



# **DENTON COUNTY SEXUAL ASSAULT RESPONSE TEAM (SART) 2023 Biennial Report**

## ***What is SART?***

The Denton County Sexual Assault Response Team (SART) is dedicated to enhancing the multidisciplinary response by those charged with responding to sexual assaults of adult individuals, equipped with a standardized plan of action, with the goal to comprehensively investigate sexual assault crimes and to promote healing and justice for survivors.

# Table Of CONTENTS

**03** Executive Summary

**04** Appointed SART Members

**05** SART Timeline

**06** Agencies Participating

**07** SART Activities

**12** Data and Findings

**18** 2024 Calendar of Meetings

**19** SART Protocols, 2023 Update



# EXECUTIVE SUMMARY

## DENTON COUNTY SART

### BRIEF HISTORY

In 2021, the 87th Texas Legislature enacted Senate Bill 476, mandating the establishment of Adult Sexual Assault Response Teams (SARTs) in every county throughout Texas. Denton County promptly formed its SART in December 2021, dedicating most of 2022 to crafting comprehensive sexual assault response protocols for the entire county. These protocols were formally presented to the Commissioner's Court in November 2022 and received official approval in January 2023. As per SB 476, the SART is required to convene at least four times each year, offer 4 hours of cross-discipline training, and deliver a biennial report to the Commissioner's Court during odd-numbered years.

### INTRODUCTION

In this 2023 Biennial Report, you will see the list of response team members participating in our meetings, information shared at each meeting, including continuing education; data from each discipline involved in the SART team, and a full copy of the Denton County Sexual Assault Response Protocols, which were updated following the close of the 88th Texas Legislative Session.

As the Denton County SART enters its second full year, our hope is to grow the meetings to include all law enforcement agencies, a more robust prosecutorial response, and to include the voice of those with lived experiences.

———— 2021 Appointed SART ————  
Members



Lori Nelson  
DCFOF  
Presiding Officer



ADA Michael Dickens  
DA's Office



Sgt. Trent Jones  
Denton PD



Capt. Ed Barrett  
DCSO



Sonia Sims SANE  
THR Presbyterian



Cindy Burnette  
THR Presbyterian



Brittany Waymack  
MHMR

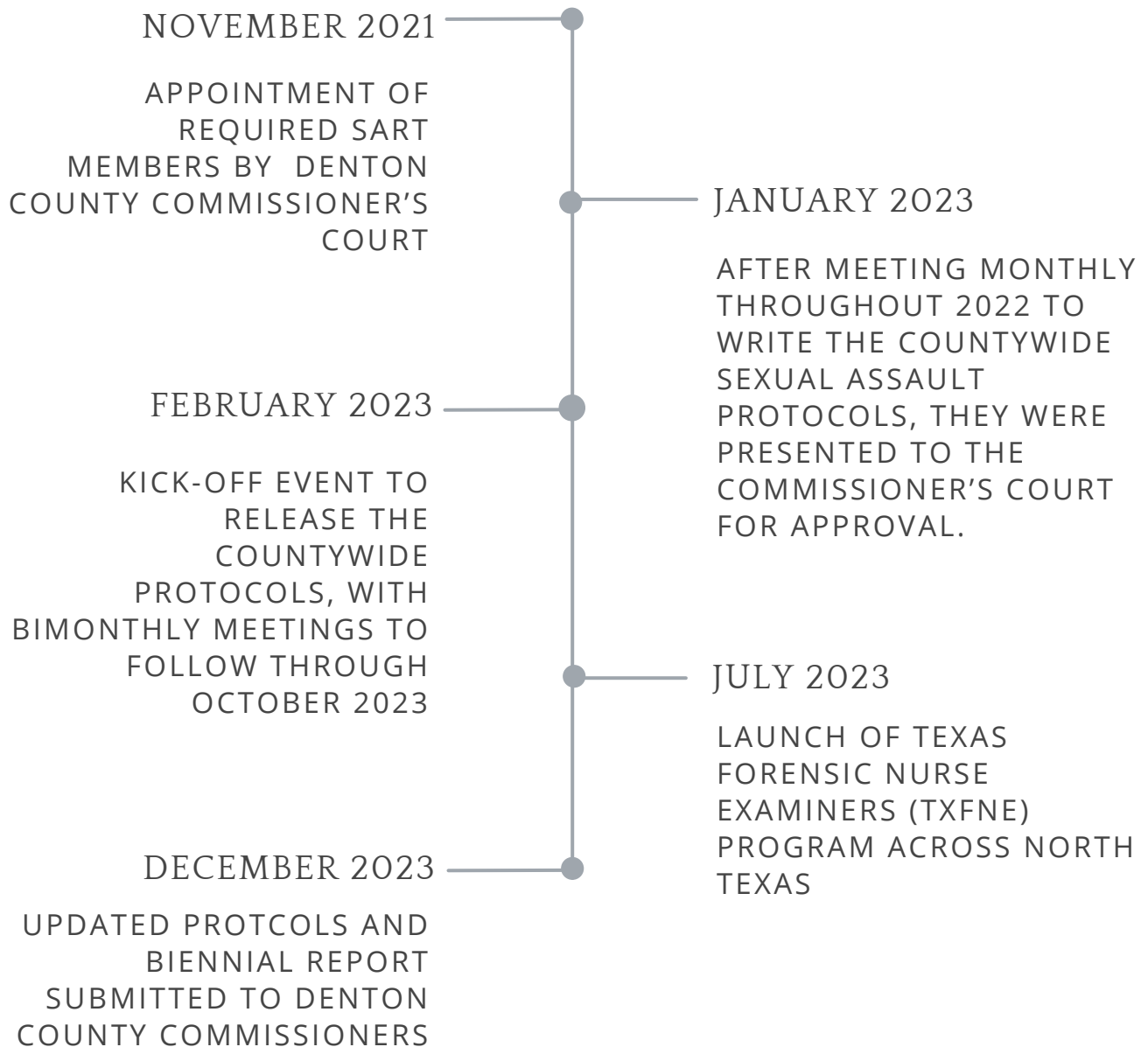


SART Appointment  
November 30, 2021

## DENTON COUNTY SART

# ACTIVITY TIMELINE

NOVEMBER 2021 - SEPTEMBER 2023



# DENTON COUNTY SART

## AGENCIES PARTICIPATING

IN BIMONTHLY SART MEETINGS  
FEBRUARY 2023 - OCTOBER 2023

Argyle Police Department  
Aubrey Police Department  
Children's Advocacy Center  
for North Texas  
Carrollton Police Department  
Celina Police Department  
Children's Medical Center/REACH Clinic  
Corinth Police Department  
Cross Roads Police Department  
Coppell Police Department  
Denton County Criminal  
District Attorney's Office  
Denton County Friends of the Family  
Denton County Sheriff's Office  
Denton County Community Supervision  
and Corrections Department  
Denton County MHMR  
Denton Police Department  
Department of Public Safety Crime Lab  
Flower Mound Police Department  
Hickory Creek Police Department  
Highland Village Police Department  
Justin Police Department

Krum ISD Police Department  
Krum Police Department  
Lake Dallas Police Department  
Little Elm Police Department  
Oak Point Police Department  
North Central Texas College  
Northlake Police Department  
Pilot Point Police Department  
Ponder Police Department  
Refuge for Women  
Roanoke Police Department  
Sanger ISD Police Department  
Sanger Police Department  
Texas Association Against  
Sexual Assault  
The Colony Police Department  
Trophy Club Police Department  
Texas Woman's University  
Police Department  
Texas Forensic Nurse Examiners  
University Behavioral Health  
University of North Texas  
Police Department



February 2023  
 Kick-Off Event  
 2 hours of continuing education



## April 2023 SART Meeting

2 hours of continuing education

During the April 2023 SART Meeting, Crime Analyst Briana Martinez with Denton Police Department presented information about Molly Jane's Law (Texas Government Code 420.036). The law, which became effective Sept. 2019, states that every law enforcement agency that investigates a sexual assault or other sex offense shall enter into the Violent Criminal Apprehension Program (ViCAP) database information regarding investigations of sexual assault or other sex offenses.

ViCAP is a national database established and maintained by the FBI and is the largest free repository for behavioral and investigative information related to solved and unsolved violent crimes. It is designed to collect and analyze information about homicides, sexual assaults, missing persons, and unidentified human remains.

Molly Jane's Law facilitates the identification of patterns of offense so that law enforcement can act decisively before an offender rapes again or their pattern escalates.



### **Two cases were reviewed during the SART meeting. Key discussion points:**

- Adult victims of sexual assault have the right to not report to law enforcement.
- Adult victims of sexual assault have the right to have an advocate present. Call DCFOF's crisis line 940-382-7273 to dispatch an advocate.
- Law enforcement must offer an adult victim of sexual assault an advocate *before* an investigative interview. (Texas Code of Criminal Procedure Art. 56A.3515a)
- Adult victims of sexual assault that have an intellectual impairment may be forensically interviewed at the Children's Advocacy Center for North Texas.



# June 2023 SART Meeting

1.5 hours of continuing education

## OVERVIEW

There are 16 Department of Public Safety (DPS) laboratories in the State of Texas, only 10 do serology/DNA testing. The DPS Crime laboratory in Garland serves 42 counties, including Denton County.

## PROCESS

When the lab receives a Sexual Assault Kit, it is assigned a unique case number and barcode. The barcode is scanned for their own internal chain of evidence. The kit is assigned to an analyst who does male DNA screening, DNA analysis, a preliminary report and then DNA results are reported. In June, Ms. Moyers stated the average turnaround time for processing a sexual assault kit was 48 days.

Forensic biology (panties, towels, clothing, etc.) is looked at through an Alternative Light Source, then pieces are tested for blood and semen. Microscope test for semen can be requested.

DNA Analysis - evidence is prepped, sample cut, extraction of the DNA is taken. The DNA amount is measured, the analyst performs a polymerase chain reaction to duplicate the DNA. If detection of DNA is made, the DNA is interpreted and compared to a known sample.

Lab reports back to law enforcement include an explanation of the likelihood ratio on the DNA match.

YSTR Analysis, also known as Touch Transfer DNA looks at the Y chromosome only. YSTR profiles will be the same along paternal lines: son is same as dad, who is same as paternal grandfather, etc.



Combined DNA Index System (CODIS) is a national database run by the FBI.

DNA profiles from an unknown individual will be put into CODIS to compare to all known DNA profiles.

The Garland lab averages 88 DNA profiles going into CODIS a month. 2022 had the highest number of DNA uploads into CODIS: 1,486 entered with 500 offender hits.



## CLARE MOYERS

Lab Section Supervisor III-DNA

Garland Crime Lab  
Department of Public Safety



## CHRIS BUTTERWORTH

Criminal Justice System Training Specialist  
Denton County Friends of the Family

### LEGISLATIVE UPDATE

Members of the Denton County SART were provided a update on new laws particular to sexual assault from the 88th Legislative Session.

## August 2023 SART Meeting

.5 hours of continuing education

### Victim Access to an Advocate| Texas CCP 56A.3515

Adult victims of sexual assault have the right to an advocate during a law enforcement investigative interview. Law enforcement **shall** request the presence of a sexual assault advocate. The sole provider of sexual assault advocacy services in Denton County is Denton County Friends of the Family. Law Enforcement can call DCFOF's Crisis Line at 940-382-7273 to request an advocate 24/7.

### Victim Access to an Advocate| SB 806, Sen. Paxton/ Rep. Manuel

Peace officers who respond to or investigate sexual assault **must** provide to the victim a written notice that contains information about the rights of crime victims, information about Track-Kit, and a written referral to the nearest sexual assault program. Additionally, officers **must** offer to request a forensic medical exam on behalf of the victim and coordinate with the SART to provide continuing care to the victims or to further investigate the offense. (The Denton County SART developed and distributed the required notification to all Denton County law enforcement jurisdictions in October 2023.)

### Survivor-Centered Communications During Prosecution| SB 409, Sen. Hinojosa/ Rep. Leach

This bill reinforces survivors' state Constitutional rights and aims to improve victim-prosecutor interactions by requiring higher levels of communication and collaboration on sexual assault cases. It grants a victim, or their representative, the right, if requested, to confer with the prosecuting attorney about their views regarding the disposition of their case before critical decisions are made disposing of the case, such as decisions not to file charges, the dismissal of charges, the use of a pretrial intervention program or a plea bargain agreement.

### New CODIS Hit Notifications| HB 4628, Rep. Goldman/ Sen. Huffman

Crime labs and law enforcement must now share information with one another in a timely manner after a rape kit is tested and DNA matches in the CODIS database occur. Crime labs have 60 business days to inform law enforcement of any DNA matches and law enforcement must then respond and notify the survivor within 5 business days. They must also attempt to collect and return to the lab DNA samples from identified suspects within 30 days, in order to establish a chain of custody for the suspect's DNA.

# AUGUST 2023 SART MEETING

# Case Review



ADA Michael Dickens



ADA Rachel Nichols

## ASSISTANT DISTRICT ATTORNEYS MICHAEL DICKENS AND RACHEL NICHOLS PRESENTED A POST-TRIAL REVIEW OF A SEXUAL ASSAULT

Denton County SART members received an overview of the facts of the case, the steps of the investigation, the steps of the medical forensic exam, the outcome of the DNA analysis from the crime lab, and each step of the prosecution.

Though each individual having a role in the investigation, service provision, and prosecution of this case did the best they could within their own discipline, the defendant on the case was found not guilty by a Denton County jury in September 2023.

There were several issues that may have impacted the verdict, to include: 1) the length of time between the case being investigated and filed by the law enforcement agency; 2) the length of time for the case to be screened by intake attorneys, assigned and taken to grand jury for indictment at the District Attorney's Office; and 3) the delay and backlog created by the 2020 COVID-19 pandemic slowed down the forward momentum of this case.

Despite the outcome of the trial, the victim in this case sent a follow up letter to Assistant District Attorneys Dickens and Nichols thanking them for standing by her side through the trial. The victim stated she felt heard and believed throughout the investigation and prosecution.

The Denton County SART will continue to provide full case studies at meetings so that the efficacy of the countywide protocols can be evaluated.

# TEXAS HEALTH PRESBYTERIAN DENTON HOSPITAL

Texas Health Presbyterian Denton Hospital launched their Sexual Assault Nurse Examiner program in the Spring of 2018. Texas Health Denton started supplying Sexual Assault Nurse Examiners to conduct sexual assault medical forensic examinations (SAMFEs) whenever a survivor presents to the hospital and makes an outcry or voices a concern for sexual assault. We consulted and completed our first exam on a 39-year-old female on March 14th, 2018. The first year, we consulted with 26 patients. Currently, the hospital consults with over 150 survivors a year. Texas Health Denton has expanded their services to the pediatric population; therefore, anyone who presents to the hospital is entitled to receive a SAMFE. The team is staffed with one director that oversees the entire Texas Health Hospital system, two managers that aid with overseeing the entire system divided into two territories and 20 SANE nurses. Everyone on the team is certified by the Texas Office of Attorney General.

