

Testimony in Opposition of House Bills (HBs) 4556-60 for the House Criminal Justice Committee

My name is Jane O'Shea, a resident of Birmingham, Michigan. I oppose HB's 4556-4560. I would have liked to appear in person to offer my testimony but respectfully request the opportunity to speak virtually.

Objection:

HBs 4556-4560 will provide a vehicle for early release, prior to the minimum sentence ordered by the court, with one exception, a mass shooting event. There are no exemptions for assaultive crimes related to domestic violence, strangulation, sexual assault, or stalking. Perpetrators of these crimes do so for power and control. Domestic violence occurrences often become more violent and frequent as the perpetrator begins to lose power over, and control of, their victim. The lethality risk is very high. Some law enforcement agencies have a matrix for measuring lethality probability. The most dangerous time is when the victim reports and tries to leave. There are also no exemptions for premeditated murder, murder, attempted murder, or human trafficking.

I advocated for 3 sessions to get Public Act 301 of 2020, the Address Confidentiality Program Act. *AN ACT to create the address confidentiality program; to provide certain protections for victims of domestic violence, sexual assault, stalking, or human trafficking and for certain other individuals;* This recently launched program is available to anyone fearful of their life and safety; however, it recognizes, and names four specific crimes that are recognized to be committed by certain types of perpetrators with uniquely vulnerable victims. This was done intentionally. HBs 4556 – 4560 leaves this high-risk population vulnerable and would only serve to retraumatize them. It would also, very likely, put many right back in harm's way. If you must proceed with these bills, I urge you to exempt these critical areas and all violent offenders.

My Experience:

I would like to share a small part of my experience as it highlights the need to recognize the missed exemptions in the bills before you. It is difficult to sum up my very long, complex, and disturbing case. In 2002 I was attacked by who I assumed at the time was a home intruder. I fought and negotiated with this man for my life and for whatever reason he changed his mind. He dropped the already knotted up pantyhose he had pulled out of his coat pocket to strangle me with and ran away leaving me on the bathroom floor bruised and terrified. Three months later my then husband was arrested by the FBI for kidnapping, conspiracy, and the brutal assault of a woman he had been having an affair with for several years. She was found on the side of a road beaten, tasered, stabbed three times and clothed only in plastic wrap used for shipping pallets. He was convicted of kidnapping in which the judge stated in sentencing that she believed a brutal sexual assault took place. He was sentenced to 167 months in federal prison.

During this time several horrifying things became known, including the FBI investigating what happened to me when I was attacked. They believe, as do I, that he had arranged for the stranger to be in the house when I was attacked and that he had intended to murder me. Throughout the kidnapping trial and his incarceration, I lived in constant fear that he would find where my son and I lived and that he would try to have me killed again. He did not have my physical address, only a cell phone number and he knew I lived in metro Detroit. I was fortunate that my family had the means to put everything in their name, leases, utilities, etc. Not all victims have the kind of support I was so privileged to have had. I was fearful while he was in prison, as he had means and was determined. I became more fearful as his release date approached. I had created a safety plan that I would adjust over the years as needed.

These last few years I became less fearful for my life, as he had concentrated his need for revenge, power, and control over his elderly mother. Family members witnessed verbal and emotional abuse. He took control of her finances. They also believe that he was intentionally withholding proper care for her physical wellbeing. He isolated her from everyone that did not support him. In October 2022, my trauma and fear returned. I received a phone call that he had been accused by his mother of rape. I was also told that no one knew where he was. My immediate thought was if he had in fact raped his mother and he knew he was going back to jail, and due to his age, he would probably not get out, that he would want to “take care of” those that he perceived to have betrayed him. I would be at the top of that list. I went to the police in my neighborhood to let them know what was happening. This is what fear and trauma looks like to someone who has experience with someone who commits intimate partner violence. I know that when perpetrators lose control and power that is when they are the most dangerous. This one perpetrator has instilled that fear in three victims; me, the mistress he kidnapped and assaulted, and his own mother. These are the victims that are known by law enforcement. Some of my family members and close friends have also been fearful that they may become targets as a way to get back at me. This is my perpetrator, my trauma, and my reality. I realize that my particular experience involved the federal courts and would not apply to this bill package. I am speaking up for those who would be retraumatized from this suggested policy now and for those victims to come in the future. I am standing up for those survivors in our communities across Michigan that I have met along my advocacy journey over the last 10 years, and for those I have never met.

My ask:

Violent offenders have caused harm to another human being. The trauma experienced by their victims lingers long after some of the physical wounds have healed. Having one’s sense of safety or a piece of oneself taken from you is more damaging than you could possibly understand unless it has happened to you. My personal experience is related to intimate partner violence with an attempt on my life. I have learned, and perhaps you are familiar with how the system works as it pertains to domestic violence, the first interactions with the law normally lead to pleas for a lesser, and generic, misdemeanor. If incarcerated on a domestic violence charge, attempted strangulation, or aggravated stalking, this is likely a very dangerous offender with greater likelihood to reoffend. The survivor deserves to know the minimum time sentenced is the real time served. It is a part of how their safety plan is developed and implemented. They should be allowed the time promised by our courts. It is a time where safety can possibly be somewhat restored. This safety does have an expiration date, but to shorten that time tells us that our safety does not matter. A victim centered approach to criminal justice allows the possibility for healing, this bill package does not. I respectfully urge you to uphold our current minimum sentence ruling and to oppose moving these bills forward as they are written.