

MOCSA

Metropolitan Organization to Counter Sexual Assault

January 24, 2023

Dear Chairman Patton and Members of the Judiciary Committee,

My name is Victoria Pickering, and I am the Director of Advocacy at MOCSA, the Metropolitan Organization to Counter Sexual Assault.

MOCSA is the only rape crisis center serving Johnson and Wyandotte counties in Kansas. Our mission is to improve the lives of those impacted by sexual abuse and assault and to prevent sexual violence in our community – the bi-state Kansas City metropolitan area. MOCSA provides advocacy and counseling services to individuals and families who have been impacted by sexual violence and we work to prevent violence through our education, prevention, and outreach programs. On behalf of MOCSA, I am testifying today in support of House Bill 2029.

HB 2029 would modify current Kansas statute, allowing petitioners to access initial protection orders for a longer period of time than is currently permitted and giving judges the ability to grant orders for 2 to 5 years without the need for a renewal at one year. In order to understand why this change is so impactful for sexual assault survivors, I think it's important to get a fuller understanding of the reasons a survivor might apply for a protection order. I have been an advocate for victims of sexual and domestic violence for 18 years and throughout my years in advocacy, I have worked with countless survivors in both the immediate and long-term aftermath of sexual assault. We know that the overwhelming majority of survivors experience violence at the hands of someone that they know. In some cases, the perpetrator might be a current or former intimate partner, but so often, it is a coworker, a classmate, or a friend. And in the wake of this trauma, time moves forward. While we talk to survivors about the need to focus on healing and recovery, the reality is they still need to go to work, pay their bills and maintain their education. In order to do all of this and the hard work of healing from trauma, survivors must feel safe, both physically and emotionally. Being forced to interact over and over again with the person who assaulted you can make this nearly impossible. Protection orders are a critical tool that survivors can access to help establish that safety.

I've worked with survivors whose protection orders allowed them to be transferred to a different work location, away from the person who harmed them. An order can help a survivor study for midterms without worrying that every sound their phone makes is another harassing message from the person who assaulted them. And for survivors who also report the crime to law enforcement and participate in the criminal justice system, a protection order can help reduce the likelihood of retaliation or intimidation and allow them to safely pursue justice.

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This is just a small number of examples of the ways that protection orders work as intended under the current statute. The problem that this bill would help resolve is that safety in the aftermath of violence is not always obtained in the timeframe currently allowed for initial protection orders. Having to return to court multiple times to apply for and receive a renewed order so quickly in that process can deter survivors from accessing the safety they need and deserve. The burden of recovering from a sexual assault lies solely on the backs of those most impacted by the violence and as lawmakers, you have an opportunity to provide them access to the safety they need to do that in a timeframe that makes sense.

Pressing pause on the healing process and returning back to that acute trauma can set survivors back as they try and rebuild their lives. It can also interrupt a survivor's participation in a criminal investigation or prosecution. I have often heard people speak of protection orders as a great tool to provide safety for crime victims while a case makes its way through the system. Survivors are told that it can buy them time and help them engage with the criminal justice system safely without being contacted by the person who assaulted them. But this idea butts up against the stark reality of sexual assault prosecutions. I typically tell survivors that the process can take at least 18-24 months from start to finish, but with the impact that COVID has had on the court system, it is not uncommon to have cases go to trial more than 3 years after the assault occurred. HB 2029 provides the opportunity to address this disparity between the need for survivors to be safe while they pursue justice and the time it takes us as a community to hold offenders accountable.

As a state, we have made significant changes in practice and policy over the last few years to show sexual assault survivors that we take this issue seriously. I have been lucky enough to witness firsthand the positive impact that has had, both for survivors as well as our community at large. So often, it is the seemingly small adjustments to statute that make the most lasting change in the lives of survivors, which is why we strongly support HB 2029.

Sincerely,

Victoria Pickering