



## **A rape victim is jailed in order to force her to testify.**

A [prosecutor in the state of Texas](#) took the extreme measure of incarcerating a victim of rape in order to force her to testify in the trial of her rapist. The victim spent one month in prison due to a Texas law referred to as an "attachment order" which allows the district attorney to force a witness into custody in order to force them to testify. This horrifying misuse of the criminal justice system came to light when the victim, known by the pseudonym of Jenny, filed a lawsuit due to the abuse and violence she experienced in prison.

[These are the details of the lawsuit \(via Slate\):](#)

The woman in this case, to reiterate, was a rape victim with a mental illness. According to the suit, however, that did not stop jail staff from classifying her in their computer system as a defendant in a sexual assault case—an oversight that later led medical staff to question her “orientation” to reality and to note her “confused” belief that she was a victim rather than a perpetrator. To make matters even worse, Jenny was placed in general population rather than in the jail mental health ward—a “deafening environment swarming with hostile, predatory, and violent inmates and convicts, and overseen by callous, understaffed, and impatient jail guards,” according to the suit.

The suit details two physical assaults the woman endured while locked up at the jail: The first allegedly came at the hands of an inmate who slammed her head against the floor, and the second was the result of an altercation with a jail guard who punched her with a closed fist while she was having an “acute psychiatric episode.” That guard, who is named as a defendant in the suit, later asked the district attorney’s office to press felony assault charges against Jenny—a request that was, shockingly, granted. Though the charges were eventually dropped, it was not until about a week later, meaning that Jenny had to spend an extended period of time living in fear of a possible 10-year prison sentence.

This case demonstrates why we are opposed to compulsory testifying for victims of sexual and domestic violence and abuse. Jenny was placed in a psychiatric hospital having experienced an 'acute psychiatric incident' (referred to as a mental breakdown). Her pre-existing psychiatric condition should have resulted in Jenny being assessed as a vulnerable witness and procedures put in place to support her testifying *if she so chose*. It is not uncommon for victims of violence to experience trauma and for that trauma to manifest itself whilst testifying. Punishing a victim for having a mental illness and experiencing trauma is an absolute mockery



of 'justice'.

No victim should be forced to testify and a victim who experiences an 'acute psychiatric incident' whilst testifying should be offered support from qualified mental health professionals. A prosecutor who cared about the welfare of the witness would have ensured that Jenny has access to such support. Placing a victim of sexualised violence who has experienced a breakdown into a prison is antithetical to victim-centred justice.