Texas Health Denton has been designated a Sexual Assault Forensic Exam-Ready facility (as described in Section 323.0015) since Spring 2018.

Texas Health SANE program has collaborated with multiple organizations throughout Denton County to include Denton County Friends of the Family, multiple law enforcement agencies. Texas Health SANE Leadership are appointed members of the Denton County SART.



In the 2022, Texas Health Denton consulted with **146 adult victim/survivors**. Twenty survivors did not report to law enforcement at time of exam. However, four survivors reported to law enforcement later. In 2023, Texas Health Denton has consulted with **88 adult victim/survivors** to date. Eleven survivors did not report to law enforcement at time of exam, however, 3 survivors have reported to law enforcement since then.

## TRENDS IN DENTON COUNTY ADULT SEXUAL ASSAULTS

### Notable trends for 2022:

- The team consulted with 83 White/Caucasian survivors, 21 Black/African American survivors, 3 Asian Americans, 24 Hispanic survivors, 2 Native American Descent Survivors, and 13 survivors that identified by more than one race.
- Over 80 survivors ingested drugs and alcohol either voluntary or involuntary prior to being assaulted.
- 24 survivors endured strangulation during their assault; 10 out of the 24 were at the hand of their intimate partner.
- 13 survivors met their assailant through social media or online dating app.
- The SANE team consulted with 12 survivors that were assigned male at birth; 2 currently identify as female.

### Notable trends for 2023:

- The team consulted with 53 White/Caucasian survivors, 20 Black/African American survivors, 12 Hispanic survivors, 1 Native American Descent Survivor, and 2 survivors that identified by more than one race.
- More than half of the survivors ingested drugs and alcohol either voluntary or involuntary prior to being assaulted.
- 11 survivors were sexually assaulted by their intimate partner, and 5 of them endured strangulation during their assault.
- More than 10% of survivors met their assailant through social media or online dating app.
- The SANE team consulted with 4 survivors that were assigned male at birth.

## TEXAS FORENSIC NURSE EXAMINERS (TXFNE)

**The mission of TXFNE:** Through a coordinated community response, The Forensic Center empowers victims, promotes healing and creates innovative and comprehensive solutions to fill gaps in victim services.

A forensic nurse specializes in trauma care for victims of violence and is certified in the evidence collection and storage protocols of the medical forensic exam. Texas Forensic Nurse Examiners™ (TXFNE™) gathers the region's most qualified trauma nurses and is pioneering services to make the forensic exam accessible to victims in their geographic area. The demand for the forensic exam is at its peak with the population of patients to include sexual assault, domestic violence, human trafficking, child maltreatment, and elder abuse victims. TXFNE™ partners with hospitals and clinics by providing qualified forensic nurses on-demand.

During the Summer of 2023, the Texas Forensic Nurse Examiners entered into contract with HCA Hospitals, aka Medical City locations across North Texas to provide medical forensic exams for both sexual assaults and domestic violence. TXFNE began providing exams at the 16 Medical City locations across Denton, Collin, Dallas, Tarrant and Ellis Counties on July 30, 2023. The addition of TXFNE to Denton County means that victim/survivors can receive a medical forensic exam at Medical City Denton (MCD), Medical City Lewisville (MCL), and the MCL free-standing Emergency Center in Flower Mound. TXFNE also offers our community access to their clinic in Carrollton.

August 2023

Adult Victim/Survivors Seen

Medical City Denton: 4

Medical City Lewisville: 3

TXFNE Clinic, Carrollton: 1

September 2023

Adult Victim/Survivors Seen

Medical City Denton: 3

Medical City Lewisville: 1

Medical City Frisco: 1

TXFNE Clinic, Carrollton: 1



# Sexual Assault Reports and Investigations by Law Enforcement Agency Oct 2022 - Sept 2023

Law Enforcement Agency	Number of Sexual Assault Cases Reported	Number of Sexual Assault Reports Investigated
Aubrey PD	8	2
Carrollton PD	20	20
Coppell PD	4	5
Corinth PD	2	2
Denton County Sheriff's Office	37	29
Denton PD	49	37
Flower Mound PD	5	4
Frisco PD (Denton County)	5	5
Hickory Creek PD	2	1
Justin PD	4	3
Krum ISD PD	1	1
Krum PD	2	2
Lake Dallas PD	3	3

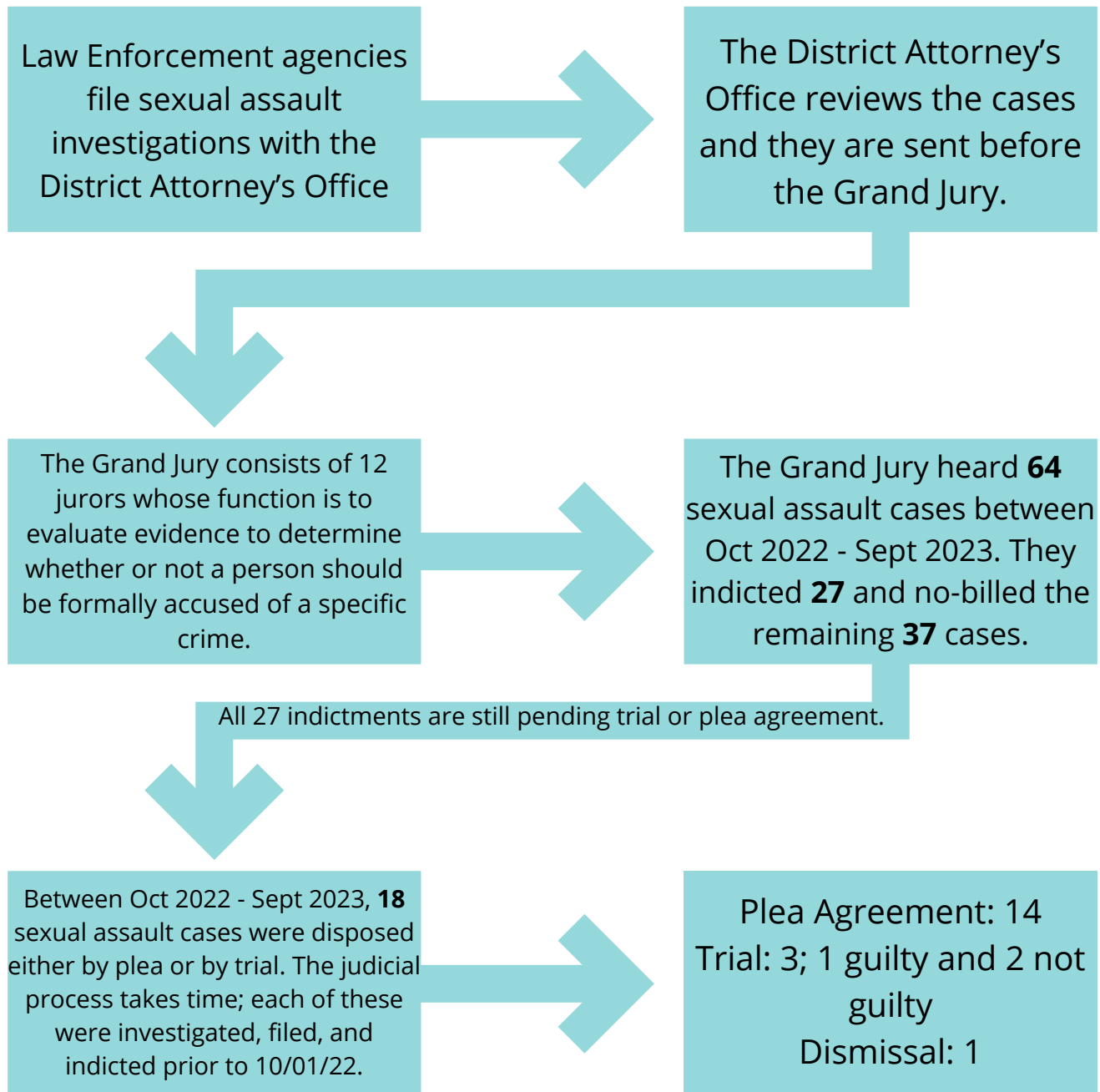
# Sexual Assault Reports and Investigations by Law Enforcement Oct 2022 - Sept 2023 (con't)

Law Enforcement Agency	Number of Sexual Assault Cases Reported	Number of Sexual Assault Reports Investigated
Lewisville PD	79	79
Northlake PD	1	1
Oak Point PD	1	1
Pilot Point PD	1	0
Roanoke PD	2	2
Sanger PD	2	2
Southlake PD	7	5
The Colony PD	15	15
University of North Texas PD	23	9
<b>Totals</b>	<b>273</b>	<b>228</b>

Law enforcement agencies not listed in the chart above either report zero sexual assault cases or did not provide their annual data to the Denton County SART.

# Sexual Assault Cases Received, Indicted, and Disposed by the Denton County District Attorney's Office

## Oct 2022 - Sept 2023



The 8 defendants who took a guilty plea to deferred adjudication, 3 received 10 years of probation, and 5 received 2-5 years of probation.

The 6 defendants that took a guilty plea to jail time added up to a total of 75 years.

The jury trial with the guilty verdict resulted in a penitentiary sentence of 10 years on each count and a \$5000 fine for each count. The penitentiary sentences were each probated for 8 years.



# Denton County Friends of the Family



*10/01/22 - 09/30/23:*

**257 adults received an intake related to sexual assault.**

*10/01/22 - 09/30/23:*

**\*Survivor Advocacy Team responded to 145 sexual assault survivors receiving a forensic medical exam; 119 were adults, 26 were children.**

*10/01/22 - 09/30/23:*

**Received 283 calls to our 24/7 crisis line related to sexual assault.**

DCFOF's 24/7 Crisis Line can be called or texted: 940-382-7273.

*10/01/22 - 09/30/23:*

**667 total hours of training provided to community members related to sexual assault.**



DCFOF's Survivor Advocacy Team provides 24/7 trained and certified volunteer support for sexual assault survivors during hospital or police visits, and are the only ones allowed with the survivor and forensic nurse during the physical/evidence gathering phase of the medical forensic exams.

# 2024 Calendar

2024 SART meetings are set for the 2nd Wednesday of every other month, February - October, at 1p.

## January

Mo	Tu	We	Th	Fr	Sa	Su
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

## February

Mo	Tu	We	Th	Fr	Sa	Su
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29			

## March

Mo	Tu	We	Th	Fr	Sa	Su
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

## April

Mo	Tu	We	Th	Fr	Sa	Su
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

## May

Mo	Tu	We	Th	Fr	Sa	Su
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

## June

Mo	Tu	We	Th	Fr	Sa	Su
				28	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27		29	30

## July

Mo	Tu	We	Th	Fr	Sa	Su
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

## August

Tu	We	Th	Fr	Sa	Su
		1	2	3	4
5	6	7	8	9	10
12	13	14	15	16	17
19	20	21	22	23	24
26	27	28	29	30	31

## September

Mo	Tu	We	Th	Fr	Sa	Su
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
						30

## October

Mo	Tu	We	Th	Fr	Sa	Su
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

## November

Mo	Tu	We	Th	Fr	Sa	Su
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

## December

Mo	Tu	We	Th	Fr	Sa	Su
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					



# **DENTON COUNTY SEXUAL ASSAULT RESPONSE TEAM (SART) SEXUAL ASSAULT RESPONSE PROTOCOL**

## ***What is SART?***

The Denton County Sexual Assault Response Team (SART) is dedicated to enhancing the multidisciplinary response by those charged with responding to sexual assaults of adult individuals, equipped with a standardized plan of action, with the goal to comprehensively investigate sexual assault crimes and to promote healing and justice for survivors.

# Denton County Sexual Assault Response Team (SART)

## Sexual Assault Response Protocol

### Table of Contents

1. Acknowledgments
2. Introduction and Use
3. Mission and Vision Statement
4. SART Member Roles and Responsibilities
5. Procedures
6. Conflict Resolution Among SART Members
7. Confidentiality
8. Trends in Sexual Assault
9. SART Meetings
10. Biennial Evaluation
11. Glossary of Terms
12. Attachment A: Texas Local Government Code, Chapter 351, Subchapter J
13. Attachment B: Texas Health and Human Services Information for Survivors of Sexual Assault
14. Attachment C: Law Enforcement Request for Sexual Assault Exam
15. Attachment D: Texas Government Code, Section 420.011(b)
16. Attachment E: Texas Penal Code, Chapter 22
17. Attachment F: Texas Government Code, Title 4, Chapter 420
18. Attachment G: Texas Family Code, Section 71.0021(b)
19. Attachment H: Texas Family Code, Section 71.0003
20. Attachment I: Texas Family Code, Section 71.005
21. Attachment J: Texas Code of Criminal Procedure, Article 56A.3515
22. Attachment K: Texas Code of Criminal Procedure Article 56A.251
23. Attachment L: Texas Code of Criminal Procedure Article 17.292
24. Attachment M: Texas Code of Criminal Procedure Article 38.22
25. Attachment N: Texas Code of Criminal Procedure Article 39.16
26. Attachment O: Texas Code of Criminal Procedure Article 35.16
27. Attachment P: Texas Code of Criminal Procedure, Articles 35.14 and 35.15
28. Attachment Q: Sexual Assault Response Team Written Consent/Release of Information
29. Attachment R: Texas Code of Criminal Procedure, Article 56A.403
30. Attachment S: Texas Government Code, Section 411.042
31. Attachment T: Texas Code of Criminal Procedure, Article 56A.052

## **Acknowledgments**

The Denton County Sexual Assault Response Team (SART) would like to extend appreciation to Senator Jane Nelson for her sponsorship of Senate Bill 476, during the 87<sup>th</sup> Texas Legislative Session, which required all Texas counties to form an adult Sexual Assault Response Team. This bill creates a statewide infrastructure of resources, awareness, connection, and coordination to address sex crimes on a local level. Further, the Denton County SART would like to thank Denton County Judge Andy Eads and the Denton County Commissioner's Court for following the requirement of Texas Local Government Code, Chapter 351, Subchapter J which required the establishment of the SART. The Denton County Commissioners understand the importance of this formalized coordinated response to sexual assault and encouraged a multidisciplinary team to coordinate and develop this protocol, thus ensuring an interagency response to provide wrap-around support and communication in addressing sexual assault.

