



**Proponent Testimony submitted to the Ohio Senate Judiciary Committee**  
**Substitute Senate Bill 41 – Advocate Privilege**  
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Good Morning Chairman Bacon, Vice-Chair Dolan, Ranking Member Thomas, and members of the Senate Judiciary Committee. Thank you for allowing me the opportunity to testify in support of Substitute Senate Bill 41. I am here today on behalf of Crime Victim Services’ Rape Crisis Center which provides comprehensive services for sexual violence and human trafficking survivors in Allen, Putnam, Van Wert, and Hardin Counties. Our agency proudly serves survivors on 5 college campuses in Allen and Hardin Counties, and created a 24/7 coverage system for survivors in Paulding, Auglaize, Darke, Mercer, and Shelby Counties.

I would like to take a moment and thank Senator Eklund for his work on this legislation, which if passed would create a privilege for communications between qualified rape crisis center advocates, and survivors of sexual violence, human trafficking, domestic violence, and stalking. Currently, under Ohio law, advocates can be subpoenaed to divulge information contained in conversation with survivors.

For the past 30 years, Crime Victim Services has received Violence Against Women Act (VAWA) funding to provide services for survivors of sexual violence, and more recently for survivors of human trafficking as well. VAWA requires that agencies keep information confidential unless a release of information has been signed by the survivor, specifying who will receive the information, and what information can be shared. Unless an individual state’s law contradicts this confidentiality requirement, employees of VAWA-funded agencies may not under any circumstances divulge survivor information – even upon receiving a subpoena. Unfortunately, Ohio’s current privilege law lacks protection for advocate/survivor communications. This invalidates true confidentiality, as contemplated by VAWA, as advocates at rape crisis centers like mine could be subpoenaed. Survivors within Ohio deserve to know that their information will not be shared, just the same as survivors in 36 other states that have various types of laws protecting communication between advocates and survivors and are thus in compliance with the true spirit of VAWA.

Advocacy, in its purest form, is a verb. It’s action. It means actively listening, completely and objectively, to a person’s truth. To his or her hopes and fears. It means responding in the middle of the night to the hospital, connecting survivors with necessary resources, or, in some cases, accompanying a survivor to court. It means creating an environment where survivors are able to recapture the power from within, which has been ripped from them, as they heal through the trauma of their experience.

One of the survivors with whom we have worked gave me permission to briefly share her story with you today. About a year ago, our survivor, who I will call Jemina, came to Crime Victim Services and shared with me that she had been raped after work by her manager, someone she previously considered a friend. She was afraid, angry, and confused, and didn’t know where to turn. Jemina’s manager is well

known in town and she was fearful about what would happen if she went forward to the police. Unfortunately, it was well past the 96 hours of time that is recommended for evidence collection by the Ohio Protocol for Sexual Assault Forensic and Medical Examination. After consulting with our staff attorney, Jemina decided to pursue the case in civil court. The perpetrator's attorney is now threatening to subpoena all records of conversations that occurred between me, my staff, and Jemina.

Survivors often decide not to report to law enforcement or tell their family or friends because they are fearful of retaliation from the perpetrator, they don't trust the police, they are afraid there isn't enough evidence, they think that no one will believe them and so many other reasons. Regardless of whether or not survivors decide to make a formal report, it's the responsibility of the community to believe them and support them as they heal through the trauma of their experience. Survivors should have the confidence that regardless of who they speak to at our Rape Crisis Center, their information will be handled with confidentiality, care, and respect.

Thank you for the opportunity to testify in support of Substitute Senate Bill 41. I am happy to answer any questions you may have today, and can also be reached for questions at [rfarmer@crimevictimservices.org](mailto:rfarmer@crimevictimservices.org) or 419-222-8666.