
Committee Meeting

of

NEW JERSEY LEGISLATIVE SELECT OVERSIGHT COMMITTEE

“The Committee will hear testimony from invited guests concerning the challenges facing survivors of sexual assault, as well as hiring, vetting, and complaint procedures within State government”

LOCATION: Committee Room 4
State House Annex
Trenton, New Jersey

DATE: February 26, 2019
10:30 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Loretta Weinberg, Co-Chair
Assemblywoman Eliana Pintor Marin, Co-Chair
Senator Kristin M. Corrado, Co-Vice Chair
Assemblywoman Nancy F. Muñoz, Co-Vice Chair
Senator Sandra B. Cunningham
Senator Fred H. Madden, Jr.
Senator M. Teresa Ruiz
Senator Steven V. Oroho
Assemblyman Gordon M. Johnson
Assemblywoman Pamela R. Lampitt
Assemblywoman Angela V. McKnight
Assemblywoman Nancy J. Pinkin
Assemblywoman Verlina Reynolds-Jackson



ALSO PRESENT:

Rosemary Alito, Esq.
Michael Critchley, Sr., Esq.
Joseph A. Hayden, Jr., Esq.
Special Counsels

Stephanie M. Wozunk
Office of Legislative Services
Committee Aide

Alison Accettola
Senate Majority
Brian Quigley
Assembly Majority
Committee Aides

Michael R. Molimock
Senate Republican
Kevin Logan
Assembly Republican
Committee Aides

Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
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Co-Chairwoman
ELIANA PINTOR MARIN
Co-Chairwoman

KRISTIN M. CORRADO
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M. TERESA RUIZ
STEVEN V. OROHO

GORDON M. JOHNSON
PAMELA R. LAMPITT
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COMMITTEE NOTICE

TO: MEMBERS OF THE NEW JERSEY LEGISLATIVE SELECT OVERSIGHT COMMITTEE

FROM: SENATOR LORETTA WEINBERG, CO-CHAIR AND ASSEMBLYWOMAN ELIANA PINTOR MARIN, CO-CHAIR

SUBJECT: COMMITTEE MEETING - FEBRUARY 26, 2019

The public may address comments and questions to Stephanie M. Wozunk, Committee Aide, or make bill status and scheduling inquiries to Kristi L. Cannella, Secretary, at (609)847-3890, fax (609)777-2998 or e-mail: OLSAideLSOC@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

The New Jersey Legislative Select Oversight Committee will meet on Tuesday, February 26, 2019 at 10:30 AM in Committee Room 4, 1st Floor, State House Annex, Trenton, New Jersey.

The committee will hear testimony from invited guests concerning the challenges facing survivors of sexual assault as well as hiring, vetting, and complaint procedures within State government.

Issued 2/21/19

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SENATOR LORETTA WEINBERG (Co-Chair): Good morning, everybody.

Can we get the meeting to order, please?

Would you take the roll, please?

MS. WOZUNK (Committee Aide): Assemblywoman Schepisi.

(no response)

Assemblywoman DeCroce. (no response)

Assemblywoman Reynolds-Jackson.

ASSEMBLYWOMAN REYNOLDS-JACKSON: Present.

MS. WOZUNK: Assemblywoman Pinkin (no response)

Assemblywoman McKnight.

ASSEMBLYWOMAN McKNIGHT: Here.

MS. WOZUNK: Assemblywoman Lampitt. (no response)

Assemblyman Johnson.

ASSEMBLYMAN JOHNSON: Here.

MS. WOZUNK: Senator Oroho.

SENATOR OROHO: Here.

MS. WOZUNK: Senator Ruiz is on her way.

Senator Madden.

SENATOR MADDEN: Here.

MS. WOZUNK: Senator Cunningham. (no response)

MS. WOZUNK: Co-Vice Chair Muñoz.

ASSEMBLYWOMAN NANCY F. MUÑOZ (Co-Vice Chair): Here.

MS. WOZUNK: Co-Vice Chair Corrado.

SENATOR KRISTIN M. CORRADO (Co-Vice Chair):

Here.

MS. WOZUNK: Co-Chair Pintor Marin.

ASSEMBLYWOMAN ELIANA PINTOR MARIN (Co-Chair): Here.

MS. WOZUNK: Co-Chair Weinberg.

SENATOR WEINBERG: Here.

MS. WOZUNK: We have a quorum.

SENATOR WEINBERG: Thank you, and good morning, everyone.

Just to make a note: We have been very good about starting every one of our meetings on time, at 10:30 promptly. This is the first time in all those hearings -- if anybody is keeping track -- that we started a little bit late.

So bragging rights, there. (laughter)

ASSEMBLYWOMAN PINTOR MARIN: And that comment was specifically for our attorney, correct Senator? (laughter)

SENATOR WEINBERG: Correct; who said we didn't want to start behaving like the men. (laughter)

And that came directly from Mr. Hayden.

So with that as a background, I would like to call our first expert witness, Professor Charles Sullivan, to come forward.

And if you would not mind, our protocol is that we do have to swear you in.

CHARLES SULLIVAN, Esq.: That would be fine.

SENATOR WEINBERG: Even though I assume that, based on the expert testimony, that you're going to tell the truth as you see it, but-- (laughter)

PROFESSOR SULLIVAN: I would hope so.

SENATOR WEINBERG: Let me just get to the--

Professor Sullivan, would you please raise your right hand?

(Senator Weinberg administers the oath)

Do you understand that you have certain rights under the Code of Fair Procedure, including the right to have your Counsel submit proposed questions on your behalf?

PROFESSOR SULLIVAN: I do.

SENATOR WEINBERG: Okay; they said I can skip over all of those other questions that we've asked other witnesses.

Do you swear or affirm that the testimony you're about to give is true, correct, and complete to the best of your information, knowledge, and belief?

PROFESSOR SULLIVAN: I do.

SENATOR WEINBERG: Thank you; you may be seated.

Do we have printed statements from you?

UNIDENTIFIED MEMBER OF COMMITTEE: (off mike) No.

SENATOR WEINBERG: No? We do not.

Okay; please go ahead. Read your statement--

(confers with staff)

Okay; but go ahead and read your statement.

Oh, there is no statement; okay.

Then I turn it over to Ms. Alito, who is going to start off by questioning.

MS. ALITO (Special Counsel): Thank you, Senator.

And thank you, Professor, for coming here and joining us today.

As a distinguished member of the faculty at Seton Hall Law School, and one of the preeminent experts on New Jersey employment law, the Committee looks forward to your insights with regard to the issues that it is facing.

PROFESSOR SULLIVAN: Thank you for having me.

MS. ALITO: Could you tell us a little bit about your background?

PROFESSOR SULLIVAN: My background, apparently, is limited when it comes to technology. (laughter)

I went to law school at Harvard University; I have an NYU degree. I taught at two other law schools before I came to Seton Hall some 40 years ago.

I have been teaching employment discrimination and employment law since, approximately, 1976. I have two case books; one, *Employment Discrimination*, is probably the leading case book in the nation; and another on employment law, which is respectable, but not as successful.

I have written a number of articles on the topic, and I also wrote a practitioner's manual on the topic of employment discrimination.

MS. ALITO: Thank you, Professor.

I'd first like to talk about the hiring process. And I am going to ask you to assume the following facts.

An employer learns that someone who has applied for a high-level executive position has been accused of rape. The employer knows that the accuser is also applying for a job; but the employer does not know the exact identity of the accuser.

First, is there any legal bar to refusing to hire the applicant, based upon the rape accusation?

PROFESSOR SULLIVAN: No. Just as there would be no legal bar to refusing to hire someone who is accused of embezzling.

MS. ALITO: As a best practice, should the employer investigate the accusation before hiring the alleged rapist?

PROFESSOR SULLIVAN: Yes. I don't believe that normally we would want to credit accusations that are not credible. And so I believe, as a matter of how you should run your business, or your employment, you should make sure that you have sufficient information to make a judgement as to whether to go forward or not.

MS. ALITO: Does the fact that the identity of the accuser is not known justify an employer's failure to investigate?

PROFESSOR SULLIVAN: No; although, of course, it might handicap the resulting investigation.

MS. ALITO: What about the fact that the perspective employee, who has been accused of rape, has not been charged criminally? Does that make a difference in terms of the employer's ability not to hire and the employer's obligation to investigate?

PROFESSOR SULLIVAN: No, I don't believe so. Just as someone accused of embezzlement, who has not been charged criminally,

would nevertheless not be a good employee if it turned out that person had been, in fact, guilty of embezzlement.

MS. ALITO: If the employer hires the applicant despite the rape allegation, does it face any potential liability?

PROFESSOR SULLIVAN: Two comments, I think.

First of all, depending on whether the accuser is put in sufficient contact with the accused to contaminate the work environment. That's just liability under LAD and Title 7.

Secondly, with respect to potential other women who might be then subject to similar conduct, we have a negligent hiring tort available.

MS. ALITO: Thank you.

Now, if the employer goes ahead and hires the alleged rapist, should anyone -- under best practices, should anyone in the workplace be told about the allegation?

PROFESSOR SULLIVAN: Those with a need to know, and those who, in the course of any investigation, would have to be involved in that investigation.

MS. ALITO: Would a woman who is sharing an office with the accused rapist have a need to know about the allegation?

PROFESSOR SULLIVAN: About the allegation? I don't-- We're assuming there would be an investigation; and if there were an investigation and the person were cleared, I don't think there would be any need to ask the women.

On the other hand, the investigation might inquire about whether the person accused had been guilty of any kind of such conduct in his current environment.

MS. ALITO: I'm now going to ask you to assume that the accused rapist has been hired. His supervisor and his co-workers are unaware of the allegation against him. The accuser steps forward and makes an internal complaint alleging that she was raped before the two became employees; and that she is now uncomfortable coming into contact with the accused rapist in the workplace.

What are an employer's obligations under the New Jersey Law Against Discrimination when such an allegation is made?

PROFESSOR SULLIVAN: Well, I guess it first depends on whether the accuser is going to come in contact with the accused. New Jersey is a big employer; it may be that you could have two employees at different parts of the state who would never run into each other, so there might not be any obligation.

On the other hand, if there's a plausible opportunity for the two to come into contact, I believe the obligation of the employer is to investigate the accusation. And that's entirely apart from whether a negligent hiring claim might later be brought by somebody who is not the accuser.

MS. ALITO: Would you agree with me, Professor, that aside from whether the alleged rape occurred or not, that in those circumstances, under the Law Against Discrimination, and decisions of the New Jersey Supreme Court -- including Layman and cases following that -- that the employer receiving such a complaint should investigate, should speak to the accuser before making a determination about what to do?

PROFESSOR SULLIVAN: Yes.

MS. ALITO: Now, can you tell us, generally, under the New Jersey Law Against Discrimination, and against our Supreme Court's very broad application of the Law Against Discrimination -- one of the most comprehensive anti-discrimination laws in the country -- what is an employer's obligation here in New Jersey with regard to ensuring that there is an appropriate work environment?

PROFESSOR SULLIVAN: It's absolutely liable if it doesn't take reasonable efforts to achieve an appropriate work environment; which means that if there is reason to think that a work environment, for a particular woman, is contaminated, it has to take reasonable steps to resolve the problem.

MS. ALITO: Now, if an employee making a complaint makes the complaint orally to someone in a position of high power, instead of putting it down in writing and filling out a form, does the fact that the employee is making the complaint orally -- does that mean that the employer gets excused from its obligations to conduct an investigation?

PROFESSOR SULLIVAN: It makes no difference. As long as the person hearing the information is sufficiently highly placed, the employer becomes liable for not reacting appropriately to the information received. It doesn't even have to be received from the person making the accusation. If it's a credible rumor, it may have to be followed up.

MS. ALITO: Now, you've touched on this briefly, but I want to make sure we have it clear.

Does the fact that the alleged rape occurred before the two individuals became employees automatically mean that the employer has no obligation to investigate?

PROFESSOR SULLIVAN: No. The question is whether there is a current contaminated work environment. If a rape occurred before the employment, but the rapist and victim are put in sufficiently close contact, that's a question that could be debated. If they are put in sufficiently close contact, it's almost impossible to imagine that wouldn't contaminate the women's work environment.

And it doesn't matter whether the conduct occurred previously or on the job. Her environment is equally contaminated, I believe, either way.

MS. ALITO: Now, Professor, I'd like you to now assume that the accused was hired as an at-will employee. Can you please tell us, generally, what it means to be an *at-will employee* in New Jersey?

PROFESSOR SULLIVAN: Historically, that meant you could be fired for any reason or no reason, good reason, or bad reason.

Today, we're not quite back in that environment, because we have a number of protections in New Jersey -- CEPA and LAD come to mind -- so you can't be fired for discriminatory reasons. You can't be fired for public reasons violating public policy. And there are a score of other statutes, State and Federal, that give rights. But if you don't fit within one of those categories, you remain an at-will employee, which means you can be fired, or you can quit whenever you want.

MS. ALITO: So as long as the firing doesn't violate some statutory provision -- like the whistleblowing law, or some other law -- then the employer retains the right to terminate an at-will employee for any reason.

PROFESSOR SULLIVAN: If it's at-will, right?

MS. ALITO: Yes.

So would it be correct, then, that there is no legal bar to terminating an at-will employee because he's accused of raping another employee?

PROFESSOR SULLIVAN: That's correct.

MS. ALITO: Professor, I'd now like to speak about confidentiality issues in connection with complaints of sexual harassment.

Can you tell us, generally, what the best practice is with regard to the confidentiality of internal complaints and investigations?

PROFESSOR SULLIVAN: Well, in order to protect both the accused and the accuser, it's pretty important to maintain confidentiality. But the very fact of an investigation often generates exceptions, if you will, to the confidentiality requirement. I mean, after all, to really investigate an accusation of rape, the accused may have to learn what the accuser -- the identity of the accuser and the accusations that are made. In addition, it may be that the investigation reaches out to, say, the current workplace to find out if the accused is committing similar conduct or otherwise objectionable conduct in that workplace.

And on top of all of that, there are people within any organization who have a need to know this kind of conduct is going on; and if there is such a need to know, confidentiality doesn't bar that.

MS. ALITO: What if the employee making the complaint wants to disclose it? Should she be prohibited from doing so?

PROFESSOR SULLIVAN: I don't think she should, as a matter of best practices, and I'm not sure she can be legally. There are a number of protections, including CEPA which, for example, if the employee

in question were not happy with how the executive agency was using that, maybe the employee in question could come to an agency such as this, the Legislature, to seek relief. And I think CEPA would protect that.

MS. ALITO: So an employee, under existing law, cannot be prohibited from going to an agency -- like the Division on Civil Rights, or to the Department of Labor -- and recording incidents in the workplace. Is that correct?

PROFESSOR SULLIVAN: That would be my view, yes.

MS. ALITO: If an employee was asked to sign a nondisclosure agreement that prohibited the employee from talking about anything that happened in the workplace to anybody outside, and that nondisclosure agreement didn't contain an exception for going to governmental agencies, for whistleblowing to the Division on Civil Rights--

SENATOR WEINBERG: I can't quite hear you.

MS. ALITO: I'm sorry. I will get closer, and I'll start that question over.

If an employee were asked to sign a nondisclosure agreement that prohibited the employee from talking about anything that happened in the workplace to anyone outside; and the agreement didn't contain exceptions for whistleblowing to governmental agencies -- from going to the EEOC or the Division on Civil Rights -- would that agreement be unenforceable?

PROFESSOR SULLIVAN: To that extent, correct. It would be enforceable, I believe, other than with respect to reporting legal violations to an appropriate agency.

MS. ALITO: Now, the New Jersey State policy prohibiting discrimination in the workplace has the following provision with regard to confidentiality.

“All complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy interests of those involved.

“To the extent practical and appropriate under the circumstances, confidentiality shall be maintained throughout the investigatory process.

“In the course of an investigation, it may be necessary to discuss the claims with the persons against whom the complaint was filed, and other persons who may have relevant knowledge, or who have a legitimate need to know about the matter.

“All persons interviewed, including witnesses, shall be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned.

“Failure to comply with this confidentiality directive may result in administrative and/or disciplinary action up to and including termination of employment.”

Now, I'd like to direct our attention to two phrases in that provision. First, the statement that confidentiality shall be maintained “to the extent practical and appropriate.” And second, that claims may be discussed with persons with a “legitimate need to know about the matter.”

And I'd ask you, Professor, does the supervisor of an employee accused of rape have a legitimate need to know?

PROFESSOR SULLIVAN: Often.

MS. ALITO: Does the supervisor of an employee, claiming that she's uncomfortable working with her alleged rapist, have a legitimate need to know about the complaint?

PROFESSOR SULLIVAN: Often.

And just to clarify that a little bit, I mean one of the standard approaches, once you start investigating, is to have a no-contact order between the two parties. That requires -- that may require somebody not to do the job that they were hired to do -- not to attend meetings they were hired -- they were supposed to attend. The supervisor needs to know what's happening, with respect to that; maybe not at any level of detail; maybe that there's just an investigation going on. But I don't see how you could conduct an investigation in that setting, including isolating the two parties, without telling the supervisors of one or both.

MS. ALITO: When the accused rapist is a very high-level executive, does senior management, including the Chief Executive Officer, have a legitimate need to know?

PROFESSOR SULLIVAN: Yes. I mean, the reputational consequences of the organization are extreme.

MS. ALITO: Thank you.

I'd like to give you one more hypothetical.

Please assume that the employer tells the accused employee that he must leave the workplace. But then the employer tries to get him another job. The employer contacts the perspective new employer to help place the accused, but does not tell the perspective new employer about the rape allegation.

Does the failure to disclose the rape allegation expose the first employer to any potential liability?

PROFESSOR SULLIVAN: That's tough question.

It is certainly not the general duty to disclose to new employers-- In fact, most employers have policies that are referred to as *name, rank, and serial number* -- simply saying whether there was a prior employment.

But you started off by telling me that the employer, the current employer is trying to get the employee, the current employee another job. Which means that, almost invariably in that setting, there are going to be questions asked, like, "Why is the employee leaving his or her current job?" That will almost certainly trigger either a lie or a half-truth; and that itself might make the employer liable for deceit.

You could-- In addition, it may simply be that if you're painting a great story about how great this employee is, that that would generate an obligation to disclose that would not otherwise exist. You may have to balance the bitter with the sweet.

MS. ALITO: Professor, in sum, would you agree with me that an employer that ignores an allegation of an employee that, "I was raped by another employee, and I have to work with and deal with my alleged rapist" -- that an employer that ignores that allegation and takes no action with regard to the complaint is potentially violating its obligations under the Law Against Discrimination, and as outlined by the New Jersey Supreme Court in numerous decisions?

PROFESSOR SULLIVAN: Yes.

MS. ALITO: Thank you, Professor.

SENATOR WEINBERG: Mr. Hayden.

MR. HAYDEN (Special Counsel): Good morning, Professor.

PROFESSOR SULLIVAN: Good morning.

MR. HAYDEN: Thank you for coming down; and you are, as Ms. Alito says, the preeminent authority on employment law.

