:13.1 Bruising).

Table 8: Standard Descriptive Terms for Classifying Wounds^{1,2 (adapted) (Cont.)}

Laceration	<p>Defined as: <i>ragged or irregular tears or splits in the skin, subcutaneous tissues or organs resulting from blunt trauma. (e.g. trauma by impact)</i></p> <p>Characteristics of a lacerated wound:</p> <ul style="list-style-type: none"> • Ragged, irregular or bruised margins, which may be inverted. • Intact nerves, tendons and bands of tissue within the wound. • The presence of foreign material or hair in the wound. <p>The shape of the laceration may reflect the shape of the causative implement.</p>
Incised wounds	<p>Defined as: <i>injuries produced by sharp edged objects whose length is greater than their depth.</i></p> <p>May be produced by a knife, razorblade, scalpel, sword or glass fragment. Characteristics of an incised wound:</p> <ul style="list-style-type: none"> • Borders: sharply defined edges. • Surrounds: minimal damage. • Blood loss: variable, often profuse. • Contents: rarely contaminated.
Stab wounds	<p>Defined as: <i>incised wounds whose depth is greater than their length on the skin surface.</i></p> <p>Important points to note:</p> <ul style="list-style-type: none"> • The degree of penetration and depth of resulting stab wounds are affected by a number of factors, including: <ul style="list-style-type: none"> • the amount of force delivered; • the robustness of protective clothing; • the sharpness of the tip of the blade; • tissue resistance and any movement of the victim.
Scab	<p>Defined as: <i>a hard crust of dried blood, serum or pus that develops during the body's wound healing process over a sore, cut or scratch.</i>³</p>

Each wound or injury should be accurately and completely recorded in the documentation (See Table 9). Outline body maps are a useful aid in documenting any injury noted. It is impossible to age most injuries accurately. The best that can be stated is that the colour or state of healing of the injury is consistent with it having occurred at the time of the alleged incident.⁴

Table 9: Documenting and Describing Features of Physical Injuries and Wounds^{1, 2 (adapted)}

Site	Record the anatomical position of the wound (reference to the nearest bony point can be helpful). ⁴
Size	The dimensions of the wound(s) should be measured.
Shape	Describe the shape of the wound(s) (e.g. linear, curved, irregular).
Surrounds	Note the condition of the surrounding or the nearby tissues (e.g. bruised, swollen).
Colour	Observation of colour is relevant when describing wounds e.g. bruises.
Course	Comment on the apparent direction of the force applied (e.g. in abrasions – horizontally; vertically; obliquely).
Contents	Note the presence of any foreign material in the wound (e.g. dirt, glass).
Age	<p>Comment on any evidence of healing.</p> <p>Note: Accurate ageing is impossible and great caution is required when commenting on this aspect.^{1, 2, 4}</p> <p>Note: Scars which predate the incident should be described and noted in the documentation and on the legal report.</p>
Borders	The characteristics of the edges of the wound(s) may provide a clue as to the weapon used.
Classification	Use standard descriptive terminology wherever possible (See Table 8).
Depth	Give an indication of the depth of the wound(s); this may have to be estimated.

Injuries Caused by Teeth: Bite Marks

- Swab the affected area^{1,2,3} where saliva may be deposited using the double swab technique.²
- Measure and record a full description and record also on body maps.
- Liaise with Garda Photographer.^{2,3}
- An odontologist's opinion may be considered if appropriate.

Management

A wide range of pathogens may infect bites; the risk of infection increases with puncture wounds, hand injuries, full thickness wounds and those involving bones, tendons and ligaments.² Therefore referral to the relevant emergency services may be required. Wound irrigation is recommended, and antibiotics may need to be considered. Tetanus (See 2:17.1) and Hepatitis B immunisation status of the patient should be established.² (See section 4:2.2)

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2:13.1 Bruising

The colour of a bruise can be red, blue, black, purple, yellow, brown, orange or green.^{5, 6} A mixture of different colours can appear in the same bruise at the same time.⁵ Furthermore, the colour of individual bruises can change over time. A systematic review with regard to bruising in children, updated in 2013, concluded that it is not possible to accurately age a bruise by examination with the naked eye *in vivo* or by viewing a photograph.⁷ Similarly, a study in older adults concluded that it is not possible to reliably predict the age of a bruise by its colour.⁸

Forensic experts are frequently asked to comment on the age of bruising, where interpretation may have significant medico-legal consequences.⁹ A recent study assessed whether the number of years of forensic experience affected the accuracy with which 'forensic experts' were able to age bruises. The study concluded that the visual assessment of bruises is unreliable, and the accuracy of ageing was not improved by the degree of forensic experience.¹⁰ Another systematic review that was limited to patients in the age group 0-18 years reported that 'a bruise cannot accurately be aged from clinical assessment *in vivo*, or from a photograph.' The review concluded that ageing of a bruise from its colour has no scientific basis.¹¹ Bruise-age-estimates from photographs, by forensic experts, have been found to be unreliable⁹ and are now considered to be 'highly inaccurate.'¹²

When assessing a bruise, the forensic examiner should document the individual characteristics of each bruise. This may include its size, shape, location, colour(s), distinction of margins, and whether it is indurated or tender.¹³ If the patient is able to provide a history in relation to the bruise, then the explanation should be noted verbatim.¹⁴ On occasion, bruising may have a 'patterned imprint,' which may be representative

of characteristics of the weapon or object used e.g. handprint, or a loop or belt print.^{12,13} It is also the case that there may be multiple bruises, that when examined as a whole, may demonstrate a 'pattern of injury,' (e. g. a history of being forcibly grasped may be consistent with a finding of finger-tip bruising, which is evident as a group of ovoid bruises, caused by the fingers, with a single 'thumb' mark).^{13,15} In all cases, it is important to consider bruising in the context of the history provided and, in particular, whether the bruising is consistent with the history.

Points worth noting:

- It is not possible to accurately age a bruise by visual inspection.⁶
- There are many variables that could potentially affect the ability to estimate the age of a bruise⁶ and indeed bruising may be difficult to discern in deeply pigmented skins.^{14,16}
- Neither the colour nor the progressive changes in colour are reliable indicators of the age of bruises.¹²
- Different colours can appear in the same bruise at the same time,^{5, 14} and all bruises do not go through every colour change.^{7,14}
- Some people detect the colour yellow less well than others, with observation limited by the physiology of the human eye.^{6,14}

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2:13.2 Female Genital Mutilation (FGM)

Definition: The partial or total removal of the external female genitalia, or any practice that purposely alters or injures the female genital organs for non-medical reasons.^{1, 2, 3} The practice is internationally recognised as a human rights violation of women and girls.^{2, 3}

Women may not be able to correctly self-identify the specific type of FGM that they have experienced. The following WHO classification¹ is useful in terms of documentation (See Table 10). Alternatively, clinicians may prefer to clearly document anatomical changes identified at examination if classification is difficult.

Table 10: WHO Classification of FGM 2008

Type I	Partial or total removal of the clitoris and/or the prepuce (clitorectomy).
Type II	Partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora (excision).
Type III	Narrowing of the vaginal orifice with creation of a covering seal by cutting and appositioning the labia minora and/or the labia majora, with or without excision of the clitoris (infibulation).
Type IV	All other harmful procedures to the female genitalia for non-medical purposes, e.g. pricking, piercing, incising, scraping and cauterisation.

For further sub-divisions of typology: [https://www.who.int/teams/sexual-and-reproductive-health-and-research-\(srh\)/areas-of-work/female-genital-mutilation/types-of-female-genital-mutilation](https://www.who.int/teams/sexual-and-reproductive-health-and-research-(srh)/areas-of-work/female-genital-mutilation/types-of-female-genital-mutilation)

A specialised clinic offering care and support to women who have experienced FGM is held in Dublin. Information relating to the service can be found at:
<http://www.ifpa.ie/Sexual-Health-Services/FGM-Treatment-Service>

Further information for clinicians can be found in the World Health Organisation 2018 publication 'Care of Girls and Women living with Female Genital Mutilation – A Clinical Handbook'⁵

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2:14 On Completion of the Forensic Evidence Collection

On Completion of the Forensic Evidence Collection:

The Sexual Offences Examination Kit and Form

- Double gloves are worn until the tamper evident bag is sealed.
- Check each sample is correctly labelled.
 - o Patient's name.
 - o Sample location from the sticker contained within the kit e.g. endocervical.
- Each sample is signed by the Forensic Clinical Examiner.
- All specimens are packed and sealed in the tamper evident bag provided in the kit by the Forensic Clinical Examiner (except toxicology specimens).
- The Forensic Clinical Examiner seals, dates and signs the tamper evident bag in the presence of the Garda, and then hands over the sealed evident bag over to the Garda.
- The Garda also dates and signs the tamper evident bag in the presence of the Forensic Clinical Examiner.
- All relevant information should be completed on the form by the Forensic Clinical Examiner and the form is signed and dated.
- The form is attached to the outside in a sealed bag, with the patient's name, DOB and the date of examination on the outside.
- No unused Forensic Kit Item packed back in the evident bag.

Samples for Toxicology

- Samples are labelled as above, the date and time of the specimen was taken is recorded on all toxicology samples.
- Keep the toxicology specimens separated from the Sexual Offences Examination Kit i.e. they are not packaged together.
- The forensic clinical examiner seals, dates and signs the tamper evident toxicology bag in the presence of the Garda and then, hands over the sealed evident bag to the Garda.
- The Garda dates and signs the tamper evident toxicology bag in the presence of the Forensic Clinical Examiner
- The Sexual Offences and Toxicological Kits should be transported to Forensic Science Ireland, as soon as possible, by a member of An Garda Síochána, but in the interim the Kits should be kept in a fridge in a secure location.
- **Both tamper evident bags and the form for the Sexual Offences Examination Kit are submitted via the Gardaí to Forensic Science Ireland.**

2:15 Photographic Evidence

Written documentation does not always describe an injury or finding adequately. In certain circumstances, photographs may be a more appropriate way of conveying the extent and impact of injuries and as a way of supporting the documented findings. If the Forensic Clinical Examiner, in consultation with the patient and the Garda, feels that the use of photographs will be of benefit to the case, then following informed consent, photographs may be taken. Photo documentation of injuries can offer great benefit in assisting patients and the criminal justice system by enhancing and reinforcing the written description and body maps used in the patient's chart².

Consent to Photographic Evidence

Prior to photographic evidence being taken, the patient must give written consent and must be fully aware that the photographs may be shown in any subsequent court proceedings; this means the Defence team may have access to any photographs. This is of particular relevance for photographs taken of the genital area.

Who Takes the Photographs?

Where possible the person who takes photos should be a Garda Photographer. This also supports safe practice with regard to continuity and storage of evidence. The details of the Garda Photographer local to the SATU should be available in that SATU. The request for photography should be recorded in the patient record. If a Garda Photographer attends the SATU, their details are recorded in the patient's documentation.

Where a Garda Photographer is not available or not appropriate, some SATUs may choose to have local arrangements for photographic evidence. In this situation, in order to support safe practice with regard to continuity and storage of evidence, it is vital that the chain of evidence is maintained, and all images are

stored in a safe manner. Consideration must be given to the provision of appropriate training to address the relevant issues in the taking of photographs.

The Future

Internationally, the area of photographic evidence is advancing on many fronts. The area of photographic evidence from the Forensic Clinical Examiner perspective will continue to be reviewed.

KEY POINTS: Photographic Evidence



KEY POINTS

Take photographs if:

- They would be relevant to convey the extent and impact of any injuries.

Taken following:

- Consultation with patient and Gardaí.
- The patient's consent.

Who Takes the Photographs?

- If possible a Garda Photographer, if available and appropriate. In certain circumstances with the appropriate structures in place, it may be appropriate for SATU staff to take the photographs.
- The details of the local Garda Photographer should be available in the SATU.

Record in the Patient Documentation:

- If a Garda Photographer is requested to attend SATU.

2:16 Care of the Patient

- Offer the patient a shower and a change of clothing after the examination.
- Emergency contraception (See 2:18).
- Wound management and Tetanus Immunisation (See 2:17).
- STI infection prophylaxis for bacterial infection (See 4:2.1).
- Hepatitis B post-exposure prophylaxis (PEP) (See 4:2.2).
- Assessment for HIV PEP (See 4:2.3).

Referral, Follow-up Care and Discharge Planning

- Referral, follow-up care and discharge planning (See 2:19).
- STI Treatment at SATU 4:4.
- Information regarding counselling re: Rape Crisis Centre (See section: 3:5).

2:17 Wound Management

Assessment of the wound should be carried out by the Forensic Clinical Examiner. Minor wounds that do not require closure or specialist referral should be treated in accordance with best practice for wound care¹.

2:17.1 Tetanus Infection

Tetanus is an acute, potentially fatal disease characterised by muscular rigidity and intermittent spasms². Tetanus is caused by the spore forming bacteria *Clostridium Tetani*. The spores are present in the environment worldwide and can contaminate wounds and abrasions. Individuals not fully vaccinated against tetanus are at risk of the disease. If the bacteria enter the body through a wound, they can multiply and release a toxin that affects the nerves causing symptoms such as muscle stiffness and spasms².

Tetanus is the only vaccine-preventable disease that is noncommunicable (not spread from person to person).

Effective protection against Tetanus is achieved in 90-95% of those who are fully vaccinated. Protection declines with time and age after vaccination; up to 50% of 20 year olds and up to 70% of 70 year olds who have not received boosters within 10 years may be unprotected against Tetanus. Naturally acquired immunity does not occur. Individuals with impaired immunity may be at risk, regardless of their immunisation status.

Assessment should be individualised and on a case-by-case basis. A Tetanus toxoid booster should be considered if the wound poses a risk of tetanus³ e.g.

- Contaminated with soil, faeces, saliva or foreign bodies.
- Puncture wounds, avulsions, burns or crush injuries.
- Wounds or burns requiring surgical treatment which is delayed for more than 6 hours.

NB. Occasionally apparently trivial injuries can result in tetanus². Check the patient's tetanus immunisation status; if appropriate follow the Immunisation Guidelines for Ireland².

NB. Staff administering vaccinations (Tetanus or Hepatitis B) are required to have completed up to date training in Basic Life Support and anaphylaxis.

Staff should be familiar with the following documents

- A. Immunisation Guidelines for Ireland, 2016. <http://www.immunisation.ie/en/HealthcareProfessionals/ImmunisationGuidelines/>
- B. Summary of Product Characteristics (SmPCs) for each of the vaccines available at www.imb.ie or www.medicines.ie

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2:18 Emergency Contraception (EC)

Sexual assault may place women of reproductive age at risk of unwanted pregnancy.¹ Although little research exists, the pregnancy rate after rape has been estimated at 5% among those of reproductive age, if EC is not used.^{1, 2} EC measures should therefore be discussed with all women who attend a SATU for evaluation.³ Where advice is sought and SATU care is declined but EC recommended, patients should also be advised of the free contraception scheme which includes emergency contraception for which they may be eligible **KPI**ⁱ.

The most suitable method of EC will depend on the patient characteristics, the time that has elapsed since the assault and the timing of any unprotected consensual intercourse.⁴ EC is offered as soon as possible after exposure, to maximise effectiveness.^{1, 5} In general, EC is effective and well-tolerated, although women should be advised that no contraceptive method is 100% reliable.^{1, 4} Oral EC is unlikely to be effective if ovulation has already taken place. If vomiting occurs within three hours of oral EC administration, a repeat dose may be required. If available/acceptable, it is recommended that all women are offered a copper-IUD if within the appropriate timeframe, as this is the most effective method of emergency contraception.²¹

2:18.1 Emergency Contraceptive Pill (ECP): Ulipristal Acetate

Ulipristal acetate (UPA) is licensed for use in Ireland as emergency contraception for use within 120 hours (5 days) of unprotected sexual intercourse or contraceptive failure.^{9, 10, 11} UPA has been demonstrated to be more effective than Levonorgestrel (LNG) from 0-120 hours after unprotected sexual intercourse (UPSI). There is no significant reduction in the efficacy of UPA as increasing time elapses from the UPSI. In addition, UPA can delay ovulation even after the start of the LH surge (a time when LNG is no longer effective). Therefore, UPA should be considered for all female patients who present to the SATU within 120hrs (5 days) of unprotected intercourse²¹.

There is evidence that UPA is not effective if it is taken after ovulation has occurred²¹. Furthermore, many women who take UPA will go on to ovulate later in the cycle. It is important that women are made aware of this so they can choose whether they consider longer term reliable contraception to be needed. Local medication protocols for the supply and administration of UPA should be followed, and patients should be provided with the appropriate information.

Key Performance Indicator

ⁱ **KPI**: % of female patients who present within 120 hours and appropriately received emergency (EC) contraception.

Dose of UPA: A single dose of UPA 30mg tablet is given orally.⁹

Contraindications and Precautions associated with UPA

- UPA should not be used in women who have severe asthma that is controlled by oral glucocorticosteroids.
- “Ella One” contains lactose.
- There is an absence of safety data regarding the use of UPA in hepatic impairment.
- Breastfeeding women may wish to consider expressing and discarding milk for seven days following administration of UPA.
- If BMI is >26 or weight is >70kg, the efficacy may be reduced although this is poorly studied. Unlike when using LNG, the dose should not be doubled.

The following are no longer contraindications to the use of UPA

- A woman who has already taken EC during the cycle can receive UPA if indicated (although she should not receive UPA if she has received LNG in the previous 7 days)
- A woman who has had other episodes of UPSI can receive UPA

Drug Interactions relevant to UPA

- Hormonal contraception–
 - **After UPA:** the effectiveness of UPA could be reduced by immediate subsequent use of hormonal contraception or any medication that contains progesterone. Therefore hormonal contraception should be held/should not be commenced for 5 days after the woman has taken UPA. Also, a woman who has another episode of UPSI within 5 days of taking UPA should not be given Levonorgestrel. In this situation, an additional dose of UPA or consideration of the copper IUD would be preferable alternatives.
 - **Before UPA:** the effectiveness of UPA could theoretically be reduced by any progesterone-containing medication, such as hormonal contraception or Levonorgestrel, that is taken in the 7 days prior to administration of UPA.
- Liver-enzyme inducing drugs can increase the metabolism of UPA thereby rendering it less effective. A double dose of UPA is NOT recommended.
- Drugs that increase gastric pH – lower doses of UPA have had their pharmacokinetics altered when esomeprazole is used. The clinical significance of this interaction for single administration of UPA for EC is unknown.

2:18.2 ECP Levonorgestrel

Levonorgestrel is not licensed for use after 72 hours, and the evidence suggests that it is ineffective if taken more than 96 hours after unprotected sexual intercourse (UPSI)²¹. Although it is not licensed beyond 72 hours, it may therefore be of value up to 96 hours post UPSI if other methods of EC are contraindicated or unavailable. Local medication protocols for the supply and administration of the ECP LNG should be followed, and patients should be provided with the appropriate information. LNG taken after the LH surge is likely to be ineffective. The evidence suggests that LNG administered after ovulation is not effective.

Dose of LNG: A single dose of one LNG 1.5 mg tablet is given orally. Occasionally an unlicensed dose of 3mg may be considered for some of the considerations outlined below.

Contraindications and Precautions associated with LNG²¹

- LNG is less likely to be effective in women whose BMI > 26 and whose weight is > 70 kg. Double dose of LNG (3mg) should be considered in these cases.
- The SPC for Levonelle states that it is not recommended for women with severe hepatic dysfunction.
- Many preparations of LNG contain lactose.
- If a woman has received UPA in the previous 5 days, LNG should not be administered.

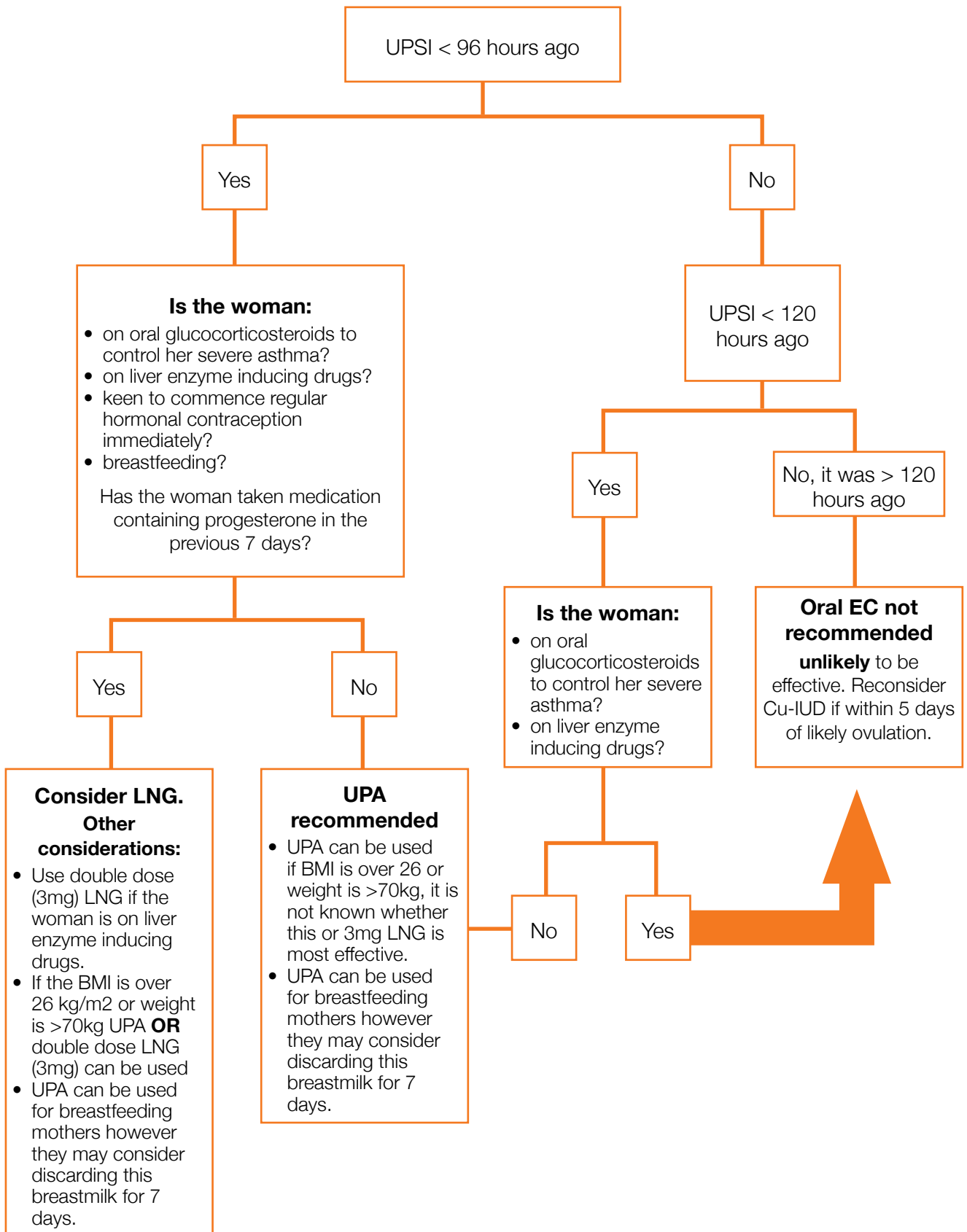
Drug Interactions Relevant to LNG

- Hormonal contraception – suitable hormonal contraception can be commenced immediately after taking LNG. If a woman desires to commence hormonal contraception immediately, and UPSI is unlikely to have occurred during her fertile period, the option of using LNG with immediate commencement of hormonal contraception would be preferable to UPA and delayed commencement of contraception.
- Liver-enzyme inducing drugs can increase the metabolism of LNG thereby rendering it less effective. A double dose of LNG (3mg) can be considered; however women should be advised that the effectiveness of this regimen is unknown. The Cu-IUD would be more effective in this scenario. Examples of enzyme-inducing drugs are outlined below.

2:18.3 Deciding which Oral Emergency Contraception to Prescribe (adapted from FSRH21)

All women should be informed that the Cu-IUD is the most effective form of EC. If this is not available or not acceptable, or an appointment for same is awaited, oral EC should be used.

Figure 3: Emergency Contraception Care Pathway



Key Performance Indicator

ⁱ KPI: % of female patients who present within 120 hours and appropriately received emergency (EC) contraception.

2:18.4 Insertion of Copper Intrauterine Device

Insertion of a copper-containing intrauterine contraceptive (Cu-IUD) device is the most effective method of preventing pregnancy^{12, 13, 14, 15, 21} and should be considered for all women who present within 5 days (120 hours) of UPSI or who present later than 120 hours after UPSI but whose earliest likely date of ovulation is 5 days ago or less. The Cu-IUD is the only method of EC that is effective after ovulation has taken place. It also has the advantage of providing effective ongoing contraception. It is not affected by BMI or by other drugs.

Each SATU should develop local pathways to facilitate patient access to Cu-IUD. All women being referred onwards for insertion of Cu-IUD should be given oral EC at the time of referral (unless contraindicated) in case of failed insertion of the Cu-IUD or the woman changes her mind.

Contraindications and Precautions associated with Cu-IUD²¹

- The contraindications to insertion of Cu-IUD for EC are similar to those for routine insertion.
- Breastfeeding – the risk of uterine perforation during insertion of a Cu-IUD is slightly higher when a woman is breastfeeding.
- The Cu-IUD should be inserted after the forensic examination has been performed.
- Antibiotic cover for STI should be considered if a woman opts for Cu-IUD insertion after sexual assault.

Table 11: Time Frames for Emergency Contraception

METHOD	TIME FRAME
Single dose of Levonorgestrel 1.5 mg. (one tablet) orally	As soon as possible within 72 hours. ^{1, 5} Some evidence suggests value up to 96 hours but the efficacy is uncertain and it is not licensed for use after 72 hours. ^{1, 7, 8}
Ulipristal acetate 30mg (one tablet) orally	Within 5 days (120 hours) of unprotected intercourse. ^{10, 11}
A copper containing intra-uterine device	Within 5 days (120 hours) of unprotected intercourse or whose UPSI was over 120 hours ago but the earliest likely day of ovulation is 5 days ago or less. ^{13, 14, 15}

2:18.5 Liver Enzyme-inducing Drugs¹²

Women taking liver enzyme-inducing drugs (or who have stopped within the last 28 days) should be advised that a Cu-IUD is the only method of EC not affected by these drugs.

Women taking liver enzyme-inducing drugs (or who have stopped within the last 28 days), and who decline or are not eligible for a Cu-IUD (or indeed if it is not possible to access a Cu-IUD), should be advised to take a dose of 3 mg LNG (e.g two Levonelle tablets) as soon as possible within 120 hours of exposure (outside the product licence).

Examples of liver enzyme inducing drugs include:

- Anti-epileptics such as carbamazepine, phenytoin, topiramate
- Anti-depressants such as St. John's Wort
- Antibiotics such as rifampicin and rifabutin
- Antiretrovirals – use www.hiv-druginteractions.org to check for interactions. Of note the drugs currently used for PEPSE, Truvada® and Raltegravir are NOT enzyme inducers.

Women taking liver enzyme-inducing drugs should be advised not to use UPA during or within 28 days of stopping treatment.

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2:19 Referrals, Follow-up Care and Discharge Planning

2:19.1 Referrals

All SATUs should have a system in place whereby patients have access to a broad range of services/expertise which is immediately available, if the need arises e.g. Emergency Departments, Gynaecology and Mental Health services¹ (See Box 10). Some of these needs are identified at the time of the Forensic Clinical Examination, whereas others may become apparent during the follow-up examinations. The examiner will use professional judgement and in consultation with the patient and/or parent/guardian, make the decision regarding appropriate referrals for support and care. This may include wound care, vaccinations (Tetanus, Hepatitis B vaccine) prevention and/or treatment of short and long term health problems. Referral is discussed with the patient and clearly documented in the SATU chart.

Box 10: Possible Follow-up Referrals

- Services/expertise from other services e.g. Emergency Department, Gynaecology, Mental Health Services and/or specialist services e.g. Spirasi, Irish Family Planning Association FGM Treatment Service.
- Follow up appointment or referral for STI screening (See 4:3).
- Psychological support services (See 3:3).
- For a patient under the age of 18 years, Children First² referral procedures must be followed.
- Social worker referral of vulnerable persons if appropriate (See 2:19.2).
- GP and/or other Primary Health Care Professionals (See 6:1).

2:19.2 Tusla Referrals

A Social Services referral is made for any person who may benefit from Social Services support and intervention. Each SATU should have local referral arrangements in place in conjunction with the local Child and Family Agency. The key aim of the Child and Family Agency (Tusla) and Children First Guidance is to promote the safety and wellbeing of children. For a person under the age of 18 years who attends SATU, Children First referral procedures² must be followed (**KPI**)ⁱ. All mandated persons have a legal obligation to:

- Report harm of children to Tusla.
- To assist Tusla if requested in dealing with a concern.

If the child is in imminent risk of harm, An Garda Síochána should be contacted, and emergency or out-of-hours Social Services should be contacted.

This may be facilitated via local arrangements between the SATU and local emergency Social Work services and/or An Garda Síochána.²

Referrals should also be sent for children who may be indirectly affected by an adult's attendance in SATU e.g. where a child has witnessed a sexual assault, alcohol and drug use in the home, children of patients with mental health concerns, or any child identified as being at risk by a perpetrator of sexual violence. Particular patients e.g. vulnerable adults, patients in a vulnerable situation, or belonging to a marginalised group, such as people who are homeless, should be referred to the appropriate Social Services Department, where indicated.⁴ If the patient has previously been attending Social Services, then with the patient's permission, the referral is made through their allocated Social Worker, to facilitate continuity of care.

Retrospective abuse, also known as historical abuse refers to abuse that an adult experienced during their childhood. The HSE Child Protection and Welfare Policy, requires that all staff members, students and volunteers must make a report to Tusla when an adult discloses past harm suffered as a child. Section 14 (1) of the Children First Act, 2015 makes it a legal obligation for a Mandated Person to report concerns that reach the threshold of 'harm'. This requirement falls within mandatory reporting obligations for Mandated Persons specified in Schedule 2 of the Act.

Key Performance Indicator

ⁱ **KPI:** % of patients less than 18 years of age who had a referral made to the Child and Family Agency (Tusla) at the first SATU visit.

It is not a requirement to have the consent of the person who has made the disclosure, and does not require that the identity of the person alleged to have perpetrated the abuse be known before making a report. It is the role of Tusla to assess such reports to determine whether there is a risk to a current child or children.

If concerns exist regarding domestic violence/interpersonal violence,^{5, 8} it is vital that as well as being provided with a place of safety if required, the patient should also be given information about their local support services.^{6, 7, 8} A full list of national and local services available in Ireland can be accessed from the Cosc website www.cosc.ie. In the situation where children may be at risk, Children First Guidance² must be adhered to. It is also recommended that the contact telephone number of the Garda Station proximate to the SATU, as well as the telephone number of the patient's local Garda Station be made available. A full list of Garda Stations is available at www.garda.ie

Where there are concerns of elder abuse, the HSE Elder Abuse guidelines⁵ should be consulted and followed. If the alleged perpetrator of the abuse is a member of the Health Services Executive staff, the document 'Trust in Care'⁹ gives policy guidance for the procedures to be followed.

2:19.3 Follow-up Care

Appropriate follow-up care is arranged depending on individual patient needs and local services. For Sexually Transmitted Infection follow-up, see 4:3 (KPIs)ⁱ.

2:20 Discharge

On completion of care in SATU, the patient should be discharged to a safe environment (KPI)ⁱⁱ, ideally accompanied by a family member, guardian, friend or support person.^{1, 3, 10} Consent to contact the patient to remind them of future appointments etc. should be confirmed and documented prior to discharge.

(See Box 11 for discharge information which is given to the patient.^{11, 12})

When the Forensic Clinical Examiner has completed all the documentation, if the patient wishes, they can return to the waiting area to spend additional time with the Psychological Support Worker and/or family/friends. Tea/coffee is offered. When the patient and Garda (if present) are ready, they leave SATU prior to SATU staff leaving.

2:20.1 Patient Feedback Mechanism

An anonymous patient feedback mechanism exists, whereby the patient is given a feedback form (usually at the follow-up visit). If the patient wishes to participate in giving feedback regarding the care they received, they may deposit the completed feedback form in a designated collection box, or give their feedback on-line at www/hse/satu.ie/feedback

Key Performance Indicator

ⁱ **KPI:** % of patients who attended the SATU who were given an STI review appointment.

ⁱⁱ **KPI:** % of patient SATU documentation completed, with regard to safety of home environment, after the first SATU visit.

Box 11: Discharge information given to the patient:

1. Patient Information Leaflet which should include:
 - Date of attendance.
 - Tests/procedures performed.
 - Medications given.
 - Follow-up appointment date and time, and what will take place at that appointment.
 - Contact details for SATU, Gardaí and psychological support as relevant.
2. Instruction on the care of any injuries.
3. Medication instructions, if applicable.
4. Referral letter, if applicable.
5. Information re: Tusla referral as per Children First Guidance².
6. If the patient consents, a letter is provided for the GP.
7. Letter for work, college, school, if required.
8. Phone number and printed information leaflet from psychological support.
9. Relevant information leaflets specific to the individual patient's needs, e.g:
 - Domestic Violence.^{6, 7, 8}
 - Interpersonal Violence.
 - Drug and Alcohol programmes.¹¹
 - Personal Safety Awareness programmes.¹²

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2:21 Legal Report Writing

The Forensic Clinical Examination report should be dictated/typed as soon as possible after the Forensic Clinical Examination. A legal report template, covering all the salient points may be useful (See Appendix 2: SATU Legal Report Template).

2:21.1 Responding to an Additional or Alternative Opinion

In circumstances where an additional or alternative opinion is sought by the defence, or occasionally, the prosecution, the Forensic Clinical Examiner, who carried out the original examination and produced the medico-legal report:

- Will be furnished with a copy of the additional or alternative opinion.
- May be asked for their opinion on the additional or alternative opinion.
- The original Forensic Clinical Examiner's further opinion may then become particularly important, sometimes explaining or indeed changing the opinion they gave in their original report.
- The Forensic Clinical Examiner responds with their comment on the findings and the academic content in the additional or alternative report, focusing always on the relevance to the particular case.
- No new or undisclosed material should be brought by the Forensic Clinical Examiner into court. Any such material e.g. literature etc. that is used in response to the additional or alternative opinion should be disclosed in advance.

