

Testimony for H.25

Amanda Nguyen

Amanda is the president and founder of Rise. She conceived the Survivors' Bill of Rights and theory of model social change, after having to navigate the broken criminal justice system after her own rape. She penned her own civil rights into existence; the bill she drafted is now federal law, as well as state law in several states.

Amanda's Testimony: This legislation was born from my experience with a broken justice system. I am a rape survivor. I remember walking into the local area rape crisis center waiting room and seeing so many survivors there. The greatest injustice I have ever faced was not the act of rape itself, but the subsequent denial of my rights by the country I love. I grew up believing that America is special because it recognizes universal, inalienable rights. But as a rape survivor, I learned that not all are equal in the eyes of the law. Survivors are continually re-victimized by the very system that was built to seek justice for them. It's completely unconscionable that a survivor in one state would have a completely different set of rights than a survivor in another state. In building a legal argument for why I deserve to know where the DNA samples taken from my body were stored, I found a patchwork of rights across America. Two survivors shouldn't have two completely different sets of rights just because they are in two different states. Justice should not depend on geography.

My story with a broken system is not mine alone. This is also the story of thousands other women in this state. In Vermont, one out of every five adult women has been the victim of rape. As we have seen across the state, justice for survivors has been dependent on the jurisdiction in which they were raped.

In facing all of these disparities I realized I had a choice. Accept the injustice or re-write the law. So I, along with an incredible team, wrote this bill. Now it is Federal law as well as law in several states including Massachusetts. I'm going to be honest. Talking about something so personal is scary. But I'm sharing this because I hope you see the importance of these civil rights and I hope that you join us to champion these rights in Vermont.

Lauren Libby

Lauren's Story

On September 10, 2011 I was raped by a student at my own school. Two and a half years later, I was raped again by a stranger in the bathroom of a bar. Both assaults were traumatic. What was most horrifying, however, was how my status as a victim marginalized me from my community and denied me the right to heal. Moreover, my assailant was left virtually unscathed.

A year and a half after my first assault, I filed a civil case against my first assailant through my school's administrative board. Over the course of six months, I endured hours of fact-finding sessions during which an investigator asked about what I was wearing that night, and what it felt like when my assailant raped me. Sitting under this microscope, I felt shame rather than support, incredulity rather than belief. I was not allowed to tell anyone about the case, and I was not allowed to directly address the administrative board. I functioned as a peripheral actor in a case that was ultimately about my body and my right to safety.

In late November 2014, my college's administrative board ruled on my case. All 40 members of the board unanimously decided that my assailant had indeed violated the school's sexual assault policy. Yet, my assailant wasn't expelled. His record wasn't expunged. He still has a full transcript for 4 years of college classes. He was even allowed to speak at our graduation. He moved to New York and took a job at a prestigious investment bank, even though he didn't officially graduate.

A school ruling did not keep me or my other classmates safe from my assailant. Neither did it keep me safe when I was raped again a mere three months after the ruling came. After I was raped a second time, I did not report it. I knew it wouldn't help. If my own school wouldn't protect me, why would the state's broken criminal justice system?

My story is not uncommon. It is commonplace. In fact, my experience demonstrates one of the few positive outcomes that a survivor can experience. It is unconscionable that a survivor could be denied rights in one state that would have been protected if they had been assaulted in a different state. A handful of states don't even notify the survivor when they permanently dispose of a rape kit. Instead, different states provide different rights. Even worse, no states provide survivors with all of the common-sense rights they deserve.

This is a crisis for 25 million survivors across America, and I've come together with citizens, advocates, and legislators to do something about it. We're fighting for a comprehensive Bill of Rights for all survivors.

By denying survivors basic rights, we diminish the value of their lives, and all others as well. This erodes at the values of respect and trust that hold our community together. Only once those values are protected will I begin to feel truly a part of that community again. Only then will

I recover. Join me by signing this petition and calling on your representatives to pass this important legislation now.

Leah Griffin

Leah's Story

I was raped in April of 2014, and encountered obstacles at every turn in a system that was supposed to assist me. The hospital turned me away. The police ignored me. The prosecutors blamed me. The treatment of rape survivors must improve, and to that end I have emailed, called, and collaborated with as many stakeholders as possible. I testified for HB1068 to mandate rape kits be tested in Washington State. I serve on the Sexual Assault Forensic Examination Task Force which will make recommendations for action to the legislature. I met with Sen Patty Murray's staff, and she drafted The Survivor's Access to Supportive Care Act based on my experience of being turned away from the ER.