Have you ever been engaged as an expert witness in either State or Federal Court--

PROFESSOR SULLIVAN: A couple of times.

MR. HAYDEN: --in connection with employment law?

PROFESSOR SULLIVAN: Yes.

MR. HAYDEN: And have you ever been qualified as an expert witness?

PROFESSOR SULLIVAN: No; both cases settled.

MR. HAYDEN: Both cases settled after your depositions?
(laughter)

PROFESSOR SULLIVAN: *Post hoc ergo propter hoc*. There might be a fallacy there; but I think that's accurate, in terms of the various realities that are uncoiled.

MR. HAYDEN: I would like to ask you, with your permission, some hypothetical questions, based upon the factual record of this case; (indiscernible) in terms of legal opinions.

There has been testimony that on or about December 1, 2017, Katie Brennan authorized a Justin Braz to alert the Transition Counsel to the fact that she was the victim of a sexual assault, and that there might be an arrest of a Mr. Alvarez on that day.

And then, later on, she notified the Transition Counsel that a Prosecutor's Office had decided not to make an arrest. The Transition Counsel eventually confided this information to the Chief of Staff, and also to the head of the Transition.

Now, my first question is, is there any legal impediment -- or was there any legal impediment, or bar, for the Transition to have asked Justin Braz, "Go back and see if you can get more information from Katie Brennan about exactly what happened"?

PROFESSOR SULLIVAN: No.

MR. HAYDEN: Was there any legal impediment for the Transition Team to have gone to Al Alvarez and asked Mr. Alvarez what happened?

PROFESSOR SULLIVAN: No.

MR. HAYDEN: Was there any legal impediment for the Transition Team, at that point, to have decided to conduct its own investigation?

PROFESSOR SULLIVAN: I don't think so; but I'm not fully aware of the internal rules that the Transition Team might or might not have been operating under.

MR. HAYDEN: You used the term *best practices*. Certainly, you have issues, like an accusation is not a crime; you have issues as to the sensitivity of the victim; you have the issues as to the integrity of the Administration. Doesn't common sense tell us the first thing to do is to find out as much as you can about what happened before those decisions are made?

PROFESSOR SULLIVAN: I agree with that. I am aware, however, that some highly placed people have determined that they couldn't investigate parts of the -- aspects of this, going forward. And I don't know what the basis of those decisions were.

It wouldn't change my assessment that the employer remains liable if it doesn't deal appropriately with a hostile work environment for a particular woman.

MR. HAYDEN: Would you also agree that there would be -- best practices would dictate that there should be a written memorandum made of exactly what the allegation was that was transmitted from Justin Braz to the Transition Committee?

PROFESSOR SULLIVAN: Yes.

MR. HAYDEN: And there should be a written memorandum made as to what the Transition Committee decided to do or not to do?

PROFESSOR SULLIVAN: Yes.

MR. HAYDEN: Now, in terms of legal advice, there is a factual dispute as to what the legal advice was given, in terms of what to do. That's around -- my timeline is still December 1. Mr. Lozano and Mr. Cammarano said that they were expressly told that they could not advise the Governor-elect of the allegation because of confidentiality -- by the Transition Counsel. When the Transition Counsel came and appeared in front of us, the Transition Counsel categorically and unequivocally denied that, and said that he never said the Governor couldn't be advised. And, in fact, he said, "It's your choice," as to whether or not to advise the Governor.

Putting that factual dispute aside, for purposes of my question to you, would there have been any legal impediment for the Transition

Team to have told the Governor-elect about the allegation against somebody who was on the Transition Team and may be appointed to public office?

PROFESSOR SULLIVAN: Not to my knowledge.

MR. HAYDEN: Would not best practices require that there should be some kind of writing as to what Transition Counsel said, and what advice he or she gave, in connection with this matter?

PROFESSOR SULLIVAN: Yes.

MR. HAYDEN: If there had been a writing, there wouldn't be a dispute as to what advice was given or not given; is that correct?

PROFESSOR SULLIVAN: It would be less likely there would be a dispute as to what advice was given or not given if there was a writing.

MR. HAYDEN: Now, sticking with our timeline, there came a point of time in January that Mr. Alvarez was hired; and we, again, have a factual dispute between Mr. Cammarano, Mr. Lozano, and Mr. Platkin as to who was the decision-maker. And Lynn Haynes told us it had to be one of the three individuals I named. And each of-- Actually *dispute* was the wrong word; but each of those three individuals said they were not the hiring authority.

Now, if the hiring authority was not aware -- the person who made this; I use the term *decision-maker* -- was not aware of the allegation of sexual assault against the perspective hiree, by somebody who was on the Transition, would not best practices require that the hiring authority be told of that allegation prior to making the decision?

PROFESSOR SULLIVAN: The decision-maker should have known about this allegation, and should have taken appropriate steps to get to the bottom of this allegation before someone was hired.

MR. HAYDEN: And I take it that there is no confidentiality principle that would stand in the way of the decision-maker -- whoever he or she was -- being made aware of an allegation of a heinous crime.

PROFESSOR SULLIVAN: Doesn't that person have a need -- a quintessential need to know, because that is the person making the decision?

MR. HAYDEN: And would not best practices also require that there be some written record as to who the decision-maker was?

PROFESSOR SULLIVAN: Yes.

MR. HAYDEN: Directing your attention to March of 2018, we have had testimony, by both Ms. Brennan and Mr. Platkin, that Ms. Brennan advised Mr. Platkin of the sexual assault allegation. Mr. Platkin was "shocked and disturbed" by it. And then Mr. Platkin and Mr. Cammarano said, the next day or the day after, they talked about it and decided to tell Mr. Alvarez to leave office; which, at a later date, Mr. Cammarano did.

Was there any legal impediment stopping either or both of them from telling the Governor, at that point, as to the allegation against Mr. Alvarez and the decision they made to terminate him?

PROFESSOR SULLIVAN: Not that I'm aware of.

MR. HAYDEN: Because Mr. Alvarez was an at-will employee, could he have been immediately terminated at that point?

PROFESSOR SULLIVAN: Yes.

MR. HAYDEN: Could he have been suspended with pay pending a full investigation?

PROFESSOR SULLIVAN: That would be best practices.

MR. HAYDEN: And would best practices also require that there would be a writing memorializing the decision made by the Counsel, to the Governor and the Chief of Staff, to have Mr. Alvarez terminated; and also the conversation that the Chief of Staff had with Mr. Alvarez, telling him he had to leave State government?

PROFESSOR SULLIVAN: Both of those should have been in writing.

MR. HAYDEN: There has been testimony that Mr. Platkin then approached Heather Taylor in an attempt to -- and having-- Then the was matter referred to the Attorney General's Office. And Ms. Liebermann, from the Attorney General's Office -- who made the decision that there was no jurisdiction -- indicated that she was advised that the matter in question was some form of sexual *harassment*, and not sexual *assault*. Should there have been information provided as to the exact nature of the allegation?

PROFESSOR SULLIVAN: I don't know who knew what at that point; it gets a little confusing. But the person who had the information should have communicated it to a person who was deciding whether we should have an investigation or not.

MR. HAYDEN: With the exception of Ms. Taylor's notes of her meeting with -- or conversations with the Counsel to the Governor and Katie Brennan over a period of about a week, there are no written records as to the initial complaint of Ms. Brennan, of the referral of the complaint by Ms. Brennan to the Attorney General's Office, as to the determination

made by the Attorney General's Office, and as to an opening or closing of any file where a decision was made that there was no jurisdiction.

My question to you, sir, is, would best practices dictate that there should be written records of complaints like this?

PROFESSOR SULLIVAN: All of that should have been recorded.

MR. HAYDEN: There was testimony -- moving along our timeline -- as of June 1, that Katie Brennan e-mailed Governor Murphy and the First Lady about a "sensitive matter." The Governor replied promptly, within about 40 minutes. And then the e-mail was also referred to the Counsel to the Governor and the Counsel to the Campaign, Mr. Berkon. And Mr. Berkon, then, had conversations with Katie Brennan.

The testimony is that the Governor, even at that point, was not advised as to the underlying allegation of a sexual assault. Was there any legal impediment for either the Counsel to the Governor or Counsel to the Campaign, to tell Governor Murphy that the underlying allegation was sexual assault?

PROFESSOR SULLIVAN: Not that I'm aware of.

MR. HAYDEN: About 10 days later, the testimony, according to our timeline, is that Mr. Platkin talked to Mr. McKenna, to tell Mr. Alvarez at the SDA that it was time to leave government. Mr. Platkin then advised Mr. Berkon; Mr. Berkon was advised that Mr. Alvarez was leaving government. And Mr. Berkon was given authorization to tell Katie Brennan that Mr. Alvarez -- this is in June, early June -- was leaving State government; the clear implication being that he was leaving State government because of her complaint. They didn't tell exactly--

Once a statement on that is made, would best practices not require there be a duty to follow up and see that the promise -- which was made that the man would leave State government -- in fact left State government?

PROFESSOR SULLIVAN: Yes; I'm going to answer that "yes." But I also think that whether the promise was made or not, once you make a decision, the decision should be followed up on. It shouldn't be left to lie there.

MR. HAYDEN: And I believe you indicated the decision should be memorialized; there should be writing to the person, "You're going to leave State government at a certain time." But also that the victim was told that the person was leaving State government. There would also be a duty to follow through to the promise made to the victim, would there not?

PROFESSOR SULLIVAN: I agree.

MR. HAYDEN: There has been testimony -- Mr. Critchley delved into a lot of it -- as to, at some point in time, Mr. Alvarez apparently -- there were discussions about him getting a job at Rutgers over the summer of 2018. And there are news reports that somebody from the Administration made a call to give Mr. Alvarez an interview -- a shot. Not demand to give him a job; to give him an interview, or shot. If a call like that-- Assuming that's accurate, and a call like that is being made, would there also not be some kind of duty to say that the person you want to be interviewed also has an allegation of sexual assault against him?

PROFESSOR SULLIVAN: I guess I don't know who made the call, and whether the person who made the call knew about the allegation.

MR. HAYDEN: Certainly, prior to any reference being made, would there not be an obligation that if anybody knew about the allegation, that it should be communicated to the perspective employer?

PROFESSOR SULLIVAN: I don't believe you should try and get someone a job without making -- affirmatively try and get someone a job without making appropriate disclosures.

And it's not uncommon for employers to try and move their problem to someone else's lap. But I believe that-- This is all within the State government. I don't believe that someone should be trying to move a problem -- if it turns out that it is a problem -- to someone else's department without making full disclosures. Because if the conduct reoccurred in the new worksite, that would generate more and more liability.

MR. HAYDEN: So even though it is not uncommon to move people around, it's not right if somebody knows of an allegation of a heinous crime.

PROFESSOR SULLIVAN: You shouldn't affirmatively try and get someone a job without disclosing the pluses and the minuses.

MR. HAYDEN: Coming back to the beginning, this Committee has tried to work -- make a record on the difficult issue with competing values: the value of due process, the value of an accusation is not a crime, the value of the emotional impact on the accuser; frankly, the significance of the Administration and the reputation of the Administration.

Isn't the core way to address this Solomonic decision to be to find the facts before a decision is made?

PROFESSOR SULLIVAN: That would seem obvious to me.

MR. HAYDEN: And any legal advice -- that the Governor couldn't be told, Mr. Alvarez couldn't be interviewed, there couldn't be an investigation -- would be erroneous legal advice, would it not?

PROFESSOR SULLIVAN: In my opinion, yes.

MR. HAYDEN: Thank you, sir.

SENATOR WEINBERG: Mr. Critchley.

MR. CRITCHLEY: Good morning.

PROFESSOR SULLIVAN: Good morning.

MR. CRITCHLEY: I just have a couple of questions. Obviously, Ms. Alito did an excellent job in laying out the record here.

But I just have some comments and some questions, based upon your testimony, and the testimony that we've heard to date.

There have been witnesses who have been called to testify -- primarily Mr. Platkin, and also, possibly, probably, Mr. Cammarano -- who used as a safe harbor, in terms of why they did not conduct an investigation -- is that they were told by the Attorney General's Office that the State could not have jurisdiction to conduct an investigation, because the allegation of rape occurred during the Campaign; irrespective of the fact that they're now both working for the State.

Now, it seems from your testimony today -- as well as comments from Mr. Verniero in his report -- that you somewhat undercut that necessary conclusion. I'd just like to read one comment from Mr. Verniero's report. And I'm referring, for the record, to page 63, discussing whether the Attorney General's Office could have conducted an investigation, based upon the facts of this case.

And on page 68, Mr. Verniero basically states-- And by way of setting up the comment, Mr. Hayden had told you that the Attorney General's Office was just made aware that the allegations were of sexual harassment, and not necessarily rape or sexual assault.

And Mr. Verniero basically said in his report, "If the alleged facts had been viewed as implicating a risk to the current workplace, then, arguably, there might have been discretion to undertake an investigation or a review."

And that is similar to what you said, as I understand it. Because what you basically said -- I don't have the exact words -- but if you have the accused and the accuser, and there is a plausible opportunity for the two of them to come in contact, then the employer has an obligation -- an obligation to investigate, correct?

PROFESSOR SULLIVAN: That's exactly right.

And if I could go on a little bit -- this reminds me of Judge Easterbrook's macaw. The case involved a hospital where the harasser was a physician with admitting privileges; not another employee. And the question -- the hospital's defense was that they had no control over the physician; he wasn't their employee; they couldn't be liable.

Easterbrook said that it didn't matter; that the obligation of the employer is to create a -- is to provide a safe environment to its female employees. It doesn't matter whether it's an employee who is doing the harassing, whether it's a customer who is doing the harassing, or if it was a third party who was doing the harassing. And Easterbrook even goes on and says if there's a macaw that bites and scratches female employees and

not male employees, then the employer is liable for not dealing appropriately with that macaw.

We have lots of cases involving, for example, prisons, where prisoners are harassing their guards, their female guards. Now, that's a job in which there's probably some involvement -- the risk of harassment is part of the job. But even in that setting, employers have an obligation to be reasonable in trying to reduce the contamination of the work environment. I think that would be true regardless.

If Ms. Brennan were exposed to Mr. Alvarez in the workplace in a sufficiently severe and abrasive way, then I think that creates a contaminated work environment, and the State has an obligation to deal with that appropriately.

MR. CRITCHLEY: That's interesting, because that's completely contrary to what Mr. Platkin had testified to. He basically said they had no jurisdiction, and they couldn't investigate.

PROFESSOR SULLIVAN: I don't know whether particular agencies of the State have internal rules that prevent that particular agency from doing what that is; and whether any human being had done anything inappropriately within the way that the State structured. But I do know that if that were true -- that nobody could deal with this problem -- then there is something majorly wrong with the structure. Because the employer has an obligation to deal with the problem, regardless of what its internal policies and procedures are.

MR. CRITCHLEY: I guess to be kind, based upon your testimony, would you agree there were flaws in the way this was handled by the Administration?

PROFESSOR SULLIVAN: I think we're all sitting here because of flaws in the way it was handled by the Administration.

MR. CRITCHLEY: Thank you.

I have nothing further.

SENATOR WEINBERG: Thank you.

I have a question.

And you probably testified to this in answering the attorneys' questions; but make it a little simpler.

You have somebody who applies for a job. There is an alleged sexual assault; in this case, Katie Brennan has said that Al Alvarez raped her.

It then comes to the attention of the potential employer that the Prosecutor's Office has declined to press charges. What is the obligation of the potential employer, at that point, if you're dealing with a potential employee, the Prosecutor has declined to press charges -- what happens in the potential employment?

PROFESSOR SULLIVAN: I don't think it changes anything.

After all, liability for criminal violations requires proof beyond a reasonable doubt. With respect to sexual harassment, the only burden of proof is preponderance of the evidence. The fact that a Prosecutor thinks that he or she can't make a case, doesn't mean that the case is not there to be made civilly.

SENATOR WEINBERG: Thank you for the answer; because I think that's one of the thorniest questions that we've had to deal with, in terms of equity to all partners -- to all participants.

PROFESSOR SULLIVAN: Prosecutors don't say people are *not guilty*; they say *they're not going to be charged*.

SENATOR WEINBERG: Right; which leads me to my next question.

Something that I've just thought about, but haven't gotten beyond that.

In this particular case, there were two Prosecutor Offices -- Hudson County and Middlesex County -- that declined to press charges, but also never turned the case over to a Grand Jury to determine whether charges were warranted or not.

So could there be a case made for the New Jersey Legislature to pass a law that allows an appeal process -- for somebody like Katie Brennan, let's say, in this particular instance -- to be able to appeal to an Appellate Court, to an Assignment Judge, to however it was constructed, because no Grand Jury was empaneled? Am I clear enough on what I'm thinking about?

PROFESSOR SULLIVAN: Yes; and I find that complicated and troubling -- that getting Judiciary involved in deciding whether somebody should be charged--

SENATOR WEINBERG: Well, not charged--

PROFESSOR SULLIVAN: --and then deciding whether someone is guilty, or deciding whether it should go to the Grand Jury.

SENATOR WEINBERG: Yes, that's the question.

PROFESSOR SULLIVAN: Yes; I haven't thought about that. My initial instinct is not in favor.

SENATOR WEINBERG: Well, I'm not talking about whether an individual should be charged or not charged. I'm talking about when a case is not presented to a Grand Jury--

PROFESSOR SULLIVAN: I understand that

SENATOR WEINBERG: --that specific case.

So if you think about that, and let us know; I would appreciate hearing--

PROFESSOR SULLIVAN: Okay; I would be happy to, Senator.

SENATOR WEINBERG: --from you on that subject.

Thank you.

ASSEMBLYWOMAN PINTOR MARIN: Just a quick question, Professor Sullivan.

In your opinion -- and knowing the facts that you've learned, either from hearing the Committee testimony, whether you read it in the paper-- If they chose to have both people still employed -- right? -- they thought that these two people were valuable assets to the Administration, is there a pathway to have these two people -- one who accused another of an allegation-- Is there a certain pathway, or is it, in your opinion, and in your expertise and knowing the employment law -- that it is best to separate the two permanently from each other?

PROFESSOR SULLIVAN: With this kind of allegation of sexual assault, I don't think any woman would be unreasonable in not wanting to have any contact with a rapist. And therefore, I think any assignment of individuals that would bring them into contact, even

occasionally, would contaminate the work environment for a reasonable woman.

I think, at the same time, we also cannot prejudice the complaint of the person who complains about the assault. So not separating is a nice principle in theory; but in practice, that might mean prejudicing the advancement of the woman.

I think the way to handle this problem is to get to the bottom of whether the accusations are true or not.

ASSEMBLYWOMAN PINTOR MARIN: And Professor Sullivan, just a last question.

Because it was in your earlier testimony -- this is something that all of us kind of -- we're having a hard time in understanding as to-- Neither of them were really interviewed, in the sense of, "Let's talk about this. What would you feel or not feel comfortable?"

And I think in your earlier testimony, you actually even suggested that both of them should have an interview or a conversation of what happened, correct?

