

Testimony in Support of
SB 708 – Maryland Violence Intervention and Prevention Program Fund and
Advisory Council - Alterations

Presented by Lydia C. Watts, Esq., Executive Director, the Rebuild, Overcome, and Rise
(ROAR) Center at University of Maryland, Baltimore

February 21, 2020

My name is Lydia Watts. I am the Executive Director of the Rebuild, Overcome, and Rise (ROAR) Center at the University of Maryland, Baltimore. I am testifying and submitting this written testimony in support of HB 0822 - Maryland Violence Intervention and Prevention Program Fund and Advisory Council – Alterations and request a favorable report of SB 708. The views expressed herein are mine as an expert in the field and are not the views of the University of Maryland, Baltimore. ROAR provides wrap-around services to victims of crime in Baltimore City. We have a staff of me and three other lawyers, a paralegal, two social workers, and a part-time community health nurse. We have been accepting a small number of clients starting in mid-February 2019 and started gearing up once we were fully staffed on June 1, 2019. As of February 21, 2020 (the date I am writing this testimony), we have helped 199 people who live in or were victimized in Baltimore City. All of them are survivors of crime ranging from homicides, non-fatal shootings, rapes, assaults, intimate partner violence, and more.

Approximately half of the people (94 of the 199) ROAR has served are family members of homicide victims or survivors of non-fatal shootings and stabbings, people who have been provided – or were likely eligible for – services from the programs that the Violence Intervention and Prevention Program Fund and Advisory Council would fund and oversee. They come to ROAR to access an array of community-based services that we provide: legal services, therapy, social work and nurse case management. They are at the front-lines of the gun violence that is plaguing Baltimore City, and they have myriad needs: safe housing – usually away from where they currently live, further education, employment opportunities, comprehensive care to manage possible disabilities or at least long-term healing from the injuries they sustained – and most of all they need understanding, care, and compassion. They need that from everyone with whom they come in contact, and it is most effective if it is coming from at least one person with a

similar lived experience, which is the model employed by the programs with which ROAR collaborates.

All of the research on gun violence clearly shows what I know intuitively - Baltimore City cannot arrest and prosecute itself out of the problem of gun and other forms of violence. In part because of the long-standing and deeply entrenched distrust by the community of the police and prosecutors; and, because a law enforcement-based approach does not address the underlying causes of the violence. Gun violence is high in Baltimore City (and similarly situated cities across the country) because of the devastating impact of intergenerational trauma, institutionalized/structural racism, decades upon decades of zero investment in the neighborhoods that were decimated through the racist practices of redlining, and an embarrassing lack of investment in our city's youth and families. The primarily black men who are the members of our clients' families lost to homicide and the primarily black men and women who come to ROAR having survived a shooting or stabbing are not turning to law enforcement for an answer. They are not turning to the State Attorney's Office for an answer. They are turning to programs like ROAR, the VIPP programs at the shock trauma centers across the city, Safe Streets, and Roca. Why? Because they want to live in safe and affordable housing in a neighborhood that is not fraught with daily shootings. They want jobs that pay them a decent wage. They want transportation options that are reliable and efficient so that they can get their children to school and themselves to work. They want to send their kids to school knowing that they are safe and getting the best education possible. And they want to heal from the traumas they have endured and become more at peace with themselves and their lives.

Without the kind of support provided by ROAR and the other programs that could receive funding through the implementation of this bill, we are creating a circular loop for the residents of the State of Maryland who are most likely to be impacted by gun and other forms of violence – people of color, people living in poverty, LGBTQIA individuals, people experiencing homelessness/ substance abuse and/or mental health disorders, immigrants, the elderly, the young. They experience trauma for years, they try their best to survive and “deal with” that trauma, and then – sometimes – they inflict trauma themselves. In the words of quite a few of these survivors, they are not always “angels”; yet they must be treated with the dignity and

respect they deserve, or we will only see greater and greater levels of violence. Without the support of these programs, many of them feel that the only viable option when trapped in that circular loop is to pick up a gun and shoot the person who harmed them. We must do better, not only to end this circular loop of escalating violence, but because it is the right and effective way to address the root causes of the violence. If anyone one of us was judged and labelled by the worst thing we have done in our lives, none of us would be holding our heads high. We know that the folks who come to us want to hold their heads high – and they deserve that.

