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**Senator Shelly Hettleman Testimony in Support of SB 531
Criminal Procedure - Victims of Sexually Assaultive Behavior - Request for
Verbal Acknowledgement (Verbal Waiver Transparency Act)**

Thank you for the opportunity to present this bill. I am here today in support of SB531 because it addresses a critical gap in how we protect survivors of sexual assault in Maryland. When a survivor reports a sexual assault, that moment is often one of the most vulnerable and courageous decisions of their life. The response they receive from law enforcement can either build trust in the justice system or reinforce fear and hesitation. The use of investigation waivers undermines that trust. SAEK investigation waivers are mechanisms used by law enforcement cover their own liability if a victim decides not to cooperate. From the 1990s, some law enforcement agencies have used "waivers of rights" forms to document a survivor's decision to stop participating in an investigation, often due to trauma, shame, or fear of retaliation and asks the survivor to forego their rights to hold law enforcement accountable.

Waivers do not protect survivors. They protect agencies. Evidence shows that waivers are often requested prematurely, sometimes during initial interviews when survivors are still processing trauma. These interactions may occur without the presence of a lawyer or an advocate, and at a time when survivors may not fully understand their rights. The inherent power imbalance between law enforcement and a victim can make such requests feel coercive, even if that is not the stated intention.

Waivers of investigation also send the wrong message to survivors. They create the impression that reporting is an all-or-nothing decision that must be made immediately.

Survivors may feel pressured to provide every detail and commit fully to prosecution at the earliest stage, even though trauma often affects memory, emotional readiness, and decision-making. National best practices and expert guidance have long recognized that waivers are inappropriate in sexual assault cases because they shift responsibility away from investigators and onto victims.

In 2020, after years of advocacy, the General Assembly took an important step by prohibiting the use of **written** waivers in sexual assault investigations. That law also established a clear and appropriate process for situations in which a survivor wishes to limit or discontinue participation in an investigation. The intent was clear: protect victims while preserving the integrity of investigations. Unfortunately, some agencies have complied with the letter of the law while undermining its spirit. Instead of written waivers, survivors are now being asked to provide verbal waivers. The result is the same. The burden is placed on the victim to make an immediate decision. The responsibility of law enforcement to conduct a thorough and victim-centered investigation is sidestepped, and the protections the legislature intended to provide are weakened.

SB531 makes a narrow but necessary clarification to Maryland law. It closes the remaining loophole by ensuring that verbal waivers are treated the same as written waivers. It reinforces the principle that survivors should not be asked to absolve agencies of their investigative responsibilities. Additionally, this legislation does not interfere with legitimate investigations. It does not limit law enforcement discretion or prevent a survivor from choosing to disengage from an investigation. It also does not impose any fiscal or operational burden on jurisdictions. Instead, it ensures that when a survivor makes decisions about participation, those decisions occur within a clear, lawful, and victim-centered framework already established by this body.

Maryland has been a leader in strengthening protections for survivors of sexual assault. This bill simply ensures that the protections we enacted in 2020 are fully realized and cannot be circumvented through informal practices. Survivors deserve a system that prioritizes their safety, dignity, accountability, and autonomy. I respectfully urge the Committee to give SB531 a favorable report.