

New York State Coalition Against Sexual Assault
28 Essex Street, Albany, NY 12206 • 518.482.4222

Testimony of Chrys Ballerano, New York State Coalition Against Sexual Assault
Senate Parole Hearing
Oct. 1, 2018

I, Christine Ballerano, familiarly known as Chrys, am giving this testimony from a place of respect, compassion and deep empathy with people who have experienced interpersonal violence, and other traumatic forms of crime. As an advocate in the sexual assault movement for over twenty years, over nineteen serving as a statewide project director at NYS Coalition Against Sexual Assault, I've learned a great deal about the criminal justice system's approach to managing victims of crime and those who have done harm and violated the rights of survivors. As the statewide Sexual Assault and Mental Health Project Director since '99, I have heard countless testimonies from survivors for whom the criminal justice system brought no justice. Survivors from whom much was taken and not restored, or witnessed in any manner that brought healing for the traumatic injury that was caused.

And I'd like to share this statement from our organization's project team, which I shared earlier in our press conference:

"Too often the actions public officials take in the name of crime victims, particularly in the name of survivors of sexual and domestic violence, do not line up with the actual needs and desires of the majority of survivors, especially survivors from communities that are most at risk. As an organization committed to healing and justice for all survivors and to truly ending sexual violence, NYSCASA recognizes that reliance on a biased and inherently reactive criminal justice system will not achieve these goals. Like many survivors, we would rather see public officials take action to ensure that survivors, their families, and communities have the comprehensive resources they need to heal and to thrive; that significant investments are made in community services and institutions that will prevent violence from happening in the first place; that people who commit harm are held accountable in a meaningful way that does not perpetuate a cycle of violence; and that people who commit harm have access to the services they need to stop committing harm."

As a survivor of sexual child abuse by my paternal grandfather, a rape as an adolescent by a boyfriend I trusted, and sexual assault as a college freshman by a teacher, I know first-hand how these crimes go unspoken, unhealed, and ultimately made invisible. So you see, this issue is personal for me and I understand what my colleagues and other survivors refer to as a "rape culture". We continue to have powerful institutions that protect adults who harm kids, and even punish youth for the actions of adults. Although I know of efforts being made in some areas of service provision to be more trauma-informed, there is still a lack of cultural competence and far too great a propensity towards punishment and different forms of violence when a person is seen as non-compliant. Locally we all saw the tragic results of reactivity in the heartbreaking case of Dontay Ivy. We see this violence play out in victim blaming scenarios where bullying, blaming and harassment run rampant with people savagely disrespecting other people; at times this violence is even labelled as appropriate behavior by institutions set to maintain the status quo.

As a child, I didn't tell anyone about my sexual abuse because I didn't feel I had the power to speak up against my elder. What I do remember doing, again and again, is run to another elder, my maternal step-grandfather, James Rera, who I trusted implicitly and who loved me unconditionally. His love and protection of my spirit was one of the greatest assets of my childhood development. Grandpa Rera was also an ex-felon from before I was born, having as a minor, driven the get-away car for his older brothers' failed bank robbery. I didn't learn this fact about him until years later after he passed away. He had been offered an out from prison by serving in the military during World War II. He was always a man of great

dignity and love for others. My mother's older sister, my Aunt Fran described my grandpa as a "knight in shining armor", as she recalled his courtship of my grandma. As an uneducated Sicilian immigrant, my maternal grandmother had endured domestic violence in her first marriage, and had relied upon nuns to help her raise three young daughters during the depression, living in extreme poverty before marrying my Grandpa Rera. I recall Grandpa earning a good living as a union laborer and how beloved he was by his coworkers, friends and all of his family. After coming home from school as a child, I would run to his and my grandmother's house behind our home on LI to be with him in the garden, or watch him work in his garage or just run errands together in his pick-up truck for my family. He was my gentle giant protector and I loved him with all my heart. His elder brother was also very special to me and taught me how to fish as a young girl; treating me as a real person and not just as a little girl, giving me confidence in myself at a time when I was most vulnerable. I had the highest respect for these two men. I had no idea they'd each been convicted of felony crimes as young men. They remain, in my heart and memory, among my dearest mentors, and I cherish stories and photos that remain of them.

I would hate to see us moving backward and pre-judging people for eternity based upon their actions as youth. Taking away an individual's right to vote is another way of dehumanizing the most marginalized citizens of our nation, and as such, it is another form of violence. Such policy has no place in NYS. We should proudly model human rights, not exacerbate systematic oppression. Instead our policies should foster self-respect, healing and empathy and prepare incarcerated individuals to participate as citizens on the outside; not discard and disregard people as unworthy of dignity and civil rights. If Nelson Mandela can lead a Truth & Reconciliation Tribunal in post-apartheid S. Africa after suffering decades of brutal imprisonment, what stops us from honoring human rights for all people in the United States?

We also know that too many people living behind bars are themselves victims of violence, trauma and tremendous loss, as children, adolescents, and adults. Many are there for non-violent crimes that were survival strategies- the most accessible ways of coping with the traumatic pain they'd experienced as victims. These young people, like some of us in this room, may have used self-destructive behaviors like drugs and alcohol to get by, resulting in these survivors being criminalized for their coping strategies. We also know that those who serve the longest and harshest sentences for these offenses are poor and disproportionately people of color. Those early traumas, known as adverse childhood experiences or ACEs, are often exacerbated by the brutality experienced and witnessed while in prison, and the racism and implicit bias expressed in mainstream culture through our many institutionalized systems.

