



Written Testimony in Support of HB 44488 and HB 4490

Amanda Nguyen

My name is Amanda Nguyen. On the day that I was raped, I never could have imagined that a greater injustice awaited me than the one I had already been forced to endure. As a child, I had learned to believe in the well-worn credos of our legal system—that we all had access to justice, that our civil rights were sacrosanct, and that everyone was equal under law. But in the wake of my assault, I came to understand just how hollow those words can feel to a survivor seeking justice and compassion.

In the course of pursuing my own case, I ran into roadblock after roadblock—and discovered that my path was all too familiar to millions of Americans. Forensic evidence sitting on shelves, never to be tested. Rape kits destroyed before they could be brought forth as evidence. Copies of vital medical records and police reports denied. Shortfalls and irregularities in every state; symptoms of a broken promise that has left far too many survivors—already reeling from one betrayal—feeling powerless, invisible, betrayed for a second time.

I refused to be invisible—so I charted a new path. I rewrote the law, working with members of Congress, to draft a Sexual Assault Survivors’ Bill of Rights. The Bill would earn the distinction of being one of the few pieces of legislation passed unanimously by Congress in recent memory. More importantly, it codified a set of basic, comprehensive civil rights for more than 25 million rape survivors across the country.

Though I never imagined the challenges I would face after my assault, nor did I imagine the power, the progress, and the hope that would arise from my ordeal. I created a non-profit called Rise to teach other survivors how to pen their own rights into existence—and to carry our success in Congress out into the fifty states, where most rape cases are adjudicated. To date, our team has worked with local survivors to secure the passage of over 62 laws, with more on the way. Because most rape cases are adjudicated in state courts it is necessary for these rights to be passed on to state by state level in the United States. I ask each of you sitting here today to help bring justice to survivors in Michigan. I ask that you understand the incredible movement we have created together and that through our shared common humanity we can make a difference across not only America.

Access to justice is a necessary prerequisite to true peace. Their lives are the invisible war zones that corrode human potential and hold back the promise of a just world. Their powerlessness is our shame., This is a peace that we all - legislator, citizen, advocate from any corner of the globe - can help deliver. We can hold a light up to this darkest corner of human experience, and allow survivors at last to be seen, to be heard, to be believed, to be empowered.

Sabrina Sivert

My name is Sabrina Sivert and I am a survivor of childhood sexual assault. It has been 9 years since I came forward about my sexual assault but I can still remember every detail like it was yesterday. I felt so alone, scared, and carried so much fear for what was to come. I was threatened into silence daily. My abuser would threaten my future, my family, and the worst of all my life. I was abused by the same person continuously for 8 months. My abuser was my instructor in the fire science program I was in during high school and also a member of the local fire department where I was a cadet at. He used his power of authority to sexually, emotionally, physically, and mentally abuse me over and over again.

I will never forget giving my first statement sitting in a room around a table filled with strangers, my abusers colleagues, school counselors, the school resource officer, and the school board. I had all eyes on me as I shared the graphic details of the worst days of my life. I never felt more alone, scared, and doubted than I did that day.

These were all people who were supposed to protect me but failed me and then questioned me about the abuse I went through. A child shouldn't have to fear going to school. It's supposed to be a safe environment but for me it was my worst nightmare. This was just the beginning of many statements I would be forced to give.

Throughout this whole time I was never offered a sexual assault counselor, a victim advocate, or to retain private counsel. I was continually giving my statement to colleagues of my abuser or people who knew him. This would cause a mix of emotions inside of me including sadness, fear, and anger.

The more I spoke about it the more I felt alone. I was never asked if I was okay, never asked what I needed, never able to do things on my time, and was in a constant state of fear. I was living a nightmare and felt like I was the one being punished. If I would have been offered just one person who was on my side, who cared, who didn't know or worked with my abuser, or someone to simply ask if I was okay, someone who would've just listened to me and not questioned my trauma, a safe person I could've gone to when I felt so alone...I think my experience coming forward would have been less traumatic and lonely.