Option 3: Collection and Storage of Forensic Evidence Without Immediate Reporting to An Garda Síochána

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Option 3: Collection and Storage of Forensic Evidence Without Immediate Reporting to An Garda Síochána

2:22 Introduction to Option 3

This care pathway (Option 3) allows for the collection and preservation of evidentially valuable forensic samples, in circumstances where the person has yet to decide to report to An Garda Síochána. People aged 16 years and over can now choose to attend a SATU, where they will receive the full package of care, including examination and collection of forensic samples, see section 2:5.1 for special considerations for those aged 16 and 17 years of age. These samples will then be stored in an appropriate facility within the SATU for up to one year with checks in place to ensure continuity of evidence. Over that time, the person can come to an informed decision, regarding whether or not they wish to report the incident to An Garda Síochána. As the evidence will be in secure storage, this can subsequently be released to An Garda Síochána to facilitate detection of the reported crime.

Provision of this reporting option is underpinned by the knowledge that sexual violence is, unfortunately, common in our society.¹ Both the high prevalence, but also the high rates of non-disclosure or delayed disclosure are areas of concern. Any improvements in service delivery that might redress non-disclosure or delayed disclosure is vital, primarily for affected individuals, but also for society as a whole. National strategies from Cosc² and the Health Service Executive (HSE)³ have highlighted the importance of frameworks not only to prevent, but also to appropriately respond to sexual violence.

Reporting to An Garda Síochána is however encouraged. For a possible prosecution to proceed, a complaint must be made to An Garda Síochána. Involvement of An Garda Síochána from the outset provides the greatest potential for gathering the best possible evidence for a successful prosecution. However, the traumatic nature of such incidents can result in the person requiring some time to consider whether or not to make a formal complaint to An Garda Síochána. With a view to gathering the best possible evidence in these circumstances, Option 3 is offered.

Before Option 3 was available, forensic evidence would have been lost if the person chose not to report promptly.⁴ Option 3 allows retention of some forensic samples but delayed reporting to An Garda Síochána may mean that other forensic evidence is lost e.g.

- CCTV may no longer be available.
- Potential witnesses may not be identifiable/available.
- Forensic evidence will be lost from the scene(s) of the incident.

Should a prosecution proceed following the Option 3 pathway, the reason for any delay in reporting the incident to An Garda Síochána will need to be explained by the complainant.

If the incident happened in another jurisdiction, Option 3 is still available, but the evidential value of the samples will be subject to the national law of that jurisdiction. As such, there may be unforeseen restrictions on their probative value.

It is hoped that the provision of Option 3 will increase the rates of reporting of sexual crime; as people who are uncertain about their reporting intentions⁴ will not make a rapid decision not to report the incident, which they may subsequently regret. In Ireland between Jan 2018 and December 2021, 187 patients (5% of total attendances) chose Option 3. Within this cohort, 28% have gone on to report the incident to An Garda Síochána allowing a criminal investigation to proceed. Whilst there is no 'statute of limitation' in respect of serious offences and delayed reporting should therefore not be considered an impediment

to prosecution per se or indeed to affect the credibility of a complainant, there are legal consequences to delayed reporting.

References

1. Magee, *et al.* *The SAVI Report: Sexual Abuse and Violence in Ireland*. Dublin: The Liffey Press in association with Dublin Rape Crisis Centre. 2002.
2. Cosc. The National Office for the Prevention of Domestic, Sexual and Gender- based Violence; Dept. of Justice, Equality and Law Reform (DJELR). *National Strategy on Domestic, Sexual and Gender-Based Violence 2016-2021*. Dublin: Stationary Office. 2010. www.lenus.ie
3. Health Service Executive (HSE) *HSE Policy on Domestic, Sexual and Gender Based Violence*. Dublin. 2010. www.lenus.ie
4. Wolitzky-Taylor, K.B., Resnick, H.S., McCauley, J.L., Amstadter, A.B., Kilpatrick, D.G. and Rugiero, K.L. Is Reporting of Rape on the Rise? A Comparison of Women with Reported versus Unreported Rape Experiences in the National Women's Study Replication. *Journal of Interpersonal Violence*. 2011; 26 (4) pp. 807-832.
5. US Department of Defence. *Report on Sexual Assault in the Military* (No FY07). 2008.

Option 3: Collection and Storage of Forensic Evidence Without Immediate Reporting to An Garda Síochána

- Not reporting to An Garda Síochána* at the initial SATU visit but having:
 - o A Forensic Clinical Examination **without** Garda involvement.
 - o Storage of the Sexual Offences Examination Kit/Toxicology Kit for the defined duration of 1 year (unless a further year is requested in writing by the patient, samples are destroyed).
 - o Contemporaneous medico-legal report to be written and filed confidentially in the SATU (i.e. not issued to An Garda Síochána at this juncture).
- The person has a choice at a later date to make a formal report to An Garda Síochána:
 - o The Sexual Offences Examination Kit/Toxicology Kit and the medico-legal report will then be released to An Garda Síochána (ensuring the continuity of evidence). The medico-legal report will not be released until the kit is collected.

*Subject to statutory reporting requirements e.g. Children First Guidance¹ or Withholding Information Act.²

1. Department of Children and Youth Affairs (2017) Children First – National Guidance for the Protection and Welfare of Children. Department of Children and Youth Affairs, Dublin.
2. Government of Ireland. *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act, 2012*. www.irishstatutebook.ie

2:23 Aim/Objectives/Scope/Service Provision

2:23.1 Aim

The aim of this section of the document is to define best practice for SATUs who offer patients Option 3: Forensic Clinical Examination with collection and storage of evidence without the immediate involvement of An Garda Síochána.

2:23.2 Objectives

To define:

- Best practice criteria for SATUs who offer Option 3.
- Safeguards to protect the patient's confidentiality.
- A framework for quality assurance and quality control.

2:23.3 Scope

The scope of this section of the SATU guidelines covers Forensic Clinical Examination without An Garda Síochána Involvement. The guideline covers all disciplines involved when offering Option 3, including the following key elements:

- Facilitating the choice of option(s).
- Maintaining confidentiality.
- Safe, secure storage of forensic evidence.
- Maintaining continuity of evidence.
- Release of stored evidence and medico-legal report following a formal complaint to An Garda Síochána.
- Destruction of stored evidence when the time frame for storage has lapsed, or on the patient's explicit instructions.
- Outlining specific staff roles and responsibilities.

2:24 Who Can Avail of Option 3?

- Any person aged 16 years of age or over who has the capacity to make these decisions and who presents within 7 days of the incident. **See section 2:5.1** for special considerations for those aged 16 and 17 years of age.

2:25 Who Cannot Avail of Option 3?

- Persons less than 16 years of age.^{1,2}
- A person lacking the capacity to consent (See 2:5.2).
- If the incident happened more than 7 days ago (See 5:7).

2:26 Option 3: SATU Process

NB. The person may firstly contact another agency e.g. RCC/ASSC, An Garda Síochána or Healthcare Personnel and subsequently be referred on to a SATU.

2:26.1 SATU Process: Setting up an Appointment

- Give the person information regarding their options.
- Schedule an appropriate appointment.
- Link with appropriate supports.
- Option 3 cases should only take place in SATU.

2:27 When the Person Presents to the SATU

- The person is introduced to the SATU Team and is offered the services of the Psychological Support Worker.
- The Sexual Offences Examination Kit is opened:
 - By the Forensic Clinical Examiner in the presence of the SATU support staff.
 - Identifying details of the Kit and personnel are documented in the SATU chart.
- Consent:
 - Consent is obtained and **PART A** of the relevant consent form (SATU National Patient Documentation) is completed.

2:28 Forensic Clinical Examination and Care

The history, examination and associated care follow the National Guidelines format (See 2:6) and the SATU National Patient Documentation is used.

2:29 What can be stored?

- Sexual Offences Examination Kit.
- Underwear packed within the Kit.
- Sanitary protection packed within the Kit.
- Toxicology Kit.

2:30 What cannot be stored?

- Clothes other than underwear (See Box 12)

Box 12: Patient may decide to store relevant items of their clothing

If appropriate, the patient may decide to self store relevant items of their clothing. The patient should be aware of possible future difficulties with regard to self storage (e.g. questions regarding continuity of evidence). If the patient wishes to proceed with self storage of relevant items of their clothing, paper bag/s may be given to the patient, for individual items of clothing that will be stored.

2:31 Packaging the Sexual Offences Examination and Toxicology Kits

Pack the tamper evident bags with the specimens signed by the Forensic Clinical Examiner and the SATU support staff member. Ensure all components are stored together in the freezer.

Sexual Offences Examination Kit

- The medical form is completed and attached to the outside of the Sexual Offences Examination Kit tamper evident bag.
- The Sexual Offences Examination Kit tamper evident bag is sealed and signed by the Forensic Clinical Examiner.

Toxicology Kit

- The Toxicology Kit tamper evident bag is sealed and signed by the Forensic Clinical Examiner and SATU support staff.

2:32 Legal Report

- The Forensic Clinical Examination legal reportⁱ should be prepared as soon as possible after the Forensic Clinical Examination.
- If a formal report of the incident is made to An Garda Síochána, an addendum is made to the legal reportⁱⁱ prior to its release, outlining that the forensic samples had been stored and details of their release to An Garda Síochána.

ⁱ Appendix 2: SATU Legal report template: Sample.

ⁱⁱ Appendix 3: Addendum to legal report: Sample.

2:33 Storage Facilities and Storage of Forensic Evidence

- A locked freezer is located in a password or swipe card **protected secure** area.ⁱⁱⁱ
- The freezer temperature is kept between minus 10° to minus 30° centigrade.^{iii, iv, v}
- Only key personnel have access to the password protected secure area.^{vi}
- The Forensic Clinical Examiner places the tamper evident bags containing the Sexual Offences Examination Kit with the relevant form attached and the Toxicology Kit in the freezer.
- The Forensic Clinical Examiner completes **Section A of the stored evidence record**^{vii}
- Freezer temperature monitoring^{iii, viii} and maintenance requirements are observed,^{viii, ix} as per guidelines.

2:34 Pre-Discharge Care is Provided as per Section 2

The patient is reminded of their options with regard to subsequent reporting to An Garda Síochána and given relevant written information.

References

1. Department of Children and Youth Affairs (2017) Children First – National Guidance for the Protection and Welfare of Children. Department of Children and Youth Affairs, Dublin.
2. Government of Ireland. *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act*, 2012. www.irishstatutebook.ie

iii Appendix 4: Information regarding freezers.

iv Forensic Science Laboratory: Calibrating of Temperature Monitored Equipment. FSLBTS007.

v Forensic Science Laboratory: Temperature Monitoring DNA. FSLBTS0071

vi Appendix 5: Form for list of key personnel with access to the password protected secure area.

vii Appendix 6: Stored Evidence Record for Continuity of Evidence.

viii Appendix 7: Form for Recording Freezer Temperature Monitoring: Sample.

ix Appendix 8: Form for Recording freezer maintenance / Service / Repair / Calibration record.

An Garda Síochána

2:35 Person Subsequently Reports the Incident to An Garda Síochána

2:35.1 Mechanism of Formally Reporting to An Garda Síochána

- A person may make a formal report either directly to An Garda Síochána or via a RCC or SATU.
- Contact is made with the Garda Station local to where the incident happened. The full list of Garda Stations and District Headquarters is available at www.garda.ie
- An Garda Síochána is informed of the nature of the complaint and that forensic evidence is currently being stored in the relevant SATU.

2:35.2 An Garda Síochána: Process

- The complainant is treated as a **first time reporter**. The Garda follows the procedures as outlined (See 1:9) with the following exceptions:
 - The Forensic Clinical Examination has already been conducted.
 - The investigating Garda must make arrangements for transporting the forensic evidence from the relevant SATU to Forensic Science Ireland.
- The complainant is requested to sign the appropriate consent formⁱ for the release of stored forensic evidence and a legal report from the SATU to An Garda Síochána.
- The investigating Garda informs the relevant SATU as soon as possible that a formal report has been made.
- The investigating Garda will ensure that an appointment is made with the SATU, to collect the stored forensic evidence and, when available, the legal report from the Forensic Clinical Examiner.
- The Garda responsible for collecting the forensic evidence brings the completed consent form to the SATU, authorising the release of the stored forensic evidence and issue of a legal report.
- The Garda and SATU staff confirm the integrity of the toxicology bags, prior to signing the stored evidence record. Any irregularity is documented by the Garda.
- The Garda completes the SATU Stored Evidence Record form for continuity of evidenceⁱ and two photocopies are made
 - The original copy is retained by the SATU.
 - The two photocopies are taken by the attending Garda:
 - One photocopy is retained by the Gardaí ('true copy') as a possible future exhibit with regard to continuity of evidence.

- The second photocopy will be taken by the Gardaí with the forensic evidence to Forensic Science Ireland.
- The investigating Garda should check with the complainant whether they have decided to self-store relevant items of clothing and, where appropriate, arrange for the delivery of such clothing to Forensic Science Ireland.
- The Garda transports the:
 - 1) Sexual Offences Examination Kit
 - 2) Toxicology Kit in a cool box
 - 3) A completed SATU Stored Evidence Record form to the Forensic Science Ireland.

SATU

2:35.3 SATU Releasing Stored Evidence to An Garda Síochána: Process

- Any communication from An Garda Síochána that the person has made a formal complaint is clearly recorded in the patient's SATU documentation.
- The completed consent formⁱⁱ is brought by the Gardaí to SATU, authorising the release of the stored forensic evidence and a legal report to An Garda Síochána.
 - A copy of the consent form/statement is kept by SATU to be filed in the patient's SATU documentation.
- The patient's SATU documentation is located and the consent form is checked against the:
 - Patient's name, date of birth, date of examination.
- The patient's SATU documentation is then used to locate the correct stored tamper evident bag/s, cross-checking the following:
 - Patient's name, date of birth, SATU reference number, date of examination and the tamper evident bag numbers.
- The integrity of the tamper evident bag/s is confirmed in the presence of the Garda.
- **Section B of the Stored Evidence Recordⁱ** is completed in the SATU by a Forensic Clinical Examiner or Registered Nurse/Midwife and the Garda receiving the forensic evidence (same incorporated into the SATU National Patient Documentation, p. 26). Two photocopies are made:
 - The original Stored Evidence Record form is filed in the patient's documentation.

This original record must be retained by the SATU, in the event that it is required by the court.
 - The two photocopies are given to the Garda:

i Appendix 6: Stored Evidence Record form for Continuity of Evidence.

ii Appendix 9: Consent authorising release of stored forensic evidence and a legal report to An Garda Síochána: Sample.

- One photocopy is retained by the Gardaí ('true copy') as a possible future exhibit with regard to continuity of evidence.
- The second photocopy will be taken by the Gardaí with the forensic evidence to Forensic Science Ireland.
- The Forensic Clinical Examiner who carried out the forensic examination is notified to complete the legal report addendum,ⁱⁱ prior to the release of the legal report to the Gardaí.
- The SATU database is updated at the appropriate section to reflect the fact that the case has converted from Option 3: Forensic Clinical Examination with storage of the forensic evidence, to the person making a formal report to An Garda Síochána.

Forensic Science Ireland

2:35.4 Forensic Science Ireland:Process

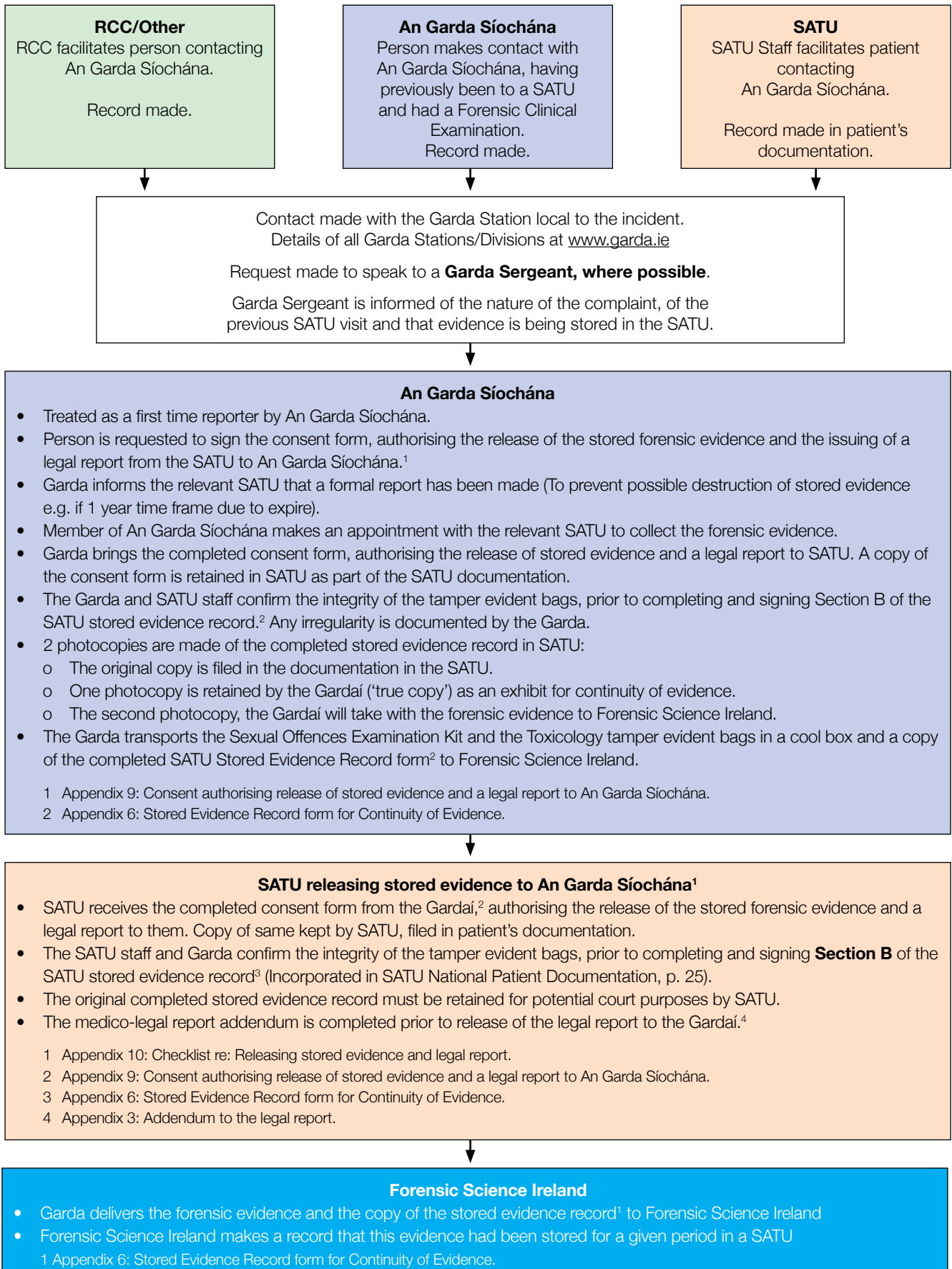
Processing Forensic Evidence Previously Stored in a SATU

- The Garda delivers the forensic evidence, the Sexual Offences Examination form, and a photocopy of the Stored Evidence Record formⁱ to Forensic Science Ireland.
- A record is made in Forensic Science Ireland that the evidence had been stored for a given period in a SATU.

ⁱ Appendix 6: Stored Evidence Record form for Continuity of Evidence.

ⁱⁱ Appendix 3: Addendum to legal report: Sample.

Figure 4: Flowchart - Formally Reporting the Incident to An Garda Síochána when the Forensic Evidence has been Stored in a SATU



2:36 Destruction and Disposal of Forensic Evidence

2:36.1 Reasons the Forensic Samples May be Destroyed and Disposed Of:

- Agreed time frame of 1 year storage has lapsed and there is no request to extend the period of storage **or**
- At the patient's signed request (**PART B of the consent form** - Storage of Evidence Section, SATU National Patient Documentation).
- Samples must be destroyed and disposed of by SATU staff.

NB. The stored forensic samples cannot be released to the patient if they want to report to An Garda Síochána. The integrity of the samples cannot be assured/maintained if released by SATU to the patient for processing at another institution; processing of their own samples may cause questions regards the integrity of the samples which may have a negative outcome if they later decide to proceed with an official complaint.

2:36.2 Principles to be followed:

- Safe disposal of clinical healthcare risk waste.
- Destruction and disposal of confidential forensic evidence.

2:36.3 Destruction and Disposal of the Sexual Offences Examination and Toxicology Kits

- The checklist for destruction and disposal of forensic samples should be used.ⁱ
- The specimens are disposed of by a Forensic Clinical Examiner or Registered Nurse/Midwife and the process is witnessed by a second person.
- Universal precautions are followed.¹
- The Sexual Offences Examination Kit and Toxicology tamper evident bags are removed from the freezer.
- The patient's name, date of birth, date of examination and tamper evident bag numbers are cross checked against the patient's SATU notes.
- **The stored evidence record is completed at Section Bⁱⁱ** by both persons.
- The tamper evident bags are opened.
- Separate the samples (which contain blood and body fluids)¹ from the opened tamper evident bags and the attached Kit forms.
- Place both the samples and the now empty opened tamper evident bags in a clinical waste container.
- The container is sealed, tagged and signed by both witnesses.

ⁱ Appendix 11: Checklist for destruction/disposal of forensic samples. Sample.

ⁱⁱ Appendix 6: Stored Evidence Record form for Continuity of Evidence.

- The form accompanying the tamper evident bags are destroyed appropriately.
- The sealed clinical waste container is delivered by both the person disposing of the Kits and the witness, to the designated collection point as per local and national policy.¹
- The destruction and disposal tag number, the date and the signature of both the person destroying the Kits and the witness are entered in the patient's SATU documentation.
- Local protocol is followed when recording the date and tag number for future audit purposes.
- The completed checklist is filed appropriately in the patient's SATU documentation.

References

- 1 Department of Health and Children. *Segregation Packaging and Storage Guidelines for Healthcare Risk Waste*, 3rd edition, 2004. Dublin: Department of Health and Children. www.lenus.ie

2:37 Working with Trauma

Staff wellbeing includes acknowledging and responding to the emotional impact of the work. Getting to know patients who use the SATU services is a painful process. The SATU teams across the country include Forensic Clinical Examiners, SATU support staff and administrative support staff. These different professionals will be exposed at varying levels to people's trauma as a part of their daily work. This includes but is not limited to: witnessing injuries, undertaking procedures, hearing patient stories, reading clinical notes, engaging in clinical handover and preparing reports.

2:37.1 Vicarious Trauma and Growth

Forensic Clinical Examiners work in demanding contexts, providing physical and psychological care to persons who have experienced sexual crime. They are required to be present, compassionate, caring and non-judgemental. Forensic Clinical Examiners witness distress and pain regularly. To provide this care and to attend to the trauma in this environment in a way that is helpful requires managing one's own emotions while also managing the vulnerability and experiences of others². Practitioners can also experience vicarious post traumatic growth after exposure to indirect trauma, meaning that positive psychological changes can occur after exposure to indirect trauma. For example, practitioners can feel a sense of satisfaction at work and feel grateful for their personal circumstances and life experiences. Vicarious trauma and post traumatic growth can exist concurrently (for more, please see reference list).

The work requires empathic engagement, within therapeutic relationships, to ensure the delivery of compassionate care. Empathic engagement with patients who have experienced a sexual assault or a rape is known to potentially lead to experiences of vicarious trauma occurring in the SATU professional.

All professionals need protected spaces in which to detoxify their experience at work, spaces where thoughts and feelings can be shared safely and in confidence in order to reach greater understanding of their patients and of themselves.

2:37.2 Professional Reflective Practice Spaces

Central to good practice, in all people professions, is the ability to continually learn from, reflect upon and develop your work. Recognition that reflective practice is a central component of practice in helping professions is growing¹. All professionals need protected spaces in which to be supported with their experience at work. The work can be demanding and can require time to process it. Confidential Reflective Practice spaces where thoughts and feelings can be shared safely and in confidence in order to feel supported is essential.

Forensic Clinical Examiners work in demanding contexts. They are required to be present, compassionate, caring and non-judgemental. To provide this care and to attend to the trauma in this environment in a way that is helpful requires managing one's own emotions while also managing the vulnerability and experiences of others². The work requires empathic engagement, within therapeutic relationships, to ensure the delivery of compassionate care. Empathic engagement with patients who have experienced a sexual assault or a rape is known to potentially lead to experiences of vicarious trauma in the practitioner and so support for their work is essential. Exploring such experiences when possible also stimulates creatively and increases insight, leading to a more effective and more satisfying work both in the team and with patients.

At SATU in 2021 as part of a pilot project, reflective practice spaces were offered to staff across the service. Over the past year this project has grown and developed with much take up. The project has included the provision of individual and group reflective spaces and the provision of theory based workshops. These spaces are provided by trained professionals outside the service, underpinned by formal learning agreement and supported by the senior leadership teams.

References

1. Hawkins, P. and McMahon, A. (2020) Supervision in the Helping Professions.
2. Isobel, S. and Thomas, M. (2021) Vicarious trauma and nursing: An integrative review, *International Journal of Mental Health Nursing*, pp. 1-13.

SECTION 3: PSYCHOLOGICAL SUPPORT

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PSYCHOLOGICAL SUPPORT

**Active SATU
Multi-Agency
Steering Group
with RCC
member**

**Current RCC
Liaison Person
to the SATU**

**Contact &
Referral
Protocols
between RCCs
and SATUs**

**Information
Leaflets for
Victims**

Victim contacts

- An Garda Síochána
- SATU
- RCC
- A&E or GP

Chooses to Attend a SATU

**At SATU**

**Psychological Support Worker
provides:**

- Crisis Intervention
- Advocacy
- Psychological Support
- Information for Family/Friends

**Leaving SATU**

**Psychological Support Worker
ensures:**

- Information
- Links to appropriate services
- Any advocacy/counselling appointments if scheduled

3:1 Psychological Trauma and Sexual Violence

Psychological trauma is an emotional response to a terrible event such as rape, physical attack, a plane crash or a natural disaster. It occurs when both internal and external resources are inadequate to cope with an external threat. The event or events lead to a response involving intense fear, helplessness or horror. In terms of sexual violence: *“The essential element of rape is the physical, psychological, and moral violation of the person. . . . Thus rape, by its nature, is intentionally designed to produce psychological trauma.”*¹ Physical injury is not a necessary component. It is not unusual for experiences of sexual violence to be devoid of severe physical injury or threat to the victim’s life and yet be extremely traumatic. *“. . . . there is something rather unique about the nature of rape that differentiates it in some important respects from other types of trauma. Evidently, the experience of being treated as less than a human being, being denied one’s subjectivity, crushes the rape victim’s sense of self and protective capacities in an unmatched manner.”*²

3:2 Possible Victim/Survivor Reactions

There is no one ‘normal’ way to react after experiencing sexual violence. A victim/survivor may present as expressive and tearful, quiet and controlled, distressed, in shock, in denial and/or experiencing physical revulsion.³ The most common immediate emotional reactions reported following sexual and/or physical attacks were shock, anger and fear, followed by annoyance, embarrassment, shame, guilt and aggressiveness.⁴ Other common short-term and longer-term emotional reactions include fear, helplessness, panic, despair, anger, frustration, numbness, hyper-alertness, grief, disorientation, uncertainty, and/or a sense of being overwhelmed.⁵ In the midst of all of this, a victim/survivor has a variety of needs - varying from immediate physical and emotional safety to overcoming shame, arriving at a fair assessment of their conduct, rebuilding trust, and recreating a positive sense of self.¹ When a victim/survivor discloses sexual violence it is important, and one determinant of a victim/survivor’s future well-being, that the response to the disclosure is informed by an understanding of the potential psychological reactions to sexual violence.³ Anyone subjected to sexual violence must make many, often overwhelming, decisions. These include how the experience is named, whether and how to tell family or friends, whether to report the crime and whether to allow for the collection of forensic evidence from their own bodies.

References

1. Herman, J. L. *Trauma and Recovery: From Domestic Abuse to Political Terror*. London: Rivers Oram Press/Pandora List. 2001, pp. 57-58.
2. Moors, A. et al. Rape: A Trauma of Paralyzing Dehumanization. *Journal of Aggression, Maltreatment & Trauma*; 2013. Vol. 22, pp. 1051–1069 p. 1063.
3. Mason, F. & Lodrick, Z. Psychological Consequences of Sexual Assault. *Best Practice & Research Clinical Obstetrics & Gynaecology*; 2013. Vol 27, pp. 27-37.
4. FRA European Agency for Fundamental Rights. *Violence against women: an EU-wide survey - Main results*. 2014. Available at <http://fra.europa.eu/en/vaw-survey-results>.
5. Fanflik, P. *Victim Responses to Sexual Assault: Counterintuitive or Simply Adaptive?* American Prosecutors Research Institute, National District Attorney’s Association, 2007. Available at http://www.ndaa.org/pdf/pub_victim_responses_sexual_assault.pdf

Psychological Support Response

Physical & Psychological needs of the victim/survivor are the priority

- Support victims/survivors through each component of the SATU service that they choose.
- Serve as an information resource for victims/survivors.
- Provide victims/survivors with crisis intervention and support.
- Let victims/survivors know their reactions to the assault are normal and dispel misconceptions regarding sexual assault.
- Advocate for victims/survivors' self-articulated needs to be identified and their choices to be respected.
- Assist victims/survivors in planning for their safety and well-being.
- Link victims/survivors with relevant services.
- Help victims'/survivors' families and friends cope with their reactions to the sexual violence by providing information.

Subject to statutory reporting requirements e.g. Children First Guidance¹ or Withholding Information Act.²

References

1. Department of Children and Youth Affairs (DCYA) *Children First: National Guidance for the Protection and Welfare of Children*. Dublin: Stationery Office; 2011. www.dcy.a.ie
2. Government of Ireland. *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act*, 2012. www.irsihstatutebook.ie

3:3 The Place of Psychological Support within a Multi-Agency SATU Service

Psychological support encompasses a variety of activities that go some way towards meeting both immediate emotional safety and longer term healing needs. This support can potentially come from a number of different sources including friends, family, rape crisis personnel, health care staff, members of An Garda Síochána, work colleagues and religious personnel. Official state personnel with whom victims/survivors come in contact are focused on objective tasks. The role of the Gardaí is to gather information and collect evidence to facilitate their investigation. Evidence indicates that role is best accomplished by treating the victim/survivor respectfully and providing information about the on-going legal process.¹ While health care staff can provide crucial psychological support in terms of treating victims/survivors respectfully, providing information in a way that they can understand, and allowing them to make their own choices, in order for a Forensic Clinical Examiner's report and testimony to be credible, the Forensic Clinical Examination needs to be conducted in an objective manner.

The focus of Rape Crisis Psychological Support Workers is on immediate crisis intervention and advocacy, as well as providing a tangible and personal connection to longer-term sources of advocacy, support and counselling. When Psychological Support Workers support victims/survivors, Forensic Clinical Examiners can more easily maintain an objective stance. The provision of psychological support from rape crisis

personnel is vital in terms of victim/survivors ability to access needed services, and if they choose to report the crime, their willingness to continue with a prosecution.¹

The International Association of Forensic Nurses (IAFN) recognises the importance of the Psychological Support Worker role including: “. . . the benefits to victims of violence when there is timely interaction with Victim Advocates. Furthermore, IAFN recognizes and supports the role of the Victim Advocate as part of a patient centered team approach to providing services to victims. IAFN encourages the creation of strong collaborative relationships between forensic nurses, advocates and other team members in order to provide rapid, compassionate, comprehensive, patient centered and evidence-based care to victims.”² The IAFN is based in the United States and in the U.S.A. Rape Crisis Psychological Support Workers are commonly referred to as Victim Advocates. The Council of Europe considers psychological support and advocacy for those experiencing sexual violence and intimate partner violence important enough to have developed minimum standards for the services.³ International research indicates that sexual violence survivors receive more and better legal and medical services when accompanied by rape crisis support.⁴

3:3.1 Structures to Support a Multi-Agency SATU Service

In order for a SATU to be in a position to provide the collaborative multi-agency services which are required by victims/survivors five elements are required. Having these elements in place provides the framework for Psychological Support Workers to provide advocacy, crisis intervention and support to individual victims/survivors. These elements are:

1. RCC membership of and active participation in the SATU multi-agency steering group

- The steering group is responsible for the on-going operation and governance of the SATU. This group provides for and fosters the integrated and collaborative inter-agency response necessary for appropriate service provision. This complies with the recommendations contained in *Sexual Assault Treatment Services: A National Review*.⁵ In addition, the reflection of the interdisciplinary and multi-sectoral service in the St. Mary's SARC (Manchester, England) steering group is a component of why St. Mary's is considered a best practice service in research commissioned by the European Parliament.⁶

2. One RCC staff person designated to liaise with the SATU

- The liaison person is responsible for regular and on-going communication between the RCC and the SATU. It is helpful if the nominated liaison person is one who is generally available during day-time hours, as this will facilitate contact. This ongoing communication is useful so that the RCC and other SATU personnel are aware of current available services and can sort out any potential difficulties.
- The liaison person is ideally the same person as the RCC representative on the multi-agency steering group.
- It is the responsibility of the RCC liaison person to inform other SATU personnel of any service delivery changes or developments. The nominated liaison person, as well as all other SATU personnel, needs to be aware of the availability of any other community services that are potentially useful for victims/survivors, such as refugee information services and women's support services and refuges.

3. A protocol to ensure that the RCC Psychological Support Worker is contacted

- This protocol needs to encompass contacting the Psychological Support Worker when the SATU is aware that a victim/survivor is on the way, or if the SATU has not had any advance notice, when a victim/survivor arrives in the SATU. This enables the victim/survivor to make a real choice

about whether they want to speak with a Psychological Support Worker. Best practice is that a Psychological Support Worker from the RCC is immediately available to speak with victims/survivors if they choose. **(KPI)**ⁱ In exceptional circumstances, e.g. public health crisis such as COVID, where the Psychological Support Worker cannot be physically present in the SATU, the victim/survivor and anyone who has accompanied them to the SATU, should be offered contact with the Psychological Support Worker remotely, via phone or video call.