PROFESSOR SULLIVAN: I used the work *interview*, not *conversation*.

ASSEMBLYWOMAN PINTOR MARIN: Not conversation.

Thank you very much.

SENATOR WEINBERG: Vice Chairs, any questions?

SENATOR CORRADO: Just one.

SENATOR WEINBERG: Senator Corrado.

SENATOR CORRADO: Good morning, Professor.

PROFESSOR SULLIVAN: Good morning.

SENATOR CORRADO: Can you explain to us what a *political hire* is?

In prior testimony, there was testimony from several witnesses that Mr. Alvarez was a political hire, and they were obligated to hire him. So can you explain that to us?

PROFESSOR SULLIVAN: I don't think that's a legal category (laughter), other than to suggest it's not a hire on what we like to think of as normal merit principles.

SENATOR CORRADO: Could you say that again? Under normal--

PROFESSOR SULLIVAN: Under the normal principles of merit hiring; hiring people for their qualifications, not for their connections.

SENATOR CORRADO: Thank you.

SENATOR WEINBERG: Any other questions? (no response)

Any questions from Committee members?

Senator Oroho.

SENATOR OROHO: Thank you, Madam Chair.

I think it's still good morning; good morning, Professor Sullivan.

PROFESSOR SULLIVAN: Good morning.

SENATOR OROHO: And thank you very much for being here.

I just have a couple, just, quick questions.

Have you had a chance to take a look at the policies and procedures -- and you're an expert in this area -- have you had a chance to take a look at any of the policies and procedures that have actually been brought to this Committee?

PROFESSOR SULLIVAN: I'm not sure what we're talking about. I have no idea, for example, what the Attorney General's determination was based on, in terms of their policies and procedures, and why they were unable to investigate this.

SENATOR OROHO: Okay.

PROFESSOR SULLIVAN: But they may have been, with respect to those policies and procedures; which tells me that the policies and procedures are defective.

SENATOR OROHO: Okay. Because the next question was going to be -- if you had had a chance to take a look-- Because we've had lots of pages before us; and there was a question as to -- and we've talked about best practices. And you had mentioned some of what the best practices would be. And I was just wondering if there was an ability to rank--

PROFESSOR SULLIVAN: When you get to the end of a journey, and you've gotten to the wrong place -- even though every leg of that journey has been correct -- then there's something wrong with the decisions you've made along the way. Some of those things have to be fixed. Maybe that's this Committee's mission.

SENATOR OROHO: Very logical; thank you.

Now, last question is -- and it's something I've mentioned a number of times -- the Treadway Commission back in the 1980s; and then the successful organizations since. The issue about policies and procedures has come up time and time again. And one of the key aspects-- No matter what you have written down on paper, you have the best policies written in the world -- the one thing that these organizations have talked about is the

issue of the tone at the top, and the importance of the tone at the top for any controlled environment or ethical environment. Would you agree with that?

PROFESSOR SULLIVAN: I would generally agree that you don't get compliance unless the people at the very top of the organization are interested in compliance.

SENATOR OROHO: I'm sorry?

PROFESSOR SULLIVAN: Are interested in compliance.

SENATOR OROHO: Are interested in compliance.

PROFESSOR SULLIVAN: Are committed to compliance.

SENATOR OROHO: Are committed to compliance.

Okay, thank you very much.

Thank you.

SENATOR WEINBERG: Any other questions?

Assemblywoman Pinkin.

ASSEMBLYWOMAN PINKIN: I just want to ask the -- some of the discussion of the obligation to the person who was accused.

What obligation does the employer have for that person? What possibility of him suing, because he was wrongly accused, would come into this discussion?

PROFESSOR SULLIVAN: If all we're talking about is an investigation, then I don't see any claim, that the accused would have, that he has a right not to be asked about charges that were brought against him. It is not a criminal proceeding; this is all civil.

SENATOR WEINBERG: Okay; any other questions? (no response)

Professor Sullivan, thank you very much.

I think you've given us a lot of input, and a lot of things to think about. And we greatly appreciate your expertise--

PROFESSOR SULLIVAN: Thank you.

SENATOR WEINBERG: --in this area.

Thank you.

PROFESSOR SULLIVAN: Thank you.

MR. CRITCHLEY: Thank you.

SENATOR WEINBERG: We are going to take a break now. It's 11:45 a.m.; we will resume at 12:30 p.m., giving Ms. Teffenhart our undivided attention at that point.

So thank you.

(Committee recesses)

(Committee reconvenes)

SENATOR WEINBERG: Would you please stand?

And in the interest of being fair, because we posed one of these questions to the Professor, so I'm going to add it in.

If you would raise your right hand.

Do you understand that if the statements you make today are willfully false; if you fail to answer a pertinent question or commit perjury, you may be subject to penalties under the law?

PATRICIA TEFFENHART: I do.

(Senator Weinberg administers oath)

Please be seated.

Thank you, and thank you for being here.

We all welcome you as somebody who is an advocate on behalf of victims throughout the State of New Jersey, and someone who has learned about this, not through textbooks -- which is important, I don't mean to demean that -- but certainly firsthand in the trenches.

So I think we're all anxious to hear your testimony, and to follow up with any discussion.

So I think we all have copies of your statement -- I think.

MS. TEFFENHART: Yes, I believe you do.

SENATOR WEINBERG: Okay; so please go ahead.

MS. TEFFENHART: Good afternoon.

I want to thank the Chairs, Co-Chairs, and members of the Committee for giving me an opportunity to be here today.

My name is Patricia Teffenhart, and I'm the Executive Director for the New Jersey Coalition Against Sexual Assault, or NJCASA. NJCASA is a nonprofit, non-governmental organization, founded in 1981; and we represent the state's recognized 21 county-based sexual violence service organizations, and the Office of Violence Prevention and Victim Assistance at Rutgers University, New Brunswick.

Our comprehensive approach includes elevating the voice of survivors and service providers, advocating for survivor-centered legislation, training allied professionals, and supporting statewide prevention strategies that work to defy the socio-cultural norms that permit and promote rape culture.

We are the only New Jersey organization dedicated exclusively to working with issues of sexual violence, and to supporting the county-based organizations that provide essential services to survivors and their loved ones.

I am thankful for the opportunity to lead this incredible organization, particularly at this moment in time. As #MeToo, #TimesUp, and #BelieveSurvivors shed light on the impact and prevalence of sexual violence, NJCASA has found increased opportunities to share our expertise and shape the public narrative. This, in many ways, is my dream job.

But I didn't get here overnight. When I was in elementary school, my parents gave me a mug that read, on one side, "A Woman's Place is in the House," and on the other, "Senate and Supreme Court." And so my journey began.

For undergraduate studies, I attended Douglass College, where I studied Political Science and Sociology. Eventually I continued my education, and received my master's in Public Administration from Rutgers University, Newark.

Following completion of my undergraduate degree, I spent three years as a community health educator, working with HIV-positive women in Newark, Paterson, Trenton, and Jersey City. I spent the next seven-and-a-half years working for a national nonprofit dedicated to strengthening the health promotion infrastructure for Latinas and their families.

But I missed working with a specific focus on New Jersey, so I next spent some time working as the Assistant Executive Director for one of our county-based domestic violence organizations, leaving only because this

opportunity became available, and it's always been my goal to influence State policy.

I have now been with NJCASA for over five years.

The anti-sexual violence movement is about social justice. The right to live freely without fear of violence is a human right, and a right that's been denied to, roughly, 25 percent of incoming first-year female students attending Rutgers University, according to their 2014 campus climate survey. A right that's been denied to the thousands of victims of clergy abuse. A right that's been denied to the 10,000 survivors and their loved ones, who seek services from New Jersey's county-based rape crisis centers every year. A right that was denied to Katie Brennan.

NJCASA has attended every one of these Committee hearings, and I've reviewed all the relevant testimony. And I'm here today to shed light and context on the issues we've been discussing. My hope is that as we consider my expert testimony -- in relation to that of others from whom we've heard -- we will commit to the hard work of making New Jersey safer for all 9 million residents.

Let me be clear: I am not here to offer any Band-aid solutions or quick remedies. But I am here to offer our ongoing support and commitment to working with the Legislature, the Administration, and any and all allies and stakeholders who want to engage in the work of building our sexual violence prevention infrastructure; and a survivor-centered, trauma-informed response to sexual violence.

So let's start by grounding our conversation in facts.

The FBI recognizes sexual assault as the second-most violent crime, the first of which is murder.

The majority -- 75 to 80 percent -- of sexual assault survivors know the person who caused them harm.

The Centers for Disease Control and Prevention estimate that the lifetime cost for sexual assault victimization is \$122,000 per survivor. This includes medical and mental health services, lost wages, withdrawal from higher education resulting in lost tuition payments, drug and alcohol addiction services, etc.

Victims of sexual violence attempt suicide 13 times more frequently than non-victims.

The most recent CDC data estimates that over 1.3 million women and over 500,000 men living in New Jersey have experienced contact sexual violence in their lifetime. That's 1.8 million living survivors in New Jersey, roughly the entire population of the state of West Virginia.

Sexual violence is a power-based crime that is 100 percent preventable; and sexual violence is not a partisan issue.

Over the last few years, New Jersey has made considerable strides in bridging gaps in law, therefore expanding rights for survivors and increasing opportunities to hold perpetrators accountable.

For example, despite there being no criminal statute of limitations for sexual assault since the 1990s, for years the Attorney General's policy required that the critical evidence contained in a rape kit only needed to be retained for a mere 90 days. In 2014, NJCASA worked closely with the New Jersey Office of the Attorney General to increase the minimum amount of time a survivor of sexual assault's forensic evidence --

or rape kit -- needed to be held, from that unacceptable 90 days to 5 years; a more trauma-informed policy that provides more time for survivors to consider pursuing the criminal justice system.

In 2015, NJCASA successfully advocated to pass the Sexual Assault Survivor Protection Act, enabling an increased number of survivors to pursue protective orders. Prior to passing this legislation into law, only survivors with charges or convictions in their cases were eligible for protective orders; and given the low percentage of perpetrators held accountable, few survivors could pursue this path to safety, leaving them vulnerable to ongoing harassment, intimidation, or at risk for future victimization.

That same year, NJCASA advocated for the creation of the Campus Sexual Assault Task Force, a multidisciplinary team -- appointed by the Governor and co-chaired by NJCASA -- to address sexual assault on college campuses. In the summer of 2017, it issued policy recommendations to the Governor's Office and the New Jersey Legislature, which are now serving as the foundation for a day-long campus sexual assault conference hosted by Rutgers University on March 28.

In 2017, NJCASA successfully advocated for mandatory sexual violence training for members of our law enforcement community; and expanded opportunities for survivors to testify against their perpetrators via closed-circuit television.

In 2018, Governor Murphy signed the Safer Schools Bill, which specifically addressed that sexual abuse and violence often go unreported and, even worse than that, disclosures are often ignored or dismissed by individuals and/or systems protecting their own interests. This

Bill affirmed much of what we've been discussing here in these Committee hearings. Background checks don't work if we're not holding perpetrators accountable through the criminal justice system.

And in November, Attorney General Grewal issued the release of updated crisis response standards for New Jersey's 21 county-based Sexual Assault Response Teams. For two years -- yes, starting back under the Christie Administration -- I sat in conference rooms in the Justice Complex with a multidisciplinary team of professionals dedicated to updating these standards to reflect what we understand about the neurobiology of trauma, and best practice crisis response standards. These standards, which hadn't been formally updated since 2004, should never have sat on a shelf for so long, allowing New Jersey's home rule mentality of interpreting these rules to influence implementation from county to county. Every survivor in New Jersey should have access to the same system's response, whether they're seeking services in Sussex or Cape May counties.

While I'm endlessly grateful for the release of these standards, and the time both Administrations dedicated to their updating, one could infer that perhaps sexual assault survivors remained, for 14 years, very low on the list of administrative priorities.

So here we are today; and we've been here, now, for a number of days, to talk, very specifically, about what happened in relation to Katie Brennan, Al Alvarez, and Governor Murphy's Transition. But while the focus of this Legislative Oversight Committee is rather narrow in scope, the testimony we've heard to date, paired with what we continue to hear reported in the news in relation to this case, only begins to skim the surface

about the horrific and systemic barriers that exist for survivors of sexual violence.

Let me share a little story. Back in 2006, as I walked from my office in Newark to my car in the valet lot across the street, I was mugged at knife point. Men followed me, in their car to my car, and parked behind me, making it impossible for me to leave, as there were cars on all sides. They were smart, and waited until I opened my car door to make their intentions known, essentially trapping me.

Even as the passenger approached from his car, I felt calm; thinking maybe I dropped something, or they needed help. And as he pressed the knife into my side and asked for my money, I thought I must have heard incorrectly -- that he couldn't possibly be doing this to me.

When it was over, I sat in my car in the rain, with my new husband on my earpiece, unable to fully articulate what happened. He kept asking if I was okay, and I was able to mumble, "Yes." I wanted to flee; I wanted to get in that car and drive home and never come back.

But I didn't, but only because my husband was literally in my ear, walking me through every next step.

He called my office and had a colleague come and meet me outside, and together we called the police; while my husband started the process of canceling my debit and credit cards.

When I called the police, nobody asked me to prove that I had been victimized, even though there were no cameras angled towards my car, and no visual witnesses. I was treated with respect and compassion. The follow-up from the police was timely and accommodating, from the moment I filed my police report to the day of my court hearing.

I was the victim of a violent crime, and I had little, if any, more evidence than many victims of sexual assault. And not once did I feel as if I first had to prove a crime was committed before my account was taken seriously.

Surely, if we're able to treat victims of *some* crimes with, at minimum, the belief that they were victimized, we can do this for sexual assault. We can begin by believing.

Throughout these hearings, each witness has been asked directly, "Did you believe Katie Brennan?" Each witness has replied, "Yes," whether they were an individual who received Ms. Brennan's disclosure directly, or if they heard her testimony before this Committee. "Yes, yes, yes. I believe Katie Brennan," answered each witness.

And while one of the most popular and catchy questions to come out of these hearings has been, "Who hired Al Alvarez?" I firmly believe there's another, more poignant point we should be making. If, in fact, every witness who testified was telling the truth -- that they did, in fact, believe Katie Brennan -- then one incredibly important conclusion must be drawn. If they believed Katie Brennan, then they believed Al Alvarez was responsible for having committed a serious crime.

And, with those two established facts, I'm left wondering how so many important and influential professionals could choose to keep someone they believed capable of committing such a crime in their close circle; how he could continue to influence hiring decisions for the Administration; how he could seemingly slide into a senior level position in State government; how he could be aided to find another job from the very people who deemed it inappropriate for him to keep the one he had.

The question that is reigning most important to me is, “If you believed Katie Brennan, then didn’t you believe New Jersey deserved someone better than her perpetrator in our government? Didn’t Katie Brennan deserve someone better than her perpetrator as a colleague?”

So let’s talk about rape culture. Emilie Buchwald, author of *Transforming a Rape Culture*, describes that when society normalizes sexualized violence, it accepts and creates rape culture. In her book she defines *rape culture* as, “a complex set of beliefs that encourage male sexual aggression and supports violence against women. It is a society where violence is seen as sexy, and sexuality as violent.

“In a rape culture, women perceive a continuum of threatened violence that ranges from sexual remarks, to touching, to rape itself. A rape culture condones physical and emotional terrorism against women as the norm. In a rape culture, both men and women assume that sexual violence is a fact of life; inevitable. However, much of what we accept as inevitable is, in fact, the expression of values and attitudes that can change.”

I’ve observed rape culture manifest at the League of Municipalities Annual Conference, the Walk to Washington, and various other political or networking events. Events where confident, drunken men and politicians put their hands on women’s waists to move through the crowd. I’ve met with women, political operatives, who have shared stories of elected officials following them to their hotel rooms without an invitation.

Rape culture manifests on campaigns, where who you know is often more important than what you know, allowing those with privilege to maintain their concentration of power; where the environment is so

stressful that it's apparently acceptable to throw chairs across the room when a colleague says something you don't like.

Rape culture manifests here, in the State House. In Committee hearings, when talking about legislation to protect children -- students from sexual predators, and legislators say, with confidence, that "some children gin up charges against their teachers" because of bad grades. Or when a policymaker gets so angry at an expert's reference to the term "rape culture" in her testimony that he proudly declares, with all of his privilege, his offense to the term; because in all of his years on this earth, he has never witnessed rape culture, and lectures her that her reference to it is "uncalled for" and "ugly."

Rape culture manifests when a survivor of sexual assault comes forward, and people in power try to smear her name. When, as reported, "sleazy men are making sleazy calls to people like me" -- Tom Moran, from the *Star-Ledger* -- "trying to discredit her in all the familiar ways." When not only one, but two, Prosecutors' Offices don't speak with her fresh complaint witnesses.

But here's the reality. We can't legislate our way out of rape culture. Nope; it's not that easy. Nobody on this Committee, or in this building, can ask OLS to draft a bill to end rape culture. So for everyone who's been following the Al Alvarez story, or who followed the Brock Turner story, or the Larry Nassar story, or the Catholic Church story, and has been wondering, "What the heck happened? What can we do better?" -- the good news is that we, everyday people, can do something.

And there is a science to it, because we do still believe in that pesky thing called *science* here in New Jersey. The Centers for Disease

Control recognizes sexual violence as a public health issue; and as with other public health issues, like diabetes, or heart disease, there are scientifically proven risk and protective factors that relate to someone's likelihood to perpetrate acts of sexual violence. Yes, we are done blaming rapes on how the survivor was dressed, or their sexual history, or anything other than the rapist. Rapists are responsible for rape, to use a Governor Murphy-ism, "Period; full stop."

And when we, as a society, start holding people accountable for their own actions, I predict there will be an increased level of interest in understanding the actual science behind reducing perpetration.

The CDC's 2016 *Stop Sexual Violence: A Technical Package to Prevent Sexual Violence*, presents a robust portfolio of evidence-based and evidence-informed approaches to creating a safer society, including the reduction of social norms that accept or allow indifference to violence to fester. For example, restrictive gender norms, or rigid ideas about the appropriate roles and behavior of men and women, can serve to support or condone violent behavior in intimate and other relationships. Studies show that individuals and communities adhering to restrictive and harmful social norms are more likely to perpetrate physical, sexual, and emotional violence against women.

We don't need more programming that sounds good; we need programming that works to counter and undo harmful social norms. Let's build upon our anti-harassment, bullying, and intimidation education and policies. Let's guarantee age-appropriate comprehensive sex education in New Jersey. Let's reinforce these messages with complementary messages and programming for parents and caring adults. Let's build a robust

evidence-informed sexual violence prevention infrastructure in all 565 New Jersey municipalities.

And to that end, I'd be remiss if I didn't take a moment to commend my colleagues, both at the coalition and our local sexual violence service programs. Thanks to their steadfast commitment to evidence-informed primary prevention of sexual violence, NJCASA is representing New Jersey as one of only a handful of states that has advanced through multiple phases of a national study, led by the Centers for Disease Control, and it's assessing the evaluability of home-grown sexual violence prevention curricula. Our intervention, called *Gender and Violence: How Media Shape Our Culture*, builds the capacity for participants to identify and comment on negative sexualized mass media, and understand the impact of such damaging messages.