For a while I lived through a situation for what felt like a lifetime where my body and my mind were not mine. I didn't feel safe, sane, and had no idea who I was. All my trust I had was smashed, my worth felt gone, and for a long while, all I felt was pain, fear, and loneliness.

A survivor deserves the right to private counsel, and a sexual assault counselor or a victim advocate. A survivor shouldn't be left to navigate a broken legal system alone like I had too and

they deserve to have basic survivors rights like the ones included in House Bill 4488 and 4490.

Leslie McFadden

Thank you for considering my testimony in support of HB 4488 and 4490. My name is Leslie McFadden. I'm the daughter of a former public defender, defense attorney, state attorney, and county judge. I'm also a rape survivor.

When I reported my rape to the police in 2015, I had no idea what my rights were. I didn't have an advocate or lawyer with me. My husband was kept separate in a waiting room while I was interviewed alone and shaking.

I was made to do a recorded phone call to my rapist to see if he would confess. I was not informed of the low efficacy rate of such calls, nor told that it was simply *a* step in the investigative process.

I did the call with no preparation and unsurprisingly didn't get a confession. Immediately afterward the detective had me sign a form that I didn't realize would close my case. Then he closed it without doing an investigation.

I am testifying with Rise, the organization that championed the passage of the federal Sexual Assault Survivors' Bill of Rights, because survivors deserve equal access to justice regardless of the state they live in.

HB 44488 provides survivors with the right to private counsel and a victim's advocate throughout the criminal justice process. These rights are critical to survivors in their pursuit of justice.

If an advocate and lawyer had been with me, I might not have signed that case closure form. I might not have walked away from that recorded call thinking I had single-handedly failed to prove my own case. My case might have been properly investigated and solved.

No survivor should have to face the pursuit of justice alone.

There are 3.6 million survivors in Michigan. I urge you to join me in supporting them and HB 4488 and 4490. Thank you for your time.

Samantha M. (For HB 4488)

My name is Samantha and I am writing in support of House Bill 4488. At the age of 22, I was physically attacked and raped by an acquaintance, a police officer in the city in which I was

attending college. The betrayal that I felt was overwhelming and is something that, to this day, is hard to describe. I was left with physical injuries, but most devastating was the mental anguish after such a violation. I stopped eating, could not get out of bed, was scared to go out of my house, and constantly mourned for the life I knew I had lost forever.

Although I was terrified to report, I knew that if I did not report then the perpetrator was free to hurt someone else. I couldn't live with myself if that happened, so I reported. I thought I would be met with care and support. Unfortunately, that is not what I experienced. I was questioned for hours about the most traumatic event of my life, re-living the most horrific attack over and over in a room filled with officers –officers that held the same position as the person who raped me. During the reporting process, a new officer would come in and I was told I had to repeat the details of the violent attack because the new officer did not hear what I had said. An hour or so later, a different officer would come in and I was told to repeat it all once more. This happened over and over. I complied every time, truly thinking that they were trying to help me. At one point, the officers started to belittle me, asking me victim-blaming questions as if I had done something to deserve the attack. I started to cry and asked for my mother, who was in the waiting room, to be with me... to support me. I was denied this request. I was never informed of what to expect, what the process was for reporting a crime, or what my rights were as a victim of a crime. I was never offered an advocate/counselor or any form of support person in the entire process. I was not even offered a break when I felt like I was struggling emotionally with constantly repeating the details of the humiliating attack.

The emotional toll that the investigation took on me is hard to put in words. It left deep scars and frankly harmed me more emotionally than I had been before I reported. At the time, I started to wonder whether reporting was worth all of the harm and pain I suffered due to the lack of support and care during the investigation and reporting process.

It doesn't have to be this way. House Bill 4488 ensures that survivors are treated with the care they deserve and will encourage survivors to report these devastating crimes with proper support throughout the process. I am convinced that had I received a sexual assault counselor or support person, I would not have struggled mentally for so long and I could have had someone to ensure proper breaks were given, ensured I was connected with proper resources, ensured I was mentally okay, or even ensured I understood the basics of what was happening or what steps were next.