4. A protocol to ensure that the RCC has a mechanism to quickly contact the SATU if a victim/survivor contacts the RCC and then chooses to attend the SATU

- This protocol needs to be designed to expedite the victim/survivor's access to the SATU.

5. Information leaflets provided by the RCC/RCNI should be available in the SATU for anyone to take away with them.

- It is the responsibility of the RCC SATU liaison person to ensure that the leaflets are available.
- Leaflets need to be written in simple language.
- Leaflets should be available in as many languages as possible.

3:4 Psychological Support Worker Role

The role of the Psychological Support Worker is to be available at the SATU at any time, 24 hours a day, when a victim/survivor arrives at the unit or is on the way to the unit. The Psychological Support Worker is trained to and able to provide advocacy, psychological support and crisis intervention throughout the time that a victim/survivor is at the SATU. This includes supporting the victim/survivor in making choices about who is to be told about the violence and any other sources of psychological support that they may access in the longer-term.

The Psychological Support Worker needs to ensure that the victim/survivor has as much information as possible before making choices. An individual victim/survivor may need or want to have someone else with them while they make choices about whether to make a formal statement to the Gardaí and whether to undergo a Forensic Clinical Examination. The accompanying person may be the Psychological Support Worker or a person the victim/survivor chooses or needs e.g. a friend or a family member. If the victim/survivor needs or wants to be accompanied while undergoing a Forensic Clinical Examination, it is important that the potential forensic and legal implications are discussed with the Forensic Clinical Examiner.

The Psychological Support Worker is also available to provide support and information to anyone else who comes to the Unit with the victim/survivor. Many victims/survivors may prefer to use rape crisis personnel for useful support, even when family or friends are present. Some victims/survivors may not be sure what their family or friends will think or how they will react. Other victims/survivors are sure that their family or friends will react badly. If the Psychological Support Worker arrives at the SATU and, at that point, the victim/survivor chooses not to speak with the Psychological Support Worker that choice will be respected. For the specific services provided by Psychological Support Workers⁷ (See Box 13).

Key Performance Indicator

ⁱ **KPI:** % of patients who had the opportunity to speak with a Psychological Support Worker at the first SATU visit.

Box 13: Specific Services provided by Psychological Support Workers include:⁷

- **Supporting victims/survivors through each component of the SATU service** that they choose. This includes deciding whether to have a Forensic Clinical Examination or a Health Check, going through an Examination or Health Check and speaking with An Garda Síochána.
- **Serving as an information resource for victims/survivors.**
- **Providing victims/survivors with crisis intervention and support** to help cope with the trauma of the assault and begin the healing process.
- **Actively listening to victims/survivors to assist in sorting through and identifying their feelings.**
- **Letting victims/survivors know their reactions to the assault are normal** and dispelling misconceptions regarding sexual assault.
- **Advocating for victims/survivors' self-articulated needs to be identified and their choices to be respected**, as well as advocating for appropriate and coordinated response by all involved professionals.
- **Assisting victims/survivors in planning for their safety and well-being.**
- **Aiding victims/survivors in identifying individuals who could support them as they heal.**
- **Linking victims/survivors with relevant services.**
- **Responding in a culturally and linguistically sensitive and appropriate manner** to victims/survivors from different backgrounds and circumstances and advocating for the elimination of barriers to communication.

3:5 When a Victim/Survivor Leaves the SATU

When a victim/survivor leaves the SATU they are entitled to the following in a language in which they are comfortable and can understand:

- **Referrals to or contact information for relevant support agencies.**
This information needs to be specifically tailored to the victim/survivor – e.g. gender, age, sexual orientation, ethnicity, ability/disability, geographical location, etc.
- **Information about any appointments that the victim/survivor has with a local RCC or any other local support agency.**
- **Information about sexual violence and potential after-effects.**
This can be in the form of a leaflet.

If a victim/survivor has chosen to speak with a Psychological Support Worker, the Psychological Support Worker is responsible for ensuring that all of this is provided to the victim/survivor. **(KPI)ⁱⁱ** If the victim/survivor has chosen not to speak with a Psychological Support Worker, other SATU personnel are responsible for making sure that all of this is provided.

Key Performance Indicator

ⁱⁱ **KPI:** % of victims/survivors attending a SATU for the first time who were given the appropriate contact information by the RCC Psychological Support Worker.

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SECTION 4: SEXUALLY TRANSMITTED INFECTIONS

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4:1 Introduction, Epidemiology and Demography

The focus of this section of the guidelines is the prevention, testing and treatment of Sexually Transmitted Infections (STIs) in SATU. Patients may opt to have STI testing at SATU, their GP, local STI Clinic or home testing through SH:24.

Rates of STIs following sexual assault are difficult to determine and depend on several factors including the population studied and prior history of sexual activity.¹ In Ireland, the most frequently reported STIs are chlamydia and herpes.² Other infections include gonorrhoea, trichomoniasis, syphilis, Hepatitis B (HBV), Hepatitis C (HCV) and Human Immunodeficiency Virus (HIV). Chlamydial and gonococcal infections in women risk ascending infection and potential tubal infertility.³ Over the eight year period 2009 to 2016, 5,263 patients were seen at SATUs in Ireland of whom 2,507 (48%) had STI screening at an appropriate time post-assault. Of these, 124 (0.05%) infections were identified as follows: 69 cases (56%) *Chlamydia trachomatis*, 26 (21%) HCV (mode of transmission likely unrelated to assault in most cases), 8 cases of genital warts, 5 of syphilis (any positive serology), 4 HIV (known pre-existing), 3 of *Neisseria gonorrhoea*, 3 of HBV, 2 of herpes and 3 of *Trichomonas vaginalis*.⁴

Prophylaxis is available for some STIs, and, in line with international best practice, post-exposure prophylaxis (PEP) for HBV and HIV is available at SATU for at-risk patients.^{3, 5} The US Center for Disease Control recommends catch-up vaccination for Human Papilloma Virus (HPV) for previously unvaccinated patients who have experienced sexual violence,³ however this is not presently available in SATUs. In SATUs in Ireland, use of routine azithromycin for chlamydia prophylaxis increased from 23.4% of those attending in 2009 to 63% in 2016.⁴ Cases of chlamydia detected on follow-up SATU screening at SATUs declined from 23 of 236 screened (9.7%) in 2009 to 6 of 325 (1.8%) in 2016 in line with this increasing use of prophylaxis. In 2022, rising rates of antimicrobial resistance and increasing awareness of antimicrobial stewardship led to the removal of the recommendation for routine chlamydial prophylaxis in patients who have experienced sexual violence.⁵ Chlamydia rates in SATU will be closely monitored as we stop routine azithromycin prophylaxis.

The forensic significance of positive STI results in previously sexually active adults is unclear. In children and individuals who have not previously been sexually active, identification of an STI is potentially forensically significant. Maintenance of chain of evidence is important in the handling of these samples and advice should be taken from local laboratories as to whether this can be achieved.

It has been suggested that the identification of an STI in the immediate period after sexual assault, and therefore possibly not directly attributable to the assault, could be used to denigrate a patient's character in court.⁶ SATUs offer routine STI testing to patients 2-4 weeks post assault. It remains essential to put the medical needs of the patient first however and so early testing of high risk or symptomatic patients should not be delayed for this reason.

4:2 STI Prevention at SATU

Prevention of STI at SATU involves use of prophylactic medications and vaccines after possible exposure to an infectious agent. Comprehensive guidance on emergency management of injuries (including sexual exposure) where there is a risk of transmission of blood borne viruses and other infectious diseases is available at the soon to be updated www.emitoolkit.ie.⁷ Prophylaxis is available for HBV (vaccination and immunoglobulin) and HIV (HIV PEP). Routine prophylaxis for gonorrhoea and chlamydia is no longer used because of rising resistance rates.⁵ The decision to prescribe prophylaxis depends on factors specific to the assault and assailant as well as local disease prevalence.

- Hepatitis B immunisation is offered to all SATU patients not previously vaccinated.
- Risk assessment and consideration of HIV post-exposure prophylaxis (PEP) should also be made.^{7,8}

4:2.1 Hepatitis B Post-Exposure Prophylaxis (HBV PEP)

British and US guidelines recommend that all previously unvaccinated patients be offered vaccination against Hepatitis B following sexual assault.^{3,4} **(KPI)**[†] There is evidence that where there is a risk of Hepatitis B acquisition, administration of Hepatitis B vaccine may prevent Hepatitis B infection.^{10,11} This is a course of 3 intramuscular injections over 6 months and is administered in the SATU when the patient initially presents, at 1 month and 6 months following the incident. Accelerated vaccination courses may also be considered in high risk situations.⁷

When the perceived risk of Hepatitis B is high (for example where the alleged assailant is known to be Hepatitis B surface antigen positive) Hepatitis B immunoglobulin should be considered for unvaccinated or known non-responders to HBV vaccination within 48 hours and no later than 7 days after the incident. In most SATUs this will mean referral to an Emergency Department. In patients who have previously been vaccinated, or in whom natural immunity is likely, urgent Hepatitis B full markers (specimen sent to the National Virus Reference Laboratory at UCD or your local lab) can be checked to assess the need for vaccination. Administration of Hepatitis B vaccine to a patient who is already immune is not harmful. Combined vaccination for Hepatitis A and B should be considered in gay and bisexual men who have sex with men (gbMSM).¹¹

Adequate Hepatitis B immunity following completion of the vaccine course can be confirmed by checking titres of antibody to Hepatitis B surface antigen (anti- HBsAg) 8 weeks after the final vaccine dose. Patients who achieve an antibody level of 10 mIU/ml and above have no need for further vaccination or anti-HBsAg levels. Patients who do not respond with antibody levels of <10 mIU/ml should be tested for anti-HB core antigen. If this is negative and the patient is at an ongoing risk of HBV acquisition, consider a booster dose of the same vaccine.¹¹

4:2.2 HIV PEP

Pathogenesis studies indicate that there may be a window of opportunity to abort HIV infection by inhibiting viral replication following an exposure. Animal studies show benefit if antiretroviral medication is administered within 72 hours and continued for 28 days.¹² Retrospective studies in the context of occupational exposure show health care workers who received PEP with zidovudine after needle stick injury were 81% less likely to become seropositive for HIV,¹³ although there are instances where PEP has failed to protect.¹⁴ With regard to sexual exposure, prospective observational studies suggest benefit of HIV PEP.¹⁵

The decision to proceed with HIV PEP must be made on a case-by-case basis, depending on factors specific to the nature of the assault and the assailant (see 4:2.3, HIV PEP Tool). The risks and benefits must be discussed with the patient in the knowledge that the drugs can have side effects (including gastrointestinal disturbance, rash, renal impairment) and their effectiveness remains unproven. The British Association for Sexual Health and HIV (BASHH) guideline for PEP following Sexual Exposure (PEPSE)¹⁶ can be consulted for comprehensive advice. Each unit should have close links with Infectious Disease or Genitourinary Medicine specialists for additional advice and follow-up. Patients who receive HIV PEP should be advised to avoid condomless sexual intercourse until they have completed testing (minimum 45 days post PEP completion).

Key Performance Indicators

[†]**KPI:** % of patients aged 14 years and over who were appropriately given Hepatitis B vaccination at the first SATU visit.

A starter pack for HIV PEP should be kept in all units, and staff should be familiar with its prescription, possible drug interactions (particularly with antacids) and local follow-up arrangements. It is important to note that when deemed appropriate, HIV PEP should be administered as soon as possible after the assault up to and not beyond 72 hours. Individual units should develop a referral pathway with local Infectious Disease or Genitourinary Medicine services to ensure availability of the remainder of the course within 5 days.

Guidelines¹⁶ recommend that first line HIV PEP is:

Tenofovir disoproxil and Emtricitabine (245mg/200mg combined pill po OD)

plus

Raltegravir 400mg po BD

Most SATUs have 5-day starter packs of this combination, and an appointment is given to attend the local Infectious Diseases/Genitourinary Medicine services for follow-up within those five days to discuss completion of a 28-day treatment course. Alternative regimens are possible, but may not be available in starter pack, or unsuitable for pregnant women.¹⁶

Alternatives:

- **Tenofovir disoproxil and Emtricitabine (245mg/200mg combined pill po OD) PLUS Raltegravir 1200mg po ONCE daily (note: not available as starter pack, not suitable for pregnant women)**
- **Tenofovir disoproxil and Emtricitabine (245mg/200mg combined pill po OD) PLUS Dolutegravir 50mg po once daily**

Where there are concerns for antiretroviral resistance in the source, or the recipient has significant renal impairment, discuss urgently with a HIV physician.

4:2.3 HIV PEP Assessment Tool

**SATU
RISK ASSESSMENT
TOOL FOR HIV PEP**

Patient Name:

Hours since exposure:

DO NOT PRESCRIBE PEP IF MORE THAN 72 HOURS FROM EXPOSURE

Examiner:

CIRCLE AS APPROPRIATE SOURCE TYPE EXPOSURE TYPE ↓	Assailant known to be living with HIV assailant		HIV status of assailant unknown	
	Viral load detectable or unknown	Viral load undetectable on treatment >6mo	Assailant from high prevalence group/area*	Assailant from low prevalence group/area
Receptive anal sex	RECOMMEND	NOT RECOMMENDED	RECOMMEND	NOT RECOMMENDED
Insertive anal sex	RECOMMEND	NOT RECOMMENDED	CONSIDER	NOT RECOMMENDED
Receptive vaginal sex	RECOMMEND	NOT RECOMMENDED	GENERALLY NOT RECOMMENDED**	NOT RECOMMENDED
Insertive vaginal sex	CONSIDER	NOT RECOMMENDED	NOT RECOMMENDED	NOT RECOMMENDED
Fellatio with ejaculation	NOT RECOMMENDED	NOT RECOMMENDED	NOT RECOMMENDED	NOT RECOMMENDED
Fellatio without ejaculation	NOT RECOMMENDED	NOT RECOMMENDED	NOT RECOMMENDED	NOT RECOMMENDED
Splash of semen to eye	NOT RECOMMENDED	NOT RECOMMENDED	NOT RECOMMENDED	NOT RECOMMENDED
Cunnilingus	NOT RECOMMENDED	NOT RECOMMENDED	NOT RECOMMENDED	NOT RECOMMENDED
Digital/Object penetration***	NOT RECOMMENDED	NOT RECOMMENDED	NOT RECOMMENDED	NOT RECOMMENDED
Unsure if assault occurred***	NOT RECOMMENDED	NOT RECOMMENDED	NOT RECOMMENDED	NOT RECOMMENDED

*High prevalence group/area: Intra-venous drug users / Men that have sex with men (MSM) / Endemic country (see <https://aidsinfo.unaids.org>)
 **the risk of HIV transmission is very low; the potential risk of PEP is likely to outweigh the benefit unless there is a rare specific extenuating factor
 ***this part of table is not in BASHH guideline, Reference 1

CONSIDER^{1,2,4}

Factors that may increase HIV transmission if assailant HIV positive and not on treatment (ART)

- Mucosal breach eg. genital injury/infection, first coitus
- 'Stranger' or 'recent acquaintance'²
- Multiple assailants
- Known presence or signs/symptoms of ulceration/STI in source or patient
- Patient in late pregnancy or post-partum period

OUTCOME (tick)	
PEP recommended and prescribed	
PEP recommended but NOT prescribed. REASON:	
PEP considered and prescribed	
PEP considered and NOT prescribed	
PEP not recommended	

**SHARED DECISION MAKING⁵
DISCUSS WITH PATIENT:**

- Estimated risk of HIV transmission per exposure from a person known to be living with HIV and not on ART:¹
 1:1000 for receptive vaginal intercourse
 1:666 for insertive anal intercourse
 1:90 for receptive anal intercourse
- PEP likely highly effective but uncertainty exists
- Take daily for 28 days
- Side effects: GI, rash, hepatitis
- Avoid antacids/multivitamins/iron supplements
- Seek help if symptoms of HIV seroconversion
- Safe sex until post-window period HIV test (minimum 45 days post PEP completion)

CHECKLIST:

- Pregnancy test (does not preclude PEP)
- Baseline Creatinine, ALT
- Baseline HIV, HBsAg, Anti-HBcore, HCV
- Information leaflet⁴
- Appointment for ID/GUM follow-up within 5 days or as per local arrangements

Administer first dose ASAP

References:

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4:3 STI Testing at Sexual Assault Treatment Units

The identification of an STI immediately after an assault is usually more important for the medical and psychological management of the patient than for legal purposes, as an infection diagnosed in the immediate aftermath of an assault is likely to pre-date that assault. If a patient has symptoms or signs of infection at the time of forensic examination then STI testing can be performed at that time. In asymptomatic patients it is widely accepted that the optimum time for screening for infection is two or more weeks after assault/potential exposure for Gonorrhoea and Chlamydia. Incubation periods for HIV, syphilis and hepatitis are longer and repeat testing will be needed at 3 and 6 months post risk (See Table 12). Prophylactic medications for HBV and HIV may be offered to patients attending SATU at the time of their first presentation, often soon after the assault. Testing for STIs at initial presentation is appropriate if the patient presents for the first time two or more weeks after the alleged assault, is at high risk or has symptoms. **(KPIs)^{i, ii}**.

All patients should be offered STI screening at SATU; some patients may prefer to attend their GP, local STI Clinic or online home testing through SH:24. If patients choose to have follow-up elsewhere, a brief letter to the GP or STI clinic recommending testing and outlining prophylactic measures taken should be provided with the patient's permission. Patients should be advised to use condoms until STI screening has been completed (6 months post assault).

4:3.1 Asymptomatic STI Screening

For most patients, STI screening can be scheduled for 2-4 weeks after the assault.

- Asymptomatic patients with a vagina can be given the option to test for chlamydia and gonorrhoea with self- or healthcare provider taken vaginal NAAT swabs.
- Asymptomatic patients with a penis should provide a first void urine sample for NAAT. Urine samples for chlamydia and gonorrhoea are inferior to vaginal samples in patients without a penis.
- Rectal swabs can be taken by the patient or healthcare provider.
- Pharyngeal swabs are best taken by a healthcare provider.

Standard STI screening is outlined in Table 12. Please liaise with your local lab to ensure appropriate transport media and testing mechanisms

Key Performance Indicators

ⁱ **KPI:** % of patients who attended the SATU who were given an STI review appointment.

ⁱⁱ **KPI:** % of patients who attended a scheduled first STI review appointment following first SATU attendance.

Table 12: Standard STI Screening Tests		
Site*	Test	Infection
Vagina	Nucleic Acid Amplification Test (NAAT) Swab	Chlamydia + Gonorrhoea**
Rectum	Nucleic Acid Amplification Test (NAAT) Swab	Chlamydia + Gonorrhoea**
Pharynx	Nucleic Acid Amplification Test (NAAT) Swab	Chlamydia + Gonorrhoea**
Penis	First Void Urine NAAT (bladder not emptied for 1 or more hours prior to sample acquisition)	Chlamydia + Gonorrhoea***
Venous Blood	Serology at baseline	HIV combined Ag/Ab test
		Hepatitis B surface antigen
		Hepatitis C Antibody
		<i>Treponema pallidum</i> (syphilis)
<p><u>Repeat Blood Testing Window Periods:</u> HIV combined antigen/antibody test: 45 days after the exposure or completion of HIV PEP if given Syphilis and Hepatitis C: 3 months Hepatitis B: 6 months</p> <p><u>Post Hepatitis B Vaccination:</u> 8 weeks after final dose: Hepatitis B surface Antibody titre</p>		

* Swabs from sites of penetration or attempted penetration

** If swab NAAT positive for gonorrhoea send repeat charcoal swab from site for Culture and Sensitivity PRIOR to treatment as per local lab guidance

*** If urine NAAT positive for gonorrhoea send repeat charcoal swab from penile urethra for Culture and Sensitivity PRIOR to treatment as per local lab guidance

NB. CONFIDENTIALITY

Samples and information relating to sexually transmitted infections may be dealt with by health care professionals and personnel outside of the forensic arena. It is important that any person who comes in contact with information regarding an attendance at a SATU is aware of the confidentiality of that information, and if there is a need to respond in terms of treatment and follow-up, that this will be through the SATU examining Forensic Clinical Examiner. If, for any reason, this is not possible, contact with the patient will be in a sensitive and appropriate manner.

4:3.2 Symptomatic STI Testing

Symptomatic patients should be examined by a healthcare provider. See Table 13 for additional STI testing depending on examination findings. Each SATU should liaise with their laboratory to discuss the best means of collecting and processing specimens.

Table 13: Additional STI Tests

Clinical Finding	Possible infection	Test
Genital ulceration	Herpes Simplex	Ulcer swab for Viral PCR
Frothy vaginal discharge	Trichomoniasis vaginalis	Charcoal swab or NAAT or PCR according to local availability
Proctocolitis +/- buboes +/- ulceration	Lymphogranuloma venereum (chlamydia trachomatis serovars L1, L2, L3)	NAAT swab – inform lab LGV suspected
	M-pox	Swab for Viral PCR
Skin rash	Syphilis (various)	Serology
	M-pox (vesiculopustular)	Swab for Viral PCR

*This list is not exhaustive. Refer to BASHH as needed.⁸

4:4 STI Treatment at SATU

Each SATU will have local arrangements and protocols for follow-up of patients including STI Treatment (refer to HSE guidelines for treatment),⁹ test of cure where appropriate, contact tracing, vaccination and infectious disease notification. SATU healthcare providers are advised to keep up to date with changes in STI guidelines at www.bashhguidelines.org

The following patients should be referred promptly to STI services:

- patients with syphilis, LGV, suspected M-pox
- patients with penicillin allergy requiring gonorrhoea treatment
- patients with complex contact tracing requirements

Table 14: Basic SATU STI Treatments

Infection	Treatment	Test of Cure
Chlamydia	Doxycycline 100mg bd x seven days* (Factor 50 sun protection)	None
LGV	Doxycycline 100 mg bd po x 21 days*	Refer to STI clinic
Gonorrhoea	Ceftriaxone 1g IM <u>after</u> swab for culture and sensitivity	NAAT two weeks later
Trichomonas	Metronidazole 500 mg bd po x 5/7 (avoid alcohol)	None
Herpes Simplex	Valcyclovir 500mg bd po x 5/7	None

* Doxycycline should be avoided in pregnancy

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SECTION 5: FORENSIC SCIENCE IRELAND

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5:1 History and Role of Forensic Science Ireland

Vision Statement

Forensic Science Ireland delivers, to best international standards, independent expert opinion, advice, training and research to support the Irish Criminal Justice system.

History

The Irish Forensic Science Laboratory was established in 1975. The Laboratory offers a full service, from crime scene to courtroom and is part of the criminal justice sector. In 2014, the name of the Forensic Science Laboratory was changed to Forensic Science Ireland. Throughout this section of the document, Forensic Science Ireland (FSI) is referred to as the Laboratory.

Forensic Science Ireland is divided into eleven functional teams. One of these teams is the Sexual Assault Team, which consists of a Scientific Team Manager, Scientists and Analysts. The workload of Forensic Science Ireland has steadily increased throughout the years as An Garda Síochána and the courts appreciate the value of forensic scientific evidence. In 2022, there are over 200 staff members, including administrative staff.

The bulk of the work carried out in Forensic Science Ireland consists of the examination of samples submitted by An Garda Síochána. In specific instances, staff from the Laboratory are invited to attend scenes of crime, where they assist in the identification and interpretation of potential evidence and give advice on the taking of samples.

Each year, the Laboratory receives more than 400 cases of alleged sexual assault/rape (throughout this section all sexual crime cases are referred to as sexual assault).

DNA Service

The initiation of a DNA service in 1994 was a great asset in Forensic Science Ireland's ability to compare biological samples. DNA profiling is the technique used to identify individuals on the basis of their unique genetic makeup. DNA (Deoxyribonucleic Acid) is present in all body tissues, except for red blood cells. Those most commonly encountered in criminal cases for forensic analysis are stains or deposits such as blood, semen, vaginal fluid and saliva. Also cellular material (epithelial cells such as skin cells) can be profiled in situations where skin to skin contact has been alleged (e.g. gripping the arm). Advances such as YSTR profiling (specific for male DNA) have greatly helped cases where touching is alleged, and in cases where little or no semen has been detected. The DNA profile generated from the crime stain is compared with the control DNA from suspects and complainants. This control DNA (called a reference sample) is extracted from FTA mouth swabs (or blood or hair samples). Forensic Science Ireland has been the custodian of the National DNA database since the 20th of November 2015 following the enactment of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014. The Database contains DNA profiles from unsolved cases. Separate indices contain profiles of persons defined by legislation. Legislation outlines the types of profiles that can be searched on the Database.

5:2 The work of the Sexual Assault Team at Forensic Science Ireland

The objective of the Sexual Assault Team at Forensic Science Ireland is to have the best possible samples collected from the complainant, in a way that minimises the risk of contamination and to elicit the information that aids in the results obtained. Common sources of DNA examined in Forensic Science Ireland include semen, saliva, blood, skin cells and hair. Forensic Science Ireland is very dependent on the selection and quality of the samples received. Therefore the laboratory views education as a very important function. Forensic Science Ireland also works closely with the SATUs across the country and provides training and speakers for various SATU conferences and forensic examiner training programmes. This increased communication been very beneficial, and at Forensic Science Ireland we welcome any opportunity to allow further improvement in the quality of the samples received. Forensic Science Ireland views the National Guidelines as a vehicle for the achievement of all of these outlined key objectives.

KEY POINTS

KEY POINTS: Requirements for Forensic Science Ireland in Cases of Alleged Sexual Assault:



- To have the correct specimens collected in a way that best suits forensic analysis.
- To ensure that all potential evidence is collected.
- To ensure that samples are taken and stored in such a way that there is no risk of contamination from the surrounding area.
- To have the samples preserved in such a way that they reach the Laboratory in the best possible condition.
- To provide the Laboratory with the information needed to interpret the results obtained.

5:3 Forensic Samples

(See 2:6.7 Table 2 Re: Collecting Forensic Samples)

In most sexual assault cases, Forensic Science Ireland receives Sexual Offences Examination Kits, taken from the complainant and also from the suspect if available. The Laboratory also receives the clothes worn by the person at the time of the assault and where appropriate, the clothes worn by the suspect. In some cases, samples taken from the scene are also analysed.

Sexual Offences Examination Kit

The Sexual Offences Examination Kit is for use in the Forensic Clinical Examination of either the complainant or suspect. It is designed so that it can be used by Forensic Clinical Examiners who are experienced in the collection of evidence from complainants of rape/sexual assault and also by those that have limited experience.

It includes a form to be completed by the Forensic Clinical Examiner, which elicits information necessary for the scientific interpretation of results. The form also has a complete list of possible samples, where

the Forensic Clinical Examiner can record which samples have been taken. These may depend on the allegation and the subject being examined, but include swabs used to collect samples from the vagina, anus, mouth and also blood samples, hair samples, nail scrapings and other samples considered relevant by the Forensic Clinical Examiner. The medical form should not be put in with the samples taken for the Sexual Offences Examination Kit. It should be kept separate and submitted to Forensic Science Ireland at the same time as the Kit.

Supply of Sexual Offences Examination Kits

Sexual Offences Examination Kits are distributed by Forensic Science Ireland to the SATUs across the country and to designated units for Paediatric and Adolescent services. The aim is to have a Sexual Offences Examination Kit readily available when a Forensic Clinical Examination is requested. The Sexual Offences Examination Kits have an expiry date and it is therefore more appropriate that they are stored in an area where there is going to be a constant throughput.

KEY POINTS:



KEY POINTS

Clothing:

Taken where appropriate:

- From complainant.
- From suspect.

Sexual Offences Examination Kit:

- Designed for use for both complainant and suspect.

Specimens may include:

- Swabs from the vagina, anus, mouth.
- Blood samples.
- Hair samples.
- Nail samples.
- Toxicology samples.
- Other relevant samples.

5:4 Contamination

Contamination is defined as *“the introduction of DNA, or biological material containing DNA, to an exhibit at or after the point when a controlled forensic process starts at the beginning of an investigation”*.

Contamination of Trace Evidence

In Forensic Science terms, contamination is any transfer or deposition of material, which occurs after a crime, possibly via a third party not involved with the crime. It may also occur because of a common place of contact e.g. complainant and suspect carried sequentially in the same patrol car, or clothing from the

complainant and the suspect being exposed in the same room. The danger of contamination exists with all forms of trace evidence, i.e. paint, glass, fibres, hair, soil, and body fluids.

Contamination is probably the greatest problem that exists in the area of trace evidence (See tables 15 & 16). The possibility of accidental contamination exists from the first moment of contact between the Gardaí and the scene, suspect or complainant.

Risk of Contamination

The objective of the Forensic Clinical Examination from a Forensic Scientist point of view is to collect the best possible samples from the complainant, in a way that minimises the risk of contamination and to elicit the information from them that aids in the interpretation of the results obtained.

Contamination is most likely to be from epithelial (skin) cells from hands, saliva, hair and dandruff, both from the complainant and the examiner themselves. This is known as primary transfer. The potential for the contamination between different cases needs to be considered. This is known as secondary transfer.

Contamination with trace evidence can also occur (See Table 15). With increased sensitivity in DNA techniques, it has become very important that practitioners take all possible steps to ensure that their own cellular material does not contaminate the samples they obtain.

Table 15: Contamination of Evidence

Contamination can be due to:

Primary transfer of evidence from direct contact between items.

Secondary transfer of evidence caused, for example, by the same person handling items from different aspects of a case, or by packing items from different persons or scenes in the same room.

5:5 Prevention of Contamination

The following guidelines for the prevention of contamination should be considered during the Forensic Clinical Examination of the complainant in cases of alleged rape/sexual assault.

- The examination couch should be cleaned with bleach or a recommended cleaning agent before and after examinations (e.g Vircon, Actichlor, Klorkleen, or any 10% bleach products).
- Fresh paper roll should be used under each complainant.
- Chairs on which the complainant or anyone involved in the case including Forensic Examiner, Gardaí may have sat before or after the Forensic Clinical Examination should also be cleaned with bleach or a recommended cleaning agent.
- The practitioner should wear disposable apron/coat mop cap, gloves and face mask .
- Gloves (double gloving is highly recommended) must be worn when handling specimens and clothing. Change gloves frequently as required. Ensure that the gloves reach/cover the cuffs and that the wrists are not exposed.

- A chronological log or record should be kept of cases examined on each examination couch.
- All swabs should be placed into their vials immediately after taking the sample.

DNA Reference Elimination Swabs from Healthcare Personnel

Due to the sensitivity of current DNA profiling technology, we need to be conscious of the potential contamination of casework samples. Since June 1st 2009, anyone entering the Laboratory areas of Forensic Science Ireland is asked to provide a DNA sample (FTA Buccal Swabs) for elimination purposes. This is in line with international practice, in an attempt to ensure that profiles generated in the laboratory are relevant to a particular investigation. Since the enactment of the DNA Database 2014 Act, the provisions for taking elimination samples from SATU personnel have yet to be clarified.

Personnel in SATUs and General Practitioners, who take forensic samples, will be asked to provide buccal swabs for elimination purposes. The DNA profiles generated from the above personnel will not be used for any purpose other than for elimination.

Environmental Monitoring of SATUs

Examination rooms in the SATUs are monitored twice a year for DNA contaminants. Swabs, moistened with sterile water, are taken from the examination couch, trolley and colposcope (if available) and other surfaces in the room if required. Each swab should be labelled as follows: SATU; item swabbed; date; operator.

These swabs are submitted to Forensic Science Ireland.

KEY POINTS: Prevention of Contamination



KEY POINTS

- Clean with bleach or the recommended cleaning agent
 - Examination couch, trolley and any other equipment (eg colposcope).
 - Chairs on which complainant sat before or after exam.
- Fresh paper roll for the couch after each case.
- A log or record should be kept of cases examined on each examination couch.

When handling specimens and clothing:

- Use disposable gloves and aprons.
- Ideally gloves should reach the cuffs – wrists should not be exposed and an outer second pair of gloves can be changed regularly
- Masks should be worn at all times during medical examination

5:6 Analysing Samples for Semen

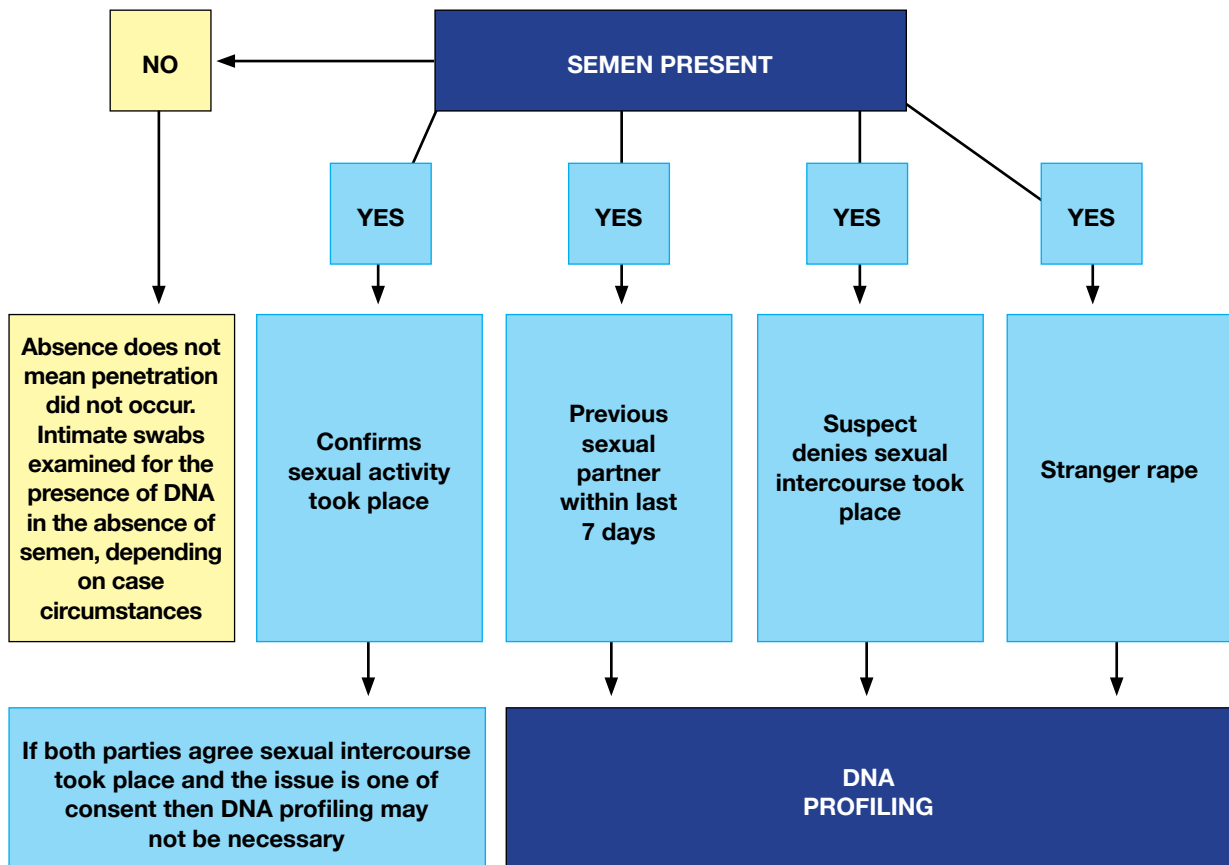
Forensic Science Ireland analyses swabs for the presence of semen. The presence of semen confirms that sexual activity has taken place. The evidence alone does not indicate whether or not a rape/sexual assault

has taken place. **Also, the absence of semen on the swabs does not mean that penetration did not occur.**

In the majority of alleged sexual offences submitted to FSI, the accused agrees that sexual activity occurred, and the issue is whether the complainant consented. In most of these cases DNA, profiling is not required.

