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**Testimony for the New Jersey General Assembly Judiciary Committee on  
Assembly Bill 3561:  
Requiring Notification of Rape Crisis Centers**

**January 26, 2009**

On behalf of the New Jersey Coalition Against Sexual Assault  
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Dear Chairwoman Greenstein:

The New Jersey Coalition Against Sexual Assault strongly supports A3561, a bill that would improve New Jersey's response to sexual violence. We urge swift passage of the legislation.

This bill would provide survivors of sexual assault with the right to have a rape care advocate present for any medical, evidentiary, or physical exam and at interviews with law enforcement or county prosecutors. It would also require that hospitals, sexual assault nurse examiners, law enforcement, and county prosecutors contact the local sexual violence program or rape crisis center prior to conducting an exam or initial interview with a survivor of sexual assault.

This legislation would make some of the Attorney General Standards for Providing Services to Victims of Sexual Assault into statute. This is necessary because survivors of sexual assault are being denied the ability to have advocates present and are often not told about the availability of advocates until after interviews or exams have been completed, which is in violation of the standards set out by the Attorney General. We believe that the only way to ensure that survivors of sexual violence are provided with the information and support they need is to make these standards into statute.

**Background on Sexual Assault Response Teams**

In 2001, under N.J.S.A.52:4B-54, each county prosecutor was required to establish a Sexual Assault Response Team which consists of a Sexual Assault Nurse Examiner, a law enforcement official and a rape care advocate from the county rape crisis center. The team is supposed to respond to a report of sexual assault at the request of a survivor of sexual assault. In 1998, the Attorney General established the first set of standards on providing services to victims of sexual assault. Those standards were revised in 2004 and are currently being revised again. The standards require that the victim be told that she can choose which members of the SART be activated and that it can be any combination of the SANE, law enforcement or the rape care advocate. The standards also provide victims with the right to have a rape care advocate present at all law enforcement interviews and exams.

The idea behind a team approach is to create a coordinated and compassionate response to sexual assault. A victim of sexual assault should not have to re-tell the story of her assault to a forensic nurse, a member of law enforcement, and a rape care advocate in the course of the initial investigation. Rather, she should be able to tell the story once, to all the team members.

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## **Rape Care Advocates**

The rape care advocate's presence is important to provide mental health counseling and referrals as well as to provide support to a victim of sexual assault during the investigative process. The process of reporting a sexual assault can be confusing and frightening for victims, and the advocate's role is to help guide her through the process and to provide support during the process. Victims of sexual assault who work with rape care advocates feel less distress about working with the legal and medical systems than victims who have not worked with rape care advocates.<sup>1</sup>

In New Jersey, rape care advocates are required to go through 40 hours of training on sexual violence. They work through the county rape crisis centers, which are designated as such by the Division of Women in the Department of Community Affairs. In some counties, the advocates are volunteers. In other counties, the advocates are paid. In all cases, advocates are supervised by a paid staff member with a clinical background. Advocates are on-call 24 hours a day, 7 days a week and can and do respond at all hours of the day and night.

## **A3561 would improve New Jersey's response to victims of sexual assault**

As mentioned above, A3561 would legislate some of the Attorney General Standards for providing Services to Victims of Sexual Assault. The victim's right to a rape care advocate is contained in many parts of the Standards. However, these standards have now been in existence for over ten years and we are still fighting for a victim's right to an advocate. It is clear that the standards are no longer enough.

The problems around a victim's right to a rape care advocate come in two basic scenarios:

- The victim is never offered an advocate in the first place
- The victim requests the advocate but the advocate is then barred from providing support for the victim in law enforcement or prosecution interviews

When the victim is not offered an advocate, she is then denied a means of support. She may not be given referrals for other kinds of assistance, she may not be provided with mental health counseling, and she may not understand her options. The rape care advocate is the only member of the Sexual Assault Response Team whose job it is to support the survivor and the survivor alone.

It is hard to tell how often a survivor is not offered a rape care advocate. We can say that some counties are much better than others. The AG's office has told us that rape care advocates are involved in 86% of SART activations. However, within that number are counties where the advocate is only involved in about half the cases, such as Bergen and Somerset counties, as well as counties where the advocate is involved in nearly all the cases, such as Gloucester and Warren counties. The rape crisis centers hear about cases where a survivor was not offered an advocate when the survivor finds the rape crisis center at a later date and wonders why the advocate was not present for the forensic exam or the interview.

Laura Luciano, the Assistant Director at the Department of Sexual Assault Services and Crime Victim Assistance at Rutgers University, worked with a client who had been gang raped by three men on campus.

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<sup>1</sup> Campbell, Rebecca. Rape Survivors' Experiences with the Legal and Medical Systems: Do Rape Victim Advocates Make a Difference? *Violence Against Women*. Vol 12, No. 1. 30-45 (2006)



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When she reported the crime to two different police departments, she was never offered an advocate. If a woman who has been gang raped is not offered an advocate, it is clear that whatever we are doing to make reporting a sexual assault easier on a victim is not enough.

According to the Attorney General Standards, the victim has a right to have a rape care advocate present during law enforcement interviews. However, we have been informed of many incidents where law enforcement conducts an interview without offering an advocate until the interview is completed, where the victim requests that the advocate be present but law enforcement refuses to allow the advocate in the room, or where the victim requests an advocate but the advocate is not called for hours. In a recent case in Bergen county, the victim requested an advocate but the advocate was not called until the victim had already been at the hospital for over 4 hours. A recent case in Essex county involved a survivor who went to the law enforcement interview without an advocate and the police officer began berating the survivor in the middle of the interview after turning the tape recorder off. In some cases, the advocate will point out that the Standards require that they be allowed in the room at the victim request but is still denied. In other cases, the advocate can only get access by contacting someone higher up in the local law enforcement office or in the county prosecutors' office.

The New Jersey Coalition Against Sexual Assault and the county rape crisis programs work extensively with the Attorney General's Office, with the county prosecutor's office, and with local law enforcement to keep these incidents to a minimum. But they continue to occur. Survivors of sexual assault are still not being treated in the most compassionate way and in the best manner to keep them engaged in the system and in prosecution. Standards alone are not enough anymore. We need to give the rights of victims of sexual assault the force of law, in the hopes that this will improve our response to victims of sexual assault. We, as advocates, are doing our part to support survivors of sexual assault. We now need the support of the legislature to help us support those survivors as well.

We ask you to pass the A3561 and give us your support. Thank you for your time and consideration.

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