And after years of investing both Federal and State resources to support the sexual violence prevention infrastructure in New Jersey, and being recognized as a national leader for our evidence-informed approach to preventing sexual violence, some of our partners in State government are contemplating a drastically different course of action -- essentially turning its back on the progress we've made by shifting their support to programming that, in part, "empowers women and girls."

Now, let's be clear. Of course, as a feminist organization, the New Jersey Coalition Against Sexual Assault supports the empowerment of women and girls. However, devolving our statewide prevention approach to one that focuses on empowering women and girls means a giant step back in New Jersey. Empowered women are sexually assaulted. Empowered women face disbelief when they disclose their victimization. Empowered women

are denied access to justice when they report to law enforcement. Katie Brennan is an empowered woman.

NJCASA cautions against investing precious resources into strategies that miss the mark in the actual prevention of sexual violence, by perpetuating the harmful misconception that if “only women were more empowered” they’d avoid being victimized.

NJCASA has always been a key partner in the creation of the statewide sexual violence prevention plan; and we remain hopeful that institutions in positions to make appropriations decisions continue to partner with us, allowing our expertise and experience to guide programming decisions in support of our shared vision of a safer, more equitable New Jersey.

And just as New Jersey is on the forefront in our approach to sexual violence prevention, I believe that the New Jersey I love can be a national leader in innovatively working to create new trauma-informed systems, responses, and policies to respond to survivors. I believe that in strengthening our response to disclosures, we increase our ability to hold perpetrators accountable, and therefore create a safer New Jersey for all of us.

Part of NJCASA’s commitment to getting it right is evidenced in our request for, and receipt of, private foundation dollars to support a statewide sexual violence needs assessment. The survivor-feedback portion of our needs assessment will launch this spring, and will aim to gain valuable information from survivors, our most critical stakeholders. Subsequent components of the needs assessment will gather feedback from our allies and colleagues in intersectional systems and communities. We’re

looking forward to, at the end of this year, using the results of this needs assessment to highlight the challenges and opportunities before us throughout the State. With this rich information, we are confident we can work with our colleagues throughout the state to chart a strategic path forward.

And while the conversations we've had in this Committee revolve around Katie Brennan's very brave and public disclosure, we recognize that this is part of a larger, long-overdue national conversation. Tarana Burke's #MeToo movement was never intended to just be about celebrities and Hollywood; rather, the peeling back of layers of oppression and abuse wherever they exist.

But it's so much bigger than that. It's about habitual harassment in the service industry, in our education system, sports, and in state legislatures around the country. Our colleagues in Colorado tackled this issue at length, after reports of sexual harassment and misconduct against at least five of their state lawmakers. They commissioned an external group who conducted a climate survey of their legislature, and delivered a final report of findings and recommendations, which I will draw from more during this testimony.

We must make policies with the understanding that no survivor's lived experience is identical to that of another, and neither are their pathways to justice and healing. We must commit to the thoughtful and intentional process of undoing policies and procedures that don't work. We must be willing to think outside of the box. We must believe that New Jersey can do better, and that we can become a national leader in the anti-sexual violence movement.

We can keep in mind that survivors of sexual violence have had their decision-making power and bodily autonomy taken away from them. We can, in response, create reporting processes that allow survivors to regain elements of control and respond to the unique circumstances of their experience.

In the Workplace Culture study and final report that I mentioned earlier, the Colorado workgroup recommended forming two distinct complaint processes: an informal and a formal route. A bifurcated process allows us to be more responsive to individual needs.

An informal process is used to resolve less severe, though equally serious, complaints, where the complainant expressed that they just want the behavior to stop. The informal process focuses on behavior modification, and is run on a single investigator model. In Colorado's report, they recommended the EEO Officer.

A formal complaint is filed for serious allegations of misconduct. It appropriately separates out the distinct roles of investigating, fact finding, recommending, and administering disciplines or recourse between multiple people in multiple roles; and has more severe consequences appropriate for a more severe complaint, and more in-depth investigation.

We've also heard unclear and conflicting information regarding whether and when others perceived Ms. Brennan chose to disclose her identity after her initial disclosure to her husband, best friend, and Mr. Braz. It appears to us that as she observed no movement on her complaint, Ms. Brennan felt compelled to identify herself more concretely to Mr. Platkin, Ms. Taylor, and even the Governor and First Lady.

It also appears that multiple people with knowledge of her claims felt they couldn't proceed with a confidential complaint.

But victims shouldn't have to identify themselves publicly for complaints to be taken seriously. Codifying and communicating a clear, confidential reporting path within the workplace is another recommendation from our friends who studied this issue at length in Colorado. An anonymous or confidential reporting option would have different outcomes than a complaint filed with a name or identifying information. But if the survivor feels most safe and comfortable withholding identifying information in the course of filing a complaint, there should be a process codified for how that case can move forward with seriousness, professionalism, and accountability.

Additionally, expanding upon a recommendation we heard from Senator Oroho in this Committee, we recommend creating an Independent EEO Advisory panel to professionalize response to high-level complaints. Our Colorado colleagues recommended the formation of an independent panel to handle all complaints levied against legislators; but we could apply this concept to highly politicized situations, or cases involving individuals with high levels of power and influence, which all too often render victims silent.

Colorado's recommendations outlined the panel as a nonpartisan volunteer board, comprised of five members with extensive relevant experience; employment lawyers, judicial arbitrators with a focus on employment law, experienced workplace investigators, and former legislators who have been out of office for years were among their recommended committee members. Panels would serve for a set term, and

be given power and authority to manage complaints of discrimination, harassment, and/or retaliation.

And outside of responding to violence, we can work to create a better culture that will prevent and insulate against violence and harm. We recommended the creation of an Office of State Employment Culture, or OSEC. Colorado's interim Legislative Workplace Study Committee recommended that such an office be created as part of their Office of Legislative Legal Services, staffed by at least two dedicated, full-time employees. In addition to responding to complaints and carrying out the dual formal and informal complaint processes I detailed earlier, they also recommended that the office have a prevention focus. Staff would be responsible for presenting to all government and legislative staffs on both workplace culture and behavior expectations; and also outline the processes for reporting abuse and harassment so each person has a robust understanding of the process.

They further recommended that the office conduct annual reports on workplace harassment and culture to keep the pulse of areas of concern and opportunities for growth.

While these recommendations would require further study on feasibility and the specific method of implementation for the Garden State, we're excited to see the inventive ways that our colleagues around the country are responding to harassment and abuse within our state houses and beyond.

We recommend that the first task of OSEC be the creation and dissemination of a climate survey of our State workforce. As has been recognized as best practice on college campuses throughout the country,

climate surveys help institutions understand the lived experiences of their community. On campuses, they help administrators understand whether students know about the safety, health, and wellness resources available on or off campus. They identify if students are coming to school having already experienced the trauma of victimization. Do they know who on campus is a confidential resource? Do they understand the role of campus security? Do they understand the process of reporting a sexual assault on campus? What if it happened off-campus?

The results of climate surveys inform a data-driven, fact-based plan for reducing and responding to sexual violence. By conducting a climate survey with State government employees, we can get an understanding about the scope of the issue, so that together we can create a robust, evidence-informed portfolio of policies and practices that are responsive to the needs of State employees.

The results of the assessment conducted in the Colorado report identified potential risk factors that can lead to unhealthy work environments, some of which seem relevant to what has been discussed in this Committee, including a homogenous workforce; workplace described as “rough-and-tumble;” single-sex dominated workplace culture; a young workforce; “high-value” employees with large power disparities; and decentralized workplaces.

EEO guidance identified five critical components for a workplace to prevent and address harassment. They include a committed leadership; demonstrated accountability; strong, comprehensive policies; trusted and accessible complaint procedures; and regular, interactive training tailored specifically to the audience and organization.

Building and strengthening these five components will be some of the main work of the Office of State Employment Culture, which will be staffed by Human Resources personnel; EEO officers; a Workplace Culture Specialist, who focuses on promotion of the office's work and fostering an understanding of how to report harm in the workplace; and a confidential ombudsperson, who would be responsible for managing the confidential reporting processes we discussed earlier.

The office would have multiple physical locations to help ensure confidentiality of survivors who want to report using the anonymous process; and to better serve the wide political arena. The ombudsperson would focus entirely on the experience of the victim of harassment or assault, much like a Confidential Sexual Violence Advocate would respond outside of a workplace. The ombudsperson would discuss workplace culture problems, help the victim understand the various venues they could choose to file a report, and address concerns about the process.

Colorado's experts recommended, given the nature of this role, that the ombudsperson be a trusted, third-party partner, rather than an employee of the state.

In addition to strengthening the process to create a healthier, safer New Jersey workforce, we know that we can and should be working harder to hold perpetrators accountable. So what can we do to better when responding to sexual violence when it happens outside of government?

Only six more pages to go. (laughter)

In April 2014, our friends and colleagues at Aequitas, a nonprofit group that aims to improve access and quality of justice for victims of gender-based violence, published an article in their newsletter

called, “Beyond Conviction Rates: Measuring Success in Sexual Assault Prosecution,” by Jennifer Long and Elaine Nugent-Borakove. The intro reads, “The justice system is a critical component of a comprehensive response to sexual violence; there is no true offender accountability without it and, for many victims, it is an important part of healing. When the justice system is ineffective or unresponsive...it undermines prevention, advocacy, and other critical efforts.

“The criminal justice system response requires the participation of many professionals. Few, however, have as great an impact on offender accountability and community safety as the prosecutor. The prosecutor serves as the gatekeeper to the criminal justice system, and has sole, but not unlimited, discretion in determining who and what to charge. Prosecutors’ utilization of research-informed decision making, therefore, is pivotal to the just application of the law.

“Sexual assault cases are some of the most difficult to prosecute. Although experience and specialized knowledge greatly enhance the likelihood of positive trial outcomes in these cases, experienced prosecutors know that a not-guilty verdict does not necessarily equate with losing. A prosecutor who never loses a sexual assault case is likely charging and prosecuting only the safe cases, as opposed to the cases that are just as important but may be less winnable, due to, for example, less available or unavailable evidence, as eyewitnesses or DNA.”

Since the *Wall Street Journal* published Ms. Brennan’s very public disclosure, my colleagues and I have found ourselves, on more than one occasion, scratching our head -- or, quite honestly, wanting to flip a table -- in frustration.

Ms. Brennan had become a statistic. The Department of Justice reports that for every 1,000 sexual assaults, 230 are reported to police; 9 get referred to a prosecutor; and less than 5 perpetrators will be incarcerated. We can do better.

First, given that most sexual assaults happen behind closed doors with no witnesses of the actual crime, it's crucial for prosecutors to leave no stone unturned; to use every piece of evidence available to inform their next steps. So few survivors ever report to law enforcement that, when they do, the decision by not just one, but two Prosecutors' Offices to not interview Ms. Brennan's fresh complaint witnesses, is unacceptable.

In addition, I'd argue that intentionally interviewing those at the party *before* the incident, but not interviewing those to whom she immediately disclosed what happened *after* the incident, shows a lack of interest in gathering all the facts.

Secondly, the Attorney General's public declaration that he found no wrong-doing by the Hudson County Prosecutor, while the Middlesex County Prosecutor's Office was, in theory, still considering Ms. Brennan's case, has the appearance of unnecessarily weighing the scales towards the ultimate actions and decisions made in Ms. Brennan's pursuit of justice.

Thirdly, survivors rarely know where to go for help; generally speaking, we're not all carrying around the number to our EEO office or our local rape crisis center on speed dial in our phones. So when a survivor reaches out for support from professionals responsible for helping, it shouldn't be so hard to point them in the right direction. In fact, it should be hard for multiple professionals to seemingly raise their hands and shrug

their shoulders, passing off or dismissing disclosures like a hot potato. If the State deemed themselves not responsible because neither Ms. Brennan or Mr. Alvarez worked for the State at the time of the incident, one of the many high-ranking professionals with whom she spoke should have been able to inform Ms. Brennan of her options. And, if they didn't know off the top of their head, they should've found the answers and shared them with her. "I don't know," or "It's not our jurisdiction" are not acceptable responses.

So what can we do about all of this?

As I mentioned earlier, it was only in 2017 that New Jersey passed mandatory sexual assault training for law enforcement. And to the best of my knowledge, mandatory prosecutorial or judicial training is encouraged, but not required. Let's start there.

We recommend that New Jersey develop and expand the availability of specialized units, investigators, and prosecutors who incorporate experience and research into trauma-informed, victim-centered, offender-focused charging decisions, investigations, and trial strategies. This might include expanding the concept of corroboration -- for example, identifying all relevant potential witnesses; introducing expert testimony at trial; utilizing electronic evidence; utilizing multidisciplinary SART -- which are Sexual Assault Response Teams -- to ensure that the victim's needs are supported during or after trial; and anticipating and responding to witness intimidation.

The original *Wall Street Journal* article includes comments from John Molinelli, a former Bergen County Prosecutor, that indicated that in order to move forward with charges, prosecutors must reasonably believe

that they can prove the case in court. “Even if they believe he did it,” Mr. Molinelli said, “do they have the evidence that any reasonable prosecutor can believe would sustain a prosecution?”

We contend that the Attorney General’s office should issue strong guidance and accompanying training to help prosecutors redefine success in the criminal prosecution of cases of sexual violence. Some sample outcomes of a shift in this way could include conviction of the accused; victim safety, or a sense for the victim that their voice was heard; increased community awareness; creating a record and holding defendant accountable by producing sworn testimony; reducing recidivism; or some combination of all of these metrics.

And we can also shift to determine success by ensuring that a survivor-centered procedure is followed. Did we do everything we could have done, should have done to achieve a certain outcome within our control? Did the victim or survivor feel supported?

It’s also important to note that convictions don’t necessarily indicate success. A conviction tells us only whether the defendant was found guilty. Conviction rates give an incomplete picture of an individual’s or office’s performance, and could mask the widespread granting of lenient pleas.

Low reporting rates contribute to low prosecution rates; and fewer prosecutions may make it more challenging for the system to create an environment where victims feel they can safely report a sexual assault and achieve justice.

There are potentially three types of performance measures we could consider.

Outcomes and outputs: Outcomes define the broader goal -- typically, that justice is achieved. To be useful, offices need to define *justice* -- safety for victims, holding offenders accountable, appropriate procedures are followed. Outputs are tangible products produced by the organization.

Satisfaction and safety measures: Focus on perceptions of victims and/or community members about how cases were handled. Were policies followed? How were decisions made in these cases?

Efficiency and timeliness: Are they concerned with both the level of effort and resources used to bring about outcomes? Are they tracking the length of time it takes to produce an output or outcome? Faster case disposition can lead to increased satisfaction among victims about the process, and swifter responses to criminal activity can reduce recidivism and increase community safety.

It's important to note that the goals may differ from person to person.

Aequitas notes that prosecutorial performance measures have been established for the Juvenile Justice System, and the Judge Advocate General Program at the U.S. Department of the Navy. Perhaps these can serve as a launching pad for some New Jersey-based reforms.

And any policy is only as strong as its enactment and enforcement. This was evidenced when, as it's been reported, the Middlesex County Prosecutor's Office seemingly dismissed one of the Attorney General's November 2018 directives, which reads that, "It is vital that prosecutors explain to victims, in a respectful and compassionate way,

that sometimes criminal charges are simply not viable; and that a prosecutor can decline to charge a sexual assault case for a variety of reasons unrelated to the victim's credibility.

“I am, therefore, directing that, when a County Prosecutor's Office declines to prosecute a sexual assault case, the Assistant Prosecutor handling the case must provide the victim with an opportunity to meet in person with the AP -- the Assistant Prosecutor -- during which meeting the AP must explain the basis for declining prosecution.”

It's been reported that Ms. Brennan was notified of the second declination to pursue her case via faxed communication to her lawyer. And the timing of her notification seems to coincide with the release of the same information to the press.

This is a good, survivor-centered directive, and it wasn't followed. What accountability mechanisms exist when a directive isn't followed? What recourse exists for Ms. Brennan?

I know there's been some discussion about creating an appeal or override process, by which survivors could pursue their case before a Grand Jury if it was declined by the Prosecutor's Office. We see this as an option, but not the solution. If we consider some of the recommendations above to overhaul the criminal justice system, the idea of an appeal or override can, and should, be a last resort, needed only to be considered by a handful of survivors.

It's clear that we have a lot of work to do. We've talked about prevention and response, both in and out of the context of government employment. Let's work hard to make sure that every New Jerseyan benefits from the conversations we've had here.

So let's talk about campaigns and transitions.

We need to do a better job vetting the individuals working on political campaigns. I get it; campaigns are fast-paced environments that rely heavily on volunteers to canvass and phone bank. And every person dedicating time to a campaign reflects on the candidate, making it in the candidate's and the party's best interest to do its very best at ensuring the caliber of the people working on their behalf.

I've met with women, political operatives, who have shared horrific stories of working on campaigns with men who make them feel uneasy. The kind of men who invade your personal space; send inappropriate texts; take the long way home when you're in their car canvassing. Men who touch inappropriately, and then try to gaslight you when you call them out on it. These types of men have no room in our political arena.

I think we've well-established that background checks won't catch these types of bad actors. So leadership comes from the top. The State parties, the County chairs, municipal chairs, campaign managers, and candidates need to set a zero-tolerance culture in their spheres of influence. We need to make everyone involved in campaigns sign a code of conduct, and we need to make clear the reporting process for individuals who experience harassment while working on a campaign.

And those responsible for receiving complaints must follow an established action in response. No more dismissing claims. No more, "I did talk to them, but didn't take notes." No more, "I can't help you."

Survivors are watching every high-profile case; and so are perpetrators. They're watching when Stanford student Brock Turner gets a

slap on the wrist for a convicted rape, even with multiple eyewitnesses and a viral victim-impact statement from the survivor. They're watching when our now-President brags on a hot mic about sexually assaulting women, and then excuses it as "locker room talk." They watched for years as R. Kelly's sexual abuse of underage women was an open secret, while radio stations continued to play his music and he continued to sell out concert venues. They're watching the U.S. Secretary of Education Betsy DeVos destroy Title IX, and the critical protections it affords all students. Survivors are watching us.

So let's make sure we pass civil statute of limitations reform next month. For years, the Catholic Church -- currently the subject of an Attorney General investigation into decades of child sexual abuse -- has opposed this reform, not only causing more harm to those already victimized by the church, but harming *all* survivors living in New Jersey -- not only those who were originally victimized by them. While publicly they've been holding open forums for survivors, recently sharing lists of responsible members of the church, and will soon be opening their victims' compensation fund, behind the scenes they've continued to call legislative offices to sway their consideration of this overdue and necessary policy reform.

Let me be clear: Child rapists shouldn't get to call the shots on legislation that will hold them accountable.

