

Submitter: Kristena Hansen

On Behalf
Of:

Committee: Joint Committee On Ways and Means Subcommittee On Public
Safety

Measure: SB5532

Imagine, just for a few moments, a terrifying scenario.

You're 50 years old. A recovering drug addict. A victim of childhood rape. A former gang member. A life spent in poverty. A couple stints in prison for stealing and drugs. A father of two estranged children whose mother dumped you for your best friend.

Just as you're pulling up your boot straps once again, you're back in jail--but this time, you're actually innocent of the alleged sex crimes that have a 50-year prison sentence hanging over your head.

With a \$250,000 bail that you definitely can't afford, you spend the next 2 years waiting it out in county jail, in a cell block dedicated specifically to accused rapists and child molesters who drudge up all your old trauma.

All you can do is hope the court appointed you with a competent attorney & investigator, who you're not much help to because your mind is fuzzy and body prematurely aging from all those years of drug abuse.

That was the situation my client Michael was facing last year. In two different counties.

Sex crimes are notoriously difficult to defend. They're always a he said/she said scenario, usually all-circumstantial, zero physical evidence, carry sentences often longer than murder, and in our post #MeToo era, jurors are more apt than ever to believe the alleged victim.

The general consensus is usually, 'Why would someone lie about that?'

Most of the time, they don't.

But sometimes, they do. In the 4.5 years I've been working as a criminal defense investigator, I've seen it first-hand several times.

Their reasons for lying vary widely, but the outcome is always the same: innocent people go to prison and an otherwise just & fair system designed to protect real victims and survivors gets exploited.

As for Michael, my work on his first case involved finding eye witnesses who proved the allegations were false because they were physically present when the alleged events occurred. At trial, Michael was acquitted of all charges.

Michael won that battle but the war wasn't over.

He was transferred to another county jail and the waiting game started all over again for his second case.

During my investigation, I listened to the audio recording of the alleged victim's testimony at Grand Jury, which the attorney had not yet done.

I gasped and my jaw hit the floor as I listened: the alleged victim recanted her entire story, saying nothing had actually happened. The DDA was noticeably caught off guard, and her questioning of the alleged victim and every witness thereafter became desperate, sloppy, and ultimately stepped into the dangerous territory of violating Michael's constitutional rights.

Michael's attorney was almost in denial at first, in part because the case was so complex. There was a confusing web of interrelated dates, events & involved persons that was crucial to understanding what unfolded at Grand Jury. Because of my work on Michael's previous case, I was able to untangle it for the attorney.

After almost 9 months of negotiations with the DA's office, Michael's case was dismissed in its entirety.

Today, he is a free man, staying sober & out of trouble. He has a job flipping burgers & recently saved up enough money to buy a car.

Victories like Michael's are extremely rare in the criminal defense world. It's a big reason why many leave this profession. Those of us who stay genuinely care that our clients--often products of the most marginalized parts of our society--aren't taken advantage of by a powerful system that's often stacked against them.

I love what I do, but I've found myself searching for other jobs this past year as inflation continues biting into the little take-home pay that I have.

I respectfully ask that you vote in favor of the \$75 hourly rate for investigators so people like me can continue fighting for people like Michael.

As Ghandi once said, "The true measure of any society can be found in how it treats its most vulnerable members."