

**Testimony in support of HB18-1243****Provided by: Emily Tofte Nestaval, Executive Director, Rocky Mountain Victim Law Center****March 15, 2018**

Too many incidents of sexual violence occur in Colorado, and many of these incidents are never reported to law enforcement. Only 2 out of every 3 rapes are ever reported to law enforcement. Victims often don't report because they are afraid they will not be believed, will be blamed for what happened, or retaliated against.

Survivors of sexual violence who choose to engage in the criminal justice systems are also put on trial. Their actions, behaviors, and choices are examined as a way for the defense to demonstrate that they are somehow to blame for the violence they endured. As a result, a victim's privacy is at risk and is frequently violated in ways that many who are unfamiliar with the justice system would find unbelievable. The Victim Rights Act and criminal rape shield laws provide victims with some protection and support the idea that victims should not be publicly displayed, examined, ridiculed, and judged. These laws have dramatically changed victims' engagement and involvement in the criminal justice process, as they are assured they have some rights and protections in the criminal justice system. Despite these gains, many victims say they would rather focus on healing, instead of having to deal with the revictimization that is nearly inevitable when engaging the legal system.

The estimated lifetime cost of rape is \$122,461 per victim, and while some of these costs might eventually be recovered through restitution or victims compensation in a criminal case, civil legal options have a greater chance of helping survivors become, at least financially, whole again. However, more often than not, a survivor will also choose not to engage in the civil legal system – despite their tremendous need for relief – simply due to the lack of protections in the civil system that exist in criminal cases. The invasion of privacy, potential for embarrassment around issues unrelated to the case, and fear of re-traumatization are things a victim must weigh when deciding whether to move forward with a civil action. This means, Survivors are often left with significant losses, including wage loss, medical, and mental health expenses, that they must pay for from their own pocket.

Survivors should not be put in the position where access to the civil legal system is simply not an option because the system will not protect them from further abuse by an offender and their counsel. The lack of rape shield protections in the civil system allows, condones, and even encourages offenders to continue their abuse tactics in a public setting.

I encourage you to vote in favor of this bill before you as it ultimately creates greater access to justice for survivors who have already endured so much.

Thank you for your thoughtful consideration today. I am happy to field questions from the committee.

Sincerely,

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