



Testimony on H. 19
An Act Relating to Sexual Exploitation of a Person in Law Enforcement Custody
House Committee on Judiciary
January 23, 2019

Chris Fenno, Executive Director

Thank you for the opportunity to testify on this important legislation. One of the Center's statutory responsibilities is to advocate for the rights and needs of Vermonters who have been hurt or harmed by crime. Today, we are discussing a particularly egregious crime involving an extreme abuse of power: when a law enforcement officer engages in a sexual act with someone detained, arrested, or otherwise in custody.

To our knowledge at the Center, sexual exploitation by Vermont law enforcement officers is rare. We are very fortunate to work with so many law enforcement officers here in Vermont who exercise the utmost care and professionalism in their work and who have dedicated their careers to serving some of our most vulnerable victims and survivors in Vermont's special investigative units. So many members of the law enforcement community have joined in supporting this legislation without reservation, which shows just how much Vermont law enforcement is committed to taking a stand against sexual violence.

Nonetheless, these cases have occurred in Vermont in the past. It is not difficult to imagine the trauma that could result. It is not uncommon for those who experience sexual assault to have thoughts that no believe will them if they tell the truth. For survivors who are justice-involved, this experience is only compounded, making it even less likely that they will come forward and only increasing the likelihood that more people will be victimized by the same perpetrator in the future.

Preserving the integrity of our system of law enforcement requires that when such a significant breach of trust occurs, the law does not require prosecutors to prove that the victim did not consent to the sex act. A person who is under arrest, in custody, or detained in some manner is not capable of giving meaningful, voluntary consent. Further, no legitimate reason exists to allow even truly voluntary sexual contact in this setting. This language tracks language that already exists for correctional officers here in Vermont and in other states, such as Washington.

Thank you again for considering this bill.