



BILL NO: House Bill 847
TITLE: Criminal Procedure - Domestic Violence Offender Registry
COMMITTEE: Judiciary
HEARING DATE: February 20, 2025
POSITION: **OPPOSE**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the House Judiciary Committee to issue an unfavorable report on HB 847.**

House Bill 847 would create an offender registry for people convicted 3 times for a “domestically related” crime. The Network opposes this bill for a variety of reasons. We have included with this testimony documents from other states and the National Network to End Domestic Violence on why domestic violence organizations are over all against such registries. We urge the members of the Committee to read through them.

First, we have grave concerns about the unintended consequences of such a registry. In domestic violence, once a perpetrator’s name is public, it is relatively easy to discern who the victims or victims are, violating their privacy. Second, since only a small percentage of offenders actually ever enter the criminal justice system, a registry will always significantly underrepresent the number of individuals who are abusive and who may pose a danger to someone and may minimize the danger of an offender who only has one or two convictions. Many domestic violence homicides and violent attacks are perpetrated by people with no prior criminal record. (See NNEDV document attached). Creating a false sense of security for victims or prospective victims is dangerous. Third, true victims are often arrested, and placing them on a registry only makes their lives more difficult, including revealing their address to the actual abuser.

In addition, the designation of a crime being “domestically related” depends on the prosecutor so designating and we have no indication that it is broadly and consistently being done in all jurisdictions. Coupled with pleading down to lesser charges, the number of people on the registry would likely be small, which will give the wrong impression that domestic violence is not a widespread problem. The registry will not illustrate the large number of civil orders of protection sought and granted every year. Not every victim wants to engage with the criminal justice system and this might further chill filing of criminal charges against domestic violence perpetrators.

For further information contact Laure Ruth ■ Public Policy Director ■ 301-852-3930 ■ lruth@mnadv.org

1997 Annapolis Exchange Parkway, Suite 300 ■ Annapolis, MD 21401
Tel: 301-429-3601 ■ E-mail: info@mnadv.org ■ Website: www.mnadv.org



For the above-stated reasons, the **Maryland Network Against Domestic Violence** urges an **unfavorable report on HB 847**.

For further information contact Laure Ruth ■ Public Policy Director ■ 301-852-3930 ■ lruth@mnadv.org

1997 Annapolis Exchange Parkway, Suite 300 ■ Annapolis, MD 21401
Tel: 301-429-3601 ■ E-mail: info@mnadv.org ■ Website: www.mnadv.org



Potential Unintended Consequences of Domestic Violence Offender Registries

Over the last several years, there have been many proposals across the country to create state and/or national registries listing domestic violence offenders. These proposals suggest that such a database will be a preventative tool, increasing safety for potential victims. Unfortunately, there is little evidence demonstrating that a registry of this kind will achieve the desired and intended goals of increasing victim safety and offender accountability. There are also many potential unintended consequences, many of which can decrease safety or have a negative impact on victims. The following are some of these concerns:

- **Creating a False Sense of Security**

Arguments for the registry can be compelling and seemingly logical: to easily and quickly assess if another person could be potentially dangerous based on prior convictions of domestic violence. The registry idea is partly premised upon the assumption that if a person's criminal history is known, then future potential victims can simply avoid the person and any possible harm. However, relying on a registry to determine if a person could be potentially dangerous is ineffective and can create a false sense of security.

Since only a small percentage of offenders actually ever enter the criminal justice system, a registry will always significantly underrepresent the number of individuals who are abusive and who may pose a danger to someone. Many domestic violence homicides and violent attacks are perpetrated by people with no prior criminal record. Of those who are charged, few are convicted and many plea to a lower offense that would not require them to be listed in the registry. Many registry proposals would only include individuals convicted of a violent felony. This threshold means that not everyone who commits violent domestic violence crimes would be listed. Additionally, many legislative proposals would also require the offender to be convicted at least three times of a domestic violence crime before being listed in the registry. There are many challenges to creating a registry that would be comprehensive and informative enough to be helpful at all, much less a tool for prevention.

