

(H. B. 1848)

(No. 162-2010)

(Approved November 2, 2010)

AN ACT

To direct the promulgation and implementation of Sexual Assault Victim and Survivor Intervention Protocols; require that these Protocols are fully implemented by Executive Branch agencies that intervene with sexual assault victims and survivors; provide that the Office of the Women's Advocate and the Institute of Forensic Sciences shall be legally empowered and responsible for overseeing faithful compliance with these Protocols; and for other purposes.

STATEMENT OF MOTIVES

Sexual abuse is one of the manifestations of violence with the highest rates in our Island, yet it is one of the least reported crimes. According to estimates of the Department of Health of the Government of Puerto Rico, around 54,000 sexual assault cases occurred in 2007 alone. According to estimates by the Center for Disease Control of the United States Health Department, only 16% of all sexual violence cases are reported to the authorities.

In Puerto Rico, over 2,000 sexual assault cases are reported every year throughout the Island. This issue continues to be complex and difficult to manage due to the particular details of each case, whether minors or adults are involved, whether committed by family members or strangers, whether in the privacy of one's own home or at public locations.

More troublesome is the fact that sexual violence has very profound effects on the physical and mental health of its survivors. These assaults cause physical injuries which can have immediate or long-term consequences, such as sexually transmitted infections and pregnancies, among others. They also have an impact on the victims' mental health, with sequels that can be as serious as the physical consequences and can also have very prolonged effects (WHO, 2004).

In view of its consequences and implications to the victims' physical and mental health, sexual violence is deemed to be one of the most costly crimes, surpassing even murders. According to studies conducted in the United States, the costs of sexual violence a year are estimated at \$14.9 billion, including direct and indirect costs, which amount equals 0.2% of the U. S. domestic gross product. It is also estimated that, on average, each case comes to a total of \$110,000 in costs for victims (WHO, 2004).

The World Health Organization defines sexual violence as: any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work (WHO, 2002). Sexual abuse includes all acts of a sexual nature in which there is no consent by one of the parties. It is a deliberate act of violence by the assaulter in which the emotional and bodily integrity of another human being is debased. It is about dynamics involving an abuse of power and control, which include the psychological abuse, intimidation, and manipulation of the victim. Sexual abuse includes sexual assault by an intimate partner, a stranger, an acquaintance, or a relative.

In light of the foregoing, it becomes imperative to develop multidisciplinary intervention strategies and protection and support services for sexual assault victims and survivors. In order to accomplish this objective, the Legislative Assembly of Puerto Rico requires the establishment of Sexual Assault Victim and Survivor Intervention Protocols to provide compliance guidelines for government agency officials who intervene in the various stages of the sexual assault victim's/survivor's assistance process.

In its basic aspects, an Intervention Protocol should provide for uniform process mechanics in the rendering of services at the various agencies. This tool offers certain specific parameters, which shall be tempered with the programmatic structure of each agency, taking into account the services each agency provides, its bylaws, its legal standing, and its administrative capability, in order for this tool to work as intended. The Intervention Protocol thus becomes a guideline to work properly with sexual assault victims and survivors, including providing them with the sensitive and personalized attention these cases deserve.

Through this requirement, the Legislative Assembly of Puerto Rico makes sure that officials offer a fair, timely, and effective intervention when rendering services. Likewise, we hereby strengthen the services provided to sexual assault victims/survivors, by guaranteeing that all agencies concerned are bound by law to comply with the establishment and implementation of Intervention Protocols to provide uniform and effective intervention in sexual assault cases.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.—The promulgation and implementation of Sexual Assault Victim and Survivor Intervention Protocols is hereby directed in recognition of and consistent with the public policy of the Government of Puerto Rico.

Section 2.—All agencies of the Executive Branch of the Government of Puerto Rico that intervene with sexual assault victims and survivors are responsible

for complying with the requirement of establishing and implementing a Sexual Assault Victim and Survivor Intervention Protocol, which shall provide guidelines to adequately handle the support and service needs of sexual assault victims and survivors, and the same shall include the following minimum requirements: a statement of public policy; its legal basis and applicability; the responsibility of the personnel; a uniform procedure for gathering information; a uniform procedure to be followed in rendering services to victims, making a distinction between procedures to be followed with underage victims and with adult victims; a uniform interagency collaboration procedure with a multidisciplinary approach and taking into special consideration any particular aspects when managing cases.

Section 3.—The Executive Branch agencies directly related to the implementation of these Sexual Assault Victim and Survivor Intervention Protocols are: the Institute of Forensic Sciences, the Department of Justice, the Puerto Rico Police, the Office of the Women’s Advocate, the Department of the Family, and the Center to Help Victims of Rape, currently attached to the Department of Health.

Section 4.—The Office of the Women’s Advocate, the Coalition against Domestic Violence and Sexual Assault, and the Center to Help Victims of Rape shall provide technical advice to the Institute of Forensic Sciences for the drafting of these intervention protocols, according special attention to agencies whose work relates to public safety and criminal justice, and the Office of the Women’s Advocate and the Institute of Forensic Sciences shall be legally empowered and

responsible for overseeing faithful compliance with the provisions of this Act, for which reason, they are hereby authorized to adopt regulations as necessary to meet such purposes.

Section 5.—This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 162-2010 (H. B. 1848)** of the **4th Session of the 16th Legislature** of Puerto Rico:

AN ACT to direct the promulgation and implementation of Sexual Assault Victim and Survivor Intervention Protocols; require that these Protocols are fully implemented by Executive Branch agencies that intervene with sexual assault victims and survivors; provide that the Office of the Women's Advocate and the Institute of Forensic Sciences shall be legally empowered and responsible for overseeing faithful compliance with these Protocols; and for other purposes.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on the 30th day of January, 2013.

Juan Luis Martínez Martínez
Acting Director