

What is anonymous reporting?

The term anonymous reporting, also known as “Jane Doe” reporting, refers to cases in which a forensic medical examination is conducted, evidence is collected, and medical treatment is provided for a sexual assault victim who does not report the crime to law enforcement.

Why do anonymous reporting?

Some victims who want and need medical treatment after an assault may not be able to or may be unsure of whether they want to participate in a criminal investigation. There are many reasons and combinations of reasons why victims may not want to report to law enforcement. Some victims will not report to law enforcement because of shame or embarrassment. Many victims also fear retaliation or being blamed for the assault or that they will not be believed. There are also victims who do not want to get the perpetrator in trouble because they are a family member or current or former intimate partner. Some victims may lack trust in – or have had a prior bad experience with – law enforcement or the criminal justice system.

Are jurisdictions required to provide anonymous reporting?

There is no federal requirement to provide for anonymous reporting, however, to encourage victims to obtain medical treatment and to enable forensic evidence collection, the 2005 amendments to the Violence Against Women Act require that jurisdictions receiving VAWA funding make sexual assault forensic examinations available to sexual assault victims regardless of whether they choose to report to law enforcement or cooperate with a law enforcement investigation. 42 U.S.C. § 3796gg-4(d). Justice system professionals should check with their own laws and policies to determine what is allowed and required in their particular jurisdiction.

How does anonymous reporting work? Who stores the kit? How long is the kit stored?

Victims of sexual assault can seek treatment by a sexual assault nurse examiner (SANE) or other qualified medical professional. Those professionals can conduct an examination, collecting evidence using a sexual assault forensic evidence collection kit. In jurisdictions that permit victims to have evidence collected anonymously, that kit is then either stored with the hospital, law enforcement agency, or crime lab without identifying the victim. Those kits are sometimes referred to as “unreported” kits. Some jurisdictions assign tracking numbers to the kits to facilitate later identification if the victim decides to report to law enforcement. Check with your jurisdiction as to the storage protocols for unreported kits; there should be guidance as to who stores them and how long they should be kept. At the expiration of the designated period of time for a victim to decide whether to file a report, either a medical professional or advocate may be required to contact the victim to see if he/she wants to file a police report. If not, refer to your jurisdiction’s protocols for how and if the unreported kit can be destroyed.

What happens to the kit when a victim does not ever want to report to law enforcement?

The answer to this question will be jurisdiction specific so it is important to be familiar with applicable laws, regulations and protocols. However, the ultimate question remains the same: How do justice system professionals balance victim privacy with their duties and responsibilities to maintain and improve community safety? In some jurisdictions, justice system professionals have advocated protocols that would test all kits regardless of whether victims want to file a police report because they know that many sexual offenders will rape again and don’t want them to escape accountability. But testing kits when the victim chooses not to go forward can have tremendous privacy implications for victims and can create practical difficulties for laboratory analysts who might need detailed information about the crime in order to effectively analyze evidence. Protocols must be developed that balance victim privacy and community and victim safety. If protocols permit that a kit may be tested even if the victim never reports to law enforcement, that possibility must be explained when the victim is asked to give consent for evidence collection during a forensic medical examination.

For additional information visit DNA Resource Center, NAT’L CENTER FOR VICTIMS OF CRIME, <http://www.victimsofcrime.org/our-programs/dna-resource-center> and Forensic Compliance Resources: Anonymous Reporting, END VIOLENCE AGAINST WOMEN INT’L, <http://www.evawintl.org/PAGEID9/Forensic-Compliance/Resources/Anonymous-Reporting>