



WHEN SEXUAL ASSAULT SURVIVORS WITH WARRANTS PRESENT FOR MEDICAL CARE

GUIDANCE FOR LAW ENFORCEMENT

CRIMINAL JUSTICE SUBCOMMITTEE
OREGON ATTORNEY GENERAL'S SEXUAL
ASSAULT TASK FORCE

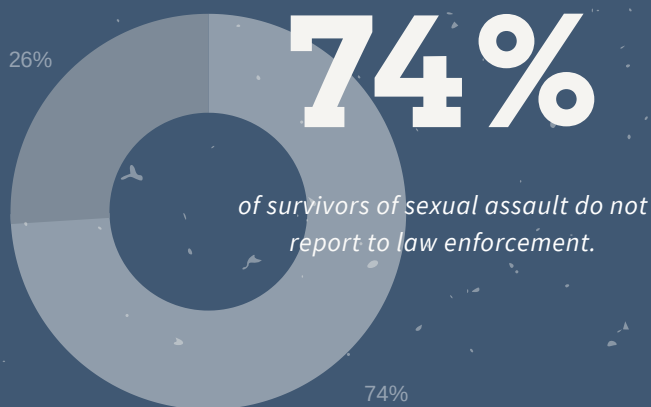
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OVERVIEW

THE ISSUE

Sexual assault is a largely under-reported crime because victims perceive and experience consequences from reporting. Victims with outstanding warrants often do not report sexual assault due to fear of law enforcement and criminal justice consequences for themselves. Being arrested could mean losing things like access to medical care, the ability to care for family, a job, a support system, housing, or freedom. The risk of these losses, compounded by the fear they will not be believed, often outweighs the benefits of reporting for victims with outstanding warrants.

The option to collect evidence in an anonymous SANE examination is one way survivors with warrants can access medical care without fear of arrest. When survivors fear reporting sexual assault to law enforcement because of their warrant status, the criminal justice system misses the opportunity to gather corroborating and/or time sensitive evidence and communities miss opportunities for justice. Low reporting rates can embolden offenders because there are no criminal justice consequences for the assault they perpetrated.



James, S.E., Herman, J.L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality

Rennison, C. M. (2002). Rape and Sexual Assault: Reporting to Police and Medical Attention, 1992-2000. PsycEXTRA Dataset. doi:10.1037/e387542004-001

DYNAMICS

People who perpetrate acts of sexual violence often seek victims who are vulnerable, accessible, and have a perceived lack of credibility. In other words, those perpetrating sexual violence choose victims who are less likely to tell and, if they tell, are less likely to be believed. This is a perpetrator's insurance policy, if you will.

According to a U.S. Department of Justice study, 74% of victims do not report their sexual assault to police. The same study shows that reporting to law enforcement is actually decreasing, not improving. Communities who have historically strained relationships with law enforcement are more likely to be survivors of violence, and less likely to report their assault. LGBTQ+ communities have higher rates of sexual violence victimization, with the highest rates perpetrated against the transgender population. The 2015 Transgender Study indicated that over 50% of respondents would not feel comfortable asking police for help if they were physically or sexually assaulted.

The criminal justice system often feels inaccessible to those who might have experienced historical or current marginalization, specifically Native Americans, the Black/African American community, LGBTQ+ communities, individuals working in the sex industry, persons experiencing homelessness, persons with gang affiliation/relation, or persons battling addiction. These are just some examples of people who are potentially less likely to report and perpetrators know this. Victims of sexual assault may also have the additional vulnerability of their own criminal histories and/or other negative interactions with the criminal justice system which can cause them not to trust law enforcement. All of these factors can result in a barriers to accessing the criminal justice system.

ACCESS TO JUSTICE

The criminal justice system must provide equal **access to justice** and reduce barriers to accessing justice, especially for those from marginalized communities. Victims with outstanding warrants must have access to justice, including the ability to safely report crime, access medical care, and access support services after an assault.

When the criminal justice system treats people with dignity and respect, provides transparency and neutrality, and promotes trustworthiness, victims are more likely to come forward and report. This type of procedural justice and trust building enhances the criminal justice system's ability to be responsive to the safety needs communities present. Enhancing a victim's experience in the criminal justice system has a trickle up effect where meeting the needs of the individual serves to enhance the experience of an entire community. We have the potential to demonstrate to survivors with warrants that they can safely access the criminal justice system when it comes to reporting sexual assault and receiving medical care after an assault.

OUR POSITION

The Criminal Justice Subcommittee for the Oregon Sexual Assault Task Force believes that no one deserves to be sexually assaulted, and this includes people who have criminal histories and/or active warrants. We also believe that everyone must have equal access to justice. Survivors who have histories with the criminal justice system are less likely to access to medical care and seek accountability for the person who hurt them if they are concerned they themselves will be arrested.

Therefore, it is the position of the Criminal Justice Subcommittee for the Oregon Sexual Assault Task Force that a medical setting should always be a safe place to report sexual assault and receive support services. A "want status" should not impede a survivor from receiving critical care and/or reporting a crime. **Unless a significant need for officer safety arises, a survivor reporting sexual assault at a medical facility (hospital, clinic, or mental health facility) should never be run for warrants prior to contact with law enforcement.**