

NURSING SERVICES GUIDELINE Emergency Department

Guideline: Suspect patient evidence collection



Guidelines Superseded: N/A

Purpose: Evidence will be collected by a Sexual Assault Nurse Examiner (SANE) or Emergency Department nurse (FNE) and the patient suspect will be seen for a medical screening by an Emergency Department provider as required by EMTALA. This nursing guideline applies to patient suspects of all ages. Law enforcement and prosecutors determine if a suspect examination is to be done.

Effective Date:
5/2026

Initial Effective Date:
5/2026

Responsibility: Sexual Assault Nurse Examiner/forensic nurse examiner

Definitions:

SANE/FNE: Sexual assault nurse examiner/forensic nurse examiner

Equipment:

- Camera/Rover
- Evidence collection supplies (swabs, sterile saline or water, envelopes, paper bags,
- Evidence tape, appropriate paperwork)
- Measuring standard that identifies size (centimeters or inches) and color (black and white)
- Gloves

Procedure:

1. Evidence will be collected by a Sexual Assault Nurse Examiner (SANE) or Emergency Department nurse (FNE) and the patient suspect will be seen for a medical screening by an Emergency Department provider as required by EMTALA.

This nursing guideline applies to patient suspects of all ages. Law enforcement and prosecutors determine if a suspect examination is to be done.

2. Miranda warning **MUST** be issued by law enforcement to patient suspect prior to any medical history being asked or evidence being collected. A law enforcement officer **MUST BE PRESENT** in the room throughout the examination of the patient suspect.
3. Forensic Examination kit should be used by the SANE/FNE and consent must be obtained. If the suspect **DOES NOT** consent, a search warrant **SIGNED BY A JUDGE** must be obtained and presented to the SANE/FNE. A consenting patient suspect can withdraw his/her consent to the examination at any time. If consent is withdrawn or refused, a search warrant **SIGNED BY A JUDGE** must be obtained by law enforcement as stated above. If previously obtained consent is withdrawn after evidence collection has occurred, the law enforcement officer will be required to obtain a search warrant or the exam/evidence collection will be terminated. Other reasons for the exam/evidence collection to be terminated:
 - a. If the suspect becomes uncooperative or combative during the examination, the SANE/FNE will stop the examination and law enforcement will intervene as jurisdictional policy and procedure dictate.
 - b. If the nurse does not feel safe, the SANE/FNE may choose not to participate in the suspect exam.
4. Patient Suspect examination will consist of the following:
 - a. A summary of the need for evidence collection will be provided to the SANE/FNE by law enforcement. This will be considered the “assault history” .
 - b. Initial assessment of the patient suspect will include vital signs, height/weight, any physical complaint, medical/surgical history, allergies, and current medications. No other questions will be asked by the SANE/FNE.
 - c. A Head-to-toe assessment will be focused on identification of possible evidence and its collection, documentation of any injury found and any other relevant physical finding(s). Any utterances or spontaneous statements of the patient suspect may be documented by the SANE/FNE in quotes in the chart. The patient suspect will be referred to the ED physician or PCP if any condition is identified during the SANE/FNE suspect examination which requires assessment or intervention beyond SANE/FNE scope of practice.

- d. Evidence collection may include but is not limited to swabs of various parts of the body including the fingernails and genital area, collection of any dried secretions or debris found on the body, body hair, the DNA standard, clothing, blood and/or urine and photographs indicating injury and /or identifying marks on the body. If a search warrant is in place, only the items on the search warrant will be collected.
- e. STI testing will be completed if requested by law enforcement by consent of patient suspect or demand of a search warrant.
- f. Ideally, the same SANE/FNE and the same room will not be used for the examination of the victim and suspect. If this is not possible, measures taken to prevent cross-contamination will be documented.
- g. Evidence collected will be released to the law enforcement agency requesting the suspect examination.
- h. The law enforcement agency requesting the examination/evidence collection of the suspect will assume the cost of forensic services.

Suspect kits are NOT logged in the State of Ohio Kit Tracking system.

Approved by:

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Review/Revision Completed by:

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