I am truly disheartened to this day that most survivors I meet are still not receiving the proper care and justice that is long overdue. Ensuring a victim's basic human rights after such a personal and violent attack, both physically and mentally, must finally be a priority. Victims deserve so much more than the ways in which they have been treated and we owe it to the next generation to provide a society and a system that protects the vulnerable and criminalizes those who abuse

their power or status to take advantage of others. Thank you and I look forward to your favorable vote on House Bill 4488.

Samantha M. (For HB 4490)

My name is Samantha and I am writing in support of House Bill 4490. At the age of 22, I was physically attacked and raped by an acquaintance, a police officer in the city in which I was attending college. The betrayal that I felt was overwhelming and is something that, to this day, is hard to describe. I was left with physical injuries, but most devastating was the mental anguish after such a violation. I stopped eating, could not get out of bed, was scared to go out of my house, and constantly mourned for the life I knew I had lost forever.

Although I was terrified to report, I knew that if I did not report then the perpetrator was free to hurt someone else. I couldn't live with myself if that happened, so I reported. I thought I would be met with care and support. Unfortunately, that is not what I experienced. Aside from the traumatizing investigation and reporting process, the medical examination was equally devastating. On top of the incredibly intrusive examination required to collect forensic evidence, I was never offered the opportunity to shower following the examination. I was never told I did not have to pay for the hospital bill that resulted either. The small act of being offered a shower at no cost after a medical examination would have made such a difference in how I felt.

House Bill 4490 ensures that survivors are offered the right to shower at no cost following a medical examination. This basic right is one step further in treating survivors with care, dignity, and respect. This simple act would have gone a long way that night in making me feel more respected and less as though I didn't matter. Thank you and I look forward to your favorable vote on House Bill 4490.

Allison H.

In 2015, I was sexually assaulted by a man I was dating. As I tried to wrap my head around my trauma, I experienced a plethora of conflicting emotions, and though contacting the authorities occurred to me, justice ultimately seemed untenable. I wanted to enlist the prosecutorial support of the justice system, but was silenced by how few basic protections exist for someone like me. I was deeply aware that my case rendered itself as she-said-he-said, and I couldn't imagine pursuing a long road of interrogation and accusation.

On top of everything, I felt shame and guilt for not coming forward. My assailant was free to attack another as I abandoned other potential casualties instead of doing whatever I could to halt future victimization. But I simply could not fathom how legal action would make any difference.

After some time and a lot of healing, I turned my focus towards what I could do to make a difference-ensuring other survivors have their civil rights protected. As a survivor, I deeply understand that we all deserve the same rights no matter where the crime took place.

After my assault, I had a hard time figuring out what protections I would be afforded. Had I known that I would have had access to a sexual assault counselor or private counsel, I would have felt like the law was on my side. I would have felt protected from further traumatization. But this information was not readily available to me. Survivors are left to navigate a confusing and opaque law enforcement and judicial system on their own -- while at their most vulnerable. HB 4488 ensures that survivors of sexual assault will have the support of the criminal justice system that I never did. Please pass this and HB 4490. Thank you.

Meagan Bilodeau

Thank you for considering my testimony in support of HB 44488 and HB 4490. My name is Meagan Bilodeau and I'm the survivor of both childhood sexual assault and rape, I'm currently living in Miami, Florida. Because both instances of assault were very different, I will be addressing my childhood sexual assault case that took place in Massachusetts.

When I was between the ages of 3-6 years old, I was sexually assaulted multiple times by my brother who was 10 years older than me. I let this go on for years because I didn't understand the magnitude of the situation. When I was 13 years old I finally disclosed the assault to my mother. From there, I was taken to a sanctuary house in my hometown. I had no idea what I was about to go through or what my rights were, given that I was so young.

I was blessed to be given my counsel and she has truly changed my life. She is the reason why I intend on following down my career path to help others in the way she has helped me. When I look back on the 13-year-old girl that disclosed and gave a public court testimony in front of my brother, I am so proud of how far she's come and so honored to walk that journey with the counsel that supported me whole heartedly. I could never imagine having to go through what I did without my support system, but unfortunately that is a reality that Michigan survivors are currently facing.

