



Friday, April 5, 2013

To:

Representative Chris Garrett, Co-Chair
Representative Andy Olson, Co-Chair
Senator Floyd Prozanski, Co-Chair
Senator Jackie Winters, Co-Chair

CC:

Members of the Joint Public Safety Committee
Josh Nasby, Committee Administrator

RE: Written Testimony in **Support of Public Safety Reform in 2013 (HB 3194)**

The Oregon Coalition Against Domestic and Sexual Violence (OCADSV) advocates on behalf of the 50+ tribal and community based, non-profit domestic and sexual violence programs. We support your local programs by providing technical assistance, community education, training in prevention, and supporting coordinated, emergency medical and legal response to these extremely personal crimes. We strive to ensure that the voices of domestic and sexual violence survivors are heard, and that the experiences of survivors informs both the work we do – and the work you are doing today. Thank you for having this conversation; please accept this testimony in support of HB 3194.

We believe that it is imperative that the criminal justice system consider the availability of services for victims to be one of the central markers of success. The system can and should consider and address the needs of victims and survivors as it works to hold offenders accountable, defend the public safety and reduce recidivism. Being second in the nation in the rate of lifetime prevalence of sexual violence could be the most frightening statistic this group has heard to date. Oregon's response to domestic and sexual violence must include direct services and advocacy for victims, within both the system and the community, and regardless of whether a victim reports the crime to law enforcement.

OCADSV represents this group of key-stakeholders, and at many levels in society. Inviting survivors and advocates to join this conversation by asking the Attorney General and Director Peters to host the two victim roundtables during the life of the Governor's Commission was an excellent opportunity for us all to learn about what works to help survivors rebuild their lives and break cycles of violence.

Victims need accurate information and timely assistance through the criminal justice system, as well as access to shelter, support, and services in the community. Our public safety system must provide a balance of services to ensure safety and survival—targeted accountability for offenders and just as importantly, prevention and support services for victims. The savings accomplished by the modest policies outlined in HB 3194 would allow for re-investment into critical safety services.

OCADSV supports HB 3194 on a substantive policy level as well. On face value, it may appear that mandatory minimum sentences are something that all crime victims and victim advocates would support. This is not the case. A number of local, state, and national victim advocacy organizations oppose mandatory minimum sentences, especially for domestic and sexual violence offenses. These unforgiving sentences can have unintended consequences that serve to decrease—rather than increase—public safety:

- Make it less likely the victim will report the crime to law enforcement;
- Increase plea deals down to a lesser crime;
- Put more money into prisons, further unbalancing resources available for other important parts of the public safety system.

Victims of domestic and sexual violence are often extremely conflicted about engaging in the criminal justice system. Victims of domestic violence know their offender—so do the majority of victims of sexual violence. The abuser is often a family member or another intricately involved in the victim's day to day life. Victims of domestic and sexual violence might believe that their abuser needs to be punished, but not for the required minimum sentence, which may cause the family to lose their home, the bread-winner to lose their job and the youngest victims of all to lose their parents. Across the country, Intimate Partner Violence advocates have long been concerned that a victim might genuinely fear that reporting abuse as it could lead to more abuse – or worse.

As you all have heard, under the threat of mandatory minimum sentencing there is a greater likelihood of a plea-bargain being taken. In 56% of the sex abuse 1 indictments, the case is pled out, according to the Criminal Justice Commission. In this instance, the abuser is not held accountable for their crime and in some cases is convicted of only attempting to commit the crime.

Finally, there's the overarching financial burden of increased prison spending. Prisons are an important part of a healthy public safety system, but they are not the only preventative part—increased prison spending squeezes funding for other vital programs within Oregon's public safety system.

Victim and community safety requires a court system that is open every day so victims can apply for restraining orders; local law enforcement available 24/7 in all counties; community corrections departments that can effectively supervise offenders; and—most importantly—victim services in the community housed inside and outside of the system.

Domestic and sexual violence services are critically under-funded in Oregon—combined state and federal funding gives programs less than half of what is needed to

provide even the minimal level of core emergency services. In 2011, there were over 20,000 requests for emergency shelter from violence that couldn't be met. That's an average of 2 unmet requests every hour—of every day—of that entire year. The terrifying truth is that nearly half of these requests came from victims who were also seeking safety for their minor children.

When shelters are full and that month's supply of motel vouchers have run out, domestic and sexual violence service providers will do all they can to help the victim develop a plan to stay as safe as possible. For some women and children in the Portland metro region, that may mean riding the MAX line as long as they can or sleeping at the airport. In rural areas, the safest option may be for a victim to sleep in her car or camp at the beach or in the woods. We can only guess how many of the 20,000-plus unmet requests for shelter left victims with no choice but to return to a violent home, some with children in tow.

Moving some M11 offenses back into sentencing guidelines will still enable judges to take into account the impact the crime had on the victim(s) when determining an appropriate sentence for the perpetrator. The policies outlined in HB 3194 will flatline projected prison growth—creating savings that can then be reinvested into the critical prevention and treatment services that our member programs offer, which have gone severely underfunded. Our lifesaving services help victims of domestic and sexual violence become survivors.

We urge you to take this opportunity to move Oregon into a public safety system where victim services are given the attention and priority they deserve.