

TESTIMONY
RESPONSE SYSTEMS TO ADULT ASSAULT CRIMES IN THE MILITARY ADVISORY
COMMITTEE

BY

MIKE ANDREWS

I WOULD FIRST LIKE TO THANK THE RESPONSE SYSTEMS TO ADULT SEXUAL ASSAULT CRIMES THE MILITARY FEDERAL ADVISORY COMMITTEE FOR ALLOWING ME TO SPEAK ON BEHALF OF CRIME VICTIMS OF SEXUAL ASSAULTS FROM A VICTIMS RIGHTS ATTORNEY'S PERSPECTIVE. SECONDLY, I WOULD LIKE TO WELCOME THOSE THAT HAVE TRAVELED TO WASHINGTON DC. I SAY WELCOME. BY WAY OF INTRODUCTION, MY NAME IS MIKE ANDREWS, AND I AM THE MANAGING ATTORNEY FOR THE DC CRIME VICTIMS RESOURCE CENTER HERE IN OUR NATION'S CAPITOL.

THE DC CRIME VICTIMS RESOURCE CENTER IS THE ONLY PRO BONO LEGAL CLINIC DESIGNED TO REPRESENT VICTIMS OF CRIME IN DC FEDERAL AND SUPERIOR COURT, AS WELL AS AT PAROLE VIOLATION HEARINGS. SINCE 2009, THE CLINIC HAS REPRESENTED HUNDREDS OF CRIME VICTIMS IN THE DC METROPOLITAN AREA WITH THE GOAL OF PROVIDING LEGAL SUPPORT AS WELL AS CONNECTING CLIENTS WITH SAFETY NET ORGANIZATIONS TO ASSIST THEM IN THEIR TIME OF NEED.

LET ME BRIEFLY GIVE YOU THE STATISTICS OF CRIME VICTIMS THE CLINIC HAS HANDLED FROM 2009.

HOMICIDE	25%
ROBBERY/THEFT	40%
SEXUAL ASSAULTS	30%
FRAUD	5%

AS YOU CAN SEE SEXUAL ASSAULTS IS THE SECOND HIGHEST CLASSIFICATION OF CRIME BEING COMMITTED IN THE DC METRO AREA AND UNFORTUNATELY IS ON THE RISE. IT WASN'T LONG AGO WHEN THAT NUMBER WAS HOVERING AROUND 15%. I SUMMIZE IT TO SAY THAT ALL VICTIMS OF CRIMES INCLUDING AND ESPECIALLY SEXUAL ASSAULTS VICTIMS NEED TO HAVE THAT SUPPORT MECHANISM SO THEY ARE NOT RE VICTIMIZED BY THE CRIMINAL JUSTICE SYSTEM. I AM PROUD THAT THE UNITED STATES MILITARY IS TAKING A PRO ACTIVE APPROACH TO CONDUCT AN INDEPENDENT REVIEW AND ASSESMENT OF THE SYSTEMS USED TO INVESTIGATE, PROSECUTE, AND ADJUDICATE CRIMES INVOLVING ADULT SEXUAL ASSAULTS AND DEVELOP RECOMMENDATIONS REGARDING HOW TO IMPROVE THE EFFECTIVENESS OF SUCH SYSTEMS.

TO THIS END I HAVE A SIMPLE SOLUTION. ADOPT THE CRIME VICTIMS RIGHTS ACT (2004) AS PRESCRIBED IN TITLE 18 USC 3771. THIS WILL NOT ONLY ALLOW SEXUAL ASSAULT VICTIMS BUT ALL VICTIMS APPEARING IN MILITARY COURTS TO HAVE EQUAL ACCESS TO THE MILITARY JUDICIAL SYSTEM. AS THE PANEL IS AWARE, THE CVRA WAS PASSED IN BOTH THE SENATE AND HOUSE WITH BI-PARTISAN SUPPORT. IT HAS BEEN TESTED AND UPHELD IN ALMOST EVERY CIRCUIT IN THE LAND. IT IS THE ONLY FEDERAL STATUTE THAT PROVIDES AN ENFORCEMENT MECHANISM TO VICTIMS. LET ME BRIEFLY ADDRESS SOME OF THOSE ENFORCEMENT MECHANISMS AND HOW THEY PREVENT THE REVICTIMIZATION OF SEXUAL ASSAULT VICTIMS.