Despite the commonly recited troupes about crime victims wanting more strict sentences and jail time for those who caused harm, the vast majority of victims of all types of crime, including domestic violence, break-ins, robberies, sexual abuse, are not looking for more arrests and prosecutions. They are looking for the support they so desperately need. Rather than additional spending on police and prosecutors, they want additional spending to go toward programs for those who inflicted harm.¹ With funding provided through this Bill, we can reach and serve even greater number of people who are hungry for that type of assistance.

Thank you so much for the opportunity to provide this testimony.

Sincerely,

Lydia C. Watts, Esq.
Executive Director
Rebuild, Overcome, and Rise (ROAR) Center
University of Maryland, Baltimore

Tyrone Roper, MSW
Director
Community Engagement Center
University of Maryland, Baltimore

¹ Crime Survivors Speak, The First-Ever National Survey of Victims' Views on Safety and Justice, Alliance for Safety and Justice. <https://allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf>

Additional Information

Dating back to 1993, Kimberle Crenshaw wrote: “Women of color [in work cited, the author is referring to survivors of intimate partner violence] are often reluctant to call the police, a hesitancy likely due to a general unwillingness among people of color to subject their private lives to the scrutiny and control of a police force that is frequently hostile. There is also a more generalized community ethic against public intervention, the product of a desire to create a private world free from the diverse assaults on the public lives of racially subordinated people.”² “[F]or some people subjected to abuse, the criminal justice system – indeed, any state system – is not a safe and comfortable place within which to seek justice. People of color, who are already overrepresented in the criminal justice system, may have concerns about approaching the state for assistance, fearing that the state will intervene punitively against their partners or against them.”³ And their fears are often warranted. Sometimes calling the police results in homelessness for victims of intimate partner violence,⁴ or in their own arrest. These same fears are present – perhaps even heightened – for survivors of gun and other forms of community violence.

Black men are over-represented among those accused of and convicted of violent crime though there is no evidence to suggest that men of color are more prone to violence than white men,⁵ though the media certainly portrays otherwise.⁶ The perception of men – particularly young men

² Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241, 1257 (1993).

³ Leigh Goodmark, “Law and Justice are Not Always the Same”: *Creating Community-Based Justice Forums for People Subjected to Intimate Partner Abuse*, Florida State University Law Review Vol. 42:707, 720 (year?).

⁴ There have been many housing authorities across the country who were exposed in the early 2000s for evicting domestic violence victims for violating the policy that no illegal activity could take place on public housing property, and since she called the police for help, the housing authority was alerted that a crime had occurred – an assault against the victim who is now getting evicted as a result. This practice is still occurring today on privately owned properties. See Jenny Kutner, “Domestic Violence Victims can be Evicted for Calling the Police”, July 14, 2016, <https://mic.com/articles/148484/domestic-violence-victims-can-be-evicted-for-calling-police-here-s-why#.oJfYfDbSK>.

⁵ Kim Farbota, *Black Crime Rates: What Happens When Numbers Aren't Neutral*, January 19, 2016, http://www.huffingtonpost.com/kim-farbota/black-crime-rates-your-st_b_8078586.html.

⁶ In *Tough Guise: Violence, Media and the Crisis in Masculinity*, Jackson Katz and Jeremy Earp argue that the media provide an important perspective on social attitudes – and that while the media are not the cause of violent behavior in men and boys, they do portray male violence as a normal expression of masculinity. Earp, Jeremy and Jackson Katz. *Tough Guise: Violence, Media & the Crisis in Masculinity* (study guide). Media Education Foundation, 1999. In 1999, Children Now, a California-based organization that examines the impact of media on children and youth, released a report entitled Boys to

– of color as inherently more violent has inexorably and negatively shaped lives, communities, history, and political landscapes.⁷ Not only are young men of color disproportionately represented among those accused of using violence, but also of being victims of violence.⁸ Yet, their needs as victims of crime, and the commensurate trauma that often comes with victimization, are largely ignored, thereby exacerbating the devastating impact of the continued assault of structural racism.

