

# Written Testimony SB300 3.14.22.pdf

Uploaded by: Caroline Ackerman

Position: FAV



**BILL NO:** Senate Bill 300

**TITLE:** Criminal Procedure - Victims of Sexually Assaultive Behavior

**COMMITTEE:** Judicial Proceedings

**HEARING DATE:** March 15, 2022

**SUBMITTED BY:** Caroline Ackerman, Managing Attorney of Maryland Legal Services & Special Projects, Amara Legal Center

**POSITION:** SUPPORT

The Amara Legal Center writes to support Senate Bill 300 (SB300). We are grateful that Senators Hough and Young introduced this important legislation to ensure that survivors of sexual assault receive timely communication about decisions not to prosecute their cases. Thank you for giving us the opportunity to share our thoughts.

The Amara Legal Center (“Amara”) provides free legal services in Washington, D.C., Maryland, and Northern Virginia to survivors of sex trafficking and to anyone whose rights are violated while involved in commercial sex. Since 2013, Amara has served over 500 clients with more than 800 legal matters. Although many believe that sex trafficking only occurs overseas or among foreign nationals, the vast majority of Amara’s clients are U.S. citizens, both juveniles and adults born and raised in the D.C. metro area. Amara provides brief legal advice, partial and full representation for civil legal issues such as civil protection orders, divorce, child custody and support, and name changes. In addition to civil legal services, Amara provides victim-witness advocacy for clients working with law enforcement, criminal/juvenile defense, and representation in criminal record sealing and expungement cases.

When survivors of sexual assault or sex trafficking come forward, they are frequently met with doubt, victim-blaming, and a lack of understanding. Many survivors do not report their assault because of the nature of the reporting process and the reality of being judged or blamed by law enforcement, medical professionals, family members, and society at large. According to a 2018 report by the U.S. Department of Justice’s Bureau of Justice Statistics, the number of incidents of sexual assault are increasing while reports of sexual assault to law enforcement are decreasing.<sup>1</sup> Therefore, when survivors do come forward, it is crucial that they are treated with respect, compassion, and humanity. SB300 requires that prosecutors meet with survivors or their representatives to explain decisions to dismiss criminal charges or not to file criminal charges against the perpetrator of the sexual assault, within twenty days after the survivor requests a meeting. This bill recognizes that survivors not only deserve a timely explanation when cases are not prosecuted, but also that they deserve the opportunity to meet with the assigned prosecutor, ask questions, and voice their perspectives. When sexual assault cases are not prosecuted, survivors may face a variety of challenges including safety risks or retaliation from the perpetrator because the survivor reported the assault. Retaliation takes many forms including threats, harassment on social media, and efforts to sabotage a survivor’s employment or relationships. With an

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<sup>1</sup> “The rate of rape or sexual-assault victimization increased from 1.4 victimizations per 1,000 persons age 12 or older in 2017 to 2.7 in 2018 . . . . The percentage of rape or sexual-assault victimizations reported to police declined from 40% to 25%.” Rachel E. Morgan, Ph.D., and Barbara A. Oudekerk, Ph.D., *Crime Victimization, 2018*, Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (2018), <https://bjs.ojp.gov/content/pub/pdf/cv18.pdf>.



understanding of the aftermath that survivors face, we believe it is essential for them to receive timely communication from prosecutors about decisions on their cases.

For these reasons, the Amara Legal Center supports SB300. We respectfully urge a favorable report.

# **VSAB Support Ltr Explanation Not to Prosecute SB30**

Uploaded by: Leslie Frey

Position: FAV



## VICTIM SERVICES ADVISORY BOARD

February 8, 2022

The Honorable William C. Smith, Jr.  
Chair, Senate Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, Maryland 21401

Re: Support – SB300 – Criminal Procedure - Victims of Sexually Assaultive Behavior

Dear Chairman Smith:

Senate Bill 300 alters Maryland law to require, under certain circumstances, an assistant State's Attorney to explain the State's Attorney's decision not to prosecute a suspect accused of engaging in criminal sexual assault. Specifically, Senate Bill 300 would require an assistant State's Attorney to meet with a sexual assault victim upon request when the State's Attorney decides to prosecute, or to dismiss, a case against a sexual assault suspect, so that the State's Attorney has to explain, to the victim herself or himself, why that decision was made.

The Montgomery County Victim Services Advisory Board (VSAB) advises the Montgomery County Council and County Executive on assisting the needs of victims of a broad range of violent crimes, including rape, domestic violence, sexual assault, and human trafficking. The number and severity of sexual assault and domestic violence cases referred to the Montgomery County HHS Victim Assistance and Sexual Assault Program and the Abused Persons Program increased substantially in one year when comparing 2019 and 2020 intake data. This is consistent with data showing violent crime rising nationally, leading to increased prosecutions.

Standing up to an abuser takes an incredible amount of courage. This is especially true for victims of sexual assault, who are especially vulnerable members of our community and are often reluctant to report instances of sexual assault because the abuser may well be someone they know, or even love in the case of intimate partner violence. Senate Bill 300 will ensure that when a sexual assault victim has had the courage to report a sexual assault to the police and the State's Attorney's office, the State's Attorney's office will have the corresponding courage to sit down with the victim and explain why a decision not to prosecute was made in a particular instance. At a minimum, victims of sexual assault deserve that kind of honesty and forthrightness from their government officials. Simply put, it is the right thing to do.

