

# NAVIGATING Repressive Legislation

Considerations for Sexual Assault Response Teams

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## What Is Repressive Legislation?

This resource is aimed to assist Sexual Assault Response Teams (SARTs) in navigating current and upcoming repressive legislation to ensure continued support and services for victims/survivors of sexual violence.

In the context of Sexual Assault Response Teams (SARTs), repressive legislation refers to laws that may prevent SARTs and community organizations from effectively supporting victims/survivors of sexual violence. Some examples of repressive legislation might include restrictive statute of limitations for sexual violence, immigration restrictions, reproductive healthcare restrictions, laws restricting LGBTQIA+ rights, etc.



## Impact of Repressive Legislation on SARTs

Repressive legislation largely impacts SARTs, potentially discouraging victims/survivors from seeking help or reporting sexual violence due to fears of repercussions or lack of support. It can also hinder SART effectiveness by limiting the SART's ability to offer comprehensive response and support services.

### **SARTS CAN COUNTER AGAINST REPRESSIVE LEGISLATION IN THE FOLLOWING WAYS:**

- Influence policy by advocating for laws that prioritize victim/survivor rights and increased funding for support services.
- Challenge or support efforts to change laws through advocacy, public awareness campaigns, and collaborative partnerships with lawmakers and community stakeholders.
- Provide expertise, data, and support for policies that prioritize victim/survivor well-being and hold perpetrators/offenders accountable.

## State and National Legislation That May Affect SART Service Delivery

While this resource provides examples of repressive legislation affecting SART service delivery, it is important to recognize that laws may differ significantly from state to state. It is important to reach out to officials in the SART's service jurisdiction to verify the specific legislative restrictions that may apply. Local officials, such as legislators, law enforcement agencies, or legal experts, can provide accurate and up-to-date information on how laws impact SART service delivery. By consulting with local officials, SARTs can ensure the team is fully informed on the legal landscape around sexual violence response efforts in the community the SART serves and can navigate any challenges effectively.



### EXAMPLES OF REPRESSIVE LEGISLATION IMPACTING SART SERVICE DELIVERY MAY INCLUDE:

#### ■ Immigration Policies

Several states are passing immigration laws that restrict or limit protections for victims/survivors of sexual violence who are undocumented. These laws discourage undocumented victims/survivors from seeking support and accessing services.

#### ■ Restrictions on Access to Reproductive Healthcare

These laws vary from state to state, but each one imposes strict limitations or outright bans on reproductive healthcare services. These laws hinder victims'/survivors' access to reproductive healthcare options, impacting autonomy and well-being.

#### ■ Restrictions on LGBTQIA+ Rights and Protections

These laws disproportionately discriminate against or exclude LGBTQIA+ individuals, denying them equitable access to support services and resources.

## ■ Mandatory Reporting Laws

These laws require the reporting of sexual violence to law enforcement without the victim's/survivor's consent. These laws discourage victims/survivors from seeking medical care or counseling services due to fears of criminalization or other legal consequences.

## Cross Jurisdictional Considerations for SARTs

Navigating sexual violence across different jurisdictions presents unique challenges and considerations for SARTs. This section covers key cross-jurisdictional considerations to ensure effective support and services for victims/survivors regardless of geographic location.



When addressing cross-jurisdictional considerations, it is important for SARTs to consider the victim's/survivor's wishes and legal obligations/consequences for obtaining services in the jurisdiction. This ensures the support provided aligns with the victim's/survivor's preferences and needs while adhering to relevant laws.

## EXAMPLES OF CROSS JURISDICTIONAL CONSIDERATIONS FOR SARTS:

### ■ Explore Interstate Agreements

- Research existing agreements between neighboring states related to victim/survivor support and service provisions.
  - *This may involve reviewing state legislation, official documents, or reaching out to relevant agencies involved in cross-jurisdictional collaboration.*
- Where interstate agreements exist, SARTs can collaborate with relevant collaborative partners to ensure effective implementation and follow through of dedicated protocols and guidelines.

## ■ Navigate Reporting Requirements and Documentation for Victims/Survivors from Other Jurisdictions

- Familiarize the SART team on sexual violence laws, reporting requirements, and victim/survivor rights not only in the victim's/survivor's home state but also in the state where services are being sought.
  - *This may require training or seeking legal guidance to ensure full understanding and compliance.*
- Establish standardized documentation practices to ensure consistency and accuracy in recording information related to victims/survivors from other jurisdictions.
  - *This can include developing specific forms or templates for documenting case details, consent for services, or other relevant information.*

## ■ Understand Consent Requirements Across Jurisdictions

- Develop clear protocols and communication strategies for getting consent for services, reporting, and information sharing.
  - *This can include researching state laws, regulations, and official guidance documents to understand the nuances of consent requirements from state to state.*
  - *Protocols can outline the steps to be followed while ensuring compliance with relevant state laws.*
- Provide victims/survivors from other jurisdictions with comprehensive information about rights and options related to consent.
- Explain the purpose of providing consent for services, reporting, and information sharing, and any potential legal consequences or obligations.

