

	State of Indiana Indiana Department of Correction Division of Youth Services	Effective Date	Page 1 of	Number
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<b>HEALTH CARE SERVICES</b> <b>DIRECTIVE-YOUTH SERVICES</b> <b>Manual of Policies and Procedures</b>				

Title <b>FORENSIC INFORMATION</b>
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Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 11-8-2-5	01-02-101	ACA Standards

I. PURPOSE:

This Health Care Services Directive (HCSD) describes Department practices regarding collection of forensic information. Health Services personnel are prohibited from participating in the collection of forensic information. Health Service personnel shall avoid participating in collection of information or evidence that is subsequently used in adversarial proceedings.

II. DEFINITIONS:

For the purposes of this HCSD, the following definitions are provided:

- A. **ADVERSARIAL PROCEEDING:** A determination or process that can result in subsequent abridgment of liberty rights or loss of privileges.
- B. **BODY CAVITY SEARCH:** A search of a youth's oral, anal, and/or vaginal cavities, which is performed manually, and/or with instruments, and only by a licensed physician.
- C. **FORENSIC EVALUATION:** An evaluation carried out for the purpose of generating information to be used in an adversarial determination, such as collecting blood or urine specimens for non-clinical drug analysis.

III. GUIDELINES:

- A. Sexual Assault

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In the event of a sexual assault, information obtained shall be provided to appropriate authorities and may be used for subsequent prosecution or misconduct hearing. Youth being treated for sexual assault must be informed of this.

**B. Information Relating to Escape, Assault, or Other Clear Threat to Facility Security**

In the event that an employee learns of a planned escape, assault (whether on staff, youth, or other person), or other security threat, the employee must inform the appropriate authorities of the plan. Youth must be informed of this limitation on confidentiality. Ongoing security threats shall be reported immediately.

**C. Information Relating to Abuse of an Individual Under 18 Years Old (other than an emancipated minor) shall be reported to the authorities immediately.**

If an employee learns of abuse of a minor (not an emancipated minor) past, present, or planned, appropriate protective authorities must be informed. Youths must be informed of this limitation on confidentiality.

**D. Dangerous objects noted or found inadvertently during clinical examinations shall be turned over to appropriate authorities. This may result in loss of privileges or liberty. Youths must be informed of this limitation on confidentiality.**

**E. Psychological evaluations for the purpose of determining competency to stand trial or similar purposes shall not be performed by Health Services staff employed at Department facilities. Information regarding mental status that may be helpful to other staff in understanding events that may have occurred may be shared by Health Services staff.**

**F. Court ordered laboratory tests or similar court ordered examinations shall be performed with the consent of the guardian. If the guardian consents, but the youth refuses to cooperate, the CMO and Executive Director of Youth Services shall be informed and provide consultation regarding how to proceed.**

**G. Samples for DNA determination for forensic databases may be obtained by Health Services staff if there is no therapeutic relationship between the Health Services staff member and the youth and the youth is willing to provide it. These conditions are met (for example) when the Health Services employee involved is a phlebotomist who has no pre-existing relationship with the youth.**

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H. Body cavity searches shall not be conducted by the facility’s Health Services staff. Body cavity searches shall be conducted in accordance with Policy and Administrative Procedure 02-03-101, “Searches.”

IV. APPLICABILITY:

This HCSD is applicable to all facilities providing Health Services to youth.

signature on file

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Kristen Dauss, MD  
Chief Medical Officer

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Date