

**December 9, 2014, U.S. Senator Kirsten Gillibrand Prepared Remarks:
Senate Judiciary Subcommittee on Crime and Terrorism Hearing on “Campus
Sexual Assault: the Roles and Responsibilities of Law Enforcement”**

Senator Whitehouse, thank you for chairing this hearing today to examine the role and responsibility of law enforcement in combating the scourge of sexual violence on our college campuses.

The fact, that according to one study, nearly one in five women in college will be victims of sexual assault or attempted assault during their undergraduate careers should shake the conscience of all of us, and it demands our action. Too many young women’s lives are being changed forever for us to accept the status quo.

Earlier this Congress, Senator McCaskill and I, along with a bipartisan coalition of 10 Senators ranging the political ideological spectrum introduced the Campus Accountability and Safety Act – a bill that would finally hold colleges and universities accountable for facing this problem head-on, aggressively, with the goal of making safety on our campuses a reality for America’s students, and not an empty promise. This bill was the result of exhaustive efforts listening to survivors and examining the shortcomings in the current college and university system.

I want to thank both Chairman Whitehouse and Ranking Member Graham for their leadership on this issue and for their support of the Campus Accountability and Safety Act.

Clearly, we in Congress must look at how law enforcement must improve and be part of the solution. First, in our comprehensive bill, we require every college and university in the country to have a memorandum of understanding with local enforcement. It is shocking that this requirement does not already exist.

In these types of crime, where physical evidence is crucial, time is precious, and we cannot tolerate hours or days or weeks of delay while jurisdictional arguments are being made.

This is an area where Congress can act by passing this important legislation that will also serve to flip the current incentives for colleges and universities that would rather sweep these reports under the rug.

Second, our ultimate goal should be that 100 percent of survivors of campus assault feel comfortable and confident reporting to law enforcement so that alleged assailants are legally held accountable through due process. This is a long-term goal that we must strive for.

But, time and again, I have heard from far too many survivors of campus sexual assault that they have felt re-victimized by the process of trying to seek justice for the crime committed against them. This inescapable fact must be fixed.

The police should be the first responders when a crime this serious occurs, but the vast majority of police departments have responded to reports with victim blaming and belittlement, and as a result, survivors have lost trust in law enforcement.

Today, I would like to provide the committee with some accounts of survivor experiences when they tried to report their rapes to the police to shine a light on the shortcomings that must be addressed.

But first I want to address the University of Virginia story in Rolling Stone that some may hold up as a reason not to believe survivors when they come forward.

Clearly, we don't know the facts of what did or did not happen in this case. But these facts have not changed: UVA has admitted they have allowed students who have confessed to sexually assaulting another student to remain on campus. That is and remains shocking.

More importantly, it has never been about this one school and it is painfully clear that colleges across the country have a real problem with how they are handling, or not handling cases of sexual assault on their campuses.

I hope this story will not ultimately outshine the story of thousands of brave women and men telling their stories and holding their colleges and universities across the country accountable.

And I hope it will not discourage other students from coming forward because it is the students themselves all across the country who are demanding reform and their voices are vital in this debate.

And I refuse to let this story to become an excuse for Congress to do nothing and accept a broken system.

Because I have met these students and seen them bravely tell their painful and personal stories just so that no other young woman on campus will have their own story to tell tomorrow.

Young women like Emma Sulkowicz, who was raped by a fellow student at Columbia University in 2012, reported her rape to the police in 2014. She described to a police detective how her assailant had pinned her arms down behind her head, pushed her legs up against her chest, penetrated her anally, choked her, and hit her across the face, despite her shouting and telling him “no.”

The detective responded by telling Emma that the encounter was consensual because she’d had previous consensual sex with this individual. The officer repeatedly stated that the perpetrator just “got a little weird that night, right?” and told her that a defense attorney would rip her story apart.

Anna was raped at the age of 18, just two weeks into her freshman year at Hobart & William Smith Colleges. When she filed formal criminal charges, the police sent the prosecutor a report filled with errors, which included, in particular, failing to identify major discrepancies in the statements given by the three alleged perpetrators.

An examination by a sexual assault nurse indicated that Anna had experienced blunt-force trauma, and tests found sperm or semen in her vagina and rectum and on her underwear, but the police never acquired DNA samples from the alleged perpetrators. The district attorney never interviewed Anna and he declined to bring charges just one day after the case was referred to him.

Even in cases where survivors have felt supported by their interactions with police, they have been devastated by slipshod investigations, drawn-out court proceedings, and the refusal of prosecutors to take their cases. Four out every five rapes that are reported to the police are never prosecuted. That is simply unacceptable.

We must provide survivors of campus sexual assault with options for reporting to police that are beneficial to both law enforcement and survivors. This will encourage more survivors to come forward to pursue justice, and ultimately, lead to more cooperative witnesses and better information to send to district attorneys to prosecute.

The Ashland Police Department in Ashland, Oregon has developed a model for investigating reports of sexual assault that strives to achieve these goals called the You Have Options Reporting Program

The department found that by using trauma-informed investigative techniques and allowing victims to provide as much, or as little, information about the assault as the victims choose, and in the timeframe that they feel comfortable, the department can actually increase reporting and collect better evidence.

By using the You Have Options Reporting Program, the Ashland Police Department saw an increase in reporting of sexual assaults by 106% between 2010 and 2013.

There is a critical role for law enforcement to play in combating campus sexual assaults. By creating an environment that encourages reporting of sexual assaults, police departments can help bring these cases out of the shadows and hold more offenders accountable.

I look forward to hearing the testimony of today's witnesses to identify areas where we can improve our criminal justice system and the way it responds to campus sexual assault. And I look forward to continuing the push for reform of the way campuses handle campus sexual assault, by passing the Campus Accountability and Safety Act.

It is time to end the scourge of rape and sexual assault at America's colleges, provide survivors with the resources they need to recover, and hold offenders accountable.

Thank you again, Senator Whitehouse, for chairing this hearing today. And I look forward to working with my colleagues from both parties on this important topic next Congress.