
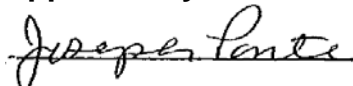


POLICY TITLE: FORENSIC INFORMATION OR EVIDENCE		PAGE <u>1</u> OF <u>3</u>
POLICY NUMBER: 18.18		
CHAPTER 18: HEALTH CARE SERVICES		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VII
	EFFECTIVE DATE: August 15, 2003	LATEST REVISION: November 8, 2013

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

All Departmental Adult Facilities

III. POLICY

Facility health care staff shall not participate in the collection of information or evidence for forensic purposes.

IV. CONTENTS

Procedure A: Collection of Information or Evidence for Forensic Purposes
 Procedure B: Prohibited Procedures

V. ATTACHMENTS

None

VI. PROCEDURES

Procedure A: Collection of Information or Evidence for Forensic Purposes

1. Each facility shall establish practices for ensuring that appropriately trained individuals, other than facility health care staff, are available for the timely collection of information and evidence for forensic purposes.

Procedure B: Prohibited Procedures

1. Facility health care staff are prohibited from ordering or participating in the following procedures:
 - a. Body cavity searches,
 - b. Collection of DNA specimens,
 - c. Collection of blood, urine, saliva, or other biological specimens for a disciplinary or other administrative purpose,
 - d. Collection of blood, urine, saliva, or other biological specimens ordered by a court or for the purpose of use in court proceedings,
 - e. Collection of blood or other biological specimens for HIV, hepatitis, or other communicable disease testing pursuant to a court order,
 - f. Testing for the potential of sexually transmitted diseases or pregnancy for the purpose of confirming or disproving allegations of sexual misconduct,
 - g. Psychological evaluations, testing, physical examinations, or collection of information or evidence for the purpose of confirming or disproving allegations of sexual misconduct,
 - h. Psychological evaluations, testing, physical examinations, or collection of information or evidence for a disciplinary or other administrative purpose,
 - i. Psychological evaluations, testing, physical examinations, or collection of information or evidence ordered by a court or for the purpose of use in court proceedings.
2. Nothing in this policy prohibits facility health care staff from engaging in practices directly related to the provision of prisoner health care.

VII. PROFESSIONAL STANDARDS

ACA:

ACI - 4-4406 Victims of sexual assault are referred under appropriate security provisions to a community facility for treatment and gathering of evidence, or if these procedures are performed in-house, the following guidelines are used:

- A history is taken by health care professionals who conduct an examination to document the extent of physical injury and to determine if referral to another medical facility is indicated. With the victim's consent,

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the examination includes the collection of evidence from the victim, using a kit approved by the appropriate authority.

- Provision is made for testing of sexually transmitted diseases (for example, HIV, gonorrhea, hepatitis, and other diseases) and counseling, as appropriate.
- Prophylactic treatment and follow-up for sexually transmitted diseases are offered to all victims, as appropriate.
- Following the physical examination, there is availability of an evaluation by a mental health professional to assess the need for crisis intervention counseling and long-term follow-up.
- A report is made to the facility or program administrator or designee to assure separation of the victim from his or her assailant.

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