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TTY: MAINE RELAY 711

Nina Azella Milliken

276 Turkey Farm Road
Blue Hill, ME 04614
Residence: (207) 412-8828
Nina.Milliken@legislature.maine.gov

Testimony of Representative Nina Milliken supporting
LD 2084, An Act to Provide Funding for Essential Services for Victims of Crimes
Before the Joint Standing Committee on Judiciary

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Good afternoon Senator Carney, Representative Moonen and esteemed members of the Joint Standing Committee on the Judiciary. My name is Nina Milliken, I am a representative in the Maine House for the wonderful communities of Blue Hill, Brooksville, Castine, Sedgwick, Surry and Trenton. I am here to testify in support of **LD 2084, An Act to Provide Funding For Essential Services for Victims of Crime**.

Prior to my time in the legislature, I worked for years in the field as an educator and advocate for sexual assault services in Hancock and Washington Counties. As a victim/survivor of both sexual and domestic violence myself, I know firsthand both the enormous benefits these services have for survivors of these common types of violence and the tireless and mostly thankless work that advocates in Maine embark on 24 hours a day, 7 days a week and 365 days a year. Victims of violence need advocates and Maine cannot afford to lose these essential services.

I would like to begin by saying that much of what you might hear today about sexual violence and domestic violence may be triggering for some of you. It is unlikely that a member of the Judiciary Committee has not themselves been a victim of sexual or domestic violence so please be kind to yourselves today as you listen to these testimonies. There are advocates here in the room who will be happy to support you if you feel that you need support.

From start to finish ... that is the time that advocates from these services are available to all Mainers. The start time is the violence itself; as soon as you or a loved one experiences a sexual or domestic violence situation, an advocate in Maine is available to you at any moment and is just a phone call away. And the finish is when you die. I can tell you that having worked in this field, I spoke with victims of violence in the immediate aftermath of their attacks and I spoke with victims who called the hotline on the anniversary of their assaults every year despite the assault having taken place decades before. Women called in the middle of the night because they had just had a nightmare that brought them right back to the assault they had experienced in their childhoods. Men called in their 80s to talk about the sexual abuse they experienced as young children that "we just didnt talk about back then."

In addition to offering a 24-hour hotline, sexual assault services offered many in-person services. During my years at sexual assault services, I sat through dozens of rape kits. Almost everyone knows what a rape kit is, but few people have a clear picture of what actually happens when a victim gets a kit. I would like to offer a quick overview of the painful and lengthy process that is involved in a sexual assault forensic examination and the role an advocate can play in this important investigative tool. Typically, in my experience, my involvement in a forensic exam would start with a hospital calling with a victim in their ER or with a victim calling the hotline to report that they had just been assaulted. At that point, I would discuss with them the importance of a kit ... they are free, they treat for unwanted pregnancies, include prophylaxis for STI's and HIV if they are called for, a complete head-to-toe examination of the victim would be performed to assess for injuries including strangulation, which can be life threatening and is common during a rape, and forensic evidence is collected for immediate or future reports to police should the victim decide that that is something they would like to pursue. If they weren't already there, I would then meet them at the emergency department of a local hospital.

It is worth noting that there is no requirement in Maine that nurses who work in emergency departments be trained in how to perform a rape kit. Additionally, rape kits with well trained and experienced nurses can take upwards of 6 hours. A kit with an untrained nurse can take 12 or more hours. As an advocate for sexual assault services, I had been through the 40+ hour training on how to perform a rape kit and could help nurses who had not been trained by walking them through how to do each labor intensive step, document each and every article collected and fill out the date and time on the label, seal the evidence correctly, etc. I would help the nurses while also holding the victim's hand, explaining to them what was happening and telling them their rights to refuse any part of the exam that was too painful, asking the nurse for a break during vaginal, anal or oral exams that put the victim right back in the moment of the assault just hours before. Sometimes victims sobbed through the whole experience, sometimes they were coming down off of whatever intoxicating substance they had been on, and sometimes we would just laugh and laugh. Each response was appropriate. And each response I would navigate with the victim leading the way, reassuring them that what happened to them was unacceptable, that I believed them and that I would be there for them after we left that room.

