



March 7, 2016

Chair Patti Anne Lodge  
 Idaho Senate Judiciary and Rules Committee  
 Room WW54, Idaho Statehouse  
 Boise, Idaho

Re: Written Testimony in Support of House Bill 528 by Kelly Miller, Executive Director Idaho Coalition Against Sexual & Domestic Violence

Dear Senators:

The Idaho Coalition Against Sexual & Domestic Violence is a statewide nonprofit membership organization comprised of Idaho's twenty-three community and tribal domestic and sexual violence programs and an additional fifty-eight organizations providing services to individuals and families impacted by domestic violence, sexual assault, stalking and dating violence, including criminal justice agencies, culturally-specific organizations, social service and health care providers, and social justice organizations.

The Idaho Coalition enthusiastically supports House Bill 528 and was one of several stakeholders along with the Idaho State Police Crime Lab and others, who collaborated together to address gaps in Idaho's sexual assault kit testing process and the impact on individuals who have been directly affected by sexual assault, who deserve every opportunity to be heard and have their reports pursued.

### **Sexual Assault Prevalence**

According to the Centers for Disease Control and Prevention (CDC), sexual violence is a widespread public health issue that affects men, women, and children, every day. Sexual violence can have a lasting impact on a person's physical, mental, and emotional well-being throughout their lives. The CDC reports that 1 in 5 (18.3%) women have been the victim of an attempted or completed rape in her lifetime.<sup>1</sup> More than three-quarters of female victims of rape were first raped before their 25th birthday; 29.9% experienced their first completed rape before the age of 18. During their lives, 1 in 71 men have experienced rape; 27.8% occurred before the men were 10 years or younger.<sup>2</sup> A recent study of 136 cases of sexual assault reported over the 10-year period, found 5.9% were coded as unfounded or false allegations. These results, taken in the context of an examination of previous research, indicate that the prevalence of false allegations is between 2% and 10%, the same percentage as for other felony allegations.<sup>3</sup>

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<sup>1</sup> Black et. al. (2011)

<sup>2</sup> Ibid

<sup>3</sup> False Allegations of Sexual Assault: An Analysis of Ten Years of Reported Cases, David Lisak, Lori Gardinier, Sarah C. Nicksa, and Ashley M. Cote (2010).

## **Sexual Assault Report to Law Enforcement**

The Bureau of Justice Statistics reports that only 15.8 to 36 percent of individuals who are sexual assaulted report the crime to law enforcement.<sup>4</sup> Reasons for not reporting sexual assault vary among individuals, but one study<sup>5</sup> identified the following areas that contribute to the low reporting rates:

**Individual Coping Skills** – A common response of individuals impacted by the trauma of a rape is self-blame or guilt, shame, embarrassment, and desire to keep the assault a private matter. Sexual assault and rape can turn someone's world upside down. The world is no longer a safe place. Guilt can give the false sense of control and safety. Guilt and shame are coping strategies. It is a way of saying "I can stop this from happening again." As human beings we often use guilt as a way to make sense of something – if the victim did something then this can never happen to my daughter, sister, granddaughter, or niece.

**Fear of Future Harm** – It is not unusual for individuals who are raped to fear the perpetrator. According to the Bureau of Justice Statistics, 60% of survivors are assaulted by an intimate partner, relative, friend or acquaintance. This rate is even higher for women who have been raped or sexually assault in college.<sup>6</sup>

**Lack of trust in the Criminal Justice System** – Many survivors of rape fear of not being believed or of being accused of playing a role in the crime, and lack of trust in the criminal justice system.

We have a responsibility to overcome these barriers and foster a justice system where anyone impacted by sexual assault is heard, believed, and validated. Sexual assault testing represents a critical component in ensuring an effective criminal justice response to sexual assault and those directly impacted.

## **Sexual Assault Testing Bill**

When anyone reports a sexual assault to law enforcement, depending on the time that has elapsed since the sexual assault, they are asked to participate in a sexual assault forensic exam, and evidence is often collected in a sexual assault kit, commonly referred to as a "rape kit".

