POSITION: SUPPORT


Our organization is an advocate for reproductive health, rights, and justice. Those who have experienced sexual assault—typically termed ‘survivors’ of sexual assault—deserve opportunities to regain their physical, mental, and emotional wellbeing, as well as retribution and justice against those who have perpetrated harm against them. To achieve true reproductive justice, we must support survivors—those who have had their bodily autonomy, safety, power, and control taken away from them during an assault. Depending on the agency’s ability to holistically support survivors, a survivor’s healing can be bolstered or undermined by various justice procedures. For some, reporting an assault to law enforcement can prevent a situation from escalating further and aid in the investigative process. Among female survivors who reported to law enforcement between 2005 and 2010, 28% were hoping to protect themselves and their household from future crimes by the offender, 25% wanted to stop the incident or prevent escalation, and 21% felt they should report to improve police surveillance of sexual violence. However, reporting to law enforcement does not appear to be a direct solution for all: among female survivors who did not report their assault during this time period, 13% believed the police would not do anything to help and another 20% were afraid of retaliation due to their assault report. Ultimately, survivors who blame themselves for their assaults, feel afraid for their safety, and worry about lack of action being taken must also feel supported if they choose to pursue justice against their perpetrator. Support offered by a variety of resources in a survivor’s community, including support from law enforcement throughout a criminal investigation, is undoubtably essential.

According to a 2000 study, the lifetime prevalence of sexual assault is 39%—meaning that 39% of people will be assaulted over their lifetime. According to estimates by the Rape Abuse and Incest National Network (RAINN), out of every 1000 sexual assaults, 995 perpetrators will not be incarcerated for their crimes. Looking at Figure 1, only 23% of sexual assaults are reported to police. Of those reported,
only 20% will lead to arrest. Thus, 80% of the cases brought to law enforcement agencies do not lead to arrest of a perpetrator, either due to no investigation taking place or unsuccessful attempts at investigation. The 23% of survivors who report to law enforcement must be taken seriously, supported, and listened to by law enforcement agencies.

In 2017, Maryland counties saw 1,773 reported rape cases (Fig. 2).iv Within the statewide landscape of inconsistent crime data, sexual assault is consistently underreported and, thus, under-acknowledged. A January 2020 article in the Carroll County Times found inconsistencies across Maryland rape statistics at the county, state, and national levels, particularly in Prince George’s County.° Despite these inconsistencies, the number of rape cases have generally been consistent or increasing between 2016 and 2017.iv Anne Arundel County, Baltimore City, Baltimore County, Carroll County, Charles County, Frederick County, Harford County, Howard County, Washington County, Wicomico County, and Worcester County all experienced increases in reported rapes. According to the Maryland Coalition Against Sexual Assault, these numbers do not necessarily mean that more sexual assaults have occurred, but could highlight increased levels of reporting these events.iv

In a country where more than 75% of sexual assaults are unreported,ii there must be continued trust in law enforcement to handle the numbers of cases already reported. To highlight capacity to support survivors who report to law enforcement, Maryland law enforcement agencies must clarify their policies and procedures.

A 2015 report by the Michigan Domestic and Sexual Violence Prevention and Treatment Board noted best practices for law enforcement responding to sexual assault. These include not asking a survivor if they wish to pursue prosecution, avoiding subjecting a survivor to a “lengthy or detailed interview, nor...’test[ing]’ for credibility,” and not making judgments about the survivor’s credibility based on their demeanor, narrative, or presence.viii,ix,10 Ultimately, the board noted that “it is neither reasonable nor realistic to expect the victim to be able to make an informed decision about their future involvement in the criminal justice” at an early investigative stage.xi,xii,xiii Similar best practices for law enforcement are reflected by the International Association of Chiefs of Police (IACP). In their 2018 report on sexual assault investigative strategies, the IACP...
proclaimed that “a victim’s reluctance to participate [for various reasons] is neither indicative of a false report nor reason to forego a strong, evidence-based investigation.” SB0807 prevents this very practice from occurring, since the “private right of action” of the victim is central for every agency. The knowledge that perpetrators could be prosecuted often encourages survivors to report their assaults. Increased trust and transparency of investigative and criminal justice processes allows for a survivor a restored sense of control.

Ultimately, law enforcement agencies must treat survivors with dignity, respect, and sensitivity throughout their interactions with the criminal justice system. SB0807 undoubtedly establishes the foundation for tangible support for survivors within law enforcement agencies, and retroactive application will serve to right the wrongs done to survivors who have unknowingly limited their right to action. For these reasons, NARAL Pro-Choice Maryland urges a favorable committee report on SB0807. Thank you for your time and consideration.


6 “Reporting a Rape or Sexual Assault” Annapolis.gov, Maryland Sexual Assault and Rape Prevention Program, accessed March 3, 2020, https://www.annapolis.gov/669/Reporting-a-Rape-or-Sexual-Assault


