

With victims searching for options, the state must respond

BY KERRY NAUGHTON
CONTRIBUTING COLUMNIST

Summer is here and many of us have been treated to the familiar serenade that calls up so many childhood memories: the lilting melody of the ice cream truck. Imagine the disappointment on little kids' faces if, after running up to the ice cream truck with dollar bills in hand to purchase a chocolaty treat, the only item for sale is a scoop of ginger gelato. Some kids will love it, but

others will walk away, dejected that they couldn't get an appropriate option to find relief from the heat.

Measure 11, the state's mandatory sentencing law, has Oregon's sentencing structure stuck with one flavor, leaving many crime victims without an option in the justice system that suits their tastes and needs.

Regular readers of our column will know that Partnership for Safety and Justice, our members, and our allies worked hard to shape the Governor's Commission on Public Safety's recommendations to the Legislature and to pass HB 3194, the omnibus public safety policy package that contained many of the Commission's recommendations. We are pleased that the passage of HB 3194 will flatline prison growth in Oregon for the next five years and will reinvest funding from averted prison growth into other vital crime prevention strategies, like victim services, addiction treatment, and mental health support. This puts Oregon on a smarter path to building safe, healthy communities.

But one thing that HB 3194 failed to do was change some Measure 11 sentences. Unfortunately, the modest modifications to some Measure 11 offenses were amended out of the version of HB 3194 that passed.

Failing to make these smart changes means that Oregon crime victims are left with a "ginger gelato" option in the justice system when so many are searching for something different.

Justice for victims is not one-size-fits-all. This is one reason why less than half of domestic and sexual violence survivors report the crime to police or can access victim services provided through the criminal justice process. The abuser is often the breadwinner or someone intimately involved in the victim's day-to-day life. Victims often believe that their abuser needs to be punished, but not for the mandatory sentence, which may cause the family to lose their home and the youngest victims of all to lose their childhood. A number of local, states and national victim advocacy organizations oppose mandatory minimums, especially for domestic and sexual violence offenses, because they can decrease reporting to the police, which decreases victim and community safety.

Thankfully, many victims are able to go to the "corner store" — their community domestic and sexual violence services program — to find safety options that better meet their needs. Oregon's network of community-based domestic and sexual violence programs meet victims' safety and support needs whether or not the crime is ever reported or proceeds through the justice system. Programs provide crime victims with vital safety and support: shelter; safety planning; counseling; medical accompaniment; and information. Countless Oregonians have accessed services and successfully broken free from violence to provide safe, healthy environments for themselves and their children.

Inadequate funding for domestic and sexual violence services means that not every victim can access the safety they deserve. Victims and their children who aren't able to access shelter may have to live in their cars, camp in the woods, or

remain in dangerous situations at home. No one should have to choose between personal safety and a safe place to sleep with their children. With over 20,000 unmet requests for shelter from violence in 2011, too many Oregonians have been forced to make this choice. This is especially tragic since domestic violence services reduce repeat assaults by up to 70 percent in the next year — a remarkable return on investment, not only for adult survivors but for the safety and health of their children.

Measure 11 was intended to be tough, and it is. But it is tough at the expense of being smart, and at the expense of listening to crime victims who have different needs for their safety, justice, health and well-being.

This legislative session, Oregon legislators listened hard to the needs and considerations of a number of crime victims — some wanted Measure 11 to stay in place and opposed even the modified version of HB 3194 that passed. But many more victims wanted changes to Measure 11 and HB 3194 throughout the legislative process. A groundswell of crime victims and victim advocates called for changes to Measure 11 because they know how important it is to remove the barrier from victims accessing the justice system.

If you owned an ice cream truck that only served ginger gelato and the majority of your customers decided to go elsewhere, would you consider adding more options to your menu? It's time Oregon's sentencing structure does the same.