UNDER THE CVRA, A VICTIM'S HAS THE RIGHT TO BE TREATED WITH FAIRNESS AND WITH RESPECT FOR THE VICTIMS DIGNITY AND PRIVACY. THIS RIGHT IS ESSENTIAL IN PREVENTING UNWANTED INCURSIONS IN THE VICTIMS BACKGROUND

SUCH AS UNWARRENTED SUBPOENA'S FOR MEDICAL, EDUCATIONAL AND EMPLOYMENT RECORDS THAT ARE OFTEN SOUGHT FOR AGAINST A VICTIM OF SEXUAL ASSAULT. THE CVRA PREVENTS THIS TYPE OF ABUSE.

ANOTHER ENFORCEMENT MECHANISM UNDER THE CVRA THAT POTECTS SEXUAL ASSAULT VICTIMS IS THE RIGHT TO BE REASONABLY PROTECTED FROM THE ACCUSED. IN THE PAST 2 YEARS I HAVE SEEN AN INCREASINGLY AMOUNT OF HARASSMENTS BY ALLEGED PERPATRATORS THROUGH SOCIAL MEDIA BY POSTING GRAPHIC PICTURES, STATEMENTS AND OTHER VARIOUS ELECTRONIC MESSAGING AGAINST VICTIMS WITH THE SOLE DESIRE TO INTIMIDATE, PROVOCATE AND STALK VICTIMS. THIS RIGHT MAKES IT CLEAR THAT YOU CANNOT CONDONE THIS BEHAVIOR.

WITH REGARD TO DEVELOPING BEST PRACTICES AND THE HOW A VICTIMS RIGHTS ATTORNEY FITS IN THE DISTRICT OF COLUMBIA; LET ME JUST START BY SAYING, I AM NOT A PROSECUTOR NOR AM I DEFENSE ATTORNEY. I AM OFTEN ASKED BY THE JUDICIARY WITH REGARD TO MY ROLE IN REPRESENTING MY CLIENTS. I USED TO TAKE OFFENSE TO SUCH QUESTIONS BUT QUICKLEY REALIZED THAT EDUCATING THE JUDGES AND ATTORNEYS PUT THEM AT EASE ON MY ROLE. MY ROLE IS SIMPLE, I ENSURE THAT VICTIMS ARE AFFORDED THE 8 RIGHTS PRESCRIBED BY THE CVRA. INTERESTING ENOUGH, TODAY I OFTEN RECEIVE REFERRALS FROM THE DEFENSE BAR, GOVERNMENT AND THE JUDCIARY TO ASSIST WITH VICTIMS. THIS OBVIOUSLY TOOK TIME TO ESTABLISH THESE RELATIONSHIPS AND BY NO MEANS DOES THIS MAKE MY REPRESENTATION EASIER AS I CONTINUE TO FIGHT FOR VICTIMS RIGHTS ON CASE BY CASE BASIS. ONE OF THE UNIQUE CHALLENGES AS A VICTIMS RIGHTS ATTORNEY IS THAT ENFORCING THE CVRA IS ONLY HALF THE BATTLE, MOST VICTIMS ESPECIALLY SEXUAL ASSAULT VICTIMS NEED MUCH MORE CRIMINAL LEGAL HELP. OFTEN, I AM ASKED TO PROVIDE CIVIL LEGAL ASSISTANCE WITH REGARD TO HOUSING, FAMILY

LAW, IMMIGRATION, AND PROTECTIVE ORDERS. THIS MODEL OF REPRESENTATION IS ONLY POSSIBLE WITH A NETWORK OF SOCIAL SERVICE AND LEGAL SERVICE PROVIDERS THAT IS AVAILABLE. ONE CANNOT SIMPLY LOOK AT A VICTIM IN A PIECE-MEAL APPROACH BUT MUST LOOK AT THE ENTIRE BODY OF NEEDS FOR THAT INDIVIDUAL.

I AM OFTEN REMINDED THAT VICTIMS ARE NOT ASKED TO BE VICTIMS BUT FOR ONE TRAGIC EVENT, THEY ARE AT THE MERCY OF OTHERS FOR THEIR PASSION AND COMMITMENT IN ASSISTING OTHERS.

THANK YOU AND I LOOK FORWARD TO ANSWERING YOUR QUESTIONS