



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
THE CAPITOL
ALBANY, NEW YORK 12224

ELIOT SPITZER
Attorney General

(518) 474-7330

February 2, 2005

Diane M. Stuart, Director
Office on Violence Against Women
Department of Justice
810 Seventh Street, NW
Washington, DC 20531

Re: National Protocol for Sexual Assault Medical Forensic Examination

Dear Ms. Stuart:

Our respective offices write to urge you to amend the National Protocol for Sexual Assault Medical Forensic Examination ("Protocol") to include important and basic information that is currently absent from what is otherwise a comprehensive document. While it is commendable that the Office of Violence Against Women has issued this very important Protocol, the document omits any reference to providing information about pregnancy prophylaxis (or "emergency contraception") or making it available. In our respective states, state law mandates that hospitals offer emergency contraception to victims of sexual assault. This requirement is driven, in part, by the recognition that unintended pregnancy as a result of sexual assault aggravates its trauma and the victim's experience of violation.

Our state laws are also motivated by emergency contraception's proven effectiveness in preventing a pregnancy from taking place. Reports estimate that approximately 25,000 women each year become pregnant as a result of rape. When used as directed, emergency contraception has been shown to reduce the chance of becoming pregnant by up to 89%. The window of time within which the medication is effective is brief, however, and argues in favor of it being dispensed when the victim presents at an emergency room. The Protocol should explicitly recommend that treatment of victims include counseling on and offering of emergency contraception.

Unlike the states we represent, a number of states provide hospitals with no clear guidelines on the treatment of victims of sexual assault. Given that hospitals across the country will look to the Protocol as a national standard of care, it is critical that the Protocol include information about the provision of emergency contraception to sexual assault victims, as well as make clear that these victims have a right to be offered such basic care.

We urge you to revise the Protocol so as to ensure that hospitals across the country will

provide sexual assault victims with the care they need.

Very truly yours,



ELIOT SPITZER
Attorney General of the
State of New York



BILL LOCKYER
Attorney General of the
State of California



LISA MADIGAN
Attorney General of the
State of Illinois



PATRICIA A. MADRID
Attorney General of the
State of New Mexico