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Testimony of Maria York, Assistant Director of Family Systems Advocacy of the Ohio Domestic Violence Network (ODVN), regarding HB 343 to the House Criminal Justice Committee.

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Chairman LaRe, Vice Chairman Swearingen, Ranking Member Leland, and Committee Members:

Good morning.

My name is Maria York and I am the Assistant Director of Family Systems Advocacy at the Ohio Domestic Violence Network. I am here today representing 74 local domestic violence organizations across the state. In 2020, ODVN programs sheltered more than 7,190 domestic violence 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, legal, and other assistance as they rebuilt their lives after experiencing abuse.

We appreciate the opportunity to provide proponent testimony in support of House Bill 343, which seeks to expand the rights of crime victims in Ohio. ODVN supports many of the provisions in this bill as it provides further guidance to all the parties in the criminal justice system on how to comply and uphold crime victim rights. Some provisions may even make it safer for domestic violence survivors who choose to participate in the process.

ODVN released a statewide survey in February showing that marginalized survivors report barriers in getting help from the police, courts, and other criminal justice agencies.¹ Although about two thirds of domestic violence survivors were satisfied with their experiences with the criminal justice system, survivors also reported problems with how each system responded. Gaps in services emerged as an issue for all survivors, and some data showed bias in how criminal justice systems respond to victims, particularly marginalized victims. HB 343 is needed to ensure that the criminal justice system consistently informs crime victims of their rights.

While ODVN is overall very supportive of HB 343, we are concerned about the Crime Victim Rights Waiver that law enforcement would provide victims at the scene of the crime. The form

¹ Seeking Safety, Equity, and Justice. 2021 Ohio Statewide Survey Results: Domestic Violence Survivors; Experiences with Law Enforcement, Courts, Child Welfare, and Social Service Systems. https://www.odvn.org/wp-content/uploads/2022/02/Seeking_Safety_Equity_and_Justice_Appendices.pdf. Accessed March 2022.

gives victims the option of asserting or waiving their crime victim rights. Most victims are in trauma when the police are on scene and consequently may not understand the importance of the waiver form and what they are giving up if they sign it. We believe victims might unintentionally waive their rights and then later face barriers later when they try to assert their rights. ODVN welcomes the opportunity to continue working on improving the language about the waiver form, so that it doesn't hurt victims.

ODVN does not believe a victim's family member should be allowed to serve as their victim representative. Oftentimes in domestic violence cases, the abusive partner uses a pattern of coercive behaviors to obtain power and control over their victim. Oftentimes victims feel as if they are not allowed to make their own decisions and are limited about whom they talk to. Allowing the defendant's family to be a victim representative could continue the dynamics of coercive control – especially if the defendant was using family members to intimidate the victim into making decisions they normally would not make. We are aware that the court may hold a hearing to determine whether the victim representative is acting in the best interests of the victim. But by the time such a hearing occurs, it may be too late. The victim already may have been exposed to further emotional abuse during the court case.

ODVN strongly supports the proposal submitted by the Ohio Crime Victim Justice Center concerning 2930.07. We support the victim, the victim representative, or the victim's attorney receiving an unredacted copy of any case document with the victim's name, contact information, and identifying information.

On behalf of the Ohio Domestic Violence Network and its member programs, I would like to thank Representative White's leadership on this issue. We strongly believe that HB 343 can move victims' rights forward and improve options and access for victims in the state of Ohio. ODVN looks forward to further discussion on some of the language of HB 343 to minimize unintended consequences for victims of domestic violence in our state.