When the suspect denies that intercourse took place, or when the complainant has had a previous sexual partner, DNA profiling will be carried out on seminal staining on the swabs or on the clothes. In cases of “stranger rape”, where the victim does not know the assailant, DNA profiling will always be carried out on any seminal staining recovered, and this profile is uploaded to the DNA Database System (See Figure 5).

Figure 5: Outline of When DNA Profiling May Be Carried Out



5:7 Time Frames For Detecting Semen

The persistence of semen varies between individuals and is influenced by the activity of the individual after the alleged offence.¹ In the experience of Forensic Science Ireland, semen may be detected on vaginal swabs taken up to approximately three days after intercourse. In the majority of cases, however, it will not be detected on swabs taken more than 48 hours after intercourse.² There are reports in the literature of traces of seminal staining being recovered up to 7 days afterwards,³ so this is the outer limit after which Forensic Science Ireland will not analyse kits.

Semen will persist for much shorter periods in the rectum and in the mouth.⁴ Generally, in the laboratory, semen is not found on anal swabs taken 24 hours after the alleged incident, but swabs are analysed up to 72 hours afterwards. On oral swabs, semen is rarely found if these are taken more than 6 hours after the alleged incident. However, oral swabs taken up to 24 hours afterwards are examined, if oral sex is alleged.

Semen will persist in dead bodies for a much longer period of time and, in Forensic Science Ireland, it has been recovered on vaginal swabs taken 6 weeks after death. Once the swabs are taken from the person, the semen, if present, will persist indefinitely on dry swabs. Dried seminal staining on clothes will persist until the clothes are washed; this can be useful in cases which are not reported for some time after the incident (See Table 16).

Table 16: Sites and Time Limits for Examination for Presence of Semen

Site	Time Limits for Examination for Semen
Vaginal	7 days
Rectum	3 days
Mouth	1 day
Skin	Semen can persist until washing
Dead bodies	Semen can persist for a much longer period of time
Dried seminal staining on clothing	Semen persists until clothes are washed

Washing, eating, drinking, douching, bathing, toileting or menstruation may accelerate the loss of semen

Other Samples

As well as analysing the Sexual Offences Examination Kit for the presence of semen, it may be necessary to carry out other analyses in cases of alleged rape/sexual assault. In cases where kissing, sucking/licking or biting of breasts or the penis is alleged, swabs should be taken from these areas. These swabs will be examined for the presence of saliva. Fingernail swabs should be taken in cases where the complainant may have scratched the offender or from the suspect if the allegation is digital penetration.

The clothes of the complainant will be tested for seminal staining or saliva depending on the circumstances of the case. The clothing will also be checked for damage (See 5:11) and blood staining. In some cases, the Forensic Scientist will look for hairs (See 5:10) and fibres (see section on fibres), which may have transferred between the two parties. If necessary, samples of urine and blood will be sent for toxicology (See 5:8). Depending on the circumstances of the case, items from the scene may also be analysed for the presence of blood, semen, touch DNA and fibres. DNA profiling can be attempted on both swabs and clothing and YSTR profiling (male specific DNA profiling) is very useful in certain cases. Using YSTR profiling, male DNA has been found in the vaginal cavity for up to 48 hours. In Forensic Science Ireland YSTR profiling is used for digital penetration cases, or in cases of penile penetration when no semen is detected. In our experience male DNA has been detected in the vaginal cavity up to 24 hours post penetration in cases where no semen has been found.

Role of the Forensic Clinical Examiner as an Investigator

While the samples to be taken are listed and instructions on how they are to be taken are set out clearly in the Sexual Offences Examination Kit, it cannot cover every possible eventuality. The Laboratory views the Forensic Clinical Examiner as having an investigative role in the procedure of evidence collection, just as the Gardaí do in collecting evidence at the scene of a crime. It is important that they have as complete an account from the complainant as possible, in order to guide them in the direction of potential forensic evidence. Any opportunity that the alleged assailant had to deposit DNA on the victim, or vice versa, should be considered and areas of contact should be swabbed (See 2:6.7). Stains, which are inconsistent with the account of what happened, should also be swabbed for further examination in Forensic Science Ireland.

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5:8 Samples for Toxicology

For an individual to be under the influence of a drug, it has to be present in their blood. It is possible, therefore, to identify a drug that could affect an individual's behaviour by analysing a blood sample. Detection times for drugs in blood can be relatively short. A delay of even 2 to 3 hours between the reporting of an incident and the collection of a blood sample can be significant.

Blood samples are also particularly useful when examining an individual's recent alcohol intake, as it is possible to 'back calculate', from a measured alcohol level in a sample, to earlier blood alcohol concentrations. When found in combination with drugs, an accurate determination of a person's blood alcohol concentration, at the time of an incident, can be particularly useful in explaining events. Blood samples, however, have to be collected by clinical staff, and this can introduce delays to sample collection, potentially losing valuable information.

Drugs and their metabolites are eliminated from the body through a variety of routes, including in urine. Compared to blood, urine samples allow for a longer window of detection of drugs and metabolites. Some are detectable for a short period of time while others may be detectable in urine for several days.

Urine can, therefore, be particularly useful if the alleged event happened more than a few hours earlier. It is not possible, however, to carry out an alcohol back calculation from a urine sample. In addition, the extended detection time of drugs in urine can include drug use prior to an incident.

Urine samples can be collected by non-medical staff and should be collected as soon as possible, after an incident is reported (See 1:6 and 5:9). The most important factor in cases of suspected drug facilitated sexual assault is speed of response. The sooner the samples are collected, the more likely that a useful forensic toxicological examination can be carried out. If there is any doubt as to whether or not a particular

sample is relevant, should be taken, it should be collected and submitted to the laboratory for evaluation to establish what analysis is appropriate.

Forensic Science Ireland tests for a range of drugs of common drugs of abuse and their metabolites, including amphetamine, benzodiazepines (including “Rohypnol”), methadone, cannabis, cocaine and opiates (heroin and morphine) etc.

The persistence of different drugs and their metabolites in the blood and urine of an individual depends on many factors, including but not limited to metabolism, amount of drug taken, pattern of drug consumption and drug tolerance. There are differing views in the literature as to the timelines for the detection of alcohol and drugs in toxicological specimens.

The sample analysis timeframes in Forensic Science Ireland are as follows:

	BLOOD	URINE
Alcohol	24 hours	24 hours
Drugs of Abuse	48 hours	120 hours

Sending Samples for Toxicology Screening

- The expiry date on blood bottles should be checked before use.
- Record the date and time of sampling on the blood and urine vials.
- Submit the tamper evident bag with the toxicology samples to Forensic Science Ireland.

Detection of Ingested Drugs from Hair

Forensic Science Ireland do not carry out hair testing for drugs and should be contacted in cases where testing hair for drugs of abuse is required. Interpretation of hair toxicology results is not straightforward so hair toxicology should only be considered in exceptional circumstances.

5:9 Early Evidence Kits

In 2004, Forensic Science Ireland introduced an Early Evidence Kit. Sometimes, it may not be possible for a victim of an alleged rape/sexual assault to see a Forensic Clinical Examiner immediately after crime. Some complainants have to travel long distances in order to be examined at the nearest SATU, or a Forensic Clinical Examiner may not be immediately available. With every hour that passes, physical evidence may be lost or deteriorate. Because of this, an Early Evidence Kit is available to be used by An Garda Síochána in cases of rape/sexual assault. For details relating to the use of the Early Evidence Kit see under An Garda Síochána guidelines (See 1:3).

5:10 Trace Evidence

Trace evidence includes any kind of physical evidence which might help link a suspect to a victim or to a scene. When the Forensic Scientist looks for the transfer of materials such as paint, glass, soil, hair and fibres, they are looking for trace evidence.

If a suspect is denying any contact with a complainant, the Forensic Scientist can look for evidence of fibre transfer between the suspect and the complainant's clothes.

Transfer of Fabric Traces on Contact

Textile fabrics are composed of mainly woven or knitted yarns and fibres. Tiny fragments of the fibres are broken off the surface of the fabric and may transfer to a second surface on contact. These fibres are generally invisible to the naked eye and have the potential to provide evidence of contact.

The size of the fibres and the ability to transfer means that great care must be taken at all times to avoid contamination.

Work in Forensic Science Ireland involves searching for transferred foreign fibres and comparing these to suspect sources e.g. fibres from the suspect's jumper, on the clothing of the complainant and vice versa.

Although fabrics are generally mass-produced, the finding of large numbers of transferred fibres, especially if these involve more than one type, is a strong indicator of recent contact.²

In addition some fabrics are not suitable as a source of fibres for various reasons. Contamination of trace evidence is a concern for forensic science, and measures should be implemented to avoid possible contamination (See 5:5).

Hair

Microscopic comparison of hairs for the purposes of identification is considered to be weak evidence, and this type of analysis is not done at FSI. Identification is achieved by DNA profiling any root material that is present.

There are two situations where Microscopic examination of hair is of value:

1. in determining whether a hair is human or animal in origin
2. where there is an allegation that hair has been pulled, examination of the root can be useful

These services can be provided by FSI.

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2. Cook R. and Wilson C. The significance of finding extraneous fibres in contact cases. *Forensic Science International*; 1986: 32, 267-273

5:11 Damage to Clothing

In cases of alleged sexual assault, damage to clothing is sometimes encountered. Its examination may provide valuable information about the possible implement that caused the damage, or the manner in which it was caused.^{1,2} Damage analysis may corroborate or refute a particular crime scenario. This can be especially important in cases of alleged sexual assault where the only issue is whether the complainant consented. In some cases, reconstruction experiments are used, in an attempt to reproduce the damage

to a garment. The use of reconstruction experiments makes it vital that detailed descriptions of how the damage was allegedly caused are available to the scientist.

Care should be taken when removing garments so that any damage is not altered. If clothing needs to be cut off, do not cut through any damaged areas. Washing a garment may change the nature of any damage evidence and make it more difficult for the Forensic Scientist to interpret. Therefore if a garment has been washed since the alleged incident, this should be communicated to the Laboratory.

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5:12 Collection and Storage of Forensic Evidence Without Immediate Reporting to An Garda Síochána

Option 3 samples are analysed in FSI in the same manner as other Sexual Offences Examination Kit samples.

See 2.33

5:13 DNA Reference Samples

DNA reference samples from complainants of sexual assaults are required for forensic testing. The reference sample is taken by An Garda Síochána (See 1:7) as an FTA sample (mouth swab). The sample may be taken on a date following the forensic medical examination. Blood samples (taken by Medical Practitioners) and pulled hair (with roots) may also be used as reference samples. DNA profiles generated from complainants reference samples are used exclusively for the case in question and are not uploaded on the National DNA Database.

SECTION 6: GENERAL PRACTITIONERS (GPs)

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6:1 Care of an Adult Patient Who Discloses Rape/Sexual Assault

This section will provide concise guidance for General Practitioners (GPs) when an adult patient makes a disclosure of recent sexual violence.

First steps:

1. The medical stability of the patient always takes priority over the collection of evidence. It is important to evaluate the general condition of the patient and consider if emergency medical treatment is needed. If so, immediate care at an Emergency Department may be appropriate. It is also appropriate to contact a SATU in such cases, provided the patient gives their informed consent, as it may be possible for a Forensic Clinical Examiner to carry out a forensic clinical examination at the Emergency Department. Contact details for SATUs are provided on p. 18.
2. It is important to establish the time frame from the incident. Forensic evidence, including both physical injuries and trace (DNA/semen/etc.) evidence, decays rapidly with time. Thus, if the patient wishes to undergo forensic clinical examination at a SATU, it should take place as soon as possible. Generally forensic samples are not taken if more than seven days have elapsed since the incident; however, it remains very important for a patient to be examined in a timely manner as there may still be evidence of physical injury. SATU response options are outlined on p. 16.

If the patient wishes to attend the SATU for a forensic clinical examination, the patient should be advised with regard to the preservation of forensic evidence. This involves provision of information on actions that can be taken/avoided by the patient in order to mitigate against loss of trace forensic evidence during the time period that the patient is awaiting SATU assessment. For example, the likelihood of obtaining trace forensic evidence can be increased if patients do not shower, change their clothes (especially underwear), clean their ano-genital area or throw away sanitary towels or tampons. In cases of oral assault within the preceding 24 hours, patients should be advised to avoid brushing their teeth and eating and drinking where possible. Further details are provided in the section on preservation of forensic evidence. (See p. 20-21: Preservation of Forensic Evidence).

If the patient does not want to report the incident to An Garda Síochána, it is possible for the patient to attend a SATU without Garda involvement. The GP can contact their local SATU to arrange an appointment. Where a patient is undecided as to whether or not to report the incident to An Garda Síochána, it is possible for forensic evidence to be obtained and stored for use in any later criminal investigations. Further information for patients and practitioners (including animated videos) is available at hse.ie/satu

Patient Declines SATU Attendance

If the patient is not willing to attend a SATU, the GP will need to address the forensic and health needs of the patient in so far as possible. The following issues should be considered:

- Carefully document the history of sexual violence that has been disclosed. Where possible, use the patient's own words in quotation marks. This may form the basis of a medico-legal report at a later date.
- If the patient is not well known to you, take a complete medical history.
- Consider the need for a chaperone prior to performing an examination.

- Perform a head-to-toe survey, looking for evidence of injury, and a systems examination. Carefully record the findings of the examination, with particular regard to documentation of physical injury. Ideally, a genital examination is performed so that genital injury can be identified and, if necessary, treated. However, if the patient would rather avoid a genital examination and if the risk of significant life-threatening genital injury is low, then it is reasonable not to examine the genital area. It is important that the patient knows that potential evidence (i.e. evidence of genital injury) will not then be available for use in any future Garda investigation. Identify and treat any acute medical needs or injuries.
- Assess the need for appropriate Emergency Contraception. (See 2:18).
- Consider the need for antibiotic prophylaxis against sexually transmitted infection. (See 4:2).
- Consider the need for HIV/Hepatitis Post-Exposure Prophylaxis following Sexual Exposure (PEPSE). This decision is largely based upon the known or suspected risk of the alleged perpetrator being HIV or Hepatitis B positive and the type of sexual exposure that may have occurred (See 4:2.3, HIV PEPSE decision-making flow chart). Try to establish if the alleged perpetrator is known to be HIV or Hepatitis B positive or if (s)he is from a high risk group. If uncertain, consider seeking an urgent opinion from a Consultant in Infectious Disease.
- Assess and manage the risk of self-harm. If high risk, consider the need for urgent psychiatric review.
- Ensure adequate psychological support is in place. The National Rape Crisis Centre (RCC) have a 24 hour helpline phone number. Provide the patient with the contact details of the local or a preferred RCC. (RCC details available at www.rapecrisishelp.ie or www.drcc.ie). Consider the need to offer a GP follow-up consultation for psychological support.
- Arrange follow-up Sexually Transmitted Infection (STI) screening in accordance with the patient's preference to attend a GP, Genito-Urinary Medicine clinic or other setting (See 4:4).
- If the patient is under 18 years of age, then Children's First reporting procedures apply.^{1,2} Complete and send the appropriate Social Services referral. In all cases of sexual violence, particularly those that involve domestic violence, it is important to consider the patient's safety in the home environment. Consideration must also be afforded to the safety of any children in the household. A Social Services referral should be considered. The welfare of the child is of paramount importance.¹ Relevant guidance from the Medical Council includes the following statement: *"If you believe or have reasonable grounds for suspecting that a child is being harmed, has been harmed, or is at risk of harm through sexual, physical, emotional abuse or neglect, you must report this to the appropriate authorities and/or the relevant agency without delay."*³

Finally, it may be helpful for GPs to know that most SATUs have a doctor or nurse on-call at all times. GPs may contact the on-call clinician for advice if they so wish.

KEY POINTS: Care of an Adult Patient who Discloses Rape/Sexual Assault



Medical stability of the patient always takes priority over collection of evidence

- If indicated ED referral – SATU Staff may carry out forensic medical examination in ED

If patient is stable

- Discuss with patient and gain their consent re: contacting a SATU.

If not involving SATU:

- Examine patient, document findings and treat accordingly (See 2:6).

Consider and assess re:

- Emergency contraception (See 2:18).
- STI prophylaxis (See 4:2.1).
- Hepatitis B vaccine (See 4:2.1).
- HIV PEPSE (See 4:2.3).
- STI follow up testing.
- Risk of self harm, if risk high consider urgent Psychiatric review if appropriate
- Ensure adequate psychological support is in place. The National RCC 24 hour helpline. Provide contact details of the local or a preferred RCC. (RCCs details available at www.rapecrisishelp.ie or www.drcc.ie).
- If under 18 years: Children First reporting procedures apply^{*1, 2}
- Safety in the home environment, (e.g. domestic violence) for patient and consider children*
- Support of family, friends
- If appropriate social work referral and/or wider Primary Care Team referral.

*Subject to statutory reporting requirements: Children First Guidance. Withholding Information Act.

6:2 Follow-up Care of an Adult Patient Who Has Attended a SATU

This section will provide concise guidance for General Practitioners (GPs) to refer to when an adult patient attends their practice having previously attended a SATU.

The health needs of each patient that reports sexual violence must be considered on an individual basis, as health needs vary considerably from one patient to another. Thus, it is only possible for this guideline to suggest a number of core issues that usually need to be addressed in most patients.

- Emergency Contraception (EC): In many cases, the patient will have been provided with emergency contraception at the SATU. Follow-up pregnancy testing may be considered. In the event that EC was not used, then the GP should consider if it is indicated (See 2:18).
- Sexually Transmitted Infection (STI) screening: Some patients will choose not to return to SATU for follow-up STI screening. If the GP can provide or arrange STI screening.

- Hepatitis B vaccination: Patients who have not previously been vaccinated against Hepatitis B are frequently offered the first dose of the vaccine schedule at SATU. It may be necessary for the GP to provide subsequent doses to complete the schedule or to initiate immunisation if required (See 4:2.2).
- Assess and manage the risk of self-harm. If high risk, consider the need for urgent psychiatric review.
- Ensure adequate psychological support is in place. Check if the patient met with RCC personnel in SATU and that they were given the RCC details. If not, provide the patient with the contact details of the local or a preferred RCC. (RCCs details available at www.rapecrisishelp.ie or www.drcc.ie). Consider the need to offer a GP follow-up consultation for psychological support.
- If the patient is under 18 years of age, then Children's First reporting procedures apply.²
- In all cases of sexual violence, particularly those that involve domestic violence, it is important to consider the patient's safety in the home environment. Consideration must also be afforded to the safety of any children in the household. A Social Services referral should be considered. The welfare of the child is of paramount importance.¹ Relevant guidance from the Medical Council includes the following statement: *"If you believe or have reasonable grounds for suspecting that a child is being harmed, has been harmed, or is at risk of harm through sexual, physical, emotional abuse or neglect, you must report this to the appropriate authorities and/or the relevant agency without delay."*³
- Most adult patients who attend a SATU will be provided with a brief letter that succinctly indicates the treatment they received at SATU. Patients may choose to bring that letter to a GP. It is intended to act as one means of facilitating communication so as to enhance continuity of care. However, should a GP require additional information, in order to provide care to the patient, they can contact the SATU and speak directly to a clinician, provided the patient provides consent.

KEY POINTS: Follow-up Care of an Adult Patient Who Has Attended a SATU



KEY POINTS

Core issues that usually need to be addressed:

- EC: Question if given. Provide if needed. Follow-up pregnancy testing considered.
- STI screening: (See 4:4).
- Hepatitis B vaccination: First dose of schedule may or may not have commenced at SATU. GP may initiate or complete the schedule (See 4:3.2).
- Risk of self-harm: if risk high, refer for urgent psychiatric review if appropriate.
- Check if the patient met with RCC or was given the RCC details. If not, contact details available for RCC at www.rapecrisishelp.ie or www.drcc.ie. Consider the need to offer a GP follow-up consultation for psychological support.
- If under 18 years, Children's First reporting procedures apply.^{1, 2}
- Safety in the home environment, (e.g. domestic violence) for patient and children.^{*1, 2}
- Support of family, friends.
- Social Services referral and/or wider Primary Care Team referral, if appropriate.
- Finally, it may be helpful for GPs to know that most SATUs have a doctor or nurse on-call at all times. GPs may contact the on-call clinician for advice if they so wish.
- SATUs have Forensic Clinical Examiner on-call at all times. GPs may contact the on-call clinician for advice if they so wish.
- Contact SATU for advice and information

*Subject to statutory reporting requirements: Children First Guidance.¹ Withholding Information Act.²

6:3 Child and Adolescent Patients: Useful Information for GPs

This edition of the National Guidelines includes a dedicated section on responding to child and adolescent patients (See Section 8). General Practitioners (GPs) involved in the care of a child or adolescent who has experienced sexual abuse, or is suspected of having experienced sexual abuse, are directed to that section for guidance. The following bullet points provide very brief, practically applicable information, but are not intended to be a substitute for GPs reading appropriate guidance in detail:

1. The complete National Guidelines on Referral and Forensic Clinical Examination Following Rape and Sexual Assault (Ireland) 5th Edition 2022 are available at www.hse.ie/satu. Detailed information is available in the child and adolescent section.
 2. Further information is available in the *Children First National Guidance for the Protection and Welfare of Children*¹. It is essential for GPs to be aware of their obligations under this Guidance. An e-learning module is available at www.tusla.ie.
- GPs are Mandated Persons under Children First Act 2015. As such, GPs are obliged to assess concerns in relation to children and report to Tusla those that meet a defined threshold. In accordance with Guidance from the Medical Council, GPs “*must be aware of and comply with the national guidelines and legislation for the protection of children*”³. In addition to being obliged to report concerns, GPs are also obliged to assist Tusla in their assessment of a concern which has been the subject of a mandated report.
 - It is imperative to always explore and ensure the immediate safety of a child. If a GP considers urgent intervention to be required in order to ensure a child’s safety, telephone contact can be made with the local duty social worker. In such cases, where a GP has concern in relation to the immediate safety of a child, consideration can also be afforded to informing An Garda Síochána. GPs should always also consider the safety of other children, such as siblings.
 - It is considered best practice for a GP to inform a family/parents that a report is being made to Tusla. However, a GP is not obliged to do so and, in exceptional circumstances, may decide not to if concerned that to do so could place a child at further risk, could impact upon Tusla’s ability to carry out an assessment or could place the GP at risk of harm from the family. See www.tusla.ie.
 - GPs can refer a child/adolescent for a forensic assessment. Contact details for Child and Adolescent Sexual Assault Services are provided (See p. 19). Referral Pathways for Child and Adolescent Forensic Medical Assessments are provided (See Section 8:4). The urgency of a forensic assessment should always be considered (i.e. timing of the assessment in relation to the abuse/concern) (see Section 8) discuss with Forensic Examiner on call.
 - If GPs are in doubt in relation to referral or a concern, it may be helpful for GPs to know that they can contact the Forensic Examiner on call for advice.
 - GPs should consider the provision of Emergency Contraception if indicated.
 - GPs may find it helpful to inform patients/families of available crisis support services.

References

1. Department of Children and Youth Affairs (DCYA) Children First: National Guidance for the Protection and Welfare of Children. Dublin: Stationery Office; 2017. www.dcy.a.ie
2. Government of Ireland. Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act, 2012. www.irishstatutebook.ie
3. Medical Council. Guide to Professional Conduct and Ethics for Registered Medical Practitioners. (Amended) 8th Edition, 2019. Available from www.medicalcouncil.ie. Accessed 26.02.2022.

Additional reading

Kennedy Kieran M, White C, What can GPs do for adult patients disclosing recent sexual violence? British Journal of General Practice, 2015. 65(630):42-44.

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Legal Section

7:1 Aim of this section

The aim of this section is to provide an overview to the SART professional on the different types of sexual offences and the courts that hear them; the role of the Office of the Director of Public Prosecutions in the prosecution of sexual offences; what happens to material generated by SATU in the context of a criminal prosecution; and the law when it comes to giving evidence, which can ease the criminal process for victims.

7:2 Sexual offences

In Irish law there are a number of different types of sexual offences. Some sexual offences can only be penetrative sexual offences such as rape¹ (penile/vaginal) and section 4 rape² (penile/oral, penile/anal or vaginal with an implement).

Other offences, such as sexual assault, which is a broad offence, can encompass either penetrative and non-penetrative sexual offending. Penetration of the vagina or anus with a finger can be charged as sexual assault. A sexual assault offence is also made out where a victim is touched over or under clothes on an intimate part of the body such as the breasts, bottom or genital area.

7.2.1 Adults and consent

The border between rape and sexual intercourse is consent. Consistently the law has held that there can be no consent where a woman is not in a position to give consent.³

Where an accused is charged with the commission of a sexual act on an adult victim, one of the elements of the offence which the prosecution must prove is that the adult did not consent to the sexual act.

In law, an adult consents⁴ to a sexual act⁵ if he or she freely and voluntarily agrees to that act.

An adult does not consent⁶ to a sexual act where:

- (a) he or she permits the act to take place or submits to it because of the application of force to him or her or to some other person, or because of the threat of the application of force to him or her or to some other person, or because of a well-founded fear that force may be applied to him or her or to some other person,
- (b) he or she is asleep or unconscious,
- (c) he or she is incapable of consenting because of the effect of alcohol or some other drug,
- (d) he or she is suffering from a physical disability which prevents him or her from communicating whether he or she agrees to the act,
- (e) he or she is mistaken as to the nature and purpose of the act,
- (f) he or she is mistaken as to the identity of any other person involved in the act,
- (g) he or she is being unlawfully detained at the time at which the act takes place,
- (h) the only expression or indication of consent or agreement to the act comes from somebody other than the person himself or herself.

This list is not an exhaustive list and does not preclude the prosecution claiming absence of consent with a different set of facts separate to the contexts set out in (a) to (h).⁷

In Ireland, an adult can withdraw consent either before the sexual act begins or while the sexual act is taking place.⁸

Any failure to offer resistance does not of itself constitute consent to the sexual act.⁹

7.2.2 Children and consent

Unlike adults, a child, by virtue of age, cannot consent to a sexual act. The main legislative provision creating sexual offences specific to child victims is the Criminal Law (Sexual Offences) Act 2006. This Act defines a 'sexual act' and then criminalises the commission of such an act against a child aged either:

- under 15¹⁰, or
- under 17¹¹, or
- under 18 by a person in authority¹²

A 'sexual act' is defined¹³ as sexual intercourse or buggery between persons who are not married to each other, aggravated sexual assault¹⁴ or section 4 rape.¹⁵

A 'person in authority' is defined¹⁶ as:

- (a) a parent, grandparent, uncle or aunt whether of the whole blood, of the half blood or by affinity of the child,
- (b) a current or former guardian or foster parent of the child,
- (c) a current or former step-parent of the child,
- (d) a current or former partner of a parent of the child who lives or has lived in an enduring family relationship with the parent,
- (e) any person who is for the time being, or has been, in loco parentis to the child, or
- (f) any other person who is or has been responsible for the education, supervision, training, care or welfare of the child

Where the child victim is under 15, the accused cannot defend the case on the basis that the child consented to the sexual act.

Similarly, where the child victim is under 17, the accused cannot defend the case on the basis that the child victim consented. The law however does make provision where a child gave their consent in circumstances where the defendant was younger or less than two years older than the child victim, not in a position of authority and not in an exploitative relationship with the child victim.

No proceedings for an offence under this section against a child under the age of 17 years can be brought without the consent of the Director of Public Prosecutions.¹⁷

Where the child victim is 17 but under 18, the person in authority cannot defend the case on the basis that the child victim consented to the sexual act.

The definition of 'sexual act' does not include the offence of 'sexual assault'. This offence is still used when it comes to sexual offending and children. As discussed at 7.2, sexual assault is a very broad offence. It can range from touching over the clothes on an intimate part of the body such as the breasts, bottom or genital area to digital penetration of the vagina or anus.

Where the accused is charged with sexual assault and the victim is under the age of 15, it is not a defence¹⁸ for an accused to assert that the victim consented to the act constituting the sexual assault. If the victim is 15, the prosecution must prove that the victim did not consent to the act constituting the sexual assault.

7.2.3 Protected persons and consent

A valid consent may only be given by someone who has the capacity to give it. Part 3 of the Criminal Justice (Sexual Offences) Act 2017 created specific sexual offences where the victim does not have the mental capacity to consent. Section 21 makes it an offence to engage in a sexual act with a 'protected person'.¹⁹ Section 22 makes it an offence for a person of authority to engage in a sexual act with a 'person of relevance'.

For both of these offences a 'sexual act' is defined as sexual intercourse, buggery, aggravated sexual assault, section 4 rape and any act, which, if done without consent would constitute sexual assault.²⁰ Thus the definition of a 'sexual act' is broader for a protected person than the definition of a 'sexual act' for a child.

A 'protected person' is defined as someone who lacks the mental capacity to consent to a 'sexual act'.

S.21(7) For the purposes of this section, a person lacks the capacity to consent to a sexual act if he or she is, by reason of a mental or intellectual disability or a mental illness, incapable of—

- (a) understanding the nature, or the reasonably foreseeable consequences, of that act,
- (b) evaluating relevant information for the purposes of deciding whether or not to engage in that act, or
- (c) communicating his or her consent to that act by speech, sign language or otherwise, and, in this section, such a person is referred to as a "protected person".

Where the accused is prosecuted for engaging in a sexual act against a protected person, there is a legal presumption that the accused knew or was reckless to the fact that the victim was a protected person. This can be overcome by the defence offering evidence that this was not the case.

No proceedings for an offence under this section shall be brought except by, or with the consent of, the Director of Public Prosecutions.²¹

7.2.4 Relevant persons and consent

A new offence was created by section 22 of the Criminal Law (Sexual Offences) Act 2017. This charge makes it an offence for a person in authority to engage in a sexual act with a relevant person. A relevant person is defined²² as follows:

"relevant person" means a person who has—

- (a) a mental or intellectual disability, or
- (b) a mental illness,

which is of such a nature or degree as to severely restrict the ability of the person to guard himself or herself against serious exploitation.

A ‘person in authority’ is defined,²³ for the purpose of this section only, as:

“person in authority”, in relation to a relevant person against whom an offence is alleged to have been committed, means any person who as part of a contract of service or a contract for services is, for the time being, responsible for the education, supervision, training, treatment, care or welfare of the relevant person

It is not a defence to this charge to show that the person against whom the offence is alleged to have been committed consented to the sexual act of which the offence consisted.

No proceedings for an offence under this section shall be brought except by, or with the consent of, the Director of Public Prosecutions.²⁴

7.2.5 Incest and consent

Finally, incest is a specific sexual offence. It can be committed by a male or a female (aged 17 or over). A male commits incest if he has sexual (vaginal) intercourse with his mother, sister, daughter or granddaughter. Consent is not a defence to incest by a male. Incest is committed by a female if she, with consent, permits her father, grandfather, brother or son to have sexual intercourse with her.

7:3 The Prosecution of Sexual Offences

The prosecution of sexual offences is conducted by the Office of the Director of Public Prosecutions (ODPP). These prosecutions are undertaken, on behalf of the people of Ireland. The process by which a decision is taken to prosecute a matter is set out in the below paragraphs.

7.3.1 From investigation to prosecution of sexual Offences

The Garda Síochána investigate allegations of sexual offences made to them. When it completes the investigation, it submits a file to the ODPP. This file will contain witness statements and other relevant evidence which the Garda Síochána has obtained. Where the victim attended SATU in the aftermath of a sexual assault, the file will usually also contain the SATU legal report. It may also contain handwritten notes, diagrams or photographs created when the victim attended at SATU. This material, collectively, is what the ODPP base their decision as to whether or not to prosecute someone.

7.3.2 The decision to prosecute

It is the Directing Division of the ODPP which makes the decision whether to prosecute or not. This decision is a two stage process:

1. Is there a prima facie case?

A prima facie requires admissible, relevant, credible and reliable evidence which is sufficient to establish that a criminal offence known to the law has been committed by the suspect. The evidence must be such that a jury, properly instructed on the relevant law, could conclude beyond a reasonable doubt that the accused was guilty of the offence charged.²⁵

2. If there is a prima facie case, does the public interest requires a prosecution?

Once the prosecutor is satisfied that there is sufficient evidence to justify the institution of a prosecution, the next consideration is whether, in light of the provable facts and the whole of the surrounding circumstances,

the public interest requires a prosecution to be pursued. It is not the rule that all offences for which there is sufficient evidence must automatically be prosecuted.²⁶

Where there is sufficient evidence and the public interest requires a prosecution, the prosecutor decides what charges should be preferred and directs – based on the seriousness of the sexual offence – which court the matter should be heard in.

7:4 What Courts hear what Sexual Offences

There are three different venues that can hear criminal cases involving sexual offences.