HB 4488 provides survivors with the right to private counsel and sexual assault counselor. HB 4490 provides survivors the right to shower at no cost after a forensic medical exam These rights are absolutely crucial to survivors.

The criminal justice process for any survivor is exhausting and strenuous. That is why as a current advocate for change, I ask that you support me in following through with the passing of HB 4488 and 4490 to make sure that survivors never have to walk alone on their individual journeys. Thank you for your time and understanding.

Patty Killmer

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 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

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.

Miriam Joelson

To me, the Survivors' Bill of Rights signifies the beginning of a new era. In 2007 and 2008, when I was a freshman in college, I was raped by two men I trusted and admired. The first man who raped me was my boyfriend. He would lock me in his room, force me to do his laundry, edit his papers, and write his internship applications. When I was done with his work, he would rape me, over and over again. I bled for weeks. I thought I would never stop bleeding. The second man who raped me was his friend. He pinned me down on his bed, and I tried to push him away until my wrists collapsed under his weight. When he penetrated me against my will, I felt my insides tearing. I remember thinking, "so this is how it's going to be." For a long time, it was.

From 2007 to 2017, I lived in my rapists' worlds. I watched them win prestigious scholarships, earn selective internships, and land coveted jobs, while the memories of the sound of my voice begging them to stop haunted me at night. I was diagnosed with PTSD my freshman year, and I still take medication every day. I will never get back the decade I spent in their darkness. I will never be able to tell the young woman I was that it wasn't my fault. That I have rights. That this is my world, too.

But being here today makes up for that time. When I finally reported my rapists after almost a decade, I was assigned an Advocate, who followed my case and joined me in my interviews with law enforcement. When the detectives ultimately called me to tell me that the prosecutor would not be pressing charges, I cried silently into the phone. I could barely speak when my Advocate said, "the detectives are going to hang up now. You're going to stay by your phone, and when I call you back, you're going to pick up." My whole body was convulsing with grief, but I followed her instructions. "You're going to cry today," she said. "And maybe you'll cry tomorrow. And then you're going to go on and live a long, happy life. You'll use what you learned here to help others, or you'll do something entirely different. But you'll find joy. You'll find life."

Among the critical civil rights awarded to rape survivors by HB 4488 is the right to an Advocate. I live by the words of mine every single day. I remember her promise to me when I am tempted to give up. There are 3.6 million rape survivors in Michigan. I wish I could call each of them, tell them of their rights, and of the life that awaits them if they just keep living. If you grant them these civil rights—including the right to an advocate—I won't have to.

Thank you for your time.

Chrissy

My name is Chrissy and I was raped in February 2008. I was lured, sexually assaulted, and then removed by a man I thought to be a savior but who turned out to be my rapist. After an arduous night I found safety and knew I desperately needed medical attention. I gathered the limited resources I had and attempted to research my rights to no avail. As a last resort I called emergency services. When the police arrived I gave limited personal information out of the fear of the unknown. I was interviewed and when the validity of my claims were questioned I became

overwhelmed, filled with shame, and chose to deny the entire situation. No report was filed and I did not receive medical attention.

My life spiraled out of control. I quit my job and developed agoraphobia. Two months later I attempted to commit suicide. At the time of the attempt I still had open wounds but what scarred me the most was the profound loss of trust, hope, and the ability to pursue happiness. I spent two weeks in hospitals and the ten years that followed were spent struggling to survive. For many years I was but a shell of myself using every bit of energy I had to get through the day. Eventually, I sought therapy and was diagnosed with post traumatic stress disorder.

I have since learned to navigate the world in the face of great adversity. I am a different woman but I know now that I am a fighter, and I am proud to say that I am no longer struggling to survive but am a survivor. I fighting that for rights of victims of sexual assault because I know that the loss of trust in community that I experienced does not represent our community as a whole. I fight {and again}, because for myself and many others access to the information and resources contained in this bill could be a matter of life and death. I appreciate you hearing my story today and for your devotion to our wonderful state.