I speak with the press because my own silence is unacceptable to my conscience. Silence feeds shame. Activism has saved my life.

Grace Watkins

Grace's Story

When I was 18 I was raped by a Notre Dame athlete while his friends filmed. I was hospitalized for my injuries at a facility that did not have Sexual Assault Nurse Examiners on staff. I was told that I would have to pay thousands of dollars for a rape kit, which I simply could not afford. I did not know that this was a violation of Indiana law. The untrained nurses told me that I wasn't "really assaulted", despite treating and documenting my open cuts and tissue damage.

My hospital experience was as horrific as the assault itself. In the following months and years, I found myself dwelling just as much on the callousness of the nurses and the lost opportunity of my rape kit as I did on the assault itself. I came to understand that this is what it feels like to have your rights denied. Injustice is not just bad rules, it is a collection of deeply painful lived experiences.

I still struggle daily with what happened to me, and I am frustrated by my inability to express myself in ways that are new or compelling enough to help others understand. In my victim impact statement I even wrote, "I am angry and in pain and so, so tired. I apologize for the bluntness of my words, but I don't know how to make myself any clearer." I have only found solace in community with other survivors and those willing to help our efforts to improve institutionalized responses to sexual violence.

I am very passionate about my work, but I'm also angry that I have to do it. I mourn for the interests I had prior to being raped, which receive less time and attention now that I have devoted my career path to prevention and response efforts. The trauma of a rape is not isolated to its direct aftermath, but also in the tragedy of every subsequent hour lost. Time that I spent parsing through the particularities of FERPA with Notre Dame's General Counsel could have been spent reading, writing, or laughing with friends.

I continue to fight because I can't abandon these problems now that I know they are there. And I know that I am not alone in this.

Julia Reilly

Julie's Story

In November of 2010, I was sexually assaulted. I was not raped, for which I feel a profound, albeit twisted, gratitude. Experts can disagree about whether what happened to me was technically illegal, as the country I was in at the time has a flimsy patchwork of laws on sexual violence, with even flimsier application. Although I was a mere tourist, I knew enough about the country to know that if I reported what happened to me, I risked being charged with a crime myself—that of “illicit sexual relations.”

Flying out of there, I felt deep relief and pride that I come from a different place. I told myself that if this had happened to me at home, then surely I would report it, surely I would pursue justice, as there was a system to pursue it with me.

What happened to me abroad sensitized me to a whole world of experiences that had been simmering under the surface of my home. I noticed that I knew many women who had experiences similar to, or far beyond, mine. Like I did, these women understood that what happened to them was a crime. All of them decided not to report. They understood the obstacles they would face, if not in detail, then certainly in degree. They all found other ways they wanted to occupy the first years of their adult lives.

I quickly accepted that I could never hold my attacker to account. This was a surprisingly easy peace to make, as I had the youthful confidence that I came from a place of more protection, that I was privileged by a society with strong structures in place to address these crimes, and that my society held the standard for others to be better. Indeed, much of the sadness, rage, and loss I felt after my assault came when I thought of the millions of women who could not just fly out of that country, whose struggle for protection in their own legal system is held up around the world as a hallmark of the continuing scourge of violence against women. I still wonder how many of them have crossed him, as I did, alone and unaware.

As I stayed with the stories I heard at home, I began to realize that so many of the blithe assumptions I had about the protections that would be afforded me here were simply untrue. Hearing stories of countless survivors, I realized that the overwhelming truth of their experience is that they fight against the current of the system, when they should be buoyed up by it. I can accept this from a country that is not my own, with a culture over which I can claim no ownership, with a legal system often cited as an international example of the failure to protect women from violence. However, I cannot accept this from my own country, and the magic thing about this country is that I do not have to. That is why I am here.

Danielle Tudor

Danielle's Story

I experienced a horrific rape, endured the rape kit process and supplied law enforcement with a composite sketch of my rapist. I did everything I was asked so my rapist could be caught and prosecuted.

But that didn't happen.

Instead, he was caught 7 years later because of my evidence and then I endured a trial where my rapist would not be charged for my rape because the statute of limitations had expired. I've endured several parole hearings to keep him in prison. The parole hearing process is as traumatizing as the rape. I resolved to fix it so victims felt more secure and actually welcome to attend a parole hearing. I've accomplished this, but there is more left to do.

