

Testimony of David Nebel
in Support of SB 1562
Senate Judiciary Committee
February 13, 2018

I have been dealing with domestic violence and sexual assault for over 40 years, first as a legal aid lawyer, then as a lobbyist for the domestic violence and sexual assault survivor advocate community, and currently as a board member of Clackamas Womens Services.

I have never been much of a supporter of legislative or ballot measures to “get tough on crime.” I voted against Measure 11. I favor restorative justice, designed to hold perpetrators accountable, to undo at least some of the damage that the perpetrator caused, and to return the perpetrator to an active place in the community. I think many people in the prison system could be better served outside with supervision and opportunity. In my mind, a measure that increases the possibility and length of a prison sentence carries a heavy presumption that it's bad policy. Prison should be reserved for dangerous offenders.

Like people who strangle their intimate partners.

Non-fatal strangulation is a felony in most states - Oregon is an outlier. Policy makers in this overwhelming majority of states have seen this crime for what it really is – a terrifying person crime that sends a message from the perpetrator to the victim that the perpetrator is in control, and that the victim's life is continually threatened. It's quite simply an act of individual terrorism that sends the victim a message of dominance and subjugation. Stranglers need to know that their actions will have serious consequences.

The dynamic of intimate relationships in which physical violence plays a part does not fit well into a restorative justice model, which requires some level of good faith and balance of power between the parties.

Prison beds are a scarce and expensive resource in Oregon, and should be allocated only to people who might otherwise cause extreme damage and danger if left out in the community. People who strangle intimate partners are dangerous and richly deserve imprisonment.