Since men of color are *perceived* as more prone to be violent, it is likely that they will adopt behaviors to support that perception or assumption. Michelle Alexander in The New Jim Crow poses the question, “Are we willing to demonize a population, declare a war against them, and then stand back and heap shame and contempt upon them for failing to behave like model citizens while under attack?”⁹ She goes on to say “[t]here is nothing abnormal or surprising about a severely stigmatized group embracing their stigma... Indeed, the act of embracing one’s stigma ...is a political act – an act of resistance and defiance in a society that seeks to demean a group based on an inalterable trait... [E]mbracing the stigma of criminality is an act of rebellion – an attempt to carve out a positive identity in a society that offers them little more than scorn, contempt, and constant surveillance.”¹⁰ The “dance” - or “minstrel show” as Alexander calls it¹¹ - of men of color acting “ghetto”, violent, posturing to gain some sense of respect and control, plays perfectly into stereotypes and implicit racism that men of color are in fact more violent.

Men: Media Messages About Masculinity. The report observes that... non-white male characters are more likely to experience personal problems and are more likely to use physical aggression or violence to solve those problems. Boys to Men: Media Messages About Masculinity. Children Now, 1999. <http://mediasmarts.ca/gender-representation/men-and-masculinity/how-media-define-masculinity>, last visited 8.23.16.

⁷ “This far-reaching form of stereotyping and oppression—what Toni Morrison and others call the “[white gaze](#)”—has shaped individual lives and collective histories within communities of color.” David J. Knight, *Beyond the Stereotypical Image of Young Men of Color*, The Atlantic, January 5, 2015. <http://www.theatlantic.com/education/archive/2015/01/beyond-the-stereotypical-image-of-young-men-of-color/384194/>

⁸ Danielle Sered, *Young Men of Color and the Other Side of Harm*, Vera Institute of Justice, December 2014. <http://archive.vera.org/sites/default/files/resources/downloads/young-men-color-disparities-responses-violence.pdf>

⁹ Michelle Alexander, The New Jim Crow: Mass Incarceration in the Age of Colorblindness (2010), p. 170.

¹⁰ Id at p. 171.

¹¹ Alexander writes about how the media portrays men of color as caricatures of “racial stereotypes and images associated with the era of mass incarceration – an era in which black people are criminalized and portrayed as out-of-control, shameless, violent, over-sexed and generally underserving.” Id at pg. 173.

It is important to note, that rates of incarceration have skyrocketed for women during this same time period, at even greater and more astonishing rates.¹² “There are 14 times more women in jail in this country today than there were in the 1970s... [And] women typically become incarcerated after experiencing gender-based trauma throughout their lives. About eight in ten [incarcerated women] have experienced domestic partner abuse. A large majority has survived sexual violence.”¹³ Again, women of color are disproportionately represented among the incarcerated. Many of these women are in jail or prison because a violent partner forced them into illegal activity, most typically assisting in some portion of a drug exchange, but also in sex work.¹⁴ Other times, women may engage in illegal activity to survive in an environment that does not support poor mothers well, if at all. Over the past 20 years, public benefits have been dramatically cut, affordable housing stock has plummeted, and childcare costs and other costs of living have soared. Livable wages are almost non-existent for those working in certain sectors of our economy. Working in illegal economies may literally feel like the only choice to financially support oneself and a family.¹⁵

Speaking from a personal perspective, the vast majority of the survivors with whom I have worked over the past 30 years have not favored the criminal justice response to their victimization (non-scientifically, I would say over 90%). **SO, WHAT DO CRIME VICTIMS**

¹² Coker & Macquoid, *Opposing Hyper-Incarceration*, *supra* note 15 at 588 (2015).

