

# Ohio Revised Code

ORC Statutes/Mandated Reporting

## ORC Statutes

**Sexual Assaults:**

- 2907.01 Definitions
- 2907.02 Rape
- 2907.03 Sexual Battery
- 2907.04 Unlawful sexual conduct with minor
- 2907.05 Gross Sexual Imposition
- 2907.06 Sexual Imposition
- 2907.07 Importuning
- 2907.08 Voyeurism
- 2907.09 Public indecency
- 2907.10 Preliminary polygraph test of sex offense victim
- 2907.11 Suppression of names of victim and offender and details of the alleged offense
- 2907.21 Compelling prostitution

## ORC Statutes

### Medical Assistance to Victims of Sexual Assault:

- 2907.27 Testing of accused for venereal diseases and HIV
- 2907.28 Payment of cost of medical examination and test of victim or accused
- 2907.29 Hospital emergency services for victims. (information to be given to victim; consent of minor)
- 2907.30 Victim to be interviewed by crisis intervention trained officer
- 2921.22 Failure to report a crime or knowledge of a death or burn injury
- 2151.421 Duty to report child abuse or neglect; investigation and follow up procedures

## ORC Statutes

- 2907.29
- Every hospital of this state that offers organized emergency services shall provide that a physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife is available on call twenty-four hours each day for the examination of persons reported to any law enforcement agency to be victims of sexual offenses cognizable as violations of any provision of sections 2907.02 to 2907.06 of the Revised Code.

## Criminal Charges

- Forensic Examiners do not know what TYPE of charges may or may not be filed against the reported perpetrator
- Primary goal is to work collaboratively with law enforcement and SBC administration if you have any questions about how to move forward

## Ohio Dept of Health Protocol

- 2907.29
- All Ohio hospitals that function 24/7 must provide a forensic exam
- Transferring patients to alternate hospital NOT acceptable
- OHA and EMTALA will not allow transferring either
- Every exam must be completed in accordance to the ODH protocol

# Reporting to Law Enforcement

## Mandated Reporting - LE

- Forensic Examiners are responsible for all required mandated reporting in accordance to our contracts with the facilities
- APS
- CPS
- ODH
- Law Enforcement
  
- NO EXCEPTIONS! This satisfied the ORC requirement for healthcare personnel to complete mandated reporting

## Mandated Reporting - LE

- ORC 2921.22
- Failure to report a felony crime is punishable as a misdemeanor crime
- NOTE:!!!!!!
- Due to SB 316 requirements (requirement for LE to submit all SA kits to crime labs for processing within 30 days) LE may to place blame on responsibility of SANE for FAILURE TO REPORT THE CRIME to compensate for their lack of submission in a timely manner
- Proper documentation avoids this scenario

## Mandated Reporting - LE

- When Reporting the Crime to Law Enforcement:
  - ALWAYS report crime to dispatch center/communication
  - Dispatch lines are always recorded
  - Note date and time you called
  - Note person you spoke with
  - This information is documented on the Forensic Chart
- If it is ever questioned you can request to PULL THE TAPES and verify on the recorded line who you spoke to, the date and time you spoke to them.

## Mandated Reporting - LE

- Communication with the dispatcher stating “I am calling to perform mandated reporting for a reported rape” and providing details constitutes you ‘REPORTING’ IT
- NEVER FORGET TO REPORT THE CRIME REGARDLESS OF WHAT IS GOING ON EVEN IF AN EXAMINATION IS NOT CONDUCTED
- The examiner is the primary coordinator on the entire workflow of the process

## Mandated Reporting - LE

- Some hospitals house the kits temporarily for the SANE rather than waiting on law enforcement to come pick it up immediately after the exam is finished
- If you leave the kit at the hospital it is REQUIRED to let the hospital know WHERE YOU LEFT THE KIT
- Example: “This is Kim Eberle, Forensic Examiner, I am calling to complete the mandated reporting for a reported rape that occurred at .....Can you please advise the Detectives that the rape kit chain of custody was signed over to Kettering Medical Center Security”

## Mandated Reporting - LE

- Another example:
- Cincinnati PD jurisdiction
  
- Report crime to Cincinnati PD dispatch
  
- THE SANE will place a second call to personal crimes (Cincinnati PD SA unit) AFTER reporting the crime to advise who the chain of custody for the kit was signed over to (aka hospital security)

## Mandated Reporting

- Any communication you make with any agency should be documented
- Areas on our demographic payroll sheet for this information
- As long as it is correctly reported this agency will always have your back!
- It's up to you as an individual to perform correct mandated reporting
- SANE of Butler Co doesn't take responsibility for misdemeanor crimes for failure to report a felony, it's the SANE so remember to always report! Please always report