Many thanks to the participating agencies who provided representation on the team during the creation and publication of this document. Specifically, we would like to thank the following agencies:

*Abigail's Arms, 1600 N. Aspen Rd., Gainesville, TX 76240*

*Aubrey Independent School District Police Department, 510 Springhill Rd., Aubrey, TX 76227*

*Carrollton Police Department, 2025 E. Jackson Rd., Carrollton, TX 75006*

*Children's Advocacy Center for North Texas (Forensic Nursing Program), 1854 Cain Dr.,  
Lewisville, TX 75077*

*Dallas Area Rape Crisis Center, 2801 Swiss Ave., Dallas, TX 75204*

*Denton County Criminal District Attorney's Office, 1450 E. McKinney St., Denton, TX 76209*

*Denton County Friends of the Family (DCFOF), 4845 S. I-35E, Corinth, TX 76210*

*Denton County MHMR, 2519 Scripture St., Denton, TX 76201*

*Denton County Sheriff's Office, 127 N. Woodrow Ln., Denton, TX 76205*

*Denton Police Department, 601 E. Hickory St., Denton, TX 76205*

*Elm Ridge Police Department, 728 Savannah Blvd., Savannah, TX 76227*

*Flower Mound Police Department, 4150 Kirkpatrick Ln., Flower Mound, TX 75028*

*Frisco Police Department, 7200 Stonebrook Pkwy., Frisco, TX 75034*

*Lewisville Police Department, 1187 W. Main St., Lewisville, TX 75067*

*Little Elm Police Department, 88 W. Eldorado Pkwy., Little Elm, TX 75068*

*North Central Texas College, 1525 W. California St., Gainesville, TX 76240*

*Texas Association Against Sexual Assault (TAASA), 7700 Chevy Chase Dr., Austin, TX 78752*

*Texas Health Presbyterian Hospital Denton, 3000 I-35, Denton, TX 76201*

*Texas Woman's University Department of Public Safety, 1201 Oakland St., Denton, TX 76204*

*The Colony Police Department, 5151 N. Colony Blvd., The Colony, TX 75056*

*Turning Point Rape Crisis Center, 3325 Silverstone Dr., Plano, TX 75023*

*University of North Texas, 1155 Union Dr., Denton, TX 76203*

Special appreciation and honor to Mrs. Lavinia Masters who provided personal guidance, feedback, and perspective of a survivor of sexual assault. Thank you for ensuring the voice and needs of survivors were at the forefront of all decisions.

The SART would also like to thank Haleh Hekmat, Systems Change Advocate with TAASA for her guidance and expertise from a state association perspective in getting the SART team started and helping navigate the process of establishing the SART with the Denton County Commissioner's Court.

## **Introduction and Use of Protocol**

### *Team History*

In September 2021, the 87<sup>th</sup> Legislature passed Senate Bill 476 adding a requirement to Texas Local Government Code, Chapter 351, Subchapter J (Attachment A) requiring the development of Sexual Assault Response Teams (SART) in each county with a population greater than 250,000 residents. Chapter 351, Subchapter J required the County Judge to appoint representation to the SART:

1. The Chief Administrator of a Sexual Assault Program that provides services within the county, or their designee;
2. A prosecutor with jurisdiction over adult sexual assault cases in the county;
3. The Sheriff of the county, or their designee;
4. The chief of the largest municipal law enforcement agency, if one exists, or their designee;
5. A Sexual Assault Nurse Examiner, Forensic Examiner that provides exams within the county, or if they do not exist, a representative from the largest healthcare provider in the county;
6. A mental or behavioral health provider within the county, or if they do not exist, a representative from the public health department; and
7. Other persons or professionals the SART considers necessary for the operation of the response team.

*\*The professionals specifically named above are the minimum team membership required by law.*

In November 2021, County Judge Andy Eads appointed the following members to create the Denton County SART:

1. Lori Nelson, Director of Community Engagement, and Daysia Pinke, Survivors Advocacy Team Coordinator with Denton County Friends of the Family (DCFOF), as designated by Toni Johnson-Simpson, Executive Director;
2. Assistant District Attorney Michael Dickens, as designated by elected Criminal District Attorney Paul Johnson;
3. Criminal Investigations Captain Eddie Barrett, as designated by elected Denton County Sheriff Tracey Murphree;
4. Special Victims Unit Sergeant Trent Jones, as designated by City of Denton Police Chief Frank Dixon;
5. Northeast Division SANE Manager Sonia Sims, MSN, RN, CA-CP SANE, OCN, SANE-A and SANE Program Director Dr. Cindy Burnette, DNP, RN, CA-CP SANE, SANE-A, as designated by Texas Health Resources; and
6. Chief Operations Officer Brittany Waymack, MS with Denton County MHMR as designated by Executive Director Pam Gutierrez.

The Denton County SART held its first official meeting in January 2022, inviting Carrollton Police Department to join the formal SART as a non-appointed member.

In March 2022, a law enforcement subcommittee chaired by the Denton County Sheriff's Office and a victim services subcommittee chaired by Denton County Friends of the Family were established.

The Denton County Sexual Assault Response Protocol was completed on October 28, 2022.

This protocol is intended to be a comprehensive guide of best practices for the coordinated multidisciplinary response for agencies responsible for responding, investigating, prosecuting, and providing care to adult victim/survivors of sexual assault while upholding victim rights. The protocol for responding to, investigating, prosecuting and providing care to child victims of sexual assault can be requested by contacting the Children's Advocacy Center for North Texas at 972-317-2818.

## **Mission Statement**

The Denton County Sexual Assault Response Team (SART) is dedicated to enhancing the multidisciplinary response by those charged with responding to sexual assaults of adult individuals, equipped by a standardized plan of action, with the goal to comprehensively investigate sexual assault crimes and to promote healing and justice for survivors.

## **Vision Statement**

To create an environment in Denton County, Texas where survivors of sexual assault are heard, and healing is promoted, while the perpetrators of those crimes are brought to justice.

## **Member Roles and Definitions**

### **1. Medical Facility:**

The primary role of the medical facility is to provide priority and timely medical care to all patients with the complaint of sexual assault. Although evidence collection procedures are important, the priority of the medical facility is to provide any medical treatment for acute injuries/illnesses as needed to ensure stabilization of the patient.

#### **The responsibilities of the medical facility:**

1. Maintain minimum standards for a SAFE ready facility as defined by the Health and Safety Code Chapter 323.004 to include: 1) a private waiting area and treatment room, 2) access to a sexual assault program advocate, 3) appropriate prophylaxis for Sexual Transmitted Infections (STIs), and 4) contact information for the closest sexual assault crisis service provider.
2. Provide assessment and treatment of the patient, assuring life-threatening injuries are identified and treated promptly.
3. Notify the Forensic Nurse immediately after stabilization of the patient is obtained.
4. Provide an examination room that has adequate space and privacy to conduct a sexual assault medical forensic exam.
5. Provide appropriate equipment for use in sexual assault medical forensic exams.
6. Maintain confidentiality and integrity of all medical and forensic records.
7. Use trauma-informed and survivor-centered approaches to medical care.

### **2. Forensic Nurse/Sexual Assault Medical Forensic Exam:**

A Forensic Nurse (also known as a Sexual Assault Nurse Examiner - SANE) is a registered nurse who has completed additional education and training to provide a medical forensic examination and evaluation of individuals impacted by trauma while maximizing the collection of biological, trace, and physical evidence and minimizing the survivor's emotional trauma. The forensic nurse is also trained and prepared to testify in the criminal justice system as both a fact and expert witness.

#### **The responsibilities of the Forensic Nurse:**

- 1) Provide the patient/survivor with the opportunity to be supported by an advocate from one of the Approved Advocacy Organizations (AAO, see page 32) who has been trained by a sexual assault training program described by Texas Local Government Code, Section 420.011(b) (Attachment D).
- 2) Ensure that the patient/survivor receives written and verbal explanations of Texas Health and Human Services Information for Survivors of Sexual Assault (Attachment B).
- 3) Explain all medical options for medical/forensic treatment.
- 4) Use trauma-informed and survivor-centered approaches to medical care.
- 5) If patient/survivor chooses to report the assault to law enforcement, the Forensic Nurse will notify the proper law enforcement agency.
- 6) With the patient's/survivor's consent, conduct a medical/forensic examination and evaluation to include:
  - a) A detailed medical and forensic history of the reported assault from the patient/survivor;



- b) A detailed head-to-toe physical examination looking for signs of trauma and disease process;
  - c) A detailed genital exam looking for trauma and disease process; and,
  - d) Identification and collection of forensic evidence as indicated by history and examination findings.
- 7) Formulate a medical and nursing diagnosis as indicated by the patient/survivor's history and examination findings.
  - 8) Provide healthcare intervention/s involving care of injuries and addressing other medical concerns of the patient/survivor.
  - 9) Explain the risks and benefits of prophylactic medications to prevent sexually transmitted infections and pregnancy, and recommend administration if indicated and accepted by the patient/survivor.
  - 10) Formulate a personalized discharge plan to include a safety assessment and referrals to appropriate community partners if indicated.

### **3. Sexual assault advocate:**

"Advocate" means a person who provides advocacy services as an employee or volunteer of a sexual assault program. The advocate must have completed a sexual assault training program described by Texas Local Government Code, Section 420.011(b) (Attachment D). The only sexual assault program in Denton County is Denton County Friends of the Family. Other Approved Advocacy Organizations (AAO) are listed on page 32 for neighboring counties. The role of a sexual assault advocate is to be an expert on crime victims' rights so that victim/survivors do not have to be. Advocates respond 24/7 to all medical facilities/law enforcement agencies in Denton County and are not directly affiliated with law enforcement, hospital systems, or the criminal justice system.

#### **The responsibilities of a sexual assault advocate:**

- 1) To provide immediate crisis intervention, confidential emotional support, information and advocacy to victim/survivors and their loved ones.
- 2) Explain legal and medical options.
- 3) Orient victim/survivors to systems they may have contact with as a result of the crime, serving as a liaison between the victim/survivor and these systems.
- 4) Ensure victim/survivors are treated with respect by other service providers.
- 5) Address safety concerns, immediate basic needs, and help make a safety plan.
- 6) Accompany and support victim/survivors during the medical forensic exam (with victim/survivor's consent).
- 7) Discuss the effects of trauma and potential adaptive coping strategies for the days ahead.
- 8) Coordinate follow-up services.
- 9) Educate family and friends on trauma and how to support the victim/survivor.
- 10) Use trauma-informed and survivor-centered approaches to advocate for the victim/survivor.
- 11) Provide a change of clothing, hygiene products, and other supportive/comfort items.

### **4. Law Enforcement (LE):**

The LE officer's role is to protect and serve the public, investigate crimes, identify and apprehend perpetrators; recognize, collect and preserve evidence, prepare and provide investigative reports to the District Attorney's Office for review and prosecution, when

appropriate.

Since many sexual assault victim/survivors will experience their first real contact with a LE officer following the assault, the LE officer should be ever cognizant of the emotional well-being of the victim/survivor and should take all reasonable steps to alleviate the negative impact of the investigative process.

LE will work collaboratively with all Sexual Assault Response Team (SART) team members to communicate best practices on an ongoing basis. LE will also share information and assist in the formulation of statistics which all for review of processes for improvement of delivered services.

### **Law Enforcement Best Practices**

- 1) Ensure victims are afforded their rights as defined in the Code of Criminal Procedure (Chapter 56A).
- 2) Enhance cooperation between the law enforcement agency and community organizations that may assist the victim/survivors.
- 3) Ensure victims are afforded their right to receive a referral for a medical forensic exam, to have information regarding Track-It, and to have a sexual assault program advocate present during their medical forensic exam and during an investigative LE interview.
- 4) Use trauma-informed and victim/survivor-centered approaches to LE, such as giving victim/survivors choices and options whenever possible.
- 5) Demonstrating sensitivity by using non-judgmental questions, comments, and body language.
- 6) Establishing and maintaining communication between the victim/survivor and:
  - a) LE investigators involved in the case;
  - b) advocacy organizations;
  - c) crime victim liaisons;
  - d) medical professionals including forensic nurses completing sexual assault medical forensic exams;
  - e) the LE community; and,
  - f) members of the SART Team.
- 7) Maintaining respect for the victim/survivor in interdisciplinary communication.
- 8) Sexual assault cases often seem counter-intuitive at first. Victims/survivors may wait days, weeks, months, or even years before reporting their assault. The victim/survivor may seem inappropriately calm and may lack signs of a physical struggle (e.g. cuts, bruises, or abrasions). It is important to withhold judgments about the case and the survivor until sufficient evidence is collected. If you believe that a victim/survivor may be making a false statement or report, remain respectful. There is not a “normal” reaction to sexual assault; victim/survivors may experience and display a range of emotions and reactions to their trauma.

### **LE Initial Investigative Responsibility**

- 1) Law enforcement (LE) should initiate an investigation into any report of sexual assault occurring within its jurisdiction in which the set of circumstances, reported or witnessed, rise to reasonable suspicion that a sexual assault of an adult person (person 17 years of age or older) has occurred as defined by Texas Penal Code, Chapter 22 (Attachment E).
- 2) A LE agency having original jurisdiction to investigate such cases may also receive case referrals from any source. Original jurisdiction is defined as the geographical location where

the crime was committed.

- 3) If during an investigation a victim/survivor is examined by a qualified Forensic Nurse, the investigating LE agency is responsible to ensure the Sexual Assault Evidence Collection Kit is collected within 7 days and processed as prescribed by Texas Government Code, Title 4, Chapter 420.042 (Attachment F).
- 4) When appropriate, the LE agency conducting an adult sexual assault investigation will engage the multidisciplinary team response as early as practical.
- 5) Responding law enforcement personnel should take every reasonable step to avoid causing any possible secondary trauma to the victim/survivor. LE officers should use a victim/survivor-centered approach to further this objective.
- 6) When a Denton County LE agency investigating adult sexual assault requires additional assistance the agency may contact members of the SART team or another LE agency.

## **5. Prosecution:**

As set forth in the Texas Code of Criminal Procedure, the primary purpose of the prosecutor in any case, including sexual assault, is to see that justice is done. Prosecutors should accomplish this by 1) Prosecuting the perpetrator when sufficient, credible evidence exists; and 2) Providing the victim with information relevant to the prosecution of the perpetrator.

The prosecutor(s) should remain mindful that prosecution is but one component of a Sexual Assault Response Team (SART), and that the team concept is crucial in ensuring a victim-centered approach to the prosecution while seeking justice.

