



Help • Hope • Healing

Pennsylvania Coalition Against Rape

Testimony presented at PA Senate Judiciary Committee Public Hearing on Statute of Limitations

Suzanne Estrella, Legal Director

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Thank you, Chairwoman Baker, Chairman Farnese, and members of the Senate Judiciary Committee for convening this public hearing on the statute of limitations. It is my pleasure to testify today to address this vitally important issue. I want to start by expressing my gratitude to the courageous survivors who are here testifying today.

My name is Suzanne Estrella. I am the Legal Director of the Pennsylvania Coalition Against Rape (PCAR). In my role as Legal Director, I manage PCAR's Sexual Violence Legal Assistance Project. The Sexual Violence Legal Assistance Project is a statewide legal project where attorneys provide comprehensive legal representation to survivors of primarily non-intimate partner sexual abuse, harassment and assault. Attorneys fill existing gaps where free legal services are unavailable. The project began with Victims of Crime Act funding in 2017 and will soon expand as a result of a new Violence Against Women Act grant. Through comprehensive legal service provision for the over 100 clients we have served in this short period of time, we have gained a greater understanding how vitally important statute of limitation reform is for survivors of sexual abuse seeking justice. On an even broader scale, PCAR has worked to eliminate sexual violence and advocate for the rights and needs of sexual assault victims since 1975. Our Coalition represents the legislative priorities and positions of the PA network of rape crisis centers. These positions are informed by their direct experiences with victims, families, and community partners in all of Pennsylvania's 67 counties.

Sexual harassment, abuse, and assault are serious and widespread problems. 1 in 3 women and 1 in 4 men experience some type of sexual abuse, assault or harassment in their lifetime. Across the country, every 9 minutes child protective services substantiate a claim of sexual abuse against a child.¹ Sexual violence starts early. 1 in 3 female victims were raped for the first time between 11-17 years old and 1 in 8 were raped before age 10. Nearly 1 in 4 male victims were raped for the first time between 11-17 years old and about 1 in 4 were raped before age 10.¹ This past fiscal year, Pennsylvania local rape crisis centers served

¹ <https://www.cdc.gov/violenceprevention/sexualviolence/fastfact.html>

22, 635 victims of sexual abuse. Of those victims, 2,821 were adult survivors of childhood sexual abuse. Child sexual abuse is an exploitation of power that takes away a child's right to healthy and trusting relationships.

What we know from research and the frontline advocacy experiences of the rape crisis center network is that delayed reporting of sexual assault is the norm and should be expected. The myriad of reasons victims delay reporting sexual assault are embodied in the science on the neurobiology of sexual trauma and in our cultural climate.

We know sexual trauma has neurobiological impacts. Sexual violence triggers a person's fight, flight, or freeze region of the brain. This biological response to rape and other forms of sexual violence enable a victim to survive and cope with violence, abuse, and assault while it is happening and long-after. Trauma makes an imprint on a person's brain, body, and emotions. It makes sense—and decades of research have supported—that this biological response will then affect a person's emotions, memory, and the ways in which they move through the world, their relationships, and their lives over time. The imprint of trauma on a person's life will influence if, when, and how they choose to come forward to talk about what happened and to get help (or not). More times than not, trauma results in delayed reporting of sexual assault as the norm. For children, these barriers can be compounded by their age, cognitive development, vocabulary, ability to understand what is happening, understanding of where to turn and get help, the confusing and complex emotions they may have about the assault and the person assaulting them, the power and status of the person assaulting them in the community or in the family, the fear of being blamed or getting into trouble, and so many other barriers children should never have to face in their lives.

The neurobiology of trauma tells us to stop asking the questions, "why didn't they tell anyone," or "why did they wait so long to come forward," and start asking, "what in our systems of response and communities make it so unbearable for victims to come forward, that the choice to suffer in silence seems the safest?" We are not there yet.

We can tell a lot about our society by the way we treat individuals who are most vulnerable or have been harmed. While we are making strides in strengthening our laws and systems' responses to victims, too often, victims are still met with disbelief, scrutiny, and blame when they come forward.