¹³ Micelle Chen, *Why Are There So Many Women in Jail? The number of women in jails has skyrocketed over the past four decades*, <https://www.thenation.com/article/why-are-there-so-many-women-in-jail/>, August 22, 2016.

¹⁴ “Survivors who were forced into criminal activity by abusive partners could also be eligible for alternative sentencing under the legislation [Domestic Violence Survivors Justice Act, passed in May 2016 in New York state]. Advocates stress that abusers often use violence to coerce survivors into committing crimes like robbery or drug trafficking.” Melissa Jeltsen, *Should Domestic Violence Victims go to Prison for Killing Their Abusers?*, May 26, 2016, http://www.huffingtonpost.com/entry/domestic-violence-prison-legislation_us_573deaa3e4b0ace7b8e94236.

¹⁵ “Particularly for women, their interactions with the justice system are often the result of survival efforts,” said Liz Swavola of the Vera Institute of Justice, one of the report’s principal authors. “They are predominantly women of color, and they are overwhelmingly poor.” Rebecca McCray, *There are More Women in U.S. Jails Than Ever Before*, August 17, 2016, <http://www.takepart.com/article/2016/08/16/women-jails?cmpid=tp-twtr>. “Women often become involved with the justice system as a result of efforts to cope with life challenges such as poverty, unemployment, and significant physical or behavioral health struggles.” Vera Institute of Justice, *Overlooked: Women and Jails in an Era of Reform*, August 2016.

WANT? What ROAR has seen over the past nine to twelve months of providing services to victims of all types of crime in Baltimore City, survivors of crimes want:

- First and foremost, assistance with finding ***safe and affordable housing***, especially if they have been victimized at or near their homes and/or are living in parts of the city in which there are high rates of community violence;
- Easy to access, long-term, and ***culturally appropriate counseling*** (including group counseling);
- ***Non-judgmental and timely assistance in navigating*** the complex and bureaucratic systems, such as public benefits, medical/mental health/substance abuse care, housing, police investigation, prosecution by the State Attorney's Office, juvenile justice, foster care, etc.
- ***Legal Assistance*** to minimize the impact of the victimization on housing, employment, education, safety, immigration status, financial security, and privacy/dignity.
- ***Autonomy in decision-making*** about their case, and not being judged or penalized for a delay in or lack of reporting to law enforcement (e.g., being doubted by the police/prosecutors; being denied funds from the Criminal Injuries Compensation Board; being denied emergency financial assistance or housing transfers/options);
- ***Increased support for a diversity of service options***, including more located within communities and at venues unaffiliated with formal justice system processes. (See Warnken article listed in bullet 2 below, page 19.)
- ***Access to job support, transitional housing and other longer-term resources necessary for stabilization and mitigation of risk.*** (See Warnken article listed in bullet 2 below, page 25.)

There are three research studies that I am aware of that strongly supports these positions:

- Warnken, Heather and Lauritsen, Janet, [Who Experiences Violent Victimization and Who Accesses Services?](https://ncvc.dspace.org/bitstream/item/1270/CVR%20Article_Who%20Experiences%20Violent%20Victimization%20and%20Who%20Accesses%20Services.pdf?sequence=1), Center for Victim Research, Findings from the National Crime Victimization Survey for Expanding Our Reach, April 2019.
https://ncvc.dspace.org/bitstream/item/1270/CVR%20Article_Who%20Experiences%20Violent%20Victimization%20and%20Who%20Accesses%20Services.pdf?sequence=1

- Warnken, Heather, Untold Stories of California Crime Victims, Research and Recommendations on Repeat Victimization and Rebuilding Lives, April 2014.
- Crime Survivors Speak, The First-Ever National Survey of Victims' Views on Safety and Justice, Alliance for Safety and Justice. <https://allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf>. See page 27, Box 3: “Invest in evidence-based services that protect crime survivors and stop the cycle of victimization.”