## ■ Ensure Equitable Access to Services Across Jurisdictions

- Conduct thorough assessments to identify disparities in resource and service availability across jurisdictions where victims/survivors from other areas may seek assistance.

- Include evaluating the availability of essential services like medical care, legal assistance, counseling, transportation, and support programs.

- Advocate for increased funding or resource allocation in underserved areas by meeting with policymakers, legislators, and other agencies to highlight the need for additional resources.

- Explore creative solutions to improve access by collaborating with community organizations, utilize technology for remote services, and implement mobile outreach programs to reach victims/survivors seeking services outside of the victim's/survivor's home state.

## ■ Establish Referral Networks Across Jurisdictions

- Strengthen referral networks for victims/survivors from other jurisdictions by identifying key partners, such as rape crisis centers, medical facilities, legal aid organizations, and transportation services in neighboring states.

- Initiate collaboration with these partners through networking activities like attending cross-border meetings and conferences.

- Stay up to date on legislation by organizing regular meetings involving legal experts, advocacy groups, local coalitions, law enforcement agencies, healthcare providers, and other stakeholders.

- These gatherings can serve as forums for discussing legislative changes, sharing promising practices, and brainstorming collaborative strategies to address emerging challenges.

- This could also be done as part of a legislative subcommittee within the team. The subcommittee can present the information for the whole team as necessary.

- Complete resource mapping to identify available resources within each jurisdiction.

- SWJI has a resource that can help SARTs start this process:  
[Community Resource Mapping for SARTs.](#)

- Establish regular communication protocols with partner organizations to coordinate referrals effectively, including methods for sharing information, making referrals, and coordinating services for victims/survivors.

- Share resources and expertise with partner organizations to enhance support services, such as providing training, educational materials, or access to specialized services tailored to victims'/survivors' unique needs coming from different jurisdictions.

## Confidentiality and Ethical Challenges to Consider

Repressive legislation presents challenges around ensuring compliance with legal requirements while upholding ethical standards and safeguarding a victim's/survivor's privacy.



### SARTS CAN APPROACH ADDRESSING CONFIDENTIALITY AND ETHICAL CONSIDERATIONS IN THE FOLLOWING WAYS:

- Create a mechanism that allows the SART to stay up to date on any updates or changes to sexual violence laws, reporting requirements, and victim/survivor rights.
  - *Develop a checklist that outlines all the compliance requirements mandated by new repressive legislation affecting SART service delivery.*
- Develop clear protocols for securely handling confidential information in alignment with legal and ethical standards.
- Obtain informed consent for victims/survivors before sharing sensitive information and implement procedures to protect privacy, such as using encrypted storage devices and limiting access. Additionally, establish a plan specifying how long this information will be stored.
- Familiarize the SART with privileged communication statutes in service jurisdiction(s).
- Regularly review new legislation and determine its impact on confidentiality and ethical practices within the SART.
- Foster collaboration with legal experts who can provide guidance on

interpreting and complying with repressive legislation while upholding ethical principles.

- Utilize SVJI's [What Can We Talk About? Honoring Victim/Survivor Confidentiality in SARTs](#) to assist in navigating confidentiality.

## Community Awareness and Engagement

Enhancing community awareness involves actively engaging with stakeholders, legislators, and local communities to foster understanding and support for victims/survivors of sexual violence. By facilitating open dialogue and collaboration, SARTs can strengthen community ties and empower individuals to act against repressive legislation. Through proactive engagement efforts, SARTs can raise awareness while building a network of allies committed to upholding victims'/survivors' rights and well-being.



When working to build community awareness, it is important to note that there is a difference between lobbying and advocacy/educating. Lobbying focuses on influencing specific legislation or government decisions. Advocacy/educating promotes a cause or policy issue broadly by raising awareness, educating the public, and building support for social change. In the context of this resource, we are discussing how to provide advocacy/educating, not lobbying.

### SARTS CAN ENHANCE COMMUNITY AWARENESS AND ENGAGEMENT IN THE FOLLOWING WAYS:

- Develop clear and concise messaging guidelines to effectively communicate legislative updates to stakeholders and the community.
- Use social media platforms to engage with the public around sexual violence and legislative changes.
- Make resources readily accessible to all SARTs, including those in rural and underserved areas.



*- Consider digital platforms, print materials, and outreach efforts to ensure inclusivity.*

- To ensure relevancy and accuracy, establish a protocol or procedure to regularly update developed resources to reflect changes in legislation and incorporate promising practices.

- Actively promote the distribution of newsletters, social media posts, and networks to disseminate resources and updates.

- Tailor community awareness campaigns to address specific concerns and engage underrepresented voices in both urban and rural environments.

*- Reach out to rural and urban community leaders to disseminate information and build partnerships.*

- Use social media platforms and community events to amplify victim/survivor-centered messaging, emphasizing support services and reporting options.

- Develop communication plans tailored to the unique characteristics of rural and urban communities within SART service areas.

