



A VICTIM OF SEXUAL ASSAULT SHOULD NEVER BE CHARGED FOR THE EVIDENCE COLLECTION PORTION OF A FORENSIC EXAM

If a victim of a sexual assault contacts your agency, it is important that *everyone* has this information.

Victims of sexual assault have three options when seeking a medical forensic exam:

- 1) Law Enforcement Report
- 2) Medical Report
- 3) Anonymous Report

The victim decides whether they would like evidence collected, not the medical facility or law enforcement agency.

LAW ENFORCEMENT REPORT: VICTIM CHOOSING TO REPORT A SEXUAL ASSAULT

Medical Forensic Exams

If a victim wants a medical forensic exam and **wants to report the crime**, the law enforcement agency where the crime occurred is obligated to pay for the evidence collection portion of the medical forensic exam (C.R.S. §18-3-407.5(1)). It is always the victim's choice whether they receive an exam, not the law enforcement agency. If the victim consents to the testing of their sexual assault evidence kit, the law enforcement agency must send the kit to the Colorado Bureau of Investigation within 21 days of receipt (Colo. Rev. Stat. § 24-33.5-113). Victims can apply for Crime Victim Compensation funding to cover additional medical costs associated with evidence collection.

Drug Facilitated Sexual Assault Testing (DFSAT)

Drug testing is not a standard component of the medical forensic exam. If an attending medical provider (with victim consent) determines that a test is warranted, then law enforcement will pay for the test as part of evidence collection. Results of the test are only released to the relevant law enforcement agency.

MEDICAL REPORT: VICTIM REPORTS TO LAW ENFORCEMENT BUT REQUESTS THEY DO NOT INVESTIGATE THE SEXUAL ASSAULT

Medical Forensic Exams

Under Colorado law (C.R.S. §18-3-407.5), a victim can receive a medical forensic exam (MFE) without having to work with law enforcement. These victims **do not** have to pay for the evidence collection portion of the medical forensic exam. It is recommended that the victim access a Sexual Assault Nurse Examiner (SANE) program, or a Medical Forensic Exam program (MFEP), if possible.

The victim can choose whether the evidence collected is tested via a consent form. If they decide to have the evidence tested, law enforcement must send the sexual assault evidence collection kit to the Colorado Bureau of Investigation (CBI) within 21 days. The evidence collection portion of the medical forensic exam for **medical reporting** victims is paid for by the Division of Criminal Justice (DCJ) (C.R.S. §18-3-407.5(1)(b)) and medical facilities bill DCJ directly. However, it is important to know that any additional medical expenses may be the responsibility of the patient. Other costs may include the emergency department fee, medications, sexually transmitted infections testing, and other treatment costs based on injury, disease, or pregnancy. The Sexual Assault Victim Emergency (SAVE) Payment Program can pay for associated medical costs related to the MFE and injuries sustained during the

assault. The SAVE Program will work with the victim to apply for Crime Victim Compensation (CVC) for consideration of payment of any remaining balance after the SAVE Payment Program has paid the maximum amount possible.

The sexual assault evidence collection kit is given to law enforcement with victim identifying information to either be tested or stored depending on the victim's choice. The victim is given the barcode/case number associated with their kit should they want to have the crime investigated later. Under Colorado law, law enforcement must store the medical forensic exam kit for as long as the crime can be prosecuted.

Drug Facilitated Sexual Assault Testing (DFSA)

Drug testing is not a standard component of the medical forensic exam. If the medical provider (with victim's consent) determines a need for DFSA testing, then DCJ will pay for the testing in medical reporting cases. Results are only released to the relevant law enforcement agency.

ANONYMOUS REPORT: VICTIMS CHOOSING NOT TO SHARE THEIR NAME WITH LAW ENFORCEMENT AT THE TIME OF EVIDENCE COLLECTION

Medical Forensic Exams

Under Colorado law (C.R.S. §18-3-407.5), a victim can receive a medical forensic exam without having to work with law enforcement. These victims **do not** have to pay for the evidence collection portion of the medical forensic exam. It is recommended that the victim access a Sexual Assault Nurse Examiner (SANE) program, or a Medical Forensic Exam program (MFEP), if possible.

The evidence collection portion of the medical forensic exam for **anonymous reporting** victims is paid for by DCJ. Medical facilities bill DCJ directly. However, it is important to know that any additional medical expenses may be the responsibility of the patient. Other costs may include the emergency department fee, medications, sexually transmitted infections testing, and other treatment costs based on injury, disease or pregnancy. The Sexual Assault Victim Emergency (SAVE) payment program (Colo. Rev. Stat. § 18-3-407.5 (b):) can pay for associated medical costs related to the MFE and injuries sustained during the assault. The SAVE Program will work with the victim to apply for Crime Victim Compensation (CVC) for consideration of payment of any remaining balance after the SAVE Payment Program has paid the maximum amount possible. The victim would be required to identify themselves to the CVC program when applying to be eligible.