### **Prosecutors ensure a victim-centered approach by:**

- 1) Enhancing cooperation between the prosecutor's office and community organizations that may assist the victim(s).
- 2) Texas Code of Criminal Procedures, Article 56A.052 (Attachment T) states that shall prosecutors confer with the victim, or victim's chosen representative, about their views regarding the disposition of their case, such as decisions not to file charges, the dismissal of charges, the use of a pretrial intervention program, or a plea agreement.
- 3) Demonstrating sensitivity by using non-judgmental questions, comments, and body language.
- 4) Avoiding/minimizing re-traumatization to the extent possible. In example, limiting the number of times a victim/survivor has to tell/retell the details of their offense or providing choices and options when possible.
- 5) Establishing and maintaining relationships with area law enforcement commands and Crime Victim Liaisons; and specialized units such as Sexual Assault Programs, Advocacy Centers, Child and Adult Protective Services and community medical/forensic services.
- 6) Facilitating communications within the prosecutor's office and among members of the Sexual Assault Response Team (SART).
- 7) Maintaining respect for the victim in interdisciplinary communications.

Prosecutors must also recognize their responsibility to provide input, guidance, and related teaching to all disciplines involved in the SART to encourage the highest standard of expertise in the field.

## **PROCEDURES**

Because every sexual assault case is unique and every victim/survivor has their own needs, it is important to note the procedures below are a basic overview of each discipline's response.

### **Medical Facility (Texas Health Presbyterian Hospital Denton)**

- 1) Provide the necessary medical stabilization of the patient upon presentation to the hospital.
- 2) Provide a private area, if available, for the patient/survivor to wait or speak with the appropriate medical, legal, or sexual assault program advocate until a medical forensic nurse is able to treat the patient/survivor (Health and Safety Code, 323.004).
- 3) Determine if the Police have been notified and notify when appropriate.
- 4) Initiate call to the Texas Health Systems Sexual Assault Nurse Examiners (SANE) Program when a sexual assault patient has arrived.
- 5) Immediately after initiating the call to the forensic nurse, initiate call to Denton County Friends of the Family to dispatch a Survivors Advocacy Team (SAT) Advocate, by calling 940-382-7273.
- 6) Provide an examination room that has adequate space and privacy to conduct Sexual Assault Medical Forensic Examinations.
- 7) Provide appropriate equipment for the use in sexual assault medical forensic exams.
- 8) Provide ongoing feedback to area Sexual Assault Response Team members.
- 9) Maintain confidentiality and integrity of all medical records.

### **Forensic Nurse/ Sexual Assault Medical Forensic Exam – Texas Health Resources System SANE Program**

- 1) Provide the patient/survivor with the opportunity to be supported by an approved advocate during their medical/forensic experience, by ensuring Denton County Friends of the Family's crisis line (940-382-7273) has been called before beginning the exam.
- 2) Ensure that the patient/survivor receive written and verbal explanations of Texas Health and Human Services Information of Sexual Assault Survivors (Attachment B).
- 3) Explain all medical options for medical/forensic treatment.
- 4) If patient/survivor chooses to report the assault to law enforcement (LE), the SANE will notify the proper LE agency.
- 5) With the patient's/survivor's consent, conduct a medical/forensic examination and evaluation to include:
  - a) A detailed history of the reported assault from the patient/survivor;
  - b) A detailed head to toe physical examination looking for signs of trauma;
  - c) A detailed genital exam looking for trauma; and,
  - d) Identification and collection of forensic evidence as indicated by history and examination findings.
- 6) Formulate a medical and nursing diagnosis as indicated by the patient's/survivor's history and examinations findings.
- 7) Provide healthcare intervention/s involving care of injuries and addressing other medical concerns of the patient/survivor.
- 8) Explain risks and benefits of prophylactic medications to prevent sexual transmitted infections and pregnancy and recommend administration if indicated and accepted by the patient/survivor.

- 9) Formulate a personalized discharge plan to include a safety plan and referrals to appropriate community partners if indicated.
- 10) Provide law enforcement the Sexual Assault Evidence Collection Kit (SAK) or send the SAK to the DPS Crime Lab in Houston if the victim/survivor chooses to not report the assault to law enforcement.

### **Medical Facility (Medical City Denton, Medical City Lewisville, Medical City ER Flower Mound)**

- 1) Provide the necessary medical stabilization of the patient upon presentation to the hospital.
- 2) Initiate call to the Texas Forensic Nurse Examiners (TXFNE) when a sexual assault patient has arrived by calling 214-550-7975, press 1 to speak to the forensic nurse of shift.
- 3) Provide an examination room that has adequate space and privacy to conduct the medical forensic exam.
- 4) Provide ongoing feedback to area Sexual Assault Response Team members.
- 5) Maintain confidentiality and integrity of all medical records and in accordance to HIPPA guidelines.

### **Forensic Nurse/ Sexual Assault Medical Forensic Exam – Texas Forensic Nurse Examiners (TXFNE)**

- 1) TXFNE receives a request for service by calls to the hotline number at 214-550-7975, press 1 to speak to the forensic nurse on shift.
- 2) TXFNE will contact the Approved Advocacy Organization, (AAO) for Denton County is Denton County Friends of the Family (DCFOF). TXFNE will call DCFOF's crisis line at 940-382-7273 to dispatch an advocate.
- 3) The TXFNE forensic nurse will arrive to the hospital location within an average response time of 90 minutes, if there will be a delay, the TXFNE staff will keep the hospital staff, patient and advocate updated of the expected time of arrival.
- 4) Upon arrival, the TXFNE forensic nurse will conduct the medical forensic exam, consisting of seven parts:
  - a) **Consent:** a detailed consent process will be discussed with the patient and/or guardian, consent is an ongoing process and can be modified during the exam process.
  - b) **Medical and Forensic History:** the medical history is obtained to understand the patient's current health status and risk factors. The forensic history is a verbatim account of the event that brought the patient to the exam, this is taken for the purpose of diagnosis and treatment and guides the medical forensic exam.
  - c) **Head to toe physical assessment:** the physical assessment is a detailed assessment of the patient, assessing for trauma and disease process.
  - d) **Anogenital Exam:** the anogenital assessment is a detailed assessment of the patient, assessing for trauma and disease process.
  - e) **Evidence Collection:** evidence collection is conducted when an exam is conducted within the 120 hours of the assault. Evidence collection includes other elements other than the Sexual Assault Evidence Collection Kit, including the Drug Facilitated Sexual Assault, Blood and Urine Specimen Collection Kit, photographs, diagrams, and other forms of physical evidence.
  - f) **Medications and additional medical treatment:** Working with our hospital partners,

from TXFNE's delegated order set and with community partners, TXFNE will assist with the provision of prophylactic medications, testing for sexually transmitted infections, HIV nPEP, pregnancy prophylaxis, and other needed medical treatment that be necessary for the patient's health.

- g) **Safety and discharge planning:** While collaborating with advocacy partners, TXFNE will establish discharge and safety needs and coordinate to assist the patient with information and referral as needed.

- 7) TXFNE will coordinate additional required laboratory testing and medication treatment pending results for sexually transmitted infections (STIs). Additional medications will be provided through the TXFNE Clinic located at 4125 Fairway Dr., Suite 110, Carrollton, TX 75070 or called into a local pharmacy of the patient's preference.

## **Evidence Storage and Record Release**

All evidence will be released or coordinated for release from the TXFNE North Texas Main office at 4125 Fairway Dr., Suite 110, Carrollton, TX 75070. Evidence will be coordinated for release during normal business hours, unless there is an unusual circumstance, and the forensic nurse has coordinated special release with the law enforcement agency.

## **Sexual Assault Advocates**

### **1. System Based Advocates**

#### **Law Enforcement (LE) Advocates**

- 1) The LE advocate is assigned a task the next business day to attempt phone contact with the victim/survivor. The LE advocate will attempt contact within two business days of receiving a referral from the designated LE officer.
- 2) The LE advocate will inform the victim/survivor that a detective was assigned to the report, when to expect contact from the detective, and explain the criminal investigation process.
- 3) In consideration of Texas Code of Criminal Procedure, Article 56A.3515 (Attachment J), the LE advocate will offer presence during investigative meetings with the detective whether in the field or at the police department as requested by the victim/survivor or contact a community-based advocate to respond (see page 15).
- 4) The LE advocate will assess safety concerns and develop a safety plan as needed. This discussion could include:
  - a) Right to Vacate and Crime Victims' Compensation relocation assistance
  - b) Emergency Protective Orders and when the order can be issued
- 5) The LE advocate will provide information and community referrals as needed, which often includes the Authorized Advocacy Organizations (AAO) as defined in the included Glossary of Terms (see page 32).
- 6) The LE advocate will provide case updates as requested.
- 7) The LE advocate prepares the survivor for the transition to the District Attorney's Victim Assistance Division, if their case is filed.

## **Denton County District Attorney's Office Victim Advocates**

- 1) When a case is filed from a law enforcement (LE) agency, the case is routed through an intake queue.
- 2) Prosecutors review the case in preparation for the Grand Jury, and refer the victim to the DA's Office Victim Assistance staff.
- 3) Prior to the case being presented to the Grand Jury an advocate will contact the victim and notify the victim that the case has been filed with the District Attorney's Office and that the case will be reviewed by a prosecutor or that the case has already been reviewed by a prosecutor and that the case will be presented to the Grand Jury. The victim will be informed that they will be notified of the Grand Jury decision.
- 4) After indictment, an advocate will reach out to the victim and provide information about:
  - a) Information about the status of the case and process of the case;
  - b) Explain the potential timeline, waiting period, outcomes, punishment ranges, etc.;
  - c) Protective Orders;
  - d) Breaking leases, relocation, etc.;
  - e) Crime Victims' Compensation;
  - f) Referrals to community-based agencies for ongoing services;
  - g) Victims' Rights;
  - h) Orientation information about the criminal justice system and the victim's role pursuant to the Code of Criminal Procedure;
  - i) Notification of any change in the case status and the final disposition of the case pursuant to the Code of Criminal Procedure;
  - j) A victim assistance coordinator liaison for all victim services pursuant to the Code of Criminal Procedure;
  - k) Victim impact statement and assistance, if requested, in completing form along with an explanation of the use of form in the court system and for consideration in sentencing and plea negotiations pursuant to the Code of Criminal Procedure;
  - l) Information about available Victim/Witness services to meet victim needs resulting from the crime and referral to other agencies, where appropriate;
  - m) The right to be present at all public court proceedings related to the offense, subject to the approval of the judge in the case;
  - n) Information about restitution and other forms of recovery and assistance;
  - o) A waiting area separate from the defendant, the defendant's family, and other witnesses or other provisions to minimize the victim's contact with them during court proceedings pursuant to the Code of Criminal Procedure;
  - p) Information about directions, parking, courthouse and courtroom locations, and transportation assistance;
  - q) Assistance in making travel and lodging arrangements for out-of-state victims;
  - r) Notification to victims of the right to make an in-person statement, after sentencing, directly to the sentencing court, concerning the impact of the crime; and,
  - s) Provide victim with information about Victim Information Notification Everyday (VINE).
- 5) After indictment, the Victim Assistance Coordinator will touch base with the victim and provide them with a Victim Impact Statement and packet of information on Crime Victims' Compensation. A Denton County Friends of the Family (DCFOF) brochure will be sent to victims of sexual assault in cases where the victim has a relationship or association with the

defendant that is described by the Texas Family Code, Section 71.0021(b) (Attachment G), 71.0003 (Attachment H), or 71.0005 of the Texas Family Code (Attachment I).

- 6) The Victim Assistance Coordinator will support the victim through the trial process and attend court with the victim, as needed.
- 7) If the case is not indicted, the victim will be notified by phone. If the victim cannot be reached by phone, a letter will be sent to the victim advising the case was no-billed by the Grand Jury. The Victim Assistance Coordinator will call the victim and offer appropriate referrals for on-going services with community-based advocacy agencies, including the Authorized Advocacy Organizations (AAO) as defined in the included Glossary of Terms (see page 32).
- 8) The Victim Assistance Coordinator will maintain confidentiality of victim records to the extent possible, according to law.
- 9) The Victim Assistance Coordinator will provide feedback to the Sexual Assault Response Team (SART) members.



## **2. Sexual Assault Program Advocates from Approved Advocacy Organizations (AAOs)**

### **Denton County Friends of the Family (DCFOF) - Crisis Line Dispatch**

- 1) DCFOF's 24/7 Crisis Line may receive a request for a sexual assault advocate (SAT) from anyone involved with the victim/survivor, including the victim/survivor themselves, medical personnel, law enforcement (LE), or a family member.
- 2) The SAT provides advocacy services to all hospitals in Denton County or another safe, public location such as a school or police station.
- 3) When a call requesting a SAT member is received, the crisis line worker will obtain all of the following information possible:
  - a) Name of the victim/survivor;
  - b) Age of the victim/survivor;
  - c) Gender (and pronouns) of the victim/survivor;
  - d) Name of the hospital/law enforcement agency where the victim/survivor is located or headed;
  - e) How long the victim/survivor has been at the hospital/LE agency;
  - f) If the victim/survivor is on the way to the hospital/LE agency, and the estimated time of arrival;
  - g) The LE agency and scheduled date/time of the interview;
  - h) Who is with the victim/survivor;
  - i) Responding LE officer's name and phone number; and,
  - j) Any possible language barriers.
- 4) The crisis line worker will retrieve on-call information from the SAT schedule.
- 5) The crisis line worker will attempt to contact a SAT in the following order:
  - a) Contact the Frontline SAT on-call by phone and by text;
  - b) If unable to contact the Frontline SAT on-call within 5 minutes, contact the Backup SAT on-call by phone and text;
  - c) If unable to contact either the Frontline or Backup SAT on-call, contact the staff member on-call by phone and by text;
  - d) If unable to contact the staff member on-call after 3 attempts, call the SAT Coordinator; then,
  - e) If unable to successfully contact the SAT Coordinator, call the Assistant Director of Advocacy by phone and by text.
- 6) Once the crisis line worker contacts a SAT to dispatch, they will provide them with the information obtained from the nurse, LE officer, or individual requesting the exam/interview accompaniment.