My advocacy has grown since 2008, and I've learned that even though the changes I advocate for won't change what I experienced, they can change the experiences of the next victims of sexual assault. In the process I've experienced more healing and empowerment as I've stood up and fought back against the system that failed me. The most basic principle is for a sexual assault victim to know what their rights are. You cannot exercise rights you don't know you have, and that's why I'm committed to ensuring that the rights that Rise advocates for are enshrined in Oklahoma law.

Sabrina Dobson

Sabrina's Story

According to the AZ Department of Public Safety, a rape occurs every 5 hours within Arizona. 1,752 people will experience a rape this year. Out of the 1,752 assaults, only about 10 perpetrators will be incarcerated. It is clear that survivors are not receiving the justice they deserve.

I am not a survivor of sexual assault. However, I am an advocate for survivors. As a social worker, I have seen many of the effects of sexual assault. I have heard countless stories from survivors who have not received justice. I have heard repeatedly how the system has failed survivors. We cannot allow this unjust and unfair treatment to continue. We must stand up and support survivors.

Arizona has made progress to support survivors; however, there is still much work needed to be done. Throughout Arizona, survivors do not have universal access to medical care. Dependent on when and where the assault occurs, a survivor in Arizona may not be able to obtain a medical exam within a timely manner. This is *crucial* to not only a survivor's health but to being able to obtain and preserve evidence. If a survivor is unsure of reporting due to numerous reasons, such as the survivor is concerned for their safety, they may not have the option to store their rape kits for future prosecution. Can you imagine not being able to obtain justice because you chose not to complete a police report for your own safety? Arizona is in need of securing rights for survivors of sexual assault to ensure there are no barriers in their pursuit for justice. Survivors should have full access to medical care, including completing a rape kit. Survivors should not lose the right to keep the evidence within their rape kit because they did not complete a police report in a timely manner.

RISE is working to ensure not only these rights for survivors but also many others. RISE is empowering survivors and creating a legion of allies and advocates. RISE cares about ensuring survivors are not faced with additional barriers to justice after experiencing life-changing trauma. Arizona can be a state that fully supports survivors of sexual assault.

Amanda Wingle

Amanda's Story

In the early morning hours of April 11, 2008, I was raped after a night of partying with friends. I came from a conservative Catholic family and had grown up hearing messages about victims "asking for it" by consuming alcohol, wearing a short skirt, any number of imagined offenses which I was taught to believe somehow justified the violation of another's body in the most intimate and horrific way possible. So, because of my upbringing and the fear that I would be blamed for what happened, I didn't go to the hospital or report my rape to the police. I genuinely believed I had brought it on myself.

After initial medical attention, I struggled silently until over a year later when I finally disclosed to my longtime nurse practitioner. She responded with immense compassion and concern, encouraged me to get into counseling, and regularly checked in with me for the rest of the duration of our patient-provider relationship.

Over the course of the subsequent years I began volunteering with the RAINN Online Hotline in the hopes that I could keep someone else from feeling as alone as I had felt. I wanted every patient to have the same positive, life-changing experience that my nurse practitioner provided for me. Today, I'm the Program Services Coordinator at my local domestic violence agency. I love my work immensely, but one of the most difficult parts is seeing my clients struggle to navigate a legal system which often does not serve their needs in the way that it should. Hardly anything is easy or straightforward, and often times it seems like it's one thing after the other for my clients.

I know how long that 20 minutes waiting for a HIV test feels -- I can only imagine the stress and anxiety of having a rape kit languish on an unidentified shelf, unable to track its status, whether it has been tested, or even if it exists anymore (as some state laws allow the kits to be destroyed after as little as 30 days). I can't imagine constantly just WAITING for the phone to ring -- have they tested the kit? Did they find the perpetrator? And if so, what comes next? I've seen the struggles faced by survivors I spoke with through both RAINN and at the DV agency, and I am moved to make things better for them. In many cases they do everything they are "supposed" to do and still do not receive justice. We tell them to report it, to go to the ER, to do all these really hard, retraumatizing things, and then after they do it we do not give them the support or resolution that they need.

Rise is taking a common sense, straightforward approach to removing some of the roadblocks that should never have existed in the first place. What we put survivors through is completely unacceptable, it has to be fixed, and I want to be a part of the solution.

