

Ohio House Judiciary Committee
Tuesday, October 27, 2015
Proponent Testimony
Senate Bill 76

My name is Phyllis Carlson-Riehm and I am Executive Director of ACTION OHIO Coalition For Battered Women, a statewide domestic violence coalition, with offices in Columbus. Our services include resources, advocacy and referrals for victims, training for professionals who help victims, public awareness and community outreach.

I am here today to express support for Senate Bill 76 and to explain why I think it could be helpful to domestic violence victims and their families as well as law enforcement.

Domestic violence can be defined as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats. These behaviors are intended to intimidate, manipulate, humiliate, isolate, frighten, blame, and hurt the victim. Victims learn to be ever vigilant to the needs and wants of the abuser, in an effort to avoid injury and violent acts to other family members, especially young children.

If the danger of staying with the abuser and pacifying the abuser's needs becomes riskier than attempting to leave or take some legal action, the victim will begin to consider all options, including reaching out for help from community agencies. If and when the victim leaves, or takes some sort of legal action, the victim's personal safety becomes more at risk. In most cases when there are media reports of a domestic violence altercation or homicide, the trigger was the victim's departure, or attempt to get away, or application for a protection order.

Before a protection order becomes effective, officers of the county sheriff's department must serve the order on the alleged abuser. In many cases, the abuser plays a cat and mouse game with law enforcement officers, avoiding service at home, the workplace or other familiar locations. As long as the abuser succeeds in preventing service, harassment of and threats to the victim may continue without any penalty. Victims and other family members remain at greater risk for harm.

We support passage of Senate Bill 76, because this bill would allow abusers to be charged with violating a protection order even if they have not been formally served with notice according to current Ohio law. In reality, abusers are well aware that their victim has applied for a protection order. Victims readily tell their abuser, related family members and friends. And if the abuser purposely takes steps to evade service of the order by law enforcement, it is a clear indication that the abuser knows about the order and how to avoid being charged with violation of the order. By evading service of the order, he is

able to maintain his power and control over the victim and escape being charged with violation of a protection order. In addition, the victim continues to fear what will happen next if she doesn't satisfy his needs or pacify him in some way. It also gives him time to convince her to "come back" – that he loves her and the abuse won't happen again. But it will and it does.

Senate Bill 76 seeks to remedy the cat and mouse game of the abuser. He could be informed in a variety of ways about the protection order and its provisions. Law enforcement could recognize that a violation of the order can be charged. Victims and their families would benefit from some degree of increased safety.

Senate Bill 76 expands the circumstances when the penalty for violation of a protection order becomes a 5th degree felony, to include an offender previously convicted of, plead guilty to or been adjudicated a delinquent child. The violation of protection orders signals increased danger for victims and the growing threat that the abuser becomes not only to the victim, but also to other innocent parties as well as to law enforcement officers dispatched to do their jobs. When abusers violate protection orders but suffer little or no consequences, they have beat the system and become more lethal in the process.

As evidence of the increased lethality factor, I would cite the research findings of Dr Jacquelyn Campbell of Johns Hopkins University. Her work has been the basis for Lethality Assessment Programs adopted by many law enforcement agencies (including Columbus Division of Police). On Dr Campbell's checklist of increased lethality factors, she includes #7. Has he avoided being arrested for domestic violence?

By avoiding service of protection orders, Ohio's abusers can avoid being charged with and prosecuted for violations of protection orders – they can avoid arrest. Enactment of Senate Bill 76 will help increase victim safety by holding abusers accountable when they violate the terms of a protection order and it can be proved that they were aware of the terms they violated.

Please support passage of this legislation for the benefit of victims and their families, who are all at risk. This bill will also benefit peace officers in Ohio, who have responsibility for enforcing domestic violence laws and no spare time to play a cat and mouse game with abusers.

Thank you for the opportunity to share our views.

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