



March 30, 2017

To: Senate Committee on Judiciary

From: Sarah Robinson, Special Initiatives, Vermont Network Against Domestic and Sexual Violence

Good morning and thank you for hearing testimony today regarding H. 25 and H. 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 (Gifford, Mt. Ascutney, Springfield and Grace Cottage) have only one or no SANE-trained nurses.

H. 25 and 27 each 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, the Sexual Assault Bill of Rights codifies and standardizes a wide range of protections critical for victims of sexual violence. Sexual Violence is a costly problem for our communities, our state and our nation. There is ample research indicating that 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 Despite this hopeful prospect, only a small percentage of the total number of sexual assault victims seek services or care as a result of their abuse. For those that do seek care, their experience of our healthcare, and criminal legal system have significant impacts on their willingness to participate in the process and access resources as part of their healing. For these reasons and more, it is vitally important that the rights and services of sexual violence survivors be experienced equally across the state.

H. 25 provides assurance that evidence collected from a sexual assault victim will be tested and preserved. Currently, 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 even years to reach the Vermont Forensic Laboratory. In addition, current Vermont law requires that victims use their

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



health insurance to pay for evidence collection related to sexual assault. H. 25 will create a pathway for the small number of sexual assault survivors who have concerns about their safety and confidentiality to have the state cover the cost for their evidence collection.

Equally important are the provisions in H. 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. I want to share a story about this process with you, from a SANE nurse who practices at UVM Medical Center. Ten years ago, this SANE nurse 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, but decided not to report due to lack of memory. Her kit was sent to the forensic lab, where DNA was extracted and entered into the CODIS database. Eight years later, there was a match on the DNA that had been extracted from her kit. Our SANE nurse contacted the patient and shared this news with her. This information was affirming to the patient, who expressed that this experience had stuck with her during the intervening years. 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.
- 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 two decades ago while living in Vermont. She received medical treatment for both sexual assaults, but neither had led to charges being filed. For decades, this remained an unresolved issue in her life and twenty years later she was finally ready to find out more about her cases. In working to assist her in finding information related to her cases, we discovered that 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.