These are:

- the District Court
- the Circuit Court
- the Central Criminal Court

The District Court has the jurisdiction to hear minor²⁷ matters only. Cases heard in the District Court are heard by a judge without a jury. The prosecution solicitor represents the Office of the Director of Public Prosecutions at these hearings. The offences of sexual assault and attempting to commit a sexual act with a child under 15²⁸ or under 17²⁹ can be prosecuted in the District Court. However certain conditions^{30 31} must first be met.

The Circuit Court hears more serious offences. Cases heard here are heard by a judge and jury. In addition to the prosecution solicitor, these charges are prosecuted using independent counsel (barristers) practising at the Bar. They represent the Director of Public Prosecutions. They prosecute in accordance with the Director's instructions and in compliance with the Guidelines for Prosecutors³². Sexual offences that are prosecuted in the Circuit Court are offences of sexual assault; engaging or attempting to engage in a sexual with a child under 15 or under 17; engaging or attempting to engage in a sexual act with a child under the age of 18 by a person in authority; and incest.³³

The Central Criminal Court is the only court with the jurisdiction to hear rape, section 4 rape and aggravated sexual assault matters. Like the Circuit Court, cases heard in the Central Criminal Court are heard by a judge and jury. Like the Circuit Court, barristers are retained to present these cases. Where a case involves a mixture of rape and sexual assault charges, all charges are heard together in the Central Criminal Court.

7:5 SATU legal report and materials generated through forensic examination and treatment

Where the victim has attended a SATU, material will have been generated to guide the forensic examination. This material may be a written account of the incident as described by the victim. It may also be notes, charts, records, diagrams and/ or photographs. Where a prosecution is directed, a SATU legal report setting out the findings of the forensic examination, will be sought by the Garda Síochána from the relevant forensic examiner. The materials - notes, charts, records, diagrams and/ or photographs may also be sought by the Garda Síochána during the investigation. They are then sent to the ODPP.

7.5.1 SATU legal report

Where a prosecution is directed, a book of evidence is prepared by the prosecution. The book of evidence contains information including the charges against the accused, the witnesses the prosecution intends to call, copies of their witness statements and any documents the prosecution intends to rely on. The SATU legal report is a document that the prosecution often rely on and it is included in this book of evidence. A copy of this book of evidence is given to the accused in advance of the trial.³⁴ This is because the accused has a constitutional right – as someone charged with a criminal offence – to know the prosecution evidence that is to be used at the trial. The prosecution has a statutory duty³⁵ to serve this on the accused. Knowing what evidence the prosecution has against the accused, will inform the accused's decision whether to defend the case or plead guilty.

See Appendix 2 to view SATU legal report template

7.5.2 Materials generated through forensic examination and treatment

The prosecution also has a duty to give the defence material in its possession that it does not intend to use at trial, if that material might be relevant to the defence. 'Relevant material' has been defined as evidence which 'might help the defence case, help to disparage the prosecution case or give a lead to other evidence.'³⁶ Notes, records, charts, diagrams or photographs created to guide the forensic examination may be relevant to the defence and therefore may be disclosed to the solicitor for the accused. This material is referred to as 'disclosure'.

It is important for the victim to be aware that the expectation of confidentiality, which usually arises where information passes between patients and doctors or other medical personnel does not apply in circumstances where they have made a formal report of a sexual offence.

7:6 Pre-trial information for the victim

While at the SATU, the victim may ask the SART professional about legal process. In such an instance, the following information may be helpful for the SART professional.

7.6.1 Free legal advice for the victim

Currently, where a prosecution is directed, free legal advice³⁷ can be obtained from the Legal Aid Board for the following offences: rape, section 4 rape, aggravated sexual assault and any offence under the Criminal Justice (Sexual Offences) Act 2006.³⁸

At the moment, free legal advice does not extend to a victim where there is a prosecution directed for sexual assault.

7.6.2 Meeting with the victim before the trial

Before the trial, the prosecution invites the victim to a pre-trial meeting. This meeting is attended by the solicitor and barristers assigned to the case. This meeting takes place a couple of weeks before the trial and is an opportunity for the victim to meet the prosecution team. The prosecution team explain the procedures around the trial and answer questions the victim may have. Generally, discussion of the evidence is not permitted at these meetings. This is intended to prevent the victim being told what evidence to give or to avoid any suggestion that this has happened.

7.6.3 Special Measures for the victim

Special measures are tools to help the victim give their evidence during the trial. Special measures are set out in the Criminal Justice (Victims of Crime) Act 2017.

Section 19(2) of the Criminal Justice (Victims of Crime) Act 2017 states:

The special measures referred to in *subsection (1)* are—

(a) the **exclusion of the public, any portion of the public or any particular person or persons from the court during** such criminal proceedings pursuant to section 20

(b) **directions** under section 21 **regarding the questioning of the victim in respect of his or her private life**

(c) measures under Part III of the Criminal Evidence Act 1992 **enabling the victim to give evidence through a live television link or an intermediary or enabling a screen or other similar device** to be used in the giving of evidence

Before the trial, in order to find out if a victim requires the use of special measures, the Garda Síochána will carry out an assessment on the victim. In carrying out this assessment, the Garda Síochána will consult the victim³⁹ and take into account their view.⁴⁰ The aim of this assessment is to identify where a victim might be vulnerable to secondary and repeat victimisation, intimidation and retaliation. Where this is identified a written assessment is sent by the Garda Síochána to the ODPP.⁴¹ The ODPP can then use the content of this assessment and make an application to Court for a special measure or special measures for the victim. Defence may or may not object to this application. It is the judge who decides on the issue.

7:7 Trial information for the victim

7.7.1 Does the victim give evidence in public?

The public is not allowed in to a courtroom to hear the evidence where a case involves the following sexual offences:

- Rape⁴²
- Section 4 Rape⁴³
- Aggravated Sexual Assault⁴⁴
- Incest⁴⁵
- Section 2, 3 and 3A of the Criminal Justice (Sexual Offences) Act 2006

For the offence of sexual assault, the public are not currently automatically excluded by law.

However, an application under section 20 of the Criminal Justice (Victims of Crime) Act 2017 can be made.

7.7.2 Who is in court when the victim gives their evidence?

There are certain people who will always be in court. These are:⁴⁶

- The judge
- The judge's assistant
- The judge's registrar
- A member of Courts Service
- The legal teams for both sides (solicitor and barristers)
- The 12 people of the jury
- The prosecution Gardaí
- The accused
- Prison officers, where the accused is in custody
- Members of the media may also be in court to report on the case

7.7.3 Can the media name the victim?

By law, the media are allowed to be present in court and report on the trial of sexual offences. However, they are not allowed to name or otherwise identify the victim of any sexual offence. The role of the media is to report what is said and shown in court back to the public.

This right of a victim not to be named or identified is referred to as the victim's right to anonymity. The victim's right to anonymity begins from the date when the accused is charged with the offence.⁴⁷ It endures during the trial, the reading out of the victim impact statement, the sentence and on after the trial.⁴⁸

7.7.4 Can the media name the accused?

A limited right to anonymity for an accused exists where charged with the offence of rape or section 4 rape⁴⁹. A limited right to anonymity for an accused also exists if charge with an offences under section 2, 3 or 3A of the Criminal Justice (Sexual Offences) Act 2006.⁵⁰ An accused charged with these offences cannot be named during the trial. If convicted, the media is legally allowed to name the accused.

If charged with sexual assault or aggravated sexual assault, an accused has no right to anonymity. Therefore, the accused charged with these offences can be named by the media both during and after a trial.

If charged with the offence of incest, the accused cannot be named during the trial or if convicted. The maintenance of an accused's anonymity after the trial in cases of incest is to protect the victim's identity: if the media name the accused and give details of the charge and relationship to the victim, the victim would be easily identifiable.

7.7.5 Can the public be in court when the victim impact statement is read out?

The victim can choose to read the victim impact statement out themselves or have someone (often the prosecution barrister) read it out for them. The effect of the offending on the victim as set out in the victim impact report is taken into account by the judge when deciding what sentence to impose on the accused.

Members of the public are allowed to be in court at the sentencing hearing. However, if the victim wishes to exclude them, an application by the prosecution can be made to the judge.⁵¹

7.7.6 Can the public be in court when the victim impact statement is read out?

As stated at 7.7.3, the media can report on the content of a case, but cannot identify the victim. Where the victim does not want certain aspects of the victim impact statement reported on, an application to exclude this from the reporting, can be made to the judge.⁵²

7.7.7 Free separate legal representation for the victim

Victims are not usually entitled to be represented by their own lawyer during criminal proceedings. However, an exception is made for victims of a 'sexual assault offence'⁵³ where the accused's lawyer seeks to cross examine the victim on her prior sexual history.

When the defence is seeking to do this, they must first tell the prosecution of this plan. A lawyer is obtained from the Legal Aid Board to represent the victim. The defence must then ask the Courts permission⁵⁴ to cross examine the victim on her previous sexual history. At this hearing, the victim can instruct the lawyer from the Legal Aid Board directly. If the Court grants permission to the defence to cross-examine at the trial, this lawyer will be present for any such questioning to represent the victim's interests.

7:8 Giving evidence and the SART professional

The nurse or doctor who wrote the forensic report will be listed as a witness in the book of evidence. In due course, a witness summons will be served on them by the Garda Síochána to come to court to give evidence during the trial.

A witness called by the prosecution can be cross-examined by the defence.

Where a witness has provided a forensic legal report, their testimony should be based on the content of the forensic legal report. Please note that commentary that goes beyond the findings in the forensic legal report could result in a jury being discharged. A jury discharge means that the trial collapses and a re-trial has to be ordered.

ODPP Information Resources:

For more information on the Prosecution System in Ireland please see the ODPP website at <https://www.dppireland.ie>

INFORMATION TABLE					
	Offence	Is Public excluded from court?	Is Media banned from identifying the victim?	Is Media banned from identifying the accused?	Is Free Legal Advice available
1.	RAPE	Yes	Yes – lifelong ban	Yes – until conviction.	Yes
2.	SECTION 4 (A) RAPE	Yes	Yes – lifelong ban	Yes – until conviction.	Yes
3.	SECTION 4 (B) RAPE	Yes	Yes – lifelong ban	Yes – until conviction.	Yes
4.	INDECENT ASSAULT	Not automatic. An application can be made to the court to exclude the public.	Yes – lifelong ban	No	No
5.	SEXUAL ASSAULT	Not automatic. An application can be made to the court to exclude the public.	Yes – lifelong ban	No	No
6.	AGGRAVATED SEXUAL ASSAULT	Yes	Yes – lifelong ban	Yes – until conviction.	Yes
7.	A SEXUAL ACT WITH A CHILD UNDER 15	Yes	Yes – lifelong ban	Yes – until conviction.	Yes
8.	A SEXUAL ACT WITH A CHILD UNDER 17	Yes	Yes – lifelong ban	Yes – until conviction.	Yes
9.	A SEXUAL ACT WITH A CHILD BETWEEN THE AGE OF 17 AND 18	Yes	Yes – lifelong ban	Yes – until conviction.	Yes
10.	INCEST BY A MALE	Yes	Yes – lifelong ban	Yes	Yes
11.	INCEST BY A FEMALE OF OR OVER THE AGE OF SEVENTEEN YEARS	Yes	Yes – lifelong ban	Yes	Yes
12.	A SEXUAL ACT WITH A PROTECTED PERSON	No	No	No	No
13.	A SEXUAL ACT WITH A RELEVANT PERSON BY A PERSON IN AUTHORITY	No	No	No	No

References

1. Section 2 Criminal Law (Rape) Act 1981.
2. Section 4 Criminal Law (Rape)(Amendment) Act 1990.
3. DPP v COR [2016] IESC 64 [35] (Charleton J). The offence charged in that case was rape.
4. Section 9(1) of the Criminal Law (Rape) (Amendment) Act 1990 as substituted by section 48 of the Criminal Law (Sexual Offences) Act 2017.
5. A 'sexual act' is defined by section 9(6) of the Criminal Law Rape Amendment Act as substituted by section 48 Criminal Justice (Sexual Offences) Act 2017 as
 - '(a) an act consisting of—
 - (i) sexual intercourse, or
 - (ii) buggery,
 - (b) an act described in section 3(1) or 4(1) of this Act, or
 - (c) an act which if done without consent would constitute a sexual assault'.
6. Section 9(2) of the Criminal Law (Rape) (Amendment) Act 1990 as substituted by section 48 Criminal Law (Sexual Offences) Act 2017.
7. Section 9(3) of the Criminal Law (Rape) (Amendment) Act 1990 as substituted by section 48 of the Criminal Law (Sexual Offences) Act 2017.
8. Section 9(4) of the Criminal Law (Rape) (Amendment) Act 1990 as substituted by section 48 Criminal Law (Sexual Offences) Act 2017 expressly states this.
9. Section 9(5) of the Criminal Law (Rape) (Amendment) Act 1990 as substituted by section 48 of the Criminal Law (Sexual Offences) Act 2017.
10. Criminal Law (Sexual Offences) Act 2006, s 2.
11. Criminal Law (Sexual Offences) Act 2006, s 3.
12. Criminal Law (Sexual Offences) Act 2006, s 4.
13. Criminal Justice (Sexual Offences) Act 2006, s 1.
14. As set out in section 3 of the Criminal Law (Rape) (Amendment) Act 1990.
15. As set out in section 4 of the Criminal Law (Rape) (Amendment) Act 1990.
16. Section 1 Criminal Law (Sexual Offences) Act 2006 as substituted by section 15(a) of the Criminal Law (Sexual Offences) Act 2017.
17. Criminal Law (Sexual Offences) Act 2006, s 3(7).
18. Criminal Law Amendment Act 1935, s 14.
19. This replaced section 5 of the Criminal Law (Sexual Offences) Act 1993.
20. Criminal Law (Sexual Offences) Act 2017, s 20.
21. Criminal Law (Sexual Offences) Act 2017, s 23.

22. Criminal Law (Sexual Offences) Act 2017, s22(8).
23. Criminal Justice (Sexual Offences) Act 2017, s22(8).
24. Criminal Law (Sexual Offences) Act 2017, s 23.
25. Guidelines for Prosecutors (5th edn, December 2019), Chapter 4, para 10.
26. Guidelines for Prosecutors (5th edn, December 2019), ch 4, para 18.
27. Article 38.2 of Constitution 'Minor offences may be tried by courts of summary jurisdiction'.
28. Criminal Law (Sexual Offences) Act 2006, s 2(2).
29. Criminal Law (Sexual Offences) Act 2006. s 3(2).
30. For attempting to engage in a sexual act with a child under section 15 or 17 see Criminal Law (Sexual Offences) Act 2006, s 4:
 - '(1) the court is of opinion that the facts alleged constitute a minor offence fit to be tried summarily;
and
 - (2) the accused, on being informed by the court of his right to be tried by jury, does not object to summary; and
 - (3) the DPP consents to summary trial'.
31. For sexual assault see Criminal Law (Rape) Act 1981, s 12.
32. <https://www.dppireland.ie/publication-category/guidelines-for-prosecutors/>
33. O'Malley, Sexual Offences (2nd edn, Round Hall 2013), ch 7.13.
34. Under Art 38.1 'No person shall be tried on any criminal charge save in due course of law'; Art 6 European Convention of Human Rights.
35. Section 4B(1)(a) of the Criminal Procedure Act 1967 as inserted by section 9 of the Criminal Justice Act 1999 and amended by section 37 of the Criminal Procedure Act 2010.
36. DPP v Special Criminal Court [1999] 1 IR 60 (Carney J) 37
Section 326(3A) as inserted by section 78 of the Civil Law (Miscellaneous Provisions) Act 2008.
38. Section 2,3 and 3A Criminal Justice (Sexual Offences) Act 2006.
39. Criminal Justice (Victims of Crime) Act 2017, s 15(4)(i).
40. Criminal Justice (Victims of Crime) Act 2017, s 15(4)(ii).
41. Criminal Justice (Victims of Crime) Act 2017, s16(8)(b)(ii)(I)(B).
42. Section 6 of the Criminal Justice Rape Act 1981 as substituted by section 11 or the Criminal Law (Rape) Amendment Act 1990.
43. Section 6 of the Criminal Justice Rape Act as substituted by section 11 of the Criminal Law (Rape) Amendment Act 1990.
44. Section 6 of the Criminal Justice Rape Act as substituted by section 11 Criminal Law (Rape) Amendment Act 1990.
45. Criminal Justice (Sexual Offences) Act 2017, s 20 (incest).

46. These people fall into the category of either 'officers of the court' or 'directly concerned with the proceedings' as described by section 6 of the Criminal Law Rape Act 1981.
47. Section 7(1) of the Criminal Law Rape Act 1981. Note under the Criminal Justice (Victims of Crime) Act 2017, the victim has a right to be both informed when the accused has been charged and with what offences.
48. There is an exception to this contained in section 7(2) and (3). In essence, it allows the accused to apply to the judge to name the complainant in order to compel someone who may have witnessed the incident to come forward. The circumstances that must exist for an application like this to be made and granted are extremely rare. It is not known if an application under these sections has ever been made.
49. Criminal Law (Rape) Act 1981, s 8.
50. Criminal Law (Sexual Offences) Act 2006, s 6.
51. Criminal Justice (Victims of Crime Act) 2017, s 20.
52. Section 5(5) of the Criminal Justice Act 1993 as inserted by section 4 of the Criminal Procedure Act 2010.
53. See section 1 of the Criminal Law Rape Act 1981 for definition of 'Sexual Assault Offence'.
54. This application is usually a pre-trial application under section 6 of the Criminal Procedure Act 2021.

SECTION 8:

CHILD AND ADOLESCENT FORENSIC MEDICAL ASSESSMENTS FOLLOWING DISCLOSURE OR CONCERNS OF CHILD SEXUAL ABUSE

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8:1 Introduction and Overview

The World Health Organisation defines child sexual abuse as the “involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared, or else that violates the laws or social taboos of society”¹ and further notes that “children can be sexually abused by both adults and other children who are – by virtue of their age or stage of development – in a position of responsibility, trust or power over the victim”¹.

Child sexual abuse is thought to be highly prevalent but under-reported. A large study of the prevalence of sexual abuse and violence in Ireland surveyed over 3000 randomly selected Irish adults². One in five women (20.4%) reported having experienced contact sexual abuse in childhood². The term “contact abuse” refers to any type of abuse that involves physical contact with the child and includes penetrative sexual abuse. Non-contact abuse refers to other acts of child sexual abuse that do not involve direct physical contact with the child - examples include grooming and persuading a child into performing a sexual act online, including via social media and/or internet. A further one in ten women (10%) who participated in the SAVI survey reported having experienced non-contact sexual abuse during childhood². Similar numbers of Irish men reported having experienced child sexual abuse. One in six men (16.2%) reported contact sexual abuse in childhood and one in fourteen (7.4%) reported having experienced non-contact sexual abuse².

According to best international practice, children should be referred for forensic healthcare services including holistic assessment and care whenever there is an allegation of sexual abuse, sexual abuse has been witnessed, or when there is a suspicion by the referring agency that sexual abuse has occurred, whether this be acute or non-acute. In Ireland adolescents 14 years and upwards, in an acute time-frame are referred to adult SATU services from the first instance.

It has been agreed in Ireland, that child sexual abuse services for children and young people 0-18 years, are best delivered as a coordinated interagency response. The Barnahus model has been adopted as best practice. This interagency model of care was endorsed in Ireland in 2018, with a pilot project in Galway serving West and Mid-West Ireland. This evolved into a substantive multi-disciplinary service which is a collaboration between the HSE, Tusla Child and Family Agency, An Garda Síochána and voluntary agencies (ASSC and Galway RCC). At the time of writing these guidelines, two further Barnahus sites are being developed in the East and South of the country. Barnahus translates as “Child House”. The model is based on the principle that undertaking the forensic interview and providing support quickly will improve criminal justice and therapeutic outcomes for child victims of sexual abuse. Barnahus prevents re-traumatisation by avoiding repeated questioning. A child protection assessment and safety planning is undertaken, by Tusla Child and Family Agency. Forensic interviews are carried out according to an evidence based protocol. Medical evaluation for forensic investigative purposes, as well as ensuring the child’s physical well-being and recovery, is offered. Therapeutic support, including crisis support, is available to the child and non-offending caregivers. Barnahus conforms to European Barnahus Quality Standards enabling child-centred and effective, collaborative actions.

The term child and adolescent forensic medical assessment refers to both the assessment of acute (i.e. those where forensic samples are taken) and non-acute cases. In adult patients and pre-pubertal children there are time frames within which forensic samples should be obtained (i.e. 7 days for adults and usually 72 hours for pre-pubertal children)^{21, 31}. Peri-pubertal children may not fall into either category and require a case-by-case decision in respect of forensic sampling, taking into account additional factors (e.g. pubertal status, washing, type of suspected abuse, potential for healing of physical signs, etc.). For further details on time-frames in relation to forensic sampling, refer to flow chart later in this chapter. The best interests of the child are always of paramount importance.

The child and adolescent forensic medical assessment must be patient-centred. The approach will be tailored according to the unique circumstances of each case. The assessment aims to promote healing by

taking a therapeutic approach, empowering the child and caregiver and avoiding causation of any further distress. In the majority of cases child and adolescent forensic medical assessment does not cause undue distress to a child. Most children tend to react in the same way as they do to attending a Doctor/Nurse for any other reason.

Accompaniment/Introduction

Children and adolescents who attend for forensic medical assessment will normally be accompanied by a caregiver (parent, guardian and/or social worker), who can provide consent for the assessment, along with a member of An Garda Síochána in some cases. The term “forensic” as applied to forensic medical assessment is not restricted to forensic sampling. It also includes the detection of injuries (which may be healed or healing) and identification of sexually transmitted infection, which in children may be of evidential value. Many children attending for forensic medical assessment are outside the timeframe for forensic sampling. On arrival at a Child and Adolescent Sexual Assault Treatment Unit (SATU), Barnahus or other appropriate location for child and adolescent forensic medical assessment, the child and caregiver are welcomed by the multi-agency response team. This will normally include the Support Nurse, the Forensic Clinical Examiner (Doctor or Nurse) and a crisis worker (e.g. ASSC volunteer or equivalent). A “settling in” time is usually provided, to allow the child to become familiar and comfortable in the surrounds of the Unit. A child-friendly environment should be provided. Photo-documentation of the intimate examination is a recommended component of the child examination and for adolescents where available and appropriate. With the agreement of the person or agency providing consent, the child will be offered the opportunity to decide who he/she wants in the room during the examination.

History-taking

The Forensic Clinical Examiner will meet with the caregiver, Garda and/or social worker, if present. Consent will be obtained for the assessment. Depending on the developmental level of the child, they may or may not be included in the consent process. A brief history of the disclosure and/or reason for referral will be obtained, usually in the absence of the younger child so as to avoid possible prejudice of the child’s account of events. An adolescent may prefer to give an account of events in privacy. A standardised proforma and careful documentation is essential. The Forensic Clinical Examiner will proceed, in so far as possible depending on the level of information available, to obtain a past medical history, past surgical history, medication, vaccination and allergy history, social history, family history, sexual history, menstrual history and enquiry will be made in respect of relevant ano-genital symptoms. Behavioural issues that could be relevant to child sexual abuse may be explored.

Examination

After the history taking is complete, the Forensic Clinical Examiner, Support Nurse, child and caregiver will normally proceed to the examination room in order to commence the physical examination. The environment must take account of risks of DNA contamination, whereby the forensic examination suite must adhere to the DNA contamination guidelines (Section 5). The examination room itself is a child-friendly environment. It should include access to wipeable toys and/or entertainment equipment which can assist with distraction and provide reassurance.). In accordance with each child’s individual wishes, the caregiver can sit with the child for the entire examination. Physical examination has dual aims. First and foremost, the examination seeks to identify injuries and other medical needs, including sexually transmitted infections. Many patients who present for forensic examination will be found to have pre-existing unmet medical issues (e.g. poorly controlled asthma). Second, the examination aims to gather evidence that can be used in the investigation

of suspected child sexual abuse. Evidence may take the form of physical injury, biological material (e.g. saliva, semen and/or DNA), sexually transmitted infection and/or pregnancy.

General Physical Examination

This includes measurement of the child's vital signs, weight and height, top-to-toe physical examination and targeted systems examination. Demeanour, behaviour, hygiene and developmental concerns should be documented. Where concerning general body injuries (i.e. outside the anogenital area) are identified, consideration should be afforded to Crime Scene Photography by An Garda Síochána in complement to written description and annotated body diagram.

Anogenital examination

The anogenital examination should be photo-documented with dynamic imaging under targeted light and magnification and additional still images may be obtained. The child will normally be positioned in a supine frog-leg position (genital) and later moved to the left lateral position (anal). For a small child, examination may be carried out whilst positioned on the caregiver's lap, so as to avoid distress. For female children the prone knee-chest position is recommended for confirmation of posterior hymenal appearances if adequate views have not been obtained thus far. Additional techniques for hymenal examination may include floating with sterile water, use of a cotton-tipped swab and/or Foley™ catheter. Green filter light is an adjunct for evaluation of bruising and scars. Internal speculum and proctoscopic examinations are not routinely performed in pre-pubertal children. In older children, the need for internal examination is determined on a case-by-case basis.

Sampling

Forensic swabs may be taken to sample for e.g. saliva, semen and/or DNA (Section 2:6.7). A sexually transmitted infection screen may be carried out as part of the examination, including oropharyngeal, anogenital and serum samples as indicated (Section 8:6). Where clinically indicated, identified medical needs may be investigated (e.g. a full blood count for suspected anaemia, etc.).

Emergency Contraception

Refer to Section 2:18.

Follow-up care

This is determined on a case by case basis. The need for review might depend on the complexity of the case, identified health needs, the age of the child/adolescent and whether or not the assault/abuse is acute or non-acute. Each Child and Adolescent Sexual Assault Treatment Service in Ireland, should have guidelines in place to ensure that all patients have access to a broad range of services and expertise. This may involve scheduled review clinics with a Paediatrician. A follow-up review does not necessarily involve repeat intimate examination. Review of any initial intimate photo-documentation (if undertaken) may be helpful at follow-up review, especially in evaluating the healing process.

8:2 Who Should Conduct a Child and Adolescent Forensic Medical Assessment?

A child and adolescent forensic medical assessment should only be conducted by a Doctor or Nurse with the requisite experience and core competencies.

In the Irish context, for a Doctor appropriate qualifications may include:

- a Postgraduate Certificate/Diploma in Sexual Assault Forensic Examination/Sexual Offences Medicine or equivalent
and/or
- a Degree of Master of Science in Forensic and Legal Medicine or equivalent
and/or
- Membership of the Faculty of Forensic and Legal Medicine (United Kingdom) or equivalent.

It is recognised that there are senior medical practitioners with extensive experience and competency in child and adolescent forensic medical examinations, who by virtue of their seniority and expertise, fulfil all core competencies without a formal qualification. In a court setting, the credibility of these practitioners should be recognised.

In addition, it is recommended that Doctors hold membership of a relevant college (i.e. MRCEM, MRCOG, MRCPCH, MRCPI and/or MICGP or equivalent). For new forensic Doctors, it is necessary to have evidence of significant recent relevant experience prior to independent conduct of child and adolescent sexual assault forensic medical assessments. This might include significant experience working with adult patients who disclose sexual violence and experience of assessments of children and adolescents conducted jointly with a suitably experienced Doctor or Nurse skilled in sexual offences medicine.

From a nursing perspective, as it stands in Ireland currently the Clinical Nurse Specialist (Sexual Assault Forensic Examiner) (CNS (SAFE), Registered Advanced Nurse Practitioner (Sexual Assault Forensic Examination) or Forensic Nurse Examiner examining adolescents ≥ 14 years within the Adult SATU services must:

- Be registered in the Register of Nurses and/or Midwives, kept by Nursing and Midwifery Board of Ireland
- Have at least 4 years post-registration nursing experience.
- Have at least two years' experience in relevant areas of clinical practice.
- Obtain a Post Graduate/Higher Diploma/Degree in Sexual Assault Forensic Examination/Advanced Forensic Practice or equivalent.

For children < 14 years, in Ireland dedicated Forensic Nurse Examiners (Child and Adolescent) will require to have the above qualifications and experience and:

- Be certified as a Paediatric Sexual Assault Nurse examiner which may be achieved through the SANE-P course awarded by the International Association of Forensic Nursing or equivalent.

For both Doctors and Nurses working in this area, there must be a commitment to Continuous Professional Development, attendance at regular Peer Review meetings (in person or through videoconference) – at

least quarterly, to include review of photo-documentation; and evidence of recent clinical work to ensure competencies are maintained. Practitioners should not work in isolation.

Peer-review of photo-documentation and reports is recommended. An arrangement put in place locally to enable this process, may best be done through a dedicated Child and Adolescent Clinical Director, ensuring quality standards and support for the team.

A child and adolescent Forensic Examiner should have core skills in both pre-pubertal child and peri/post pubertal adolescent examinations, or alternatively undertake a joint examination with another Forensic Examiner who has complimentary skills.

8:3 Consent For Examination

Legal Basis for Consent

The Child Care Act 1994, the Children Act 2015 and the Mental Health Act 2016 define a child as a service user under the age of 18 years-of-age, other than a service user who is or has been married. Section 23 of the Non-Fatal Offences Against the Person Act 1997 provides that a person of 16 and 17 years can give consent to medical, surgical or dental treatment and it is not necessary to obtain consent for this treatment from his or her parent(s) or legal guardian(s). As such, a 16 or 17 year old could consent autonomously to forensic medical examination where DNA/ forensic sampling is not a component. However, it is mandatory that any young person under 18 years of age, where the professional has reasonable grounds to suspect that the child has been harmed, is being harmed or is at risk of being harmed, must be referred to Tusla Child and Family Agency (Refer to Table 1, page 50). Tusla will then contact the person with parental responsibility for the child and in the case of a sexual offence will make a Garda notification.

The age of consent for the purposes of DNA sampling is set by the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014⁸ at 18 years of age, with joint child and parent/guardian consent between 14 and 18 years of age. Any child less than 14 years requires parent/guardian consent. Of note under the Criminal Law (Sexual Offences) Act 2017⁹ the age of common consent for males and females for sexual activity, including penile-vaginal and penile-anal intercourse is 17 years-of-age.

The person with legal parental responsibility who consents to a child/adolescent forensic medical examination might be the child's own parent or, in the case of a child subject to a Full Care Order, a social worker. Court direction may be required in cases of children subject to other types of care order or when those with parental responsibility object to examination. In some cases, it may not be immediately clear who has parental responsibility and/or it may be deemed too detrimental to the child's wellbeing to seek consent from the person with parental responsibility (e.g. a suspected perpetrator or suspected to be complicit with abuse). The best interests of the child should always take precedence.

Age of Consent/The Mature Minor

In Ireland, in medical consent terms, a child is a minor if aged under 16 years. Many jurisdictions recognise the concept of a "mature minor" but this "right" to autonomy of a "mature minor" has not been tested or legislated-for in Irish law. For example, in England the 1985 Gillick case¹⁰ established that a Doctor had discretion to give contraceptive advice or treatment to a girl under the age of 16 years without her parents' or legal guardians' knowledge or consent provided the girl had reached an age where she had a sufficient understanding to enable her to understand fully what was proposed. Hence, the concept of a 'mature minor' is dependent on the child's level of maturity, with no lower age limit defined. This scenario is very different to one where a young person may have been subjected to sexual assault. The HSE National

Consent Policy¹¹ document has declared that the National Policy, “acknowledges that in health and social care practice it is usual to involve parent(s) or legal guardian(s) and seek their consent when providing a service to a minor under sixteen years”. However, the minor may seek to make a decision on their own without parental involvement. In such circumstances it is best practice to encourage and advise the minor to communicate with and involve their parent(s) or legal guardian(s). It is only in exceptional circumstances that, having regard to the need to take account of an objective assessment of both the rights and the best interests of the person under 16, health and social care interventions would be provided for those under sixteen years without knowledge or consent of parent(s) or legal guardian(s). It is difficult to envisage a scenario where this would apply in the context of a sexual assault. Irrespective, it is recommended that for all children under the age of eighteen years, and deemed to have capacity to consent, all efforts should be made, if it is in the child’s best interests, to have both a person with parental responsibility and the child providing consent. As determined by National Consent Policy (2022) however the best interests of the child should guide decision making, but the rationale underlying any decision making in the mature minor should be documented. It is best practice to seek a second opinion in these cases of “mature minors”.

Standard Consent

A standard consent form such as that contained within the Faculty of Forensic and Legal Medicine proforma document¹² should be used. Each item on the consent form should be addressed individually and explanation provided as needed. The person providing consent should be given the opportunity to ask questions and should only be asked to sign the consent form when they indicate satisfactory understanding. That consent can be withdrawn at any stage of the examination should also be especially highlighted. Consistent with the general statement included in the national SATU documentation, patient/caregivers should be informed of inclusion in audit process: “Audits of various aspects of care are regularly undertaken to ensure that we continue to provide a high quality service. No personal details or identifiable factors will be included in such audits.”

Consent will normally be obtained in both verbal and written forms. In some circumstances it may be necessary to proceed with examination on the basis of verbal consent only. For example, the person with parental responsibility may be unable to attend or it may be considered inappropriate for them to attend and consent is obtained by telephone.

Prior to giving consent a “mature minor” must be informed that confidentiality cannot be assured as his/her parent(s)/legal guardian(s) may have rights-of-access to the minor’s records under Freedom of Information Act 2014.

All children who have the capacity to understand should be informed that in certain circumstances there may be a legal obligation on the health care provider to report sexual activity due to the age of the child (i.e. under 17 years of age). The child should be informed of any intent to report.

Consent to Photo-documentation

Prior to undertaking the forensic examination, written informed consent for photo-documentation should be obtained from the person with parental responsibility, as well as from the child where appropriate. This should be contained within the standardised consent form/proforma. Particular care should be taken to explain photo-documentation and the storage of intimate images. It should be explained that the intimate images may be viewed by other medical experts and, in exceptional circumstances, they may be disclosed to a court. Where consent for photo-documentation is refused, that choice should be respected and documented. That consent can be withdrawn at any stage of the examination should also be especially highlighted. The discussion regarding photo-documentation should describe data storage, data-sharing

and confidentiality. This consent process is documented in the notes including the consent for intimate images to be used for teaching, peer review or research purposes.

Consent for Complainant DNA collection by An Garda Síochána

Refer to Section 1:7.

