

CONNECTICUT ALLIANCE TO END SEXUAL VIOLENCE



Support. Advocate. Prevent.

Testimony of Laura Cordes, Executive Director
Connecticut Alliance to End Sexual Violence
Judiciary Committee Public Hearing
Monday, March 26, 2018

**S.B. 132 AN ACT COMBATING SEXUAL HARASSMENT AND SEXUAL ASSAULT
HB 5571 AN ACT CONCERNING HUMAN TRAFFICKING**

**H.B. 5578 AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH
RESPECT TO THE SEXUAL OFFENDER REGISTRY**

Senator Doyle, Senator Kissel, Representative Tong, and members of the Judiciary Committee. My name is Laura Cordes, and I am the Executive Director of Connecticut Alliance to End Sexual Violence (formerly CONNSACS) the statewide coalition of nine community-based sexual assault crisis services programs whose mission is to end sexual violence and ensure high quality, comprehensive and culturally-competent sexual assault victim services. For over 35 years, The Alliance has been standing with survivors and against a culture that has normalized rape and sexual violence. Last year certified sexual assault crisis counselors and victim advocates at our nine member programs and within the state's sex offender management and supervision probation and parole units served over 7200 child, adolescent and adult survivors and provided prevention education and training programs to over 50,000 residents.

Thank you for the opportunity to come before you in support of the following bills on your hearing agenda: SB 132 *AN ACT COMBATING SEXUAL HARASSMENT AND SEXUAL ASSAULT*, HB 5571 *AN ACT CONCERNING HUMAN TRAFFICKING*, HB 5578 *AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO THE SEXUAL OFFENDER REGISTRY*.

S.B. 132 AN ACT COMBATING SEXUAL HARASSMENT AND SEXUAL ASSAULT

The millions of #MeToo stories shared by courageous survivors starkly illustrate that women and girls, in particular, (although men and boys are victimized too) are subject to harassment, discrimination, unwanted touching and violence at nearly every age and stage of their lives: on the street, in the home, on trains, at school, on the playground, and in the workplace. The emotional, physical, healthcare, social, economic, and professional harm is significant and the costs are high.

Not just in Hollywood but in every industry, workplace harassment remains a persistent problem - it thrives in spaces of inequality and secrecy and disproportionately impacts people of color, people with disabilities, low wage workers, people who identify as LGBTQ, and people who are, or are perceived to be, gender non-conforming.

Sexual harassment in the workplace is prevalent, impacting up to 85% of women, according to a report from the U.S. Equal Employment Opportunity Commission Select Task Force on the Study Harassment in the Workplace.

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Forty percent of women experience unwanted sexual attention or sexual coercion, even if they don't label it as "sexual harassment," and 60% of women experience unwanted sexual attention or sexual coercion, or sexually crude conduct or sexist comments in the workplace. Additionally the report shows that upwards of 85% of people who experience workplace harassment never file a formal legal charge and approximately 70% of employees never disclose internally. They fear loss of their job, or a promotion and retaliation should they report.

People who are harassed are forced to short cut their education, miss out on opportunities for advancement, and quit jobs and careers they love. A recent Marketplace survey (March 2018) showed that over a quarter of women have experienced sexual harassment in the workplace, and of those women, 46 percent say that harassment caused them to leave jobs or switch careers.

SB 132 expands Connecticut's workplace discrimination law in a number of important areas including training and the time allowed for making a complaint. Under current law, CHRO has required employers with 50 or more employees to provide at least two hours of training on sexual harassment to its supervisory employees within six months of her or his employment. The bill permits CHRO to impose the same requirements to employers with 3 or more employees, and extend training from supervisory employees to all employees. Training would inform victims about their rights, and ability to file complaints with CHRO. **The Alliance recommends expanding the training content in Section 1 to include bystander intervention skills and discussions regarding workplace civility, and acceptable and expected behavior in the workplace as is recommended in HB 5043.**

Connecticut has led the country in requiring the training on of supervisors; with the passage of this bill Connecticut would go the next logical step and be one of the first states to require the training of all *employees*. New employees, *should* be learning about the behaviors that are accepted and excepted in the workplace and that empowers them as potential bystanders to create a respectful and inclusive workplace. Active bystanders can validate and support a colleague and/or intervene or challenge the inappropriate behaviors that lead to harassment and discrimination, many times before any damage is done.

Additionally, SB 132 extends the time an employee has to file a complaint for discrimination from 180 days to three years; extends the time to bring a claim in Superior Court after a complaint is released from CHRO from 90 days to 2 years, and increases the fine for failing to give employees notice of the sexual harassment policy from \$250 - \$1000. Victims of harassment and assault may not feel safe to come forward with a complaint and may need more time to explore their options and identify support to do so given the highly charged and personal toll these events take on them.

