

Committee on the Judiciary & Public Safety
Criminal Code Reform Commission (CCRC): Budget Oversight Hearing, April 13, 2023
Testimony of Naida Henao, *Network for Victim Recovery of DC's* Head of Engagement

Thank you Chairwoman Pinto, other Committee members, and staff. My name is Naida Henao and I am the Head of Engagement at Network for Victim Recovery of DC (NVRDC). NVRDC is a local nonprofit that has provided free, holistic and trauma-informed advocacy, legal and therapeutic services to over 8,800 survivors of all types of crime in the District, ranging from sexual assault and domestic violence to hate crimes, identity theft and homicide. NVRDC is one of the leading victims' advocacy organizations in the country, and one of the few providing legal representation to victims in criminal trials to enforce their rights under local and federal law. NVRDC's work has been nationally recognized with honors from the American Bar Association and others.

NVRDC is a strong supporter of the Revised Criminal Code Act (RCCA), advocating for it when it was before the DC Council, and throughout the disapproval resolution process before Congress. I am here on behalf of NVRDC because even though the RCCA has not become law in the District, there is still much work to be done and the Criminal Code Reform Commission (CCRC) is needed to guide the next steps.

While there is much criticism that the RCCA fails to protect crime victims and is contrary to the goals of public safety, this perspective perpetuates a false binary that criminal legal reform necessarily benefits the parties accused of harm and risks the safety of victims. This blanket characterization lacks the nuance and respect owed to crime victims by assuming that victims are a monolith and desire the same outcome in a criminal prosecution – despite the many differences in their identities, circumstances and beliefs.

Some opposition to the RCCA has assumed all victims will want the person who harmed them to be incarcerated or to have the highest sentence possible, yet fail to cite any basis for this assumption.¹ Having directly represented many of these individuals in the District of Columbia, we can confidently say that this is not representative of the entirety of survivors' experiences. We have represented clients who have requested alternatives to incarceration (such as restorative justice, alternative resolution, mental health treatment, and probation), have requested lower sentences, or supported resentencing efforts.² The diversity of victims' desires matters because healing is not, and cannot, be a one-size fits all approach. We feel strongly that the RCCA allows for greater flexibility in what victims can represent as their preference related to sentencing and rehabilitation, which in turn creates the space for victims to become more active participants.

Furthermore, many of the discussions relating to the RCCA failed to uplift the many provisions that provide harsher penalties for those who cause harm, for example in the provisions that relate to misdemeanor sexual abuse and domestic violence. These include: criminalizing strangulation as a felony to acknowledge the seriousness and lethality of the act; criminalizing nonconsensual conduct as a felony; and restricting those with domestic violence convictions from possessing firearms. To clarify, our position is not that all survivors will want increased penalties. What we aim to uplift is that the criticisms of the RCCA have been overgeneralized

¹ Contrary to the distorted narrative that harsh sentences enhance community safety, the first-ever national [survey of victims' views](#) on criminal justice, commissioned by Alliance for Safety and Justice, found that victims of violent crime widely support reducing incarceration to invest in prevention and rehabilitation. This survey found that 61 percent of crime victims support shorter prison sentences and more spending on prevention and rehabilitation. By a margin of 3 to 1, victims preferred alternatives to incarceration, such as mental health treatment, drug treatment, community supervision, and community service. In fact, 77 percent of survivors of the most serious violent crimes said that prosecutors should focus on solving neighborhood problems and stopping repeat crimes through rehabilitation, even if it meant fewer convictions.

² The Vera Institute of Justice conducted a [national poll](#) of 4,000 voters spanning the political spectrum, oversampling in the most politically diverse states. The results, found jobs, housing, community infrastructure, and schools are the top factors when asked what truly contributes to safety. Both public support and research suggests that investing in improvements around social determinants of health and safety could better contribute to keeping individuals, families and communities safer.

and have missed provisions like these that seek to provide clarity that is desperately needed for these offenses under the current criminal code.

Another aspect that was missed by the criticisms of the RCCA and has been uplifted by the Criminal Code Reform Commission is the need for wider system accountability and transparency. We need to look at how the laws that claim to protect the victims on paper, are failing them in practice. Many members of the public may see the calls for higher sentences as a welcome deterrent for potential crime; however, if the sentences that are actually being handed down in DC Superior Court do not match what is in the Code, we are setting up survivors for disillusionment and potential retraumatization. Crime victims are often trying to adjust to a new “normal” way of living “after” the crime they experienced. Every confusing, unclear, unexpected surprise or uncertain component weighs on them and burdens their recovery. There is an omnipresent feeling of always being on edge, or always being unsafe that is frequently reported by victims trying to find their footing amid a chaotic and uncertain environment. The CCRC did so much in the RCCA to give tangible, sensible, predictable definitions to the elements, defenses, concepts, and penalties that comprise our criminal code. We need them to ensure that these gains are not lost after the results of the disapproval resolution. We need to keep the momentum going.

If the concerns about the District’s safety and crime victims are sincere, meaningful code reform that manages survivor/victims’ expectations is critical. NVRDC strongly believes that an adequately funded CCRC is needed to continue the momentum of the efforts made in the RCCA. We ask that they be funded for the \$870,000 that they are requesting. Thank you for your time and consideration, I am happy to answer any questions you have.