Right to Refuse Examination and/or Treatment by Minor

The right to refuse treatment of 16 and 17 year-olds is unclear. The Non-Fatal Offences Against Person Act 1997 recognises the legal capacity of the 16 and 17 year-olds to consent to treatment but does not include an express entitlement to refuse treatment. The HSE National Consent Policy¹¹ proposes that where a child of 16 and 17 refuses treatment or a service that refusal should be respected in the same way as it is for adults (18 and over). If that treatment however involves life sustaining treatment advocacy or third party mediation should be employed. Failing agreement High Court adjudication and direction will be required. The minor would have independent legal representation at that adjudication.

Right to Refuse Examination Treatment and/or Treatment by parent(s)/legal guardian(s)

The HSE National Consent Policy recognises that parent(s)/legal guardian(s) are generally considered to be those best placed to safeguard the health and wellbeing of their children. Forensic service providers must recognise the parent(s)/legal guardian(s) expertise in looking after their children and afford them due courtesy and respect, as well as adequate information and support to dealing with any proposed intervention. Any request for a second-opinion by parent(s) /legal guardian(s) should be facilitated.

Where the examination and treatment of children suspected of being victims of sexual abuse is concerned there is often an allegation of one parent or the other being the perpetrator of that abuse. There is, as a consequence, the small possibility of a parent or legal guardian withholding consent for their child to undergo examination or treatment to avoid incrimination. In this circumstance, or in other circumstances where consent for examination and/or treatment is withheld, then the service provider in the best interests of the child, may apply to the courts to have this refusal overruled. This action is provided for by Article 42(5) of the Constitution¹³ which states that where a child's parents have failed in their duty to the child the State may intervene to safeguard the welfare of the child.

8:4 REFERRAL PATHWAY

The following children should be referred for consideration of a child and adolescent forensic medical assessment:

1. Children under 14 years for acute and non-acute sexual abuse.
2. Children between 14 and 17 years who report acute (within 7 days) sexual abuse in Ireland are currently referred to adult SATU services, however joint examination with a child and adolescent examiner should be considered where available on a case by cases basis after initial triage by the adult examiner.
3. Children between 14 and 17 years, who report non-acute (more than 7 days) sexual abuse in Ireland, have variable needs which may be best served in either childrens' or adults' services. Which service is most appropriate for individuals should be determined on a case-by case basis. Photo-

documentation is undertaken in many international jurisdictions and should be considered in Ireland when available, especially for patients who have not previously been sexually active apart from the alleged assault.

The following categories of referral are appropriate:

1. A child who has made an allegation about sexual abuse
2. Where sexual abuse of a child has been witnessed
3. Where there is a concern that child sexual abuse may have occurred but the child has not made a clear disclosure nor was abuse witnessed. In these cases decisions to examine should be made on a case by case basis: if in doubt a discussion should take place between the referring party, the Forensic Clinical Examiner, Tusla, An Garda Síochána and the carer, if carer is not the alleged perpetrator. Barnahus interagency meetings facilitate this.

The following scenarios should be considered for referral:

- Sexually Transmitted Infection
- Pregnancy
- Siblings or other children exposed to identical risk factors for sexual abuse as an index case
- Sexualised behaviour when considered to be in excess of age appropriate sexual exploration
- Anogenital warts (especially in older children)
- Anogenital bleeding where no reasonable medical explanation has been identified and there are other concerning features in the medical or social history
- Chronic vaginal discharge where there are other concerning features in medical or social history
- Soiling/encopresis/incontinence where there are other concerning features in medical or social history.

In children where physical and/or emotional abuse is suspected without any significant concerns as to possible sexual abuse, referral to Child and Adolescent Sexual Assault Services is not appropriate. Such children should be referred directly to the local hospital paediatric service and Tusla. In cases of suspected physical abuse the local hospital Paediatric/Emergency Department Team on call should be contacted for urgent assessment.

The Emergency Department is not a suitable environment for non-acute assessment of child sexual abuse unless the child/adolescent has urgent medical needs (e.g. bleeding/acute severe injury/burns/suspected fractures). Every effort should be made to liaise with the relevant Regional Forensic Medical Child and Adolescent Sexual Assault Treatment Service for cases of suspected Child Sexual Abuse or with the local Paediatric /Emergency Department Team on call for other forms of abuse, who should arrange an appropriate time and venue for comprehensive assessment in privacy as indicated.

In all cases the child's safety is paramount and must be assured and needs of siblings or co-habiting children addressed.

These referral criteria are based upon the following best practice guidelines:

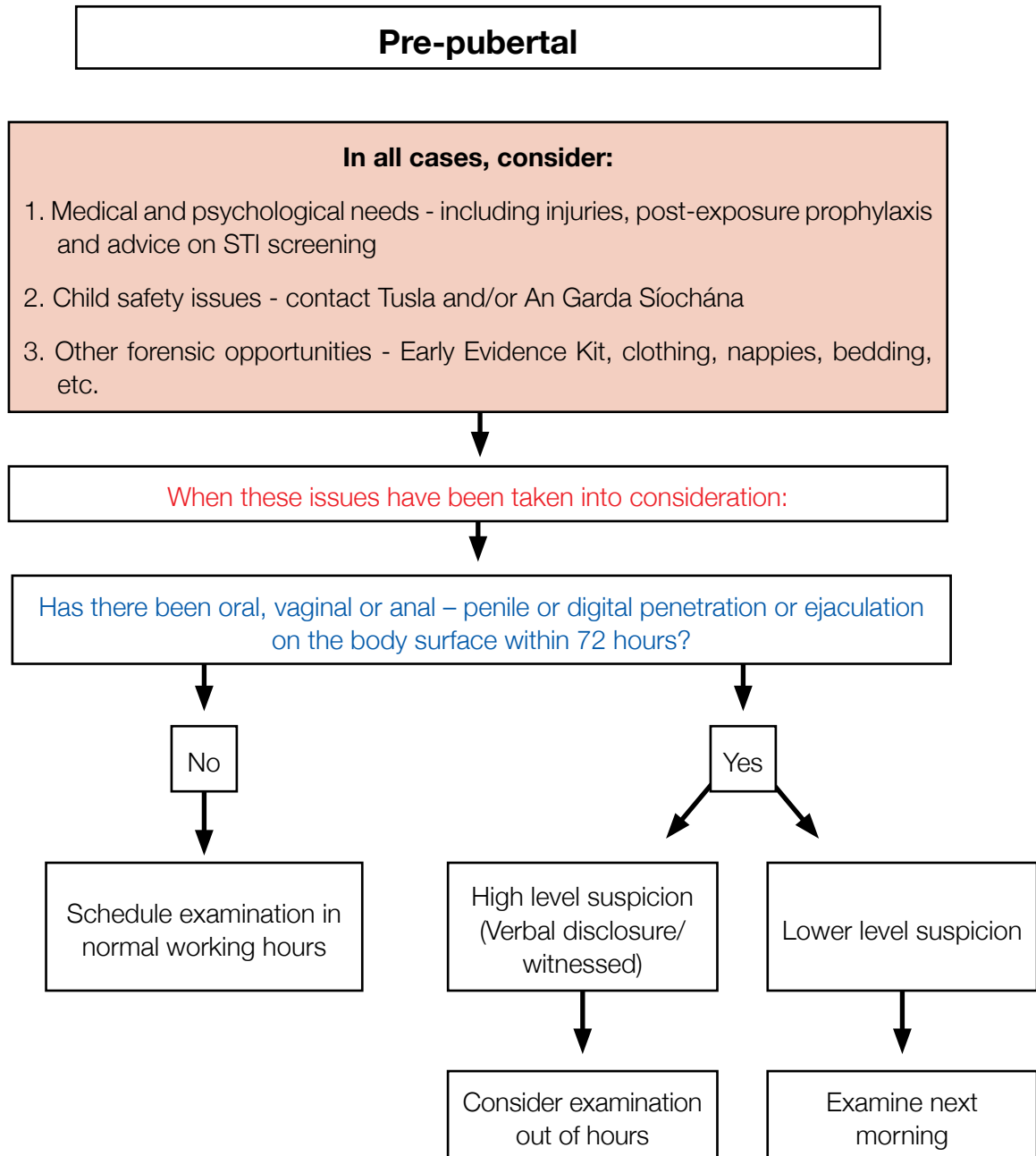
- Royal College of Paediatrics and Child Health (2015) Service specification for the clinical evaluation of children and young people who may have been sexually abused. Royal College of Paediatrics

and Child Health and Faculty of Forensic and Legal Medicine of the Royal College of Physicians, London¹⁴

- Faculty of Forensic and Legal Medicine (2012) Guidelines on Paediatric Forensic Examinations in Relation to Possible Child Sexual. Faculty of Forensic and Legal Medicine of the Royal College of Physicians, London¹⁵.
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The following are examples of referral pathways adapted from St Mary's Sexual Assault Referral Centre in Manchester. Similar pathways should be developed locally for each Child and Adolescent Sexual Abuse Treatment Service to meet individual service availability and resources.

Figure 6: Forensic examination of acute sexual offences in children



N.B.

This flowchart is for use by forensic doctors and nurses to help the decision making process.

It is intended only as a guide – decisions must be made on a case-by-case basis.

A discussion should take place between the referrer and the forensic doctor / nurse as to the appropriate timing for the forensic medical examination.

Pubertal and Peri-pubertal

- | | | |
|-----------------------------------------------------------------------------------------------------------------------------|---|------------------------------------|
| <ul style="list-style-type: none"> • Acute within 7 days of incident AND • Age 14 years and upwards | } | Contact adult SATU services |
| <ul style="list-style-type: none"> • Non-acute, between 14-17 years | } | See Section 8:4 |

8:5 Photo-Documentation of Intimate Examination

The Royal College of Paediatrics and Child Health and the Faculty of Forensic and Legal Medicine provides detailed recommendations addressing photo-documentation¹⁶ within the paediatric forensic examination. Their guidance states that photo-documentation is a recommended component of the child and adolescent forensic examination. “Intimate images” are defined as a “photograph, digital or video image of the genitalia, anus or naked female breast of a child, young person or adult”¹⁷.

There are different methods of obtaining photo-documentation and magnification. Traditionally, a colposcope has been used to provide magnification and a focussed light source; and linked to image-capture equipment, photo-documents findings of examination. This may provide essential evidence as both still photographs and dynamic recordings of an examination can be documented. Other forms of photo-documentation equipment with high quality magnification and image-capture are acceptable. The aim of this photo-documentation is to support the clinical examination by demonstrating clinical findings and also enables additional medical opinions to be obtained regarding interpretation and description of findings, which may (but not exclusively) preclude further examination(s). Images should be of suitable quality to support clinical findings and where they do not, reasons for this should be clearly recorded in the notes. It is important that the child/carer is aware that photo-documentation reflect findings at the time of examination and may not reflect initial findings due to healing or the onset of puberty.

Written informed consent for photo-documentation is detailed in Section 8:3.

Storage of intimate Images

The Data Protection Act (2018)¹⁸ describes legal requirements for employees within the HSE to maintain verbal professional confidentiality and secure storage of electronic and paper patient records. Official reports should not include photographic materials, although details and professional interpretations of images should be disclosed and the images retained with the medical records. These images should be stored as per local policy in keeping with national guidelines and statutory requirements. Photo-documentary data should be coded, cross-referenced and anonymised to protect patient recognition. When recording intimate images, special care should be taken to avoid recording the patient or caregivers face on the same recording. Both the hard-drive and the working copy of the images should be password protected/ encrypted and electronic files and discs dated and marked with the patient’s case number in indelible marker.

Statutory Instrument 391 (1998) of the Irish Statute Book¹⁹ states that medical reports or copy medical reports should not be provided to any third party other than with the consent of the patient/caregiver or otherwise as required by law i.e. as a procedure in a criminal case or directed by order of the Court.

8:6 Sexually Transmitted Infection Screening

Sexually Transmitted Infections (STI) in the pre-pubertal child and in adolescents reporting first sexual contact

The timely diagnosis and management of STIs in children can prevent negative long-term health effects and have important forensic implications. The presence of an STI in a child or in those reporting no sexual contact prior to sexual abuse, may support the patient's disclosure and certainly raises the index of suspicion for abuse.

This is contrary to the consensually sexually active adolescent and adult population where infection may pre-date a sexual assault. As such screening for sexually transmitted infection plays a very important role in the assessment and management of children who may have been sexually abused and is undertaken at baseline, on first presentation of the child to forensic medical services and repeated (as clinically indicated) at follow up.

A negative baseline STI screen following an acute sexual assault which is later positive at follow up may add circumstantial evidence with respect to the timing of an assault and (assuming non-sexual transmission has been excluded) supports sexual contact as having occurred. Initial STI screening is usually undertaken without chain of evidence (COE), however if there is a positive result arising, repeat sampling is indicated and consultation with a Microbiologist and/or the NVRL with COE recommended (COE must be followed ideally with the involvement of an Garda Síochána in transferring samples, if the presence of an STI is to be used in medico-legal proceedings).²⁰

The risk of a child acquiring an STI is dependent on several factors including the type of abuse and the local prevalence of STIs which varies nationally and internationally. The epidemiology and demography of STIs in Ireland is referenced elsewhere in this publication (Section 4:1) however the overall prevalence of STIs in sexually abused children in Ireland is unknown. It is likely to be low, probably no more than 2%²¹ but dependent on ethnic and demographic variations. In a recent American study²²; of the 1319 patients (0-17 years) who were tested for Chlamydia Trachomatis (CT) and Neisseria Gonorrhoeae (NG), 120 (9%) had at least 1 infected site. CT was identified in 104 patients (7.88 %) and NG was found in 33. (2.5%).

Important STIs to be considered include CT, NG, anogenital warts, genital herpes simplex virus (HSV), HIV, Hepatitis B, Hepatitis C, Treponema Pallidum (Syphilis) and Trichomonas Vaginalis. Whilst there is insufficient data in children to determine the significance of bacterial vaginosis in relation to child sexual abuse, testing for this should be considered in symptomatic female children and adolescents with vaginal discharge, for health reasons as it may be amenable to antibiotic treatment. Candida is not considered an STI but can be screened for and treated in symptomatic individuals.

Prophylaxis for STIs

Overall the risk of acquiring an STI is low. Risk varies according to the type of abuse and will depend on whether violence was involved (ano-genital injuries with bleeding); characteristics of the alleged abuser and number of perpetrators, prevalence of a particular STI and the transmissibility. Routine prophylaxis against STI is not recommended for children less than 14 years except in a small number of high risk situations.

For most up-to-date guidance refer to Children's HIV Association (CHIVA) and British Association of Sexual Health and HIV (BASHH) guidelines (www.chiva.org.uk and www.bashh.org).

Chlamydia and Gonorrhoea

In child and adolescent complainants of sexual abuse/assault, where the abuse represents a first sexual experience, antibiotic prophylaxis against chlamydia and gonorrhoea is not routinely recommended unless:

- the alleged assailant is known to have an infection or is deemed to be high risk
- the child/adolescent is unlikely to return for treatment if an STI is detected
- Multiple assailants.

Consider antibiotic prophylaxis on a case by case basis especially where testing for chlamydia and gonorrhoea is not able to be undertaken/declined.

Syphilis

Prophylaxis should be considered if alleged perpetrator is known to have infectious syphilis.

Hepatitis B

Hepatitis B vaccine is part of the childhood vaccination programme in Ireland since 1st July 2008. If a child/adolescent has not been previously vaccinated hepatitis B vaccination should be initiated, preferably within 24-48 hours but up to 7 days post exposure. An accelerated schedule, i.e. 0, 1, 2 and 12 months is recommended. If the alleged perpetrator is Hepatitis B sAg positive unimmunised children/adolescents should receive both hepatitis B vaccine and hepatitis B immunoglobulin (HBIG) as soon as possible, preferably within 24-48 hours but up to 7 days post- exposure. – liaise with Paediatric Infectious Diseases Specialist for expert opinion. If the child/young person presents in a non-acute timeframe and is unvaccinated, Hepatitis B vaccine should be offered as prophylaxis at 0, 1 and 6 months.

HIV

Overall risk is very low, but consideration should be given to every case that presents within 72 hours of the most recent abuse. Refer to BASHH, CHIVA guidelines and EMI Toolkit www.hpsc.ie/a-z/EMIToolkit/EMIToolkit.pdf for current guidance. Liaise with Paediatric Infectious Diseases Specialist for expert opinion. There is an on-call rota for Paediatric Infectious Diseases in Children's Health Ireland. The decision to treat must balance the risk of acquiring infection with the risks of therapy and the likelihood of compliance. Factors to consider are the type of sexual activity, violence, HIV status of alleged perpetrator and prevalence rate in the alleged perpetrator's community. Baseline serology for HIV can be taken prior to starting treatment or within 5 days of commencing PEP, and repeated in accordance with guidance from Paediatric Infectious Diseases Specialists.

Human Papillomavirus

HPV vaccine series should be considered at >9 years if not already given or completed if not immunised. National Immunisation Advisory Committee (2022) Immunisation Guidelines - Chapter 10, Human Papillomavirus. accessed at <https://www.hse.ie/eng/health/immunisation/hcpinfo/guidelines/chapter10.pdf>

Reasons for testing for STIs:

- To detect an infection that may require treatment.
- To reassure the child and parent(s)/carer.
- To gain additional evidence which may be used in child protection/legal proceedings (an STI may be of medico-legal significance in supporting a diagnosis of CSA. Results need to be interpreted based on the limitations of the tests used).
- To help link an alleged perpetrator to a complainant.

CRITERIA FOR STI SCREENING

- Any child being examined in a Child and Adolescent Sexual Assault Treatment Unit
- Disclosure or strong suspicion of penetrative sexual abuse (oral, vaginal and/or anal)
- Physical signs of penetrative sexual abuse
- Siblings exposed to identical risk factors for penetrative sexual abuse
- Consensual sexual activity
- Pregnancy
- Genito-urinary symptoms e.g. vaginal discharge, ano-genital warts, ulcers (herpes)

STI SCREENING SCHEDULE ACUTE (< 3 DAYS PRE-PUBERTAL; < 7 DAYS PUBERTAL)

Immediate: establishes baseline: serology (HIV, Hep B & C, syphilis). STI swabs and urine as below

2 - 4 weeks: STI swabs and urine as below

Consider combining these visits
for patient convenience



4 - 6 weeks: Serology (HIV, syphilis, Hep B and C)

3 - 6 months: Serology (HIV, syphilis, Hep B and C) to coincide with 3rd Hep B vaccine (6 months) or if not being vaccinated do at 3 months

STI SCREENING SCHEDULE NON ACUTE

Immediate: serology (HIV, Hep B & C, syphilis). STI swabs and urine as below

Further screening only indicated if initial examination occurred within 3 months of assault on case by case basis

e.g.

4 - 6 weeks: Serology (HIV, syphilis, Hep B and C) to coincide with 2nd Hep B vaccine

3 - 6 months: Serology (HIV, syphilis, Hep B and C) to coincide with 3rd Hep B vaccine (6 months) or if not being vaccinated do at 3 months

Sites to be sampled

Deciding which sites to sample can be difficult, as abuse of a particular orifice may not always be disclosed even when abuse elsewhere has been established. It is suggested that where there has been allegation of any abuse then sampling of all sites should be considered. Where there is only suspected abuse then decisions should be made on a case-by-case basis, including factors such as symptoms, signs, and probability of abuse.

Techniques for sampling

For prepubertal girls, introital swabs inside the labia minora but avoiding the hymen should be used.

Self-sampling can be considered where age appropriate:

- The child/adolescent should be instructed to insert the swab about five centimeters into the vagina and gently rotate the swab for 10 to 30 seconds. Then place the swab in the appropriate transport medium.

Genital blisters or ulcers:

- Swab for HSV NAAT
- HSV serology for IgM and IgG, paired serology at 3 week intervals
- Swab for bacterial culture
- T. Pallidum serology repeated at 4 to 6 weeks

Figure 7: STI Screen for Prepubertal Females (No speculum)

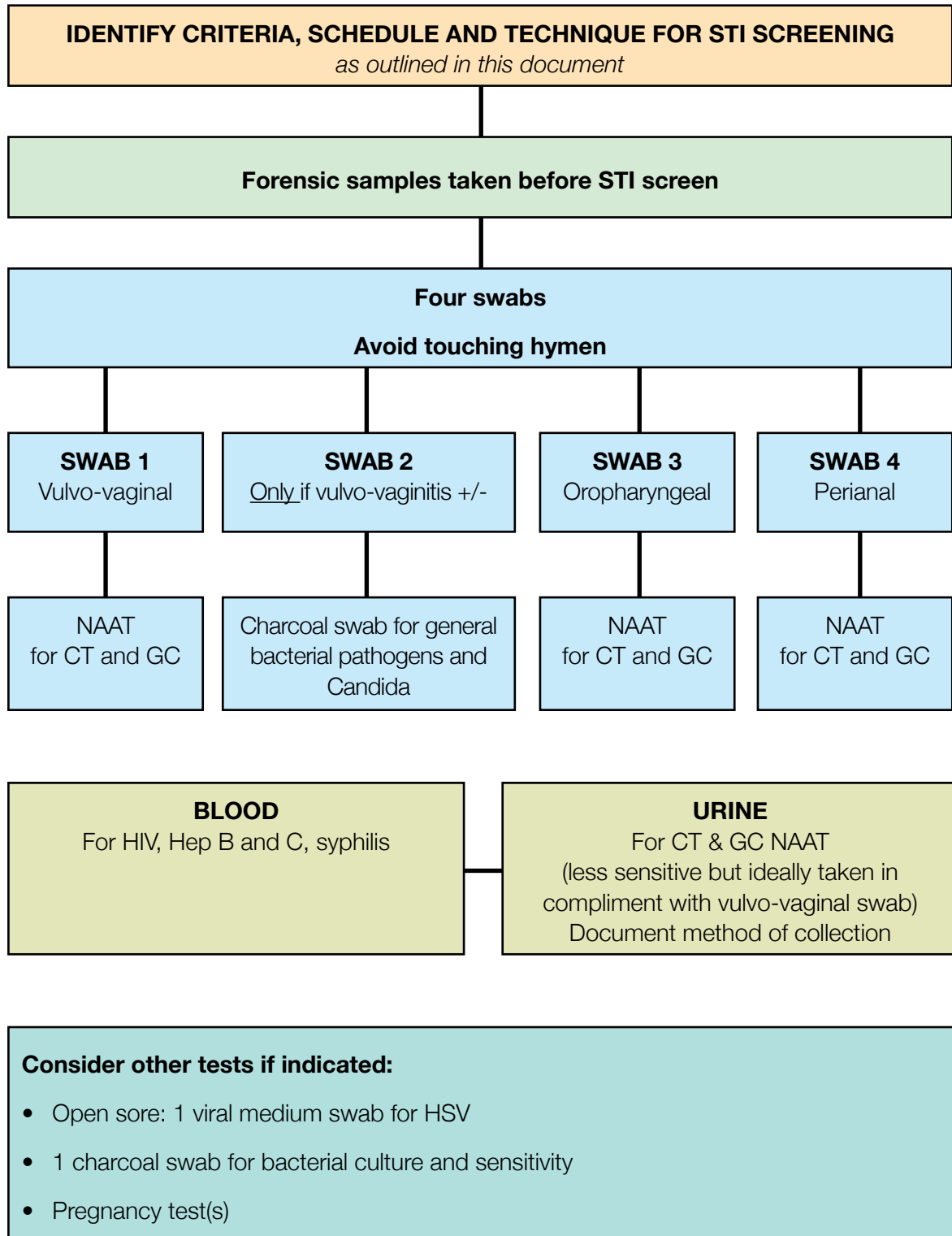


Figure 8: STI Screen for Peri-pubertal and Pubertal Females intolerant of Speculum

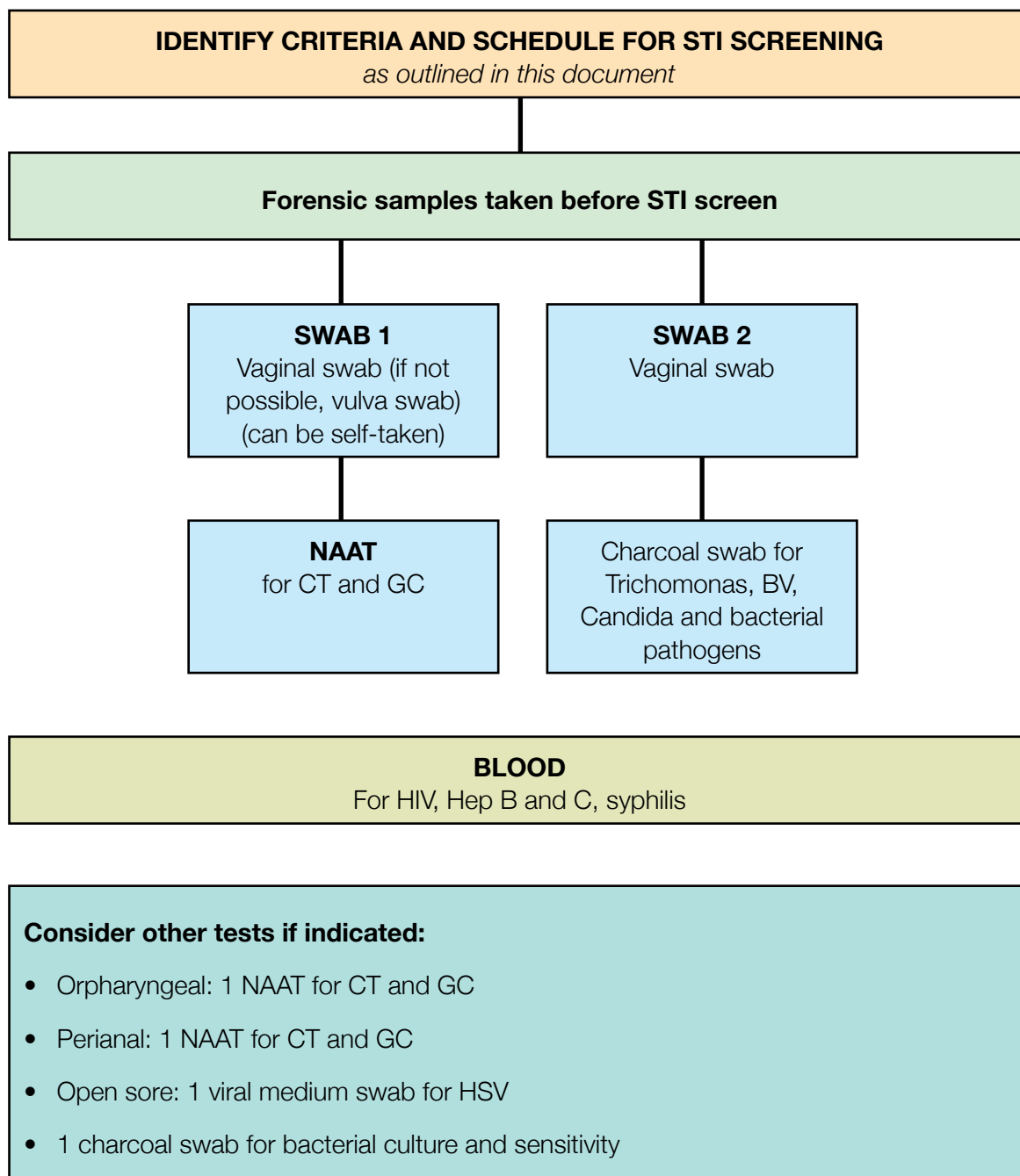


Figure 9: STI Screen for Pubertal Females (Tolerant of Speculum)

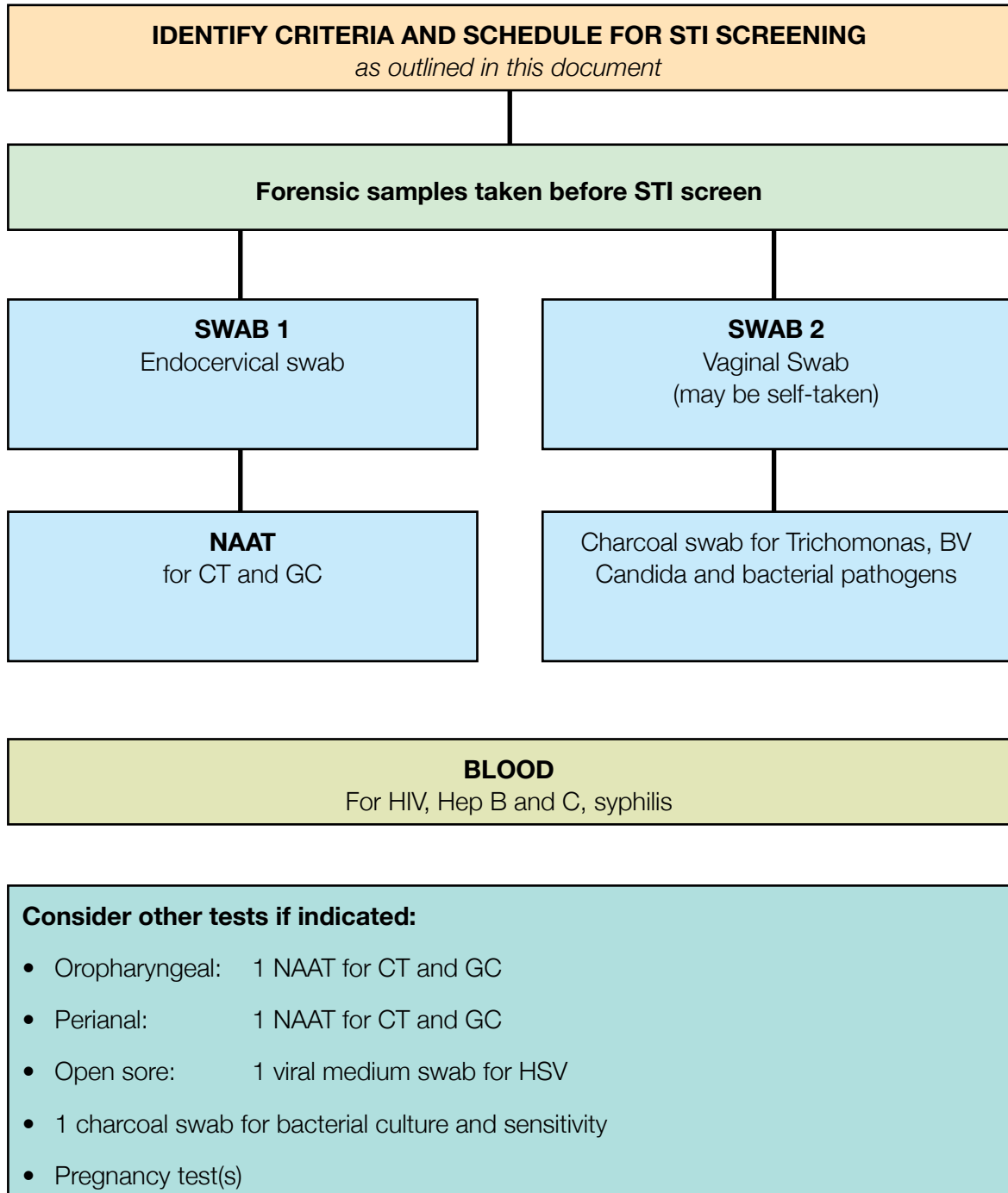
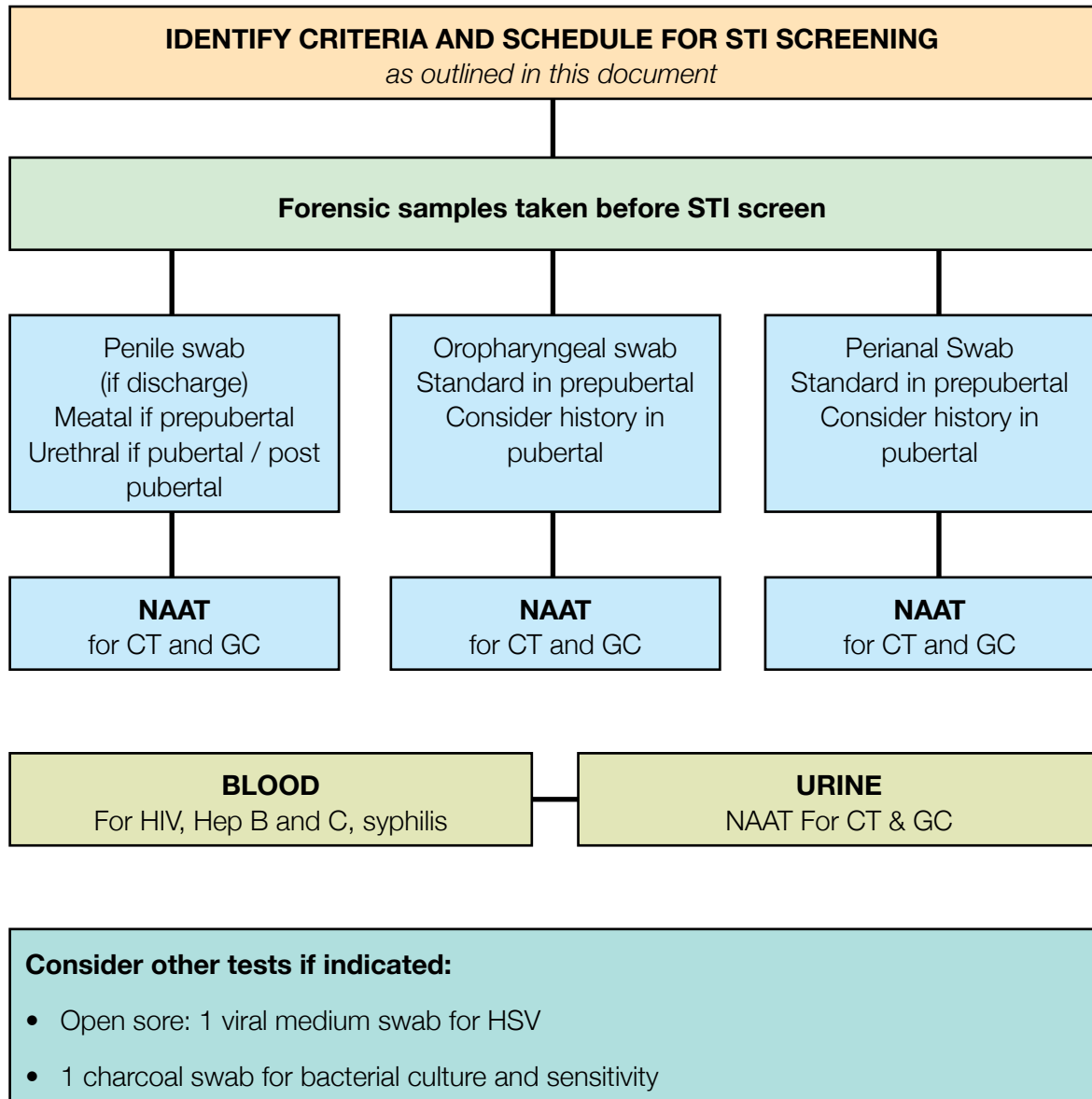


Figure 10: STI Screen for Prepubertal and Pubertal Males



8:7 Follow-Up Care

Tusla Referrals – child protection and welfare concerns

Responding to child sexual abuse must be an interagency response. Children First Act 2015²³ places a legal obligation on Forensic Clinical Examiners as mandated persons. Mandated persons have two main legal obligations under the Children First Act 2015²³:

- To report the harm of children above a defined threshold to Tusla;
- To assist Tusla, in assessing a concern which has been the subject of a mandated report

There may be other agencies in addition to Tusla who will need further correspondence from child/adolescent forensic medical services. Tusla will be involved in the majority of cases. If Tusla are not involved when a young person attends for examination by a Forensic Examiner, the decision not to involve them must be clearly documented (e.g. if a child/adolescent was referred to the service for assessment of a condition which might mimic CSA but subsequently a medical condition is confirmed which is not abuse). There are exemptions from requirements to report sexual activity in adolescents as clearly defined by Children First National Guidance 2017²⁴.