A state with a six-year civil statute of limitations for trespassing cannot allow only two years for sexual assault. The point of these hearings is to identify opportunities to create better outcomes for survivors. Civil statute reform, before this Legislature, in the form of S-477 and A-3648,

creates a better outcome for all survivors. Katie Brennan, in her disclosure to the *Wall Street Journal*, and again in her testimony in this room, called for civil statute reform. Survivors of clergy abuse have been calling for it for years. We're looking forward to advancing this legislation, with your help, over the next few weeks.

And finally, I'd be remiss if I didn't acknowledge the need for us to invest in our local county-based rape crisis centers. Open 24 hours a day, 365 days a year, these organizations are critical partners in our work in sexual violence prevention and response. Yet, at a point in time when we have more financial support than ever before to support these services -- thanks to an increased ceiling in the Victims of Crime Act funding; and increased State appropriations, thanks to NJCASA's advocacy, and the support of both the Legislature and the Administration -- rape crisis centers are losing funding.

Yes, while 50 percent of our programs have a waiting list for critical services, they are losing funding to support both the prevention and response work in their communities, due to the grant-making processes and decisions within State government. I have sat in meetings, needing to explain why there are statistical discrepancies between the Uniform Crime Report -- which only tracks the number of sexual assaults reported to law enforcement -- and the reports submitted by our programs, which serve all survivors, not just those who have engaged law enforcement. I've needed to explain that New Jersey's privileged communication statute extends to individuals trained and supervised by one of our rape crisis programs; and that awarding sexual assault service contracts to organizations that don't have privileged communication, compromises the confidentiality of victims.

In talking with my colleagues across the country, I've learned that other states have dedicated a portion of VOCA funds specifically to expand the capacity of rape crisis centers. We have not; but we should. And when we do, we should make sure that those funds, and all contracts from the State going out to local service providers, get to the grantees in a timely manner. Rape crisis centers shouldn't need to take out lines of credit to make payroll because the State government is six months or more delayed in executing contracts or reimbursing for expenses.

Behind me is the rest of the NJCASA team; seven of the best, most brilliant professionals in this work. You want training about the neurobiology of trauma, or building empathy as a protective factor against perpetration? Want to discuss the next steps in helping New Jersey meet the standards of the Prison Rape Elimination Act? Or create initiatives that address oppression as the root cause of sexual violence? Interested in understanding how to create safer campus communities? Want to understand our policy priorities, or are you a member of the press that is looking for resources or talking points? We are here to help.

Because there's clearly a lot New Jersey should and can do; and I am confident that we'll be busy over the days, months, and years ahead, as we work together -- the Legislature, the Administration, and subject matter experts -- to chart a path forward in New Jersey.

I want to thank you all, again, for the opportunity to join you here today. I love New Jersey, and am endlessly honored to do this work with all of you.

I caution: The work ahead of us will not be easy. After we smash the patriarchy and the culture of violence it upholds, we will need to

rebuild the very foundation upon which many pillars of our society and institutions are built.

But when the progress seems slow or the frustrations too great, we cannot quit. Rather, I call on us all to remember Ms. Brennan's testimony, "I had access to people in the highest positions of power in the State of New Jersey. And at each turn, my pleas for help went unanswered. Somehow, it wasn't a priority to address my sexual assault and working with my rapist, until it impacted them."

We all have a lot of work to do. And it's not about one bad actor. This isn't about one incident. It isn't about one hiring. This is about a pervasive culture of assault and violence. It is every person who looked the other way instead of acting. It is the millions of survivors in New Jersey before me whose attackers never saw conviction. It is the survivors before me whose employers kept perpetrators of violence and harassment. It's the millions of survivors who are only able to come forward years later, to find out that it's too late.

We can work to prevent sexual assault. We won't be able to change the country's culture overnight, but we can each play a role.

NJCASA is committed to doing our part, and we look forward to working with all of you in support of a safer, more equitable Garden State.

Thank you.

SENATOR WEINBERG: Patricia, I'm not sure that we're going to have many questions, because you gave us all answers. (laughter)

MS. TEFFENHART: My work here is done, Senator. (laughter)

SENATOR WEINBERG: Yes. before we can ask the questions-- This was lengthy, thoughtful, thought-provoking; and I thank you for spending the time, and for your NJCASA leadership.

Would you all stand up for a moment, please? (applause)

Thank you; I know that you all enable Patricia to do the work that she does each and every day.

I have a couple of questions. As you were speaking, I tried to underline -- because you speak very quickly (laughter), but clearly too. So you really set the challenge here.

But you talked about the statistics of how there are thousands of sexual assaults; the Department of Justice reports there are a thousand sexual assaults; 230 are reported to police, and 9 get referred to a prosecutor; and less than 5 perpetrators will be incarcerated.

What accounts for a thousand sexual assaults, 230 being reported, and 9 getting referred to a prosecutor?

MS. TEFFENHART: Yes, that's an excellent question.

So I think it's important to talk about that statistic, with the really important point that this is not a New Jersey-specific phenomenon, right? That the conversations we're having here, before this Legislature, are the same conversations that, quite honestly, should be happening pretty much everywhere across the country. Universally, we just seem to have a hard time holding people accountable for this crime, for many of the same things we've discussed in this Committee.

So there are lots of reasons why survivors don't come forward. So if the statistic is that 232 out of every 1,000 are reported to law enforcement, there are lots of reasons why those extra 700-plus would not

disclose to law enforcement. One of which is, quite honestly, survivors follow and see what happens in high-profile cases, like this one. They look at what happened in the high-profile case of Brock Turner, who was a privileged white student attending Stanford University with Olympic aspirations. There were witnesses who actually held Brock Turner, waiting for police to come and apprehend him. There was a survivor who came forward immediately, who testified in court; and Brock Turner received less than 90 days in jail.

And in the meantime, the survivor's life is put on hold, dealing with -- going through the criminal justice process, delaying her education.

And so survivors are weighing the balance of whether or not coming forward is worth it, knowing that there is a really good chance that they'll not be the one of those nine who actually make it to a prosecutor's desk; but more likely they'll be one of the-- If they do actually make it in front of a judge or a jury, the chances are that the sentencing wouldn't actually-- It's like the penalty that they pay isn't worth the penalty that the survivor pays for having come forward and disclosed.

Another reason why survivors don't come forward is because we live in a society that tells us that we're responsible for other people's actions against us, right? I mean in this particular case, we have, as has been reported, two Prosecutor's Offices and neither of them actually bothered to interview the very witnesses that heard Katie's story firsthand.

And so survivors follow the press; they see what happens. They follow us on social media; they send us comments about, "How could this have happened? How could this go wrong?"

And so they have very little confidence in the criminal justice system and being able to actually expand their pathways to justice or healing.

And then adult survivors of child sexual abuse have often been groomed; and part of their victimization is to intentionally create survivors who are silent about the crimes that were committed against them. I think we see this playing out in a really high-profile way now with the clergy abuse scandal. We see so many, now, adult survivors of child sexual abuse talking in great detail about the grooming techniques and the threats that were levied against them if they were to share with anyone what had been happening to them. That has a life-long impact; the trauma of this crime is serious and real.

And until our systems actually adjust to understanding the neurobiology of trauma and the specific impact of this crime on the survivors against who it is committed, I don't think that we're actually ever going to find that those statistics change very much. We cannot respond to this crime as we respond to other crimes. We hear survivor testimony, talking about the questions that were asked of them when they first reported. We still have members of law enforcement -- and again, this is not New Jersey-specific -- we still have members of law enforcement asking survivors, "Why would you wear that? Why were you there at that hour?"

Going back to my testimony, the only person who is responsible for having committed that crime is the person who committed it. That's why women are parading and protesting around, wearing nothing except for a sign that says, "Still not asking for it," because, quite honestly, that's the truth -- right? -- that we should have freedom over our own

bodies, and bodily autonomy should reign supreme. And no one is responsible for the crimes they commit against our bodies except the people who are doing it. But those questions are still being asked, despite training, despite best-practice models being changed. Were all products of rape culture. And until the people who are working in our institutions are really willing to work against the norms that permit and promote rape culture, then rape culture is still going to impact the outcomes for survivors and perpetrators.

SENATOR WEINBERG: Let me continue with those statistics that you quoted here.

You said of every 1,000, 230 are actually reported to the police; but only 9 get referred to a prosecutor? So what happened -- would it be the same answer between what happens between a police report and the referral to a prosecutor's office?

MS. TEFFENHART: Yes; I mean, survivors share lots of horrific stories about how their initial reports are taken. Law enforcement still has a long way to go in understanding how to respond to a survivor and understanding that their affect varies, right?

But there's a, sort of, CSI-created model of what they think survivors of sexual assault should look like, speak like, and act like after they've been victimized. But if people study the neurobiology of trauma -- and if anybody wants to, Sarah Bear is an amazing resource on this topic -- you come to understand that-- Just as there's no one-size-fits-all response for our systems, our bodies don't offer a one-size-fits-all response.

And I shared the example of what happened to me, for example, in the incident in Newark, because I think that before that had happened to

me, I might have been one of those people who said, “Well, if that ever happened to me, I’d do blah, blah, blah” -- right? You think you know, until it actually happens to you.

And my body’s defense was to assume good will of the person, even as they walked towards me, even as I saw how they had positioned their car, even as I felt their knife in my side I assumed, “This person couldn’t possible want to hurt me.”

And so it allowed me to remain calm, give them what they wanted, and then lose it once I sat down in my car and they pulled away.

And so unless law enforcement -- if they’re receiving that initial complaint immediately after a victimization -- unless they are well-trained in understanding that survivors present in lots of different ways, and that survivors have lots of natural biological responses that range the gamut from, actually, potentially, trying to physically fight someone off; to passively, just letting the experience happen to survive; to laughing hysterically after it happens--

There are so many things that we do; and all of those things -- if you read police reports-- I mean, there are excellent trainers who do training on how not to write a police report after someone has disclosed a sexual assault victimization. And the examples of things that show up in reports are insulting and infuriating. The kind of underwear the victim was wearing is sometimes graphically described, almost using pornographic-type language. They’ll actually put some opinions in there sometimes, like saying, “Well, she *said*--” They’ll put things in quotes, as if they don’t believe what the survivor says. They don’t know how to ask the appropriate questions for someone who has experienced trauma. And this is

all for survivors who are disclosing relatively immediately after the victimization. People really don't know what to do with delayed disclosures, which is the majority of disclosures. Most survivors don't engage law enforcement within the first 72 hours; most don't get a rape kit collected, which is a time-sensitive way to collect evidence.

And so being able to actually understand the dynamics of this crime is critical for our prosecutorial success. And if those first responders in the law enforcement community get it wrong, then it's no wonder why the cases never move forward. And quite often, lots of survivors, after that initial engagement, would choose not to move forward to the prosecutor's office, because that first taste of engaging law enforcement was so horrific that they'll decide that they'll just -- they'll not move the case forward themselves, even if the law enforcement professional wanted to.

So it's not a black and white answer; I'm sorry.

SENATOR WEINBERG: You said here, for every 1,000 assaults, how many do we-- Have we extrapolated any statistics on how many there might be in New Jersey in a given year?

MS. TEFFENHART: Well, I could have written an entire 18-page testimony just about the needs for us to collect better data in New Jersey.

We have really horrible data collection mechanisms. And to everyone's credit, we talk about it a lot; it's not as if it's not something that we all haven't recognized.

So one of the things that -- one of the greatest challenges is that there's the Uniform Crime Report, which collects data from individuals who have engaged law enforcement. So there is that piece of data.

And then there's the question of how -- which is not particularly relating to your question, but I do want to use an opportunity to mention it -- there's a big question around how many rape kits are we collecting here. And the Attorney General's Office can give us that quantitative answer. When I asked this of them back in, like, 2016, maybe 2015, I was able to get a three-year average. And, roughly, we're collecting about 1,300 rape kits across the state every year.

But when I asked the follow-up questions -- which were, of those rape kits, how many moved forward to the lab; of those survivors who come forward to law enforcement in the Uniform Crime Report, how many of them are moving forward to the prosecutor's desk, how many are actually landing up in a courtroom, how many are getting plea deals -- there's no place that actually captures that data. And that's just the law enforcement side of it; that's not even the survivors who are not using law enforcement.

So there is a bill before the Legislature -- that we've worked on for a while now -- that would allow us to conduct what we're calling, like, a *rape kit survey* of prosecutor's offices, to figure out what kind of data are they collecting; and then how can we use the answers to that survey to inform what kind of questions they should be answering to New Jersey on a regular basis. Because what we think is that a lot of the questions that we want to have answered -- the data just might not be available. Which is okay; we have to start somewhere.

And I'm sorry -- off the top of my head, I don't remember where that Bill is in its process in the Legislature. But it is something that I have testified before Committee about. It is a piece of legislation that we're really interested in, because data should be driving our policies. And

without good data, it's really hard to decide where there are gaps in process and procedures, and what policies we need to create.

Now, that's only from the law enforcement end of things. When you look at the service providers' end of things-- We collect data from our programs; and we know that the rape crisis centers across the state-- So there's one in every county; and roughly, on average every year, we're serving about 10,000 individuals and their loved ones. So we're serving many more survivors than those who are reporting to law enforcement, because we serve survivors across the lifespan. So a lot of the survivors we're serving are adult survivors of child sexual abuse; or they might be a campus survivor, who is not engaging law enforcement, but doesn't want to seek services on their campus; or they could just be like my next-door neighbor, who wants to seek services in a free and confidential setting.

So we see everyone; and that data is important. And we have that data. But if you were to ask for that data from any funding entity that was not us -- and we don't fund them -- you would get a fragmented answer. Because the Attorney General's Office would only have the data relating to the programs that they fund, and the Division on Women would only have data relating to the programs that they fund. And there's no centralized way to, sort of, pull that all together.

And then there are the survivors who will never access services anywhere, right? The survivors who might have been victimized and never disclosed to anyone; and it's really hard to identify who they are. Part of what I think NJCASA can accomplish with our statewide needs assessment, and the survivors portion of that -- that we're launching this spring -- is an

opportunity to bring survivors into the fold who may have never been linked with any system or any organization. I think we've built up a reputation as being an entity that uses survivor experiences to drive our policy platform and to make the case for good reform. And so I'm hoping that we'll be able to get some better data out of that process.

But the data thing is incredibly complicated, fragmented, and again, it's unfortunately not a New Jersey-specific thing. It's a national problem.

SENATOR WEINBERG: Well, correct me if I'm wrong -- I thought when a victim asks for a rape kit-- Well, you said there were about 1,300 asked for each year.

MS. TEFFENHART: Yes.

SENATOR WEINBERG: That that automatically moves into the Sexual Assault Nurse Examiner, to the Prosecutor's Office. Wouldn't that mean that there are 1,300 cases automatically turned over?

MS. TEFFENHART: No.

SENATOR WEINBERG: Okay.

MS. TEFFENHART: No; and we don't--

SENATOR WEINBERG: I began out with *correct me if I'm wrong*. (laughter)

MS. TEFFENHART: No; and that's an excellent question, because I think this is an opportunity to clear up a misconception.

And, in fact, the Attorney General's November directive, with the accompanying updated Sexual Assault Response Team standards, did a really good job reinforcing a survivor-centered approach to crisis response.

So if the survivor comes forward within 72 hours of victimization and wants to have a forensic medical exam conducted by a forensic nurse examiner; and, say, they show up to a hospital that does the rape kits -- at that point in time, the survivor would be given the option to-- Say, they want to have a rape kit done. The option is, then, afforded them to have a confidential sexual violence advocate respond in support while they're undergoing their exam -- those advocates come from our rape crisis centers -- or a member of law enforcement. They can have one, two, or three parts of that three-pronged response. So they can have a forensic nurse examiner, a member of law enforcement, or a confidential sexual violence advocate.

The fact that you get a rape kit done doesn't mean that you're, then, agreeing to or affirming your willingness to engage in a criminal case against your perpetrator. Which, in fact, is why, in 2014, we advocated for the expansion of the Evidence Protection Guidelines; because we used to only have to hold rape kits for 90 days, which most survivors aren't prepared to move forward within 90 days. So expanding it to five years, we were hoping, will give us an increased opportunity to work with survivors, build up systems' response, and, hopefully, affirm the willingness of more survivors to engage in that process.

Because having a rape kit done is such a time-sensitive thing -- it has to be done, really, while someone is really in crisis -- most survivors don't feel comfortable making the decision as to whether or not they would want to engage in a criminal justice process. And in states where having a rape kit collected, and then mandating that that process forces you to

engage in a criminal justice process -- what we have found is that fewer survivors actually, then, get that evidence collected.

So having the evidence collected is a nice opportunity to, sort of, give them pause. You only have about three days to get that done; maybe five at the most. And the standards really say it has to be within three days of victimization. And then you can hold it; you don't have to make any-- You know, the conversation we would have with the survivors, "You don't have to make any critical decisions about your next steps today. We have your evidence; you have access to an advocate. Here's a list of resources that can support you; here's my contact information; and this is how we can we move forward, if you choose to. But you are not mandated to."

If we collect the evidence and mandate that survivors then must engage in a criminal justice process, we will find that fewer survivors will come forward to get that evidence collected.

SENATOR WEINBERG: Well, that's interesting.

If we can, I'd like to review Katie Brennan's testimony about that portion-- When she went to Jersey City Medical Center, I thought -- and I might not be recalling this correctly -- that she didn't contact the Prosecutor's Office; that they contacted the Prosecutor's Office because of the rape kit.

So I just--

MS. TEFFENHART: Oh, I can answer that.

No, that is correct, from a process perspective. The forensic nurse examiners are housed within the Prosecutor's Office--

SENATOR WEINBERG: Okay.

MS. TEFFENHART: --and generally, the Sexual Assault Response Teams are part of the Prosecutor's Office.

SENATOR WEINBERG: Right.

MS. TEFFENHART: That doesn't mean that having the kit done then triggers an alert to the Prosecutor that there would be, you know, a survivor interested in engaging in the criminal justice process; if that makes sense.

SENATOR WEINBERG: Okay; well, I think we should clarify, generally, how those rules and regulations--

And I have one last question.

If you're saying nine cases are turned over to the Prosecutor's Office, do you have any statistics or any studies on how many of those are just investigated by the Prosecutor, or how many are turned over to a Grand Jury?

MS. TEFFENHART: I do not.

SENATOR WEINBERG: That was a short answer. (laughter)

Okay; thank you.

I don't have any further questions.

Eliana.

ASSEMBLYWOMAN PINTOR MARIN: Thank you so much, Patricia, for coming in and testifying, and really giving us-- I mean, you gave us a lot to work with in a short amount of time.

I just have a very simple question; and I'm not sure if you can answer this simply. But when we heard Katie come in and talk about her post -- the event, and anywhere from going to the hospital, to receiving a phone call-- Can you talk to us a little bit -- within that short timeline--

And I know that you talked about interviewing witnesses prior; interviewing witnesses who were with her afterwards-- In your day-to-day, that you deal with these women who have these -- I don't even like to talk about it, because I have two little girls -- horrific incidents happen in their life, what is it from that moment -- right? -- from that moment on, that you can give us-- Maybe just a few details of what it is that you would like this Committee to come out with; and maybe some proposed things.

