



**Working to end sexual violence in Maryland**

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**Testimony Opposing House Bill 195**  
**Lisae C. Jordan, Executive Director & Counsel**  
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judiciary Committee to report unfavorably on House Bill 195.

**House Bill 195**

**Giving Police Officers Exclusive Right to File Application for Criminal Charges**

Maryland currently permits individuals, including victims, to file an application for statement of criminal charges. This right is crucial to providing victims of crime with access to entry to the criminal justice system, including for victims of sexual assault, domestic violence, child abuse, and other crimes. House Bill 195 would deprive these victims of access to the criminal justice system and MCASA strongly and firmly opposes HB195.

Survivors of sexual violence have long faced skepticism from the criminal justice system. Only 5-20% of survivors report assault to police (Lonsway & Archambault, 2012). Other survivors of crimes that disproportionately affect women, particularly victims of domestic violence, have similarly faced significant suspicion and distrust when they report crimes. While many police departments have made significant progress responding to survivors and incorporating appropriate responses to victims, others have not. Maryland's rape crisis center and its Sexual Assault Legal Institute routinely help clients who have been ignored, mistreated, or disbelieved by law enforcement. Research has found that police officers interpret victim statements and victim behavior as 'real' or 'false' and tend to disbelieve survivors who are inconsistent in recounting details or who express feelings of shame or self-blame about some aspects of their behavior (Page, 2008; Venema, 2014). Some survivors state that police discouraged them from reporting (Campbell & Raja, 2005) or were told their case was not serious enough to file a report (Campbell, 2006). Maryland empowers these sexual assault survivors with the ability to ask to enter the criminal justice system by providing them with the option to file an application of criminal charges. This option is important and should not be repealed.

It is critical to understand that merely filing an application does not mean someone is charged. Applications are reviewed by Court Commissioners before charges can even be issued. It is also important to understand that many Commissioners encourage survivors to report to police, particularly if felony crimes are involved. Some even (inappropriately) refuse to issue charges if they believe the crime should be reported to police. HB195 is not necessary to protect investigations.

HB195 would also deprive Commissioners of the ability to issue an arrest warrant. Again, MCASA must respectfully, but firmly, oppose this change. Arrest is needed to protect victims and the community when the defendant poses a danger.

Finally, MCASA notes that while many survivors of sexual violence have received inadequate responses from law enforcement, Black and Brown women have received particularly poor responses. One study noted that for African Americans who have had prior unjust contact with law enforcement, the probability of reporting personal victimization was 40% lower than their white counterparts. (Lee Ann Slocum, “The effect of prior police contact on victimization reporting: Results from the police-public contact and national crime victimization survey,” *J Quant Criminol* (34): 535–589 (2018), <https://doi.org/10.1007/s10940-017-9345-x>; *see also*, Kristin Carbone-Lopez, Lee Ann Slocum, & Candace Kruttschnitt, “‘Police Wouldn’t Give You No Help’: Female Offenders on Reporting Sexual Assault to Police.” *Violence Against Women* 22, no. 3 (March 2016): 366–96. doi:10.1177/107780121560234). For survivors who are reluctant to call police, the application of statement of charges process provides a way to provide information in their own words about what has happened to them and to document their request for help. HB195 would take this away.

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