- If the mandated person is satisfied that ALL of the following criteria are met, a mandated report to Tusla is not required:
 - The young person(s) engaged in sexual activity are between 15 and 17 years old
 - The age difference between them is not more than 24 months
 - There is no material difference in their maturity or capacity to consent
 - The relationship between the people engaged in the sexual activity does not involve intimidation or exploitation of either person
 - The young persons concerned state clearly that they do not want any information about the activity to be disclosed to Tusla.

All persons, including mandated persons, must uphold the key principle that the welfare of the child is paramount and if you have any concerns, even where all the above criteria are met, a report can be made to Tusla.

- Tusla will often be involved prior to the child's/adolescent's attendance in the forensic medical services. Where there is any doubt that a timely report is not made from another agency, a Mandatory referral must be made from the Forensic examiner following a child/adolescent assessment.
- The Tusla web portal²³ should be used for professionals to submit referrals. Telephone communication with the Duty Social Worker in addition to online referral is encouraged and is essential in high risk cases. Documentation of referrals/reports received and sent should be noted in the patients chart.
- Correspondence with other appropriate professionals or agencies should also be noted in the patient's chart e.g. GP, Allocated Social Worker, Mental Health professionals, Emergency Department etc.
- A strategy discussion on receipt of notification is recommended in Children First Guidance (2017)²³. This process should be initiated by Tusla on receipt of referral from Forensic Medical Services if not already in use. A strategy meeting may follow and all agencies can engage with this process as appropriate.

Reports, Correspondence and Information Showing

- Following forensic medical assessment, a medico-legal report is forwarded to a named member of An Garda Síochána who is involved in the investigation. If An Garda Síochána are not involved, a copy of the medical report should be forwarded to the referrer. Should An Garda Síochána become involved at a later date, a medico-legal report can be formulated with reference to contemporaneous notes within a standardised proforma and photo-documentation as indicated.
- As the focus of health provision in Ireland is aimed at primary care, correspondence with the child/family's GP/primary care service should be encouraged. This should be discussed with the parent/guardian at initial attendance, written consent is obtained and documented in the patient's chart.
- The child/family's GP and named Tusla Social Worker should be copied into correspondence from the child and adolescent forensic medical service.
- Information sharing in accordance with Children First Guidance²⁴, should always take place in the best interests of the child.
- Consideration should be given to assessment of siblings/close child contacts of the child/adolescent referred to the service. There would have to be a strong argument not to examine siblings/close child contacts and this would need to be clearly documented. This decision making process may need to be discussed with Tusla – possibly at an interagency strategy meeting.

Follow-up review

Appropriate follow-up care is determined on a case-by-case basis.

- **Injuries and health needs:** If a child has an acute injury (genital or body), review in a short timeframe may be appropriate. The review should be carried out by a Forensic Doctor with expertise in child and adolescent health, in a timely manner. Photo-documentation is used to document the current injury and compare to previous findings. Photo-documentation of a healing injury may be beneficial in determining timeframes of injury in acute presentation. However the presence of a scar cannot infer the timing of an abusive event²¹.
- Identification and listing of the child or adolescent's health needs should be documented to ensure appropriate treatment and follow-up. These details should be included in the GP letter.
- **Sexual health screening:** Section 8:6.
- **Hepatitis B vaccine programme:** Hepatitis B vaccine became part of the childhood primary vaccination schedule in 2008. Children born on or after 1/7/2008 should have received a full course of Hepatitis B vaccine as part of their primary immunisation schedule²⁵. It is appropriate to check with the parents about their child's vaccination record. Children born before this date, should be offered the standard schedule of Hepatitis B vaccine – 0, 1 and 6 months. Many times the second and third doses will be followed up with the GP. Arrangements for subsequent vaccine doses will need to be clarified with the parents/carers.
- Referral to Infectious Diseases services may be necessary depending on the individual circumstances for the child/adolescent. Consultation with and/or referral to a Paediatric Infectious Diseases Team may be indicated. The Paediatric Infectious Diseases Team in Children's Health Ireland are available for consultation in acute cases 24/7, or local arrangements may be available for individual services.
- Other areas which should be considered during follow-up assessment include the child/adolescent's psychological wellbeing. The follow-up review appointment is an ideal opportunity to screen for any

acute issues which may have arisen for the child/adolescent such as mood changes, self-harm, changed affect or sleep disturbances. Urgent referral to appropriate follow-up services locally should be made at this stage.

- Other specific areas of care which may require review (e.g ongoing child protection concerns) should be arranged on an individual basis in conjunction with the interdisciplinary team.

8:8 Ano-Genital Warts

Anogenital warts are caused by a virus, the human papillomavirus (HPV). Genital HPV is the most common STI. So the presence of anogenital warts in a child warrants serious consideration to exclude sexual abuse as a potential cause. However, the association of anogenital warts and sexual abuse in children is complicated by the long latent period before lesions appear and the possibility of non-sexual transmission, either vertically from an infected mother during delivery or horizontally after birth. In very young children (< 4 years) non-sexual transmission is the most common route of transmission. But in older children, particularly >8years, the probability that anogenital warts were sexually transmitted increases (up to 70% in some series)²⁸. Older the child the more likely transmission is through sexual contact^{21, 26, 27, 28}. There are 4 possible mechanisms of transmission.

- 1. Vertical transmission (Perinatal Acquisition):** where a baby, usually during the process of vaginal delivery, is exposed to, and acquires HPV, from an infected mother who has anogenital warts herself. In such cases the infant/child may show no visible sign of the infection until several weeks, months or years later. HPV is known to survive in normal appearing cells and remain quiescent (latent) for weeks, months even years before generating visible lesions (warts). This latent period can vary from child to child. There is a lack of evidence to support a cut-off age below which vertical infection can be assumed to occur²¹. However, it is considered rare for anogenital warts, acquired vertically, to present for the first time after the age of 4-5 years.
- 2. Horizontal Transmission:** Warts may be transferred from a non-genital part of the body such as a hand or finger, to the anogenital area by direct touch. This could be postulated to occur when a child with non-genital warts touches/scratches him or herself in the genital area and transfers the virus from one part of the body to the other (autoinoculation) or when another person e.g. a mother with non-genital warts, touches the child's genital area during bathing/changing a nappy etc. (heteroinoculation). Whilst there is limited scientific evidence to support this type of transmission i.e. autoinoculation or heteroinoculation, within the worldwide scientific medical community, autoinoculation/heteroinoculation is generally accepted as a possible method of transmission, especially in young children²⁶.
- 3. Fomites:** A fomite is an inanimate object or substance (e.g. towel/toilet seat/toothbrush) that is capable of transmitting infectious organisms from one individual to another. It has been postulated that anogenital warts may be transmitted via fomites. Whilst it may be theoretically possible to transmit warts in this manner, the likelihood of fomite transmission actually causing active infection and clinical disease is small. Within the worldwide scientific medical community, this is not generally accepted as a **probable** method of transmission²⁷.
- 4. Sexual contact: (genital - genital/oral - genital transmission):** Syphilis, gonorrhoea and chlamydia are classified as infections caused by sexual contact and constitute definitive forensic evidence of abuse. In contrast, anogenital warts caused by HPV infection is classified as an infection that can be spread by non-sexual as well as sexual contact. In studies of children (0-17 years in age) with anogenital warts, sexual abuse was reported in between 4.8%-58% of cases^{21, 29}. Older children with anogenital warts are more likely to have sexual transmission confirmed or proven. Nevertheless,

irrespective of the age of the child, the presence of anogenital warts warrants serious consideration to exclude sexual abuse as a potential cause.

Best Practice in the Evaluation of a Child Who Presents With Anogenital Warts

Sexual abuse must be considered in any child presenting with anogenital warts^{21, 25, 26, 27}.

The probability that sexual abuse is the cause of anogenital warts increases with increasing age of the child; the highest risk of sexual abuse is described in children over 8-years of age. Older the child, especially over 4 years, the higher the index of suspicion for sexual abuse.

In adolescents with anogenital warts, the possibility of consensual sexual activity should always be explored. Best practice is to explore possible consensual sexual activity with the patient through confidential and sensitive questioning. Consideration should be given to adolescent interview with a health professional alone and in privacy, where possible.

HPV typing is not considered to be helpful in determining whether or not anogenital warts have been acquired through sexual means.

The evaluation of a child who has anogenital warts for possible Child Sexual Abuse should include the following:

1. History of potential “wart” contacts amongst family/primary caregivers including direct questioning in relation to caregiver concerns about sexual abuse.
2. Consider a specialised interview with the child regarding possible child sexual abuse, if the child is verbal (>3-4 years). Interview should be performed by a person(s) trained in interviewing children and who is familiar with acceptable interview techniques for determining the likelihood of child sexual abuse. In Ireland, current practice is that a verbal child will be interviewed by Specialist Gardaí/Tusla Interviewers for suspected child sexual abuse, when there has been a specific disclosure/allegation by that child.
3. Perform an inventory of signs symptoms and behaviours that occur in children who have been sexually abused (e.g. anger, sleep disturbance, wetting and/or soiling, sexualised behaviour, excessive masturbation etc). Such inventories can be found in standardised proformas e.g. those recommended by the Faculty of Forensic and Legal Medicine (UK) and in published guidance for best practice²¹.
4. Perform a thorough physical examination, looking for any evidence of physical or sexual abuse. If the index for child sexual abuse is high, such an examination should be undertaken with gold standard equipment and facilities (magnification and photo-documentation) in a specialised centre dedicated to sexual assault²¹.
5. Screen for other sexually transmitted infections including testing for GC, CT, trichomonas, HIV, Hepatitis B, C and syphilis depending on the circumstance of the child, age of the child and time since last potential sexual contact.
6. Consider referral to child protection agencies, and, where the index of suspicion is high, to dedicated Child and Adolescent Sexual Assault Treatment Services as appropriate. In Ireland, children with suspected child sexual abuse, about whom there are “reasonable grounds for concern”, should all be referred to Tusla²⁴.

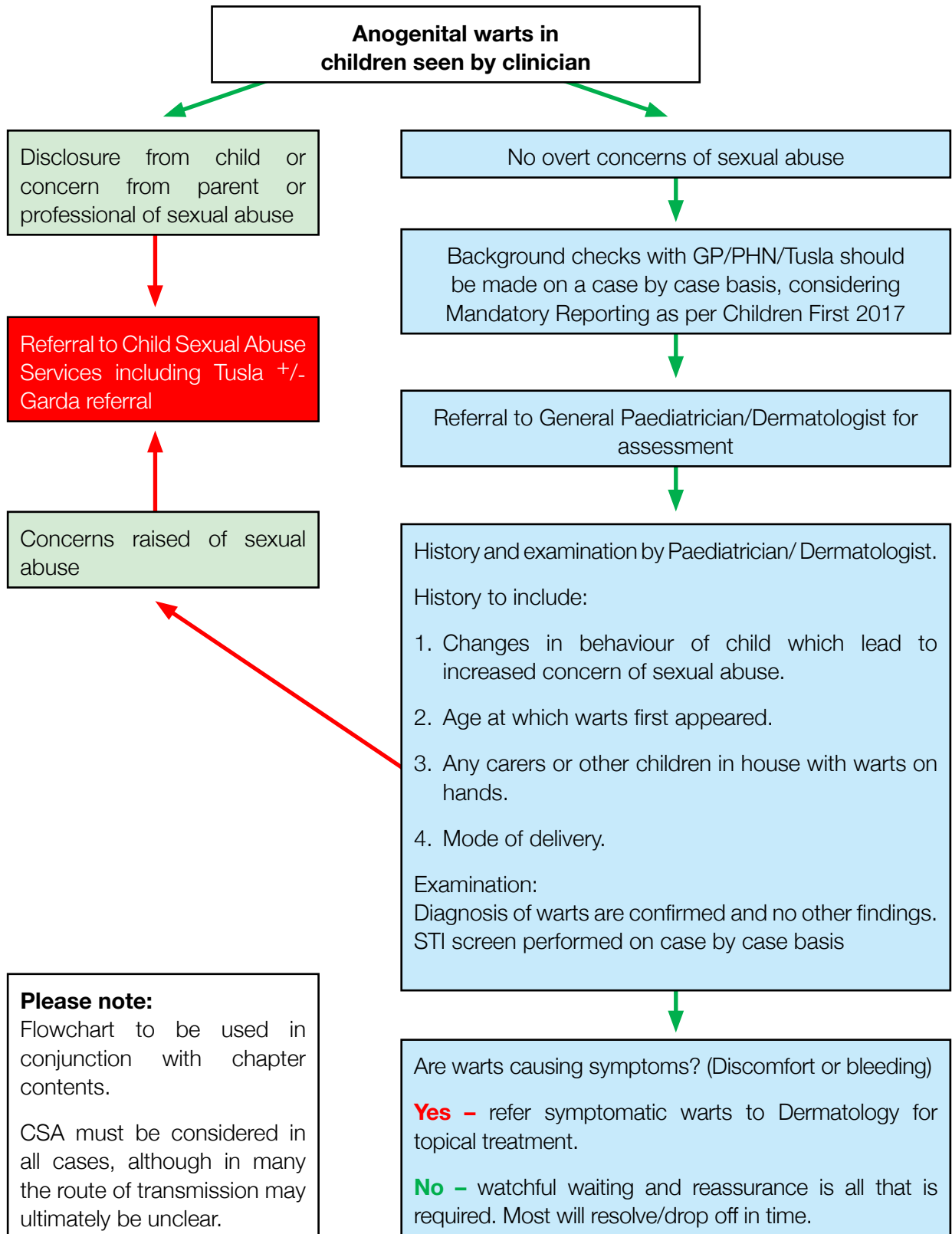
Treatment

75% anogenital warts will self-resolve in children with healthy immune systems without active treatment within months to years and can be left to do so unless causing distress to the patient or family, significant irritation, itch or secondary infection/bleeding³⁰. Those present beyond 2 years are less likely to self-resolve.

If treatment is clinically indicated options depend on the age of the child and confidence/competence of the caregiver. Referral to a Dermatologist may be appropriate.

Traditional non-surgical approaches include Podophyllin and Podofilox. Surgery is rarely indicated but may be indicated if topical treatment is ineffective (usually due to inappropriate use).

Figure 11: Anogenital warts in children seen by clinician



8:9 Crisis Worker

Crisis workers are recommended to provide on-site support to the child and family/carer throughout the forensic medical examination and assessment process. Depending on local service arrangements, the crisis worker may provide other support services such as telephone advice/aftercare.

Crisis workers should be appropriately trained and supervised and may come from a variety of backgrounds. For example, CARI (www.cari.ie) and ASSC Accompaniment Support Service for Children (www.ASSC.ie) provide an accompaniment service for children and families attending CASATS, Galway and Rotunda SATU. They provide an empathic, supportive and informative space.

8:10 Emotional/Psychological Support

Emotional support for the child and family should begin at first point of contact with any professional service (voluntary and statutory agency). The clinical team, including the crisis worker, throughout the forensic medical assessment should provide emotional support.

Age appropriate early counselling and therapeutic services including links with CAMHS should be available on referral. This should be decided on a case-by-case basis, depending on the needs of the individuals¹³.

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8:11 Human Trafficking (Child Sexual Exploitation)

Human sex trafficking is a form of child sexual exploitation.

At present, the number of recorded victims of human trafficking in Ireland is low, with only 44 people identified in Ireland to have experienced sex trafficking in 2019.¹ This most likely reflects a lack of identification of cases as opposed to a true low rate of trafficking.² It has been reported internationally that Ireland is not sufficiently identifying and responding to victims of human trafficking.³ Thus, for the purposes of service development and to ensure efforts to combat this form of child sexual abuse are of the highest international standard, the terminology human trafficking will be used in this section.

Human trafficking is defined as the recruitment, transportation, harbouring and/or exercising control, direction or influence over the movements of a person in order to exploit that person through sexual exploitation or forced labour.⁴ In a person under the age of 18 years, any exchange of sex acts for money, food, shelter, love, affection or gifts is exploitative. While transportation of the youth is included in this definition, it should not be the focus when considering the adolescent patient. Whether a child is at risk of or is a confirmed victim of sexual exploitation/trafficking, the clinical approach should be the same.

Identification of children and adolescents at high risk of human trafficking

Identification of children and adolescents who have experienced sex trafficking is challenging as this cohort of patients often do not identify as victims and frequently do not recognise that their relationship with the trafficker is exploitative. Clinical history may reveal some of the features that raise concern of possible human trafficking in the adolescent patient:

- A history of running away
- Living in residential care
- Substance Use
- Having a history of more than 5-10 sexual partners
- History of a sexually transmitted infection (STI)
- A history of other forms of child abuse e.g. physical, sexual, emotional, neglect
- A history of previous involvement with Gardaí
- Intellectual/physical disability
- A history of a mental health difficulties

Other signs that may indicate a patient is at risk include:

- Having more than one mobile phone
- Having rolls of cash or hotel room cards
- Unusual tattoos or branding
- Unexplained injuries
- An older boyfriend or girlfriend who the patient requests be always present
- An apparent inability to make decisions without approval from a particular person who is not a parent or guardian

Research has shown that a traditional adolescent ‘HEADSSS’ history (Home, Education, Activities, Diet, Substance Use, Suicidality, Sexuality) typically obtained with a youth over 13 years often does not always identify those at risk of sex trafficking.⁵ Thus in selected patients, dedicated screening for human trafficking should be considered. There are a number of international screening tools that can be used to formally identify youth at high risk of human trafficking which can be used at individual clinicians’ discretion.^{6,7}

The Shortened Sexual Exploitation Risk Assessment form (SERAF) is a UK based screening tool that is freely available online. If two or more of the questions below are positive, more comprehensive screening is recommended with moderate and significant risk factors listed in the link provided.⁶ (<https://documents.hants.gov.uk/childrens-services/june2019-blogbulletin-SERAF-riskassessmentform.pdf?sap-outbound-id=C3E232A742D8962089E3DC0D98E1C14AC26003DB>)

	Short s-SERAF Questions	Yes	No
1	In the last 6mths have you ever stayed out overnight or longer without permission from your parent(s) or guardian?		
2	If you are in an intimate/sexual relationship, what is the age of your boyfriend/girlfriend or the person(s) you are in a sexual relationship with? Age of partner _____ Age of client/patient _____ Age difference _____ If age difference is 4 or more years then tick ‘YES’		
3	Has your girlfriend/boyfriend/intimate partner(s) ever tried to control you by telling you what you can or can’t do, or stopped you from doing things you want to do?		
4	Thinking about where you go to socialise, or meet with your intimate partner(s). Do you ever feel unsafe there or do those who care for you (parents/guardians) ever worry about your safety? Client /Patient feels unsafe-_____ Parent/Guardian worries about safety_____ Tick ‘YES’ for either		

Management of the child or adolescent at high risk of or confirmed victim of human trafficking

Management of children and adolescents at risk of or who are confirmed victims of sex trafficking requires multidisciplinary team input including medical, social and psychological care. Care provided should be trauma-informed, flexible and non-judgemental. If a child or adolescent is identified be at high risk of or confirmed to be experiencing sex trafficking, they should be referred to their local child and adolescent sexual abuse team for assessment noting that children over 14 years, in the event of an acute sexual assault are usually referred to their local adult SATU.

Management may include but is not limited to:

- Consideration for forensic medical examination or intimate examination
- Assessment and treatment of STIs
- Assessment for contraception needs
- Referral for termination of pregnancy/antenatal care

- Referral to gynaecology
- Referral for interagency services ideally within Barnahus including psychotherapeutic assessment and intervention if indicated
- Mandatory Child Protection report (Tusla) as per Children First legislation +/- Garda referral
- General medical assessment to identify unmet health and developmental needs

Victims of child and adolescent sex trafficking have often experienced a high degree of psychological trauma. Ideally coordination of interagency care with medical, social work, Gardaí and psychology services working together as a multidisciplinary team should occur. This may begin within the Barnahus to ensure provision of holistic care with the ultimate aim of eventually helping the child or adolescent exit sex trafficking completely.

For further information and direction for high quality service provision for children and adolescents experiencing sex trafficking, the following toolkit is available to assist clinicians:

*'Improving physical and mental healthcare for those at risk of or experiencing human trafficking or exploitation'*⁸ <https://www.icmec.org/healthportal-resources/topic/human-trafficking-toolkit/>.

Resources for adults varies regionally. Information relating to services can be sourced on

www.blueblindfold.ie⁹

www.anyonetrafficked.com/support-services¹⁰

www.hse.ie/eng/about/who/primarycare/socialinclusion/domestic-violence/human-trafficking/¹¹

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4. <https://www.dfa.ie/travel/visas/human-trafficking/#> accessed 24/11/22.
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Appendix 1:

Example Record of Request for SATU Services

CALLER DETAILS			
Garda or Contact:		Garda Station:	
Mobile number:		Landline number:	
Date of call:		Time of call:	
Referred by: <input type="checkbox"/> Garda <input type="checkbox"/> Self <input type="checkbox"/> GP <input type="checkbox"/> RCC <input type="checkbox"/> Other	Nature of call <input type="checkbox"/> Advice <input type="checkbox"/> Forensic Clinical Examination <input type="checkbox"/> Storage of Evidence <input type="checkbox"/> Sexual health screen <input type="checkbox"/> Garda no kit	Covid Screen: In the last 14 days have you: <input type="checkbox"/> Had a fever, cough, SOB (shortness of breath) <input type="checkbox"/> Travelled abroad <input type="checkbox"/> Tested positive for covid 19 <input type="checkbox"/> Been confirmed as a close contact Outcome:	

INCIDENT DETAILS			
Incident date:		Incident time:	
		Time interval from incident:	
Concerns re: DFSA(drug facilitated sexual assault) ≤120hrs or oral sexual assault ≤24hrs:		No <input type="checkbox"/> Yes <input type="checkbox"/> If YES suggest early evidence kit	

DETAILS OF COMPLAINANT			
Age:		Gender:	
First language:		Interpreter arranged:	
Person medically stable?	Yes <input type="checkbox"/> No <input type="checkbox"/> If NO advise ER		

CONSENT		
Able to give consent? If no: <input type="checkbox"/> 16yrs old, parent/guardian required <input type="checkbox"/> Temporary loss of capacity (substance misuse) <input type="checkbox"/> Permanent loss of capacity <input type="checkbox"/> Vulnerable adult	Comments:	
Options of care discussed with patient/caller depending on timeframe from incident to contact with SATU: <input type="checkbox"/> Option 1-Report to An Garda Síochána and collection of forensic evidence ≥14yrs old <input type="checkbox"/> Option 2-no Garda involvement, sexual health screen 2-4 wks post incident ≥16yrs old <input type="checkbox"/> Option 3-no Garda involvement, storage of evidence in SATU ≥16yrs old.		
Forensic Clinical Examination booked:	Date:	Time:
SATU team contacted:	Forensic Clinical Examiner Name:	
	Support nurse/midwife Name:	
	RCC /ASSC support worker Name:	

DELAY OF MORE THAN 3HRS FOR A FORENSIC CLINICAL EXAMINATION (reason):	
<input type="checkbox"/> No Forensic Clinical Examiner available	<input type="checkbox"/> No support nurse/midwife available
<input type="checkbox"/> SATU unavailable	<input type="checkbox"/> No interpreter available
<input type="checkbox"/> Medical reason	<input type="checkbox"/> Consent issue
<input type="checkbox"/> Other	<input type="checkbox"/> Patient request
Signed:	Date:

Appendix 2:

Example SATU Legal Report Template

NB. The SATU legal report template included in the following pages gives a suggested layout, with some guidance for the author of the legal report. The SATU legal report template should be viewed as a dynamic tool. As such, the SATU legal report template can have relevant sections added, removed, or adjusted by the author.

**Hospital & SATU
identifiers & logos**

**CONFIDENTIAL
FORENSIC CLINICAL EXAMINATION REPORT**

Sexual Assault Treatment Unit,
Address

SATU Tel. Number:

Report by:

Date of examination:

Requesting Garda:

Registration No:

Garda Station Address:

Contents Page

Paragraph Number	Paragraph Contents	Page Number
1.	Introduction	
2.	The Report Author's Details	
3.	Patient Details	
4.	Consent to Forensic Clinical Examination	
5.	Forensic Clinical Examination Details	
6.	Relevant Health History	
7.	Patient's Brief Account of the Incident	
8.	General Examination: Head-to-Toe	
9.	Genital Examination	
10.	Anal Examination	
11.	Forensic Swabs/Specimens	
12.	Clothing	
13.	Photographs	
14.	Continuity of Evidence	
15	Pre-discharge	
16	Summary of Forensic Clinical Examination	
Appendix 1	Glossary of Terms	

NB. When a word is included in the glossary, the text on the page is in *italic* print when you first encounter it.

1. Introduction

Subject matter: This is a confidential Forensic Clinical Examination report

2. The Report Author

Name:

Title:

Professional P.I.N.

Work Address:

Work Telephone Number:

Professional Qualifications:

Relevant Experience

Position of employment at time of writing this report

At the time of writing this report I am a *enter role*, at *enter SATU name, Hospital Name, Address*.

I was on duty on *xx/xx/xxxx* as the Sexual Assault Forensic Examiner, for the SATU, when I carried out the Forensic Clinical Examination outlined in this report.

3. Patient Details
Name: _____ SATU Chart Number: _____ Address: _____ Date of Birth: _____ Age at time of Examination: _____ Gender: _____
4. Consent to Forensic Clinical Examination
Following full explanation of the Forensic Clinical Examination procedures to the patient, I obtained signed consent, prior to commencing the Forensic Clinical Examination. <i>If there are any special considerations regarding consent then they should be outlined. If an interpreter was used then their details should be entered.</i>
5. Forensic Clinical Examination Details
Date of examination: <i>xx/xx/xxxx</i> Time examination commenced: <i>00.00 hours</i> Location: The Forensic Clinical Examination was carried out in <i>enter location</i> NB. If the location was other than a SATU then the reason should be recorded. Sexual Offences Examination Kit I opened the Sexual Offences Examination Kit in the presence of: Garda: <i>complete</i> Registration No: <i>complete</i> Garda Station: <i>complete</i> The Sexual Offences Examination Kit expiry date was: <i>enter number</i> The opened Sexual Offences Examination Kit bag number was: <i>enter number</i> NB. If An Garda Síochána was not present and evidence was stored see 2:21 Also present during the Forensic Clinical Examination <i>Note any other person present during the Forensic Clinical Examination and their role e.g. SATU Team Support Person: xxxxxx</i>
6. Relevant Previous Health History
Sexual Intercourse Within the Previous 7 Days Record: <ul style="list-style-type: none">• <i>Date/s and time/s.</i>• <i>Type/s of sexual intercourse.</i>• <i>Condom/s used.</i>

7. Patient's Brief Account of the Incident

Date of the incident: *xx/xx/xxxx* **Time of the incident:** *00.00 hours*

Time interval from the incident till the examination: *enter time interval*

I took the following brief account of the incident, to guide the care given, the Forensic Clinical Examination and forensic evidence collection. Where the patient's own words are used they appear in inverted commas.¹

It is important that the clinician does not stray into the role of an investigator. Keep the details recorded to those which seem relevant to the clinician's role.² The full history of the incident and recording of the statement is the remit of An Garda Síochána, not the Forensic Clinical Examiner.

The purpose of the brief account taken by the Forensic Clinical Examiner is to guide and facilitate:

- *Care*
- *The Forensic Clinical Examination and forensic evidence collection*
- *Safe discharge planning and follow-up care.²*

Key practice points re: taking and recording the brief account of the incident:

- *The account must accurately and precisely reflect what the patient says.*
- *To ensure accuracy, the recorded account may be read back to the patient.¹*

Actions Since the Incident

If relevant record whether since the incident, the patient has:

- *Eaten/brushed teeth/washed mouth (if allegation of oral assault)*
- *Bathed or showered*
- *Changed clothes, including panties/underpants*
- *Passed a bowel motion (if allegation of anal assault)*
- *Passed urine: If yes: how often and time last urinated.⁴*

8. General Examination: Head-to-toe

Height: *enter height* Weight: *enter weight* Body Mass Index (BMI) *xx* kg/m²

Put in other observations as appropriate:

Findings:

- 8.1. Head
- 8.2. Face
- 8.3. Neck
- 8.4. Shoulders
- 8.5. Back
- 8.6. Buttocks
- 8.7. Right arm hand and fingers*
- 8.8. Left arm hand and fingers
- 8.9. Chest and breasts
- 8.10. Abdomen
- 8.11. Right leg: upper, lower and foot
- 8.12. Left leg, upper, lower and foot

Wounds:

- *Use standard descriptive terms for classification and documentation of wounds (See 2:12 and Table 9, p. 90)*

State

- *Anatomical position*
- *Distance from a fixed point.*
- *Shape*
- *Size in measurement of all dimensions where possible*
- *If appropriate borders or edges*
- *Colour*
- *Contents: e.g. any foreign body*
- *If apparent: course or direction*

Record

- *Physical deformities*
- *Previous scar/s pre-dating the incident*

General Examination

All sections should be completed, if relevant. Completion acts as confirmation that you have examined each area, unless details of the case indicate otherwise. Important negative findings show the clinician as being objective in reporting all findings.²

***Example of recording a finding**

Bruise: Right upper arm, posterior (back) aspect, 4 cm proximal (above) the tip of the olecranon process (tip of the elbow joint), there was an oval shaped purple bruise, 4cm width x 2 cm length.² The bruise had clearly defined margins and was tender and indurated (hard) on palpation (See 2:13.1).

The general examination may also include general appearance / presentation / behaviour. Factual behavioural observations are recorded e.g. crying / sobbing / shaking.

NB. *Subjective assessments should not be used*

E.g. distressed / very distressed / upset / very upset / upset a little / calm etc.

9. General Examination: Female**Patient's Position for Genital Examination**

Example: With the use of additional lighting, I examined the patient's genital area, using the modified lithotomy position (i.e. the patient lying on their back, knees bent, with the heels together and legs apart).

I noted and recorded the following:

- 9.1 Inner Thighs
- 9.2 Mons Pubis area
- 9.3 *Labia majora*
- 9.4 *Labia minora*
- 9.5 *Vestibule*
- 9.6 *Clitoral hood/glans*
- 9.7 *Urethral orifice*
- 9.8 *Fossa navicularis*
- 9.9 *Posterior fourchette*
- 9.10 *Hymen*
- 9.11 *Perineum*
- 9.12 Pubic Hair

Genital injuries: (See 2:11)

Record use of:

- *Speculum; proctoscope; Foley Catheter*
- *Lubricant type if used*

Internal Examination

The vagina and cervix were examined using a **small** plastic speculum (an instrument designed for internal vaginal examination), which was lubricated using **enter name of lubricant if used**.

- 9.13 Interior vaginal wall
- 9.14 Cervix

9. General Examination: Male

Patient's Position for Genital Examination

Example: With the use of additional lighting, I examined the patient's genital area while he was lying in the supine position (i.e. the patient lying on their back, with their arms by their sides).

9.1 Inner thighs

9.2 Mons Pubis area

9.3 Foreskin

9.4 Frenulum

9.5 Glans

9.6 Coronal sulcus

9.7 Penile shaft

9.8 Scrotum

9.9 Testes

9.10 Perineum

9.11 Pubic Hair

10. Anal Examination

Patient's Position for Anal Examination.

Example: The patient was lying in the left lateral position (lying on their left side), with both knees bent up to their chest.

10.1 Natal fold

10.2 Perianal/anal region

The rectum was internally examined using a **small** proctoscope (plastic instrument designed for internal rectal examination) lubricated with **enter name of lubricant if used**.

10.3 Internal rectal findings

11. Forensic Swabs/Specimens

I took the following swabs/specimens:

List

- *The swabs/specimens taken and how many taken*

Toxicology:

List

- *Toxicology specimens taken*

NB. *If the Forensic Clinical Examination was done without the presence of An Garda Síochána and the evidence stored in the SATU see 2:35.3 and Appendix 3.*

12. Clothing

If clothing was taken and given to the Garda state:

- *Was this clothing worn at the time of the incident*
- *Item*
- *Colour*
- *Wet, dirty, blood stained etc.*

NB: *If wet/heavy blood stained state how packaged (See 1:5)*

13. Photographs

Photograph taken:

- *If photographs were taken in the SATU: State the name and details of the Garda Photographer or person who took the photographs*
- *For continuity of evidence state: the Garda photographer maintained possession of the camera containing the photographic evidence*

14. Continuity of Evidence

Sexual Offences Examination Kit

On completion of the Forensic Clinical Examination, I packed the Sexual Offences Examination Kit into the tamper evident bag no: *enter number*

Toxicology Specimens

The toxicology specimens I packed in the Toxicology tamper evident bag no: *enter number*

I gave both the sealed Sexual Offences Examination Kit tamper evident bag and the Toxicology tamper evident bag to Garda *enter Garda name* and signed both the tamper evident bags containing the specimens in my presence and took possession of the bags, maintaining the continuity of evidence.

