



**Testimony in opposition to HB 2002  
House Committee on Judiciary  
Submitted by Kerry Naughton, Co-Director  
February 15, 2021**

Chair Bynum, Vice-Chairs Noble and Power, and Members of the Committee:

My name is Kerry Naughton and I am the Co-Director of Oregon Abuse Advocates & Survivors in Service (OAASIS). OAASIS is a statewide organization that empowers communities to prevent child sexual abuse and help survivors live full, healthy, joyful lives. Our base is comprised of thousands of Oregonians—people who were sexually abused as children, survivors’ family members and loved ones, and community members who care about the safety, health, and well-being of survivors of child sexual abuse.

**We submit this testimony in opposition to the proposed sentencing reduction to Sex Abuse 1 included in HB 2002.** OAASIS has three primary concerns about this bill: Oregon’s current unmet need to provide effective, safe alternatives to incarceration; the potential harmful public message of the proposed reduction; and the continued impact of structural racism against survivors.

OAASIS is working towards a future where all people experience a loving childhood free of abuse and trauma, and all relationships are based on respect, consent, and equity. We realize we have a long way to go to achieve this future. Our current culture too often disregards the humanity of some people (including victims and offenders); utilizes shame to control behavior; does not know how to talk about or engage around sex and sexuality in a healthy and respectful way; and presents confusing and conflicting messages around child sexual abuse, ranging from “just get over it—that was the past” to “experiencing child sexual abuse means that your life is ruined forever.”

We know that our culture can have a healthier response to child sexual abuse—one that creates greater safety and increases healing. Our culture can value the humanity in every person; engage in healthy conversations and interactions around sex and sexuality; and honor the harm done through child sexual abuse while promoting healing for survivors and the community. This is the culture that OAASIS is creating.

**Oregon’s current unmet need to provide viable alternatives to incarceration**

Criminal justice reform is an important component in creating a culture that is safer, healthier, more humane, and more equitable. OAASIS is deeply interested in, and supportive of, creating safe and effective victim-centered, trauma-responsive alternatives to the criminal justice system. We work

with and learn from national leaders who are implementing restorative alternatives to the criminal justice system in their communities, namely Sonya Shah, Sujatha Baliga, and the staff of Common Justice. This work seeded in other communities across the country can provide Oregon with effective models that justice professionals could choose to invest in and implement here.

Restorative justice programs, when they are truly able to effectively hold the needs of survivors, offenders, and the community, can offer real safety, accountability, and healing. OAASIS would welcome the opportunity for survivors to have viable, effective restorative justice options in cases where restorative justice is appropriate. Unfortunately, these do not yet exist in Oregon. The proposed reduction for Sex Abuse 1 sentences—without any viable alternative option for offender accountability or survivor and community safety—misses survivors’ and the community’s need for safety and healing; misses an opportunity for offenders to offer meaningful accountability to survivors and receive professional treatment and support; and perpetuates a harmful, false binary narrative that the community is either “for victims” or “for offenders.” This false binary is like a pinball machine, putting our justice system and communities through a jarring process of ricocheting back and forth between increasing and decreasing sentences, while people of color who are survivors or offenders bear the bulk of the harm and our system continues to divert its focus away from effective sexual violence prevention strategies, offender treatment and rehabilitation, and restoration and healing for survivors and our communities.

### **Potential unintended public message of proposed reduction**

The need for Oregon to invest in sexual violence prevention, offender treatment and rehabilitation, and survivor restoration and healing is great. An estimated one in four girls and one in six boys are sexually abused before age 18. If every Oregonian who was sexually abused as a child stood hand-in-hand, the line would extend from Portland almost all the way to Roseburg. If every American who was sexually abused as a child stood hand-in-hand, the line would extend from Portland to New York City. And back again. And again. And again. Until the line of survivors crossed the nation 21 times.

Most cases of sexual abuse are not reported to law enforcement, let alone get prosecuted in the justice system and end in a conviction. But, in lieu of having viable restorative alternatives to incarceration, for those cases that do end in a conviction, the length of the sentence sends a message about how seriously our communities and our governmental structures consider the impact of sexual abuse to be. Reducing the sentence for Sex Abuse 1 from a mandatory sentence of 75 months to a presumed sentence of 30 months—with the ability to earn further reductions—sends a message that undermines the seriousness of sexual abuse’s impact on individual survivors, families, and communities. This is likely to have a chilling impact on survivors’ willingness to report sexual abuse or participate in the justice system.

### **Structural racism against survivors of sexual violence**

Dismantling racist beliefs, practices, and structures is central to our work to prevent and respond to sexual violence. Systemic racism in the justice system impacts victims as well as defendants.

Survivors of color are often considered “over-sexualized” and are viewed as more responsible for the sexual violence committed against them. A 2017 study by the Georgetown Law Center on Poverty and Inequality conducted a study that found adults view Black girls as less innocent and more adult-like than their white peers, especially in the age range of 5–14. The data indicated that, among other things, survey participants perceived that Black girls need less nurturing, less protection, less support, and know more about sex. These false perceptions carry over to the justice system.

The Time’s Up Foundation highlights evidence showing there is a double standard regarding Black women’s perception and treatment as victims. For example, one recent study found prosecutors filed charges in 75 percent of the cases in which a white woman was attacked, but when the victim was a Black woman, prosecutors filed charges just 34 percent of the time. This bias carries often over into sentencing. Consistently, data shows that when the offender is Black and the victim is white, the offender receives a much harsher sentence. Data also shows that when the victim and offender are both Black, the sentence is much shorter. A study of 331 jurors on rape cases in Indianapolis, Indiana found that the median sentence for a Black man who raped a Black woman was one-fifth as long as the median sentence for a white man who raped a white woman.

At every point of the justice system, where every justice system professional holds discretion, we need to root out racist beliefs and practices. And we need to ensure that prosecutors, judges, and other justice system professionals listen to victims and survivors’ specific, individual needs for safety and accountability and take survivors’ needs into consideration.

### **Moving forward to develop safer, more effective ways to address sexual violence**

OASIS appreciates the conversations we’ve been able to have with the bill’s primary proponents since HB 2002 was drafted and their commitment to remove the proposed reduction to Sex Abuse 1 sentences. We do not have an official position on the rest of the bill, as we still have outstanding questions about the potential impact of the proposed changes. We currently have both interest and concerns, largely for the same reasons outlined above.

We hope the conversation doesn’t end here and doesn’t end this session. We hope you’ll join us in opposing the proposed sentencing reduction to Sex Abuse 1. And we hope you—and the proponents of HB 2002 and other professionals working to end sexual violence—will join us in continuing to work towards viable restorative alternatives to incarceration; investing in sexual violence prevention and survivor healing and support; and dismantling the many ways that systemic racism perpetuates harm against survivors, offenders, families, and communities.