The Alliance also supports Section 15-17 of SB 132 which removes the statute of limitations for sexual assault crimes. The impact of sexual violence can last a lifetime, but for survivors of sexual violence, the chance to seek help through our criminal justice system does not. For the majority of sexual assault crimes, Connecticut law provides survivors of sexual violence with only a five-year criminal statute of limitations. This is the window of time in which the state can bring criminal charges against a perpetrator. At just five years, Connecticut is well behind the rest of the country with one of the shortest statute of limitations in the country, and the shortest in New England.

There are 29 states that have no statute of limitation or a period of 21 years or more for sexual assault crimes including: *Alabama, Alaska, Arizona, Arkansas, California, Delaware, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, West Virginia, Wisconsin and Wyoming*

The opportunity to seek justice should not have an expiration date. **The Alliance supports the provision in this bill to remove the statute of limitations which is also found in HB 5246.** Additional bills that the committee is considering, SB 237 and 238, propose studying or expanding the statute of limitations to 10 years respectively. Even at 10 years,

Connecticut would still be behind the overwhelming majority of states who allow prosecutors more time to charge someone with a sexual assault crime.

Connecticut's five-year window is too short and closes well before many victims can report. As the millions of #MeToo stories have illustrated, and as our frontline sexual assault victim advocates know all too well, the overwhelming majority of victims and survivors of sexual violence face significant barriers to coming forward. They need time to heal, have support and feel safe before gathering the strength to disclose or report the crime.

Sexual violence is the leading cause of Post-Traumatic Stress Disorder (PTSD) in women, according to the National Institutes of Health. The Department of Justice's Office on Violence Against Women acknowledges that "sexual assault...is a deeply traumatic crime that can cause severe damage to survivors' emotional, spiritual, and psychological well-being."¹ In addition to coping with the impact of trauma from the assault, survivors often face threats from the offender, their family members or friends. They also risk being blamed, shamed or scrutinized for their assault if they disclose or report the abuse.

High profile cases underscore an uncomfortable reality - serial offenders (other Harvey Weinstein's and Bill Cosby's) are among and known to us. They perpetrate countless times, count on others to look the other way, and threaten and manipulate survivors into silence. When one or more of an offender's victims is able to come forward and the state has the evidence to make charges the perpetrators should not be allowed to escape because the statute of limitation has passed.

Connecticut's antiquated and short window does not account for the valuable evidence -online images, saved video, texts and voicemails that can go undiscovered until the after the statute of limitations has passed.

In most instances where the survivor experienced abuse or assault as a minor in Connecticut the statute of limitations is thirty years past the age of majority. Removing the statute of limitations in these cases will help child victims who feel unsafe, or are often unable to come to terms with what happened to them, feel empowered enough to come forward in adulthood.

Eliminating the statute of limitations for sexual assault would not change the burden of proof required for a criminal case. Despite concerns about lost evidence or forgotten memories, raised by those who oppose changes to the statute of limitations, state's attorneys would not pursue a sexual assault case without enough evidence to build a viable case, as they do currently.

Sexual violence thrives in conditions of secrecy and inequality and is often not only an expression of misogyny, but of racism, classism, ableism, and/or homophobia. Not all survivors have the same access to justice and healing and even with the transformative and nationwide shift in the public's willingness to more fully acknowledge sexual violence as a pervasive problem, not everyone will feel or is safe to share their truth. Not everyone who risks disclosing, will be believed. Those on the margins - people of color, immigrants, people who identify as LGBT, people with disabilities not only remain incredibly vulnerable to sexual violence and but may face bias and discrimination when they step forward.

So when survivors of trauma are able to report their crime to the police, it's on us, to do everything we can to be there for them, to improve and ensure fairness in our criminal justice system, keep the door open for justice, and to hold those who choose to sexually harm others accountable for their crimes. When we fail to do so, offenders are free to perpetrate these crimes over and over again, and survivors are denied the opportunity for justice and healing that they deserve.

¹ <https://www.justice.gov/ovw/blog/importance-understanding-trauma-informed-care-and-self-care-victim-service-providers>

The time has come for Connecticut to eliminate the statute of limitations for sexual assault crimes.

HB 5571 AN ACT CONCERNING HUMAN TRAFFICKING

As a longstanding and active member of the Trafficking in Persons Council (TIPs Council) The Alliance supports HB 5571 which would enact several of the recommendations in the TIPs Council 2017 Report including adding new and additional members to the Council, revising and consolidating the the human trafficking training requirements, changing the definition of human trafficking and adding the crime of *Trafficking in Persons*, to the *Registration of Sex Offenders* statute.

