

CONNECTICUT ALLIANCE TO END SEXUAL VIOLENCE



Support. Advocate. Prevent.

Testimony of Lucy Nolan, Director of Policy and Public Relations
Judiciary Committee Public Hearing
Monday, April 1, 2019

Support SB 3 AN ACT COMBATING SEXUAL ASSAULT AND SEXUAL HARASSMENT

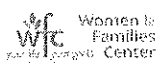
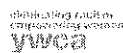
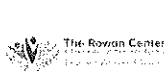
Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee my name is Lucy Nolan and I am the Director of Policy and Public Relations with the Connecticut Alliance to End Sexual Violence (The Alliance). The Alliance is the state's leading voice to end sexual violence and coalition of community-based sexual assault crisis services centers. Our mission is to create communities free of sexual violence and to provide culturally affirming, trauma-informed advocacy, prevention, and intervention services centered on the voices of survivors. I am here today to speak on SB 3 AN ACT COMBATING SEXUAL ASSAULT AND SEXUAL HARASSMENT.

The Alliance supports the elimination of the statute of limitations for sexual assault crimes. As you are hearing today, the impact of sexual violence can last a lifetime, but for survivors of sexual violence, the chance to seek help through our criminal and civil 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 and a three-year civil statute of limitations. This is the window of time in which the state can bring criminal charges against a perpetrator or a victim can recoup the monetary damages incurred due to a sexual assault, which may include therapy, moving expenses, loss of income among other expenses. 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.

Twenty-eight states 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, 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 for both criminal and civil cases.** The Alliance does not support SB 913, An Act to Eliminate the Statute of Limitations Concerning Certain Sexual Offenses to expand the statute of limitations to 10 years. 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. You will hear from survivors the many hurdles they had to jump in order to feel



strong enough to disclose. 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 are 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.

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.

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

The millions of #MeToo stories shared by courageous girls and women and boys and men are subject to harassment, discrimination, unwanted touching and violence at nearly every age and stage of their lives:

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

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. People who are being 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 3 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 the ability to file complaints with CHRO. **The Alliance recommends expanding the training content in Sections 1 and 3 to include bystander intervention skills and discussions regarding workplace civility, and acceptable and expected behavior in the workplace.**

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.

Thank you for the opportunity to speak before you today in support of SB 3 An Act Combating Sexual Assault and Sexual Harassment and we urge the Committee's passage. Eliminating the statute of limitations for most crimes of sexual assault give victims time, which is what they need to heal.

Thank you.

Lucy Nolan

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