

Expert Testimony in Sexual Assault Cases: HB2255
Beth Docherty- September 8, 2010

Good morning. I appreciate your willingness to allow me some of your time today to speak about the importance of expert testimony in sexual assault cases. My name is Beth Docherty. I am a survivor of rape and childhood sexual abuse.

I was 15 years old when my high school music teacher began raping me. Music was and still is my passion so when this teacher showed a special interest in me, I was thrilled. I didn't know that I was being groomed for abuse. This man, who held this trusted position, quickly became my mentor. I looked up to him and respected him.

The abuse started with benign comments and gradually escalated. By the time I turned 15, he was raping me daily at school, sometimes 2-3 times a day- in classrooms, bathrooms, practice rooms and closets. He threatened me- telling me not to breathe a word to anyone. He said that he would kill me and that nobody would believe me. He told me that it was my fault.

I endured these rapes for almost a year, telling no one. I was afraid that what my teacher told me would come true. I was filled with fear and shame, which forced me to live in a world of loneliness and isolation. I was terrified, but tried to appear like a happy teenager on the outside- burying the brutality as deep as I possibly could. I remained active, got good grades and excelled in music, but I was always aware of the reality. Instead of being a carefree teenager thinking about boys, clothes and school, I was trying to figure out which clothing would be the most difficult to rip off. I was trying to hold back tears while taking my chemistry test because I had just been raped ten minutes earlier. I was worrying about what I'd tell my parents if I somehow, mysteriously got pregnant. I appeared happy on the outside, but remained in complete terror and turmoil on the inside.

Eventually, I told a trusted adult that I was being sexually abused. Even then, I disclosed very little. I was greatly relieved when she believed me and told me that it wasn't my fault, but I still had trouble accepting that it was true.

I pressed criminal charges and went through the brutal process of a court trial. Five other girls came forward; this teacher had sexually abused them as well. There were many girls who told me that they had been abused by this same teacher, but could not muster up enough courage to come forward. One woman called the police and said that my teacher had raped her 12 years earlier while he was student teaching, but the statute of limitations had expired, therefore, nothing could be done.

During the trial, the defense attorney accused me of seducing my teacher, of being a drug addict, of having mental problems- anything to place the blame on me and perpetuate the societal myths about rape. He repeatedly asked why I hadn't told anyone that I was being raped—why had I waited so long if this had “really” happened? Friends and teachers had actually seen me crying after some of the rapes and asked me what was wrong...why didn't I just tell them? Why hadn't I screamed while it was happening? It was painful, wasn't it?

How is it possible that I could still have good grades and continue in music while this man was brutally raping me daily?

The defense asked me why, once I did tell, I didn't tell everything that happened all at once? When I wasn't able to recall every detail and date, he accused me of being cavalier with the rapes. It may be a surprise to some that there are parts of my abuse that I have never disclosed. It is just too painful to recount such horrific memories.

Fortunately, the judge permitted my psychologist to testify. She was able to talk about my diagnosis of Post Traumatic Stress Disorder (PTSD). She was able to explain to the jury that it is normal for children in my situation to not disclose immediately. She indicated that some have waited years to disclose, which I witnessed firsthand with some of my classmates and friends. She explained that victims feel that disclosing would bring on shame, anger, punishment or ostracism from family and friends, which often causes the victim to become paralyzed and unable to tell anyone about the abuse. In addition, the perpetrators have betrayed the victim's trust once and the victim is likely to be reluctant to trust again.

The psychologist was able to clarify that she would be suspicious if a child disclosed everything that happened at one sitting. Usually the details of sexual abuse come out piecemeal with easier pieces of the story coming out first and more difficult, anxiety-laden pieces of the story only emerging gradually later. She testified that it was unfortunate that I was able to conceal the extent of my distress so well and she was able to point out how my behavior was common for a child survivor of sexual abuse and explain some of my misunderstood reactions.

My music teacher was found guilty and sentenced to 30-70 years in prison.

Unfortunately, many myths regarding sex crimes still exist and there is still a stigma attached to rape victims. Although we have made great strides, society still tends to ask what the victim did or didn't do to cause the abuse. Jurors are not immune to societal influences and beliefs. The psychologist's testimony in my teacher's trial cleared up any doubt that the jury may have had. Jurors are not experts in the field of trauma or how trauma affects the behavior of sexual assault victims. There is a lack of understanding about the different responses that survivors may have. If my jury hadn't been educated by an expert in the field, the verdict may have gone the other way, giving this teacher unlimited access to hundreds of children.

The abuse that I endured has affected every aspect of my life, but I am able to find some peace knowing that no more children are being raped and permanently scarred by this predator. I believe, through my own personal experiences, that it is of the utmost importance for Pennsylvania to utilize expert testimony in sexual abuse cases. I thank you in advance for helping to protect victims of sexual crimes, especially our children.