## **Denton County Friends of the Family (DCFOF) - Survivors Advocacy Team (SAT) Response Procedures**

- 1) The SAT is expected to arrive at the hospital/law enforcement (LE) agency within 1 hour of being dispatched.
  - a) When the SAT arrives at the hospital ER, they will check-in with the front desk staff. After checking in, the hospital staff will inform the SAT which room the victim/survivor is in.
  - b) If responding to a LE interview accompaniment request, the SAT will arrive at the respective LE agency and ask for the officer who made the request/will be completing the interview, as was provided by the crisis line. According to the Texas Code of Criminal Procedures, Section 56A.3515 (Attachment J), the SAT may only provide the victim/survivor support services and information regarding the rights of crime victims. The SAT may not delay or otherwise impede the LE interview process.
- 2) The SAT will then introduce themselves to the victim/survivor and their friends/family, law enforcement, the sexual assault nurse examiner (SANE), or other hospital staff, and explain why they are there and what their role is.
  - a) From this point, SAT calls vary. SATs should use their best judgment and always give the victim/survivor choices, when possible, as to how long the SAT stays, where they sit, going into the exam room, etc.
- 3) In addition to providing hospital accompaniment and emotional support, the SAT will offer information and resources to the victim/survivor, including appropriate referrals related to sexual assault, when appropriate, including safety planning, suicidality, shelter screening, etc.
  - a) The most important pieces of information provided are the Texas Health and Human Services (THHS) Information for Survivors of Sexual Assault sheet, Crime Victims' Compensation (CVC), DCFOF's *Sexual Assault... What happens now?* booklet, relevant Texas Association Against Sexual Assault (TAASA) resources, and DCFOF brochures.
- 4) After the SAT call is complete, the SAT must submit the DCFOF paperwork to the SAT Coordinator within 48 hours.
- 5) Once the paperwork is received, the SAT Coordinator must follow up with the victim/survivor within 48 hours of receiving the submitted paperwork.
  - a) The SAT Coordinator must make at least three attempts to contact the victim/survivor, with a maximum of 5 business days between each attempt. If possible, the SAT Coordinator should leave a voicemail each time with information on how to reach their direct extension.
  - b) If the SAT Coordinator is able to reach the victim/survivor via phone, the coordinator should check in and provide education about DCFOF services. If the victim/survivor is interested in services, the SAT Coordinator should set up an intake appointment with the victim/survivor as soon as possible.
    - i) If the victim/survivor is not interested in DCFOF services, the SAT Coordinator may provide the victim/survivor with their phone number, email, or the DCFOF Crisis Line phone number to make contact in the future, should anything change.
    - ii) If the victim/survivor lives outside of Denton County, virtual DCFOF services are available. If the victim/survivor is interested in services closer to their place of residency, the SAT Coordinator should discuss additional resources and provide the proper referrals, as needed.

### **The Turning Point (Collin County)**

For sexual assault victims in need of a medical forensic exam in Collin County, contact The Turning Point's 24-hour crisis line 800-886-7273.

- 1) If the victim/survivor walked into a hospital without law enforcement (LE) accompaniment and they are 18 or older, ask if he or she would like to report the assault to LE.
  - a) *If yes*, contact the LE agency of the city in which the assault occurred and notify them you have a sexual assault victim/survivor.
    - i) If the victim/survivor is reporting to LE, please have the LE agency/officer's contact information, sexual assault case number, victim/survivor name, age, and clothing size available to give to The Turning Point nurse/advocate.
  - b) *If no*, adult survivors (18 and older) have a legal right to a medical forensic exam without reporting to LE. In this circumstance, no case number or LE involvement is required for The Turning Point to dispatch a forensic nurse.
    - i) The Turning Point nurse or advocate is available to answer questions regarding reporting if the victim/survivor is not sure.
- 2) All calls requesting a medical forensic exam will be connected to the forensic nurse on call.
- 3) For victims 17 and older, medical forensic exams are encouraged to be performed at **Courtney's SAFE Place** provided the following criteria is met:
  - a) The victim/survivor is not currently under the influence of intoxicants;
  - b) The victim/survivor is not in need of emergency hospital services; and,
  - c) The victim/survivor is not in need of emergency psychiatric services.

### **Abigail's Arms (Cooke County)**

For sexual assault victim/survivors in need of a medical forensic exam in Cooke County, contact Abigail's Arms' 24-hour crisis line at 940-665-2873.

- 1) Medical forensic exams in Cooke County will be done at:
  - a) North Texas Medical Center located at 1900 Hospital Blvd., Gainesville, TX 76240
  - b) If Abigail's Arms' forensic nurse is not available, LE must call Denton County Friends of the Family at 940-382-7273 and the medical forensic exam will be completed at Texas Health Presbyterian Denton.

### **Dallas Area Rape Crisis Center (DARCC)**

For sexual assault victim/survivors in need of a medical forensic exam in Dallas County, victim/survivors should be instructed to go to any one of the following hospitals:

1. Texas Health Resources Rockwall, located at 3150 Horizon Rd, Rockwall, TX 75032
2. Texas Health Resources Dallas, located at 8200 Walnut Hill Ln, Dallas, TX 75231
3. Baylor Hospital, located at 3500 Gaston Ave, Dallas, TX 75246

Upon arrival of the victim/survivor, the hospital will call DARCC at 972-641-7273. DARCC will dispatch an advocate to the location of the victim/survivor, with an hour's response time.

## **Denton County MHMR**

While all advocacy agencies either offer or have referral systems in place for counseling, behavioral, and mental health, some victim/survivors may prefer or need services from Denton County MHMR. Denton County MHMR can provide victim/survivors and their families with a wide array of mental health services including: adult and child mental health services, intellectual and developmental disabilities services, crisis services, and substance use disorder services.

Victims/Survivors can call Denton County MHMR's 24/7 hotline at 1-800-762-0157 if they are in a crisis or wanting to access services. The hotline staff will complete a brief screening to determine if a risk of harm assessment is needed. If so, they will get the Mobile Crisis Outreach Team (MCOT) in contact with the individual. If no risk of harm assessment is needed, they will inform the victim/survivor that an intake for services can be completed Monday through Friday 8:00 a.m. to 2:00 p.m. at either the Denton location (2519 Scripture Street) or the Flower Mound location (1001 Cross Timbers Road suite 1250). Victims/Survivors can also self-present for an intake without calling the hotline at the days, times, and locations previously mentioned.

## **Law Enforcement:**

### **Recommended Procedures**

It is understood that no two reported Sexual Assaults are exactly the same. It is also understood that sexual assault victims/survivors are specific individuals who are special and different each in their own way. However, sexual assault crimes do share some basic characteristics. The following procedures should be followed as case circumstances dictate with the security, safety, care, and convenience, for the victim/survivor being the paramount concern. As a matter of practice law enforcement (LE) should use a victim/survivor-centered approach when conducting sexual assault investigations.

### **Recommended Protocol for Dispatch**

(Only if initial report is received by a Dispatch Call Center)

- 1) Determine if the victim/survivor requires emergency medical treatment and ensure the victim/survivor is in a safe environment. Dispatch medical resources as needed.
- 2) Procure a physical description of the suspect. Obtain a name and address for the suspect from the victim/survivor, if possible. Determine if the suspect was driving a vehicle? Attempt to gather the suspect's vehicle description and consider the need for a crime broadcast.
- 3) Obtain pertinent case information and accurately relay information to first responders.
- 4) Broadcast suspect identifiers and suspect vehicle description when appropriate.
- 5) Explain to the victim/survivor that evidence may be inadvertently destroyed by such activities as washing, showering, brushing teeth, using mouthwash, smoking, eating, drinking, douching, urinating, or defecating.

## **Recommended Protocol for Initial Responding LE Officer/Deputy**

Order determined as investigation dictates:

- 1) Ensure the immediate safety and security of the victim/survivor. Arrange for medical care if injury is noted or suspected.
- 2) Procure a physical description of the suspect. Obtain a name and address for the suspect from the victim/survivor, if possible. Determine if the suspect was driving a vehicle? Attempt to gather the suspect's vehicle description and consider the need for a crime broadcast.
- 3) Determine special needs of the victim/survivor, if any. This may include:
  - a) Language barriers;
  - b) Children that need to be cared for; and/or,
  - c) Disabilities for which he/she needs immediate assistance.
- 4) Provide the victim/survivor required written notification as outlined in the Texas Code of Criminal Procedure, Article 56A.403 (Attachment R). To request a template approved by the Denton County SART and meeting the requirements in the code, please email the SART presiding officer (Lori Nelson, lnelson@dcfof.org).
- 5) Determine if the victim/survivor would like an advocate present during the interview, and if so, request one from an Approved Advocacy Organization (AAO, defined in glossary, page 32). Most often this is determined by what hospital the victim/survivor has responded to or directed to.
- 6) Obtain the victim/survivor's primary and alternate telephone numbers, physical addresses, and e-mail for follow-up contact.
- 7) Prior to conducting interviews and collecting evidence, LE should advise the victim/survivor that what they say is accepted as truth.
- 8) Make the victim/survivor aware of what will occur in furtherance of the investigation, as appropriate. Explain to the victim/survivor that by cooperating she/he will aid in the identification and apprehension of the suspect(s).
- 9) LE should explain to the victim/survivor that although some of the steps may be unpleasant they are necessary. Such steps include:
  - a) The need for the LE officer to ask for personal, detailed information relative to the assault;
  - b) To gather any clothing that was worn at the time of the assault for forensic evaluation; and,
  - c) If appropriate, any other evidence will have to be immediately collected from the victim's person.
- 10) Conduct a brief, preliminary interview with the victim/survivor to determine:
  - a) What crime(s) may have occurred and where;
  - b) Is there evidence, and where it might be located;
    - i) Be sure to inquire about any electronic communications/applications;

### **It is important to legally collect evidence as soon as possible!**

- c) Is the suspect known and can the suspect be identified;
  - d) Where is the suspect, if known; and,
  - e) What weapons were involved, if any, and ensure a description is provided, if applicable.
- 11) Identify any witness(es) and locate immediately, if practical. If not practical, collect contact information including name, home address, work location, personal cell phone number,

social media accounts, and e-mail address.

- 12) If applicable, develop a safety plan to ensure that the victim/survivor is secure and safe from the possible offender. This may include:
  - a) Is the offender a member of the victim/survivor's household?
  - b) Has the offender been arrested?
  - c) When possible and appropriate the LE officer will apply for a Magistrate's Order for Emergency Protection in the manner prescribed by Texas CCP. 17.292 (Attachment L).
  - d) Does the victim/survivor have friends or family members that could offer sanctuary?
  - e) Can one of the AAOs offer any alternative for housing?
- 13) Determine if the report of sexual assault is acute or a non-acute.
  - a) If the incident occurred *within 120 hours of making the report* it is considered an "acute" report of sexual assault. Updated and effective September 1, 2023, the Texas Code of Criminal Procedure, Article 56A.303(b-1) states a LE *shall* refer a victim of a sexual assault for a forensic medical examination, to be conducted if a sexual assault is reported to a law enforcement agency within 120 hours after the assault.
  - b) If the incident occurred *more than 120 hours prior to the report* is a "non-acute" report of sexual assault. Updated and effective September 1, 2023, the Texas Code of Criminal Procedure, Article 56A.303(b-1) states a LE agency may make a referral for a forensic medical examination if the victim of sexual assault does not report the sexual assault within the 120-hour period, if the agency believes that a forensic medical examination may further a sexual assault investigation or prosecution.

### **Acute Report of Sexual Assault**

- 1) Explain to the victim/survivor that evidence may be inadvertently destroyed by such activities as washing, showering, brushing teeth, using mouthwash, smoking, eating, drinking, douching, urinating, or defecating.
- 2) Explain the need for a sexual assault medical forensic examination.
- 3) Explain that there is no cost for the sexual assault medical forensic examination.
- 4) Explain that if the victim/survivor requires additional medical attention beyond the sexual assault medical forensic examination there may be additional costs. These costs may be deferred by applying for Crime Victims' Compensation via the Texas Attorney General's Office and that assistance in applying for compensation can be provided by the investigating LE agency, the Denton County District Attorney's Office, or staff at one of the Approved Advocacy Organizations (AAO, defined in glossary, page 32).
- 5) A medical forensic exam can be conducted at any of the following Denton County medical facilities:
  - a) **Texas Health Resources Presbyterian Hospital**, 3000 I-35, Denton, TX 76201 (send victim/survivor to hospital; THR Presbyterian staff will call out on-call forensic nurse)
  - b) **Medical City Denton**, 3535 S I-35, Denton, TX 76210 (call 214-550-7975 to contact the on-call forensic nurse)
  - c) **Medical City Lewisville**, 500 W Main St., Lewisville, TX 75057 (call 214-550-7975 to contact the on-call forensic nurse)
  - d) **Medical City ER Flower Mound**, 4351 Long Prairie Rd., Flower Mound, TX 75028 (call 214-550-7975 to contact the on-call forensic nurse)
- 6) If the victim/survivor would like to utilize a medical facility outside Denton County, please contact the appropriate AAO listed on page 32 of this protocol.
- 7) As required by law, collect the Sexual Assault Examination Kit (SAK) from the hospital

within 7 days and send the SAK to be processed by an accredited crime lab within 30 days in a manner prescribed by Texas State Government Code, Title 4, Chapter 420 (Attachment F).

- a) Enter the collection and transfer information regarding the SAK into the [Track-Kit](#) system.
- 8) Obtain all information necessary to complete the initial offense report according to the investigating LE procedures

### **Non-Acute Report of Sexual Assault**

- 1) Arrange for medical care if injury is noted or suspected.
- 2) If circumstances dictate, schedule a non-acute forensic medical exam by contacting:
  - a) Texas Health Resources Presbyterian Denton, call 940-898-7059.
  - b) Medical City Denton, call 214-550-7975.
  - c) Medical City Lewisville, call 214-550-7975
  - d) Medical City ER Flower Mound, call 214-550-7975.
- 3) If the victim/survivor would like to utilize a medical facility outside Denton County, please contact the appropriate AAO listed on page 32 of this protocol.
- 4) During this exam, the victim/survivor will be medically examined and evaluated for injuries. A medical record will be created and photographs taken if appropriate. If applicable, make transportation arrangements for the victim/survivor to the hospital.
- 5) Obtain all information necessary to complete the initial offense report according to the investigation LE procedures.

### **Crime Scene**

#### **Order of procedure, as circumstances dictate:**

- 1) If it is determined that there is a crime scene, where there is probable cause to believe evidence may be located, secure the scene as soon as possible.
- 2) The investigating law enforcement (LE) agency must determine if the victim/survivor, or other cooperating person, has legal standing to provide consent to search the place or thing, prior to searching without a warrant. Procure written consent (video and audio record, if possible) according to investigating LE agency procedure.
- 3) If legal standing cannot be clearly determined, or if consent is denied, consider procuring a search warrant as the wellbeing of the victim/survivor and investigative needs dictate.
- 4) Process the crime scene, according to investigating LE agency procedures, securing all physical evidence that would be taken at the scene of any major crime, including, but not limited to: electronic communications, fingerprints, DNA, trace evidence, photographs, and any other items of evidentiary value that may tend to corroborate victim/survivor and witness statements.
- 5) Secure the evidence according to the investigating LE agency procedures.

