

# 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>

**In 2016, survivors and federal lawmakers worked together to pass the National Sexual Assault Survivors' Bill of Rights Act.**

- Since the majority of sexual assaults are prosecuted at the state level, LB 43 will have a greater impact on survivors in Nebraska.
- 15 other states have passed similar protections for survivors—California, Hawaii, Idaho, Illinois, Maryland, Massachusetts, New Hampshire, New York, North Carolina, Oregon, South Dakota, Utah, Virginia, Vermont and Washington.<sup>v</sup>

**The Sexual Assault Survivors' Bill of Rights guarantees rights for survivors of sexual assault during medical care, during interactions with law enforcement officers, throughout the processing of evidence in their case and in the courtroom.**

## **Rights for medical care**

- A survivor has the right to consult with and have present an advocate of the survivor's choosing 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. **(continued on back)**

## Rights for medical care (continued)

They ensure victims know all options available to them and assist them in carrying out the victim's wishes. For such a personal and traumatic act, victims of sexual assault must have access to someone with whom they can speak with in an open and confidential manner.

- 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.
- A survivor has the right to anonymous reporting. Anonymous reporting ensures that victims can access medical care for a sexual assault and have forensic evidence collected, even if they are not yet willing to talk about the assault or report to law enforcement.

## Rights for interviews or depositions

- A survivor has the right to consult with or have present an advocate of the survivor's choosing 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. A victim may not feel safe being interviewed by someone with certain characteristics, such as gender, that is the same as their attacker. 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 (criminal and civil proceedings)

- A survivor has the right to be reasonably protected from the reported perpetrator and persons acting on behalf of the perpetrator.
- A survivor has the right to be free from intimidation, harassment and abuse. A court shall make reasonable efforts to provide the survivor and the survivor's family members, friends and witnesses with a secure waiting area or room that is separate from the waiting area used by the defendant and the defendant's family members, friends, witnesses and attorneys.
- A survivor has the right to be heard through a victim impact statement at sentencing or any other proceeding where a right of the survivor is at issue.

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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.

<sup>v</sup> Data provided by Rise, as of December 2018.