

SB 215

Senate Judiciary Committee

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SUPPORT



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To Chairman Wilborn, Vice Chair Rucker, and Members of the Senate Judiciary Committee:

Good morning and thank you for the opportunity to provide supportive testimony on Senate Bill 215, concerning acts related to domestic battery.

My name is Michelle McCormick and I am the program director for the YWCA Center for Safety and Empowerment (CSE). For over 40 years, our program has provided services to victims and survivors of domestic violence, sexual violence, stalking and human trafficking. Prior to being named the Program Director at CSE, I worked for 7 years at the Kansas Attorney General's office as the batterer intervention program coordinator where I worked with others to develop the domestic violence offender assessment and certify the batterer intervention programs addressed in this bill. Overall, I have worked in the field of domestic violence intervention for 22 years.

One of the constants in my experience is that domestic violence is a complicated public health problem which deserves complex and nuanced responses, but always toward the goal of reduction and resolution. However, our efforts to create effective responses, whether through criminal justice responses, child welfare system responses or elsewhere have at times fallen short due to a general oversimplification of the issue.

I worry that one such oversimplification is not understanding the seriousness of misdemeanor level domestic battery. I worry that when people consider this, they think "it can't be that bad if it is only a misdemeanor". However, after years of work with victims, survivors, and perpetrators of domestic violence, I can tell you that some of the cruelest of life's experiences qualifies as "only a misdemeanor" in our State. The criminal laws do not often capture the range of abusive behaviors that frequently accompany the physical acts of domestic battery. Because of this, I believe we

should be assessing all offenders of domestic battery for their appropriateness for the specialized domestic violence intervention programs as certified by the Office of the Attorney General.

This would not be a new or controversial tactic. When a person receives a first offense for a DUI in our state, we do not wait until they receive a 2nd DUI before we order them to complete a substance use evaluation. I believe this is in recognition of the fact that for many, a first DUI conviction is not always the first time they were intoxicated and put others in danger by getting behind the wheel. In this case, it is critical that we take every precaution to make sure that the first time DUI offender receives the support they may need if they have a substance use problem, and therefore require them to get an evaluation and follow treatment recommendations on the first offense.

I would urge the Committee to view first time domestic violence offenders similarly. The first domestic battery conviction may be the first time someone physically harmed their significant other or family member and perhaps is not part of a series of dominating and controlling behaviors that are typically present in the relationships of those who persistently abuse their partners and families. However, my experience tells me that it is much more likely that the first domestic battery conviction is often simply the first time the individual was caught and able to be held accountable. In either case, it is the most responsible action to send these individuals to the certified professionals who can determine their appropriateness for a batterer intervention program.

For many victims, cooperating with a criminal justice process is a terrifying prospect. I believe we owe it to victims and survivors to take their experiences seriously, each and every time, and believe this change to the law is a step towards increasing their safety as well as supporting the individual who abuses to get the appropriate help they need as well.

Thank you for your consideration.



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