### **Suspect Identification**

#### **Order of procedure, as circumstances dictate:**

- 1) If the victim/survivor personally knows the suspect, attempt to procure a photograph of the subject and have the victim/survivor positively identify the person. Document the

identification in the report.

- 2) Procure a physical description of the suspect, including age, ethnicity, height, weight, hair color, hair length, hair style, eye color, glasses, language, dialects, speech impediments, tattoos, scars, or other marks, and description of clothing worn during assault.
- 3) Procure all information that the victim/survivor knows about the suspect, including name, home address, work address, descriptions of vehicles the suspect drives and/or owns, phone numbers, and social media identifications.

## **Follow-up Investigation**

### **Order of procedure, as circumstances dictate:**

- 1) Review crime report.
- 2) Disseminate a crime intelligence bulletin to area police departments about the offense, when appropriate.
- 3) Determine if an interpreter is needed and arrange for assistance prior to contacting the victim/survivor, if possible.
- 4) Contact the victim/survivor; provide transportation for interviews and medical examinations, when necessary and appropriate.
- 5) Contact the forensic nurse and discuss the nurse's findings.
- 6) According to the Texas Code of Criminal Procedure, Article 56A.3515 (Attachment J), **before conducting an investigative interview with an adult victim/survivor reporting sexual assault, law enforcement (LE) shall:**
  - Offer the victim/survivor the opportunity to have an advocate from a sexual assault program (defined by Section 420.003 of the Government Code (Attachment F) be present with the victim/survivor during the interview by calling one of the Approved Advocacy Organizations (AAO). The advocate must have completed a sexual assault training program described by Section 420.011(b) of the Government Code (Attachment D)
    - Should the AAO not have an advocate available:
      - LE shall offer the victim/survivor the opportunity to have a crime victim liaison from the LE agency, but only if the crime victim liaison has completed a sexual assault training program,
      - should the LE agency's crime victim liaison not be available, the LE agency shall offer a system-based advocate (LE Victim's Assistance), or another entity be present with the victim/survivor during the interview.
    - LE shall make a good faith effort to comply with Article 56A.3515 (Attachment J) except that the compliance with the code may unreasonably delay or otherwise impede the interview process.
    - LE should allow the advocate to speak with the victim briefly prior to the interview so that the victim can make an informed choice about whether or not they'd like an advocate to be present during the LE interview.
- 7) Interview victim/survivor and verify/clarify the contents of the preliminary investigation (all interviews should be audio and/or video recorded).
- 8) If the adult victim/survivor of sexual assault has a developmental delay or impairment that may impact their ability to do an interview with LE, a forensic interview may be done at the Children's Advocacy Center for North Texas by calling 972-317-2818.

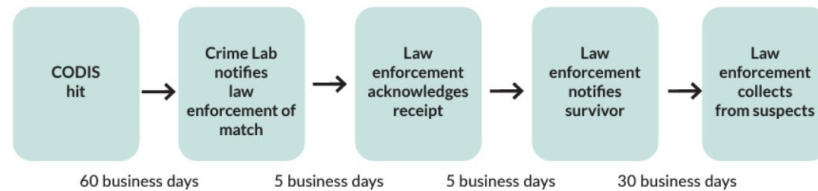


- 9) Contact and interview witness(es) (all interviews should be audio and or video recorded).
- 10) Submit requests to the crime laboratory to analyze physical evidence. Consult with the crime laboratory on the outcome of the analysis.
- 11) Collect all electronic evidence, including but not limited to social media communications/postings, cell phone records, cell phone and social media GPS location information, and e-mail communication. This should be done via subpoena or search warrant, whichever is appropriate. Corroborate information with statements of victim/survivor, witnesses, and suspect, if possible.
- 12) If the suspect is unknown, attempt to identify the suspect.
- 13) Conduct investigational research, if applicable, regarding prior history of the suspect, including information available through the sex offender registry, prior police reports involving the suspect, victim/survivor or witnesses, prior unreported allegations involving the suspect, current and/or prior Child or Adult Protective Services reports.
- 14) Examine photographs of the crime scene and evidence collected at the crime scene. Analyze, and corroborate statements of victim/survivor, witnesses, and suspect with collected evidence, if possible.
- 15) When possible interview the suspect(s) prior to arrest. If there are circumstances present that would lead the suspect to believe he/she is under arrest at the time of the interview, advise the suspect of his/her rights according to Texas CCP 38.22 (Attachment M). Again, **all interviews should be audio and or video recorded.**
- 16) When probable cause exists, take appropriate enforcement action. Locate and arrest the suspect, if possible.
- 17) Interview the suspect(s) as soon as possible after arrest. Advise the suspect of his/her rights according to Texas CCP 38.22 (Attachment M). Again, **all interviews should be audio and or video recorded.**
- 18) Prepare and submit all case investigation reports to the District Attorney's Office for prosecution or Grand Jury referral.
- 19) Any work product created during the investigation must be turned over to the District Attorney's Office including, but not limited to: any tangible item, computer-generated documents of any kind, handwritten notes, receipts, lab reports, photos, audio/video recordings, or any kind of document created for any reason related to the investigation.
- 20) Provide the victim/survivor with timely updates on the status of the investigation and the final disposition as soon as possible.
- 21) Consult with the District Attorney's Office, victim/survivor advocates, and Crime Victims Coordinators, as needed.
- 22) Work with the District Attorney's Office on trial preparation, as requested.
- 23) Keep in contact with the victim/survivor and notify them of the progress in the case.

## **Law Enforcement/Crime Laboratory**

Effective September 1, 2023, crime labs and law enforcement (LE) must now share information with one another in a timely manner after a Sexual Assault Examination Kit (SAK) is tested and DNA matches in the Combined DNA Index System (CODIS) database occur. Crime labs have 60 business days to inform law enforcement of any DNA matches and LE must then respond and notify the victim/survivor within 5 business days. If disclosing the match would interfere with the investigation or prosecution of the case, LE shall notify the victim/survivor an estimated date on which the match is expected to be disclosed. LE must also attempt to collect and return to the crime lab DNA samples from identified suspects within 30 days, in

order to establish a chain of custody for the suspect's DNA. This timeline can be found in Texas Government Code, Section 420.043 (Attachment F).



## Law Enforcement Reporting

1. *Molly Jane's Law*, Texas Government Code, Section 420.036 (Attachment F): Each law enforcement (LE) agency in the State of Texas shall request access from the Federal Bureau of Investigation (FBI) to the Violent Criminal Apprehension Program Database (ViCAP). LE agencies investigating a sexual offense shall enter into ViCAP:
  - a) Suspect's name and date of birth;
  - b) the specific offense being investigated;
  - c) a description of the manner in which the offense was committed including any pattern of conduct across multiple offenses suspected to have been committed by the same suspect; and,
  - d) any other information required by the FBI for including in the database.
2. Texas Government Code, Section 411.042 (Attachment S): Texas LE agencies shall report offenses under Texas Penal Code 22.011 or 22.021 to the Department of Public Safety to include the following information:
  - a) The specific offense committed;
  - b) the victim;
  - c) the offender and the offender's relationship to the victim;
  - d) any weapons used or exhibited in the commission of the offense; and,
  - e) any injuries sustained by the victim.
3. Texas Government Code, Section 351.257 requires the submission of a Biennial Evaluation of Denton County's sexual assault response. The report must include the number of adult sexual assault reports received and the number of investigations conducted as a result of those reports. Because the data reported to the Department of Public Safety (detailed above) does not differentiate between adult and child sexual assault offenses, the Denton County SART has created the following Google Sheet to collect data quarterly:  
[https://docs.google.com/spreadsheets/d/1Ms1dCfyw2Dwn80DFqFoFzTpO\\_KPzIR-X2Nd8v0keRZQ/edit?usp=sharing](https://docs.google.com/spreadsheets/d/1Ms1dCfyw2Dwn80DFqFoFzTpO_KPzIR-X2Nd8v0keRZQ/edit?usp=sharing)

## **Prosecution (Denton County Criminal District Attorney's Office):**

The Prosecutor will follow the following steps when prosecuting a sexual assault case:

### **Intake Process**

- 1) The Denton County Criminal District Attorney's Office, also referred to as the District Attorney's Office, will receive cases from law enforcement agencies based on an arrest warrant or for Grand Jury review.
- 2) The intake attorney will perform the following initial duties regarding all filed cases:
  - a) Read, review, and evaluate each case submitted by a law enforcement (LE) agency;
  - b) confirm all evidence has been submitted to the District Attorney's Office;
  - c) request the appropriate law enforcement agency provide any information or evidence that was not submitted; and,
  - d) request any additional investigation that is needed from the LE agency.
- 3) The intake attorney will confirm the victim is informed of the following information:
  - a) The case was received and reviewed;
  - b) The case is scheduled for presentation to the Denton County Grand Jury; and,
  - c) The Grand Jury process and potential outcomes.

### **Grand Jury proceeding**

- 1) The presentation of the case to the Grand Jury will be done by the intake attorney and/or an appropriate representative from the submitting LE agency.
- 2) The Grand Jury proceedings shall be confidential - No persons other than members of the Grand Jury shall be present during Grand Jury deliberations.
- 3) Due to the impact this information can have on a victim, after the Grand Jury has deliberated and returned either a "true bill of indictment" or a "no bill," the intake attorney or victim's assistant will contact the victim by phone whenever possible.
- 4) Victims have the right to be notified no later than the 10<sup>th</sup> day after the date of indictment.
- 5) Potential Outcomes of Grand Jury Proceedings are:
  - a) No Bill— If the case is no billed by the Grand Jury then there are no further actions taken by the District Attorney's office; or
  - b) True Bill—If the case is true billed by the Grand Jury then the case will be assigned to a court prosecutor (hereinafter referred to as prosecutor or "State") within the District Attorney's Office.

### **Court Docket Process (pre-trial)**

- 1) Initial process by the court prosecutor includes:
  - a) Review of the case file as soon as practicable;
  - b) Providing discovery to the defense in a manner consistent with Texas Code of Criminal Procedure Art. 39.14 (Attachment N). At every stage, the prosecutor shall make timely disclosure to the defense of any and all exculpatory or mitigating evidence that is known to the prosecutor; and,
  - c) Confirming the victim is contacted regarding the following:
    - i) relevant court proceedings;

- ii) victim's services informational packet detailing the victim's rights and resources;
- iii) plea offers;
- iv) the victim's input regarding the plea offer; and,
- v) reduction of charges, dismissal, and any other possible case disposition.

Texas Code of Criminal Procedures, Article 56A.052 (Attachment T) was updated to state that prosecutors are required to proactively update victims. Also, a victim, guardian of a victim, or a close relative of a deceased victim has the Constitutional right to assert and enforce their crime victims' rights either orally or in writing. Additionally, prosecutors should be aware that they now must confer with the victim, or victim's chosen representative, about their views regarding the disposition of their case, such as decisions not to file charges, the dismissal of charges, the use of a pretrial intervention program, or a plea agreement.

- 2) Once all discovery is turned over and plea negotiations have ended, the case is set for a plea, contested hearing, or trial.
  - a) Plea - If the case is set for a plea, the prosecutor shall make sure that the victim is notified and inform the victim of the date, time, and location of the plea. The victim shall also be informed that he or she has the right to make a victim impact statement in Court after the defendant has been sentenced;
  - b) Contested Hearing - If the case is set for a contested hearing, the prosecutor shall make sure the victim is notified about any contested hearing, made aware of potential outcomes, and notified as to whether or not the victim's presence is required; or
  - c) Trial - If the case is set for trial, the prosecutor shall make sure the victim is informed of the trial date and all relevant hearings that involve the victim.

### **Court Docket Process (trial-preparations)**

- 1) In preparing for trial the prosecution team, which includes the assigned prosecutors, victim's assistance coordinator and investigators shall do the following:
  - a) Review the indictment and make any amendments or re-indictments where necessary;
  - b) Obtain any relevant records that are needed for trial, which may be accomplished by issuing a subpoena for the records or obtaining a court order in some cases;
  - c) Develop a witness list and attempt to determine who should testify in Court
  - d) Determine if it is helpful to have an expert witness available to testify on trauma or victim response to trauma to educate the jury about common responses and address inaccurate perceptions around the reality of sexual violence;
  - e) Contact witnesses and review all evidence;
  - f) Route and/or subpoena all relevant witnesses to appear in Court;
  - g) Meet with and discuss the case with all necessary witnesses;
  - h) Ensure the file is supplemented with any evidence not previously provided and provide notice to the Defense as necessary consistent with Texas Code of Criminal Procedure Art. 39.14 (Attachment N);
  - i) Prepare admissible and relevant exhibits for trial;
  - j) File any required or relevant motions and notices;
  - k) Develop a trial plan, including order of witnesses and exhibits;
  - l) Notify witnesses regarding the time in which they will be needed in Court;
  - m) Have any necessary pre-trial motions heard and ruled on by the Court;

- n) Try to discourage continuances and unnecessary delays with the case;
- o) If a continuance is needed or granted, explain to the victim the reasons for the continuance, and to the extent possible, seek mutually agreeable dates for hearings that are rescheduled;
- p) Arrange for interpreting services for victims and witnesses when necessary;
- q) Consider bringing to the attention of the Court the views of the victim on bail decisions, continuances, plea bargains, dismissals, sentencing and restitution; and,
- r) Consider taking appropriate action against defendants who harass, threaten or otherwise attempt to intimidate or retaliate against victims or witnesses.

## **Trial Procedures**

### **1) Voir Dire/Jury Selection** - The prosecutor shall perform the following duties during voir dire:

- a) Inform the jury panel regarding the nature of the charge and relevant legal concepts likely present in the case. Prosecutors should consider taking the opportunity during voir dire to educate potential jury members concerning common misconceptions about sexual assault, which might include education on why a lack of scientific evidence exists. The prosecutor should consider discussing with potential jury members reasons why a victim may not make their report immediately after the assault. The prosecutor may want to consider preparing potential jurors for potentially graphic language and pictures that may be encountered during trial;
- b) Attempt to speak with every member of the panel;
- c) Urge motions to strike any panel members, which cannot legally serve on the jury per Texas Code of Criminal Procedures, Art. 35.16 (Attachment O); and,
- d) Urge motions for peremptory strikes in accordance with Texas Code of Criminal Procedures, Art. 35.14 and 35.15 (Attachment P).

