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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

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Chairman LaRe, Vice Chair Swearingen, Ranking Member Leland, and members of the House Criminal Justice Committee, my name is Micaela Deming and I am the Policy Director and Staff Attorney of the Ohio Domestic Violence Network. I am here today representing 75 local domestic violence organizations across the state. In 2020, ODVN programs sheltered more than 7,190 DV survivors and their children and provided 111,487 survivors and children with services. Those victims needed help obtaining a protective order or support while they prosecuted their abusers. Many of them were looking for housing and other assistance as they rebuild their lives after experiencing abuse.

HB 3 is an ambitious bill that has the promise of incorporating domestic violence risk assessment tools into local communities' responses to domestic violence. Domestic violence risk assessment tools are one of the most recent evidence-based advancements in responding to domestic violence incidents. 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 requires law enforcement to then link these victims with our domestic violence programs for safety planning and support. Our member programs stand ready to provide whatever assistance the survivors think is best for their family.

Critically, the bill 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. This training is an opportunity to address Ohio's domestic violence related fatalities through more well-informed law enforcement responses on the scene.

The Ohio Domestic Violence Network has been gathering data and reporting on domestic violence related fatalities in Ohio for the past 6 years. Our fatalities are collected each year from July 1st through June 30th. This past reporting year, there were 131 domestic violence fatalities in 90 cases.¹ That is a 20% increase over last year and a 62% increase over two years ago. There were 15 young people killed - the highest we have ever reported. Children have also been present at the scene of a fatal incident about 20-25% of the time each reporting year.² In the previous 5 reporting years, 23 children were killed by domestic violence abusers.

¹ Ohio Domestic Violence Network, *Ohio Domestic Violence Fatalities July 1, 2020 – June 30, 2021*. https://www.odvn.org/wp-content/uploads/2021/10/ODVN_FatalityReport_2020-2021.pdf (accessed Oct. 11, 2021).

² See *Ohio Domestic Violence Fatalities Reports*. <https://www.odvn.org/media/>

Since ODVN began reporting, 10 law enforcement officers were killed with firearms at the scene of domestic violence fatalities.³ The Federal Sixth Circuit Court acknowledged that “responding to family violence calls is among a police officer’s most risky duties.”⁴ The FBI reported that, in 2016, “approximately 10% of non-accidental law enforcement officer fatalities in the line of duty that year occurred while officers were responding to domestic disturbance calls.”⁵ Improving training on assessing these situations will hopefully save lives of domestic violence victims as well as the brave men and women in uniform.

I would like to draw attention to two themes that emerged from the data this year. First, the high rate of youth fatalities.

Two of the young lives lost were killed by an older dating partner. Teenagers are at risk in dating relationships and we must do better recognizing the danger that can exist in those relationships. In two separate cases, a man with a history of domestic violence killed two young children. In one case the man shot his girlfriend's three young children; one of them survived. In the other case, during a domestic violence incident, the mother ran down to get help and while she was gone, the man shot and killed their two children.

This past year there were 3 separate cases where a husband and father annihilated his entire family using a firearm - shooting and killing his wife and all of his children in the family home. The loss for these families and these communities is unfathomable.

The second theme that emerged was cases where law enforcement or the court was notified of the danger prior to the fatal incident. At least 6 incidents involved domestic violence perpetrators who had pending domestic violence related charges. At least two of those offenders had specific pre-trial release conditions preventing them from having any contact with their victims. In two cases, the domestic violence victim called law enforcement letting them know that additional acts of violence had occurred and they were in fear that the offender would return. In one Cleveland case, while the domestic violence perpetrator was out on supervised release with a no contact order, he assaulted his victim again. Law enforcement was notified. Hours later he returned to her home again and broke in; he was killed in the confrontation. In a Columbus case, a man with pending assault charges and an order requiring him to stay away from his victim, came to her house and assaulted her. Law enforcement noted her injuries, but referred her to the prosecutor’s office. The woman never made it to the prosecutor’s office, though, because she and a friend were stabbed to death hours later.

HB 3 also recognizes the lethality of strangulation by separately defining the offense of strangulation in the criminal code. It 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. In a research study conducted by OSU and ODVN of survivors in some of Ohio’s domestic violence shelters, **"Close to 83% of survivors interviewed were strangled, and of those 88% of survivors said it happened a**

³ See *Ohio Domestic Violence Fatalities Reports*. <https://www.odvn.org/media/>

⁴ *Id.* at 210, citing Nick Breul & Mike Keith, *Deadly Calls and Fatal Encounters: Analysis of U.S. Law Enforcement Line of Duty Deaths When Officers Responded to Dispatched Calls for Service and Conducted Enforcement, 2010-2014*, 15 (2016).

⁵ *Id.*

few times or too many times to count."⁶ Research also 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.

Many of Ohio's domestic violence programs are responding to a spike in the number of families seeking help. The number of calls to hotlines nearly tripled at some programs in the last year, and the average crisis call took more than twice as long to handle, according to a survey conducted in January 2021.⁷ Programs reported an increase in the severity and lethality of the abuse described by survivors seeking help, including an alarming increase in strangulation reports.

Immediately following a violent incident, survivors need safety and time to weigh their options. Survivors also need information to develop safety plans and choose their next steps. 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, information, 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 has been advocating for more than two dozen women in Ohio prisons who are serving time for this crime. ODVN sincerely appreciates the efforts made by Reps. Boyd and Carruthers to further address this concern and HB 3 now requires a prior *felony* offense of domestic violence resulting in serious physical harm to be considered for the enhanced charge and sentencing.

On behalf of the Ohio Domestic Violence Network and its 75 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 and strangulation response have already moved our state forward; pilot projects in select counties are already showing great progress in decreasing domestic violence homicide. HB 3 will move Ohio forward in its response to domestic violence and save lives.

⁶ See [Working-with-BI-and-MH-in-DV-Programs-Findings-from-the-Field.pdf \(odvn.org\)](#), pg 5.

⁷ The Ohio Domestic Violence Network (ODVN) surveyed its 75 member programs from January 8 to 25, 2021, about the effects of the pandemic on domestic violence prevalence. The survey also measured the effects of budget cuts in 2019 and 2020. A total of 63 programs responded, an 84% response rate.