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Cecil Co. Allowing ‘Jane Doe’ Rape Data: Women can Submit Evidence Anonymously without Formal Report

By Laura Cadiz, Sun Staff

In an effort to encourage rape victims to disclose the notoriously underreported crime, Cecil County has joined a handful of localities nationwide that allow people to provide police with physical evidence and details about the offense without filing a formal report that would trigger prosecution.

The police cannot analyze the evidence unless the victim authorizes an investigation. After three months, it is destroyed.

This “Jane Doe” reporting – the first of its kind in the state, offered at Union Hospital in Elkton – is applauded by organizations against sexual assault, which would like to see similar programs widely implemented nationwide. But it is criticized by some criminologists, who fear that delayed reporting, or the possibility of no reporting, will lead only to more rapes.

“That three-month delay just poisons the way we fight sexual assault crimes,” said Lawrence Kobilinsky, an associate provost at John Jay College of Criminal Justice in New York.

The anonymous reporting is offered as a last resort to rape victims who otherwise would not report the crime, allowing the hospital to collect crucial physical evidence, said Alex Wells, a forensic nurse and coordinator of the Sexual Assault Forensic Examiner program at Union Hospital, Cecil County's only full-service community hospital.

“We’re not going to offer them the Jane Doe program unless they’re pretty much walking out the door,” Wells said. “Either we get something or we don’t get anything.”

Wells was a driving force in establishing the Jane Doe reporting in Cecil County, where 16 rapes were reported last year, according to state police.

A few similar programs exist nationwide, including in Chapel Hill, N.C.; Bryan, Texas; Douglas County, Kan.; and Santa Barbara, Calif. But unlike in Cecil County, the police in these areas are allowed access to some of the crime information to track statistics and

patterns of sexual assault.

After reading about other communities that offered anonymous rape reporting, Wells said she felt it was important to give another option to victims she encountered who were reluctant to cooperate with police.

In 2002, the hospital brought the idea to the county Sexual Assault Response Team, which includes the state's attorney's office, state police, the county sheriff's department and other local law enforcement agencies. After further research, the groups agreed to the program, and the hospital implemented it Oct. 12.

'Time to really think'

"It's just really for the victim to have the time to really think about it," Wells said. "Then we can refer them to the rape counseling center so they can get the counseling they need. [Counselors] found that some of the victims [who] didn't report it wish they had."

Under the program, the law enforcement agencies in Cecil County know that a rape has been reported but nothing more. The rape kit sits in police storage and is destroyed after three months if the victim doesn't file a formal report.

Sarah Graham Miller, a spokeswoman for the Rape, Abuse and Incest National Network, said the organization rarely hears about jurisdictions offering such anonymous reporting. But it is something her organization encourages, given that 38.5 percent of rape and sexual assault victims reported the attacks to law enforcement in 2003, according to the Justice Department.

"We can't prosecute offenders or even investigate offenders unless victims are willing to come forward," she said. "Options like this are certainly encouraging."

Jennifer Pollitt Hill, executive director of the Maryland Coalition Against Sexual Assault, said she wants to see the program replicated throughout the state. Forensic nurses – who are trained to compile evidence that can be used in a criminal case – cannot collect evidence for a rape kit unless police authorize it. And that won't happen if the victim does not cooperate, she said.

A Jane Doe report is authorized by police, providing another option when victims are traumatized and not considering prosecuting the perpetrator, she said.

"People just want immediate [medical] care; they're not even thinking about next [legal] steps," Pollitt Hill said. "But they could be thinking about next steps as soon as tomorrow, and we just shouldn't miss that opportunity."

Potential problems

However, Kobilinsky, the John Jay criminologist, said that the more time rape victims

have to consider filing a police report, the more likely they are to become fearful about having to testify in court, where they are likely to have personal details exposed and be subjected to a demeaning cross-examination.

Kobilinsky also worries that because the program allows police no access to evidence or crime details without victim consent, it could allow a serial rapist to claim other victims.

Wells, the Union Hospital nurse who helped start the Cecil program, said forensic nurses advise victims that delaying reporting can damage their credibility, prevent the collection of crime scene evidence and affect the prosecution of the case. She said the staff is still discussing what it should do if nurses see evidence of a serial rapist.

The hospital received its first Jane Doe case Oct. 27, a 17-year-old who was brought to the hospital by police and was afraid of the repercussions if she reported the crime, Wells said.

Maryland State Police spokesman Sgt. Thornnie Rouse said that not being able to investigate rape evidence without a victim's consent is "frustrating."

"But at the same time, that's the decision of the victim, and we certainly can't be mad at them, given what they are going through."

Rouse said that having evidence in the hope that a victim may report the crime is better than nothing.

"It's better than someone sitting in the corner crying to themselves and not letting anyone know what's going on ... and being reluctant to deal with law enforcement," Rouse said.

Maureen O'Connor, an associate professor of psychology at John Jay College, said Cecil County's program and its effects should be studied.

"I do think an argument could be made that such a program could lead to more arrests, and it also could lead to fewer arrests," she said. "And we don't know and need to find out."

The Chapel Hill Police Department has been offering rape victims a blind reporting option since the early 1990s and uses information victims provide – such as location and time of the rape, and suspect information – and compares it to other rape information in an attempt to find a match to a possible suspect.

In the mid-1990s, two men were convicted of rape after the Police Department received six reports – three blind and three formal – that had similar details that led them to the perpetrators, said Sabrina Garcia, domestic violence and sexual assault specialist for the Police Department. After police notified the women who had submitted blind reports, they filed formal reports.

“It lends even more support to victims who believe that they are the only one,” Garcia said.

Wells said Union Hospital considered providing police with some crime details but felt that disclosing any information would further discourage rape victims from anonymously reporting the crime.

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