### **2) Trial Phase Regarding Guilt**

- a) Opening Statements - The prosecutor should give an opening statement. During the opening statement the prosecutor should inform the jury what he or she believes the evidence will show and preview the case for the jury.
- b) State's Case in Chief - The prosecutor will present witness testimony and evidence necessary to prove the State's case beyond a reasonable doubt. The State will rest after the prosecutor has presented all of the State's evidence to the jury.
- c) State's Rebuttal - After the Defense rests, the prosecutor may choose to call witnesses or present evidence to rebut any defense theories brought up during the Defense case in chief or add any necessary supplementation to its case.
- d) Jury Charge Conference
  - i) After the State and Defense rest and close, the prosecutor will present a proposed charge to the Court and based on the Court's rulings to any objections and proposed changes the Court will compile the final charge and read it to the jury prior to closing argument.
  - ii) The jury charge will detail the relevant law the jury must apply during its deliberations.
- e) Closing Arguments
  - i) The prosecutor should consider explaining any necessary portions of the jury charge

- and summarize their arguments regarding guilt to the jury based on the evidence previously presented.
- ii) The prosecutor will present the initial argument, followed by the defense's argument, and then concluded by a rebuttal argument by the prosecutor.
- f) Jury Deliberation
- i) Deliberations are confidential and only members of the jury may be present in the room during deliberations.
  - ii) There is no specific time period (minimum or maximum) designated for this process.
  - iii) The jury may send out notes asking a range of questions. All notes will be read to the prosecution and defense, and the judge will determine, in accordance with the law, whether or not the question can be answered.
- g) Verdict
- i) If the jury is unable to reach a unanimous verdict, the judge will declare a mistrial based on a hung jury.
  - ii) If the jury reaches a unanimous verdict, the jury will return to the courtroom and the verdict will be read out loud—either guilty or not guilty.

### **3) Punishment Hearing**

- a) If the Defendant is found guilty a punishment hearing will next be conducted. The punishment hearing runs like a mini trial where the prosecutor should give an opening statement, present evidence, and call witnesses where applicable and necessary.
- b) Jury Charge Conference, Closing Arguments, Jury Deliberations and Verdict – After the State and Defense rest and close during the punishment hearing, the process for the jury charge conference, closing arguments, jury deliberation and verdict will proceed in the same manner as provided for in the trial phase regarding guilt.

The prosecutor shall make sure that the victim has been informed of his or her right to make a victim impact statement in Court after the Defendant has been sentenced.

### **Post –Trial Procedures**

#### **1. Return of Victim's Property**

After the conclusion of a plea or a trial, the prosecutor may inquire regarding the return of the victim's property if it is no longer needed as evidence pursuant to the Code of Criminal Procedure. The prosecutor should only attempt to return property after the Defense has agreed to the return of property and the Court orders the property returned. If the Defense is not in agreement with the return of property, the prosecutor may consider requesting a hearing before the Court regarding the return of property. The prosecutor should make sure the Defense has been properly notified regarding any hearing relating to the release of property. The prosecutor should never have property released to anyone unless the Court has signed an Order releasing the property.

#### **2. Protective Orders**

The prosecutor shall ensure that any protective order application required pursuant to the Code of Criminal Procedure is filed. This includes convictions or deferred adjudication for sexual assault,

stalking, trafficking, and compelling prostitution.

Prosecutors must remain in contact with victims during the duration of the case process. The following recommendations on information to be provided to victims can help ensure victims' rights are met and that prosecutors are following a victim-centered approach.

All convictions are subject to any remedy available in the Code of Criminal Procedure or Texas Rules of Appellate Procedure.

### **Prosecutorial Reporting**

Texas Government Code, Section 351.257 requires the submission of a Biennial Evaluation of Denton County's sexual assault response. The report must include the number of adult sexual assault indictments based on law enforcement cases filed and the final dispositions of those indictments.

### **Conflict Resolution Among Sexual Assault Response Team (SART) Members**

Conflicts between team members are bound to arise from time to time. When handled appropriately, the resolution of the conflict can be a growth experience for all parties involved. Resolution of any conflicts arising pursuant to the process outlined in this agreement, other than personnel matters shall be dealt with in the following manner:

- a. The conflicting professionals should meet to discuss the conflict and how to resolve it. Often times this includes sharing of information, and the understanding the different roles and responsibilities of parties involved;
- b. If the conflict cannot be resolved after a meeting between the conflicting professionals, the professionals' immediate superiors may become involved and the matter will be discussed at a meeting with all persons present, in accordance with each respective agency's operating procedures.

### **Confidentiality**

In accordance with Section 351.256 (Attachment A) of the Texas Local Government Code, the SART members agree to promote interagency information sharing, in accordance with state and federal law, to ensure the timely exchange of relevant information and enhance the response to survivors. Each discipline engaged in the SART has its own policies and procedures in what information can be shared, and will abide by their own agency's guidelines in sharing information. While case specific information should not be discussed at the SART meeting, SART members agree to maintain confidentiality of such references (i.e. - victim/survivor's name and contact information). Confidentiality is not intended to create a barrier to victim-centered changes in the response to sexual assault.

The SART members agree to follow Section 351.258 (Attachment A) of the Texas Local Government Code which states that a Sexual Assault Response Team may only review a sexual assault case of an adult survivor with the signed, written consent of the survivor. The consent must specify:

1. The information or records covered by the release;
2. The reason or purpose for the release; and
3. The person or agency to which the information is to be released.

The SART approved written consent/release of information is attached (Attachment Q).

## **Data Collection, Evaluation, and Assessing Sexual Assault Trends**

The forensic nurse will keep information and data to allow the SART to do an assessment of relevant community trends, including drug-facilitated assault, the incidence of predatory date rape, and sex trafficking. In Denton County, the Texas Health Denton Sexual Assault Nurse Examiner Program will gather, maintain, and report this information to the SART team.

## **Denton County Sexual Assault Response Team Meetings**

The Denton County SART will meet at a minimum quarterly each year and a special meeting will be set after the end of each legislative session to update the members on new legislation, and to amend these protocols, as necessary. The SART will plan the meeting dates and times in advance and notify all participating agencies. As described in Section 351.254(b) of the Local Government Code (Attachment A) each appointed member of the SART must attend all meetings or they are expected to send a representative of their agency. Because SART members are appointed by the Denton County Judge, any vacancies must be filled and confirmed by the Denton County Commissioner's Court as described in Section 351.255. (Attachment A). Any SART partners can add items to the agenda by emailing the SART facilitator at least 24 hours in advance.

At least 4 hours of cross-training will be offered to SART members annually as required by Section 351.254(c) of the Texas Local Government Code (Attachment A). This training will include the dynamics of sexual assault and the roles, responsibilities, and limitations of the participating disciplines.

## **Biennial Evaluation of Denton County's Sexual Assault Response**

- 1) Every odd numbered year, beginning in 2023, the Sexual Assault Response Team will provide the Denton County Commissioner's Court a report that includes the following information, as defined in Section 351.257 in the Local Government Code (Attachment A).
- 2) The list of required SART members that have been appointed by the Denton County Judge.
- 3) A copy of the current written and distributed Denton County Sexual Assault Response Protocol.
- 4) A report that provides:
  - a) The number of adult sexual assault reports received by local law enforcement agencies.
  - b) The number of investigations conducted as a result of the reports received.
  - c) The number of indictments presented in connection with a report and the disposition of those cases.
  - d) The number of reports of adult sexual assault for which no indictment was presented.



If the SART cannot provide the Commissioner's Court with the information detailed above, a detailed paragraph explaining why the SART failed to gather this information must be provided.

Law enforcement agencies are asked to provide information for item A and B above by following this link:

[https://docs.google.com/spreadsheets/d/1Ms1dCfyw2Dwn80DFqFoFzTpO\\_KPzIR-X2Nd8v0keRZQ/edit?usp=sharing](https://docs.google.com/spreadsheets/d/1Ms1dCfyw2Dwn80DFqFoFzTpO_KPzIR-X2Nd8v0keRZQ/edit?usp=sharing)

### **Amending the protocols**

Changes to these protocols can be made with a majority vote of the SART members present at a quarterly meeting. Changes will be presented to the Commissioner's Court and the updated protocols will be distributed to all agencies responsible for the investigation, prosecution, and service provision to survivors of sexual assault.

## **Glossary of Terms:**

**Acute Report of Sexual Assault** – A sexual assault that has been reported within 120 hours of the incident occurring.

**Advocate** - a person who provides advocacy services as an employee or volunteer of a sexual assault program.

**Approved Advocacy Organization (AAO)** – Non-government Organization that advocates on behalf of Sexual Assault Survivors.

### **Approved Organizations:**

1. Denton County Friends of the Family, 4845 S. I-35, Suite 200, Corinth, TX 76210  
Crisis Line (call or text): 940-382-7273
2. The Turning Point (Collin County), 3325 Silverstone Dr., Plano, TX 75023  
Crisis Line: 800-886-7273
3. Dallas Area Rape Crisis Center (Dallas County), 2801 Swiss Ave, Dallas, TX 75204  
Crisis Line: 972-641-7273
4. Abigail's Arms (Cooke County), 1600 N Aspen Rd, Gainesville, TX 76240  
Crisis Line: 940-665-2873

**Crime Victims Compensation (CVC)** - A program managed by the Texas Office of the Attorney General which helps crime victims and their immediate families with the financial costs of crime. CVC covers crime-related costs such as counseling, medical treatment, funerals, and loss of income not paid by other sources.

**Dispatch** – A Law Enforcement / Fire Department communications center that receives emergency and non-emergency calls from the public and dispatches appropriate resources.

**Grand Jury** - Twelve people from the community, qualified and impaneled by the presiding judge, to determine whether probable cause exists and therefore return an indictment of true bill or no bill.

**Indictment** - The charging instrument for felony cases.

**Law Enforcement (LE)** - Any agency, office, or organization that is charged with investigating and enforcing state laws within the geographical boundaries of Denton County. Law Enforcement includes any entity with the power to investigate, make arrests, and file reports of criminal offenses with the Denton County District Attorney's Office.

**No-Bill** - The Grand Jury did not find probable cause that a crime occurred and the felony case will not proceed.

**Non-Acute Report of Sexual Assault** – A sexual assault that has been reported after 120 hours of the incident occurring.

**Original Jurisdiction** - the geographical location where the crime was committed.

**Safety Plan** – A plan to be sure that the survivor is safe from the possible offender and housed in a secure place.

**S.A.N.E.** – Sexual Assault Nurse Examiner, a registered nurse trained on how to conduct sexual assault examinations

**Sexual Assault Evidence Collection Kit (SAK)** – Kit used by medical personnel for gathering and preserving physical evidence. Evidence must be collected and processed as prescribed by Texas State Government Code, Title 4, Chapter 420 (Attachment F)

**Survivor** – An adult Person (17 years of age or older) where there is reasonable suspicion or a report that person has been sexually assaulted as defined by Texas Penal Code, Chapter 22 (Attachment E).

**Track-Kit** - Statewide Electronic Tracking System that tracks sexual assault kits movement, allowing survivors to have information as to where the SAK is at in the process.

**True Bill** - At least 9 members of the Grand Jury found there is probable cause that a crime occurred.

**Victim-Centered Approach** – The Victim-Centered Approach means that when SART members respond to an allegation of sexual assault the needs and interests of victims are of central concern.

## Attachment A

### Senate Bill 476, Texas Local Government Code, Chapter 351, Subchapter J

#### SUBCHAPTER J. COUNTY ADULT SEXUAL ASSAULT RESPONSE TEAMS

Sec. 351.251. DEFINITIONS. In this subchapter:

- (1) "Adult" means an individual who is not a child as defined by Section 101.003, Family Code.
- (2) "Response team" means a multidisciplinary team established under this subchapter to strengthen the collaborative response and enhance health and judicial outcomes for sexual assault survivors who are adults.
- (3) "Sexual assault program" means a program that:
  - (A) operates independently from a law enforcement agency or prosecutor's office;
  - (B) is operated by a local public or private nonprofit corporation either independently or as part of a municipal, county, or state agency; and
  - (C) provides the minimum services, as defined by Section 420.003, Government Code, to adult survivors of stranger and non-stranger sexual assault.
- (4) "Survivor" means an individual who is a victim of a sexual assault or other sex offense, regardless of whether a police report is filed for the incident.

Sec. 351.252. ESTABLISHMENT. (a) Except as provided by Subsection (b), the commissioners court of each county shall establish an adult sexual assault response team that includes the following members appointed by the commissioners court:

- (1) the chief administrator, or the chief administrator's designee, of a sexual assault program that provides services for the county;
  - (2) a prosecutor with jurisdiction in the county over cases involving sexual assault committed against adults;
  - (3) the chief, or the chief's designee, of the municipal police department with the largest population in the county, provided a municipality in the county has a municipal police department;
  - (4) the sheriff or the sheriff's designee;
  - (5) either:
    - (A) a sexual assault nurse examiner or forensic examiner from a facility that conducts sexual assault forensic exams for the county; or
    - (B) a representative from the largest health care provider operating in the county if the county does not have a professional described by Paragraph (A);
  - (6) a behavioral health services provider operating in the county or, if the county does not have a behavioral health services provider, a representative from the county health department; and
  - (7) other persons the presiding officer of the response team considers necessary for the operation of the response team or as recommended by the response team.
- (b) Two or more counties, each with a population of 250,000 or less, within a contiguous area may partner to form a multicounty response team.

Sec. 351.253. PRESIDING OFFICER. The response team shall elect a presiding officer from among its members.

Sec. 351.254. MEETINGS.

- (a) A response team shall meet:
  - (1) at least quarterly at a time determined by the presiding officer;
  - (2) not later than the 90th day after the last day of a regular legislative session to review and amend as necessary any protocols, forms, or guidelines developed under this subchapter; and
  - (3) at any other time at the call of the presiding officer.
- (b) If a response team member is unable to participate in a response team meeting, the member or entity the member is representing may designate another individual to represent the member or entity at the meeting. Each member or a designee of that member must participate in all response team meetings.
- (c) A response team member must attend the quarterly meetings held as required under Subsection (a)(1) to participate in response team functions.
- (d) A response team shall meet independently of a children's advocacy center multidisciplinary team described by Section 264.406, Family Code.

Sec. 351.255. VACANCIES. The commissioners court of a county shall fill a vacancy for a response team member not later than the 30th day after the date the vacancy occurs and in the same manner as the original appointment.

Sec. 351.256. ADULT SEXUAL ASSAULT RESPONSE PROTOCOL.

