

Denied Justice, a special report by the Star Tribune, publicly highlighted what survivors and advocates of sexual and domestic violence have known from our experiences: victims of sexual assault face significant barriers and gaps within the criminal justice system across Minnesota. **“Overall, fewer than one in 10 reported sexual assaults produced a conviction.”** (Stahl B., Bjorhus J., Webster M., Star Tribune. 2018 July 22).

How Can Legislators Respond to Denied Justice?

We encourage legislators to support the following initiatives, some of which are led by our colleagues.

- Create a multidisciplinary work group to **comprehensively review and redraft Minnesota’s Criminal Sexual Conduct statutes**. This must include an intentional focus on meaningful input from victim/survivors, advocates, and marginalized communities. This will address the definition of mental incapacitation to improve prosecution of some alcohol or other substance related criminal sexual conduct cases. **(HF 70, SF 111)**
- Pass legislation proposed by MNCASA in 2018 legislative session. These bills had bipartisan support.
 - **Position of Authority:** Create a 120-day lookback period for criminal sexual conduct cases involving position of authority and add language to define position of authority when someone assumes a parent’s rights, duties and responsibilities. **(HF 480, SF 111)**
 - **Remove language in Minn. Stat. 609.3451** that excludes the intentional touching of clothing covering the immediate area of the buttocks. **(HF 74, SF 22)**
 - **Bar sexual contact by peace officers** when an individual is physically or constructively restrained. **(HF 341, SF 111)**
- **Repeal the Voluntary Relationships (Minn. Stat. 609.349) statute (HF 15, SF 235):** This will remove any potential cohabitation loophole to criminal sexual conduct. The existing statute is problematic as it is similar to a “marital rape” exception.
- Create a **Task Force on Missing and Murdered Indigenous Women. (HF 111, SF 711)**
- **Model policies** for law enforcement responding to sexual violence following the POST Board’s recommendations. **(HF 327, SF 513)**
- **Training for law enforcement** should be tailored to specific role, follow the Safe Harbor model, and align with the POST Board’s recommendations.
- **Funding** for domestic & sexual violence interventions and prevention work.

The issues revealed in the Denied Justice series demand action. We must find solutions that serve victims in all communities in our state and that are effective uses of limited resources. **The urgency to act should not negate the need to be thoughtful and strategic in our responses.** We need long-term, multifaceted approaches centered on victim needs with mechanisms to monitor effectiveness

On any policy issue, please contact Lindsay Brice at 651-288-7445 or lbrice@mncasa.org to explore policy solutions informed by and in response to the needs of survivors, victims, and their children.

MNCASA

The Minnesota Coalition Against Sexual Assault (MNCASA) is a membership organization that supports the work of sexual assault programs state-wide. We represent 70 plus agencies throughout Minnesota and tribal lands, most of whom are community based advocacy agencies providing direct service to victims/survivors within their communities. For over 40 years MNCASA has provided leadership and resources for sexual assault agencies and allies to prevent sexual violence while promoting a comprehensive, socially just response for all victims/ survivors.

*MNCASA works to provide (1) **Victim and Survivor Support** by helping partner programs and medical personnel, law enforcement, and legal and social service providers deliver state of the art victim advocacy and support, (2) **Prevention Support** by developing the capacity of partner programs and others to design and implement effective community level primary prevention strategies, (3) **Policy Reforms** through public policy education and advocacy, and (4) **Systems Change** by developing capacity in medical, criminal justice, social service and judicial systems to incorporate a coordinated and victim-centered approach into their responses.*

Mission

MNCASA provides leadership and resources for sexual assault programs and allies to prevent sexual violence while promoting a comprehensive, socially just response for all victims/survivors, regardless of immigration and/or refugee status, nationality, religion, citizenship, race, ability, gender identity, sexual orientation, age, veteran status, or any other protected class.