



Forensic Procedures for protected persons

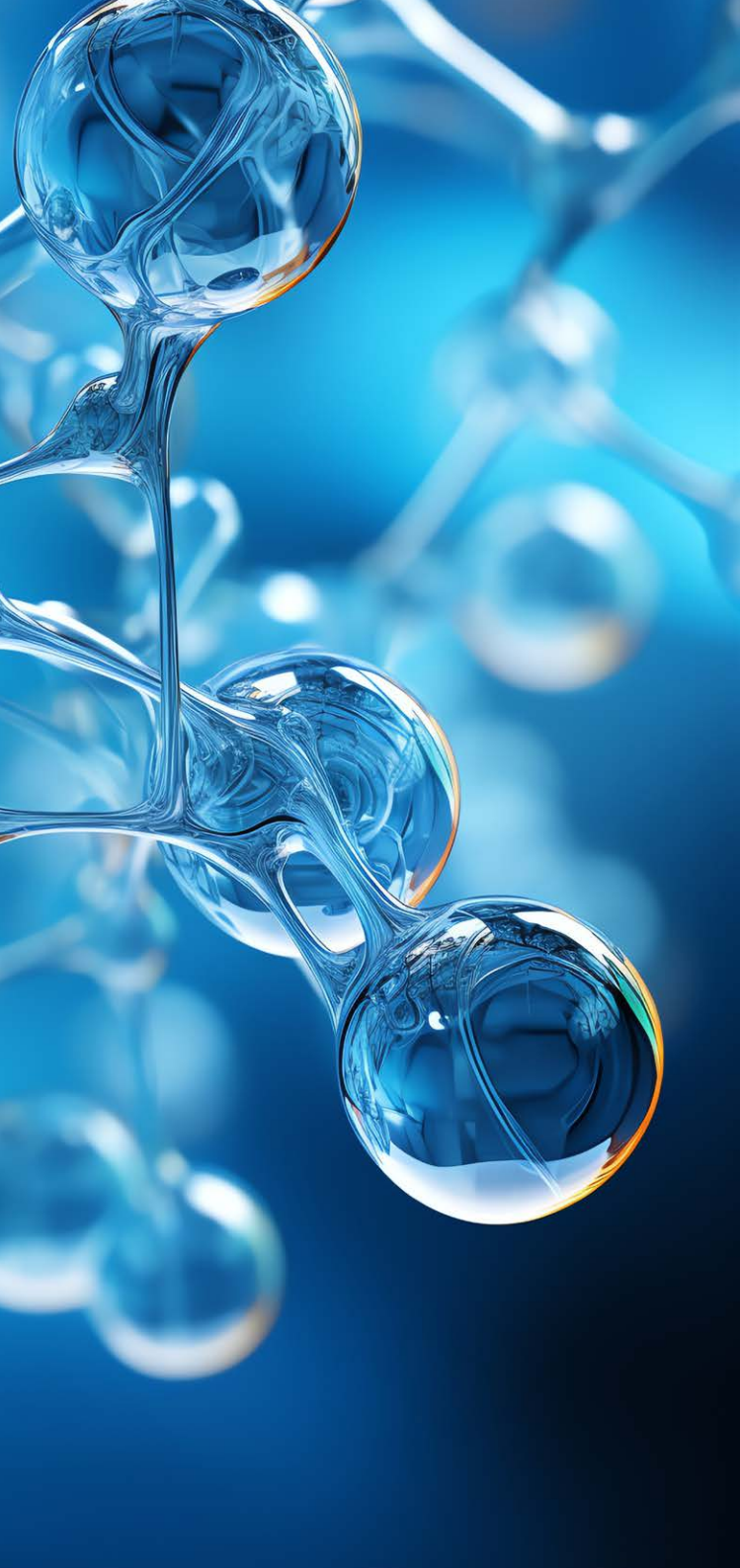
Information for victims or volunteers



Government of South Australia
Victims of Crime SA

Contents

Introduction	1
Who is a protected person?	1
Giving consent	2
Does a forensic sample have to be taken?	4
Can I change my mind?	4
What will happen in the procedure?	6
Can someone be there for the procedure?	8
Can my doctor be there?	9
Can I have my forensic sample destroyed?	10



Introduction

A forensic procedure is an examination of a person's body. It includes taking swabs from the skin, genitals and anus, as well as urine, blood or hair samples.

It can also include documenting and photographing any injuries.

Forensic procedures can help police with criminal investigations.

Why have police asked for a forensic sample?

Contact between people often leaves behind fingerprints, hair, skin cells, body fluid or clothing fibres. Taking forensic samples can help police with a criminal investigation.

Who is a protected person?

A protected person is either:

- > a child (under the age of 16)
- > a person physically or mentally incapable of understanding the forensic procedure.

Consent for a forensic procedure must be given on behalf of a protected person.

Giving consent

If you are the closest available next of kin or legal guardian, you may be asked to provide consent for a forensic procedure.

Different people can provide consent depending on the age of the protected person.

