

House Bill 3

Proponent Testimony before the Criminal Justice Committee

From: Mary Grace Tokmenko, J.D.
To: Criminal Justice Committee, Ohio House of Representatives
Date: June 13, 2019
Re: House Bill 3

Thank you, Chairman Lang, Vice Chair Plummer, and honorable members of the Criminal Justice Committee.

My name is Mary Grace Tokmenko and, with apologies to Joe Friday, “I carry a badge.”

I am a police sergeant in an Ohio suburb with over 40,000 residents. I am also a recent law school graduate, and, as part of my coursework, completed an extensive research project on improving the state response to domestic violence. I am a boots-on-the-ground first responder and I am also well-acquainted with the work of prosecutors, criminal defense, and judges.

I am not in uniform today – I come before you as a fellow Ohioan, a resident who has concrete experience with the issue and who is concerned because our current approach is not working.

Let me tell you a story.

It’s 1:30 am on a humid July night. I’m patrolling the streets in my cruiser when a call comes over the radio: man requests a welfare check on his next door neighbor: there’s a door wide open on a house he knows is occupied. I arrive with two other officers, and hear a baby’s cries coming from the back of the house. We find a woman in her 20s lying unconscious on a mattress in a back bedroom, blood streaming down the side of her head, an infant lying at her side, now wailing. We call for an ambulance and they rush her to the hospital.

We learn later that the woman had been arguing with her boyfriend about something he saw in her cell phone. He punched her in the face and she fell backwards, hitting her head on the wall and getting knocked unconscious. He left her there to die. Fortunately, she didn’t.

The boyfriend was arrested a few days later, but the victim, terrified and just wanting to forget, declined to testify, and the charges were dropped. The prosecution had no tools to pursue a conviction any further. That man was nearly a killer – but his record is clean.

Honorable Committee, we have to rethink our approach. We have to do better. Ohio mustn’t tolerate domestic violence or shrug off these cases – because, when unaddressed, these are the cases that escalate into violence to outside the home, and, potentially, to homicide.

Domestic disturbances are the most frequent – and most potentially dangerous - calls to which I respond as a police officer. In 2017, Ohio police responded to over 76,000 calls for domestic disputes: that is 10 times the number of robberies, 150 times the number of rapes, and 603 times the number of homicides. In comparison to every other crime, domestic violence consumes local government resources.

Other jurisdictions employ innovative strategies to address this problem, and House Bill 3 invites us to do the same. Based on my experience and research, I find 3 areas where current Ohio law is inadequate and where House Bill 3 is a necessary supplement to preserve law enforcement resources and keep Ohioans safe.

1. LACK OF THREAT ASSESSMENT AND OPTIONS FOR VICTIMS

Currently, many of these victims are not advised of the potential danger their situation presents. Lethality screens are available at a minimal cost and the information gathered will literally save lives.

Most of these incidents happen after court hours: if judges are available around the clock to sign search warrants for drug raids, why is protecting victims of domestic violence not equally important?

2. LACK OF TOOLS FOR PROSECUTORS

Victims recant when they are not educated about power dynamics, manipulation, and the probability of recurrence and escalation. An offender, when the abuse is unprosecuted, implicitly understands his behavior as condoned. Children victims are plagued by depression, apathy, or anxiety, which predictably results in poor self-image, isolation, drug use and criminal behavior.

A Domestic Violence High Risk Team can immediately identify these issues and guide victims to resources.

House Bill 3's modification to evidence rules and advocacy of no-drop prosecution take the burden off the victim. When prosecutors can use these tools and work with a High Risk Team, they will gain convictions, which will reduce the burden on law enforcement as well.

3. LACK OF PENALTY IN REVISED CODE

Penalties reflect lawmakers' judgment of the severity of a crime. House Bill 3's addition of domestic violence circumstances in sections of the Revised Code sends a message that the duty to respect one's family is sacred and we will not tolerate a breach of that duty.

The dynamics in the home set the tone for life outside of it. House Bill 3 emphasizes our values of respect and peace in the family, it allows police to document escalating violent behavior, it assists prosecutors in getting convictions, and it shields the victims most at-risk.

House Bill 3 champions our goals of public safety and public health.

Thank you.