What we say and do about sexual abuse matters. What is abundantly clear is that road blocks like victim blaming and statutes of limitations have become intolerable. Justice demands accountability. This legislative body has the power to pass legislation and in so doing, create pathways to justice for the citizens of the Commonwealth.

Embedded within our system of justice are time honored principles and rules that provide protections for those who are accused. Eliminating or extending the statute of limitations will not alter these principles. The accused will still be innocent until proven guilty, the rules of evidence will still apply, and people accused of wrong doing will continue to have the opportunity to defend themselves in a court of law. The bills before this committee will provide an opportunity for survivors to be heard, to seek justice and compensation.

The clergy compensation fund was established to provide some financial relief to victims abused by clergy members of the Catholic Church. However, this fund is limited, and in many Dioceses the time-frame to file a claim under the fund has expired. While the number of victims revealed by the Altoona/Johnstown report is staggering, all victims do not fall within this group.

PCAR's Sexual Violence Legal Assistance Project receives calls from adult survivors assaulted by teachers, ministers from other church organizations not related to the Catholic Church, healthcare workers and other trusted community members. While the Grand Jury Report brought much-needed attention to the problem of clergy sexual abuse within the Catholic Church and recommendations, we know many survivors were abused by individuals in other settings, beyond the Catholic Church. The compensation fund is one resource, but one that is insufficient in meeting the complex needs of all victims. For example, we facilitated a conversation between a senior citizen and officials at a Pennsylvania institution of higher learning, who was assaulted by a professor who is now deceased. The survivor desperately wanted to be heard and for her story to be documented. We receive calls from many survivors who were abused outside of the Catholic Church context and/or are outside the statute of limitations. All survivors deserve an opportunity to be heard.

PCAR supports legislation that ensures victims have multiple options and pathways toward justice and healing. Victims deserve options for economic compensation as well as civil and criminal justice remedies. We know a one-size-fits-all remedy is insufficient because victims are diverse and unique in their experiences and needs. Some survivors may choose to settle privately and leverage funds they need and deserve, given the educational, professional, medical, legal, and financial toll sexual violence incurs in victims' lives. Other victims will want and deserve to seek legal remedies—the process of discovery and piecing together what happened to them and the individuals and institutions that are accountable for that violence.

The legislature is not being asked to create a new cause of action, but to acknowledge the reality that in sexual assault cases, statutes of limitations provide a layer of protection for predators that is

unconscionable. We can fix this. We can give survivors an opportunity to be heard, to seek justice and to seek compensation.

There has been significant debate on the constitutionality of this issue. As it is written, the remedies clause of the Pennsylvania Constitution applies to Plaintiffs and their ability to access the courts: *“all courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay, . . .”* PA. CONST. Art. 1 § 11. The bills at issue are not creating or removing any cause of action. The bills are extending liability, a procedural change, not a substantive change. The Pennsylvania Supreme Court has held that these types of procedural changes do not violate due process. Bible v. Com., Dept. of Labor & Indus., 548 Pa. 247, 696 A.2d 1149 (1997). Some actions are too egregious to warrant a vested right in no longer having to defend against the wrongs because too much time has passed.

It is inequitable, to suggest that those responsible for a crime should be allowed to go unpunished, because their victim is too young, or too late to demand justice within the time allotted. We must move forward. Far too many citizens of the Commonwealth are without redress.

Statute of Limitations reform is one of the most pressing legislative priorities facing us in Pennsylvania. Our current statutes do not reflect the actual life experiences of victims, but instead impose arbitrary and confusing time limits on victims and are a legal representation of victim-blaming sentiments. Our state’s laws do not reflect the reality of victims or the effects of trauma with which they are dealing. We know that disclosures are almost always delayed. Victims frequently make partial disclosures to test how receptive others are to hearing their accounts, and inform their decisions about whether to tell the entire truth. It is normal for adults to wait decades to talk about what happened to them as children. It is also common for victims to come forward when they learn that the person who abused them can or has abused others. It is time to pass reforms in Pennsylvania that reflect what we know about trauma, reporting, and the needs of victims throughout the state.

Thank you.

ⁱ <https://www.rainn.org/statistics/children-and-teens>