

## **Campus Sexual Assault: the Roles and Responsibilities of Law Enforcement**

**Date:** Tuesday, December 9, 2014

**Time:** 10:00 AM

**Location:** Dirksen 226

**Presiding:** Senator Sheldon Whitehouse

*Testimony Provided By: Peg Langhammer, Executive Director, Day One*

Day One has served as Rhode Island's sexual assault coalition for over 40 years. We provide treatment, intervention, education, advocacy and prevention services to Rhode Islanders of all ages, from pre-schoolers to elder adults, and operate the state's only Children's Advocacy Center accredited by the National Children's Alliance. Our trained staff of 40 employees and 60+ volunteers works closely with law enforcement, prosecution, area hospitals, schools, and the community to address and prevent sexual assault and abuse with highly regarded, trauma-informed treatment and programs.

Rhode Island's high concentration of colleges and universities make the issue of campus sexual assault a major focus for Day One. We've worked with victims of college sexual assault throughout our long history, so we've been aware of the issue's prevalence. We know that these cases are rarely reported to law enforcement, and that the ones that are rarely move forward to successful prosecution. It's clear the current system isn't working.

There has never been a comprehensive system that works in the best interest of victims, both in our state and around the country. Day One is on the front lines and committed to changing that. Sexual assault on campus should mean what it means in the outside world and in courts of law.

To start the process, Day One is organizing a specialized task force to address adult sexual assault in Rhode Island that includes law enforcement, prosecution, Day One advocates, medical professionals, and higher education representatives. A sexual assault survivor may have contact with many different agencies. This team will be responsible for the oversight of adult sexual assault cases from the initial report to investigation and prosecution to trauma-informed clinical treatment and support for the victim.

**Campus-based adjudication processes don't work.** Colleges alone are not competent to handle the investigation and prosecution of these cases, nor should they be. **The college hearing process should be integrated with law enforcement.** Police need to be involved, but it has to be a team approach.

After the release of the White House *Not Alone* report last year, the issue of campus sexual assault became front and center. One case that received significant national media attention was right in our back yard at Brown University. Day One has been proactively

meeting with nearly all of the colleges and universities in Rhode Island to develop a best practices approach to these cases. What we've found is that everyone around the table – from universities to law enforcement to advocates – is committed to making major improvements to the system. We need a coordinated, victim-centered approach to get there.

Research suggests that more than 90 percent of campus rapes are committed by a relatively small percentage of college men – possibly as few as 4 percent – who are repeat offenders, averaging about six victims each. Yet these rapists overwhelmingly remain at large, escaping any serious punishment.

The current climate is such that universities and lawmakers are scrambling to find a global 'fix' for the problem with misleading policies about alcohol, consent, and what constitutes rape. What we need to be focusing on is bystander intervention, so that the vast majority of students who are not committing rape can intervene when they see someone being taken advantage of. **And we need a system that holds offenders accountable.**

Most sexual assaults are never reported to law enforcement and even among reported cases, most will never be successfully prosecuted. Nationwide, the Department of Justice states that about 35 percent of rapes and sexual assaults were reported to the police last year. That's a low number, but it's a lot better than the 5 percent reported by college students

**We need to create a new system, that's the first step.** We can't expect victims to report when the system in place doesn't work.

We know we can't just leave these cases to the criminal justice system, in part because most victims are so reluctant to report assaults to the police. **So the question is not, should colleges be mandated to report these crimes to police? The question is how do we create a system where the victim's choices are the priority and the process is designed to work in the best interest of the victim?**

We have to make the option of reporting a viable one for victims. Without effective tracking, many of these cases cannot be properly monitored and followed up on. We know that, based on successful models in other states, **a positive experience during initial reporting creates an environment where victims feel supported and believed, and decreases re-traumatization.**

One example worth noting is the You Have Options program out of the Ashland, Oregon police department that recognizes the need for a victim-centered and offender-focused response to sexual violence by law enforcement professionals. The program focuses on two fundamental elements to change the law enforcement response to sexual violence:

**Increasing the number of victims who report to law enforcement, and thoroughly investigating identified offenders for serial perpetration.**

The goals of the You Have Options program are clear:

1. Increase sexual assault reporting by eliminating as many barriers to reporting as possible
2. Increase identification and prosecution of sexual offenders
3. Decrease sexual assault victimization

A key component of this program is that the victim has the option to make an information report only, meaning **the victim can choose to remain anonymous** but still provide details of the case to law enforcement for documentation. A clear explanation of the reporting process and/or investigative procedures will be provided by a law enforcement officer if requested by the victim.

When making a report there is **no requirement to meet in person with a law enforcement officer**. A victim or other reporting party may report using an online form or a victim may choose to have a sexual assault advocate report on their behalf. The **victim also maintains control** over the time and location where their initial report is made to law enforcement. In addition to comprehensive advocacy provisions, a victim is not pressured to participate in a criminal investigation after making a report.

**What we're talking about doesn't universally exist today. We have to create it.** If we expect victims to report these crimes, we need a system that works for them, one in which they are believed, supported, and can be confident in a just outcome.

We owe it to our students to provide the best possible response to all sexual assaults. Without that, we are sending a message not to bother reporting this crime.