



**Testimony on H.25 and H. 27
House Committee on Judiciary
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On Behalf of the Sexual Assault Nurse Examiner (SANE) Program**

Good morning and thank you for hearing testimony today regarding House Bills 25 and 27. I am speaking to you today on behalf of Vermont's statewide Sexual Assault Nurse Examiner (SANE) Program.

Since 2008, the SANE Program has been housed at the Vermont Network Against Domestic and Sexual Violence. The SANE program trains, supports and certifies a cadre of highly trained nurses across the state who provide forensic medical care to victims of sexual assault, domestic violence and abuse, and collect evidence in accordance with a standardized evidence kit. There are currently 53 certified SANEs throughout the state of Vermont. Of those nurses, 14 have additional training qualifying them to serve child victims of sexual assault. The vast majority of our SANE nurses are hospital-based emergency room providers. The availability of this specialized care varies drastically across the state. Larger hospitals are able to assure 24 hour on-call coverage of SANE trained nurses, while 4 Vermont hospitals have only one or no SANE-trained nurses.

House bills 25 and 27 address vital and needed protections for victims of sexual assault, and will help ensure that Vermonters who experience abuse have access to the care they need.

H.25 Sexual Assault Survivors' Bill of Rights

H. 25, the Sexual Assault Bill of Rights would ensure that survivors have access to care and treatment at no cost. The estimated cost of paying for this care is far less than the economic impacts of sexual assault for our communities and our state. The cost of sexual violence is well researched and documented. Sexual abuse has a negative impact on children's educational attainment, later job performance and lifelong earnings. In addition, sexual violence impacts victims' ability to work and up to half of sexual violence survivors are forced to leave or quit their jobs as a result of their victimization. Access to trauma-informed care and advocacy can mitigate these impacts.¹

Current Vermont law requires that victims use their health insurance to pay for evidence collection related to sexual assault. To the best of our knowledge, sexual assault victims are the only victims of crime in the state of Vermont who are personally financially responsible for the collection of forensic evidence. This requirement poses a significant barrier to care for many victims. Our member programs have relayed multiple stories of individuals who do not seek medical care for fear of another member of their family on their insurance plan finding out. We heard just yesterday of a victim here in Vermont on a work visa who was so concerned by the prospect of needing to access her employer-provided health insurance for care that she did not seek treatment. This is despite a year-long collaborative effort with the Center for Crime Victim Services and private insurers that resulted in a process to protect patient privacy.

¹ <http://www.nsvrc.org/sites/default/files/CostsConsequencesSV.pdf>



Also critical is the assurance that evidence collected from a sexual assault victim will be tested and preserved. There are significant differences in the ways in which localities transfer evidence to the Vermont Forensic Laboratory, leading to geographic inequities. Communities that are serviced by the Vermont State Police benefit from their best practice-informed directive which ensures that evidence kits are delivered within 72 hours. Although the Criminal Justice Training Council trains to this standard, the reality is that the rest of the state is a patchwork of departmental policies and procedures. This lack of uniform statewide guidance means that some evidence kits take months or years to reach the Vermont Forensic Laboratory.

H. 27 Limitations of Prosecutions for Certain Crimes

Equally important are the provisions in House bill 27, proposing changes to the statute of limitations for sexual assault related crimes. As you will undoubtedly hear from law enforcement professionals, sexual assaults can be some of the most challenging cases to investigate, charge and prosecute. Because there still exists a culture of shame related to sexual assault, and the outcomes of reporting are so varied, many victims choose not to immediately report their crimes to law enforcement. Experiencing a traumatic event such as a sexual assault, has significant impact on the brain and memory and it can take years for sexual assault victims to be ready to engage with the legal system.

To illustrate the need for the proposed changes to the statutes of limitations, I'd like to share two brief stories with you:

- In Vermont all sexual assault evidence kits are tested by our Forensic Laboratory, regardless of whether the crime was reported to law enforcement. If DNA is extracted from the evidence, it is entered into the FBI's DNA database, CODIS. If there is a match, that information is shared with the victim. Ten years ago, one of our SANE nurses performed an exam and evidence collection for a college-aged student. At the time, the individual believed that she had experienced a drug-facilitated sexual assault. The patient knew that something bad had happened to her, but she had no memory of the event itself and decided not to report a crime. Her kit was sent to the forensic lab, where DNA was extracted and entered into the CODIS database. Two years ago, there was a match on the DNA that had been extracted from her kit. Our SANE nurse was able to contact the patient and share this news with her. This information was affirming to the patient, who expressed that this experience had stuck with her during the intervening years even though she had largely moved on with her life, had children and been married. By then, the statute of limitations had passed for this individual to have a choice about whether or not she wanted to pursue a case. However, she expressed her willingness to help another victim who may be reporting a case with the same alleged perpetrator.
- And just last year, I received a call from an individual living in Colorado inquiring about information related to two sexual assaults she had experienced decades ago while living in Vermont. She received treatment for both sexual assaults, but neither had led to charges being filed. For decades, this remained an unresolved issue in her life and over twenty years later she was finally ready to find out more about her cases. By the time I spoke with her, and worked to assist her in finding this information, most records related to her sexual assaults had been destroyed.



Expanding the statute of limitations for sexual assault related crimes would mean that these two individuals would have access to justice and to the official records about a significant event in their lives.

Thank you so much for considering these bills. I am happy to answer any questions that you might have.