- (a) A response team shall develop a written protocol addressing the coordinated response for adult survivors in the county that includes:
  - (1) the procedures to be used in investigating and prosecuting cases arising from a report of sexual assault;
  - (2) interagency information sharing, in accordance with state and federal law, to ensure the timely exchange of relevant information and enhance the response to survivors;
  - (3) the location and accessibility of sexual assault forensic examinations;
  - (4) information on the availability of and access to medical care when the care is clinically indicated;
  - (5) a requirement to ensure survivors are offered access to sexual assault program advocates, as defined by Section 420.003, Government Code;
  - (6) information on the availability of and access to mental and behavioral health services;
  - (7) a requirement to ensure that relevant law enforcement agencies notify survivors in a timely manner regarding the status of any criminal case and court proceeding;
  - (8) an assessment of relevant community trends, including drug-facilitated sexual assault, the incidence of predatory date rape, and sex trafficking;
  - (9) a biennial evaluation through sexual assault case reviews of the effectiveness of individual agency and interagency protocols and systems;
  - (10) at least four hours of annual cross-agency training on the dynamics of sexual assault for response team members participating in the quarterly meetings as required by Section 351.254(c); and
  - (11) procedures for addressing conflicts within the response team and for maintaining the confidentiality of information shared among response team members as required by law.
- (b) In developing a protocol under this section, the response team:

- (1) shall consider Chapter 56A, Code of Criminal Procedure;
  - (2) may provide different procedures for use within a particular municipality or area of the county served by the response team; and
  - (3) shall prioritize the health and safety of survivors.
- (c) The purpose of the protocol developed under this section is to ensure coordination between all agencies involved in sexual assault cases to increase the efficacy of response and to minimize survivor traumatization. The response team shall provide the protocol to each agency in the county that responds to disclosures of sexual assault.
- (d) Failure to follow a protocol developed under this section does not:
- (1) constitute the basis for a claim or defense to a civil or criminal action; or
  - (2) preclude the admissibility of evidence.

Sec. 351.257. REPORT. Not later than December 1 of each odd-numbered year, a response team shall provide to the commissioners court of each county the response team serves a report that includes:

- (1) a list of response team members able to participate in the quarterly meetings required by Section 351.254(c);
- (2) a copy of the written protocol developed under Section 351.256; and
- (3) either:
  - (A) a biennial summary detailing:
    - (i) the number of sexual assault reports received by local law enforcement agencies;
    - (ii) the number of investigations conducted as a result of those reports;
    - (iii) the number of indictments presented in connection with a report and the disposition of those cases; and
    - (iv) the number of reports of sexual assault for which no indictment was presented; or
  - (B) an explanation of the reason the response team failed to provide the information described by Paragraph (A).

Sec. 351.258. MEETINGS AND RECORDS; CONFIDENTIALITY.

- (a) A response team meeting is not subject to Chapter 551, Government Code.
- (b) This section does not prohibit a response team from requesting or allowing the attendance of a person who is not a response team member at a response team meeting.
- (c) Information and records acquired by a response team in the exercise of its purpose and duties under this subchapter are confidential and not subject to disclosure under Chapter 552, Government Code, and may only be disclosed as necessary to implement the response team's purpose and duties.
- (d) A report or a statistical compilation of data reports created by the response team is public information subject to Chapter 552, Government Code, provided the report or compilation does not contain any personally identifiable information.
- (e) Information, documents, and records of the response team that are confidential under this section are not subject to subpoena or discovery and may not be introduced into evidence in any civil, criminal, or administrative proceeding, except that information, documents, and records otherwise available from other sources are not immune from subpoena, discovery, or introduction into evidence solely because that information or those documents or records were presented during a response team meeting or maintained by the response team.

(f) A response team may only review a sexual assault case of an adult survivor with the signed, written consent of the survivor. The consent must specify:

- (1) the information or records covered by the release;
- (2) the reason or purpose for the release; and
- (3) the person or agency to which the information is to be released.

## **Attachment B**

Texas Health and Human Services Information for Survivors of Sexual Assault  
[Information for survivors of sexual assault](https://www.texas.gov) (texas.gov)

## **Attachment C**

Law Enforcement Request for Sexual Assault Exam

Removed from Protocol per legislative change effective September 1, 2023.

## **Attachment D**

Texas Local Government Code, Section 420.011(b)

CERTIFICATION BY ATTORNEY GENERAL; RULES.

- (a) The attorney general may adopt rules necessary to implement this chapter. A proposed rule must be provided to grant recipients at least 60 days before the date of adoption.
- (b) The attorney general shall adopt rules establishing minimum standards for the certification of a sexual assault training program and the renewal of that certification by the program. The certification is valid for two years from the date of issuance. The attorney general shall also adopt rules establishing minimum standards for the suspension, decertification, or probation of a training program that violates this chapter.
- (c) The attorney general shall adopt rules establishing minimum standards for the certification of a sexual assault nurse examiner and the renewal of that certification by the nurse examiner, including standards for examiner training courses and for the interstate reciprocity of sexual assault nurse examiners. The certification is valid for two years from the date of issuance. The attorney general shall also adopt rules establishing minimum standards for the suspension, decertification, or probation of a sexual assault nurse examiner who violates this chapter.

## **Attachment E**

Texas Penal Code, Chapter 22

<https://statutes.capitol.texas.gov/Docs/PE/htm/PE.22.htm>

## **Attachment F**

Texas Government Code, Title 4, chapter 420

<https://statutes.capitol.texas.gov/Docs/GV/htm/GV.420.htm>

## **Attachment G**

71.0021(b) of the Texas Family Code

(b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

- (1) the length of the relationship;
- (2) the nature of the relationship; and
- (3) the frequency and type of interaction between the persons involved in the relationship.

## **Attachment H**

Section 71.0003 of the Texas Family Code

FAMILY. "Family" includes individuals related by consanguinity or affinity, as determined under Sections [573.022](#) and [573.024](#), Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

## **Attachment I**

71.0005 of the Texas Family Code

HOUSEHOLD. "Household" means a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other.



## Attachment J

### Texas Code of Criminal Procedure, Art. 56A.3515

#### Art. 56A.3515. PRESENCE OF SEXUAL ASSAULT PROGRAM ADVOCATE OR OTHER VICTIM'S REPRESENTATIVE DURING LAW ENFORCEMENT INTERVIEW.

(a) Before conducting an investigative interview with a victim reporting a sexual assault, other than a victim who is a minor as defined by Section [101.003](#), Family Code, the peace officer conducting the interview shall offer the victim the opportunity to have an advocate from a sexual assault program, as defined by Section [420.003](#), Government Code, be present with the victim during the interview, if the advocate is available at the time of the interview. The advocate must have completed a sexual assault training program described by Section [420.011](#)(b), Government Code.

(b) If an advocate described by Subsection (a) is not available at the time of the interview, the peace officer conducting the interview shall offer the victim the opportunity to have a crime victim liaison from the law enforcement agency, a peace officer who has completed a sexual assault training program described by Section [420.011](#)(b), Government Code, or a victim's assistance counselor from a state or local agency or other entity be present with the victim during the interview.

(1) The peace officer conducting an investigative interview described by Subsection (a) shall make a good faith effort to comply with Subsections (a) and (b), except that the officer's compliance with those subsections may not unreasonably delay or otherwise impede the interview process.

(c) An advocate, liaison, officer, or counselor authorized to be present during an interview under this article may only provide the victim reporting the sexual assault with:

- (1) counseling and other support services; and
- (2) information regarding the rights of crime victims under Subchapter B.

(d) The advocate, liaison, officer, or counselor and the sexual assault program or other entity providing the advocate, liaison, officer, or counselor may not delay or otherwise impede the interview process.

(e) A sexual assault program providing an advocate under Subsection (a) shall pay all costs associated with providing the advocate. An entity providing a victim's assistance counselor under Subsection (b) shall pay all costs associated with providing the counselor.

(f) A peace officer or law enforcement agency that provides an advocate, liaison, officer, or counselor with access to a victim reporting a sexual assault is not subject to civil or criminal liability for providing that access.

Added by Acts 2021, 87th Leg., R.S., Ch. 649 (H.B. [1172](#)), Sec. 5, eff. September 1, 2021.

## **Attachment K**

### Texas Code of Criminal Procedure Article 56A.251

- 1) REQUEST FOR FORENSIC MEDICAL EXAMINATION.
  - (a) If a sexual assault is reported to a law enforcement agency within 120 hours after the assault, the law enforcement agency, with the consent of the victim of the reported assault, a person authorized to act on behalf of the victim, or an employee of the Department of Family and Protective Services, shall request a forensic medical examination of the victim for use in the investigation or prosecution of the offense.
  - (b) If a sexual assault is not reported within the period described by Subsection (a) and the victim is a minor as defined by Section 101.003, Family Code, on receiving the consent described by Subsection (a) or the consent described by Section 32.003 or 32.005, Family Code, a law enforcement agency shall request a forensic medical examination of the victim for use in the investigation or prosecution of the offense.
  - (c) If a sexual assault is not reported within the period described by Subsection (a) and the victim is not a minor as defined by Section 101.003, Family Code, on receiving the consent described by Subsection (a), a law enforcement agency may request a forensic medical examination of a victim of a reported sexual assault for use in the investigation or prosecution of the offense if:
    - (i) based on the circumstances of the reported assault, the agency believes a forensic medical examination would further that investigation or prosecution; or,
    - (ii) after a medical evaluation by a physician, sexual assault examiner, or sexual assault nurse examiner, the physician or examiner notifies the agency that a forensic medical examination should be conducted.
  - (d) If a sexual assault is reported to a law enforcement agency as provided by Subsection (a), (b), or (c), the law enforcement agency shall document, in the form and manner required by the attorney general, whether the agency requested a forensic medical examination. The law enforcement agency shall:
    - (i) provide the documentation of the agency's decision regarding a request for a forensic medical examination to:
      - (a) the health care provider and the physician, sexual assault examiner, or sexual assault nurse examiner, as applicable, who provides services to the victim that are related to the sexual assault; and
      - (b) the victim or the person who consented to the forensic medical examination on behalf of the victim; and,
      - (c) maintain the documentation of the agency's decision in accordance with the agency's record retention policies.

## **Attachment L**

### Magistrate's order, Texas CCP.17.292

<https://statutes.capitol.texas.gov/Docs/CR/htm/CR.17.htm>

## **Attachment M**

Texas CCP 38.22

<https://statutes.capitol.texas.gov/Docs/CR/htm/CR.38.htm#38.22>

## **Attachment N**

Texas Court of Criminal Procedure Art 39.14

<https://statutes.capitol.texas.gov/Docs/CR/htm/CR.39.htm#39.14>

## **Attachment O**

Texas Code of Criminal Procedure Art 35.16

<https://statutes.capitol.texas.gov/Docs/CR/htm/CR.35.htm#35.16>

## **Attachment P**

Texas Code of Criminal Procedure Art 35.14 and 35.15

- (1) Art. 35.14. A PEREMPTORY CHALLENGE. A peremptory challenge is made to a juror without assigning any reason therefor.
- 1) Art. 35.15. NUMBER OF CHALLENGES.
  - (a) In capital cases in which the State seeks the death penalty both the State and defendant shall be entitled to fifteen peremptory challenges. Where two or more defendants are tried together, the State shall be entitled to eight peremptory challenges for each defendant; and each defendant shall be entitled to eight peremptory challenges.
  - (b) In non-capital felony cases and in capital cases in which the State does not seek the death penalty, the State and defendant shall each be entitled to ten peremptory challenges. If two or more defendants are tried together each defendant shall be entitled to six peremptory challenges and the State to six for each defendant.
    - (i) The State and the defendant shall each be entitled to five peremptory challenges in a misdemeanor tried in the district court and to three in the county court, or county court at law. If two or more defendants are tried together, each defendant shall be entitled to three such challenges and the State to three for each defendant in either court.

- (ii) The State and the defendant shall each be entitled to one peremptory challenge in addition to those otherwise allowed by law if one or two alternate jurors are to be impaneled and two peremptory challenges if three or four alternate jurors are to be impaneled. The additional peremptory challenges provided by this subsection may be used against an alternate juror only, and the other peremptory challenges allowed by law may not be used against an alternate juror.

**Attachment Q**  
Sexual Assault Response Team (SART)

**READ FIRST:** Before you decide whether or not to let Sexual Assault Response Team (SART) share some of your confidential information with another agency or person, a SART member can discuss with you all options and any potential risks and benefits that could result from sharing your confidential information. If you decide you want SART to release some of your confidential information, you can use this form to choose what is shared, how it is shared, with whom, and for how long. You may also choose to revoke this release at any time.

**Authorization and Consent for the Release of Information**

I understand that SART has an obligation to keep my personal information, identifying information, and my records confidential.\* I also understand that I can choose to allow SART to release some of my personal information to certain individuals or agencies.

I, \_\_\_\_\_ (your name), authorize SART to share the following specific information with:

<b>Who I want to have my information:</b>	You must use a separate release form for each individual or agency Name: Agency/Specific Office: Phone Number/Email:
---	---

I also give my permission for the above individual or agency to release information to SART.

The information may be shared:  in person  by phone  by fax  by mail  by email

I understand that electronic mail (email) is not confidential and can be intercepted and read by other people.

<b>What info about me will be shared:</b>	(for example: attendance/participation in services, progress, case notes, any documents)
<b>Why I want my info shared (purpose):</b>	(for example: to receive benefits, to verify attendance, to assist in my legal case)

Please note: there is a risk that a release of information can potentially open up access by others to your confidential information held by SART and could affect whether or not the information is still protected by privilege.

**I understand:**

- That I do not have to sign a release form. I do not have to allow SART to share my information. Signing a release form is completely voluntary and that this release is limited to what I write above. If I would like SART to release information about me in the future, I will need to sign another written, time-limited release.
- That releasing information about me could give another agency or person information about my location and would confirm that I have reported a sexual assault.
- That SART and I may not be able to control what happens to my information once it has been released to the above person or agency, and that the agency or person getting my information may be required by law or practice to share it with others.
- If I am signing as a parent or guardian of a minor, I understand that records released may contain references to myself and my family.

**This release expires on:** \_\_\_\_\_ **(Not to exceed 90 days), or upon termination of services at the referring agency.**  
Date

\_\_\_\_\_  
Signature of Client

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date Signed

\*SART maintains client confidentiality with the exception of circumstances in which workers are legally required or allowed to break confidentiality.

## **Attachment R**

Texas Code of Criminal Procedure, Article 56A.403

<https://statutes.capitol.texas.gov/Docs/CR/htm/CR.56A.htm#56A.403>

## **Attachment S**

Texas Government Code, Section 411.042

<https://statutes.capitol.texas.gov/Docs/GV/htm/GV.411.htm#411.0042>

## **Attachment T**

Texas Code of Criminal Procedure, Article 56A.052

<https://statutes.capitol.texas.gov/Docs/CR/htm/CR.56A.htm#56A.052>