- **The Simplicity of the Solution Ignores the Complexity of Domestic Violence**

Domestic violence is a complex pattern of power and control. The assumption is that if a person was to find their current or potential love interest listed in a domestic violence registry, they can simply avoid or end the relationship to maintain their safety. This ignores the complexity and context of domestic violence, and the reality that most homicides of women and their children occur when the person is attempting to leave or have left the relationship. Stalking behaviors also significantly increase at the point of a break-up. Breaking off a relationship needs to be a thoughtful process that includes a comprehensive safety plan.

- **Concerns for Victims' Privacy**

Due to the nature of the intimate relationship between a victim and an offender in domestic violence cases, publicizing an offender's name to the public can quickly and easily identify the victim as well. Survivors and their children deserve privacy and should be able to remain anonymous while offenders are held accountable. It has also been well-documented that a concern over privacy can deter victims



Potential Unintended Consequences of Domestic Violence Offender Registries

from seeking assistance. Not only are victims concerned about their personal privacy, they also face potential consequences from being identified as a victim, including negative social stigmas and the loss of jobs or housing options.

- **Public Shame Can Deter Victims from Calling 911**

The existence of a registry that can act as a public wall of shame can both deter victims from seeking help and raise serious concerns for the safety of those who do. Reporting domestic violence and trying to escape is often the most dangerous time for a victim. Some abusers may retaliate against the victim if their names are included in a public registry. Additionally, many survivors feel concern for their partner and their future. They want the abuse to stop, but they may not want a public disclosure or public shaming to occur. This concern may lead some survivors to not seek assistance at all.

- **Imperfect System = Imperfect Data**

Unfortunately, victims of domestic violence are sometimes arrested after reaching out for help. This may be due to the victim defending themselves or because of challenges in identifying the primary aggressor. In a study conducted by the National Domestic Violence Hotline, [1 in 4 survivors reported being arrested or threatened with arrest after making a report to police](#). Having victims in the registry will unfairly impact them and challenge the fundamental goal of the registry as a tool for identifying people who may be a danger to others. Victims are statistically extremely unlikely to pose a threat to others.

- **Unnecessary Use of Funds**

In most communities, criminal records are already public and/or available for a fee. Landlords and employers often access these records when conducting a background check. In addition, criminal records are increasingly becoming more readily accessible online. Creating and maintaining a database solely for this purpose is an unnecessary use of limited funds that can be better used serving victims or on effective prevention measures.

- **Minimization of the Epidemic of Abuse**

Some supporters of registries suggest that the existence of a registry will help increase awareness of domestic violence. However, since the vast majority of abusers will never be listed in a registry, either because they never enter the criminal justice system or because the threshold for being included is too high, a registry will not only be an inaccurate reflection of the issue, but could also minimize the prevalence of the crime.

Domestic violence continues to be an epidemic that requires comprehensive and effective responses that will hold offenders accountable, protect victims, and create real prevention. A domestic violence offender registry has many potentially harmful consequences and, regardless of the intended goals, is not a tool for primary prevention. To truly prevent abuse, we need to change social norms that allow and even condone one partner choosing to abuse another partner through power and control.

NYSCADV

NEW YORK STATE COALITION AGAINST DOMESTIC VIOLENCE

MEMORANDUM OF OPPOSITION

A.2850-A (Titone)/S.6660 (Nozzolio)

VIOLENT OFFENDER REGISTRY BILL: VERSION 3 OF 3

BACKGROUND

NYSCADV is opposed to this and other similar legislation (A.9286/S.6658 and A.1833/S.513) because domestic violence offender registries, in any format, have dangerous unintended consequences that thwart their ability to achieve the desired and intended outcome of increasing victim safety and offender accountability. Our concerns about domestic violence offender registries mirror those of our partners across the country, including state domestic violence coalitions and the National Network to End Domestic Violence¹.

DOMESTIC VIOLENCE OFFENDER REGISTRIES DO NOT CREATE A DETERRENT EFFECT

Similar versions of this legislation have been around since 2008. They have different approaches to the initiating factor that determines who must register. The language in this specific version requires registration as a result of a conviction of a “domestic abuse offense” when the victim is a family or household member. Few abusive individuals would end up on the registry because relying on convictions for these offenses would mischaracterize the number of actual domestic violence offenders. Only a small percentage of domestic violence offenders ever have contact with the criminal justice system. Even fewer face arrest, and of those that are arrested, far fewer are actually convicted. For example, many felony level domestic violence related crimes are plead down to misdemeanors, receive adjournments in contemplation of dismissal (ACOD), or are dismissed.²

As an example, in New York City, **of the 75 family related homicides in 2010, 77% of those cases had no known prior police contact and 96% of these cases had no current order of protection**³. This shows that a significant portion of those who commit acts of domestic violence will not be identified through a domestic violence offender registry. The registry purports to be a tool that people can use to find out if their partner is unsafe, but in reality, it creates a false sense of security, as it presents the assumption that if a current or prospective partner is not on it, they do not have a history of abuse and are not capable of being abusive.