I know you did a couple; but just from that short time span, after she told someone. What are some things that you would like to suggest to the Committee?

MS. TEFFENHART: After she told-- Could you clarify, Assemblywoman -- after she told, like, her--

ASSEMBLYWOMAN PINTOR MARIN: After she told her friends--

MS. TEFFENHART: Yes.

ASSEMBLYWOMAN PINTOR MARIN: --correct? Which was, like, a day or two later; so post-- And then when you start dealing with, really, the aspect of, you know, going to the hospital, getting a kit done, talking to someone from the Prosecutor's Office.

So if you can give us just a few suggestions for potential policy work or things that we should be considering -- what this Committee is going to be coming out of here with, right? -- certain policies and procedures that you would like to see for the women who you represent.

MS. TEFFENHART: Yes, that's an excellent question.

I'm going to, sort of, brainstorm out loud. Knowing this is under oath and being recorded, so that sounds really comfortable. (laughter)

But I think one of the things that seems would be incredibly helpful -- and there might be a model for this that exists; and I haven't even (indiscernible) on this with my team, so they're probably like, "What is she even talking about?"

But it actually was coming up for me, as I was writing the part of the testimony on trying to shape the reality that most of us aren't walking around with these resources in our phones, right? Like, I'd like to live my life without having to have my local rape crisis center on speed dial. And so I think that something that could be helpful is considering whether or not there's a patient navigator-type model that could exist. And it's different than how we have our confidential sexual violence advocates, which are-- Again, 50 percent of our rape crisis centers have a waiting list for services; so asking those individuals to do more feels untenable.

But the idea that someone who really could just serve as-- Like, okay, so Ms. Brennan-- She could call; and Katie could say, "I spoke to my partner, my best friend, and another one of my friends; and now I feel whatever I feel." And the patient navigator could say, "I completely understand how you feel. Here are some things that you should be expecting next from the Prosecutor's Office," right? Like, almost like the ombudsman that I described here for State employment; but someone sort of neutral.

Because I think that what seems to happen, and what seems to have happened in this particular case, is there wasn't a lot of forthcoming

information on-- And Katie testified to having to follow-up, often, herself with the Prosecutor's Office; which I think is a pretty normal experience. But it's another burden that survivors have to bear themselves. If there was someone who could do those things on a survivor's behalf, so that they could go about living their life without having to plug into their phone, like, "Oh, I was scheduled to call the Prosecutor," that might be really helpful.

If you look at, like, the court-appointed special advocate model, for example-- And I'm not suggesting that these be volunteers. This is the second-most violent crime; these should be paid, well-staffed, well-trained positions. But the idea of the court-appointed special advocates is really individuals who navigate multiple systems on behalf of children in foster care. To have someone who could help a survivor, who's reeling in the aftermath of the second-most violent crime, so that they're not calling the Prosecutor's Office themselves, so they're not checking on whether or not the evidence has come back from the State lab, so they're not checking to see whether or not they have a court date; or even if they need to call the rape crisis center to make an appointment. This person would be authorized to sort of be the liaison, and broker relationships and systems so the survivor can, kind of, focus on their wellness without having to, sort of, administratively check off tasks in order to help them get there.

I think that would be something I'd be really interested in exploring what that could look like, as a pilot, in a couple of counties; and seeing whether or not it's something that could be really helpful.

You know that I would probably come up with, like, 17 more things that I'll e-mail the Committee after this. (laughter)

ASSEMBLYWOMAN PINTOR MARIN: That would be extremely helpful.

In your experience -- because every county has an NJCASA -- so in your experience, do you feel that when a Prosecutor's Office is dealing with a victim, is there a huge difference from county to county as to how that victim is treated, do you find? Or do you find that there's more of a streamlined process than we sometimes think that there is.

MS. TEFFENHART: I think that every system in New Jersey operates by New Jersey's fabulous home rule mentality. And so I would love to say that it's not different from county to county; but I find that it is, right? And our experience working with all of the county-based sexual violence service programs -- we hear the differences in how things work, despite similar policies or guidelines, from county to county.

I do think that the Attorney General's directive and guidelines that he issued in November are designed to try to create a system by which there is less discrepancy from county to county. But there is still a lot of wiggle room around-- If you read the directive, it says, you know, Prosecutor's Offices are encouraged to create their own policies or guidelines around *A*, *B*, or *C*; which means that those policies or guidelines could look different from county to county.

And I know that that's really important for people in the Prosecutor's Offices; and I know, from our vantage point, we see survivors crossing county lines frequently. And I would like to think that they would get the same uniform, compassionate, survivor-centered, trauma-informed response, regardless of in which county they were victimized, or in which county they were seeking services.

So I think that there's awareness that there are discrepancies, and there is a desire to make things more alike. But we're not there.

ASSEMBLYWOMAN PINTOR MARIN: And the reason that I'm asking you is because a simple-- For example, Katie received a phone call from two different Prosecutor's Offices -- or I think you mentioned a fax, -- right? -- for her attorney, from Middlesex. And it's really funny, because I'm talking to some of the different prosecutors' offices in different counties -- some are, like, "No way; like, there's no way. We do a phone call."

MS. TEFFENHART: Yes.

ASSEMBLYWOMAN PINTOR MARIN: "No matter what the situation is, we call them in."

And sometimes we have to be careful, because we don't always want to over-legislate; because, then, it also takes away the personal aspect, or what is going on, particularly, in that case. So we're just trying to find an even playing field; that we, as legislators, might be able to be helpful for victims, but, yet, not hurtful to the system -- that then they're stuck in a particular box.

So Patricia, if you, after this, can brainstorm some of those ideas; obviously, we're really going to take a look at that. And we'd love to hear a little bit more insight on that -- on maybe potential changes that you would see, to uniform certain aspects from when a victim tells a prosecutor to -- how it is that this crime is then treated, and how this person is treated.

So I think that that would be helpful.

MS. TEFFENHART: Chairwoman, if I can add to that.

I think that that's a conversation we're definitely looking forward to having.

There are counties in New Jersey that I think definitely sort of set the bar very high. And I think that we have models out there that we can look to, to easily figure out what are the policies and procedures that they're using in this county, and why can we not replicate them in other counties.

And I think that, you know, there's just one thing that I want to add about-- As it's been reported, how these conversations were relayed, or these decisions were relayed to Katie Brennan, what is disappointingly not surprising to me is that we are in the middle of these hearing-- You know, the Hudson County Prosecutor's Office relayed their decision to Katie, to not move her case forward, before any of us knew, right? So that -- take that out of play. But the Middlesex County Prosecutor's Office received Katie's case and made the decision to not move it forward in the middle of these hearings, and following the issuance of the new directives from the Attorney General. And yet, still, that directive -- that point to talk specifically with a victim survivor before -- about your decision to not move their case forward -- was seemingly, as it's been reported, not followed.

And so the question that I asked in my testimony, that just keeps resonating for me, is what's the consequence for that? What happens when the individuals or systems in some of the highest elements of law enforcement don't follow the law? Who holds them responsible?

And what does that mean that, in the spotlight, we still-- You know, Katie says in her testimony -- and I captured this in my closing remarks -- that, you know, she had access to the highest levels of decision-

makers and people in power. And so we are, pretty much, having one of the biggest statewide conversation we've had about sexual assault victimization. And yet, still, a very new directive wasn't followed in relation to a very high-profile case. And what does that say about how we treat survivors in New Jersey; and what does that mean for every other survivor who will never be discussed in a room like this, or in a courtroom, or not be one of the nine who make it to a prosecutor's desk?

That's the kind of stuff that makes you want to flip a table.

ASSEMBLYWOMAN PINTOR MARIN: Well, Ms. Teffenhart, I think that we heard, earlier today, a lot of things that were done wrong when it came to Katie and Mr. Alvarez; I think on both sides, right?

And then just one final question.

I'd like to hear your opinion on the fact that -- your opinion, or your organization's stance on-- You know, obviously, we had a delicate matter, in the sense that we have someone who was accused -- right? -- and cleared. Well, not cleared; yes, I'm sorry. But they decided not to move forward with any charges.

But we had two people who were employed-- Does your organization-- If there's ever a case like that, does your organization have some sort of advice for -- I would want to say, employers -- right? But we heard here today that they should not be employed; both the accuser and the accused should not be-- Or is there anything that you can give us, or shed light on a situation like that? And if you've had any victims who have come forward from your -- who talked to your organization; and giving us some helpful advice on how to move forward with that as well.

MS. TEFFENHART: So there's a reason why you had two expert witnesses today. There are some things that are within the purview of this Committee that are beyond our scope of expertise. We're not attorneys; we don't provide legal counsel.

So if an employer were to come and ask us these questions, we would talk about some of the things we talked about in your testimony -- about the culture of your workplace; leadership comes from the top. How do you set a zero-tolerance tone; are you holding people accountable; are you engaging the right systems and professionals to conduct thorough investigations of claims when they come forward? They're sort of anecdotal, and easy things that we could offer.

But as far as giving an employer counsel, that's not something we could do.

But, unfortunately, we do have a lot of survivors who come forward and ask us, what can they do. And unfortunately, we also don't work with individual survivors. So our responsibility is to refer them back to the local rape crisis centers, and then have them, sort of, loop them into whatever processes or institutions might be available for them there.

But it's becoming an issue that more and more survivors are reaching out about, right? Understanding, I think, in new ways that hostile work environments are not okay; that their employers have responsibilities to keep them safe and well at work. And then feeling really frustrated when they're in a situation with power dynamics that deny them the opportunity to actually move forward and have their allegations taken seriously.

And I think, you know, the reality is that if more prosecutors' offices were redefining what success in their prosecutorial process looked

like, then maybe we'd have more survivors feeling as if their voices had been heard, and maybe we would have more perpetrators being held accountable.

But in this particular case, and in so many cases, I don't feel comfortable saying that, because charges weren't filed, there wasn't a bad act committed; particularly as I've understood some of the reporting on how the investigations were conducted.

ASSEMBLYWOMAN PINTOR MARIN: Well, thank you, Ms. Teffenhart.

I think that you, along with the earlier expert today, said three things that all of us -- that resonated with us, which are zero-tolerance, the culture, and from the top to the bottom.

MS. TEFFENHART: Yes.

ASSEMBLYWOMAN PINTOR MARIN: So thank you very much.

MS. TEFFENHART: Thank you.

ASSEMBLYWOMAN MUÑOZ: All right; thank you.

Thank you, Patricia.

I just have a few things that really struck me about your testimony. And I just want to either strengthen what you said, and/or just add a couple of extra questions.

First of all, I absolutely agree with you -- all know I'm a nurse -- that the response at the time of the assault is not indicative, perhaps, of what the person is really feeling, and that everyone reacts differently.

I had a friend who was, unfortunately -- she was raped back in 1981; and she was stabbed. And she called 9-1-1 in Boston. It was a very -- it was a national case. And she said, "My name is X, and I've been

stabbed.” And they sent a lower-level ambulance, because they said she sounded too well.

But she had been stabbed through her aorta and her liver, and she died.

And she called 9-1-1 twice, because they didn’t send the ambulance.

So, you know -- and me, as a nurse, working in the emergency room -- you see the responses are so different. And you’re right; some people giggle because of anxiety. And, you know -- so to expect the exact same reaction from every person is unfair and it’s not right.

And so when we’re talking about the process in New Jersey-- And the Senator and I were on the Ad Hoc Committee on Domestic Violence, and that was put together-- And part of the purpose of that was that because there were different responses across the State of New Jersey, just as what you said earlier, that some places do it better than others.

MS. TEFFENHART: Yes.

ASSEMBLYWOMAN MUÑOZ: And that’s what we discovered when we did this. This was subsequent to the Ron Rice (*sic*)--

MS. TEFFENHART: Yes.

ASSEMBLYWOMAN MUÑOZ: I don’t want to say the Senator’s name. (laughter) The football player, the football player.

UNIDENTIFIED MEMBER OF COMMITTEE: Ray Rice.

ASSEMBLYWOMAN MUÑOZ: Ray Rice; it was Ray Rice. I knew I was wrong. (laughter) The football player.

But it was a response; because the Chief Justice said, you know-- The Assembly and the Legislature -- we all reacted. Everyone wanted to put in legislation.

And what we discovered, through three years of working on this, was that there were some places in the state that did excellent work; and there were other places that didn't do -- work as well as others. And the whole goal of the Committee was to put forth recommendations; and many of those recommendations were about educating the prosecutors and different people.

So would you think that, perhaps, putting together some kind of -- I think that you did recommend this -- a task force on sexual assault would also be beneficial?

MS. TEFFENHART: Yes; I mean, I'm all for more people coming to that table and having meaningful conversations about how to work through these challenges.

And I think that the other important thing is to recognize that there is already such a fragmented process by which that happens. So we actually do have a Governor's Advisory Council Against Sexual Violence; I co-chair that Council. We just had a meeting with the Governor's policy staff last week, sort of issuing one of our previous reports, and talking about the need for there to be appointments made to the Council.

And so we have found that this Administration is actually, really, embracing the role of the Governor's Advisory Council in ways that make me feel really hopeful.

But that group is really comprised of multidisciplinary professionals from State government, the individuals who work with

perpetrators, people who are focused on prevention of child sexual abuse. I mean, we're really a diverse pool of people that could be the entity by which we could float some of these policy considerations. Because everyone on that Council is appointed, and also has an intersectional area of expertise that is incredibly rich and relevant to these conversations.

And we do, actually -- we actually just created an ad hoc committee of that Council, and issued strong Title IX recommendations in response to the open public comment period from the Federal government. We shared them with the Legislature; we shared them with the Governor's Office, the Attorney General's Office. And so we are a powerful group that I think could definitely be a vehicle -- that if the Governor allowed that group to serve in that capacity -- it's an Executive Order that created us -- if the Governor felt that that would be a good use of that Council, it would be a nice way to, sort of, work efficiently. That's one of the things-- You know, there are only eight of us now; I'm always conscious of that.

ASSEMBLYWOMAN MUÑOZ: So you would, I think, agree that more education in the law enforcement area probably is needed. Because as I listened to you, and I say -- through what we've worked with -- what I've worked with you over the years--

MS. TEFFENHART: Yes.

ASSEMBLYWOMAN MUÑOZ: --much of the sensitivity part seems that, you know, your forensic nurses and healthcare providers can provide that compassionate part; that part that is the sensitivity part.

And so do we need more education at the law enforcement level? Because that is not their-- In health care, that's what you're trained; that's where your focus is. But it may not be so in law enforcement.

So, you know, again, part of what our committee was, on domestic violence, was more education. And so it seems to me -- and I don't know if you agree -- that we might need more education on the law enforcement part about what you stated; about a response, initially, after the rape; about--

And it was my understanding -- just as the Senator said -- that I thought Ms. Brennan stated that once she went to Jersey City Medical Center and had the rape kit done, that it was their obligation, at the hospital, to report to Hudson County Prosecutor's Office. That's what my understanding was. You're stating that that is not a requirement?

MS. TEFFENHART: She may have affirmed; they may have asked. They should have asked, and she probably did--

ASSEMBLYWOMAN MUÑOZ: Okay, okay.

MS. TEFFENHART: I don't want to speak for her. But she probably affirmed that she wanted to move forward.

Did you find it Senator?

SENATOR WEINBERG: Excuse me, but they actually brought up her testimony.

ASSEMBLYWOMAN MUÑOZ: Okay.

SENATOR WEINBERG: And she did testify to what we thought--

ASSEMBLYWOMAN MUÑOZ: Yes.

SENATOR WEINBERG: --she testified to.

MS. TEFFENHART: Sure.

SENATOR WEINBERG: And let me see if I can just get to the beginning of it.

When I asked her -- after she had the rape kit done at Jersey City Medical Center, I said, "Then you went to the Hudson County Prosecutor, or did the Jersey City Police Department refer it to the Hudson County Prosecutor?"

She answered, "The Jersey City Medical Center triggered it."

MS. TEFFENHART: Yes.

SENATOR WEINBERG: "So then the Prosecutor left -- not the Prosecutor," she corrects herself, "the detective left a message with me, and that's whom I knew who to contact when I went forward to them."

MS. TEFFENHART: Yes.

SENATOR WEINBERG: And it was the same nurse and the medical examination that triggered alerting the Hudson County Prosecutor's Office.

MS. TEFFENHART: Yes; I mean, I think that this is, probably, again, sort of understanding the conversations as they'd happen, for survivors in trauma. It's my interpretation of Ms. Brennan's statement -- that she was asked whether or not she wanted to have her rape kit forwarded. And then that is -- that procedure, as she outlined it, makes sense to me.

But it's not an automatic thing.

ASSEMBLYWOMAN MUÑOZ: Okay.

MS. TEFFENHART: It's not automatically, when she-- Otherwise, the policies that we have on the books wouldn't make sense. We're allowed to retain rape kits for a minimum of five years without doing anything with them.

So I think the word *trigger* is just, perhaps, misleading; but my understanding of the process is that she would have been asked, and affirmed, and then it moved forward; which makes sense.

Can I answer your question about law enforcement, Assemblywoman?

ASSEMBLYWOMAN MUÑOZ: Yes, please. Thank you.

MS. TEFFENHART: No -- thank you.

I mean, you're right. We have worked together a really long time on a lot of issues, as I have had the privilege of working with so many of you. In fact, Assemblyman Johnson was the sponsor of our law enforcement training bill that was signed into law, under Governor Christie, in 2017.

So I just want to make sure that I also give recognition where recognition is due. While we did not, historically, have mandatory training for law enforcement for sexual violence in New Jersey until 2017 -- except for when you were in the Academy. Which means if you were in the Academy 30 years ago, that could have been the last time you received specific training on a very sensitive topic, unless you elected it.

With the passing of this particular piece of legislation, we've been working very closely -- in fact, Rob Baran, our Assistant Director, who is sitting behind me, has been working very closely with the Attorney General's Office on what that training content will look like in response to that law.

And in addition to that, even prior to that Bill being signed into law -- and again, pre-dating this Administration -- we submitted a Federal grant application, with the Attorney General's Office, to the Office for

Violence Against Women at the Federal level. And we've been working with the New Jersey State Police and the Domestic Violence Coalition for the last three years, now, on a really in-depth sexual violence training for not just patrol persons, but also prosecutors, detectives -- people who really want to have a much deeper understanding; people for whom this might be more of their subject area of focus.

And those have been very successful and well-attended. Every one we have had, roughly about 90 to 130 law enforcement professionals attending; and we hold them regionally.

And so there are always increased opportunities for training and education. But it is important to know that we have made progress, and there is certainly more progress to be made. But I don't want it to seem as if we're, sort of, stalling out on that issue. I'm pleased with how far we've come, but there is definitely more we can be doing.

ASSEMBLYWOMAN MUÑOZ: And just one final question.

MS. TEFFENHART: Sure.

ASSEMBLYWOMAN MUÑOZ: Do you serve men as well; or just women and children?

MS. TEFFENHART: No, that's an excellent question.

