



# SEXUAL ASSAULT IN INDIANA: SURVIVOR BILL OF RIGHTS

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# REPORTING ASSAULT IN INDIANA

63% of sexual assaults in Indiana go unreported, according to ICESAHT.\* (this is an estimate and very likely the numbers are much higher that go unreported).

- We have to ask ourselves why would a survivor not report?
  - Distrust in law enforcement and/or the reporting process
  - Hearing other stories of survivors having poor experiences when reporting
  - Fear of the perpetrator or backlash if coming forward (i.e., safety concerns)
  - No education on what Indiana Code specifies as a crime of sexual assault or rape
    - Similarly, not understanding protections and rights afforded to survivors in Indiana
  - Low likelihood of prosecution

The prevalence of “false reporting” is estimated to be approximately 2 to 5%, meaning 95% to 98% of all reported rapes are truthful.

# SEXUAL ASSAULT SURVIVOR BILL OF RIGHTS

In 2016, RISE passed federal legislation ensuring basic human rights for all survivors of a federal assault crime (Survivors' Bill of Rights Act of 2016).

- We know, however, that most assaults occur on the state level. As such, it is imperative these federal rights are passed in Indiana.

RISE has further passed legislation to incentivize all states to pass these federal rights.

- A state that passes all of the rights within the federal Survivors' Bill of Rights Act of 2016 will receive federal funding to be used as the state wishes.
- Specifically, states that comply with these standards are eligible for additional funding through the Violence Against Women Act (VAWA) STOP grant program from the Department of Justice.

# RIGHTS NEEDED IN INDIANA FOR SURVIVORS

Reporting on inventory of forensic evidence kits and mandated testing of rape kits

- There is a backlog of approximately 6,600 kits and the kits are only retained for one year. The national average and best practices is to retain the kits for 20 years.
- In 2024, legislators in Indiana introduced HB1040. This bill would call for an annual inventory of untested kits in the state. It would also mandate the testing of backlogged kits throughout the state, and provide handling timelines for newly collected kits. Finally, it would grant victims the right to be notified on the status of their case. The bill failed to pass.

Right for the survivor to be informed of the status of the testing of their rape kit.

Obtain free, complete and unaltered copies of all law enforcement reports concerning the alleged assault

Be interviewed by law enforcement official of the gender of survivor's choosing

Not have evidence obtained in connection with the alleged assault used against victim for misdemeanors and controlled substances statutes

Retention of rights regardless of whether survivor chooses to participate in the criminal justice system or receive a medical evidentiary exam

Civil cause of action for violation of survivor rights

Creation of Rights of Victims of Sexual Assault Task Force

Upon request of survivor, have courtroom cleared when adult survivor is testifying

Not be required to submit to polygraph (including voice stress test) examination as prerequisite to filing an accusatory pleading