## Mandated Reporting - LE

- Reporting to the *appropriate* jurisdiction is KEY
- The location of the assault determines what jurisdiction you report to
- May not always be clear. SANE must act like a detective to determine where it happened. PD LOVE playing hot potato with the SA kit and WILL take the opportunity to avoid picking up the kit
- PRO TIP – obtain land marks, buildings, cross streets from the patient – then call dispatch to ask them what jurisdiction covers that area

## Mandated Reporting - LE

- RN/medical personnel are mandated reporters for felony crimes
- Rape is a felony crime
- REPORT THE CRIME TO LE

## Mandated Reporting - LE

- Ohio, ORC Ann. 2921.22; ORC ::
- 2921.22 (Felonies and any serious physical harm resulting from an offense of violence) rape falls into this category
- Ohio, ORC Ann. 2921.22
  - injuries caused by firearms
- Ohio, ORC Ann. 2921.22
  - burn injuries

## Mandated Reporting - LE

- • Ohio, ORC Ann. 2921.22
  - stab wounds or pointed instruments
- • Ohio, ORC Ann. § 2907.28
  - Felony rape or reported rape
- Ohio, ORC Ann. 2921.22; ORC
  - Criminal misconduct

## Mandated Reporting - LE

- Examiner does not need to specify the ORC when reporting
- Your requirement is to report the felony crime
- Always remember to report the location of the kit upon the conclusion of your exam in the event that LE is not in person to take custody of the evidence
- In most cases this can be done at the same time to avoid repetitive phone calls

## How to perform mandated reporting

1. contact the county that the assault happened in
  - (this will be the easiest way to determine who's jurisdiction it is)
2. let the dispatcher know the exact location of the assault
  - (provide address, business, cross street, landmarks or any other info you have to assist them in identifying the correct PD)
3. ask dispatcher to connect you to the agency
  - (transfer may not be necessary, the dispatcher you are speaking with may dispatch for that agency)
4. perform mandated reporting with that agency
5. Log date/time of call and name or ID# of who you spoke to

## How to perform mandated reporting

- You can also provide the agency receiving mandated reporting of an ETA on finishing the exam and request an officer to come to your location to pick up a kit
- Example:
- Report crime and then state, “I will also need an officer in 2 hours to please respond to the hospital to pick up the SA kit”
- The dispatcher will place a call in the system to send a road patrol officer or detective to your location
- **\*\*\*\*prevents waiting on LE to pick up kit**

## Mandated Reporting - LE

- Situations where you may want to notify LE immediately
- *-forensic evidence that can be retrieved from scene of crime*
- *-perpetrator in a known location (can do perp exam)*
- SANE may request a detective instead of a road patrol officer
  - - most road patrol officers can only take a report and not able to perform investigations like a detective
  - *Examples: human trafficking, kidnapping, further danger to other subjects*

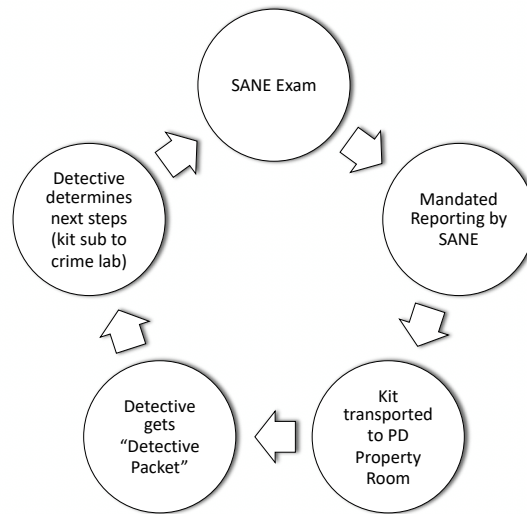
## I'm done...now where is LE?

- Many hospitals we provide services to will allow you to sign the evidence over to their hospital security.
- List of these facilities are in the medical protocols that we will review in depth during training
- If you are at a facility that does NOT house the evidence for you then please call early and let them know you will need an officer there in a set ETA (finishing the exam)
- If officer is not there **within 45 min** of finishing exam, you may house the evidence at the SBC admin office (***contact Admin on call asap PRIOR to transport***)

## Mandated Reporting - LE

- Many detectives will have questions after the forensic exam
- ALWAYS provide your business card to the detective
- SANE prepares a "detective packet" so the SANE documents can be given to the detective (detailed later in orientation)
- Questions may be placed to your personal business extension from LE asking specific questions about the exam

