

Statement by: Barbara McLean, VIA Community Services

It's time to end the hypocrisy. When you are incarcerating people for the way their actions adversely affected others but you refuse to punish others who harm them. The time has come for change throughout the criminal justice system but especially in terms of the way cases of sexual assault are processed.

There are factors that need to be acknowledged in every rape case: first, the survivor must be believed! The days where it is acceptable practice to think that a survivor 'let it happen' or cried rape in order to get attention/medical services must end. Second, it is time that the medical field and law enforcement recognize that the survivor's body is a crime scene and the time and procedures that are taken to perform a rape kit often causes residual trauma. A tertiary reason is that law enforcement sees declining crime rates as a positive sign but in actuality higher rates of reporting sexual assaults and increased outcomes such as convictions are actually strongly positive benchmarks. Finally, it is imperative to assign trained advocates to assist survivors in navigating the combined medical, law enforcement and judicial systems and reduce anxiety concerning the combined processes.

It is also time that law enforcement, as a whole, recognize the findings presented in a Human Rights Watch report which details the importance of acknowledging that emotional trauma is injurious to the brain. This information could really change how survivors are seen as well contributing to the increase in positive outcomes for survivors. If survivors are allowed 1-3 sleep cycles before they give a formal statement to law enforcement. This may

seem like it prolongs the process, however, in cities like Philadelphia, Grand Rapids, Kansas City and San Diego, the opposite has been proven true.

Let's begin with compassion! Let's support accusers! This can markedly change the way survivors interact with law enforcement. Let's give survivors, especially incarcerated survivors, the necessary time and respect to process their trauma before making a formal statement. It is more likely to result in a greater degree of trust in law enforcement and the criminal justice system and their ability to contribute to justice.

Although it is not always routine when a prisoner is sexually assaulted, it is important to acknowledge that factors such as the collection of DNA evidence and the weight assigned to the contents of the rape kit, often mean that the statement of the survivor can be an afterthought. Law enforcement must work with the victim, regardless of their circumstances. If the police work with every victim, offering them respect and difference and each survivor received the assistance of an advocate that will assist in creating a safe, non-judgmental environment. Then survivors can give their statement and speak their truth, then and only then will the stigma of intimate partner violence would be reduced.

Although these policies are not part to current practices in New York City, many advocates are certain that the findings of this Human Rights Watch report should be adopted. In fact, many advocates have already adopted these practices here in New York City hospitals. It should be noted that this practice is gaining strength in some boroughs more rapidly than others. The findings, which are based on data compiled by Cognitive Neuroscience Society, looked at how any brain which was impacted by trauma must rest for at least 24, if not 72 hours before exposure to additional

trauma. This may actually mirror the current concussion protocol.

Beyond that, it may be time that New York City revisits the current treatment of sexual assault. We should also harken back to the time when New York City established the very standards for how sexual assault was treated and adjudicated in the United States. These standards should be extended to all citizens, especially those who are most vulnerable due to incarceration or detention.

July 25, 2016