

Chairman Butler, Vice-Chair Hughes, Ranking Member Boggs, and members of the committee, thank you for allowing me to testify today on behalf of Victim Assistance Program in support of HB 1. My name is Mickey Valdez and I am the Director of Services for Victim Assistance Program, a nonprofit organization serving crime and trauma victims in Summit County.

Victim Assistance Program was established in 1972 and is one of the oldest victim programs in the United States. It serves more than 6,000 crime and trauma victims who are residents and or employees of Summit County. Though our staff provides crisis intervention, court advocacy and trauma therapy to those who experience all types of victimizations, 31% of the victims receiving services are victims of domestic violence.

As many of you are aware, domestic violence is a growing concern in the United States and has become a recent focus in criminal justice reform, awareness and prevention programs, and political legislation. The most recent statistics provide an alarming snapshot into the realities of this victimization. Today, 1 in 4 women will experience domestic violence in her lifetime. More than 4 million women nationwide experience physical assault and rape by their partners. In 2 out of 3 homicides where the victims were female, the perpetrators were family members or intimate partners¹.

In attempting to protect victims, the O.R.C. section 3113.31 allows survivors to file a Domestic Violence Civil Protection Order, or CPO, with the Domestic Relations Court against their aggressors. A CPO is ordered when the court finds the order is “necessary to bring about a cessation of domestic violence against the family or household member.” The term “family or household member” must meet one of the following five (5) criteria in order to file a CPO: 1) Spouse, ex-spouse, person living as a spouse; 2) Parent or child of offender or another person related by blood or marriage; 3) Parent or child of spouse, person living as spouse, former spouse, or any other person related by marriage; 4) Child in common: biological parent of any child whom the offender is the other natural parent; or 5) Cohabitated with the offender within the last five (5) years. Any other type of relationship would require the victim to file for an Anti-Stalking Civil Protection Order, or ASCPO, which in my experience and those of the other advocates in the Victim Assistance Program, is more difficult to obtain due to the narrow scope of the order and required evidence to be presented.

Unfortunately, this leaves a large population of victims who have experienced dating violence unprotected simply because they are not living together. Though domestic violence is more prevalent among intimate partners sharing a residence, the number of victims of dating violence is staggering. The Department of Justice defines “dating violence” as “violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the following factors: length of relationship, type of relationship, and frequency of interaction between the persons involved in the relationship.”² More importantly, dating violence affects victims of all ages including adolescents and college-age adults, a fact that is commonly overlooked and currently unaccounted for in legislation. In December, 2006, the Department of Justice published findings that girls and young women between the ages of 16 and

24 years of age experience the highest rate of intimate partner violence – almost triple the national average.³ According to a CDC survey of youth risk behavior in 2013, approximately 10.3% of high school students reported being hit, slapped or physically hurt on purpose by a boyfriend or girlfriend in the 12 months prior to the survey.⁴ In addition, nearly half (43%) of dating college women report experiencing violent and abusive dating behaviors.⁵ This population, along with adults in intimate partner relationships not cohabitating, are under-protected due to the relationship restrictions of the current law.

Our agency encounters many victims in similar situations. In April, 2015, Victim Assistance Program was requested at the scene of a domestic altercation. On scene our advocate spoke with the victim, “Arieanna”, who stated that she allowed her boyfriend to stay at her residence for the last few days. She specified that he had been doing drugs, acting weird, and told her “If you mess up again, I will chop you up in pieces and bury you in the ground.” “Arieanna” further indicated that she had broken up with him and he fled the scene, but did not have a key because he was not a resident at the location. Fearing for her safety, “Arieanna” followed up at our offices two days later. An advocate assisted her with completing the application for and filing of an Anti-Stalking Civil Protection Order, which was denied by the magistrate. After “Arieanna” returned home that day, she and the other residents were forced to evacuate the apartment building because her ex-boyfriend had pulled the fire alarm and, once she was outside, tried to attack her after lying in wait for her. He was arrested and then admitted to the police he was stalking her and was going to kill her if she did not take him back. Several days later, when “Arieanna” returned to Victim Assistance, we assisted her in re-filing an ASCPO, which was subsequently denied once again. If the law had allowed for “Arieanna”, clearly a victim of dating violence, to file a Domestic Violence CPO without the stipulation of cohabitating, she may not have had to endure a second victimization and further trauma.

In yet another case of dating violence, one of our advocates worked with “Candace” beginning in 2014. She had been dating a young man who would occasionally stay the night with her, but did not live in the residence. She reached out for help after an incident where the aggressor spit on her and punched her in the face. Then, finding windows in her apartment smashed, she suspected that the aggressor broke into her residence soon after the assault. These incidents prompted her to feel unsafe for herself and her children, and requested assistance in obtaining a protection order. The law restricted “Candace” to filing the Anti-Stalking Civil Protection Order since they at no time resided together and the aggressor was not the biological parent of her children. After filing the ASCPO and testifying at the ex-parte hearing, her petition was denied by the magistrate. In the following months, “Candace” was assaulted two additional times by the same man. Following each incident, her attacker fled the scene and was only charged with disorderly conduct, which was ultimately dismissed. The victim was left unprotected by the courts because of the inability of police to charge the aggressor with a violation of a protection order. It wasn’t until after further incidents and filings of petitions that she was finally able to have a magistrate grant her an ASCPO in 2015, at which time the aggressor did violate and was charged properly. It wasn’t until that time that he finally left “Candace” alone.

It is for these specific reasons, and the many unreported incidents of similar situations, that Victim Assistance Program stands here in support of House Bill 1. Simply acknowledging that dating violence is becoming more prevalent in our society is not enough. We must act accordingly and appropriately to protect victims and send a clear message that violent offenders' actions, no matter their residential history, have certain and serious consequences. We respectfully request your affirmative consideration of this legislation as it provides for a more comprehensive inclusion of all types of domestic violence. Thank you.

¹ Safe Horizons, www.safehorizons.org/page/family-justice-statistics--facts.

² Department of Justice, Office on Violence Against Women, www.justice.gov/ovw/dating-violence.

³ Department of Justice, Bureau of Justice and Statistics, *Intimate Partner Violence in the United States, 1993-2004*. Dec. 2006.

⁴ Centers for Disease Control and Prevention, *Youth Risk Behavior Surveillance System* online analysis tool, accessed July 9, 2014, <http://nccd.cdc.gov/youthonline/App/QuestionsOrLocations.aspx?CategoryId=C1>.

⁵ Fifth & Pacific Companies, Inc. (Formerly: Liz Claiborne, Inc.), Conducted by Knowledge Networks, (December 2010). "College Dating Violence and Abuse Poll," Available at: <https://www.breakthecycle.org/surveys>.