## Mandated Reporting - LE



## Mandated Reporting - LE

- Patient may choose to NOT speak with LE at the time of forensic exam
- 3 options for patients to choose
  1. "Reporting" = wants to speak to LE
  2. "Non-Reporting" = does NOT want to speak to LE
  3. "Anon" = wants no demographic info given to LE

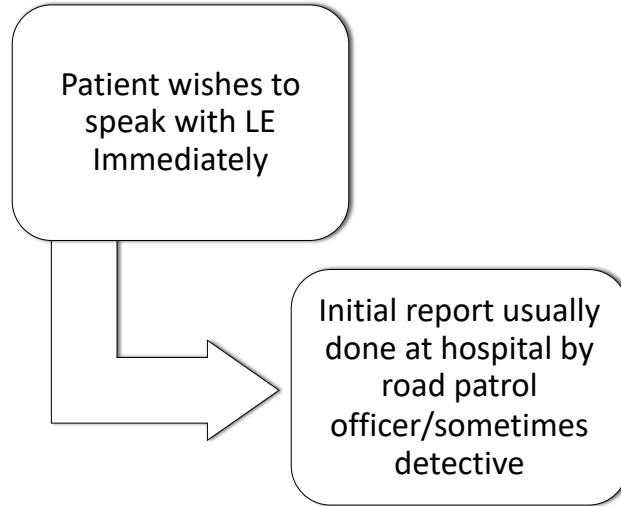
## Mandated Reporting - LE

- Reporting options ONLY pertain to >18 or older
- Minor patients CANNOT choose to not engage with LE
- This is for protection issues to assure the minor is not being placed in a dangerous situation

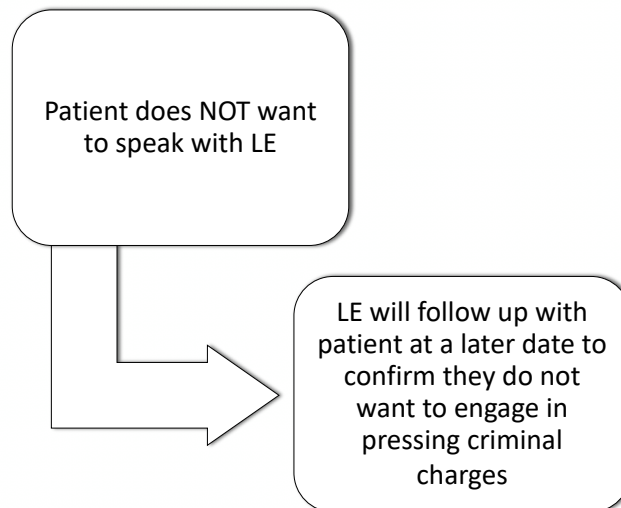
## Mandated Reporting - LE

- Don't let "reporting" language confuse you
- SANE is required by Ohio Law to ALWAYS perform mandated reporting that a felony crime was reportedly committed
- The term "reporting" pertains to the patient's engagement/involvement with LE