Patty Killmer

Patty's Story

I'm a victim of sexual assault and the law failed.

My story started over 40 years ago when I was a little girl. When you are little it's hard to run away or have a voice, and it's hard to understand why the man who is supposed to protect you is leaving you with fear and confusion.

When I was thirteen years old, I was admitted to the emergency room. They initially thought I might have appendicitis, but after an exam and questioning it was apparent to the doctors that I was being abused. With my father outside the door, I didn't dare confirm their suspicions. A few years later, knowing that I needed help, I went to Catholic Charities to request counseling (a free service). With much apprehension, I told my story to three nuns and they sat and cried for me. They cried but they didn't report it or take any concrete action. These professionals are there to help, guide, save lives and to report abuse, yet they sent me home without raising any red flags. They failed; they failed to give a young girl a voice.

Decades later, reading and hearing hundreds of sexual assault stories, some of those stories are from people closest to me, I am appalled that the justice system is still failing -- as it failed me. Why do survivors go through so much without an advocate? Why are their lives repeatedly disrupted throughout the process?

I resolved to do something about it, and that resolution brought me to Rise.

Why Rise? Rise is the voice and the force that helps survivors heal and seek justice. It is time for survivors to speak up and to be advocates for those who need to be heard. It is time for survivors' basic rights to be enshrined in North Carolina law so that we aren't leaving today's little girls -- the girls living through the horror I lived through 40 years ago -- in a maze of fear without professional guidance or legal recourse. It is time for our state to empower its survivors of sexual assault.

Maradith Morris

Maradith's Story

As a sexual assault survivor and a sexual assault nurse examiner, I have witnessed the anguish and betrayal my patients experience when they learn they have no right to their testing information, if their kit is tested at all. This information is not just "forensic evidence," it is health information. Sexual assault survivors are asked to navigate an unconscionable maze of bureaucratic, medical, and legal regulations while at their most vulnerable -- and they're asked to do it without an advocate. In fact, they're asked to do it with the deck stacked against them.

The system should be set up to bring them security and justice, not to bring further pain and trauma. The rights that Rise advocates for are fundamental, and as a survivor I am committed to ensuring that future survivors are empowered by Iowa law, not re-traumatized by a lack of basic rights.

Nadia

Nadia's Story

As a child and then as a college student, I was exposed through friends and family members to the devastating trauma of sexual assault but often felt helpless to do anything about it. It wasn't until I was a PhD student at UNC-Chapel Hill that I was compelled and then empowered to take action. After a student broke down about her sexual assault and revealed how it impacted her education and time on campus, I realized that my role as an instructor was no longer confined to simply lecturing in a classroom. I became involved in the campus anti-rape movement at UNC, and heard from dozens of student survivors, almost none of whom received the justice, support and services that they deserved. I advocated for victim-survivors personally, and also wrote several articles on the issue - including one for the *Chronicle of Higher Education* encouraging faculty to include Title IX rights and sexual assault resources into their syllabi. I then turned my attention to advocating for survivors in the criminal justice system, and was honored to help lobby for the RISE federal bill of survivor rights in May of 2016.

I am thrilled to be able to advocate for survivors' rights in Ohio. Sexual assault is an issue that impacts not only survivors themselves, but also families and entire communities, and it is an incredible feeling to know that I can make change for people in my own backyard. My advocacy work around this issue is inspired by the quote, "The only thing necessary for the triumph of evil is for good men to do nothing."

Julia Fischer

Julia's Story

I have not been sexually assaulted. But it does not mean I may not. It does not mean that my best friends or my sister may not. It does not mean that millions of women, along with men, may not. Though there is the hope that we may someday live in a world without a rape culture, it is not yet a reality. However, we can do something to help those who fall victim to the rape culture, and to validate that sexual assault is an abhorrent crime. Give them the ability to preserve their rape kits. Give them the ability to have a medical examination without having to worry about the cost. Give them the ability to have statutory rights. And through these rights, let it be known that this crime is unacceptable. Let it be known that now begins the fight against sexual assault.

Kate Ozaki

Kate's Story

I am one of survivors as well. I do not think that rape is only for females but everyone. I recognize this social issue just after I came to US. It wasn't familiar with me. But now, I got little education about it, I believe that we all should know about this and we have to change this situation. Pennsylvania has lots of colleges and universities, and this is my state. I would like to change this rape culture.