

Proponent Testimony Submitted to the Ohio Senate Judiciary Committee

Sub. Senate Bill 41

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Chairman Bacon, Vice Chair Dolan, Ranking Member Thomas, and members of the Senate Judiciary Committee, I appreciate the opportunity to be with you today to support Substitute Senate Bill 41.

My name is Sondra Miller, and I'm the President and CEO of Cleveland Rape Crisis Center (CRCC).

Cleveland Rape Crisis Center's mission is to support survivors of rape and sexual abuse, promote healing and prevention, and advocate for social change. We provided services to nearly 10,000 rape and sexual abuse survivors in Cuyahoga, Lake, Geauga, and Ashtabula counties in 2017 and reached an additional 30,000 people with education and prevention programs. We have a 44-year history of providing comprehensive healing services to survivors of sexual violence in collaboration with dozens of criminal justice entities at all levels of government.

In addition to our 24-hour rape crisis and support hotline and counseling services, CRCC provides victim assistance to survivors of rape, sexual abuse and sex trafficking whose cases are active in the criminal justice system. We currently leverage a team of nearly 100 volunteers and employ 11 full-time Victim Specialists, otherwise known as Victim Advocates, who are focused exclusively on this work. Their responsibilities are to:

- Provide emotional support to survivors and their loved ones.
- Explain Ohio's victims' rights and help ensure that those rights are honored and the survivor's voice is being heard throughout the process.
- Explain options to survivors, which may include filing a police report, pursuing criminal or civil charges, or requesting a protection order.
- Answer questions from survivors and their loved ones about the legal aspects of their case
- Facilitate communication between survivors and law enforcement, prosecutors and court officers
- Accompany survivors to court and to meetings with law enforcement and prosecutors.
- Connect survivors to additional services, such as mental health counseling, safe shelter or addiction treatment facilities, as needed.

These qualified advocates are individuals who have completed a minimum of 40 hours of training in advocacy for victims of domestic violence, human trafficking, menacing by stalking, or sexual violence. Importantly, our role as victim advocates is **complementary and distinct** from that of the investigation and prosecution teams.

Senate Bill 41 is an important piece of legislation that will enhance the experience survivors have when reporting violence against them and engaging with the criminal justice system. We strongly believe that this is both to the benefit of the survivor and to the pursuit of justice.

The prevalence of sexual violence in Ohio is overwhelming. According to the Centers for Disease Control and Prevention, 1 in 5 women and 1 in 71 men in Ohio will be raped in their lifetime. While we are hopeful that the recent national conversation about sexual violence will bring increased awareness and reduce the stigma often associated with sexual assault, rape still remains the most under-reported crime in our nation, with nearly two-thirds never being reported to formal authorities.

There are many reasons that survivors choose not to seek support or report their victimization to law enforcement. Chief among those reasons is fear – fear of not being believed, fear of retaliation by the perpetrator, fear about who and how many people will find out and how quickly. Concerns about privacy and privileged communication should never be the reason why a victim of violent crime chooses not to seek support or to report their experience to criminal justice agencies.

Ensuring that survivors can have privileged communication with their advocates is a critical component that will lead to increased reporting and survivor engagement with the criminal justice system, thus more offender accountability and a safer community.

Qualified advocates understand the criminal justice system and are specially trained to support survivors in a trauma-informed manner. Being trauma-informed means that the advocate understands the impact that trauma has on a person's neurobiology and prioritizes the survivor's physical and psychological safety and well-being before anything else. Understandably, survivors who feel safe are more likely to engage with the criminal justice system and to seek additional healing services.

Further, survivors that establish a relationship of trust and support with their qualified advocate are more comfortable answering questions about what has happened to them and more likely to engage with investigators and prosecutors throughout what is often a very long and painful journey.

It has been our experience, time and time again, that survivors expect privacy and support when they are making a decision about whether and how to engage with the criminal

justice system. We find that survivors are often unclear about their rights, are confused about the process and are desperate to build a support team that understands what they have been through and can help them develop a plan for ongoing personal safety.

When survivors have a rape crisis advocate, who works independent of criminal justice agencies to help them navigate the complex journey toward justice, they are much more likely to fully participate in the process. When survivors fully participate, investigators and prosecutors are more successful at building cases. When investigators and prosecutors are successful, sex offenders are held accountable for their actions and our public is safer.

We strongly believe establishing privilege for communication between qualified rape crisis center advocates and survivors will greatly benefit both survivors and the pursuit of justice throughout the state.

I appreciate you taking time to hear testimony on this important bill and am happy to answer any questions you may have.