As she’s worked on policies to improve how her state handles sexual assault investigations and helps victims, Nebraska Sen. Kate Bolz has talked to advocacy groups and consulted with experts. But she also has in her mind a constituent, a survivor who approached her after a town-hall meeting.

“She was so young and had been so hurt by her circumstance,” Bolz says, “and she talked about the kind of support and information she needed.”

“Over the past couple of years,” she adds, “we’ve heard a lot from survivors.”

The same likely can be said for legislators across the Midwest, as evidenced by statistics on the prevalence of sexual assault and the burst of activity in state capitols. According to RAINN, the nation’s largest anti-sexual violence organization, someone is sexually assaulted in the United States every 98 seconds. And more than 20 percent of women report having been a victim of rape (either attempted or completed) during their lifetimes, federal data show.

States have explored various ways to improve their policies around sexual assault, and the result has been several new laws that aim to help victims and improve investigations of the crime, particularly through a better handling of sexual assault kits. Here is a look at some of the strategies being proposed and implemented in the Midwest.

Earlier this year, Bolz introduced LB 43, the Sexual Assault Survivors Bill of Rights.

“I think maybe the most important element [in the legislation] is the proactive requirement that people are provided information about their rights — everything from the right to being treated with dignity and respect to the right to participate in the criminal justice process,” she says.

“When you are experiencing a traumatic situation, information that you can trust, about the choices you have, is really important.”

Under LB 43, sexual assault victims would be informed of their rights during initial interactions with nurses, medical examiners or police officers.

Bolz worked with the advocacy group Rise on the legislation. That same group lists South Dakota and Illinois as having passed some version of a Sexual Assault Survivors Bill of Rights in 2018.

Illinois’ SB 3404, for example, spells out the rights of every victim to have an advocate present during a hospital examination; to consent to the collection of DNA evidence; and to shower after a medical exam is complete. (Nebraska’s LB 43 includes these provisions as well.)

Also last year, Illinois legislators adopted new requirements for how sexual assault victims are cared for in the hospital. Under HB 5245, hospital emergency rooms must have a staff member who has received training on how to collect physical evidence, respond to the medical and psychological needs of a survivor, and testify in court. These requirements take effect in three years.

The goal of Illinois’ HB 5245 is two-fold: improve support for victims and government prosecutions of sexual assault
crimes.

By improving supports, too, the state hopes it encourages more victims of sexual assault to report their cases to law enforcement. (Nationally, only about one-third do.) Illinois formed a working group four years ago to explore various “victim-centered” policies, and HB 5245 and SB 3404 are among the results of this group’s work and recommendations.

A third example was the Illinois legislature’s passage three years ago of SB 3096 [5], which requires specialized training on sexual assault for law enforcement, first responders and 911 operators. That same measure also extended the time for survivors to consent to the testing of forensic evidence, for use in sexual assault kits, from 14 days to five years.

**Policies on testing of rape kits**

A sexual assault kit, or rape kit, contains biological evidence collected in the aftermath of a sexual assault. The handling of these kits — by hospitals, law enforcement and crime labs — has been the focus of many states’ new policies on sexual assault. In particular, states have tried to address concerns about a backlog of untested kits, and how this lack of testing prevents crimes from being solved, keeps serial rapists from being caught, and adversely impacts victims.

“There is a big message that you send to survivors [with the handling of those kits], and that message should be, ‘If you get this done, we will do something with it,’ ” says Ilse Knecht, the director of policy and advocacy for the Joyful Heart Foundation.

The foundation has been advocating that states across the country “end the backlog,” through the adoption of “six legislative pillars of comprehensive rape kit reform [6].”

One of those pillars is to conduct a statewide inventory of untested sexual assault kits — a step that most states in the Midwest have taken. In addition, through new laws or voluntary partnerships with law enforcement, many states have taken the next step of trying to clear the backlog. In 2018, for example, Ohio announced that all of its old kits had been tested.

Nine years ago, Illinois became the first in the nation to require a statewide audit of untested rape kits and to require new kits to be tested, though even with this law in place, the Chicago Tribune reported [7] in November on problems with the length of time it takes to process these kits.

Other states in the Midwest with mandates to test new rape kits include Michigan, Ohio and South Dakota. According to Joyful Heart, Michigan [8] requires law enforcement to collect kits from the hospital within 14 days and then send them for testing within 14 days. The lab must then analyze the kits within 90 days, if sufficient resources are available.

That question of “sufficient resources” is a big one in all of the states. Last year in Nebraska, a different version of the Sexual Assault Survivors Bill of Rights would have mandated that all kits be tested, estimated to be about 600 a year.

That would have required the hiring of new forensic scientists, among other new expenses; a fiscal note on this legislation estimated a cost of $1.2 million in the first year and $433,000 in the second. Bolz removed the testing requirement this year from LB 43 to improve the bill’s chances of passing.

The state of Kansas has thus far used a voluntary approach to address its backlog of kits and to prevent future ones. A few years ago, Kansas became the first U.S. state to get 100 percent compliance from local law enforcement on an inventory of all untested sexual assault kits. More than 2,220 such kits were identified, as were four primary causes for the backlog: a lack of 1) training on sexual assault cases, 2) resources among investigative units and labs, 3) policies on how to handle evidence, and 4) societal awareness.

“There are a number of reasons that this problem [of untested kits] occurred over decades,” says Katie Whisman, who leads work on the Sexual Assault Kit Initiative [9] (SAKI) for the Kansas Bureau of Investigation. “To fix the
problem is just as complex.”

Last year, thanks in part to additional resources allocated by the Legislature, Kansas recommended that all new kits be submitted for testing, and that law enforcement and laboratories communicate on a case-by-case basis to decide which kits should be prioritized for processing.

Meanwhile, progress on Kansas' backlog continues: As of the end of October, testing on 993 of the state’s 2,220 kits had been completed.

Knecht agrees that myriad factors led to the nationwide backlog of untested sexual assault kits, but she identifies one overriding cause: “I think the biggest reason it exists is because of a lack of prioritizing sexual violence, not treating it as the violent crime that it is, not understanding the fact that a lot of rapists are serial rapists.”

As of late 2018, she says, three U.S. states (all outside the Midwest) had adopted each of the foundation’s six “pillars of reforms”; many others had implemented some of them.

“We are hopeful and optimistic about the progress that has been made so far,” Knecht adds.

**New law for tracking rape kits**

The Ohio law requiring old and new sexual assault kits to be tested dates back to 2014 ([SB 316](#)). In late 2018, with the passage of [SB 201](#), legislators established a new system that allows each kit to be tracked as it goes through the chain of custody — from collection to testing to storage.

Ohio’s labs, hospitals and law enforcement must participate in this tracking system, which will improve state accountability over how these kits are handled, Ohio Sen. Stephanie Kunze says.

SB 201 stipulates, too, that victims have the ability to anonymously access the statewide tracking system. By using a bar code, an individual will be able to track the location and status of his or her kit.

“If you’ve been a victim of sexual assault or rape, not having an idea of where that kit is in the process can be concerning,” Kunze says. “And it was important to have a way that they could track it privately on their computer, instead of having to call different places, to find out the status.”

In late 2018, Indiana [announced plans](#) to establish a tracking system of its own.

**More CSG Midwest articles on state policies related to sexual assault**

- [State-by-state rundown of recent state laws, proposals from Midwest](#)
- [A look at how states are revisiting laws on statutes of limitations](#)
- [A look at new state approaches to sexual assault prevention on college campuses](#)

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