

Invited Testimony – SB12 and SB35

18 Feb. 2019

Alaska Network on Domestic Violence and Sexual Assault

Good Morning. I am Carmen Lowry, Executive Director of the Alaska Network on Domestic Violence and Sexual Assault. I am grateful for the invitation to speak with you today. My presentation is about 10 minutes, and will cover the following:

- A brief introduction to the Network and some information about me
- Highlights from SB12 and SB35 specifically dealing with strangulation and expansion of protections for victims
- A brief explanation of strangulation due to its prominence in informing these bills
- And, finally, a conclusion into context and data as ways help inform future work.

The Network

ANDVSA was established in 1977 when five programs based in Anchorage, Fairbanks, Juneau, Kenai, and Nome came together to talk about how they could be more effective, have greater coordination, and influence policies and legislation.

Today, we have 24 members and are driven by our mission: “To be a collective movement to end violence and oppression through social change.” Our members include:

- Advocates for Victims of Violence, Valdez
- Abused Women’s Aid in Crisis, Inc. Anchorage
- AWARE, Inc., Juneau
- Arctic Women in Crisis, Utqiagvik
- Bering Sea Women’s Group, Nome
- Cordova Family Resource Center, Cordova
- Interior Alaska Center for Non-Violence Living, Fairbanks
- Kodiak Women’s Resource and Crisis Center, Kodiak
- The LeeShore Center, Kenai
- Maniilaq Family Crisis Center, Kotzebue
- Safe and Fear-Free Environment, Dillingham
- Sitkans Against Family Violence, Sitka
- South Peninsula Haven House, Homer
- Standing Together Against Rape, Anchorage
- Tundra Women’s Coalition, Bethel
- Unalaskans Against Sexual Assault and Family Violence, Unalaska
- Working Against Violence for Everyone, Petersburg
- Women in Safe Homes, Ketchikan

- My House – Mat Su Youth Housing, Wasilla
- Becky’s Place – Haines
- Helping Ourselves Prevent Emergencies, Craig
- Native Village of Eyak Arnat Women’s Project, Cordova
- AK National Guard – Sexual Assault Prevention and Response Program

About Me

I am originally from Western Ky – my family have been farmers there for six generations and I grew up knowing seven of my eight great grandparents. I started this work in 1990 as a Children’s Advocate at New Beginnings Shelter in Seattle, then migrated to Bethel to work at the Tundra Women’s Coalition from 1992 – 1997, first as a shelter manager, and then as the Executive Director. This experience had a profound impact on me.

I have continued working on issues of gender-based violence – domestic and sexual violence – in humanitarian settings that include Darfur, East Timor, Lebanon, Iraq, and Burma. In order to learn more and gain research skills, I have returned to graduate school twice, and earned my doctorate in communication in 2013. Before returning to Alaska in February 2016, I spent two years in Nairobi providing technical assistance on gender-based violence response to programs in the horn of Africa.

It is my goal to be a technical resource for you and other policy makers as well as work with our members to ensure that they also are sharing their knowledge and resources with you through public testimony and on-site visits.

Key Elements in SB12 and SB35

THANK YOU for the legislative responses to the Schneider case, and to the impact of strangulation that also was part of Ashley Johnson Barr’s case.

With respect to SB12, please be aware that the Network is specifically pleased to note that the three major impacts on AK sexual assault laws (as explained by Senator Micciche in his sponsor statement) are all impacts we agree with:

- Requiring that strangulation to the point of unconsciousness is defined as assault in the first degree;
- Eliminating credit toward time served while on EM in pretrial for sexual assault convictions
- Classifying unwanted contact with semen as a sexual crime

Regarding SB35, there are close parallels to address similar concerns and ANDVSA believes that these also have an impact on AK’s sexual assault laws as well:

- Amending the definition of sexual contact include contact with semen making unwanted contact with semen a sex offence
- Enhanced strangulation sentencing
- Out of state sex offender registration
- Marriage defense to sexual assault

Because strangulation has factored heavily in these two bills, I want to share a bit of data from an op ed piece that I wrote along with Dr. Tracey Weiss (<https://www.juneauempire.com/opinion/strangulation-a-deadly-tactic>).

It ran in several papers, and prior to the publication, I called and spoke with Ashley Johnson Barr's family to make sure they were okay with me calling her name. I assured the father that I would take great care when I was discussing issues related to Ashley. Key excerpts from that document:

“Strangulation results in cerebral hypoxia – this means that there is not enough oxygen delivered to the brain to maintain the functioning of the brain and results in a loss of consciousness. A victim who is being strangled may lose consciousness in as little as 10 seconds: 10 seconds that often are filled with confusion, disorientation, disbelief, and a fear of death. If a victim consistently experiences bouts of non-fatal strangulation where critical areas of the brain do not get enough oxygen or neurological input, they may experience diminished brain functioning resulting in memory loss and/or small minor strokes.

Here's why it is so challenging: victims can be strangled with no physical signs or symptoms on their bodies. This is why training and awareness is so important. We must remember: victims are not choked, they are strangled, and this is why terminology is so important.

Also, Dr. Nancy Class reported in 2008 that non-fatal strangulation is an important risk factor for homicide in domestic violence victims. This means that when victims report that their partners have “choked” them, these victims are at higher risk of being murdered by the partners. In other words, strangulation is deadly and it should never be taken lightly”.

Context and Change

So, we have “fixed” some of the issues and also expanded on what is considered a sexual offense. In closing, I want to share some data from the State of Alaska 2017 Felony level sex offense report clearly shows that sex offenses – both victimization and suspect identification – are being experienced by young people, and are disproportionately being experienced – both victimization and suspect identification- by Alaska Native Peoples.

- Most common age for victims across the five geographic regions range from 12 – 19. Out of the 1,498 victims reporting in 2017, 45% were Alaska Native females.
- Most common age for suspects across the five geographic regions range from 17 – 28. Out of the 1442 suspects, 36% were Alaska Native with the majority suspects being male (95% of all suspects were male).
- In less than 3% of felony level sex offenses was the suspect a stranger, and 76% of incident locations were reported as a residence/home.

We have enough information – enough data – to make intentional and knowledge-based decisions. We can change. Thank you for your work.