

March 15th, 2025

RE: Support for HF 104/SF 2200

Dear Members of the Minnesota Legislature,

I am Kathleen Kelly, a constituent of district 39A. I hold a master of fine arts degree in musical theatre and am a former collegiate educator, as well as a current state certified sexual assault advocate and preventionist. I am also a survivor of drug facilitated rape.

My rape occurred on June 28th, 2019, committed by a man I had known for four years and considered a friend. I completed a SANE exam and reported my rape to the Minneapolis Police Department, but the man that raped me was not charged due to the way the Minnesota criminal sexual conduct laws were written at that time. However, had he been charged and convicted, and I had the opportunity to deliver a victim impact statement before the court, I would have asked the judge to sentence him to court mandated mental health therapy, not a prison sentence. You may wonder why.

The man who harmed me has positive attributes such as serving his church community as a music minister. He is educated, intelligent, and well-respected as a retired US Air Force pilot, now flying for a major US airline. He is a husband, father, grandfather, and we share common friends who are good people. And yet, his need for power and control caused him to harm me profoundly, so something is wrong; he must be hurting inside. He doesn't need to be caged; he needs help working through his challenges in a constructive manner.

In the week after he raped me, I debated as to whether I should report him to the police; I knew prison time would not help him and the conviction would ruin his life and career. Despite my pain, I did not want to stoop to his same low level of needing power and harming him in return. I thought, "You cannot stop harm by harming another." However, I researched the number of sexual assault survivors who do not report the crimes and how this affects the criminal justice system's ability to track patterns of serial rapists. Research proved that I likely was not his first victim and I did not want another woman to experience the harm I now lived with. He needed to face accountability, so I reported him to police.

Yet, research proves that approximately 80% of rape victims will not report the crime. Working as a gender-based violence advocate the past two and a half years, many of my clients did not call the police when their partners harmed them because they did not want them to go to jail; they just wanted their partners to get help.

This tells us that if victims/survivors have access to alternative forms of justice such as restorative justice practices, more of them may report the crimes so that rehabilitative work can begin. Restorative justice practices have the potential to not only get victims/survivors information which may help them heal, but to also open the door for those who harm to face their truths and get rehabilitative therapy which will likely reduce recidivism rates. Research proves that we victims/survivors want this harm to end; logic tells us that those harming us will not open up truths which will incriminate themselves. Thus, I urge you to support HF 104 so we can make restorative justice practices safely available for gender-based violence victims/survivors one day soon. We deserve options for justice.

Sincerely,

Kathleen Kelly, Survivor and MN State Certified Sexual Assault Advocate