



LB 1246 : Survivor Anonymity in Cases of Sexual Assault and Sex Trafficking

Survivors of sexual assault and sex trafficking should have the right for their identifying information to be confidential.

When identifying information of victims in sexual assault and sex trafficking cases is available to the public immediately after reporting, it leaves victims vulnerable to intimidation, threats or harm from offenders. It can also lead to unwanted contact from media asking for interviews or statements about the victimization.

LB 1246 will prevent the disclosure of identifying information of victims of sexual assault and sex trafficking, which will protect victims from further harm, ensure the integrity of active investigations, and foster an environment where victims can choose to report to law enforcement without having their name and personal information made public.

LB 1246 maintains exceptions to confidentiality when a victim chooses to waive it and for investigative and victim advocacy agencies to share necessary information to fully provide services to victims. **The intent is not to hinder the investigative process or service provision for victims, but to protect victims and the integrity of the processes in place to support them.**

How would LB 1246 protect victims from additional harm?

Fear of retaliation is the most frequent reason provided by victims as to why they did not report sexual violence crimes, according to a report from the Department of Justice.¹

In a report from the Department of Justice, the most frequent reason provided by victims as to why they did not report sexual violence crimes was the fear of retaliation.¹ There have been instances in Nebraska where victims of trafficking have received death threats from their traffickers after reporting to law enforcement. LB 1246 will ensure that confidentiality is maintained from the public in these cases.

How would LB 1246 ensure the integrity of investigations?

Identifying information on public records also leads to unwanted contact from the media. It is not uncommon for victims to have media reaching out to them or showing up at their doorstep less than 24 hours after making a report. This not only impacts the well-being of the victim, but also compromises the integrity of accompanying investigation or resulting prosecution. Sexual assault and sex trafficking are traumatic experiences which can be difficult to recount or discuss, especially immediately after the event.

Continue reading for why it is important that LB 1246 specifically protects survivors of sexual assault and sex trafficking.

LB 1246 aligns with the Women's Fund values of: **Bodily Autonomy, Community Voice and Equity.**
To learn more about our mission, vision and values, visit www.OmahaWomensFund.org.



Why is it important that LB 1246 specifically supports victims of sexual assault and sex trafficking?

More than
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Sexual violence cases, including sex trafficking, are frequently underreported in comparison to cases involving other violent crimes; more than two out of three sexual assaults go unreported to police.² Additionally, students have rated confidentiality concerns as one of the top three barriers to reporting campus sexual assaults.³ **Ensuring confidentiality will help protect victims and foster an environment where the choice to report is trauma informed and less prohibitive.**

The intent of this bill is to make Nebraska safer for victims to come forward—not only to protect themselves but *all* Nebraskans.

Many offenders of sexual assault and sex trafficking are repeat offenders.

About 46 percent of sexual assaults were committed by individuals who admitted to committing assault 10 or more times.⁴

Nearly two-thirds of perpetrators are repeat offenders and account for more than 90% of sexual assaults on college campuses.⁵

Is confidentiality maintained after charges are filed?

A Nebraska Supreme Court ruling already protects victim's information once the case is filed. The Nebraska Courts case management system, JUSTICE, provides for safety of this information from the public. This bill would provide protection of the same information prior to charges being filed.

LB 1246 requires criminal justice agencies, attorneys and victim advocacy agencies to:

- Maintain the confidentiality of the victim who reported sexual assault until criminal charges are filed.

¹ Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Female Victims of Sexual Violence, 1994–2010 (2013). <https://bjs.ojp.gov/content/pub/pdf/fvsv9410.pdf>.

² U.S. Department of Justice, Criminal Victimization, 2019, (September 2020). <https://bjs.ojp.gov/content/pub/pdf/cv19.pdf>.

³ Sable, Marjorie R.; Danis, Fran; Mauzy, Denise L.; Gallagher, Sarah K. Journal of American College Health, 2006. <https://pubmed.ncbi.nlm.nih.gov/17175901/>.

⁴ Foubert JD, Clark-Taylor A, Wall AF. Is Campus Rape Primarily a Serial or One-Time Problem? Evidence From a Multicampus Study. Violence Against Women. 2020;26(3-4):296-311. <https://pubmed.ncbi.nlm.nih.gov/30880639/>.

⁵ Hopper, Jim. Sexual Assault: Repeat Rape by College Men, <https://jimhopper.com/topics/sexual-assault-and-the-brain/repeat-rape-by-college-men/>.