

Megan rondini and
leah griffin sexual
assault victims
protection act of 2018



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Legislative Process Review of Bill H. R. 7292 (115th): Megan Rondini and Leah Griffin Sexual Assault Victims Protection Act of 2018

Abstract

This paper is a legislative process review of bill H. R. 7292 (115th): Megan Rondini and Leah Griffin Sexual Assault Victims Protection Act of 2018. The objectives of this bill will be identified and its impact on the training, education, recruitment, and retention of forensic health examiners will be discussed. The process of creating a health care bill and how a bill becomes a law will be explained, including the different phases of the legislative process and the actions nursing professionals can take to gain support for a piece of legislation. The current progress of bill H. R. 7292 will be described and its legislative merit will be evaluated. Support for this bill will be expressed using information and facts to bolster the position. Opposing viewpoints will be considered. The impact of bill H. R. 7292 on the health of individuals, communities, the nursing profession, and the health care community will be described.

Keywords: forensic examiners, sexual assault, legislative process, bill

The title of the bill being discussed is H. R. 7292 (115th): Megan Rondini and Leah Griffin Sexual Assault Victims Protection Act of 2018. This bill was introduced on December 13, 2018. It's legislative objective is to establish a sexual assault and treatment task force in order to " identify barriers to improving access to sexual assault forensic examiners, sexual assault nurse examiners, and other forensic medical examiners" (Govtrack, 2018, p. 2).

There are many factors of the forensic process this bill aims to improve upon should it be enacted into law. The bill's proposed intent is to bring together representatives and groups in the community to work together to improve the collection of forensic evidence relating to sexual assault (Govtrack, 2018). The hope is to identify obstacles to access to this type of care and make recommendations on how to improve access to these resources. It aims to identify barriers regarding recruitment, training, and retention of sexual assault forensic examiners. It also intends to make collection of evidence more efficient by improving coordination of services and ensuring the preservation of evidence handed over to law enforcement officials by health care providers. In addition, the bill aims to make recommendations on the development of resources and best practice guidelines for forensic examiners. Improvements in forensic training by virtue of the creation of best practice protocols regarding communication with sexual assault victims who enter emergency rooms is a highly desired result.

According to Mason, there are three phases to the policy making process: a formulation phase, an implementation phase, and a policy modification phase. Public awareness is something that is frequently necessary in order for political action to take place and for the policy process to be initiated. Furthermore, the proposed legislation has to involve something that is seen as objectionable or unacceptable to society, and lastly, it has to be politically viable. A piece of legislation that is not able to be passed by a policymaking body is considered non-viable. The formulation phase involves identifying and framing out a problem, informing and acquainting legislators with that problem, offering possible solutions, and outlining the issues that stake-

holders would like to see addressed in the proposed legislation. It is at this stage that nurses can serve as a resource to legislators regarding the health problems that face the population. The implementation phase occurs when the legislation is passed to the executive branch and the rules are formally written out and more clearly defined. It is at this point that stake-holders can influence the specifications of the bill. The policy modification phase is the phase where all decisions regarding the bill can be revisited and modified (2016).

All laws start out as ideas. In order for an idea to become a bill, a representative sponsor needs to support the idea. Once enough support is gained, it can then be introduced and deliberated by a committee. If the committee approves the bill, it is then reported to the House of Representatives where it can be debated and voted upon. If the House of Representatives approves the bill, it is then sent to the Senate where it is once again debated and voted upon. If the Senate approves the bill, it is sent to the President where it can then be signed into law. The President has ten days to sign or veto the enrolled bill. If the President vetoes the bill, it is sent back to the House of Representatives. During the second voting period, if two-thirds of the Representatives and Senators support the bill, the President's veto will be overridden and the bill becomes a law (United States House of Representatives, 2019).

Bill H. R. 7292 was introduced on December 13, 2018 and was placed on the House Schedule for December 17, 2018. It is currently in deliberations in the House of Representatives and has not yet been approved. I believe this bill has legislative merit because there is currently a shortage of forensic <https://assignbuster.com/megan-rondini-and-leah-griffin-sexual-assault-victims-protection-act-of-2018/>

examiners. According to the United States Government Accountability Office (2016), roughly 284,350 individuals that were 12 years of age or older were victims of rape or other sexual assault based on a 2014 report. The problems identified in a study done by the United States Government Accountability office regarding forensic examination access and processing included limited availability of training, weak stake-holder support for examiners, and low examiner retention rates. Limited availability of classroom time, clinical experience, and continuing education were found to make it difficult to maintain a supply of trained examiners. Attempting to gain support from certain stake-holders such as hospitals was found to be challenging due to the cost associated with training examiners and paying for on call hours. Regarding the issue of low retention, the emotional and physical demands on examiners were found to affect retention rates. Solutions were generated and suggestions included creating training that was web-based, increasing the use of clinical practice labs, forming mentorship programs, and having multidisciplinary teams respond to sexual assault cases (2016). Currently there are many victims and not enough resources to effectively and properly collect and process evidence. Without readily accessible resources such as these, victims of sexual assault will be less likely to come forward and present themselves in emergency departments for treatment.