15. Pre-discharge

The following medication/s were given: *entry*

The appropriate support contact information and follow up information were given.

Any other relevant information can be entered here

16. Summary of Forensic Clinical Examination

Enter a summary of your findings, which should include any wound/s or injuries found. The inclusion of a copy of any relevant line drawing body map/s is helpful.

One of the following range of phrases could be chosen as appropriate for interpretation of the findings in the Forensic Clinical Examination report:

- o Precludes*
- o Does not preclude*
- o Consistent with*
- o Suggests*
- o Strongly suggests*

Example

To conclude xxxx is an xx year old fe/male who presented to the xxxx SATU on xx/xx/xxxx.

The patient gave a brief account of the incident as having been xxxxx on xx/xx/xx (See Section 7).

Findings on Examination

Bruise: Right upper arm, posterior (back) aspect, 4 cm proximal (above) the tip of the olecranon process (tip of the elbow joint), there was an oval shaped purple bruise, 4cm width x 2cm length.² The bruise had clearly defined margins and was tender and indurated (hard) on palpation (See 2:13.1). This injury was consistent with the history given of

Genital Examination – No Injury/Injury (See 2:11)

If no genital injury is found on examination then it is helpful to include the following caveat:

There was no sign of recent trauma on genital examination, but the absence of genital trauma does not preclude the possibility of unconsented sexual intercourse.

or

On genital examination there was no sign of recent genital injury. No genital injury, does not rule out the possibility of unconsented sexual intercourse.

Injuries which are Recorded but Not Commented On

If a wound or injury is documented, but not commented on, state why it is not commented on e.g.

The wound on is not commented on, as it pre-dates this incident.

Date examination finished: xx/xx/xxxx Time examination finished: 00.00 hours

I hereby declare that this report is true to the best of my knowledge and belief and that I make it knowing that if it is tendered in evidence I will be liable to prosecution if I state anything in it that I know to be false or do not believe to be true.

A copy of my contemporaneous notes which were used to generate this report is available (from xxx) on request.

Forensic Medical Examiners include:

I hereby certify the foregoing pursuant to Section 25 of the Non-Fatal Offences against the Person Act 1997.

Signed: _____
Forensic Clinical Examiner

Date this report was signed _____

Printed Name: _____
Forensic Clinical Examiner

Date report was typed _____

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Appendix 3:

Example Addendum to Legal Report – When Evidence has been Stored

NB. When using the SATU legal report template (p. 212) follow instructions 1 - 5 below

1. REMOVE THE CLOTHING SECTION FROM THE REPORT

2. CONTINUITY OF EVIDENCE SECTION: COMPLETE THIS SECTION

Sexual Offences Examination Kit

On completion of the Forensic Clinical Examination, I packed the Sexual Offences Examination Kit into the tamper evident bag no: *enter bag number*

Toxicology Specimens

The blood and urine specimens I packed in the Toxicology tamper evident bag no: *enter bag number*

3. ADD THE FOLLOWING TO THE CONTINUITY OF EVIDENCE SECTION

Sealing and Storing of Forensic Evidence Kits *(If both kits taken otherwise amend)*

I sealed and signed both the Sexual Offences Examination Kit and the Toxicology Kit tamper evident bags, containing the forensic specimens. I placed the above tamper evident bag/s containing the kit/s in the locked freezer in the password controlled secure storage area on *xx/xx/xxxx* at *00.00* hours.

This was witnessed by *enter the name of the witness* Grade *enter their grade*

4. COMPLETE THE SUMMARY SECTION, SIGN, PRINT NAME AND DATE

5. IF THE FORENSIC SPECIMENS ARE RELEASED TO AN GARDA SÍOCHÁNA ADD

Release of the Forensic Samples to An Garda Síochána *(If both kits taken otherwise amend)*

On receipt of written instruction from the patient, the above Sexual Offences Examination Kit and the Toxicology Kit tamper evident bags were removed from the locked freezer on *xx/xx/xxxx* at *00.00* hours; by *enter the name of person who signed as removing the kit/s from freezer and grade* and released to

Garda *enter Garda name who signed as witnessing removal of the kit/s from freezer* Reg. No *enter Garda Reg. Number* attached to *enter* Garda Station.

Sign & Grade *Sign & Grade*

Printed Name *print name*

Date *xx/xx/xxxx*

Appendix 4:

Example Information Regarding Freezers

Objectives

- Reliable freezing for preservation of biological forensic evidence.
- Safe forensic evidence storage, to ensure compliance with continuity of evidence requirements.

Purchasing the Freezer

The freezer:

- Is purchased following consultation with the Hospital Clinical Engineering Dept.
- Must have a locking mechanism and a digital temperature display unit.
- Should have an audio/visual alarm system which can be programmed to alert via text the key holder's mobile phone should a power failure occur.
- Be of sufficient size to accommodate the projected number of tamper evident bags containing the Sexual Offences Examination Kits and the tamper evident bags containing the Toxicology Kits.

Location of the Freezer

- The freezer must be held in a password or swipe card protected secure area.
- The area where the freezer is located should have a generator back up electricity supply.

Operating, Calibrating, Maintenance, Service and/or Repair of the Freezer

- The manufacturer's instructions are adhered to.
- Freezer temperature adjustment is according to the manufacturer's instructions.
- Calibration of the freezer temperature is carried out by the Hospital Clinical Engineering Department.
- Calibration should be done:
 - On all new freezers
 - Annually on all freezers
 - Following any maintenance, service and/or repair.¹
- Service maintenance is according to the manufacturer's instructions.
- A record is kept of the service maintenance, repairs and/or calibrations performed.²

Monitoring of Freezers

- The required temperature for storage of forensic evidence is between minus 10° to minus 30° centigrade.¹
- The freezer temperature should be monitored at least weekly.^{1,3}
- Any adjustment to the freezer temperature should be noted in the comments section of the temperature record sheet.
- Freezer temperature records should be monitored over time for any significant drift or trend in the temperature.^{1,2} If observed this should be reported to the Hospital Clinical Engineering Department.
- Completed temperature record sheets and service maintenance records are archived.³

Local Policy Development

A local policy should be developed incorporating key stakeholders covering:

- Monitoring and recording of the freezer temperature at least weekly.
- If the freezer provides an electronic printout of the freezer temperature, this printout should be retained.
- Annual service maintenance and calibration check of the freezer.
- Recording of all maintenance, repairs and calibration of the freezer.
- Procedure in place in the event of a freezer breakdown:
 - During weekdays
 - Out of hours.
- Storage of freezer record archives.
- The policy should clearly indicate roles and responsibility.

References

- 1 Forensic Science Ireland: *Calibration of Temperature Monitored Equipment*. FSLBTS007
- 2 Appendix 9: Form for Recording Freezer Maintenance/Service/Repair/Calibration p. 193
- 3 Forensic Science Ireland: *Temperature Monitoring DNA*. FSLBTS071

Appendix 6:

Example Stored Evidence Record for Continuity of Evidence: Incorporated into the SATU National Patient Documentation, p. 25

NB. STORED EVIDENCE RECORD - FOR CONTINUITY OF EVIDENCE			
SECTION A. COMPLETED BY THE FORENSIC CLINICAL EXAMINER			
Patient's Name		DOB	SATU Ref Number
Date of Examination		Time of Examination	
Sexual Offences Examination Kit Tamper Evident Bag No		Toxicology Kit Tamper Evident Bag No (If no toxicology write N/A)	
COMPLETED BY FORENSIC CLINICAL EXAMINER			
Date Kit/s put in Freezer		Time Kit/s put in Freezer	
Signature of Forensic Clinical Examiner who placed the kit/s in the freezer		Printed Name of Forensic Clinical Examiner who placed the kit/s in the freezer	
Witness Signature (i.e. either Forensic Clinical Examiner, or Reg. Nurse/ Midwife)		Printed Name of Witness (i.e. either Forensic Clinical Examiner, or Reg. Nurse/ Midwife)	
SECTION B. COMPLETE: WHEN REMOVING KIT/S FROM FREEZER			
Date Kit/s Removed from Freezer		Time Kit/s Removed from Freezer	
Signature of person who removed Kit/s from Freezer (i.e. either Forensic Clinical Examiner, or Reg. Nurse/ Midwife)		Printed Name of person who removed Kit/s from Freezer (i.e. either Forensic Clinical Examiner, or Reg. Nurse/ Midwife)	
Signature of Witness (NB. If Garda signs, also enters Reg. No and Garda Station. 2 photocopies of completed form handed to the Garda).		Printed Name of Witness:	
Tick Reason for Removal of Kit/s from Freezer <input type="checkbox"/> A = 1 year has elapsed since Forensic Clinical Examination and specimens were frozen, with no request for an extension. <input type="checkbox"/> B = Extended time which had been requested has expired. <input type="checkbox"/> C = Patient has signed a request to have the specimens destroyed and disposed of. <input type="checkbox"/> D = Released to An Garda Síochána, the patient is making a formal complaint. Garda signs as witness to removal of evidence from the freezer for continuity of evidence. <ul style="list-style-type: none"> o Two photocopies of this completed form are handed to the Garda with the forensic evidence; o One copy is retained by the Gardaí (true copy) as exhibit for court; the second copy is taken with the evidence to the Forensic Science Lab. 			

Appendix 8:

Example Freezer Maintenance/Service/Repair/Calibration Record: Sample

Hospital/Healthcare Logo/s should be added ¹				
SATU Freezer Maintenance/Repair/Calibration Record				
NB. The freezer temperature should be between minus 10° to minus 30° centigrade.				
Freezer Make		Model	ID Number	
Purchased from		Date purchased		
Clinical Eng. Dept No		Emergency Call Out Number		
Date	Time	Reason: Maintenance/Service/Repair/Calibration	Comments	Signed

¹ Health Service Executive (HSE) *Standards and Recommended Practices for Healthcare Record Management. Part 3: Recommended Practices for Clinical Staff.* QPSD-D-006-3, Version 3: 2011. www.lenus.ie

Appendix 9:

Example Consent authorising release of stored evidence and a legal report to An Garda Síochána



**Consent for Release of Stored Forensic Evidence and a Legal Report
from the Sexual Assault Treatment Unit
to the Custody of An Garda Síochána**

Name _____

Date of Birth _____

SATU _____

Date of Examination _____

I give my consent for the release/handover from the above Sexual Assault Treatment Unit, to the custody of An Garda Síochána of the following:

- All forensic samples both intimate and non-intimate that were collected during the Forensic Clinical Examination
- A legal report of the Forensic Clinical Examination

I understand that the forensic samples will be sent to Forensic Science Ireland and that the findings of the laboratory tests and the legal report may also be released to the courts for use in evidence.

Signed by complainant _____ Date _____

Signed by Garda _____ Date _____

Appendix 10:

Example Checklist for releasing stored forensic evidence and legal report

NB: The unique SATU identifiers and Hospital/Healthcare Logo/s should be added. This checklist should be securely attached to the documentation in line with best practice.¹

Checklist when Releasing Stored Forensic Evidence and a Legal Report to An Garda Síochána

Name _____ D.O.B. _____

SATU Number _____ Date of Examination _____

Person removing the stored forensic evidence and giving it to An Garda Síochána

1. Check the Garda has a completed consent form authorising the release of stored forensic evidence and a legal report to An Garda Síochána
2. Make a copy of the completed consent authorisation form for the patient's SATU records
3. Locate the patient's documentation by checking the patient's name, date of birth and date of examination
4. Locate the correct stored tamper evident bag/s, cross-checking the patient's name, date of birth, SATU reference number, date of examination and the tamper evident bags numbers
5. The integrity of the tamper evident bag/s are checked in the Garda presence
6. The Stored Evidence Record form is completed by the SATU Staff member and the Garda receiving the forensic evidence
7. Two photocopies of the stored evidence record are made: original is filed in the patient's documentation; the two copies are given to the Garda
8. The Forensic Clinical Examiner who carried out the Forensic examination is notified to complete the legal report addendum, prior to the release of the legal report to the Gardaí
9. The database is updated at the appropriate section to reflect the case has converted from storage of evidence to making a formal report to An Garda Síochána.

¹ Health Service Executive (HSE) *Standards and Recommended Practices for Healthcare Record Management. Part 3: Recommended Practices for Clinical Staff.* QPSD-D-006-3, Version 3: 2011. www.lenus.ie

Appendix 11:

Example Checklist for Destruction and Disposal of Forensic Samples

Name _____ **D.O.B.** _____
Date of Examination _____ **SATU Number** _____
Sexual Offences Examination Tamper Evident Bag No: _____
Toxicology Kit Tamper Evident Bag No: _____

Checklist	Tick
The patient's details were checked against the patient's SATU Documentation.	
The tamper evident bag/s were opened.	
Both the samples and the empty tamper evident bags were placed in a rigid yellow container.	
The forms accompanying the Kit/s were shredded.	
The container was sealed and tagged and signed by the person destroying the Kit/s and the witness.	
The tag number, the date and the signature of the person destroying the Kits and the witness was entered in the appropriate place on the patient's SATU notes.	
The sealed clinical waste container was delivered to the central waste collection.	
The Porter is notified and a C1 (or appropriate form) is completed with the date and Tag number entered.	
The individual patient's stored evidence record was completed.	
Signature of SATU Staff Member (i.e. either a Forensic Clinical Examiner or Registered Nurse/Midwife) destroying/disposing of Forensic Kit/s (Plus grade):	Date:
Witness signature (Plus grade):	Date:

¹ Health Service Executive (HSE) *Standards and Recommended Practices for Healthcare Record Management. Part 3: Recommended Practices for Clinical Staff.* QPSD-D-006-3, Version 3: 2011.
www.lenus.ie

Appendix 12:

Key Performance Indicators (KPIs) and Monitoring and Evaluation in Irish SATUs

SATU Key Performance Indicators (KPIs)

SERVICE ATTENDANCE ACTIVITY

- % of patients who attended a SATU, who have reported/or are reporting the incident to An Garda Síochána, at the first SATU visit.
- % of patients who attended a SATU, who chose to have a Health Check, at the first SATU visit.
- % of patients attending a SATU, who had already attended a SATU for this incident and were referred, SATU to SATU, to facilitate follow up care.
- % of patients who attended a SATU, who chose to receive advice only, at the first SATU visit.

NB. Return visits see: Follow-up care – Sexually Transmitted Infections (STIs).

QUALITY OF RESPONSE

- KPI: % of patients, seen by a Forensic Clinical Examiner, within 3 hours of a request to a SATU, for a Forensic Clinical Examination \leq 7 days.
- % of victims/survivors attending a SATU for the first time, who were given the appropriate contact information, by the RCC Psychological Support Worker.

QUALITY OF CARE

Prophylactic care

- % of female patients, who presented within 120 hours and appropriately received emergency contraception (EC).
- % of patients aged 14 years and over, who were appropriately given prophylactic Hepatitis B vaccination, at the first SATU visit.

Patient Safety

- % of patient SATU documentation completed, with regard to safety of home environment, on discharge from the first SATU visit.
- % of patients less than 18 years of age, who had a referral made to the Child and Family Agency (Tusla), at the first SATU visit.
- % of victims/survivors attending a SATU for the first time, who were given the appropriate contact information, by the RCC Psychological Support Worker.

Follow-up care – Sexually Transmitted Infections (STIs)

- % of patients who attended the SATU who were given an STI review appointment.
- % of patients who attended a scheduled first STI review appointment, following the first SATU attendance.

QUALITY OF FORENSIC SERVICE

- % of cases who had a Forensic Clinical Examination and had a legal report prepared.
- % of legal reports were prepared within eight weeks of the Forensic Clinical Examination.

QUALITY OF SERVICE

- % of records of attendance of first SATU visit were entered on the database, within 10 working days post the patient's first SATU attendance.
- % of Parliamentary Questions (PQs), answered within 15 working days.

SATU Monitoring and Evaluation

Possible areas for audit using a structure, process and outcome approach are tabulated below.¹

Table 17: Structure, Process and Outcome Audit.		
STRUCTURE	PROCESS	OUTCOME
<p>Resources: Appropriate Staff education e.g.</p> <ul style="list-style-type: none"> • Education criteria to fulfil practitioner role • Specialised induction packages • Continuing professional development. <p>Buildings Appropriate:</p> <ul style="list-style-type: none"> • Physical space and equipment for: SATU care, Forensic Clinical Examination and follow-up. • Patient and security measures. • Forensic quality check: Environmental monitoring carried out twice yearly. <p>Documentation Use:</p> <ul style="list-style-type: none"> • Standardised best practice documentation, policies, protocols, guidelines etc. • Standardised prospective data collection, data analysis and production of clinical reports. • Ensure availability of National Guidelines on Referral and Forensic Clinical Examination Following Rape and Sexual Assault (Ireland). 5th edition 2023 <p>Service:</p> <ul style="list-style-type: none"> • Available 24 hours a day 365 days a year. • All SATU Response Options are available (See p. 16). • STI follow-up in the SATU <p>Finance</p> <ul style="list-style-type: none"> • Ring fenced local and national budgets 	<p>Processes: Explicit evidence of communication lines e.g.</p> <ul style="list-style-type: none"> • Referral pathways to SATU • Distinct referral processes from SATU to other relevant disciplines. • Defined links with relevant Hospital support services e.g. Laboratory, Information Technology (IT), Human Resources (HR), laundry, post etc. • Inter-agency/disciplinary Liaison meetings (a minimum of 2 per year held) with agenda, action plan and minutes. • Partnership approach to a coordinated inter-disciplinary response. • Cross-sectoral cooperation in line with national strategies. • Readily available and accessible service information e.g. clear appropriate patient information, specific training packages, use of websites, etc. <p>Confidentiality</p> <ul style="list-style-type: none"> • Explicit systems are in place to ensure patient confidentiality. <p>Service Expansion</p> <ul style="list-style-type: none"> • Ensure knowledge of services is available to all sections of the population. <p>Forensic Quality checks</p> <ul style="list-style-type: none"> • Encourage provision of DNA reference elimination profiles by all Staff. 	<p>Key Performance Indicators for each specialist area should be defined. Examples for use within the SATU include the following:</p> <ul style="list-style-type: none"> • Ensure quality and appropriateness of response from victim/survivor's perspective: <ul style="list-style-type: none"> ▶ Service received ▶ Staff response ▶ Suitability of environment <p>Measure against the Key Performance Indicators (KPIs) in the following categories:</p> <ul style="list-style-type: none"> • Service attendance activity • Quality of response • Quality of care • Quality of forensic service • Quality of service <p>For a full list of the KPIs relevant to the above categories, please see previous page. The SATU KPI Metadata document outlining the development of each individual KPI and Staff involvement in the development is available from all SATUs</p>
<p>Evaluation using clinical audit methodologies should take place both from an individual agency/discipline standpoint and from the collective Integrated Inter- Agency response.</p>		

References:

1. Lazenbatt, A. The Evaluation Handbook for Health Professionals. London: Routledge; 2002.

Appendix 13:

Critical Readers List

1. Rickard-Clarke, Patricia T, Designation: Chair, Safeguarding Ireland.
2. Eogan, Professor Maeve. Obstetrics and Gynaecology Consultant, Medical Director, National SATU Services, Rotunda Hospital, Parnell Square, Dublin 1.
3. Farrell. Mrs, Noelle. SATU Clinical Nurse/Midwife Manager, Rotunda Hospital Parnell Square, Dublin 1.
4. Ferguson, Dr Wendy. Infectious Diseases Paediatrician (Rainbow clinic) and SATU Forensic Examiner, Rotunda Hospital, Parnell Square, Dublin 1.
5. Flanagan, Dr. Lorna. Forensic Scientist, Forensic Science Ireland, Garda Headquarters, Phoenix Park, Dublin 8.
6. Gavin, Dr. Patrick, National Centre for Paediatric Infectious Diseases and Immunology, Rainbow Clinic, Children's Health Ireland at Crumlin and Temple Street.
7. Gill, Mrs. Nessa, Advanced Nurse Practitioner (Sexual Assault Forensic Examination) Sexual Assault Treatment Unit, Regional Hospital Mullingar.
8. McGilloway, Ms. Connie, Advanced Nurse Practitioner, (Sexual Assault Forensic Examination) Donegal SATU, Letterkenny General Hospital, Justice Walsh Road, Letterkenny, County Donegal.
9. McGowan, Anne, Detective Sergeant, National Child Protection, Garda National Protective Services Bureau, An Garda Siochana, Harcourt Square, Dublin 2.
10. Nelson, Dr. Joanne Consultant Paediatrician, Forensic Physician and Clinical Director, Child and Adolescent Sexual Assault Treatment Service (CASATS), Galway.
11. Noonan, Ms. Margo Advanced Nurse Practitioner, (Sexual Assault Forensic Examination) South Infirmary-Victoria University Hospital Old Blackrock Road, Cork.
12. O'Dowd, Dr. Yvonne. Forensic Scientist, Forensic Science Ireland, Garda Headquarters, Phoenix Park, Dublin 8.
13. Pucillo, Mrs. Christine. SATU CNS Rotunda Hospital, Parnell Square, Dublin 1.
14. Walsh, Ms. Aideen. Paediatric Forensic Medical Unit Co-Ordinator, Children's Health at Tallaght.

Operational Definitions and Glossary of Terms

Abrasion: Superficial injury to the skin caused by the application of blunt force. Produced by a combination of contact pressure and movement applied simultaneously to the skin (p. 82 for different types of abrasions).^{4,19}

Acquaintance: someone who the person knew for 24 hours or more. (See also recent acquaintance).

Adult Forensic Clinical Examination: In law a person is an adult when they reach the age of 18 years.⁶ For the purpose of carrying out an adult Forensic Clinical Examination, 14 years of age is taken as the age where physical maturity has been reached in the average young person. **NB.** For a person under the age of 18 years, Children First guidelines⁷ reporting mechanisms should be followed.

Aggravated Sexual Assault: This offence was created by Section 3 of the Criminal Law (Rape Amendment) Act 1990. It is defined as 'a sexual assault that involves serious violence or the threat of serious violence or is such as to cause injury, humiliation or degradation of a grave nature to the person assaulted.

Anal canal: The terminal part of the large intestine extending from the rectum to the anal orifice.¹⁷

Anal skin folds: Folding or puckering of the perianal skin radiating from the anal verge.¹⁷

Anatomical position: Descriptions in human anatomy are expressed in relation to the anatomical position. These positions describe where different body parts are found or what the direction of a movement, relative to the midline of the body, or to another body part. Anatomical positions are referred according to their orientation:

- **Anterior** - toward the front of the body
- **Superior** - toward the head
- **Inferior** - toward the feet
- **Posterior** - toward the back of the body
- **Medial** - toward the midline of the body
- **Lateral** - away from the midline of the body

Anorectal line: The line where the rectal columns interconnect with the anal papilla: also called the dentate line.¹⁴

Anus: The anal orifice; the outlet of the large bowel, opening of the rectum.¹⁴

Bruise: An area of haemorrhage beneath the skin^{4,19} (See 2:13 p. 88 and 2:13.1, p. 91).

Cervical os: Opening in the cervix leading to the uterine cavity.

Cervix: The neck of the uterus, penetrated by the cervical canal, it is about 2.5cms. in length, with a rounded surface that protrudes into the vagina; for descriptive purposes the rounded surface is divided in half at the cervical os, into the anterior and posterior cervix.

Clinical Nurse/Midwife Specialist: A nurse or midwife in clinical practice who has undertaken formal recognised post-registration education relevant to his/her area of specialist practice.²

Clitoris: Erectile tissue situated beneath the mons pubis and above the urethra; the clitoris is covered by the clitoral hood or prepuce.¹⁴

Complainant: The term used in law for the person who alleges that a crime has been committed.¹

Corona: The widest portion around the glans,¹⁷ the ridge that delineates the glans from the shaft of the penis.¹⁸

Coronal Sulcus: The groove at the base of the glans.¹⁷

Cosc: Cosc is the National Office for the Prevention of Domestic, Sexual and Gender-based Violence. It provides a dedicated, resourced office at Government level to deliver a properly co-ordinated, whole-of-Government response to these forms of violence.

Dentate line: See anorectal line.¹⁴

Domestic violence: Defined in Article 2 of the Istanbul Convention as ‘all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.’¹¹

Elder abuse: A single or repeated act or lack of appropriate action occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person or violates their human and civil rights.⁹

Erythema: Redness of the skin and/or mucous membranes caused by dilatation of the underlying capillaries.¹⁷

Evidence: That which tends to prove the existence or non-existence of some fact,¹ the truth of which is submitted to judicial investigation. Evidence can be:

1. Testimony.
2. Hearsay Evidence.
3. Documentary Evidence.
4. Real Evidence (e.g. weapon).
5. Circumstantial Evidence.

Ex-intimate Partner: Ex-husband/wife, ex-boyfriend/girlfriend or ex-lover.⁴

Female Genital Mutilation: The partial or total removal of the external female genitalia, or any practice that purposely alters or injures the female genital organs for non-medical reasons. The practice is internationally recognised as a human rights violation of women and girls.²⁴

Forensic Clinical Examiner: In the context of these guidelines, the term Forensic Clinical Examiner is deemed to be an appropriately trained healthcare professional who undertakes the Forensic Clinical Examination and collects forensic evidence from the patient, following alleged rape or sexual assault. This healthcare professional may be a Medical Doctor, a Registered Nurse or a Registered Midwife.³

Foreskin: The movable hood of skin covering the glans of the penis.²¹

Fossa Navicularis: Concavity anterior to the posterior fourchette and posterior to the hymen.¹⁴

Fourchette: the posterior margin of the vulva: the site where the labia minora unite posteriorly.¹²

Frenulum: The thin fold of tissue that attaches the foreskin to the ventral surface of the glans penis.²¹ It attaches immediately behind the external urethral meatus.¹⁷

Glans of the penis: The cone shaped head of the penis,²¹ distal to the coronal sulcus.

Health Care Professionals: Doctors, nurses, midwives and other professionals, who have specific training in the field of health care delivery. ⁴

Human Trafficking: The Palermo Protocol states: “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or devices, slavery or practices similar to slavery, servitude or the removal of organs. ²³

Hymen: A membranous collar or semi collar inside the vaginal introitus¹⁴ (See 2:7.1, Table 4: Anatomical variations and terms relating to the hymen).

Indecent Assault: This offence was renamed sexual assault by section 2 of the Criminal Law (Rape) (Amendment) Act 1990. There is no definition of this offence to be found in legislation. It has been defined in common law as ‘an assault accompanied by circumstances of indecency.’²⁶

Intimate Partner: A husband/wife, boyfriend/girlfriend or lover.⁴

Introitus: An opening or entrance into a canal or cavity as in the vaginal introitus.¹⁴

Labia Majora: The two large folds which form the boundary of the vulva.¹³

Labia Minora: Two smaller folds of skin between the labia majora. Anteriorly the labia minora meet at the clitoris and posteriorly they fuse to form the fourchette.¹³

Laceration: Ragged or irregular tears or splits in the skin, subcutaneous tissues or organs resulting from blunt trauma (e.g. trauma by impact)^{4,19} (See 2:13, p. 88).

Median Raphe: A ridge or furrow that marks the line of union of the two halves.¹⁷

Mons Pubis: Mound of fatty tissue lying over the pubic symphysis.²⁵

SATU National Patient Documentation: The standardised individual patient record (“chart”) which is used in Irish SATUs.

Online Sexual Exploitation: Online Sexual Exploitation is an act or acts committed, by use of the Internet, that are Sexual Assaults. Injured parties are deceived or coerced into producing indecent images of themselves or engaging in sexual chat or sexual activity over webcam and then in some cases coerced into producing more material in an effort to prevent disclosure online to family and friends.

Patient: Individuals, who are receiving a service from, or are being cared for by, a health care worker.⁴

Penis: Male organ of reproduction and urination, composed of erectile tissue, through which the urethra passes. It has a shaft and glans (head); the glans may be covered by the foreskin.^{14,18} (See 2:8, Table 7)

Perineum: The external surface of the perineal body. Lies between the posterior fourchette and the anus in the female and the scrotum and the anus in males.¹³

Proctoscope: An instrument to aid visualisation of the anal canal and lower rectum.

Psychological Support Worker: A Rape Crisis Centre volunteer or staff person trained and available to provide advocacy, crisis intervention and support to a sexual violence victim/survivor in a Sexual Assault Treatment Unit.

Rape: Defined by Section 2 of the Criminal Law (Rape) Act 1981 as sexual intercourse, where the woman does not consent, and the man, at that time, knows that she does not consent to the intercourse or he is reckless as to whether she does or does not consent to it.

Recent Acquaintance: Someone who the person knew for less than 24 hours⁵

Recent Rape/Sexual Assault: In the context of carrying out a Forensic Clinical Examination, for the purpose of retrieving forensic evidence, recent rape/sexual assault is categorised as up to and within seven days following the rape/sexual assault.

Rectum: The final straight portion of the large intestine, terminating in the anus.

Scrotum: The scrotum is a pouch of deeply pigmented skin, fibrous and connective tissue and smooth muscle. It is divided into two compartments each containing one testis, one epididymis and the testicular end of a spermatic cord.¹³

Sexual Assault: See section 2 of the Criminal Law (Rape) (Amendment) Act 1990. This replaced the earlier offence of Indecent Assault.

Sexual Assault has been defined by case-law as ‘an assault accompanied by circumstances of indecency.’¹²⁷

Sexual Offences Examination Kit: Specifically designed kit for use with either male or female complainants or alleged perpetrators during a Forensic Clinical Examination, for the purpose of taking forensic samples.³

Sexual Violence: A term covering a wide range of crimes, including rape, sexual assault, incest and burglary available at: <http://irishstatutebook.ie>.

Shaft of the Penis: The shaft of the penis is the area from the body of the male to the glans penis and is composed of three cylindrical masses of erectile tissue.¹⁸ The dorsal surface of the penis is located anteriorly on the non-erect penis, and its ventral surface is in contact with the scrotum.²⁰

Speculum: An instrument for exposing a cavity or channel in the body by enlarging the opening to allow viewing.

Speculum Examination: The viewing of a canal of the body, using a speculum. Specifically viewing the vagina and cervix with a vaginal speculum.

Stranger: Someone whom the person has never met.

Swab: A swab in the context of a Forensic Clinical Examination is a one ended ‘cotton bud.’ Each swab comes in its own individual cylindrical container.

Tamper Evident Bag: A bag specially designed for secure containment of forensic specimens, the seal of the bag cannot be tampered with, without it being evident.

Tanner Stages: A classification system which is used to categorise secondary sexual development: the degree of sexual maturation defined by physical evidence of breast development and pubic hair in the female, the testicular, scrotal and penile size along with the location of pubic hair are used in the male ranging from Stage 1 (pre-pubertal child) to Stage 5 (fully mature adult).²²

Time Frames: For the purpose of these guidelines and in the context of SATUs, the following are the recognised time frames from the reported time of the rape/sexual assault until Forensic Clinical Examination:

- Acute case: where the incident happened < 72hours
- Recent incident: where the incident happened < 7 days
- Non-acute case: where the incident > 7 days

Trafficking: (See Human Trafficking)

Urethral Orifice: Opening into the urethra.

Vagina: A fibromuscular sheath extending upwards and backwards from the vestibule.¹⁶ (See 2:7.2, Table 5: Descriptive terms for the vagina).

Vestibule: An almond shaped space between the lines of attachment of the labia minora; four structures open into the vestibule-urethral orifice, vaginal orifice, and the two ducts of the glands of Bartholin.¹⁴

Victim/Survivor: A person who has lived through a rape or sexual assault.

Vulnerable Adult: A person who is or may be in need of community care services by reason of mental illness or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself from significant harm or exploitation.⁸

Vulva: The collective term used to describe the external female genitalia. It incorporates the mons pubis, labia majora, labia minora, clitoris, clitoral hood and vestibule.¹²

Wounds: See Table 8: Standard Descriptive Terms for Classifying Wounds, p. 88.

Abbreviations

BASHH:	British Association for Sexual Health and HIV
BMI:	Body Mass Index
CHP:	Countries of High Prevalence
Cu-IUD:	Copper containing intrauterine contraceptive device
CN/MS (SAFE):	Clinical Nurse /Midwife Specialist (Sexual Assault Forensic Examination)
DNA:	Deoxyribonucleic acid
DOB:	Date of Birth
DOHC:	Department of Health and Children
DOJ:	Department of Justice
DPP:	Director of Public Prosecutions
DVSAIU:	Domestic Violence Sexual Assault Investigation Unit
EC:	Emergency Contraception
ECP:	Emergency Contraceptive Pill
FFLM:	Faculty of Forensic and Legal Medicine
FGM:	Female Genital Mutilation
FVU:	First Void Urine
GP:	General Practitioner
hCG:	Human Chorionic Gonadotropin
HIV:	Human Immunodeficiency Virus
HQ:	Head Quarters
HR:	Human Resources
HSE:	Health Service Executive.
ICGP:	Irish College of General Practitioners
IT:	Information Technology
IVDA:	Intravenous Drug Addict/s
KPI:	Key Performance Indicator
LMP:	Last Menstrual Period
LNG:	Levonorgestrel
MSM:	Men who have Sex with Men
NAATs:	Nucleic Acid Amplification Tests

NCBI:	National Council for the Blind of Ireland
NHO:	National Hospitals Office
OMC:	Office for the Minister for Children and Youth Affairs
PCC:	Post Coital Contraception
PEP:	Post-Exposure Prophylaxis
PEPSE:	Post-Exposure Prophylaxis following Sexual Exposure
RCC:	Rape Crisis Centre.
RCNI:	Rape Crisis Network Ireland.
RCOG:	Royal College of Obstetricians and Gynaecologists
SATU:	Sexual Assault Treatment Unit.
SLIS:	Sign Language Interpreting Service
STI:	Sexually Transmitted Infection/s
UPA:	Ulipristal Acetate
WHO:	World Health Organisation

References for Operational Definitions and Glossary of Terms

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