REGISTRIES HAVE A HARMFUL DISPARATE IMPACT ON PEOPLE OF COLOR

We have additional concerns about the over representation of people of color on such a registry, due to the institutionalized racial bias within criminal and court systems. For instance, a 2010 report from Prison Policy Initiative found that in 2010 Blacks and Hispanics made up 34% of the total state population, but represented 74% of the total prison/jail population, while whites made up 58% of the total state population and only represented 26% of the prison/jail population. A 2010 report from the U.S. Sentencing Commission found that in the federal system Black people receive sentences that are 10% longer than White people convicted of the same crimes. And a 2009 report from the Sentencing Project found that the longer a sentence is, the more likely it is that a person of color will be the one getting it: two-thirds of the people in the United States with life sentences were non-white, and in New York, that number rose to 83%. The inherent bias within the criminal and court systems will cause a parallel bias within the registry, further harming communities of color.

REGISTRIES ARE RIDDLED WITH HARMFUL CONSEQUENCES FOR VICTIMS & THEIR FAMILIES

Leaving an abuser can be equally if not more dangerous than staying, and should be done thoughtfully and with a well-constructed safety plan. Posting a perpetrator’s name can lead to escalated danger of retaliatory violence by an offender who blames the victim for exposing the abuse to their social circles and to the community in which they reside. An offender registry will also likely create a chilling effect on the reporting of crimes to authorities, and can lead to escalated danger of retaliatory

¹ <http://techsafety.org/blog/2016/5/4/thinking-critically-about-domestic-violence-offender-registries>

² Klein, A. (2004). *The criminal justice response to domestic violence*. Belmont, CA: Wadsworth

³ http://www.nyc.gov/html/ocdv/downloads/pdf/2010_annual_DVFactSheet.pdf

violence. A 2015 study by the National Domestic Violence Hotline revealed that more than half of the survivors that reached out to the police said they would not call the police again because doing so only made things worse. Offenders already blame victims and retaliate when the police are called. This danger will be intensified when they blame the victim for also exposing the abuse to the community by having their name put on a registry, and the victim's likelihood to call the police for help will be even further reduced. While this bill allows courts to consider a victim's wishes regarding registration of the offender, it is unsafe to put a victim into the precarious position of having to make a decision like this. Abusers often threaten and intimidate victims into dropping charges and not testifying against them.

Victims of domestic violence that reach out for help from law enforcement are arrested at an alarming rate. According to the National Domestic Violence Hotline study, 1 in 4 survivors reported being arrested or threatened with arrest after reporting an incident to the police. Survivors may be arrested for protecting themselves against the violence they suffered, or because the officers at the scene arrested both parties. This will likely lead to victims' names being included on the registry. While this version of the legislation does allow court discretion to determine if an offender was defending themselves and is a victim, we remain concerned that this does not sufficiently address the murky issues regarding victim blaming inherent within many criminal and court systems.

VICTIM PRIVACY CONCERNS

Notifying the public about the identity of domestic violence offenders will mean that the domestic violence victims—by nature of the relationship to the offender—cannot remain anonymous (e.g. if the community sees John Doe's name on the registry, they will infer that John Doe's spouse, girlfriend, ex-partner, etc. were likely victimized, infringing upon their privacy and right to confidentiality as victims). This can further isolate victims of domestic violence. For example, if a friend or family member of a victim finds that the victim's abuser is on the registry, they may pressure the victim to leave or blame the victim for entering into or staying in the relationship. Even worse, it is possible that placement on a registry may lead to victims expulsion from housing or employment.

In this specific version of a violent offender registry bill, the person who calls the registry hotline to inquire about someone's status is required to identify themselves and provide a current address which will be maintained in written record. This legislation also creates an internet website allowing this information to public. This creates additional concerns about privacy, confidentiality and potential threats to a victim's safety.