The significance of this bill to the nursing profession is that it will provide resources, education, and protocols via the Department of Health and Human Services website that will help to improve the practices of sexual assault nurse examiners. This bill is important to me because I understand the significance of competent and efficient evidence collection to

prosecuting sexual offenders. I also understand the crucial role forensic nurse examiners play in the treatment and compassionate care of sexual assault victims. According to National Sexual Violence Resource Center, one out of every three women and one out of every six men experienced some form of sexual violence throughout their lifetime in the United States (2018). According to the United States Government Accountability Office (2016), “exams performed by trained sexual assault forensic examiners may result in shortened exam time, better quality health care delivered to victims, higher quality forensic evidence collection, as well as better collaboration” (p. 1).

The impact of this bill will improve the health of communities by improving availability of services. The impact of sexual assault can reverberate throughout the entire community. The importance of communication and coordination between forensic examiners and law enforcement personnel in responding to and preventing sexual assault should not be underestimated. When everyone works together, the community can have greater confidence in the justice system and individuals in the community can feel far more supported to seek help when it is needed. This requires policies and procedures which are already in place; first responders and investigators who are trained to handle the report appropriately, and other supports and services which are readily available whenever sexual assaults are reported. It is only with this kind of focused attention that sexual assault can be eradicated from communities.

The ways in which this bill will impact the individual victim are significant. Society recognizes that a sizeable number of women will become the victim of a serious and life-altering crime. Girls and women who report sexual
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violence are often vulnerable to extreme pressure or direct threats from the accused. According to the American Association for Marriage and Family Therapy, when someone becomes a victim of sexual assault, they often experience Rape Trauma. There are several phases of Rape Trauma. These include the Acute phase, the Reorganization phase, the Emotional Impact phase, and the Physical Impact phase. The Acute phase starts when the actual physical attack is occurring, and can last days to weeks after the event. The Reorganization Phase is when the victim begins to resolve and integrate the assault into her life. It is at this phase that it is important for the victim to seek help for issues such as anxiety, fears, phobias, nightmares, etc. The Emotional Impact phase is when the victim begins to deal with the profound emotional injuries that others cannot see. It is at this point that the victim needs to be surrounded by those who provide her with the compassion and empathy required in order to recover from such trauma (2019). Support services from a trained forensics examiner can help alleviate the stress that is involved with enduring such a traumatic event. Providing victims of sexual violence or misconduct with a sense of protection encourages their participation in legal proceedings against alleged offenders so that justice may be served on behalf of victims and so that others in the community can be protected. Sexual assault is an underreported crime. There are a large number of undetected offenders and the average perpetrator strikes multiple times before being caught. This is why it is so important these crimes be promptly reported and investigated, that evidence collection is done properly and thoroughly, and that a chain of custody is established and maintained. According to Cryer, rape kits must be treated as legal evidence for potential prosecution, and chain of custody

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must be assured through the use of tamper-proof bags, required reporting forms, and specific specimen pick-up regulations (1976). Sexual violence is a problem that must be addressed in a deliberate, multi-layered and comprehensive manner. It is a widespread, traumatic, and pervasive human rights violation that has profound short and long-term effects upon its victims. Without effective policies supporting every viable approach, the goal of ending sexual violence will remain unmet.

The opposing argument to this bill is that it is considered unnecessary. There are already efforts in place to process and clear the national rape kit backlog. Secondly, there is already a bipartisan roundtable in Congress on sexual assault, so it is felt there is no need to utilize federal resources to create a task force for this issue (Countable, 2019). My primary counter-point to that argument would be, if there are already enough resources being put toward this effort, then why does a rape kit backlog still exist? According to Fantz, a CNN investigation discovered that 25 agencies across 14 states destroyed rape kits in 400 cases. These kits were discarded either before the statute of limitations had expired, or when there was no pending prosecution time limit. Based on the records, the destruction of evidence occurred in 2010. Investigations were flawed and incomplete and dozens of rape kits were destroyed weeks to months after the evidence was collected.

Furthermore, roughly 80% of the rape kits that were destroyed were never tested for DNA evidence (2018). For those who oppose this legislation and feel it is not needed, I would suggest they place themselves in the shoes of the victims. In the event one of their family members or loved ones has been the victim of sexual violence or assault, I am sure they would not want them

to experience the trauma of a post-rape exam, only to have the evidence be discarded. I am sure they would wish for the most compassionate, competent, and readily available resources possible.

Should this bill be passed into law, access to forensic examiners will be greatly improved. In supporting this bill, forensic examiners will have higher quality and better access to training, victims will have better quality healthcare administration, evidence collection will become more efficient, and there will be improved collaboration among victims, law enforcement, and forensic professionals. Sexual assault is a topic that impacts the community at large. It is critical that legislation and policies are advocated for that will promote the health of our communities and bolster support for those who have been victimized. It is sometimes difficult to change behaviors, attitudes, and beliefs of others, but it is possible to do so. As medical professionals, we have the power to enlighten our public officials regarding health issues, gather momentum from the community for certain health causes, and thereby gain support for legislation in order to generate positive change in health policies.

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