Protected person is a child

If the protected person is a child, consent can be given by:

01

→ **A parent**

02

→ **A sibling over the age of 18**

03

→ **A legal guardian**

Protected person is an adult

If the protected person is an adult, consent can be given by:

01

→ **The spouse or domestic partner**

02

→ **A son or daughter**

03

→ **A parent**

04

→ **A brother or sister (if these persons are not protected persons themselves).**

If none of these are available or appropriate, a Senior Police Officer (above the rank of inspector) can give written consent.

Does a forensic sample have to be taken?

No, it is optional. As a victim or volunteer, a protected person does not have to give a sample.

Can I change my mind?

Yes. If you consent to a forensic procedure, either you or the protected person can decide not to proceed at any time before or during the procedure. Just ask the person conducting the forensic procedure to stop the procedure.

If a protected person communicates that they do not consent to a forensic procedure that has been explained to them or shows behaviour that indicates a lack of consent, the procedure will not proceed.



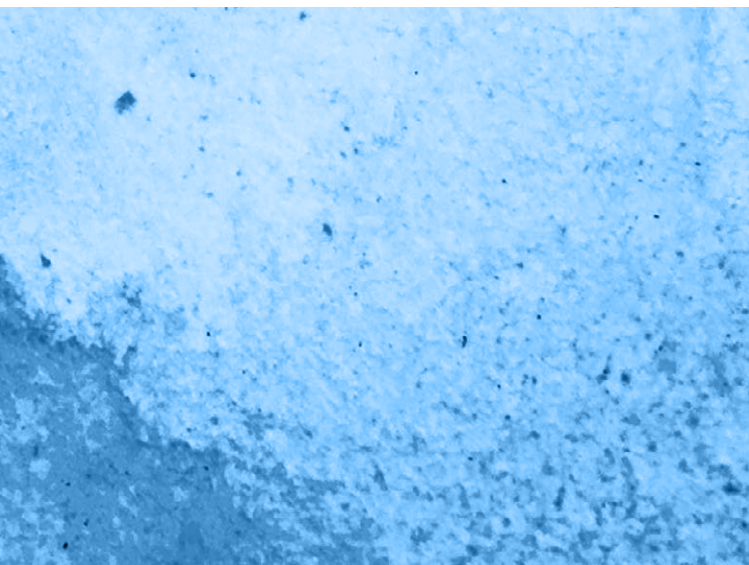
What will happen in the procedure?

A forensic procedure must be conducted in a way that is consistent with appropriate medical professional standards, minimises any physical harm or embarrassment to the protected person, and avoids offending cultural or religious beliefs.

The number of people present will be kept to a minimum.

Where possible, a forensic procedure will be carried out by someone of the same gender (unless otherwise requested, or when involving a young child) if it involves the:

- > genital or anal area
- > buttocks
- > breasts.



Sexual assault cases

In a sexual assault case, the protected person may be asked to have a forensic medical examination which includes collecting DNA swabs. It may also be necessary to collect a DNA sample from recent consensual sexual partners (if any) to rule them out as the source of DNA found during the forensic procedure.

You can also request a recording to be made of the procedure. If you request this, there may be an additional person in the room during the procedure. The recording would be securely stored and may be transferred to police with the forensic samples and photographs. It could also be used as evidence and shown to people in court during a criminal trial.

Can someone be there for the procedure?

A protected person must have an appropriate representative there to witness any forensic procedure. This person must maintain confidentiality about the forensic procedure.

The appropriate representative can be:

- > a relative or friend chosen by the protected person
- > a health professional including a nurse or social worker provided by the sexual assault service
- > a second doctor
- > an advocate.

Interpreters can help a protected person during a forensic procedure, either in person or over the phone depending on the location. This is a free service.

Can my doctor be there?

You can ask for a doctor of your choice be there. The doctor can witness the procedure but is not allowed to take part or obstruct the procedure.

Whoever is financially responsible for the protected person's medical care will have to pay any fees charged by the witnessing doctor.



Can I have my forensic sample destroyed?

Under section 39 of the *Criminal Law (Forensic Procedures) Act 2007*, you can ask the police to destroy relevant forensic material at any time.

Legal guardians must request forensic samples be destroyed on behalf of a protected person.

You must be given information explaining your right to request forensic material collected from the protected person is destroyed.

If a child or young person has since reached the age of 16, they can request their forensic sample be destroyed at any time. This includes fingerprints or DNA provided as a victim or volunteer.

You need to make a request in writing,
addressed to:

**Attention: Officer in Charge
Forensic Services Branch
Commissioner of Police
GPO Box 1539
ADELAIDE SA 5001**

You can also write via email, addressed to:

**Officer in Charge
Forensic Services Branch
[SAPOLDNAManagementUnit@police.
sa.gov.au](mailto:SAPOLDNAManagementUnit@police.sa.gov.au)**

Police must then either destroy the sample within 21 days or apply for an order to keep it. If police wish to keep the sample, you will have a chance to be heard before a decision is made by a senior police officer.



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