The sexual assault evidence collection kit is provided to law enforcement **without** victim identifying information and the victim is provided with a kit barcode number and a unique identifying identification number (assigned by law enforcement, usually a case number) should they choose to report their assault to law enforcement later. An anonymous reporting victim **cannot** choose whether the evidence collected is tested. Under Colorado law (C.R.S. §18-3-407.5(3)(c)), law enforcement must store the anonymous forensic exam kit for as long as the crime can be prosecuted.

Drug Facilitated Sexual Assault Testing (DFSA)

Drug testing is not a standard component of the medical forensic exam. If the attending medical provider (with victim consent) determines a need for DFSA testing, then DCJ will pay for the testing in anonymous reporting cases. While urine can be collected as part of evidence collection, it will not be tested in anonymous reporting cases. The evidence will be stored for a minimum of two years by law enforcement (C.R.S. §18-3-407.5(3)(c)).

FINANCIAL ASSISTANCE FOR SEXUAL ASSAULT VICTIMS

The Sexual Assault Victim Emergency Payment Program (SAVE) administered through the Colorado Division of Criminal Justice will pay for evidence collection and any associated costs related to the medical forensic exam and injuries related to the assault for up to \$4,000 per victim for **medical** and **anonymous** reporting victims.

Colorado has a **Victim Compensation Program** that helps with medical bills. One requirement of receiving victim compensation is that the victim has cooperated fully with law enforcement officials. The victim compensation board can waive this requirement. Victims should not plan on victim compensation paying for any expenses, but they may contact the victim compensation program in the judicial district where the crime occurred to discuss their situation. Victim Compensation programs are administered through the District Attorney's office.

Planned Parenthood Health Centers may be appropriate referrals for victims seeking follow-up medical services at reduced cost.

Victim Advocates can help victims address concerns and provide information regarding costs, resources, and available victim assistance services. Colorado has community-based advocates who can provide confidential services to both medical reporting and law enforcement reporting victims (C.R.S. §13-90-107).

Law enforcement advocates typically work with victims after the crime has been reported to law enforcement.

Victim's Health Insurance/Medicaid or Medicare will sometimes cover expenses associated with the medical forensic exam. However, not all victims want the medical treatment associated with a sexual assault billed to their health insurance for a variety of reasons, including privacy.

TIME FRAMES FOR OBTAINING MEDICAL FORENSIC EXAMS AND DFSA TESTING

Medical Forensic Exams

Victims can choose to do the exam within 120 hours (5 days) of the assault, although up to 72 hours (3 days) is preferable. Even outside of this time frame, medical attention may still be warranted. There is a misperception that showering after an assault washes all evidence away. **Evidence can still be present after a shower.**

DFSa Testing

Medical providers should be able to collect a specimen for drug-facilitated sexual assault testing within 48 to 72 hours with victim consent. Please consult with your nearest SANE or MFE program to determine best practices in your jurisdiction. Even if evidence is not collected, the victim may still require a medical assessment.

MANDATORY REPORTING FOR MEDICAL PROFESSIONALS

Under Colorado law (C.R.S. §12-36-135 (1)), any injury that occurs due to a suspected criminal act (except domestic violence per C.R.S. §12-36-135 (1)(a)(I)(C) and (1)(a)(III-VI)) must be reported to the law enforcement agency in the treating facility's jurisdiction. However, with sexual assault, medical professionals should make a report based on the victim's choice (law enforcement report, medical report, or anonymous report). Colorado law (C.R.S. §18-3-407.5) allows for victims to receive a medical forensic exam at no cost without reporting to law enforcement.

MANDATORY PARTICIPATION IN COLORADO'S SEXUAL ASSAULT KIT TRACKING SYSTEM (COSAK Track)

Under Colorado law (C.R.S. §24-33.5-113.5) all sexual assault forensic evidence kits collected on or after June 30, 2025, must be entered and tracked in COSAK Track. Every State and local law enforcement agency, medical facility, crime laboratory or other person or entity responsible for collecting, storing or testing sexual assault forensic evidence kits shall participate in COSAK Track. Victims are provided with their kit barcode number at the time of their forensic exam. They can access resources and track the movement of their kit by typing their kit number into a website called TrackIt.

RESOURCES

The Colorado Division of Criminal Justice – additional information regarding anonymous, medical and law enforcement reporting victims, payment for medical forensic exams and the DFSA medical reporting policy.

<https://dcj.colorado.gov/dcj-offices/ovp/save-paymt-prgm>

The Colorado Coalition Against Sexual Assault – additional information on SANE, MFE program, and community-based advocacy site locations, along with information about sexual assault and other resources.

<https://youhavetherightco.org/>

New resources: COSAK Track/TrackIt Information

Colorado Sexual Assault Kit Tracking System - additional information for medical providers, law enforcement and forensic laboratories. <https://dcj.colorado.gov/dcj-offices/ovp/COSAKTrack>

TrackIt - Victims can track the status and location of their kit by entering their kit barcode number. Here they can also obtain law enforcement contact information, financial resources and information about community-based resources. <https://dcj.colorado.gov/TrackIt>