



Office of the Ohio Public Defender

Timothy Young, State Public Defender

SB36 Proponent Testimony Crime Victim – Reparations Standards Sponsor Senators Huffman and Manning

Chair LaRe, Vice Chair Swearingen, Ranking Member Leland, and members of the House Criminal Justice Committee. My name is Niki Clum, and I am the Legislative Liaison for the Office of the Ohio Public Defender (OPD). Thank you for the opportunity to testify in support of Senate Bill 36.

“Violent offenders, more often than not, are victims long before they commit their first crime[.]”¹ Public defenders are very familiar with this cycle of violence. Our clients are frequently victims and victims are frequently our clients. Our experience is also supported by the research and data. A group of Harvard researchers interviewed 122 individuals who committed a violent act. Of those individuals, half had been beaten by their parents, 30% grew up with other familial violence, 40% had witnessed someone being killed, and 16% had been sexually abused.² These heart-breaking statistics are even more stark for young adults, who statistically commit most crime besides gambling.³ In regard to young adults, “the overlap between violent victimization and violent offending is so great that it suggests these individuals are frequently one and the same.”⁴ According to the Ohio Department of Rehabilitation & Corrections, approximately 2 million citizens (17% of Ohioans), have a felony or misdemeanor conviction. Consequently, under current law, those 2 million Ohioans may not be eligible to obtain compensation if they or their family member should be the victim of a crime.

¹ Bruce Western, *Violent offenders, often victims themselves, need more compassion and less punishment*, USA Today, Aug. 9, 2018, <https://www.usatoday.com/story/opinion/policing/2018/08/09/violence-crime-punishment-policing-usa/930249002/>.

² *Id.*

³ *Age and Crime: Age-crime Patterns for the U.S.*, 2021 <https://law.jrank.org/pages/473/Age-Crime-Age-crime-patterns-U-S.html>, citing Federal Bureau of Investigations Uniform Crime Report

⁴ Bianca E. Bersani, et al., *Thinking About Emerging Adults and Violent Crime* 3 (2019).

Other proponents of SB36 said it best when they said, under current law, Ohio tries to distinguish “good and bad” victims. This is a fool’s errand. Just because someone has committed an offense in the past five or ten years, or because someone may have drugs in their system when they are raped or killed, does not make that person a “bad victim.” It does not make their life any less precious. It does not make their pain and trauma any less real. It does not make the impact on their family any less profound. Two million Ohioans, our friends and neighbors, are not bad people unworthy of support and healing if they should become a victim. SB36 is necessary legislation that will allow more Ohioans to receive victim compensation.

Current eligibility for the Victim Compensation Fund is far too strict and results in deserving victims being barred from compensation. In 2016, the fund **ended** the year with a balance of \$17.3 after paying \$5.9 million for administrative costs and salaries, and only \$6.8 million to victims.⁵ That same year, payouts were made to only 2,893 claims out of the 5,551 received.⁶ The current, overly punitive, criteria ignores the uncomfortable truth that victims sometimes commit crime and people that commit crime are often victims. With the passage of SB36, Ohioans will get more of the recognition and compensation they deserve, and we can start to break the cycle of violence.

Instead of deciding who is a “good and bad” victim, it is time for Ohio to help victims heal. This legislature should pass SB36. Thank you for the opportunity to provide written testimony.

⁵ Josh Sweigart, *Strict rules in Ohio program deny payouts to thousands of victim*, Investigation: Fewer victims are getting compensated even as the number of claims spikes, Dayton Daily News, Sept. 10, 2019, <https://www.daytondailynews.com/news/state--regional-govt--politics/claims-spike-but-fewer-victims-get-compensation/olFUcLs7L6kapC4SsagvCN/>.

⁶ *Id.*

