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ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2024-02

TO: All Law Enforcement Chief Executives and County Prosecutors

FROM: Matthew J. Platkin, Attorney General

DATE: April 17, 2024

SUBJECT: **Expanding the Timeframe for Multidisciplinary Response to Victims of Sexual Assault**

New Jersey has stood at the forefront of providing services to adolescent and adult victims of sexual violence. As an early adopter of the Sexual Assault Nurse Examiner (SANE) and Sexual Assault Response Team (SART) models of care, in 1997, New Jersey launched pilot programs in several counties providing sexual assault forensic exams to survivors of sexual violence. Due to the overwhelming success of the pilot programs, in 1998, New Jersey was the first state in the nation to legislate the establishment of a SART in every county. This multidisciplinary victim-centered approach ensured every victim in the state was afforded access to coordinated trauma-informed services from the moment the victim reached out for help. Based on scientific limitations existing at the time, the coordinated SART response was initially limited to the first seventy-two hours after an incident of sexual violence had occurred, but was later expanded to five days as forensic and social sciences research supported benefits beyond the acute phase of an assault.

As forensic science capabilities evolve, so must our law enforcement guidance. Expanding the SART standard activation and response time further is well supported by research and will provide more victims of sexual violence with an opportunity to access available services. Forensic nurses, sexual violence response advocates, and specially trained law enforcement professionals can better serve victims by utilizing a trauma-informed and victim-centered approach even in situations where the victim has delayed disclosure seven or more days after the incident.

Depending upon several factors related to the nature and extent of the trauma, injuries to skin surfaces including lacerations and bruises may still be visible upon assessment by a forensic nurse well beyond the current five-day limit for forensic medical examinations.^{1,2} Further,

¹ Katherine N. Scafide, et al., *Detection of Inflicted Bruises by Alternate Light: Results of a Randomized Controlled Trial*, 65 J. FORENSIC SCI. 1191, 1194–95 (2020).

² Jhonatan Tirado & David Mauricio, *Bruise Dating Using Deep Learning*, 66 J. FORENSIC SCI. 336, 343–45 (2021).

extending the forensic examination time frame to seven days for the collection of biological samples for potential DNA analysis is supported by national protocol and best practices.^{3,4}

The scientific literature supports conducting a physical examination for identification of injuries and collection of specimens for DNA analysis beyond the five-day timeframe currently in effect in New Jersey. As early as 2008, forensic scientists reported the ability to successfully test post-coital samples using a Y-STR method specifically for the identification of male donor DNA in small or mixed samples.⁵ By 2012, multiple sources validated the ability to produce male DNA profiles from post-coital vaginal samples recovered up to nine days after an incident under certain conditions.^{6,7}

Offering victims who delay disclosure of sexual violence the opportunity to meet with a forensic nurse examiner and a sexual violence response advocate may improve outcomes for these victims regardless of their decision to report the incident to police.^{8,9} If the victim later chooses to pursue police investigation of the incident, well-prepared medical documents, appropriately stored specimens, and photographic images of the examination, will likely improve the potential for successful outcomes of investigation and prosecution.¹⁰

Therefore, pursuant to the authority granted to me under the New Jersey Constitution and the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 to -117, which provides for the general supervision of criminal justice by the Attorney General as chief law-enforcement officer of the State in order to secure the benefits of a uniform and efficient enforcement of the criminal law and

³ OFF. ON VIOLENCE AGAINST WOMEN, U.S. DEP'T OF JUST., A NATIONAL PROTOCOL FOR SEXUAL ASSAULT MEDICAL FORENSIC EXAMINATIONS: ADULTS/ADOLESCENTS 8 (2013), <https://www.ojp.gov/pdffiles1/ovw/228119.pdf>.

⁴ SEXUAL ASSAULT FORENSIC EVIDENCE REPORTING (SAFER) WORKING GRP., NAT'L INST. OF JUST., NATIONAL BEST PRACTICES FOR SEXUAL ASSAULT KITS: A MULTIDISCIPLINARY APPROACH 17 (2017), <https://www.ojp.gov/pdffiles1/nij/250384.pdf>.

⁵ Kathleen A. Mayntz-Press, et al., *Y-STR Profiling in Extended Interval (≥3 Days) Postcoital Cervicovaginal Samples*, 53 J. FORENSIC SCI. 342, 344 (2008).

⁶ JACK BALLANTYNE, ET AL., IMPROVED DETECTION OF MALE DNA IN POST-COITAL SAMPLES 66–68 (2012), <https://www.ojp.gov/pdffiles1/nij/grants/241298.pdf>.

⁷ JACK BALLANTYNE, DNA PROFILING OF SEMEN DONOR IN EXTENDED INTERVAL POST-COITAL SAMPLES 55 (2012), <https://www.ojp.gov/pdffiles1/nij/grants/241299.pdf>.

⁸ Jane Lomax & Jane Meyrick, *Systematic Review: Effectiveness of Psychosocial Interventions on Wellbeing Outcomes for Adolescent or Adult Victim/Survivors of Recent Rape or Sexual Assault*, 27 J. HEALTH PSYCH. 305 (2020).

⁹ Rebecca Campbell, et al., *The Effectiveness of Sexual Assault Nurse Examiner (SANE) Programs: A Review of Psychological, Medical, Legal, and Community Outcomes*, 6 TRAUMA, VIOLENCE, & ABUSE 313, 318 (2005).

¹⁰ Thaddeus Schmitt, et al., *Qualitative Analysis of Prosecutors' Perspectives on Sexual Assault Nurse Examiners and the Criminal Justice Response to Sexual Assault*, 13 J. FORENSIC NURSING 62 (2017).

the administration of criminal justice throughout the State, I hereby direct all law enforcement and prosecuting agencies operating under the authority of the laws of the State of New Jersey to implement and comply with the directives outlined below.

In accordance with current medical forensic research and technology, the standard SART activation period will be expanded to seven days from when the incident is reported to have occurred. In situations where the victim seeks assistance beyond the seventh day but reports continued pain, presence of visible injury, or other extenuating circumstances, the forensic nurse examiner should be consulted to determine the benefit of a sexual assault forensic medical exam up to nine days post assault. In such cases, the sexual assault forensic exam should be conducted.

Other Provisions

1. **Supersession.** This Directive supersedes any provisions in prior guidance contrary to those found herein.
2. **Non-enforceability by third parties.** This Directive is issued pursuant to the Attorney General's authority to ensure the uniform and efficient enforcement of the laws and administration of criminal justice throughout the State. Nothing in this Directive shall be construed in any way to create any substantive right that may be enforced by any third party.
3. **Severability.** The provisions of this Directive shall be severable. If any phrase, clause, sentence or provision of this Directive is declared by a court of competent jurisdiction to be invalid, the validity of the remainder of the Directive shall not be affected.
4. **Questions.** Any questions concerning the interpretation or implementation of this Directive shall be addressed to the Director of the Division of Criminal Justice, or their designee.
5. **Effective date.** This Directive shall take effect immediately and shall remain in force and effect unless and until it is repealed, amended, or superseded by Order of the Attorney General.



Matthew J. Platkin
Attorney General

ATTEST:



Lyndsay V. Ruotolo
First Assistant Attorney General
Dated: April 17, 2024