

# LB 43: SEXUAL ASSAULT SURVIVORS' BILL OF RIGHTS

**LB 43 will create a safe and supportive environment for survivors to come forward to seek care and justice following their sexual assault.**

When survivors of sexual assault feel safe and supported throughout their interaction with medical and legal processes, they are more likely to report their assaults, and we, as a state, are more likely to hold perpetrators accountable, achieve safety for our communities, and justice for survivors.

**LB 43 will ensure the estimated 150,000 Nebraskan women<sup>i</sup> who will be sexually assaulted in their lifetimes have access to the basic rights they deserve, as victims of violent crimes.**

Individuals in the **U.S.** who will experience **sexual assault**:<sup>ii,iii</sup>



In **Omaha** in 2017,

# 479

**individuals**

18 or older **reported sexual assaults** to law enforcement.<sup>iv</sup>

**The Sexual Assault Survivors' Bill of Rights guarantees rights for survivors of sexual assault during medical care, during interactions with law enforcement, prosecutors and defense attorneys, throughout the processing of evidence, and in court proceedings.**

## Rights for medical care

- A survivor has the right to consult with and have present an advocate during a medical evidentiary or physical examination. Advocates are first responders for sexual assault victims. Their sole responsibility is to provide support to the victim on an ongoing basis and assist them with navigating a complex and sometimes confusing process. They ensure victims know all options available to them and assist them in carrying out the victim's wishes. **(Continued on back)**

## **Rights for medical care (continued)**

- A survivor has the right to health care in accordance with best practices.
- A survivor has the right to a free forensic medical examination.
- A survivor has the right to shower at no cost after the medical evidentiary or physical examination.

## **Rights for interviews or depositions**

- A survivor has the right to have present an advocate during an interview or a deposition by a peace officer, prosecutor or defense attorney.
- A survivor has the right to be interviewed by a peace officer of the gender of the survivor's choosing, if such request can be reasonably accommodated. Recounting the details of a sexual assault can be incredibly retraumatizing. Having options for who they provide this information to can make the difference between a victim feeling supported by and willing to engage with the system or retraumatized.
- A survivor has the right to have an attorney present during all states of interview, deposition, investigation or other interaction with representatives from the legal or criminal justice systems.

## **Rights regarding forensic evidence**

- A survivor has the right to prompt analysis of sexual assault forensic evidence.
- A survivor has a right to contact the investigating law enforcement agency and be provided with information on the status of the processing and analysis of the survivor's sexual assault forensic evidence, if the survivor did not report anonymously.
- A survivor has the right to be informed of the results of analysis of the survivor's sexual assault forensic evidence, whether the analysis yielded a match, either to the named perpetrator or to a suspect already in law enforcement databases.
- A survivor has the right to request a copy of law enforcement reports concerning the sexual assault, once the case has been closed.

## **Rights in court**

- A survivor has the right to be heard through a written impact statement at the sentencing proceeding.
- A survivor has the right to be provided, whenever possible, a secure waiting area that does not require them to be in close proximity to defendants or families and friends of defendants.
- A survivor has the right to receive protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts and to be provided with information as to the level of protection available.

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<sup>i</sup> Estimate based upon RAINN national statistics (see endnote ii) applied to Nebraska population data as provide by the United States Census Data, 2010.

<sup>ii</sup> "Victims of Sexual Violence: Statistics." *Rape Abuse & Incest National Network*, RAINN, 2018.

<sup>iii</sup> Grant, Jaime M., et al. "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey." *National LGBTQ Task Force*, National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.

<sup>iv</sup> "Police Crime Statistics." Omaha Police Department, 2017.