



Oregon Voices
PO Box 13175
Salem, OR 97302

March 20, 2021

TO: House Judiciary Committee

RE: HB 2825

Chair Bynum, Vice-Chair Noble, Vice-Chair Powers, and members of the committee:

I am writing on behalf of Oregon Voices in support of HB 2825. In the work we do, we have come to understand how complex the relationship between abuse and the behavior of the abused can be. Often the damage of abuse can produce more damage downstream.

When we think about domestic violence, most of us appropriately think first of intimate partner violence wherein the woman as victim. The CDC's National Intimate Partner and Sexual Violence Survey (NISVS) found that 35.6 percent of adult women "experienced rape, physically assaulted and/or stalking by an intimate partner over their lifetime."¹ Although there are male victims of intimate partner violence, the great majority are women. Many of those victims end up later in the criminal justice system as a direct or indirect result of the abuse they suffered. This bill would provide some recognition and understanding of how the abuse that a partner suffers can lead contribute to criminal behavior.

In Oregon Voices, we often encounter cases where the domestic abuse is sexual. In these situations, the victim may well not be the spouse. Often it is a child. We have heard story after story about intimate family abuse that results in a victim being arrested and prosecuted when the behavior is replicated later by that former victim. In the most recent example that we have encountered, a grandson was abused for years by the grandfather with whom he was living. It began when the boy was between 3 and 4 years old and involved both physical contact and regular exposure to online pornography. The abuse continued for between 8 and 9 years until the boy was 12.

When the grandfather's victim was arrested at age 15 for downloading underage porn, investigators discovered that he had repeated with his younger brother the behavior that his grandfather (now deceased) had normalized for him. With no explanation about what was happening, the brothers were immediately separated. The older brother was confined to his grandmother's house with an ankle bracelet and the younger brother placed with his parents. The grandmother was learning for the first time what her husband had done, including the threats that had kept her grandson silent while he was alive. The boy told her that he knew what he had done was wrong, but that he had no idea that it was also illegal.

The boy spent the formative years between 15 and 18 in social isolation. Nevertheless, while he was living with his grandmother he was focused on a future, planned to go into landscape work, and was

¹ Hart, Barbara J. and Andrew R. Klein, *Practical Implications of Current Intimate Partner Violence Research for Victim Advocates and Service Providers*, NCJRS 2013, p. 23. <https://www.ojp.gov/pdffiles1/nij/grants/244348.pdf>

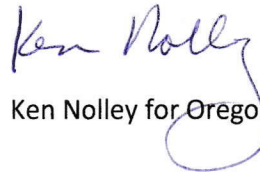
actively involved with her church. When the boy reached 18, his case came to trial. It was covered by the local paper in a story that featured the crimes he was accused of without any mention of the fact that he was also the victim of those crimes, greatly reinforcing his alienation from the community.

He was offered a plea deal for of 7 years of probation which allowed him to go out into the world again. The only friend from earlier who stayed with him turned out to be part of a group who were into drugs and alcohol. The young man had a dirty UA and his relationship with his probation officer began to unravel. He expressed a hope that he might get to participate in a residential drug treatment program so that he could break the social ties he had, but all that were available were outpatient programs. The boy grew increasingly distraught and tense and more and more he self-medicated with marijuana to deal with his anxiety. He saw his family less and less, and things spiraled down until he was arrested on a drugs possession charge with a young man using a gun illegally. He is now serving three years in DOC, and he will come out on still on the sex offender registry.

Did he make bad choices? Of course, and he bears some responsibility for them. But there is also a line running through all this sad story that derives substantially from the critical years of abuse by his grandfather. For other members of this family, including the younger brother, unquestionably the greatest abuse here is what happened to the older brother, whose status as victim of domestic abuse played an outsize role in what happened in the years that followed.

HB 2825 may or may not have helped this young man, but his case does show how complexly interwoven the roles of victim and abuser can be in cases involving domestic abuse. This bill could address some of the imbalances in a system that often treats crimes committed by abuse victims of all ages in isolation from the domestic abuse that precipitated them. We hope that you will agree and support this bill.

Respectfully,

A handwritten signature in blue ink that reads "Ken Nolley". The signature is fluid and cursive, with a large loop at the end of the name.

Ken Nolley for Oregon Voices