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Testimony of Micaela Deming, policy director and staff attorney of the Ohio Domestic Violence Network (ODVN), in support of HB 3 to House Criminal Justice Committee.

February 13, 2020

Chairman Lang, Vice Chairman Plummer, Ranking Member Leland, and Committee Members:

Good morning.

My name is Micaela Deming and I am the Policy Director and Staff Attorney of the Ohio Domestic Violence Network. We are a coalition of the state's 72 domestic violence programs and I am here today to speak in support of HB 3. Last year our member programs served more than 70,000 survivors and domestic violence across the state. Those victims needed shelter or help obtaining a protective order or support while they prosecuted their abusers. Many of them were looking for housing and other assistance as they worked to rebuild their lives after experiencing abuse.

HB 3 is an ambitious proposal that, if passed, has the promise of incorporating DV risk assessment tools into local communities' responses to domestic violence. DV risk assessment tools are one of the most recent advancements in domestic violence practice. The tools assess both an offender's risk of re-offending and a victim's risk of lethal assault. In short, they help authorities determine which domestic violence survivors are in the most danger. HB 3, as amended, requires law enforcement to then link these victims with our programs for safety planning and support. Our member programs stand ready to provide whatever assistance the survivors think is best for her and her family.

Critically, the bill, as amended, requires law enforcement to receive training on lethality assessment as well as referring to our agencies. An appropriation is also made to support Ohio Peace Officer Training Academy in providing this training.

The bill recognizes the lethality of strangulation by separately defining the offense of strangulation in the criminal code. It also requires police officers to inform strangulation victims at the scene of the danger of strangulation so that life-saving medical treatment can be timely received by those who need it. This is critically important because many victims experience strangulation multiple times within a relationship. And research shows that individuals who have experienced non-fatal strangulation are 700% more likely to be killed by an intimate partner than other victims. Perpetrators of domestic violence who strangle their victims are also particularly dangerous for police officers. To that end, ODVN strongly supports SB 43, sponsored by Sen. Kunze and Sen. Antonio, which would greatly improve Ohio's response to victims of strangulation.



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Most survivors who seek help at domestic violence programs don't want to prosecute their abusers. Most advocates will tell you that survivors who need help from our court system are MUCH more likely to seek a protection order than prosecute. HB 3 creates emergency protection orders that serve as a short-term bridge, up to 4 days, to give the victim some time to seek advocacy, safety planning, and legal services for a longer term protection order remedy.

ODVN advocates for ALL survivors of domestic violence. We are their advocates when they are victims of crime AND when their victimization puts them on the wrong side of the law. The bill makes some domestic violence homicides aggravated murder. Incarcerated women have high rates of victimization in their histories, and this is especially true for many battered women who commit homicides against their abusers. ODVN strongly supports efforts to further amend HB 3 to create an affirmative defense to this new charge for these battered women defendants.

On behalf of the Ohio Domestic Violence Network and its 72 member programs, I would like to thank Rep. Janine Boyd and Rep. Sara Carruthers for their leadership on this issue. I believe strongly that the dialogue they have started around the state about lethality assessments have already moved our state forward; pilot projects in select counties are already showing great progress in decreasing domestic violence homicide. In closing, we also greatly appreciate the willingness of Rep. Boyd as well as her aide Ethan Goodman for giving us the opportunity to voice our support for this amended HB3. HB 3 stands to move Ohio forward in its response to domestic violence and save lives.