

1 who will testify as witnesses. We would like to give
2 a special thanks, obviously, to the University of
3 Texas and to its law school.

4 As with our prior hearings, I'm
5 confident that what we will hear during the next few
6 days will greatly assist the Commission as we proceed
7 with our deliberations in assessing what our report
8 should indicate, and more importantly, what our
9 standards will recommend.

10 So, again, we thank you for your
11 presence and we will proceed with our first panel.

12 Our first panel will consist of
13 Ms. Kathy Hall-Martinez, who is associated with Stop
14 Prison Rape, and she will introduce the videotape of
15 the survivor witness who will present her testimony by
16 videotape.

17 Thank you. Good seeing you again.

18 MS. HALL-MARTINEZ: Thank you very
19 much, Judge Walton.

20 My name is Kathy Hall-Martinez. I am
21 the Co-Executive Director of Stop Prison Rape. I'm
22 here today because I want to introduce to you all the
23 testimony of Ms. Erica Hejnar. We at SPR met her for
24 the first time just over a month ago at the Survivor
25 Summit we convened in Los Angeles. She flew to L.A.

1 from Philadelphia to be part of SPR's survivor
2 advocacy, really, for the first time. And we were
3 just a little bit floored when we realized that she
4 was well over seven months pregnant and had not even
5 told anybody on our staff this. She just so wanted to
6 be a part of what we were doing that she came, and
7 while the trip was a little bit hard on her, she
8 seemed so energized and empowered by sharing what
9 really was a horrifying experience for her, with other
10 survivors, and realizing that, unfortunately, she is
11 not alone in what happened to her. Her frustration
12 over the impunity of the officer who abused her and
13 her friends, and the officers who didn't intervene was
14 so clear when we met her.

15 Happily, the Office of Internal Affairs
16 of the Philadelphia Police Department substantiated
17 all of her allegations just over two weeks ago and
18 found five officers guilty of misconduct. But I want
19 to emphasize that this was three and a half years
20 after her experience. And that weighed heavily on
21 her, as I said, even, you know, five weeks ago when we
22 first met her.

23 I do want to thank the Commission very
24 profoundly on behalf of SPR and all the survivors who
25 attended the summit that we held in February. The

1 statement that you all issued in solidarity and your
2 willingness to continue to receive input from
3 survivors, both at the hearings that you've convened
4 as well as -- as well as, for example, in the format
5 that we hope to submit to you to help with the
6 standards that you're drafting that will come directly
7 from the survivors who were part of our summit in
8 February.

9 We really hope that you do agree that
10 the testimonies of survivors and also, as we'll hear
11 tomorrow, those of their loved ones in cases where
12 they are still incarcerated and they can't necessarily
13 be part of a hearing itself.

14 I haven't seen Ms. Hejnar's taped
15 testimony yet, but with a baby on the way, as she --
16 as she is awaiting her baby, I really hope that the
17 recent finding in her favor has lightened the burden
18 that she has carried up until recently. The sexual
19 abuse that she and others have suffered can be too
20 easily dismissed as one rogue officer run amuck. Yet,
21 again, in her case at least four other officers
22 enabled him and didn't act to stop him or to report
23 him. And it's -- it's worth thinking about how many
24 others suffered at his hands, both before and after
25 one young woman was brave enough to move forward and

1 to complain. And we find that in the case of those
2 who are sexually abused in lock-ups, similar to -- in
3 jails, they tend to be even less likely to report than
4 those who are in prison. In many cases, their stay at
5 a lockup is extremely short and they want to quickly
6 move on from what happened. They don't want to push
7 their luck by reporting the officers and risk not
8 being able to get out quickly. That's something that
9 will be quite obvious, I think, in Ms. Hejnar's
10 testimony. And as in her case, there is such a
11 feeling of powerlessness, given the uncertainty of
12 their legal situation. It almost seems to paralyze
13 them more than someone who is in prison and,
14 obviously, is there for rather a longer period in most
15 cases. If they do leave the lockup with little or no
16 jail time, they just want to forget what happened.

17 Again, police and security officers too
18 often exploit these vulnerabilities as the officer did
19 in this case. Ms. Hejnar is really one of the rare
20 few who wanted to see justice done and who has been --
21 has just been absolutely adamant in her pressing
22 forward with what happened and trying to make sure
23 that justice was done and trying to see that this
24 didn't happen to anyone else.

25 So I invite you to hear Ms. Hejnar's

1 testimony and experience it in her own words. We're
2 very glad that she was able to do the videotape
3 testimony last week and that her -- her pregnancy did
4 not interfere with her being able to do that. And,
5 again, we thank you very much for being willing to
6 hear her testimony in rather an unorthodox fashion in
7 a videotape format. Thank you very much.

8 (The following is testimony given by videotape.)

9 MS. HEJNAR: Hi. Good morning. My
10 name is Erica Hejnar, and under the penalty of
11 perjury, I swear that the statement I am about to make
12 is true and correct to the best of my knowledge,
13 information and belief.

14 I would like to thank you for allowing
15 me to share my story with you via prerecorded video.
16 Although I would have liked to testify before the
17 National Prison Rape Elimination Commission in person,
18 I'm eight months pregnant and it would not have been
19 feasible for me to travel to Austin.

20 It is extremely difficult to recount
21 the experience with the -- with the sexual abuse I had
22 at the 26th District of Philadelphia, Pennsylvania
23 Police Department, in 2003. But I hope that what I
24 share with you will motivate the Commission to do
25 everything in its power to ensure that others are not