*- Consider local preferences, languages, cultures, and communication channels.*

## Feedback and Reporting Mechanisms

In navigating legislative challenges, feedback and reporting mechanisms serve as vital channels for gathering insights, addressing barriers, and staying informed about emerging legislative issues. SARTs can establish feedback and reporting mechanisms to navigate these complexities and ensure a responsive and victim/survivor-centered approach. These mechanisms can empower victims/survivors to voice concerns and enable SARTs to adapt strategies and advocate for necessary legislative reforms.



## SARTS CAN CULTIVATE FEEDBACK AND REPORTING SYSTEMS IN THE FOLLOWING WAYS:

- Implement an online portal where the public and victims/survivors can anonymously submit questions and concerns about legislation.
  - *This serves as a virtual comment box, providing a platform for SARTs to prioritize advocacy efforts based on community feedback.*
- Provide regular updates on legislative developments and efforts to keep stakeholders informed and engaged.
- Foster a supportive environment for peer support and knowledge sharing among SART members. Encourage open dialogue and collaboration to enhance collective understanding and response to legislative challenges.
- Establish a confidential feedback mechanism for victims/survivors to share experiences with the SART process.
- Establish a committee made up of SART members tasked with analyzing and addressing feedback received from victims/survivors. This committee can identify recurring and emerging issues, propose solutions, and advocate for continuous system improvement.
- Facilitate regular feedback sessions among SART members to evaluate protocols and identify gaps where services can be modified.

### Communication Toolkit

Due to the complexity of the legislative process, SARTs may not know who the elective representatives and/or policymakers are within the community they serve. This is why a communication toolkit can be helpful in identifying and connecting with those elected representatives. Effectively advocating for legislative changes can show support for victims/survivors. While it is important for everyone's voice to be heard, having a collective voice as a SART can be powerful.

RALIANCE offers a [toolkit](#) that can be adapted for SARTs to initiate communication with policymakers. The toolkit includes email/letter templates for legislator meeting requests and follow up, as well as meeting report templates and legislative advocacy 101 tips.

## Resource Directory

Amid challenges posed by repressive legislation, having access to relevant and dependable resources becomes even more important to navigating barriers and providing effective support to victims/survivors. SARTs can craft a customized resource directory that includes support services, legal experts, and contact information for local and national coalitions.

### FIND EXAMPLES BELOW OF ITEMS SARTS CAN INCLUDE IN A CUSTOMIZED RESOURCE DIRECTORY:

#### ■ Curated Resource List

- Provide a curated list of resources, including legal guides, support services, and more, designed to aid SART efforts in addressing legal challenges.

#### ■ Directory of Legal Experts

- Include specialized directories or websites focusing on sexual violence legislation at the state and national level.

#### ■ Local, State, and National Support Services

- Include a list of local, state, and national support services.

#### ■ Coalition Contact Information

- Gather contact information for local, state, and national coalitions.

#### ■ Sexual Violence Organizations

- Include a list of local, state, and national sexual violence organizations.

## ■ Legislative Calendars

- Provide local, state, and national legislative calendars to stay informed about key legislative events and developments.
  - [United States House of Representatives Calendar](#)
  - [United States Senate Calendar](#)

## ■ Representative Contact Information

- Gather contact information for state and national representatives, including [House Democrats](#), [House Republicans](#), [Senate Democrats](#), and [Senate Republicans](#) to ensure direct engagement and advocacy on legislative matters related to sexual violence.

## Additional Resources By Topic

### ■ Legal Experts

- [American Bar Association | Directories and State Lawyer Finders](#)
- [The Sexual Violence Law Center](#)

### ■ LGBTQIA+

- [ACLU | Interactive Map Tracking LGBTQIA+ Rights in U.S. State Legislatures](#)
- [American Bar Association | Navigating Anti-Trans Rhetoric & Discrimination as Domestic Violence, Sexual Assault & Dual Coalitions](#)
- [FORGE](#)
- [Movement Advancement Project | Snapshot: LGBTQ Equality By State](#)
- [Trans Legislation Tracker | By State](#)

### ■ Immigration

- [America Immigration Council Immigration Reform](#)
- [GovTrack.us](#) - Tracks federal immigration legislation status.

## ■ Reproductive Healthcare

- [Center for Reproductive Rights](#)
- [Guttmacher Institute | Interactive Map: US Abortion Policies and Access After Roe](#)

## ■ Sexual Violence

- [National Sexual Violence Resource Center \(NSVRC\) | National Coalition Contact Information](#)
- [National Sexual Violence Resource Center \(NSVRC\) | Sexual Assault Response Teams](#)
- [National Sexual Violence Resource Center \(NSVRC\) | State or Territory Sexual Assault Coalition Contact Information](#)
- [RALIANCE Rape Crisis Centers | By State](#)
- [MNCASA National Sexual Assault Response Teams](#)
- [MNCASA Rural Sexual Assault Response Teams](#)
- [MNCASA Minnesota Sexual Assault Response Teams](#)

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