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Partnership for SAFETY and JUSTICE

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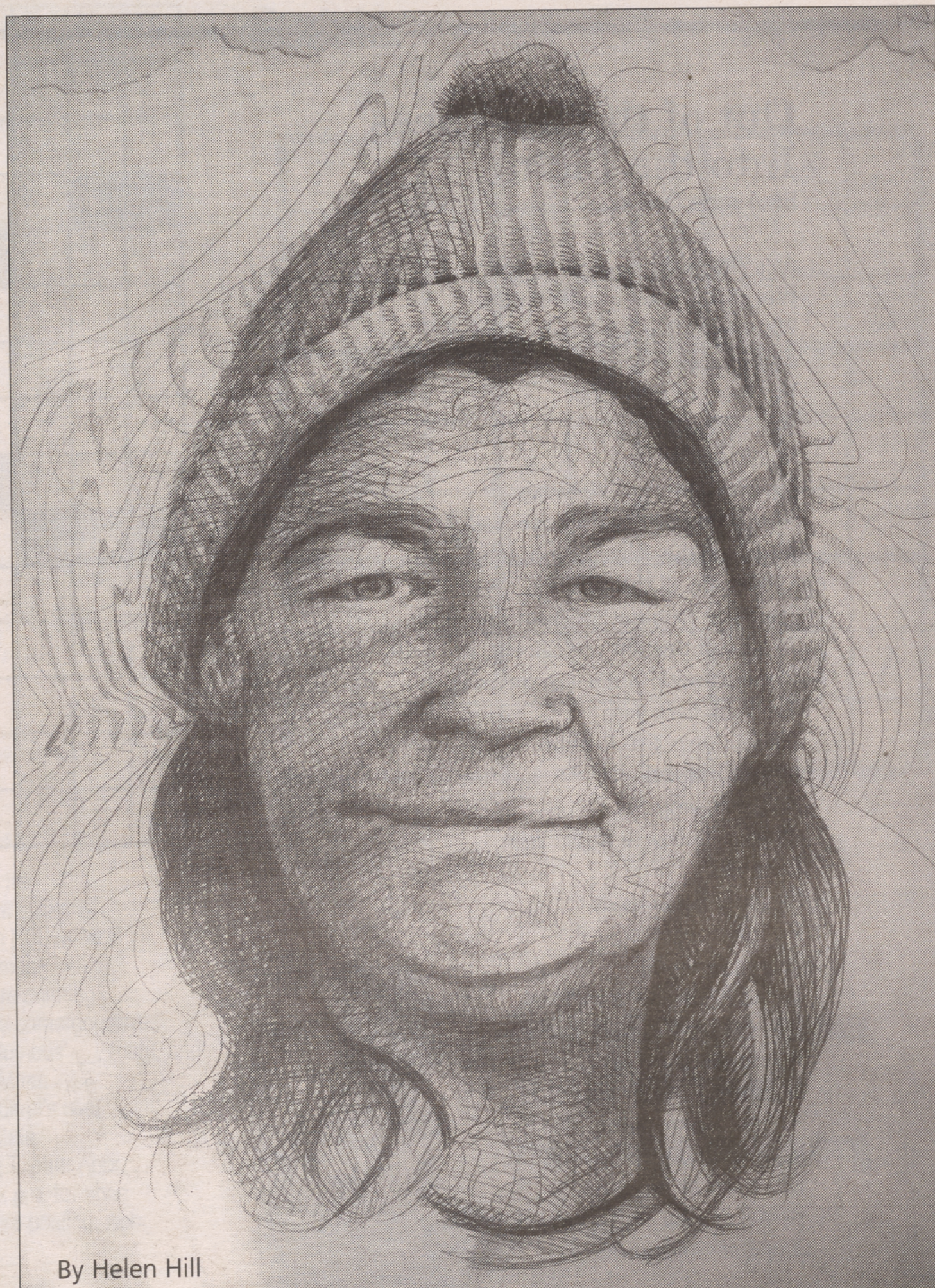
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