

March 27, 2023
Members of the Senate Committee on Judiciary
900 Court Street NE
Salem, OR 97301

RE: Support for SB 1070

Chair Prozanski, Vice-Chair Thatcher and members of the committee,

We are 37 survivors of domestic violence. **We write in strong support of SB 1070.** It is an important step in recognizing us and our community.

We submit this letter anonymously. We do so that we are not shamed by public officials. We do so because our histories are private and are not necessarily revealed to even those closest to us. We do so because we fear retaliation. We do so because we feel shame.

We are:

- 5 Formerly Incarcerated Women
- 8 Attorneys (4 Prosecutors and 4 Criminal Defense Attorneys from Marion, Clackamas, Washington, and Lane Counties)
- 4 Law Enforcement Professionals (Clackamas and Washington Counties)
- 3 Judges
- 2 Elected Officials
- 3 Lobbyists and Legislative Aids
- 4 Community DV Advocates
- 2 Business Professionals
- 3 Social Workers
- 2 Professors
- 2 Teachers

We come from 13 counties from across Oregon. Our ages, races, and ethnicities are varied. We are mothers, daughters, and sisters. We are your neighbors, community members, and colleagues. We are your bosses and subordinates. We are professionals and skilled workers. We are Republicans and Democrats.

The current criminal process does not allow for domestic abuse to be considered as a mitigating factor in sentencing. We are punished for being survivors and further abused by those who claim to protect us.

Here are key facts based on our professional and lived experiences:

District attorneys and prosecutors are not experts on domestic violence. They are not trained professionals on domestic violence. They do not have the professional requisite background to understand this subject or to appropriately work with survivors. They are only trained to prosecute crimes. District attorneys do not investigate or inquire about the victimization of defendants; it is not

within the scope of their work in prosecuting cases. Importantly, district attorneys will often use the victimization of defendants who are survivors against them to secure convictions. A few of us are prosecutors and law enforcement professionals; we know this to be an undeniably, painful truth.

Public defenders are not trained or required to investigate domestic abuse. They do not have the time or resources to investigate elements that will not benefit a defendant's defenses. Committing a crime out of a domestic abuse is not a defense; generally, there is not a defense in Oregon that can be used when charged for crimes of survival. When public defenders do present this information to prosecutors in plea negotiations, it is often ignored or used against the defendant due to low education on the subject matter. A few of us are public defenders; we know this to be undeniably, painful truth.

Judges cannot deviate out of mandatory minimums. It is nearly impossible to do so because of how crimes are charged. Judges are not trained in understanding domestic violence and how these dynamics may be at play when survivors are charged with crimes. As a few of us are judges and we welcome this opportunity through SB 1070 to treat survivors with more care.

Victim rights groups in Oregon have historically ignored defendants who are survivors; they do not advocate for survivors who are defendants, even though these defendants are victims. They have and continue to advocate for policies that do harm to this population.

Domestic violence organizations and service providers are spread too thin and under-resourced to help defendants who are survivors. Also, because of their relationships with law enforcement and district attorneys, they are reluctant to work with defendants who are survivors.

The legal and policy professionals in our group have reviewed the draft legislation of SB 1070 and believe it to be well-drafted. This law would allow judges to consider domestic abuse (very narrowly defined in this bill) and its connection to the crime. And, in the totality of circumstances, if the sentence is unduly harsh, only then would a judge be able to consider a lesser sentence than required by statute. SB 1070 also allows for individuals to have their sentences revisited if domestic abuse was not considered at sentencing. This opportunity is responsive to the dynamics of domestic abuse. An individual may still remain under the power and control of an abuser during the arrest and trial. An individual may feel great shame about the abuse and trauma, and unwilling to disclose this information to their defense attorney or investigator. And, unfortunately, an individual may not know or recognize they are in a domestic violence relationship. Often, it is with time, support, and counseling that an individual may be ready to confront this part of their story. Lastly, SB 1070 creates an important task force to recognize that survivors in prison require additional support and to be treated in ways that are not retraumatizing them.

For those who have any basic understanding of domestic abuse and the dynamics at play, they will quickly recognize and appreciate that SB 1070 is drafted thoughtfully and responsive to these dynamics.

We urge that you are not persuaded by those who oppose this bill and by arguments that this bill is not well written, too ambiguous, or that this law will cause untold unintended consequences. The overall impact on the system will be minimal, if you take the time to understand this law in the full context of Oregon's justice system. The overall benefit to survivors outweighs, by factor of many, any potential impacts to the system that may be of concern.

As survivors, we have endured unspeakable trauma. We have been psychologically tortured; made prisoners in our own homes; our children have been used to control us; we have been physically beaten and sexually abused. We have committed property crimes against business and individuals. We have committed violent crimes against strangers, friends, family members, and even our children.

We have all committed crimes defending ourselves and by taking actions to survive. Though, only a handful of us have been charged with crimes and incarcerated. This distinction is purely based on privilege and luck.

We want you to hear this message: those who oppose this bill are complicit in and actively furthering the violence of abusers (our abusers). Those who oppose this bill do not stand with *all* with victims, but instead reinforce the notion that there is a good victim and a bad victim, and the defendants who are survivors are not a “good” victim worthy of recognition.

The Oregon Justice Resource Center and its Women’s Justice Project has been a leading voice on this issue for the past many years, hosting conferences, writing reports, and lifting-up the voices of defendants who are survivors. Ms. Yoshimoto is the leading advocate and expert on this matter, we urge you to defer to her experiences and her organization’s knowledge. She has given us a voice.

We beg you to support and pass SB 1070. SB 1070 is a thoughtful first step to requiring systems stakeholders to see us, help us, and believe us.

We deserve to be seen and no longer ignored. We deserve that you act on our behalf.

Sincerely,

37 Survivors of Domestic Violence