I have visited incarcerated survivors and know from what I've seen, how broken this system of mass incarceration is for families and individuals seeking healing and/or justice. I recall visiting with a female survivor of domestic and sexual violence, in Columbia County's jail in Hudson, while working as a rape crisis counselor at the REACH Center of Greene and Columbia counties. She refused to allow me to tell her family she was in jail because she didn't want them to see her that way- the shame she felt about them seeing her behind bars was too great for her to ask for support that she desperately needed; and as a crime victim, the subsequent isolation did nothing to help her heal from her trauma. Her crime was a relapse of cocaine use while on parole.

I could go on about Special Housing Units for survivors of sexual assault while in custody, and how this practice is the equivalent of torture, but I will stop here because I am about out of time. I'd like to thank you for listening to my testimony and NYSCASA's request to recognize the right to vote as a human right- that all people be counted as a human member of our troubled society. A society in great need of healing and restorative practices across all of our human service institutions, this criminal justice system, being just one. Anyone working with people needs to think of ~~themselves~~ ^{themselves} as "human services" or we endanger others by perpetuating pain and trauma instead of providing some form of corrections, restoration and healing, which we state is our intention. Increasing parole rates and granting voting rights are positive steps in that direction.

A New Vision for Crime Victims

BY THE
DOWNSTATE COALITION FOR CRIME VICTIMS

This document uses "survivors," "victims," and "people who have been harmed" interchangeably. Because not all people who are harmed identify with one or even any of these terms, we vary our language in an effort to reflect as many experiences and identities as possible.



Many actions are taken in the name of crime victims.

Members of government shape policy and make budget allocations based on their beliefs of what victims want. Public officials often win or lose positions based on their interpretations of what is best for victims and perpetrators of crime. While we operate under the assumption that the intentions of those individuals are good, there is no denying that a large divide exists between the public rhetoric around what victims want and the realities of what they say when they are asked.

In an effort to bridge this gap, The New York State Downstate Coalition for Crime Victims, together with victims themselves, brought together people with decades of collective experience working with victims to articulate a vision of what victims want. The Downstate Coalition for Crime Victims is a collective of service providers, victims' advocates, survivors, community-based programs, government agencies and elected officials in the five boroughs of New York, Nassau, Rockland, Suffolk and Westchester counties. We are committed to improving the lives of crime victims and their communities through direct services, legislative advocacy and a commitment to social justice.

As service providers and advocates dedicated to helping secure safety, healing and justice for all victims of crime, the Downstate Crime Victims Coalition developed the following statement, which summarizes our understanding of what survivors want in the aftermath of the harm they experience.

While this statement aims to be both clear and linear, we know that healing processes are not. We also know that many people experience harm in a variety of forms and over an extended period. What survivors want and need changes over time, and most will experience a wide range of feelings, all of them legitimate, including anger, shame, guilt, rage, loss, peace, and empowerment. As a result of surviving harm, many people experience periods of great darkness. But victims do not want a system to cater only to the darkness. They want a system that helps bring them and others to a better place.

We know that victims want to live in safer neighborhoods, not just to be kept safe from specific people. They want the resources to rebuild their lives. They want to be able to protect and care for their families. They want for others what they want for themselves: to be safer, happier, and more whole. They want justice, but they do not always want justice in the forms that exist now.

We know that a society that delivers on its promise to help all survivors heal and feel safe cannot rely exclusively on the criminal justice system to do so. Not all victims choose to or are able to engage in that system to get what they want and need. Biases based in race, gender identity, sexual orientation, immigration status, HIV status, language, ability, and criminal history should not, but often do, affect how people and systems respond to survivors of harm. What is more, the criminal justice system is inherently reactive, and many people want more than that: they want prevention, and they want investments in the kinds of services and strategies that will make it less likely that others will go through what they experienced.

Finally, while victims want to be respected as decision-makers about what should be done in the aftermath of the harm they survive, they also want their voices heard on a systemic level. They want policy and practice to reflect their needs and their wisdom. At the Downstate Coalition, we believe that all people who have been harmed deserve to be heard—including those who are angry, those who are forgiving, those who are in pain, those who have healed, those who want systemic change, those who have themselves caused harm, and those whose voices we have not yet heard and elevated, and whose insight stands to help us imagine a better way forward for us all.

We offer the following statement of our vision for what victims want. While it reflects decades of our working closely with survivors, we know it will evolve—as it should—as we continue to listen to the survivors we serve.



Survivors and Victims want...

- 1) Survivors want safety secured for themselves and others in the short and long term: they want the harmful behavior to stop and they do not want to be re-victimized.
- 2) Survivors want validation that what was done to them is wrong. They do not want to be judged or blamed.
- 3) Survivors want comprehensive, trauma-informed, and quality services accessible to them and their families to help heal.
- 4) Survivors want access to safe, permanent housing.
- 5) Survivors want the option to stay connected, without stigma, to their communities. They want to be able to choose whether or not to relocate housing, employment and education.
- 6) Survivors want reliable protection from any adverse immigration consequences that could result from engaging the criminal justice system or systems of support; many want the people who hurt them similarly protected.
- 7) Survivors often want opportunities for economic empowerment and self-sufficiency, including meaningful employment.
- 8) Survivors want substantial investments in services and institutions in society that will prevent violence from happening in the first place.
- 9) Survivors want the people who harm them to be held meaningfully accountable. Many survivors find the criminal justice system, including incarceration, to be inadequate and/or counter-productive to that end.
- 10) Many survivors want people who commit harm to have access to the services they need to stop hurting themselves and others.
- 11) Survivors want to be acknowledged and respected as experts on their own experience by every institution they and their loved ones encounter. They want these institutions to respond to their needs, take their input seriously, and uphold their dignity and safety at all times.