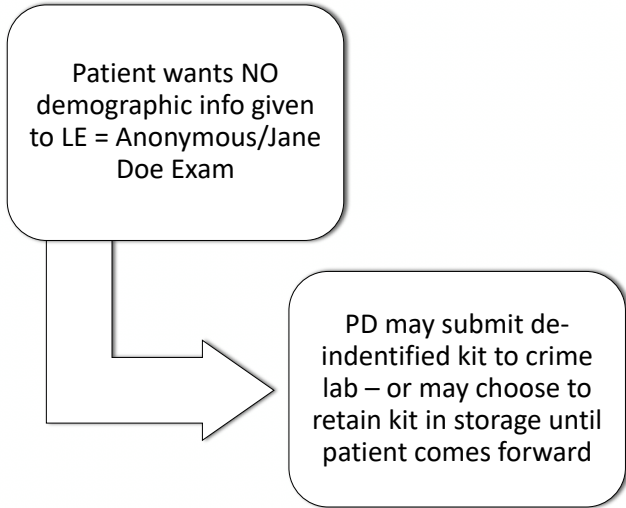
## “Reporting” Exam



## “Non-Reporting” Exam



# Anonymous Exam



# Types of Pt Reporting Options

## Evidence Collection Adults 18 years and older

Reporting	Non-Reporting	Jane Doe/Anon
<p><b>Evidence Collection with Police Involvement</b></p> <ul style="list-style-type: none"> <li>•Have patient sign consent</li> <li>•Provide medical assessment and offer prophylaxis</li> <li>•Provide evidence collection per ODH protocol</li> <li>•Contact Law Enforcement to take a report</li> <li>•Patient name provided on paper work included in ODH approved evidence collection kit and on box.</li> </ul>	<p><b>Evidence Collection without Police Involvement</b></p> <ul style="list-style-type: none"> <li>•Have patient sign consent</li> <li>•Provide medical assessment and offer prophylaxis</li> <li>•Provide evidence collection per ODH protocol</li> <li>•Patient name provided on paper work included in ODH approved evidence collection kit and on box</li> <li>•Provide patient with non-emergency number for law enforcement and explain that if the patient does not hear from LE, then patient must contact LE</li> <li>•Contact Law enforcement to retrieve evidence collection kit</li> </ul>	<p><b>Anonymous Reporting</b></p> <ul style="list-style-type: none"> <li>•Have patient sign Anonymous report consent</li> <li>•Provide medical assessment and offer prophylaxis</li> <li>•Provide evidence collection per ODH protocol</li> <li>•Patient name is to be omitted on ALL paperwork included in ODH approved evidence collection kit and box and replaced with numeric identification specifically assigned to patient</li> <li>•Provide patient with identification number and non-emergency number for law enforcement. Explain to patient that it is their responsibility to contact law enforcement to make a report regarding the assault</li> <li>•Explain to patient that evidence collection kit may be tested by a crime lab</li> <li>•Contact law enforcement to retrieve evidence collection kit</li> </ul>

# Report/Non-Report/Jane Doe

- Consent form indicates what type of request the patient made.
- Section to show:
  - 1. does the patient wish to speak to LE
  - 2. does the patient NOT want to speak to LE
  - 3. If Jane Doe/Anon it is a SEPARATE consent specific to anon
- Jane Doe/Anon will be reviewed more in depth under a separate section

# Report/Non-Report/Jane Doe

**Ohio Department of Health Consent For Exam, Photographs, and Release of Evidence**

**PAYMENT/BILLING OF TREATMENT**

\_\_\_\_\_ I understand that I will not be charged for the antibiotics and evidence collection exam. Any other medications and medical treatment including but not limited to x-rays and blood work will be billed to me, my insurance or another named party for payment.

**MEDICAL FORENSIC EXAM/EVIDENCE COLLECTION/PHOTO DOCUMENTATION**

\_\_\_\_\_ I consent to the medical forensic exam. I understand that I can decline any portion of the exam or any portion of evidence collection process. I understand my choice of treatment steps during the exam will be reassessed frequently.

\_\_\_\_\_ I consent to the evidence collection during the forensic examination. I understand that I can decline any portion of the exam or any portion of evidence collection process. I understand my choice of treatment steps during the exam will be reassessed frequently.

\_\_\_\_\_ I consent to photo documentation, which may include my genitalia, body parts if injuries are present. I understand that I can decline any portion of photo documentation including photo documentation of my genitalia.

\_\_\_\_\_ I consent to the medical forensic exam and photographs to be used in future educational presentations for forensic examiners.

\_\_\_\_\_ I consent to the release of all medical records and photographs to the appropriate law enforcement agency related to the sexual assault forensic examination.

**REPORTING: every patient will initial this section (not specific to method of reporting)**

\_\_\_\_\_ I understand the hospital is legally required to report sexual assaults to law enforcement. My name and contact information will be given to law enforcement unless I choose to decline my name and contact information to be given. I understand that the hospital is legally required to report all abuse or suspected abuse of patients 17 years of age or younger to the Department of Children Services. For patients 17 years or younger, the hospital is required to send a letter to the parent or legal guardian notifying them of the exam. The sexual assault evidence collection kit and toxicology samples for drug-facilitated sexual assault will be given to law enforcement and may be tested at a crime lab.

**Patients 18 years or older (Initial one)** indicates choice of the patient's method of reporting

\_\_\_\_\_ I agree to speak to law enforcement. I understand that my name and contact information will be provided to law enforcement.

\_\_\_\_\_ **(DO NOT agree to speak with law enforcement at this time. My name and contact information will be given to law enforcement. I understand that law enforcement may attempt to contact me. I understand that I am not obligated to participate in the investigation of this crime, but that law enforcement may investigate it.)**

Signature of PATIENT/GUARDIAN: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Signature of SAME/WITNESS: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

\*\*\*\*\*After the consent is completed contact LE to perform mandated reporting

## Mandated Reporting - LE

- Have the info needed before you report.....

