

Connecticut General Assembly  
Judiciary Committee Public Hearing  
SB 3 Testimony from Father Ted Tumicki  
April 1, 2019

Good morning/afternoon/evening, Senator Winfield, Representative Stafstrom, Ranking Member Kissel, Ranking Member Rebimbas.

I am Father Ted Tumicki. Presently I am pastor of three parishes in Preston, Voluntown, and Jewett City/Griswold. I am also a son, brother, uncle, theologian, and canon lawyer.

From 2003 until 2010, I oversaw the sexual abuse prevention efforts in the Diocese of Norwich, including educational programs, comprehensive screening, policies, and outreach and provision of counseling services. Before, during, and after that time, I have worked with (and continue to work with) several victims and survivors of child sexual abuse, trying to bring about healing as well as learning from their experiences.

Some victims and survivors were abused by clergy; others were abused by public school educators; while still others were abused by family members. Sexual abuse of minors and the destruction it causes knows no boundaries.

One thing I have learned is that while some abuse victims can sue for damages, other abuse victims cannot because of sovereign immunity. In light of the double standard created by sovereign immunity in cases of sexual abuse, I am opposed to the Statute of Limitations provisions in Senate Bill 3.

In the mid 1990s, probation officer Richard Straub was caught molesting youth offenders entrusted to his supervision while he was probation officer in Danielson, a section of the town of Killingly. The case was investigated, Straub was charged with 224 counts of abuse against 15 victims, who were all teenagers (minors) at the time of the abuse. Straub was sent to prison, where he died years later. His victims sued him personally but did not get very much of a settlement because of Straub's bankruptcy. His victims cannot sue his employer, the State of Connecticut, because of sovereign immunity. Unfortunately, even if the proposed bill passes and the statute of limitations is lifted, Richard Straub's victims would not be able to sue his employer for damages because of sovereign immunity. True, they could try to file a claim with the claims commissioner, but it is uncertain anything would come of it.

Why is it that sexual abuse victims of public employee perpetrators are not allowed to sue but sexual abuse victims of a private employee perpetrators are allowed to sue? Why is there not one standard for pursuing civil litigation for the same crime? Was the abuse experienced by Richard Straub's victims somehow less than identical abuse perpetrated by a non-state employee?

Sovereign immunity also protects municipal workers as well, which include public school teachers, public school coaches, etc.

Practical realities mean that a 28 year old victim of abuse by a *private* school teacher could sue the teacher's employer, but a 30 year old victim of abuse by a *public* school teacher could not sue the teacher's employer. Under present law (and even with the proposed bill), the private school can be sued, but the public school cannot be. Again, why the double standard for the same crime of sexual abuse?

What's worse in this example is that the teacher could be the abuser of both victims. Here is one way how: A student complains of being abused by a teacher. An investigation is done by DCF,

which determines the allegation to be credible. The teacher resigns, no charges are brought, and no arrest is made. At the advice of another professional, the teacher then applies to a private school because private schools don't always look for certification. The private school does a criminal history background check which comes out clean (there was no arrest or conviction). Reference checks with the prior employer are also clean because by state law the prior employer cannot reveal the abuse. The private school hires the teacher, who subsequently abuses a student.

A second way how the teacher abuser could be the abuser of both victims is that the teacher could teach part-time at both a public and a private school at the same time.

The more I think about this issue, the more I am becoming convinced it is time to remove sovereign immunity in sexual assault and abuse cases: We need one standard for punishing the same crime.

In light of the double standard created by sovereign immunity, I oppose Senate Bill 3 as it now stands, and I urge you to vote against the bill.

On the point of a "look back window" for the statute of limitations, I have mixed feelings.

+ On the one hand I understand why victims and survivors want to sue; and on the other hand, I see the concerns (and anger) of parishioners and other people who wonder why they are being singled out and targeted by this proposed legislation when they have done nothing wrong and while their public-sector counterparts would continue to be exempt and protected.

+ On face value, the position of a "window" seems odd in that it says "Yes, we see a value in a statute of limitations, but not right now, and not for you (private organizations), but we'll continue to exempt ourselves (the State and municipalities)."

+ It's a shifting standard. The Legislature wants to create a window now, but how many more windows can we expect? Can we then trust government will be there for all people and organizations with a firm standard or will they continue shifting with exceptions? What will the next window be and look like in 4 years? 7 years? 10 years? 17 years? 23 years? 34 years? 50 years? 75 years?

+ It is difficult (if not impossible – and unreasonable) to defend one's actions based on standards of decades ago and when records from decades ago may no longer exist, e.g., proof of insurance from 1956. In terms of trying to defend actions and standards from decades ago, please consider this: In 1978, when I was in first grade at John Mason Elementary School in Norwich, our "safe environments" class was simply "Stay away from strangers" and "Don't talk to strangers." What we now know is that such instruction ignored 90% of child sexual abuse because 90% of perpetrators are known by their victims. In other words, they are not strangers. Clearly, this was deficient information and thus deficient education. Can someone now sue for defective public school education 41 years later that put him or her in danger because they followed classroom instruction and went with a friend or family member who molested them and who was thus not a stranger?

In light of all of the above points regarding a "window" for the statute of limitations, I am opposed to Senate Bill 3.

Many people think that victims and survivors have no other choice but to sue. That is not true. The Diocese of Norwich encourages victims and survivors to come forward and report allegations, investigations are done and then reviewed by the Review Board, and when allegations are found to have substance, provision for counseling and other healing services are made available.