Each sexual assault kit, in actuality, represents a human being- someone's daughter, sister, niece, girlfriend, wife - who endured an invasive, hours-long forensic examination.

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<sup>4</sup> U.S. Bureau of Justice Statistics. M. Planty and L. Langton, "Female Victims of Sexual Violence, 1994-2010," 2013; Wolitzky-Taylor et al, "Is Reporting of Rape on the Rise? A Comparison of Women with Reported Versus Unreported Rape Experiences in the National Women's Study Replication," 2010.

<sup>5</sup> Du Mont, J., K.L. Miller, and T.L. Myhr. "The Role of 'Real Rape' and 'Real Victim' Stereotypes in the Police Reporting Practices of Sexually Assaulted Women." *Violence Against Women* 9(4)(April 2003): 466-486.

<sup>6</sup> Fisher, AB.S., F.T. Cullen, and M.G. Turner. *The Sexual Victimization of College Women*. Washington D.C.: US Department of Justice, Bureau of Statistics and National Institute of Justice. 2000.

Anyone who agrees to this forensic exam deserves to have all of the evidence examined by the crime laboratory. Crime lab processing of sexual assault kits and all evidence, significantly benefits the individual, their family, and society.

- Testing of the DNA evidence in the sexual assault kit can identify an unknown perpetrator,
- Testing of the DNA evidence can confirm the presence of a known assailant and corroborate the victim's account of the rape.
- Testing of the DNA evidence can identify a serial perpetrator.

Sexual assault evidence testing will certainly not solve all sexual assault cases, but it has the ability to move more cases forward. And, sexual kits must be tested in a timely manner, not gathering dust on a shelf, untested.

This legislation also includes a victim-centered process for notifying individuals who have been sexually assaulted about the status of their kit. It is likely that notification about evidence from a survivor's sexual assault experience will bring to the surface strong feelings and emotions. Despite the passage of time, survivors might feel as though their assault just occurred and can relive the trauma and fear they experienced. Provisions for notification, outlined in this bill, acknowledge the potential for re-traumatizing victims and provides for a clear survivor-centered notification process.

While we still have much work to do, to change the societal norms that allow for sexual assault to occur in the first place, this bill addresses the current and future issue of backlogged evidence, it offers survivors the justice they deserve and assists in holding perpetrators accountable. We urge you to pass House Bill 528.

## **Conclusion**

In conclusion, House Bill 528 affirms that living a life free of violence is a basic right for everyone and it goes against our values when girls and women or anyone is sexually assault and raped. All girls and women deserve the basic rights and fundamental freedoms of life, liberty, safety, and respect. And when these rights are violated, we have a duty to help.

House Bill 528 addresses all three barriers to low reporting rates by reinforcing the message that sexual assault is crime; by testing sexual assault kits to identify an unknown perpetrator and/or confirm the presence of a known assailant and corroborate the victim's account of the rape; and by building public trust and confidence in the criminal justice system by ensuring accountability for the testing of sexual assault kits.

What we do and say about crimes of sexual violence matters. By passing House Bill 528, we can more effectively respond to survivors and enhance community safety. We can minimize the shame, fear, humiliation, and, ultimately, silence that is disproportionately experienced by girls and women and people who are gender nonconforming. We can encourage all Idahoans to ultimately prevent sexual violence by engaging in discussions in our homes and communities about valuing girls and women and people who are gender nonconforming, and by promoting healthy models of masculinity. Thank you for your service to our state. If you have any questions, please do not hesitate to contact Kelly Miller, Executive Director at [kelly@engagingvoices.org](mailto:kelly@engagingvoices.org) or 208-84-0419, ext. 306.

300 E. Mallard Drive, Suite 130  
Boise, Idaho 83706  
(208) 384-0419  
[www.engagingvoices.org](http://www.engagingvoices.org)