



SISTA Fire | YWCA | 133 Delaine Street | Providence, RI 02909

March 21st, 2024

To the House Judiciary Committee,

SISTA Fire RI submits this testimony in strong support of H7833, which establishes the criminal offense of sexual assault when the victim is in police custody. SISTA Fire organizes women and non-binary people of color in Rhode Island for collective social and economic transformation. We hold that every person and every family is deserving of dignity, respect, and justice.

H7833, currently before the House Judiciary Committee, would define coercion to include sexual assault by any member of law enforcement against a person who is detained, arrested, in custody, or incarcerated.

Rhode Island is one of only five states that do not address custodial sexual assault by law enforcement officers. Yet, police sexual violence is the second-most prevalent form of police violence behind excessive force counting only cases that have been documented. We know many of these cases will never be documented due to the power imbalances between law enforcement and individuals who are subjected to their authority.

In cases of custodial sexual assault, law enforcement officers can use that power to coerce their victim into unwanted activity and later assert that the sexual contact was consensual. Their control over the victim through direct manifestations of institutional power and through intimidation and fear leaves the individual diminished ability to report an assault, be believed when they do report, or receive justice from doing so. The power law enforcement officers, including police and correctional officers, have over those who are arrested or in custody is inherently coercive and immediately halts the possibility of consent for sexual contact. A law explicitly prohibiting sexual contact with someone in law enforcement custody is necessary to stop these crimes and hold law enforcement officers accountable for committing them.

Custodial sexual assault is particularly pertinent for women of color and trans people of color, who are both more likely to be incarcerated, arrested, and detained than their peers, and are more likely to be sexually assaulted in their lifetime than cisgender men. This puts Black, indigenous, Latina, and Asian women and nonbinary people in our state at even greater risk of facing sexual violence by public servants who are deputized to arrest, detain, and confine them. The violence of sexual assault does not end with contact, it impacts your psyche and stability for the rest of your life. This violence must also be understood as part of the larger system of institutionalized racism and patriarchy that pervades our state and diminish the ability for women and nonbinary people of color to live healthy, safe lives in Rhode Island.



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Furthermore, H7833 as written would be a narrow law because it only applies to victims who are in custody or otherwise in law enforcement confinement. A more effective law would protect against sexual assault in any law enforcement interaction, including prior to a formal arrest or seizure. This bill also only applies to sexual intercourse as defined by Rhode Island law and does not contain any provisions against sexual contact. Any form of sexual interaction between a law enforcement officer and a person they interact with in the course of duty is inappropriate and the law should reflect that.

It is time for Rhode Island law to catch up with the rest of the country in order to address police misconduct, protect women, trans people, and people of color in our state, and uphold the dignity of victims of sexual assault. These policies ensure that peace officers can be held legally accountable for their wrongdoings to the same standard as the rest of the population. We urge you to amend this bill to prohibit both sexual intercourse and sexual contact and to include victims who are interacting with law enforcement but are not formally in custody. Please pass H7833 to support all victims of sexual assault.

Sincerely,
SISTA Fire