



NCCADV
North Carolina Coalition
Against Domestic Violence



North Carolina
Victim Assistance Network

March 26, 2019

Re: Collateral effects of House Bill 370 for victims of domestic violence and sexual assault

Dear Representatives Hall, Jones, Saine, and Smith:

Our agencies represent and advocate for victims of domestic violence, sexual assault, homicide, human trafficking, and other violent crime in North Carolina. We write to you today because we have serious concerns about the potential impact of HB 370 on the victims of those crimes in our state. Specifically, we believe that HB 370 would severely deter victims without immigration status from reporting the crimes and, in so doing, would put them in danger of further harm.

First and foremost, victims will hesitate to report their abusers out of fear for their own safety. Despite the bill's mild language suggesting that victims are not subject to the bill's provisions, the increased threat of deportation at the hands of law enforcement will create an atmosphere of elevated risk for immigrants engaging formally with any systems in North Carolina; in particular, victims will be reluctant to engage with the very system that HB 370 will require to report every person in custody without documented status to ICE. The immigrant community is already keenly aware of the multitude of cases in which victims have called upon law enforcement for help only to find themselves arrested because of dual arrest policies or law enforcement error in identifying the predominant aggressor.

Victims who do not have documented status are already threatened with deportation on a regular basis by abusers who are aware of their status. If HB 370 passes, abusers and traffickers would have a new weapon to strengthen these threats and hold them over victims' heads when a victim is trying to call 911 for help. Such reports, or the threat of such reports—would be an extremely powerful weapon for abusers.

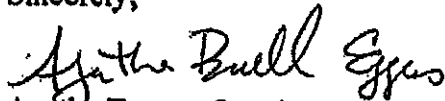
Moreover, victims will be less likely to report because they often will not want their abusers to be deported. Domestic violence is perpetrated by someone with whom the victim has a personal relationship; the same is true of most instances of sexual assault.

Often the victim depends on their abuser for basic needs, including for support of minor children. HB 370 effectively sets an extraordinarily high bar for when to report: namely, victims should report only if they want their abuser deported, but not before.

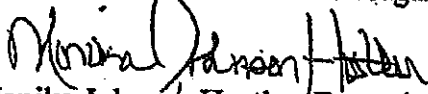
The decision to report an abuser is one of the most difficult that victims of domestic violence, sexual assault, and human trafficking will ever have to make. Victims often stay in abusive relationship for years before being able to report. The State should make every effort possible to make reporting safe and readily available to victims; in fact, it has made many such efforts in recent years. HB 370, on the other hand, puts up major barriers to reporting and, in so doing, jeopardizes the well-being of some of the most vulnerable victims of abuse in our state.

Thank you for your time and attention to this issue, and thank you for your service to our state. We are available to meet with you and discuss our concerns about the impact of HB 370 on victims in North Carolina; please do not hesitate to contact us with any further questions or for more information.

Sincerely,



Agatha Eggers, Interim Executive Director
The North Carolina Coalition Against Domestic Violence



Monika Johnson Hostler, Executive Director
The North Carolina Coalition Against Sexual Assault



Frances Battle, Executive Director
The North Carolina Victim Assistance Network