THE EXPENSE OF DOMESTIC VIOLENCE OFFENDER REGISTRIES DIVERTS LIMITED, CRITICAL FUNDING

While this particular proposal requires the registered offender to pay small fees when registering and updating their information, there will be a huge cost to the state to create and maintain such a database. The 2012 NYC Bar Association memorandum of opposition to violent offender registries noted that the Senate Finance Committee estimated the registry would cost approximately \$2 million to create, and between \$4.5 and \$5 million to annually maintain, and that these figures did not include the cost of hardware or the costs of additional police/ parole officers needed to implement and monitor the registration of offenders. These expenses incurred by the state would divert critical and already scarce funding from organizations that provide emergency and long term assistance for victims, and that provide primary prevention education within their communities. Fees do not resolve this issue, as so many offenders already do not meet their financial obligations to pay restitution, let alone child support. State resources should be used to support and expand core services for victims, and for primary prevention efforts that confront the attitudes and social norms that allow domestic violence to thrive, rather than to fund initiatives riddled with unintended consequences.

INVEST IN PRIMARY PREVENTION

Providing supportive services to victims of domestic violence and holding offenders accountable are essential components of a community's response to domestic violence. But the reliance on criminal justice strategies and support services for survivors has not reduced the rates of domestic violence in the United States⁴. In order to stem the tide of violence, we must not invest in offender registries, but in efforts that promote broad social change. Evidence based primary prevention strategies stop violence from occurring in the first place. They promote protective factors in youth, challenging the social norms that have allowed domestic and sexual violence to thrive, by using a variety of teaching methods that are both developmentally appropriate and are accessible to multiple learning styles. They incorporate diverse community norms, practices and beliefs, working to stop the violence before it starts. It is in these efforts that New York should invest.

NYSCADV opposes this legislation establishing violent offender registries.

⁴ L. Dugan, D. S. Nagin and R. Rosenfeld, Exposure Reduction or Retaliation? The Effects of Domestic Violence Resources on Intimate-Partner Homicide, Law & Society Review, vol. 37:1(2003).



DOMESTIC VIOLENCE OFFENDER REGISTRIES

A domestic violence offender registry can *seem* to make sense when identifying ways to address domestic violence. However, the unintended consequences of implementing a registry severely limit any benefits it might have.

Our goal is to ensure victims of domestic violence have an opportunity to safely escape abusive situations while free from the fear of being tracked down by their abusers. For that reason, it is essential to consider the potential harm for victims should their identities and locations be readily accessible via a public database or other public records.

Domestic Violence Offender Registry Concerns:

Victim Identity: It is incredibly difficult, if not impossible, to publicly identify an abuser without identifying a survivor and their children. According to a National Domestic Violence Hotline law enforcement survey, 60 percent of women indicated they did not want police involvement due to privacy concerns.

Safety: Statistically victims of domestic violence are at greatest risk of homicide at the point of separation or after leaving their violent partner. In theory, a registry would allow a person to find their partner in the database and end the relationship to prevent themselves from becoming a victim. However, the risks of assault, stalking, and homicide are greater during the period during and right after a partner has left.

Underrepresentation: Domestic violence is significantly underreported and few abusers ever enter the criminal justice system. Of those arrested, many are not convicted, plea down, or are only charged with an offense that would not require reporting under a registry statute.

Including Victims: Sadly, victims are sometimes arrested after calling for help, either because they have fought back in self-defense or because both parties have been arrested. Including victims' names in a registry will discourage them from seeking help and runs counter to the intended purpose of a registry.

Victim Blaming: Society consistently questions victims to explain their abusers' behaviors rather than holding offenders accountable for their own actions. A registry will further encourage the all-too-common questions of: "Why didn't you leave?" or "Why didn't you check the registry?"

Cause of Domestic Violence: Among the many myths surrounding domestic violence is a belief that it is caused by alcohol and drug use, mental illness, or stress. However, domestic violence is caused by a desire to exert power and control over the other partner. While other factors may exacerbate a situation, abusers make a choice to be abusive. Long-term solutions are needed to address the root causes of violence against women and intimate partners, such as prevention programs.