

SOAR INSTITUTE

March 21, 2024

RE: Support for H7833 - “Relating to Criminal Offenses - Custodial Law Enforcement Sexual Penetration”

To the House Judiciary Committee,

The SOAR Institute strongly supports the passage of H7833, which establishes the criminal offense of sexual assault when the victim is in police custody. We are longtime advocates for survivors of human trafficking with over two decades of experience providing legal and mental health support to survivors, many of whom have been sexually assaulted by police. Our organization also provides capacity building to grassroots organizations working with sex workers, so we have a birds-eye view of the many ways this legislation affects our communities.

Police sexual violence is the second-most prevalent form of police violence behind excessive force, but because victims are often hesitant to report their experience, there are likely exponentially more cases than have been documented.¹ Sexual assault is already illegal; however, police sexual violence is unique because an officer of the law inherently has power and control over their victim. They can use that power to coerce their victim and can then later assert that the sexual contact was consensual, which leaves victims fearful to report an assault, or not believed when they do report. A law explicitly prohibiting sexual contact with someone in law enforcement custody is necessary to ensure these crimes don't go unpunished.

Custodial sexual assault can affect anyone who comes into contact with law enforcement, but marginalized people are especially at risk. The International Association of Chiefs of Police's (IACP) Addressing Sexual Offenses and Misconduct by Law Enforcement Executive Guide acknowledges policing “create[s] opportunities for sexual misconduct” because officers “have power and authority over others” and “engage with vulnerable populations who lack power and are often perceived as less credible”,² including juveniles, people involved in the sex trade, undocumented people, those with addictions and mental illnesses, etc.³

Most states across the country have already begun addressing this issue; Rhode Island is now one of only five that does not address custodial sexual assault. In fact, neighboring states have

¹ Dara E. Purvis & Melissa Blanco, Police Sexual Violence: Police Brutality, #MeToo, and Masculinities, 108 Cal. L. Rev. 1487 (2020). <https://californialawreview.org/print/police-sexual-violence/>

² Int'l Ass'n of Chiefs of Police, Addressing Sexual Offenses and Misconduct by Law Enforcement: Executive Guide at 4 (2011). <https://www.theiacp.org/sites/default/files/all/a/AddressingSexualOffensesandMisconductbyLawEnforcementExecutiveGuide.pdf>.

³ *Id.* at 4, 13.

been amending existing laws to make them even more effective. Just last year, Vermont expanded its law to not only protect people in police custody, but also subjects of investigations and confidential informants. New York legislators are currently considering bills to do the same. 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 especially vulnerable members of the community, and support victims of sexual assault. These policies ensure that peace officers are held legally accountable for their wrongdoings in the same way that all other civilians already are. This is especially important for the most vulnerable in our community, especially those who are already exploited and marginalized. 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.