

Jill Maier

Thank you for taking the time today to hear testimony in support of House Bill 2255.

Sexual violence is a trauma which can violate an individual's mind, body and soul. The most startling statistics from the Rape, Abuse and Incest National Network state that almost 18 million American women and 3 % of American men have been victims of attempted or completed sexual assault. The effects of sexual assault can be life altering, causing a multitude of short and long term symptoms and result in victims being three times more likely to experience depression, six times more likely to experience Posttraumatic Stress Disorder, thirteen times more likely to abuse alcohol, twenty-six times more likely to abuse drugs and four times more likely to consider suicide than the average American. With statistics such as these our society needs to make great efforts to protect and care for its women, men and children.

Over the last several decades there have been great strides in research, advocacy efforts, and treatment for sexual assault. The criminal justice system has made great strides as well, but there remains some areas in which the law needs to provide better protection for victims of crime. I am glad that the House is taking the time today to discuss one of these issues.

Unfortunately the general public still does not truly understand the dynamics of sexual violence. It is not a topic people like to talk about. Many people think that most assaults are the stranger jumping out of the bushes in the park. While this does happen, the majority of rapes are perpetrated by someone the victim knows such as a family member, friend or lover. Many people get their conceptions of rape from the media, including the popular television show Law & Order-Special Victim's Unit. On this show a victim is typically portrayed as female, extremely emotional and the criminal case proceeds very quickly always hinging on the discovery of DNA. Most times in reality this is not the case. A victim can be a woman, man or child. They may experience a range of emotions following an assault including fear, anxiety, shock, anger depression, avoidance, or be completely numb and express no feelings at all. Also rape remains one of the most underreported crimes, with only less than 50% being reported to the police, mainly because of a victim's fear of reporting due to threats by the perpetrator or a fear that the system will not believe them.

Now imagine a rape case being heard in court. It is difficult enough for a victim to retell their story and to sit a few feet away from their attacker, but to then have a jury that may not truly understand the issue seems like yet another crime being committed.

Courts across the nation have recognized the importance of allowing expert testimony in criminal proceedings in sexual assault cases in order to provide jurors an informed and comprehensive understanding of the complexities of a victim's behavior. This is important

because many jurors, as members of the general public, may hold certain preconceived notions about what a rape victim should look like or how they should behave after an assault. For example, if a victim is not crying on the stand or did not report the assault immediately to the police they may find the victim unbelievable because she did not behave as a 'typical' rape victim.

During a trial the defense may try to claim the victim displayed unusual behavior after the sexual assault, for example, not fighting back, freezing instead of running, not having any physical evidence of injury, blaming oneself for the assault, not having an overly emotional reaction, or having a personal relationship with the perpetrator. What the research has demonstrated however and what I have seen in my own treatment of victims is that these are not unusual behaviors, but are common reactions to trauma. By allowing an expert in the field to testify that these behaviors can be explained as common, albeit counterintuitive behaviors, the jurors will be well informed and be able to fairly interpret the evidence presented.

Additionally, it is important for the jury to be able to learn about Posttraumatic Stress Disorder. Many people assume that PTSD is diagnosed for people returning from battle zones or people who have experienced a natural disaster; however rape victims suffer the same symptoms of PTSD as people who have experienced other forms of trauma.

In Pennsylvania the jury should be allowed to understand all the aspects of a case, similar to a medical expert explaining medical evidence, an expert in the field of psychology and victim's services should be allowed to explain the psychological realities of sexual violence.

I have testified previously in a civil proceeding describing the counseling my client received in a support group. This was a case of a 35 year old woman who went to a car dealership looking to buy a new car. While on the test drive with the salesman she was forced to pull over into a parking lot where he raped her. She was in shock and embarrassed after the rape and did not tell anyone or go to the police. After a few days she told her husband and he took her to the police where they filed a report. The criminal case could not be pursued due to lack of physical evidence because she had showered after the incident, so she decided to pursue the case in civil court. Because expert testimony was not allowed when I was testifying I could not explain why she did not immediately report the assault to the police because I was not allowed to explain common reactions to trauma. I was also not allowed to explain that I diagnosed her with Posttraumatic Stress Disorder because I could not say the word PTSD. Because of this I felt the jury was not being provided with an accurate picture of my client's experience and therefore was not being given a fair trial. When the verdict came in it was a mistrial. Her attorney informed me later that the jurors were not able to come to a decision because some did not believe her story simply because she did not go immediately to the police or tell her husband. And this was a civil case. I can only imagine with dismay how many times this is

happening in criminal cases, which is even more frightening because then we are keeping criminals on the streets to rape again.

We are asking today for your support of House Bill 2255 so that we can follow what other parts of the country are already doing. We are simply asking that a victim of rape be given a fair trial which means having a jury that is allowed to hear all the evidence in a case. Research has demonstrated that the general public still holds belief in rape myths and misconceptions about sexual assault; therefore it should be clear that expert testimony be allowed to dispel the myths and allow a rape victim to have a fair day in court.