Accordingly, VSAB asks the committee to issue a favorable report on Senate Bill 300.

Sincerely,

Brian D. Koosed  
VSAB Member

Department of Health and Human Services

**CVR - required meeting with SAO - testimony - sena**

Uploaded by: Lisae C Jordan

Position: FAV



**Working to end sexual violence in Maryland**

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For more information contact:  
Lisae C. Jordan, Esquire

**Testimony Supporting Senate Bill 300**  
**Lisae C. Jordan, Executive Director & Counsel**  
March 15, 2022

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 Judicial Proceedings Committee to report favorably on Senate Bill 300.

**Senate Bill 300**

**Communication with Survivors of Sexual Violence -- Required Meeting with Prosecutor**

Sexual assault continues to be one of the most under-reported and under-prosecuted crimes. For every one-thousand sexual assault, an estimated nine are referred to prosecutors. See, <https://www.rainn.org/statistics/criminal-justice-system>.

Attorneys at the Sexual Assault Legal Institute (SALI) provide representation and counsel to over 400 sexual assault survivors annually, many of whom have questions about the criminal justice system and their options. A shocking number of clients tell us that they have reported the crime and heard nothing since. SB300 was prompted by the sponsor's constituent having this experience. It is unfortunate that legislation is needed to address what should be a standard practice and support for survivors.

There is no question that successful prosecution of sexual assault is difficult and prosecutors must make hard choices about when to pursue a case and when to dismiss one. However, the survivor should always be given respect and treated with recognition of the trauma involved. SB300 provides this by requiring a meeting and explanation when a State's Attorney Office chooses not to go forward with a case and the victim requests a meeting.

**The Maryland Coalition Against Sexual Assault urges the  
Judicial Proceedings Committee to  
report favorably on Senate Bill 300**

# **SB300 Letter of Support BCSAO.pdf**

Uploaded by: Marilyn Mosby

Position: FAV



March 15, 2022

**Support**

Senator William C. Smith, Jr.  
Chair, Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, MD 21401

**Re: SUPPORT WITH AMENDMENT for Criminal Procedure – Victims of Sexually Assaultive Behavior**

Dear Chairman Smith, Vice Chairman Waldstreicher and Committee Members:

As the State's Attorney for Baltimore City, I support with amendment Senate Bill 300 which requires an Assistant State's Attorney to meet with a victim of "sexually assaultive behavior" at the request of the victim, within 20 days, after a decision by a State's Attorney's Office not to file a charging document against an alleged suspect or to dismiss charges against an alleged suspect.

The Baltimore City State's Attorney Office has no objection overall to this bill because the proposed requirement is something that we have already put into practice. If a victim requests to speak to the Assistant State's Attorney who reviewed their case, our ASAs are always open and willing to meet with them (either in person or by telephone). I propose, however, to amend this bill to increase the number of days that an ASA has to meet with a victim from 20 days to 60 days.

A major concern for the ASAs in my office is the 20 day time limit referenced in the legislation. The ASAs who handle these types of matters believe that the time limit is not practical. In Baltimore City, we have an extremely high volume of sex offense investigations. On average a prosecutor in our Special Victims Unit carries between 75 and 100 charged cases in addition to their assigned investigations. This means that they are in court most days of the week and/or preparing for trial. To ensure that we are working at our most efficient and victim-focused manner, we ask that more time be allotted to meet with victims and/or the victim's representative in instances where an ASA meeting is requested.

For these reasons, I request a favorable report with amendment.

Sincerely,

A handwritten signature in blue ink that reads "Marilyn J. Mosby".

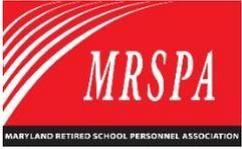
Marilyn J. Mosby

State's Attorney for Baltimore City

**SB300.Assault.22.pdf**

Uploaded by: Virginia Crespo

Position: FAV



# Maryland Retired School Personnel Association

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**Senate Bill 0300**  
**In Support Of**  
**Criminal Procedure – Victims of Sexually Assaultive Behavior**  
**Senate Judicial Proceedings Committee**  
**Hearing: March 15, 2022, 1:00 p.m.**

Dear Honorable Senator William Smith, Jr., Chair, and Honorable Senator Jeff Waldstreicher, Vice Chair, and distinguished Judicial Proceedings Committee members,

**The Maryland Retired School Personnel Association (MRSPA) supports SB 0300 Criminal Procedure – Victims of Sexually Assaultive Behavior and requests a favorable report from your committee.**

This bill requires an Assistant State’s Attorney to meet with a victim of sexual assault if the Office of the State’s Attorney has elected to dismiss charges against the suspect. The Assistant State’s Attorney would be required to meet with the victim within 20 days from receiving the request from the victim.

This is a reasonable request as the rights of victims of sexual assault are often not given sufficient support. It is also reasonable that victims would want to understand the reasons for the dismissal and to get that information in a meeting so questions can be asked, and information can be explained in-person.

On behalf of the almost 13,000 members of the Maryland Retired School Personnel Association, we urge your support for victims of sexual assault by giving a favorable report to SB 0300.

Sincerely,

George D. Denny, Jr.  
President

Virginia G. Crespo  
Legislative Aide