

Case Scenarios on Ethics
National Sexual Violence Resource Center

- The prosecutor is involved with the SART. A detective calls and asks the prosecutor whether charges should be filed in a case the SART is handling. Can the prosecutor give the detective advice about whether or not to file charges?
- The prosecutor has just received a police report. The prosecutor believes that there is probable cause that the rape occurred but the prosecutor is not convinced that the local jury pool will convict the defendant. What should the prosecutor do? How much input should the victim have in charging decisions?
- In a spousal rape case, the victim meets with the detective and recants her original report of the rape. All of the evidence in the case supports the victim's initial version of events, not the recantation. What should the prosecutor do?
- The defense has filed a generic motion asking for the following: (a) The victim's counseling records, including all psychological and psychiatric records and (b) copies of the photos of all injuries, including the vaginal injuries. Assuming these records are in the prosecutor's possession, what should the prosecutor do? What if the records are not in the prosecutor's possession? What should the prosecutor do?
- The defense attorney has subpoenaed the local community-based rape crisis advocate as a witness. The defense alleges that the victim told the advocate a different version of events than she told the police officer. What, if anything, should the prosecutor do?
- During a SART case review, the victim advocate realizes the victim mentioned that she put a crucial piece of evidence in the hamper. The victim is cooperating with law enforcement, and the advocate realizes the evidence may not have been laundered yet. Should the advocate give law enforcement the information even though a confidentiality waiver was not signed by the victim? Is there ever a time when advocates can assume what a victim may want?
- During a review of a sexual assault case, conflicting opinions are shared by team members as to the circumstances of the assault. The prosecutor handling the case is not in attendance. Should someone on your team inform the prosecutor of the information, some of which may by law need to be shared with the defense (exculpatory)?
- A victim is terrified of the attacker but law enforcement knows the suspect is dangerous and wants the assailant apprehended. The victim declines the forensic exam after being transported to the hospital for fear his/her recreational drug use will be detected. Should law enforcement assure the victim that he/she has nothing to worry about? Should law enforcement threaten the victim with consequences of not reporting?

- A sexual assault victim presents at the hospital emergency department. The hospital will not contact a victim advocate based on its interpretation of HIPAA regulations. Prior to HIPAA, advocates were dispatched at the same time as sexual assault forensic examiners. Should SARTs establish guidelines among themselves that override the hospital and continue to dispatch advocates with examiners?
- A landlord hired a convicted sex offender who raped a tenant. During a case review, it becomes clear that the landlord had a duty to warn the victim about a foreseeable risk. Should the SART notify the victim of the tort liability when the civil case could have an impact on the criminal case?
- During a forensic exam, the reporting officer contacts the sex crimes supervisor. The supervisor arrives at the exam site and orders the victim advocate to retrieve the victim's purse. The suspect told law enforcement that the victim was carrying drugs. Does law enforcement have the right to retrieve the purse without the victim's consent based on the suspect's allegations? Does law enforcement have the right to order an advocate to retrieve the purse?
- You live in a very small county. The press would like to write a story to promote safety and has asked your team to share general findings. You are concerned that everyone in your community would know which sexual assault cases are being referenced. Should SART members provide the press with general information?
- A victim is interviewed during a detective interview with the assistance of an interpreter. A bilingual advocate is also at the interview and realizes the interpreter has not translated correctly. What should the advocate do?
- A victim confides to an advocate that there was a witness to the sexual assault but does not want to tell law enforcement because the witness is undocumented. What should the advocate do?