We serve all survivors. Our county-based service organizations serve all survivors and their loved ones.

And so I think that that's an important distinction -- from how sexual violence has historically been categorized. I think the fact that sexual violence service programs, in the State government, are sort of housed under the Division on Women--

ASSEMBLYWOMAN MUÑOZ: Yes.

MS. TEFFENHART: --creates a misconception that this is a women's issue. The fact that the Division on Women is held under the Department of Children and Families could infer that women are only, then, relevant and important when they exist within the context of families and their children. And I don't think that that's exactly how we see women in New Jersey either.

So the structures are complicated, but the work remains the same. We are committed to serving all survivors and their loved ones; and in fact, men who are victimized face increased barriers in coming forward and disclosing because of toxic masculinity, because of misconceptions about what it would mean to be a male survivor. Members of our LGBTQ+ community are particularly vulnerable because of rigid gender norms.

And now we're paying close attention to the climate in regards to immigrant survivors and those who are non-documented, and their hesitancy to reach out and seek services in a climate that seems unfavorable, at best, for them actually engaging in processes and systems that could protect them.

ASSEMBLYWOMAN MUÑOZ: Thank you.

MS. TEFFENHART: You're welcome; thank you.

ASSEMBLYWOMAN MUÑOZ: Thank you very much.

SENATOR WEINBERG: Senator Corrado.

SENATOR CORRADO: Good afternoon.

I want to thank you for being here today; I want to thank you for being here throughout the hearings; and I want to thank you, and your staff who are here today, for the wonderful work that you do, day in and day out, every day, throughout the year. It's incredibly important.

And based on your thoughtful testimony, I know that you've put a lot of time and effort in the suggestions that you've made, and we're going to take them seriously.

I did have a question about the training.

MS. TEFFENHART: Yes.

SENATOR CORRADO: So who actually will do the training for law enforcement?

MS. TEFFENHART: So there's the CLEAR training, which is the training that's mandated by law.

Can I actually just ask Rob?

(confers with staff)

Representatives from the Attorney General's Office and two prosecutors.

SENATOR CORRADO: And have you made any progress in talking about training for prosecutors and judges?

MS. TEFFENHART: No. And we've-- To be clear and honest, in the directives that were issued by the Attorney General in November, he makes strong -- he issued strong language encouraging prosecutors to increase training. It's not my understanding that it is yet mandatory; we have asked, for years, for there to be judicial training.

And we've used the Ocean County Judge as a horrible example. In case anyone hasn't followed, there was an Ocean County Judge who said horrific things to a survivor when they actually did get their day in court; which, as we've heard, so infrequently happens.

And the response that we received is that judges don't have time to take from the bench in order to have more training. And so then we

just continue to perpetuate the cycle of people, who are not receiving up-to-date information, making decisions about the second-most violent crime.

SENATOR CORRADO: I would be happy to help you, in any way, with that.

MS. TEFFENHART: Thank you.

SENATOR CORRADO: And judges, when they come on the bench, are not prepared to be judges; they do go to judicial college. Their training is being incorporated, at that point, when they're originally getting their first training on how to handle themselves on the bench. And that would be an appropriate place.

As you and I talked about, attorneys are subject to mandatory additional continuing education throughout their careers. So there's really no excuse why it isn't being done.

MS. TEFFENHART: We'd love to work with you on that; thank you.

SENATOR CORRADO: I would be happy to.

And the rape kits -- are we still only holding them 90 days?

MS. TEFFENHART: No, five years.

SENATOR CORRADO: Five years now; okay.

MS. TEFFENHART: Yes, yes. So that was a directive that was issued by Acting Attorney General Hoffman in 2014. We extended it from 90 days to five years. And so many of those kits, back at that point in time, are now coming up on their five-year mark. And so I am interested in working with the Attorney General's Office to gather some statistics to see whether or not that increased hold time actually led to more survivors

feeling comfortable moving forward. This is, sort of, our first opportunity to assess that -- whether or not that policy has been effective.

SENATOR CORRADO: I want to thank you, again, for being here.

MS. TEFFENHART: Thank you.

SENATOR CORRADO: It's unfortunate that we're here; that Ms. Brennan-- Like Senator Weinberg, I think there were protocols and policies in place that weren't necessarily followed. But we're having a public conversation, and I think it's an important conversation.

MS. TEFFENHART: Thank you.

SENATOR CORRADO: Thank you.

MS. TEFFENHART: Thank you.

SENATOR WEINBERG: Senator Ruiz.

SENATOR RUIZ: Thank you, Chairwoman.

Thank you, Patricia, for being here.

And I echo the sentiments of my colleagues for being here every time we were here.

You said a lot of things; but one of the things -- I want to focus on two parts.

One, I think I was witness to a lot of the commentary when you were testifying about rape culture. So there has to be a critical education piece here -- not solely on the policy, and of being reactive after an event -- but we have to be proactive, and that certainly has to start in our school settings.

As Chair of the Education Committee, I know that we've worked on some pieces of legislation. But we also have to shift the way we have conversations, and the way we talk, and the way we treat each other.

Just following up on Assemblywoman Muñoz's, kind of, train of thought-- After the first Committee hearing, when Katie left, I worked with staff immediately to have OLS start drafting some kind of a bill for uniformity for-- Because I think a lot of focus has been on -- in the hospital, what happens after.

But at that first point of contact -- specifically when I think about Ms. Brennan and the power that she found within to, kind of, climb out, and reach, and keep going and keep going. But if we shift her story, and it's a woman who doesn't speak English, and who is alone, and who is undocumented, and doesn't know where to turn to -- what protective policies can we put in place almost to artificially recreate that power and that strength that she, or the survivor -- whatever gender -- may not have in that specific moment.

If there's anything, I'm sure-- And we'll work with you to make sure that there's this; but outside of training; almost kind of like a checklist, right?

MS. TEFFENHART: I'm wondering--

I'm sorry.

SENATOR RUIZ: "Did I ask the survivor this; did I offer this telephone number; did I follow up two days after with a phone call to see if, in fact, the individual went to the hospital?"

MS. TEFFENHART: Yes. I think there's probably nothing that we can't explore that couldn't be better than where we are right now. I

think that a patient navigator model -- as I was brainstorming out loud with the Co-Chairwoman -- could be something to explore that would take the onus off of a survivor.

To your point, Ms. Brennan was really tenacious and strong in her follow-up; and her persistence in trying to be heard, and trying to give multiple opportunities to people in positions of power to do the right thing.

And she describes, in her testimony, that no survivor should have to go through the *Wall Street Journal* to be heard; and we agree with that.

And so the idea, to your point -- and I think this is particularly important for immigrant women, or women for whom -- or survivors for whom English is not the first language. Having a patient navigator model could be incredibly powerful, because that could be the individual within a system that holds all those other systems accountable. Because one of the things that I fear is that if we create a checklist for every discipline, who's then, actually, supervising those disciplines to see whether or not those checklists are happening; right? We had a directive that was issued in November, asking prosecutors to do certain things; and those things weren't done only about a couple of weeks after that directive was issued.

And so I'm wondering if there is some outside entity that can be used to hold all of us accountable for doing what the policies and procedures say we should be doing; and not placing the onus on the survivors to navigate those complicated systems. But also not having us put our full faith and trust in the systems to actually self-police.

SENATOR RUIZ: Thank you.

MS. TEFFENHART: Thank you.

SENATOR WEINBERG: I think in answer to Senator Ruiz, and the points you raised, Patricia -- point to the fact that all the policies and procedures in the world mean nothing if the people who are supposed to be carrying them out don't.

And the classic case is the Middlesex County Prosecutor. Those rules and regulations had just been promulgated a couple of weeks before. It was not, like, six years before, and they were lying in some dust-covered book someplace. They got a lot of press because of what's going on right here.

And yet they informed her, by fax, to her attorney. And they added what I think is -- my words -- a pejorative comment, about "no credible evidence." When all the testimony we heard here was that Ms. Brennan was a credible witness -- every single person, who was on the other side of this table, that we asked the question of -- every single one of them said yes, they believed her.

So not only was it the inappropriate reaction -- the fact that it wasn't turned over to a Grand Jury -- but the fact that there was a -- my words again -- *gratuitous remark* added to a press release that I find really-- I want to talk about knowing when to be outraged -- not outrageous, outraged.

MS. TEFFENHART: Or both; you can be both. (laughter)

SENATOR WEINBERG: Usually both are successful, actually, at the same time.

I find that rather outrageous. And because they are law enforcement, in whom we are supposed to have confidence, it makes it

doubly hard, because we don't even have any recourse. We can't go back and ask them, "Tell us what your investigation was."

So I think the fact that people who don't follow those rules and regulations -- there should be some kind of recourse. That the Prosecutor did this, as I said, under the glare of the spotlight, a few weeks after these new rules were pointed out.

So I think your testimony, particularly along those lines, gives us a good roadmap to some of the things we should do

In answer to Assemblywoman Muñoz-- As you know, I served with you on the Courts and Domestic Violence. We are still trying to get legislation passed to require that municipal prosecutors -- who are the first line of defense, usually, particularly, in domestic violence issues -- receive training in this issue. So legislation has been long-stalled. And when you talk about the culture -- I have heard from municipal prosecutors how most of these charges are unfounded anyway so, therefore, what do we need training for?

MS. TEFFENHART: And perhaps that's exactly why they need training.

SENATOR WEINBERG: You want to talk about correcting culture--

Sorry if I'm doing my own little ads here; but I am. (laughter)

So I thank you for all the work that you've done.

And if there are no further questions from the Committee, we're going to turn it over to the attorneys.

Oh, I'm sorry.

Assemblywoman McKnight, before we do that.

ASSEMBLYWOMAN McKNIGHT: Hi, Patricia.

MS. TEFFENHART: Hi.

ASSEMBLYWOMAN McKNIGHT: This 16-page document was very, very useful.

MS. TEFFENHART: Thank you.

ASSEMBLYWOMAN McKNIGHT: And I've been scribbling as you were reading.

And I went on to the Internet, and I looked up, "You need help? NJ 211." So to piggyback on Assemblywoman Pintor Marin, and your question -- I was saying-- In your testimony you say, "Thirdly, survivors rarely know where to go for help; generally speaking, we're not all carrying around the number to our EEO office."

So my mind started to wander. And every year I get these cards from, like, PBA, right? I have one in my wallet now.

MS. TEFFENHART: Not that you would need that; of course not.

ASSEMBLYWOMAN McKNIGHT: No; exactly.

MS. TEFFENHART: No.

ASSEMBLYWOMAN McKNIGHT: Let's put that on the record. (laughter)

So do you feel that it would be useful for New Jersey to come up with, like, an NJ 711, NJ 811? And then we have these cards and we disseminate them out to the community -- especially women, but also men -- and we can have that in our wallet, just in case something happens.

MS. TEFFENHART: So I appreciate the sentiment.

Our experience working with survivors is -- informs that *a*) most people, again, are not walking around expecting to be victimized. So even if we had-- So first of all, there is a statewide hotline. We run it, and you can find information about your local rape-- Now I feel like I'm in a commercial, "You can find information about your local sexual violence service program at www.njcasa.org." And that's where you can find information about the statewide hotline. And the statewide hotline will, then, redirect you back to your local county-based provider.

But we've really started steering away from printed materials. Most survivors are navigating their access to resources through their homes or through different web portals. We're really moving away from even creating, like, paper pamphlets or brochures. Long gone are the days like when I started my career in community education, and I was creating fliers and plastering the library about an education, session we were holding.

And so I don't know that a good use of our limited financial resources is creating more tangible products; but I do think a good use of our resources could be figuring out how we can share that information on online portals. Are there places -- are there publications that would be willing to run, for pro bono, an ad about where to go for help if you're the victim of sexual assault; or can we run ads on apps -- things that are, like, new and innovative. Because most survivors would not be carrying around a card; and, in fact, it's almost traumatizing to think you're at, like, a community engagement event and someone hands you a card, "Well, just in case you're ever sexually assaulted" -- like, no one wants to acknowledge that that could happen to them. And that's kind of the point; that then when it does, you don't know where to go.

So in April of last year we did a New Jersey -- April is Sexual Assault Awareness Month -- we did an ad campaign on New Jersey Transit buses throughout the state highlighting the different ways that individuals in our communities could help create safer, more resilient communities, and build protective factors against perpetration. And it was, sort of, focused on, like, "Are you a coach? Here are some things that you could do." "Are you a parent or caregiver? Here are some things that you can do."

And so I think we're really interested in figuring out, and working with everyone on identifying innovative ways to get into communities that are different than how we're done it before, because communities are receiving information differently than before.

And even for victims, survivors -- when they come forward, we're really having meaningful conversations around whether or not we give them paper products afterwards. Because there's still such a stigma attached to having been victimized that many survivors would throw them out before they even left the facility, because they wouldn't want to come home with them, because they haven't shared with anyone in their personal life that they've experienced this trauma. And so we're, kind of, then, just wasting resources when there, perhaps, could be better ways that we could share information.

ASSEMBLYWOMAN McKNIGHT: Well, you know, one of the issues that I see is we're not talking about this often; not unless someone comes to you. Like, if this was to, you know, happen to me, say, right now, I would go online and look to see -- it says call 9-1-1. But prior to this, I wouldn't have a clue what to do.

So we need to -- Like you said, we need to start to have more conversations to make women and men feel more comfortable -- that it was not their fault; you know, it's the perpetrator's fault. So it's okay that I can go to, you know, *ABC* to say, "I need help, because I was victimized.

So I do appreciate this candid, this beautifully written testimony. And I look forward -- as well as with everyone else here -- to working with you to ensure that New Jersey is ahead of the game, versus trying to play catch-up.

But thank you.

MS. TEFFENHART: Thank you, Assemblywoman; I appreciate that.

Thank you.

SENATOR WEINBERG: Thank you.

If there are no further questions from the Committee, I'll turn it over to Mr. Critchley.

If you need a break at all, Patricia--

MS. TEFFENHART: I'm good.

SENATOR WEINBERG: --just let us know.

MS. TEFFENHART: Although I don't know; Mr. Critchley is -- he's long with words. (laughter)

MR. CRITCHLEY (Special Counsel) No, actually I'm not. Actually, I'm too short.

Again, like everyone, Patricia, I want to thank you for coming here today with your thoughtful comments.

And you know, I was not only reading and listening to what you said -- and many of the things today are very thought-provoking -- and

I'm speaking from a different position, a different perch, considering I'm a male.

SENATOR WEINBERG: Thank you for pointing that out.
(laughter)

MR. CRITCHLEY: But I don't experience the same way, obviously, as a woman would. And it's enlightening for me, personally, to listen, to see, to live, and to learn.

And I gathered a few things from your comments -- and I'm going to be much like my boss, the Senator, here -- I'm going to make some comments.

Obviously, sexual assault is a unique crime in many respects. It's unique in that, unlike many crimes, it's conducted in the secrecy of just two people. And sometimes we hear people talk about, "Well, we don't have any proof; all we have is he said/she said." And if you follow that logic through, there would never be a prosecution of anyone because it will always be a credibility determination. Would you agree with that?

MS. TEFFENHART: Yes.

MR. CRITCHLEY: And that I find troubling in many respects.

And, you know, in New Jersey, we are required by court rule to have Grand Juries sitting in every county. So we have 23 people in each county who we command that they stop what they're doing in their normal life -- every cross-section, from the highest to lowest, powerful, least powerful -- we command that they come down to the courthouse. And they have one function, only one function: to sit and pass judgement as to whether someone should be charged with a crime, probable cause.

And in theory, the purpose of the Grand Jury -- which is embedded in our State Constitution -- is to protect both the accused from arbitrary law enforcement; and also the accuser, to make sure he or she has her right to be heard.

Now, what we find unusual in this case is that, in Hudson County -- they call people down, 23 people, to make a determination; hearing cases, no doubt, from the time Katie Brennan, in April of 2017, made her first complaint, until the time in December, thereabouts, when they made a decision not to prosecute -- there must have been, maybe, a thousand cases heard by the Grand Jury. But one was not heard -- the one that was not heard was Katie Brennan.

And we all, in our heads, say, "Why did that occur?" And people say, "Well, you know, the prosecution has to make an independent determination as to whether we believe it should go forward." I understand that. But then why do you have 23 people, sacrificing from their daily lives, to sit and hear judgement?

And what I found unusual about Katie Brennan-- You know, it's obvious there are some cases -- and Senator Madden would be able to point to this -- there are some cases where it's easy -- for either law enforcement, the police officer at the scene -- to make a credibility determination on someone not being believable, based upon their prior convictions, their prior statements, their prior life history. It's easy to make a call, "Okay, this is a waste of time." Law enforcement is going to say, "We're not even going to present this to the Grand Jury."

But what's unique in this case -- and we brought out the testimony -- Katie Brennan -- what is it about her background that caused

someone to say she's not credible? Because that's what I read in the newspaper and the press releases -- they had some questions about her credibility. And when she testified, I asked her about her background. Well-educated, college degree, master's degree; had multiple places of employment; ascended-- And there was nothing ever about her background that said, "Well, you know, she's a little wacky. There's something unusual about her." Everything about her bespoke credibility.

Now, I'm not making the determination as to whether she was believable or not. Other people have testified -- found out that she was credible. But that's why we find it difficult here-- You know, sometimes we get lost in legalisms, and we forget common sense. We just find it difficult to conceive that this matter was not presented to the Grand Jury and let them make the credibility determination. Why would we not let them make a credibility determination?

So I gather from your testimony that you have come to the conclusion that, on some level, law enforcement has failed Katie Brennan, correct?

MS. TEFFENHART: Yes.

MR. CRITCHLEY: Now, if you were going to make a recommendation to the Attorney General's Office, would you recommend that -- or even the Prosecutor's Office, based upon your unique experience involving sexual assault crimes; understanding that, normally, it's just one-on-one; one-on-one -- that we just don't necessarily leave it to the police to make that determination as to who is believable or not believable? Would you recommend that these matters be presented to the Grand Jury, and let 23 citizens sit here and make -- sit and hear testimony, and make a

determination as to whether a crime has been committed, based upon probable cause?

MS. TEFFENHART: As I mentioned in my testimony, I think exploring options that would reinforce a survivor's opportunity to pursue a Grand Jury -- if it wasn't a course of action identified by the Prosecutor's Office -- I think is a good complement to the rest of the commonsense reforms I mentioned.

I think if we overhaul the system, redefine what it is to have success in a courtroom, if we redefine what it means to leave no stone unturned in the investigative process, I think we'll find that fewer survivors would need to pursue that as their last course of action.

So I'm not opposed to it as being something we explore as an *if necessary* remedy; but I'm not willing to forego all the other system reforms that I think are necessary in order for all survivors to get better access to the criminal justice system.

MR. CRITCHLEY: Or some access.

MS. TEFFENHART: Yes; fair point, Mr. Critchley.

