



Materials for Prosecutors in Criminal Proceedings

The clinician and/or medical institution may have previously provided materials to law enforcement based upon the victim-patient's waiver of confidentiality and consent to release medical records or via a lawfully-executed subpoena or court order. Nonetheless, it is good practice for the clinician to ensure that the prosecutor has a copy of the records related to the medical forensic care of the victim-patient (including the clinician's report and any related TeleSAFE documentation, if applicable). The clinician should also provide a copy of the clinician's resume or curriculum vitae.

Even if the prosecutor or law enforcement did not request certain materials, the clinician should notify the prosecutor of the existence of all materials in the clinician's possession, including any handwritten materials and photographs that are not included in the patient's formal medical records.

Some medical facilities may maintain sensitive photographs separately from the patient's formal medical records. Clinicians should be aware of and follow any such procedures/protocols regarding maintaining those photographs and the victim's privacy. Clinicians should nonetheless tell the prosecutor that such photographs exist.



Note about medical records generally: Because medical facilities have policies and procedures in place to protect patient privacy based on HIPAA and other relevant regulations, clinicians should consult with their supervisor and appropriate personnel to ensure that they comply with policies and procedures before providing materials to the attorney who has subpoenaed them.