



Daily Journal

Mississippians Deserve Swift Justice

Lynn Fitch

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Every 68 seconds, an American is sexually assaulted. Sadly, only 25 out of every 1,000 perpetrators end up in prison. Two bills have already been passed by the Mississippi House to help victims of these crimes achieve justice, but if the Senate fails to approve them by Wednesday, March 8, they may die. It would be a great disservice to these victims to let this happen.

A lack of physical evidence is often a major hurdle to successfully prosecuting these cases. In order to get this evidence, victims must undergo an invasive exam, often known as a rape kit, within hours of having their body, as well as their sense of dignity and privacy, violated.

Until last year, victims were subjected to a 21-step process. In partnership with sexual assault victim advocates, like the Center for Violence Prevention and Mississippi Coalition Against Sexual Assault, and with the vital leadership of Sexual Assault Nurse Examiners (SANE), we updated the rape kit and payment process for the first time in 15 years. The process has been reduced to only nine steps now, and health care providers still send the bills directly to my office for payment so victims never see a bill. Last fiscal year, we processed payments for 405 kits across Mississippi.

The victims who come forward to receive this forensic exam are brave and courageous. Sadly, Mississippi's current processing of rape kits lacks the attention and respect these victims deserve.

Reports indicate that in 2019 there were 600 rape kits waiting to be processed in Mississippi. Some of these kits were more than a decade old. These are not just kits in a lab. Each one represents a Mississippian who turned to the state in her most vulnerable hour.

Arguments that some of these kits were untested because the victim chose not to pursue charges against their assailant fall flat. Even in those cases, these kits may contain critical DNA evidence that may help in the prosecution of other cases. Simply put, there is no excuse for the lack of prompt processing of any rape kit.

A bill is currently being considered in the Mississippi Legislature that would fix this process and bring much-needed justice to these brave victims. Introduced by Rep. Angela Cockerham, HB 485 would update and streamline the process and require kits be tested within 60 days. In order to ensure procedures are followed, the bill establishes a Sexual Assault Evidence Accountability Task Force to develop and approve standardized policies and procedures.

Equally as important, the bill creates a Bill of Rights for sexual assault victims, including the right of victims to know whether a DNA profile was obtained from the kit or other crime scene evidence, whether it has been entered into the Lab's ID system and whether their assailant's DNA matched a profile in that system.

This Bill of Rights also prevents the destruction of evidence from an unsolved case for 20 years and allows victims to be notified if law enforcement intends to destroy or dispose of evidence. Lastly, the Bill of Rights allows a victim to designate an advocate to receive these notifications.

Another critical bill making its way through the State Legislature is HB 995 introduced by Representative Dana McLean. It would update the definition of rape and remove the defense of spousal rape. It is long beyond time we stop giving spousal rape a free pass.

As attorney general, my office investigates and prosecutes many rape cases. We also run the state's Crime Victim Compensation program. In every one of our interactions, it is our priority to act with compassion and empathy. Delay puts off the day they can begin the journey to closure and is the opposite of compassion.

I am grateful for the leadership of these legislators who are doing the important work of ensuring our laws treat victims with the respect they deserve. We may not be able to undo the heinous crimes committed against them, but we can do our part to help empower them on their pathway to restored dignity and hope by ensuring justice is served swiftly.