



June 16, 2020

The Honorable Mitch McConnell
Senate Majority Leader
S-230, The Capitol
Washington, DC 20510

The Honorable Charles Schumer
Senate Minority Leader
S-221, The Capitol
Washington, DC 20510

Dear Majority Leader McConnell and Minority Leader Schumer:

We are writing to express support of your efforts to reform our nation's policing practices. We have been outraged by the death of George Floyd and countless other Black victims of police bias and brutality. We hope that both parties will galvanize their caucuses and unify around these much-needed reforms.

Since 1994, RAINN has provided services for more than three million survivors of sexual violence and their loved ones. We stand witness to long-standing barriers that impact Black communities and their ability to seek justice.

Based on the most recent data from the Bureau of Justice Statistics at the U.S. Department of Justice, sexual violence is on the rise. While very few studies have been undertaken to measure existing racial disparities in the criminal justice response to sexual assault, here is what we do know:

- **Black girls are disproportionately represented in juvenile justice data:** “Black girls are 14% of the youth population, but are 33% of girls who are detained and committed. 76% of justice-involved girls have physical and sex abuse histories.”¹
- **Black women and girls are sexually victimized at higher rates:** “African American girls and women 12 years and older experienced higher rates of rape and sexual assault than white, Asian, and Latina girls and women from 2005-2010.”²

¹ The Sex Abuse to Prison Pipeline: The Girls Story, Malika Saada Saar, Rebecca Epstein, Lindsay Rosenthal, Yasmin Vafa,

² U.S. DOJ Bureau of Justice Statistics, “Female Victims of Sexual Violence, 1994-2010,” 2013

Despite having higher rates of victimization, Black female survivors experience systemic barriers in the criminal justice system, resulting in reduced access to justice and services:

- **Black victims are met with a less thorough criminal justice response:** Black victims' cases are over-represented in police "clearance" data. "Cases involving victims of color... are likely to have fewer investigative steps completed and ultimately less likely to have an arrest, a referral, or both; and (b) they are less likely to have an arrest and a referral, regardless of the number of investigative steps completed."³
- **Cases involving Black incarcerated women raped by prison staff lack investigation:** "A significantly higher proportion of Black women had received an outcome of unsubstantiated from prison staff than White women, 60.0% of Black women versus 30.8% of White women."⁴

Based on the above referenced studies and information we have gleaned from our national involvement in these issues, we respectfully request that inclusion of reforms that impact Black victims of sexual violence be considered and added to your efforts.

At a minimum, RAINN recommends that Congress:

1. **Eliminate the Valid Court Order exception on status offenses.** H.R. 1885 & S. 866 "Prohibiting Detention of Youth Status Offenders Act of 2017" should be added to any policing reform package. Black girls are disproportionately represented in juvenile justice data for status offenses like truancy, running away, and possession of alcohol. These behaviors have a high association with trauma. Delinquency laws and practices need to be amended to provide wrap-around services for girls including truancy mediation, after school programming, shelter alternatives, and counseling to address a history of trauma.
2. **Reauthorize the Juvenile Accountability Block Grant program.** Include HR 494, the "Tiffany Joslyn Juvenile Accountability Block Grant Reauthorization and Bullying Prevention and Intervention Act of 2019" in any

³ The View from Inside the System: How Police Explain Their Response to Sexual Assault. Jessica Shaw, Rebecca Campbell, and Debi Cain

⁴ Incarcerated Women's Experiences of Staff-Perpetrated Rape: Racial Disparities and Justice Gaps in Institutional Responses Journal of Interpersonal Violence 2019; Gina Fedock, PhD, Cristy Cummings, Sheryl Kubiak, Deborah Bybee, Rebecca Campbell, and Kathleen Darcy.



Leading the National Effort to End Sexual Violence

conferenced reform package. This bill requires accountability for states that receive funding to address racial disparities in state juvenile justice systems.

3. **Improve local data collection and reporting.** Require states to publicly report local criminal justice data under Uniform Crime Reporting (UCR) and the National Child Abuse and Neglect Data System (NCANDS) to be broken out by locality, race, gender, and type of offense characteristics. This data should include clearance details, arrest and charging data, and sentencing and juvenile justice data.
4. **Create citizen review panels.** Encourage local jurisdictions to create citizen review panels to review criminal justice data, complaints from the public and outcomes of internal affairs investigations involving law enforcement.
5. **Close consent loopholes for police-perpetrated sexual assault.** Include H.R. 1574 & S. 855, the “Closing the Law Enforcement Consent Loophole Act of 2019,” in any police reform package. This law eliminates the use of consent as an affirmative defense in sexual assaults perpetrated by police against people in custody.
6. **Remove unethical officers from police forces.** Prohibit the retention and re-hiring of officers who have ethical violations or “evidence against credibility” in their personnel records that require Brady and Giglio disclosures by prosecutors. Law enforcement officers should not be allowed to “resign” for serious ethical violations and then get re-hired at a different department.

Thank you for your consideration of these recommendations. We look forward to continuing to work with you to obtain justice for all survivors of sexual violence.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Berkowitz".

Scott Berkowitz
President
RAINN

A handwritten signature in black ink, appearing to read "Camille Cooper".

Camille Cooper
VP of Public Policy
RAINN