H.B. 5578 AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO THE SEXUAL OFFENDER REGISTRY

Convened in 2015 by the General Assembly to investigate Connecticut's current system of assessment, management, treatment, and sentencing of sex offenders, the Special Committee on Sex Offenders met over the course of two and a half years, and made numerous recommendations adopted and presented in the December 2017 Sentencing Commission report, "*A Study of the Sex Offender Sentencing, Registration, and Management System.*"

I served as a member of this committee and the co-chair of one of the three subcommittees, the Subcommittee on Community and Victim Needs. In addition to the proposal to move to a risk and tiered based registry, the Sentencing Commission report contains many low and no cost recommendations to increase trauma-informed responses and support for victims and survivors of sexual assault throughout the criminal justice system, and to promote education and information programs for landlords and community members regarding sexual violence prevention, and myths and facts related to individuals who perpetrate sexual assault crimes. Several of the recommendations found on pages 12-14 and 125 -129 that reflect the work of the members and should be considered for legislative action as well.

One such recommendation is to require an annual report to the legislature detailing the number of sexual assault cases presented in CT criminal courts; including initial charge, plea, conviction and sentence. This information is vital, if we are to truly understand how we are addressing sexual assault crimes within our criminal justice system.

Throughout the work of the subcommittee, victims and survivors of sexual violence expressed a dissatisfaction or frustration with the criminal justice system response. While there were exceptions this was a continued theme found in presentations by victim advocates, during testimony at the January 2017 Sentencing Commission public hearing, and in responses to the Public Input Survey regarding the offender's sentence, access to information and support, and the realization of their rights as a victim of crime in Connecticut.

Survivors and other members of the public also expressed varying views of the helpfulness and difficulties associated with the registry. A Public Input Survey conducted by the SCSO showed that respondents had an interest in knowing more about the actual crime(s) committed by those on the registry, an understanding of the dangerousness or risk of reoffense, and a desire for information regarding perceived risk and the crime committed rather than just the reference to the state statute. Survey participants were opposed to or had concerns about the removal of offenders who are currently on the Registry but were mostly split on removing offenders entirely from the Registry or moving lower risk offenders to a private (law enforcement) registry.

In Connecticut, sex offenders who serve a period of probation or parole are managed through a collaborative model of specialized supervision and treatment which include probation officers, treatment providers, and a community-based sexual assault victim advocate. The 18 probation and 5 parole specialized units represent a unique and successful collaboration between JB-CSSD, DOC, sex offender treatment providers, and sexual assault victim advocates. Working together individual treatment and supervision plans and as well as conditions based on each individual offender's risk

are established and maintained for each offender. This nationally recognized model has contributed to the low rate of recidivism among offenders in our state.

The Alliance Post Conviction Sexual Assault Victim Advocates who work on these units and serve victims and community members throughout our state know first hand the impact that sexual violence has on survivors and their families and the concerns and fears that survivors face when the person who has harmed them re-enters the community.

The changes proposed to the registry will focus resources and attention on the most high risk offenders while keeping intact the specialized probation and parole units that are largely responsible for the day to day treatment and supervision of offenders in the community. We support this proposal and want to highlight three components of the bill that are critical to The Alliance support of a risk based, tiered registry. First, is that the proposal is prospective. Allowing offenders who are currently on the registry to be removed retroactively would be an intolerable injustice to survivors who believed at the time of sentencing that the sentence and the registry requirements were firm.

Secondly, Section 2 of this bill establishes an 8 member Sexual Offender Registration Board authorized to determine whether an offender who is required to register should be placed on the public registry or law enforcement registry. Members include: two people with substantial experience in providing sexual assault victims with victim advocacy services, three clinicians who meet the criteria for clinical membership in the Connecticut Association for the Treatment of Sexual Offenders (CATSO) or the Association for the Treatment of Sexual Abusers (ATSA) and who have at least five years of experience in the assessment of sex offenders, and three persons with at least five years of experience in sex offender management and supervision who have received training in evidence-based supervision of sex offenders. Who makes decisions about the risk of the offenders matters, and it is important that the board members have the expertise as defined in this section.

Additionally, the proposal justly includes a provisions for victims to have access to information about the offender on the law enforcement registry, notification for future victims of sexual violence whose offender may petition to be moved from the public to a law enforcement registry, as well as an opportunity for a victim to make a statement to the board that is considering an offender's request for removal.

Lastly, we urge the committee to amend the language to include the Sentencing Commission's recommendation to create a multidisciplinary advisory group including individuals who manage the current Registry, to plan for the implementation changes in order to minimize the impact to victims and prepare victim advocates and those within the law enforcement community for new protocols.

Thank you for your time and consideration. Please contact me with any questions you may have.

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Connecticut Alliance to End Sexual Violence
Our Member Centers



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