Often months later, the victim might decide that they do in fact want to file a criminal report. My former coworker, Jodi Leach, who has been before this committee before and has worked as an advocate for sexual assault survivors in Maine for over 20 years, and I would ensure that whoever was present for the kit would be with the victim for the entire process. I would meet the victim at a police station and we would go in together for the interview. If a victim was bringing a parent or other support person, I would often ask Jodi if she was available to tag along to offer support for that person, too. Vicarious trauma is real, and the loved ones of victims often need a lot of support, in addition to the victim themselves.

After a report was made, it could be months before anything would happen. We were always available through the hotline, and when a prosecutor made a determination about how to proceed, we would be there for that, too. More often than not, no charges would be filed. But, of course, this didn't mean that the assault had not taken place, so we would continue to be there for the victims and their families as they navigated their traumas without the support of the criminal legal system that lets so many victims down. In Maine, about 14,000 people experience sexual violence every year. Out of those only about 500 will make a police report and an even smaller number will see the person who harmed them convicted.

Occasionally, charges would be filed and we would wait but still be available 24/7 for the months to years it took for the case to go to trial. When the case was finally headed to trial, we sat with victims through their court proceedings, offered supportive smiles while they testified in courtrooms and then held their hands when verdicts were read and sentences were imposed. We were there for not guilty verdicts often and, less often, we got to hug after a guilty verdict was handed down. One time, a perpetrator had told his victims not to tell anyone about the assaults. He said, if they told the authorities, the most time he would get if convicted was five years and when he got out he would come back and kill both of them. I was in the courtroom when he was sentenced to exactly five years. And I then had to help both of his young victims deal with the emotional fallout from this tragic, spot-on prediction by the perpetrator. Both victims left the state before he was released. Even when guilty verdicts came and more serious sentences were imposed, victims often reported not having their trauma symptoms mitigated much by the conviction and advocates were still available constantly for the victims. When perpetrators were being released from incarceration, we sat with victims and established safety plans. When they bumped into their rapists in the checkout lines at Hannaford, they often called the hotline from their cars and we would talk through their anxieties and try to help calm them down.

In my years working for this essential program, I met victims and their families all over the two counties we served. One day while I was working, I got a message from the jail administrator at Hancock County Jail. A woman who had been in and out of that facility for years had just disclosed a sexual assault to the administration. Officer Sheppard asked me if I could come to the jail to meet with the woman. I quickly arrived and was put in a room with her and she and I talked for a long while about her experiences and her options. She decided to report the assault. I reached out to an investigator who I knew to be quite astute at discussing these types of assaults with victims (as I am sure you can imagine, some officers, while well intended, are not well informed about the nuances of sexual violence and can at times leave victims feeling worse for having reported). The officer and I sat with the woman in the jail and got her statement. For the next couple years, I went with her to meetings with prosecutors, with investigating officers, and sat with her and her family for hours and hours as we all trudged through years of trauma that she had been dealing with alone as a result of the assaults she had experienced as an adolescent. I accompanied her to her trial and held her hand as a guilty verdict was handed down. Her perpetrator spent less time in the Department of Corrections for molesting her before she was 14 than she had for drug offenses she committed as a direct result of her abuse. Most women who suffer from substance use disorder have sexual abuse histories, myself included. When her perpetrator was released, I was also a sounding board for her then, despite no longer working with the program.

These ongoing relationships with victims and their families are common for the advocates in this field of work. The services that they provide are essential for victims. I can not overstate how important the role of victims' services is for the survivors of sexual and domestic violence and their families, and how essential this bill is for the existence of these providers. I used to joke constantly that I would love to work so hard at providing education and advocacy around sexual violence that those services would no longer be necessary, but we are certainly not there yet. These services are as essential as they have ever been and they need your support to continue to be available for the members of our communities that need them, which include your immediate family members and close friends. Please vote ought to pass on LD 2084. I appreciate your time and I am happy to answer any questions that you might have.