## Mandated Reporting - LE


- When you call dispatch to report the crime they may ask you basic information relating to the patient's identity and location of the assault
- You may provide this information freely. This information is not HIPAA protected due to the reporting requirements of the ORC for felony crimes
- ONLY EXCEPTION TO THIS IS ANON/JANE DOE EXAMS (will be covered in depth later today)

## Information needed by LE

- Date of assault
- Exact location of assault (or close as possible)
- Time of assault
- Who assaulted the patient
- Patient demographics (name, DOB, hospital, maybe SSN)
- Please have this info ready when you contact law enforcement to perform mandated reporting

## Where to Document LE info

- Payroll/demographic sheet for every exam
- Information related to assault location/date/time
- Mandated reporting individual you spoke to
- Agency you spoke to
- Time/Date you spoke to them

<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  <p><b>SANE</b> of Butler County</p> </div> <div style="border: 1px solid black; padding: 5px; text-align: center; width: 150px;">             (PATIENT ID STICKER HERE)         </div> </div> <p><b>EXAM INFORMATION:</b></p> <p>Location of Exam (Hospital): _____ SANE RN: _____          Date / Time of Page: _____ Arrival Time: _____ Comment: _____          MD Report to: _____ RN Report to: _____ Advocates: # _____ Bedside / Waiting Rm / None  <b>DFSA Indicated?:</b> Yes / No    <b>DFSA collected?:</b> Yes / NA / Declined          Name of personnel forensic chart given to at hospital: _____</p> <p><b>PATIENT INFORMATION:</b></p> <p>Patient Name: _____ DOB: _____ Gender: M / F / T    Guardian Present: Y / N          Patient Phone #: _____ Patient Address: _____          SSN: _____          Hospital Acct Number: _____ Inmate: Y / N    Location: _____          Jane Doe ID: _____ Nursing Home: Y / N    Location: _____</p> <p><b>REPORTED PERPETRATOR INFORMATION:</b></p> <p>Relationship to patient: <b>CIRCLE ONE</b>    Acquaintance / Partner / Student / Caregiver / Family / Parent-Guardian / Unknown          Estimated Age: _____ Gender: M / F / Transgender / Unknown    Other: _____</p> <p><b>ASSAULT INFORMATION:</b> <i>(dispatch can assist with appropriate law enforcement jurisdiction)</i></p> <p>Date of Assault: ____ / ____ / ____    Time of Assault: ____ : ____ AM or PM          Location / Address of Assault: _____</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">LE Agency for kit jurisdiction: _____ At Bedside: Y / N</td> </tr> <tr> <td>Crime reported TO: _____ Time: _____</td> <td rowspan="3" style="text-align: center; vertical-align: top;"> <b>For UC exams:</b>                  Did social worker perform mandate reporting? (circle one) Yes / No                  Name of SW: _____             </td> </tr> <tr> <td>Kit Location Reported to: _____ Time: _____</td> </tr> <tr> <td>CPS/APS/ODH (include agency and name of personnel)                  Agency: _____ Name: _____ Time: _____</td> </tr> </table>	LE Agency for kit jurisdiction: _____ At Bedside: Y / N		Crime reported TO: _____ Time: _____	<b>For UC exams:</b> Did social worker perform mandate reporting? (circle one) Yes / No Name of SW: _____	Kit Location Reported to: _____ Time: _____	CPS/APS/ODH (include agency and name of personnel) Agency: _____ Name: _____ Time: _____	
LE Agency for kit jurisdiction: _____ At Bedside: Y / N							
Crime reported TO: _____ Time: _____	<b>For UC exams:</b> Did social worker perform mandate reporting? (circle one) Yes / No Name of SW: _____						
Kit Location Reported to: _____ Time: _____							
CPS/APS/ODH (include agency and name of personnel) Agency: _____ Name: _____ Time: _____							

## Medical Protocol for Mandated Reporting

- There is a mandated reporting section in our medical protocols
- This mirrors the state protocol with more specific information on local jurisdiction information

## When to perform mandated reporting??

- Mandated reporting should be completed immediately AFTER the consent for the forensic exam and PRIOR to evidence collection
- Rationale: this clearly shows the patient's intent on method of LE interaction desired AND you have had a chance to correctly identify the location of the assault

## Summary

- Every situation you are called to as a Forensic Examiner requires a mandated report of a felony crime that occurred regardless of an exam being conducted or not
- Obtain specific details on the location of the assault AND patient demographic information prior to contacting the PD
- Contact the COUNTY dispatch of where the crime occurred so they can correctly identify the jurisdiction and/or transfer you – then report based on patient's decisions
- Provide an ETA on finishing exam so they can retrieve kit (or advise if you want a detective/officer on scene ASAP)
- Log the date/time/person you spoke to (dispatcher/LE)