

TESTIMONY BY LUZ MARQUEZ BENBOW
IamNegrx: INTERNATIONAL ALIANZA DE MUJERES NEGRX
AND TROY FOR BLACK LIVES
BEFORE THE NEW YORK STATE SENATE COMMITTEE ON CRIME VICTIMS,
CRIME & CORRECTION HEARING
ON HOW THE ELDER PAROLE AND FAIR & TIMELY PAROLE BILLS WILL
IMPROVE RELEASE LAWS AND PUBLIC SAFETY IN NEW YORK

December 7, 2022

Thank you to Chair Salazar and New York State Senators. Today, we are nearing the end of the 16 Days of Activism Against Gender-Based Violence, an annual international campaign that kicks off on 25th of November, the International Day for the Elimination of Violence against Women, and runs until 10 December, Human Rights Day. As such, I'd like to begin by sharing a little bit about myself, and why I support the Parole Justice bills. I am a resident of Troy, New York, born and raised in Harlem, a mother of 3, and a long-time activist working at the intersections of race and sexual violence. I am a public adult survivor of child sexual abuse, incest and rape. By the time I was 7, I was sexually abused by my oldest brother. At the age of 12, I was molested by my mothers' boyfriend at the time and at the age of 14 or 15, I was raped by a family friend. And these are the sexual assaults I choose to share outloud. Unfortunately, I am not alone in these traumatic experiences, but voices like mine are only now making it to Senate hearings.

Darlene "Lulu" Benson-Seay is another survivor, who unlike me never made it to a venue such as this. Lulu, like me, was a Black survivor of childhood sexual abuse and intimate partner violence, and the child of a murdered parent. Her trauma did not define her, but the racism steeped in a supposed public safety system confined Lulu. Like many other Black survivors, Survivors of Color, and other marginalized survivors, we are often not seen as crime victims, and only become visible as people who commit crimes. Because all systems, from the educational, health care, child welfare and family failed to view Lulu's coping mechanisms as that of childhood sexual trauma, she never received the support she needed to heal, and Lulu was incarcerated. Decades later, and still in prison, Lulu became the first woman to die of COVID-19 in a New York prison. But Lulu's passing is not in vain, as she represents the lives of so many adult survivors of child sexual abuse behind bars which provides a false sense of safety that we need to learn from.

We have over 42 million survivors of childhood sexual abuse in this country, making child sexual abuse a pandemic human rights issue. And yet many survivors rarely seek support from police or the crime victims agencies due to decades of police violence and increased incarceration of Black and Brown people. According to the US Department of Justice National Crime Victimization Survey, more than 320,000 Americans over age 12 are raped or sexually assaulted each year. According to the Centers for Disease Control, 1 in 4 girls and 1 in 6 boys will be sexually abused before age 18. In 80% of adult sexual assaults and 90% of cases of child sexual abuse, victims know and trust their perpetrators. When survivors attempt to come forward, especially survivors at the intersection of race, sexual orientation, disabilities and marginalized gender identities and survivors who are undocumented, we are often shamed and

disbelieved in the media, and many are incarcerated. Our state needs more funding and technical assistance for culturally specific crime victims organizations working at these intersections across NYS to support marginalized crime survivors not because we as People of Color are more violent, but because our lives are heavily policed, when what is needed is healing spaces and early childhood detection in schools, and support from health care providers. Incarceration fails to get at the root causes of violence. It's a senseless attempt to protect people and instead adds to the cycle of violence, including sexual violence.

The life-long impact of childhood sexual abuse and other childhood trauma are devastating socially, and from a public health stance. A brief overview of the impact socially ranges from substance abuse, violence/crimes and school truancy, teen pregnancy to forced sex work. From a public health perspective, childhood trauma can lead to emotional and mental health struggles, eating disorders, and suicide. From the age of 12 until I was 19 years old, I struggled with abusing drugs, school truancy, teen pregnancy and petit theft crimes. Like Lulu and many other survivors, our coping mechanisms are criminalized by every system. This is how white supremacy and patriarchy dehumanizes many survivors at the intersection of race, sexual orientation, disability, gender-identity and being undocumented. Our communities need deep and long-term investments in repairing such harm and the legacy of over 400 years of enslavement of Black communities and the displacement and genocide of Indigenous communities if we are to begin healing as a state and nation. New York State can make a difference by passing Parole Justice bills. Prisons are inherently violent institutions based on punishment and hoarding Black and Brown bodies in the name of justice.

When society thinks about crime victims and people who commit crime, we are taught that these groups are separate, "them versus us". But as Lulu's tragic life exemplifies, we are not separate people. The reality is that many of us who have experienced violence at the hands of a loved one or a stranger are the same Black and Brown people impacted by mass incarceration. That's why many of us in the survivor community are banding together to expand public awareness and encourage community members to fight for evidence-based approaches to improving safety and promoting healing, such as transformative justice processes.

As a survivor of childhood sexual abuse myself, I say, not in my name will we continue to let our government lock up mostly Black people and People of Color in prison for endless years and decades – not in our names.

Surveys show 95% of women behind bars are survivors of trauma and abuse, often including sexual violence and intimate partner violence and prisons only perpetuate violence. In a 2020 survey at Bedford Hills prison for women conducted by The Correctional Association, 74% of 110 respondents reported that they had witnessed some form of violence or abuse by staff, while 53% of respondents reported experiencing such acts of violence by staff themselves. There is comparatively little data on the trauma histories and experiences of men in prison. Although they are overlooked, ignored, and denied, we know that histories of trauma, abuse, and sexual violence among incarcerated men are similarly high.

Just last month, the great journalist Victoria Law published an article in the NYS Focus, on the brutal sexual assault of Robert Adams, a person being held at a correctional facility just less than

two hours from here in Ulster County. Most of us believe that sexual violence in prisons is perpetrated mostly from incarcerated person to incarcerated person, but the truth is the correctional officers are the ones mostly responsible for sexual assaults. Even the federal Prison Rape Elimination Act has failed to protect survivors in prisons. This is why we must pass Parole Justice reforms - specifically, the Elder Parole, and the Fair and Timely Parole bills - to ensure people have meaningful pathways to release consideration. It is the just thing to do.

According to a national survey on the perspectives of crime victims on criminal justice reform, most survivors want funding for rehabilitation, not endless punishment. The Downstate Coalition for Crime Victims, formed by a group of survivors and advocates in New York, developed a new agenda for crime victims, including racial justice, accountability, and interventions to stop cycles of violence. Not on the list are long prison sentences.

This is explained in part by the reality, as mentioned earlier, that many survivors of violence are, themselves, criminalized. But that's not the whole story. The reality is that the current system is about vengeance, racism, and shame - everything that creates the conditions that lead to more violence. It silences Black survivors, Survivors of Color and other marginalized survivors, making us vulnerable to continued violence. Together, the Elder Parole and Fair & Timely Parole bills will move the system toward valuing healing, transformation, and safety.

I want to be clear: We cannot minimize heinous crimes. But to get at the root of such violence demands that we invest in supporting real accountability which means fundamentally changing one's behavior and giving back - not dying in a cage. If prisons were the answer to ending crime, then we would have seen the progress before I was even born into such violence. Repair and rehabilitation would have made a difference in the life of Lulu. As Black people and other People of Color, we have a history of healing that's rooted in community, in bringing back the harmony to our families - through church, cultural centers, and the arts. We're about loving each other and finding a common language to help our people heal. Incarceration only serves to further unbind our families and communities.

Thank you for the opportunity to testify today and for considering my comments.