

Committee on the Judiciary and Public Safety
Hearing on the Sexual Abuse Statute of Limitations Elimination Amendment Act of 2017
and Childhood Protection Against Sexual Abuse Amendment Act of 2017.
Testimony of Naida Henao, *NVRDC Staff Attorney*, June 15, 2017

Thank you Chairman Allen, other Committee members and staff for supporting this important issue. My name is Naida Henao and I am testifying today on behalf of the Network for Victim Recovery of DC (NVRDC) in my capacity as a Staff Attorney. NVRDC has provided holistic victim services, including free legal representation, advocacy, and case management to 2,500 victims of all crime types in the District, 63% of whom were survivors of sexual assault. On behalf of those clients and all survivors of sexual abuse, we express our support Bills 22-0021 and 22-0028.

The current statutes of limitations represent an antiquated system that has failed victims of sexual abuse in DC. They are shadows of the misguided and outdated perspectives about how victims *should* behave following a sexual assault. The most prevalent of these perspectives is that victims will report immediately to the police. That expectation does not reflect reality. Consider this, every 98 seconds someone in our country is sexually assaulted¹—yet the most generous studies indicate that only 35 percent of victims ever report to the police.² The average victim of sexual abuse will not disclose until they are 42 years of age.³ There is absolutely no research or evidence to support that statutes of limitations encourage more reporting or bring more offenders to the attention of those tasked with investigating and prosecuting these crimes. Instead, timelines function as ultimatums that are akin to saying, “speak now or forever hold your peace.” The status quo fosters silence—not justice. And it is in that silence that victims can slip further into darkness, while perpetrators can roam free, unaccountable and unnoticed, continuing to abuse. These arbitrary timelines expose all members of society to continued harm and suffering, while providing little to no accountability.

¹ Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Crime Victimization Survey, 2010-2014 (2015).

² U.S. Bureau of Justice Statistics, M. Planty and L. Langton, “Female Victims of Sexual Violence, 1994-2010,” 2013; Wolitzky-Taylor et al, “Is Reporting of Rape on the Rise? A Comparison of Women with Reported Versus Unreported Rape Experiences in the National Women’s Study- Replication,” 2010.

³ Marci A. Hamilton, Testimony in Support of The Hidden Predator Act, H.B.1. (February 2, 2015).
<http://www.childusa.org/testimony-georgia-the-hidden-predator-act/>

These bills shift the focus away from the imaginary stopwatch, and stop punishing the victim for their decision to delay reporting. Early theories in victimology focused on how the victim may have contributed to the criminal act committed against them. This shaped traditional perspectives in how the criminal justice system viewed survivors' credibility and the validity of their claims (i.e. why didn't they fight back, why didn't they immediately tell someone, etc.). Criminal justice professionals are just now starting to understand the value of focusing an investigation on the offender's behavior, thereby shifting the onus of blame from the victim not having prevented the crime, to the offender for having committed the act (e.g. as seen with grooming). These bills reflect that shift, and create a justice system that invites victims to speak rather than inviting them to be chastised for delayed reporting.

As a society, we have to understand that after a sexual assault, there are a million reasons for which the victim may have delayed reporting or chosen not to disclose at all. A sexual assault is a violent dismemberment of a person from their sense of bodily autonomy, safety, and privacy. In the face of danger, one returns to the most basic instinct for a human being—figuring out how to survive. Imagine a young boy being sexually abused by a parent. They know where he lives; they can be with him whenever they want. They tell him that what they're doing is ok. Imagine that sense of helplessness where the person causing harm is the person who is supposed to be a protector. How would reporting help? It could lead to further harm, or harm to others. Perhaps the boy doesn't want the parent to get in trouble because they love their parent. Studies tell us that it will take many years for that boy to be able to make sense of what happened, perhaps even to realize it was wrong, and to maybe feel safe enough to share his story.

From there he faces countless obstacles: people may not believe him, others will scrutinize his story, make him share every detail, and make him relive what happened. If he does go to the police, a bleak road lies ahead. Only 9% of rapes are prosecuted, and in that 9% of cases, 97% of the perpetrators walk free.⁴ Opening the pathway to a lawsuit is not making anything easier on the victim. A difficult journey still lies ahead for them. But if they are able to

⁴ Probability Statistics Calculated By the Rape Abuse and Incest National Network, "Reporting Rates," 2013.

rise above the loneliness, fear, and trauma, these bills will provide what should have already existed—a space for victims to emerge from the darkness.

In this jurisdiction, murder does not have a statute of limitations simply because we all understand that there is no time limit on the effect of losing a loved one. Why can we so easily understand the long-lasting impact of a murder of a body, yet we lack the compassion to understand that to many victims, sexual assault feels like the murder of their soul. That feeling does not go away at the expiration of the statute of limitations. Justice cannot abide by a timer and we ask this Committee to not force it to do so. The only way victims will be encouraged to speak up is if we are there to listen, provide support, and open avenues to justice. It is for these reasons NVRDC supports these bills and I am happy to answer any questions you may have.