MR. CRITCHLEY: Now, there's been testimony, in terms of Katie Brennan, that shortly after the incident allegedly took place, on April 7, she went to the hospital, and then she went to the police. And then she reported it, and it went to the Prosecutor's Office. And she publicly made statements -- I don't want to say *publicly* -- she made statements to the Prosecutor alleging what took place. She gave her name, gave the person who she accused, and had no problem making that statement. When I say *no problem*, she probably had a big problem. But despite the problems she

may have had-- Because you indicated, often, sexual assault victims are kind of reluctant to go forward.

MS. TEFFENHART: Yes.

MR. CRITCHLEY: Why is that?

MS. TEFFENHART: Why are they reluctant to come forward?

MR. CRITCHLEY: Yes.

MS. TEFFENHART: Because too many survivors receive the same outcome that Katie Brennan received.

MR. CRITCHLEY: Well, and the thing here is, she went forward, she gave a statement. And then, after April, you take it forward to late November. She told Justin Braz, "Report this to the Transition, the following. I believe that Mr. Alvarez is going to be charged with a crime. You can tell them what took place, but don't use my name."

Why do you think she took that caution of having Justin Braz, at least initially, not use her name?

MS. TEFFENHART: That's an excellent question.

So as I alluded to, very briefly, at the beginning of my remarks, sexual assault is a power-based crime. Despite, you know, again, popular misconceptions in the media, it's never, really, about sex; it's generally about manipulating, power, and control.

And as we all understand this particular scenario, we're dealing with lots of powerful people with lots of control. As we understand it, Ms. Brennan wanted to support this Administration, wanted to work for this Administration, had dedicated time to helping this Governor get elected. And it would make sense to me, from a survivor's perspective, that revealing

your identity -- if you feel like that could compromise your ability to get something that you've been working for--

And I think it's also important to know that it wasn't wholly, selfishly motivated either. And I don't want to put words in Ms. Brennan's testimony, or make inferences that, perhaps, aren't true, but when I read her comments on this and I listened to her speak before this Committee, what seemed also glaringly, painfully true was that she also believed in this Governor. And she wanted to protect him from scandal; she wanted to protect him from us ending up here.

And so not only did Ms. Brennan want to make sure that her own pathway to employment -- for a job that she was more than qualified for, and seeking to gain access to -- wasn't denied to her; she wanted to protect people who she cared about and believed in the ideologies that they espoused on the campaign trail.

And so I'm not surprised that she wouldn't reveal her name; she had a lot to lose.

MR. CRITCHLEY: Now, I have a comment also.

From the testimony we heard today, and from the testimony we heard previously from other witnesses -- again, I mention -- unfortunately, I mention the name, *Mr. Platkin*; because it came from Mr. Platkin, and also Mr. Cammarano -- when they talked about why there was no investigation conducted here, based upon the allegations made by Ms. Brennan, they basically said that the Attorney General's Office advised them, "We have no jurisdiction; we have no jurisdiction, based on the fact that the allegation took place in a campaign setting, not in an employment setting."

Now, we know from the testimony today from Professor Sullivan -- one of the nation's noted experts in labor law -- he said -- my words, not his -- hogwash. That, obviously, not only *could* they, they had an obligation -- an obligation to investigate, to make certain that the work environment was not contaminated by outside activity.

And not only did Professor Sullivan undercut the testimony about "no jurisdiction;" Peter Verniero's report basically said, in essence, the same thing.

And, to me, that is a puzzle; and I'll take it one step further.

And I'm not ascribing bad intent to anyone; I'm not getting into anyone's mind. I'm just saying, as you see the facts and as you apply common sense, there seems to be a carousel of contradictions. People come in, they leave, another person comes in, and they leave. And the facts keep contradicting themselves.

Now, we had Heather Taylor (*sic*) testify. Mr. Hayden examined her at length. And one of the things that was brought out is that, yes, they considered the matter, and they felt there was no basis to pursue an investigation. Then we find out that that recommendation was based upon omission; omission in that -- she was not even aware of the nature of the allegation. She thought it was sexual *harassment* when, in fact, it was sexual *assault*. And she said had she known it was sexual assault, the outcome may have been different.

So now we have another issue. We have, one, the expert saying, "Regardless of that, an investigation should have been conducted." Then we have information going from the Governor's Office to the Attorney General's Office, requesting an investigation; but leaving out, according to

Heather Taylor, critical facts. “This was not sexual harassment; this was a sexual assault.”

And what I found a little -- I’m trying for the right word, so it’s not too provocative -- a little unusual, is that the Attorney General’s Office -- and, again, I’m not ascribing bad motives to anyone -- they’re supposed to be impartial, down the middle, call the shots.

SENATOR WEINBERG: They call strikes and balls.

MR. CRITCHLEY: They call strikes and balls. (laughter)

MS. TEFFENHART: There it is; we hadn’t heard that yet in this hearing today.

MR. CRITCHLEY: Balls and strikes.

Okay; so what they do is, based upon incomplete information, they say there’s no jurisdiction. But what I found unusual -- the Attorney General’s Office, then, according to Ms. Taylor, the top-ranking people -- the four top-ranking people get together and they discuss this; and they discussed it on at least two occasions. And they said, “Okay, no jurisdiction.” But then they said, “We recommend that the Campaign conduct its own investigation.”

And the thing I found unusual about that is someone might say, “Well, you’re supposed to be impartial. You should not be giving political advice.” And when you have the Attorney General saying, “Okay, we can’t conduct an official investigation, but we’re recommending to the Campaign it conduct its own investigation” -- I just found that a little unusual.

And when I put all those things together, I do see how people could come to the conclusion that the system failed Katie Brennan.

Ultimately, you know, we'll make that decision down the road; but those are the things that we found troubling. No investigation when there's an obligation to conduct an investigation; failure to tell critical facts. And then when you say, "Don't conduct an investigation," they advise them to conduct a political investigation.

And the other thing I found unusual is that when they're instructed by the Attorney General's Office to conduct an investigation, they don't follow that advice; they do nothing. So at the end of the day, despite all this activity -- contacting this person, contacting that person -- at the end of the day, nothing was done.

And that's why Professor Sullivan basically said there were many flaws in the manner in which this was conducted.

And that's my six-minute speech. (laughter)

Thank you.

SENATOR WEINBERG: Thank you.

Mr. Hayden.

MR. HAYDEN: Good afternoon, Patricia.

Thank you for your scholarship and your professionalism.

MS. TEFFENHART: Thank you.

MR. HAYDEN: Going to the personal anecdote you gave us, about having been the victim of a violent crime, the way you described it -- a short encounter, a quick period of time to observe the perpetrator -- would it be fair to say that there was more evidence as to what happened to Katie Brennan, in terms of time to observe, than there was as to the violent crime involving yourself?

MS. TEFFENHART: Yes.

MR. HAYDEN: And yet, your violent crime went to a Grand Jury where there was an indictment?

MS. TEFFENHART: Yes.

MR. HAYDEN: And your violent crime was prosecuted, and I believe you testified.

MS. TEFFENHART: Yes.

MR. HAYDEN: By the way, did you testify in a Grand Jury?

MS. TEFFENHART: No.

MR. HAYDEN: What a lot of people don't know is that a Grand Jury can be--

MS. TEFFENHART: I'm sorry; backtrack.

I didn't have a Grand Jury hearing. I was against a juvenile.

MR. HAYDEN: It was against a juvenile.

MS. TEFFENHART: Yes.

MR. HAYDEN: But certainly, from your point of view, you testified at the trial.

MS. TEFFENHART: Yes.

MR. HAYDEN: Now, Mr. Critchley mentioned the Grand Jury; and a Grand Jury can proceed and indict somebody on the basis of hearsay, and the police officer's testimony of what the victim told them. And frequently, prosecutors will use a Grand Jury where there's a question about the credibility of the complainant -- as a barometer of whether or not the complainant is believable.

And in this case, neither the Hudson County Prosecutor's Office nor the Middlesex Prosecutor's Office utilized the Grand Jury for that purpose.

There is not a legal requirement to do so; but those of us on this side of the table know that it's frequently the custom and practice to utilize the Grand Jury to test credibility. And I believe you also told us that the Hudson County Prosecutor's Office and the Middlesex County Prosecutor's Office did not have a face-to-face meeting to explain the rationale for not indicting. In Hudson's case, it was a phone call; in Katie Brennan's (*sic*) case, it was a fax or an e-mail.

MS. TEFFENHART: As it has been reported, yes.

MR. HAYDEN: Mr. Critchley said to you that he's approaching this from a different point of view, talking about gender. This has been -- this whole process has been an eye-opening process for me, and it doesn't go from gender as much as occupation. I've been a criminal trial lawyer for a while. And when you try a case, it's all about the event: what happened at the event, what the proofs are at the event, whether or not it's provable beyond a reasonable doubt.

And I never looked at it from the point of view of the emotional toll on the victim, going forward, after the event. And would you agree with me, there is an emotional toll?

MS. TEFFENHART: Absolutely.

MR. HAYDEN: We heard that, very poignantly, from Ms. Brennan; and you certainly wrapped it up in your testimony about the injury is not only in April of 2017. The injury keeps being re-inflicted, going forward, on the victim. And I have to tell you, from having been in litigation, I never really appreciated that.

For example, in April 2017, after the event, the testimony is that Ms. Brennan told -- had to call her husband; called her best friend; and

the next day, called Mr. Braz. Would that type of call have been embarrassing; would it have been emotional to even communicate the information?

MS. TEFFENHART: Yes.

MR. HAYDEN: In December of 2017, after the election, Ms. Brennan made the decision -- and I agree with you, part of it was a head's up for the Governor, who she believed in -- to give the Transition Office -- and she used testimony with me -- a "head's up" that there could be an imminent arrest that day. Could the fact of having to make that call have been embarrassing and emotional for her?

MS. TEFFENHART: Yes.

MR. HAYDEN: Could the fact that she heard, later on that day, that that call she made about the possible arrest -- there would be no arrest, be embarrassing for her?

MS. TEFFENHART: Devastating.

MR. HAYDEN: Now, the Transition Committee had the information. Would the fact that nobody from the Transition attempted to get back to her to, perhaps, encourage her that they thought it was important, they would protect her from retaliation -- could that have been emotional for her?

MS. TEFFENHART: Yes, I would say that would be confusing and frustrating.

MR. HAYDEN: From what we know of the testimony, is there any doubt that if somebody reached out from the Transition to say, "Yes, we think it's important; yes, we'll protect you from retaliation. Please come

forward, because we want to find out the facts,” that she would have come forward that early?

MS. TEFFENHART: I don't want to speak for her, but I believe that she may have.

MR. HAYDEN: Now, as the time went on, you can see her inching forward to trying to bring -- have her voice heard about what she felt to be the injury to her. There was testimony by Parimal Garg that on the night of the inauguration, she approached him about “serious wrongdoing” by a member of the Administration. And he called her later, and she pulled back. But do you think it could have been emotional for her that nobody really tried to encourage her to come forward--

MS. TEFFENHART: Yes.

MR. HAYDEN: --and tell her she would be protected when she tried to come forward?

MS. TEFFENHART: Yes.

MR. HAYDEN: As the process continues, and we get to March 20, when she goes out to dinner with Mr. Platkin, according to her testimony and Mr. Platkin's testimony, Mr. Platkin was a gentleman. Mr. Platkin was sympathetic; but would it have been embarrassing, would it have been emotionally difficult to have to reveal the situation that she was raped?

MS. TEFFENHART: Yes.

MR. HAYDEN: When Mr. Platkin indicated he would see what could be done and check with the Attorney General's Office, and she was told by the Attorney General's Office -- without a full interview,

without a face-to-face meeting -- that there was no jurisdiction and nothing else could be done, would that take an emotional toll on a victim?

MS. TEFFENHART: Incredibly devastating.

MR. HAYDEN: And of course, she didn't even know that the Attorney General's Office was told it was sexual harassment, as opposed to sexual assault. She was not made aware that the Attorney General's Office suggested that the Campaign conduct its own investigation.

And now, going forward to June, we have the "sensitive matter" e-mail that Katie Brennan made to the Governor and the First Lady. The Governor courteously responded; the Governor forwarded her e-mail to the Chief Counsel and the Counsel to the Campaign. But at no time did anybody give her a face-to face interview. Could that have taken an emotional toll on somebody?

MS. TEFFENHART: Yes.

MR. HAYDEN: And by the way, I believe Ms. Brennan told us -- and it kind of stuck by me, and I looked at the transcript -- that she dithered, for two or three days before she decided to write the e-mail -- *dithered* is my word; probably a bad word. But she paused for a number of days. She talked to friends as to whether or not to write the e-mail, when she had a good job. But she must have felt she had to have a voice as to these injuries of hers.

Would that have been scary to have written that e-mail?

MS. TEFFENHART: Yes.

MR. HAYDEN: Now, about two weeks -- within 10 days later, when she was having contact, back and forth, with the Counsel to the Campaign, and she's told by the Counsel to the Campaign -- a call -- that,

by the way, Mr. Alvarez will be gone soon. She asked, "Why is that?" They didn't tell her; but the clear indication was, "Because of your complaints and your interests."

And then, the middle of July, the middle of August, the middle of September -- he's still there. We're finding out, as of three months later, he was still there. Would that take an emotional toll?

MS. TEFFENHART: Yes; I would consider that to be confusing and maddening.

MR. HAYDEN: Might even call it cruel.

MS. TEFFENHART: Good choice of words, Mr. Hayden.

MR. HAYDEN: And there then came a time that she made a choice to go to the media. And she got a very fair article -- and balanced article -- from the *Wall Street Journal*.

But the decision to go to the media -- could that have been scary? Could that have been nerve-wracking? Because the article could have come out wrong, and she could have been the laughing stock of the country.

And do you believe that could have been emotionally draining on her?

MS. TEFFENHART: Absolutely.

MR. HAYDEN: And so aside from the event, and the dispute as to the event, this 10-month period, from April until October -- I'm sorry; from December of 2017 to October of 2018, and trying to have somebody listen to her voice, was that also a separate injury and emotional block to her?

MS. TEFFENHART: Yes.

MR. HAYDEN: Thank you.

MS. TEFFENHART: Thank you.

SENATOR WEINBERG: Ms. Alito; yes.

MS. ALITO: Thank you, Senator.

And I echo the appreciation expressed by everyone else--

MS. TEFFENHART: Thank you.

MS. ALITO: --for your coming here today.

I have a couple of very short, follow-up questions to your testimony.

One of the things that you've recommended as a reform was the availability of a well-known way of making anonymous complaints, such as a hotline in order to make complaints.

Can you give us any insights with regard to the impact of having a method of anonymous reporting on the rate of reporting by victims?

MS. TEFFENHART: Oh, my goodness.

The ability to-- So I don't have statistics available, but I am happy to follow-up with the Committee members with some good factual-- I'm sure the team is already, now, Googling it, because they're excellent.

Being able to anonymously report is an incredibly powerful way for us, as concerned citizens, to gather valuable data about the impact and prevalence of such a heinous crime.

As we discussed here -- not just today, but in previous hearings; but I really think today's testimony, between myself and Professor Sullivan, really, sort of, pulled this together. There are a lot of dynamics at play that keep survivors from coming forward, whether it be workplace sexual

harassment or sexual assault. And the ability for us to capture some of that information anonymously will give us a fuller scope as to how our systems should be responding.

If you look at the clergy abuse hotline that's been set up by the Attorney General's Office, there are-- From what I understand, very shortly after that hotline was set up, they actually had to add additional staff members to field those hotline calls, because so many survivors were coming forward. Survivors who had been silenced for decades, not feeling comfortable coming forward, not trusting the systems to be appropriately responsive when they did. And having been perpetrated against by a very powerful institution rendered them even more silenced than an average survivor.

So for us, as a state, to look creatively at not just how we could create opportunities for those under the auspices of the State employment; but, rather, all survivors to engage in an anonymous reporting process I think would be a progressive and necessary reform. And then, if we really wished to address this issue comprehensively, it's something that we need to actively explore.

MS. ALITO: Thank you.

MS. TEFFENHART: Thank you.

MS. ALITO: One further follow-up question to something that a Co-Chair asked you earlier -- and that was about Professor Sullivan's testimony about the employer's obligation under the New Jersey Law Against Discrimination to provide an appropriate, and welcoming, and harassment-free workplace.

And I'm not asking you to comment on the law; but I would like you, if you were able to, share your insights -- based on your experience and your scholarship -- of what the impact is on a survivor to having to see her attacker in the workplace.

MS. TEFFENHART: It's an excellent question.

At one point in my testimony I talked about some of the reforms we've been able to make in New Jersey; and one of them was increasing the availability of closed-circuit testimony for survivors against the perpetrators in the courtroom.

And the reason why that was necessary to move into law was for the very reasons you just asked this question, Ms. Alito. Survivors don't want to face their perpetrators.

And it's interesting -- if you look at it from a courtroom perspective -- these are survivors who are engaged in a criminal justice proceeding, right? They're the survivors who are one of those 9 in 1,000 who might actually make it to a prosecutor's desk. And even they are reluctant to face their perpetrator in those proceedings.

The idea of having to face your perpetrator on a daily basis in the workplace is debilitating. In fact, it's one of the reasons why many survivors leave their place of employment; therefore, then, re-victimizing the person against whom the crime had been committed, by leaving them no choice but to find a different place of employment because their perpetrators remained.

And so I would think -- again, going back to the comments that I issued, but I think you have all echoed -- leadership comes from the top. And so having zero-tolerance in all of our workplaces is incredibly

important; and then having policies and procedures that are followed with fidelity is the next step.

MS. ALITO: Thank you so much.

MS. TEFFENHART: Thank you.

SENATOR WEINBERG: Okay; are there any other questions?

(no response)

Patricia, thank you very much, first of all, for having attended all these hearings and absorbing everything that we heard, and for your very, very lengthy and thought-provoking testimony.

To you and your staff sitting behind you -- a great big thank you for the work that you do every single day.

And for your fearlessness, which I have watched progress over a number of years. (laughter)

Someday, I'll tell everybody the story of the first, but not just yet. (laughter)

So really, I know on behalf of all of us, we owe you a great debt of gratitude -- not only for today, and for your investment in everything we heard here, but for the work you and your staff do, every single day.

Thank you.

MS. TEFFENHART: Thank you.

ASSEMBLYWOMAN PINTOR MARIN: And if I could just say -- I want to echo that. From the first moment I met you, several years ago, to who you've become now; and how much your staff respects you and the line of work that you do, and how difficult it is -- we really want to thank you very much for all the work.

And I'm sure we'll be seeing you again, budget season.

(laughter)

MS. TEFFENHART: You will be.

I just want to take a moment and say thank you.

This has been an honor to contribute to this conversation. I so greatly appreciate the thoughtfulness and the tenacity that you have all displayed in the convening of these hearings; and the thoughtful conversations that you've allowed to resonate through the statewide discourse.

And it is my privilege to work with all of you. And I get to work with these lovely people every day, and I'm glad that now they've been introduced to all you. We are here as a resource, so I look forward to continuing this work.

Thank you.

SENATOR WEINBERG: Thank you.

ASSEMBLYWOMAN PINTOR MARIN: Thank you.

(MEETING CONCLUDED)