

Testimony of
Collene Campbell

June 10, 2009

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Honorable Collene Campbell

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Mr. Chairman, Senators, thank you so very much for the opportunity to address you this morning. The Violence Against Women Act has been a significant addition to the resources available that strengthen our nation's capacity to help women who are victims of sexual and physical violence. But standing alone and without more, VAWA is not enough. VAWA's resources may be a necessary condition to address these crimes and their victims, but resources alone, in the face of a criminal justice system that lacks adequate punishment, that lacks due process or justice for victims, or lacks even basic common sense, will never be sufficient. Today I would like to focus on these justice system failures.

I'm frequently asked, "What are your credentials to speak on matters of criminal justice and crime victims' issues, and what degrees do you possess in this regard?"

Well, I have three degrees.

In April, 1982, I received my first degree. Regrettably, it was the first-degree murder of our only son, Scott. I received two additional degrees on the 16th day of March, 1988. It was the first-degree murders of my only sibling, my brother, auto racing legend, Mickey Thompson and his wife, Trudy.

I have been in the criminal justice system from 1982 until this day, that's twenty-seven straight, exhausting years. So there are "degrees", and then there are "degrees," and I will leave it up to you to decide which are the most significant in our fight for justice and due process for the law-abiding. I wish to God I could say I have no credentials to address these issues.

Scott became missing and we desperately searched for him for eleven agonizing months, before we learned the horrible truth. Scott was kidnapped, assaulted, strangled, and then thrown from an airplane into the Pacific Ocean by two repeat felony criminals. His body was never found. Along with thousands of other good hard-working Americans who have become victims of evil predators, our only son, Scott, is dead because of a weak and forgiving criminal justice system. His killers both would have been "Three-Strikers" under today's California law, and should have been in prison. If they had been incarcerated our Son would be alive today. There are many thousands just like us who have lost their loved ones because a criminal was given that "one more chance", which is a huge and unforgivable "price" for a Mom and Dad.

My final first degrees came with the murder of my brother, racing legend Mickey Thompson, and my sister-in-law, Trudy. They were murdered, execution style in the driveway of their home in a vicious crime orchestrated by Mickey's former business partner, Michael Goodwin. We waited for justice as the investigation stalled. Finally, sixteen years after the murders, and after years of venue challenges in Orange County courts, on June 8, 2004 Goodwin was formally charged in Los Angeles County. After another two years of legal maneuverings, in October, 2006, a Pasadena Superior Court judge ordered Goodwin to stand trial for the murders. Finally, on January 4, 2007, almost 19 years after the murders, a jury found Goodwin guilty of two counts of murder. He was sentenced to two consecutive life-without-parole terms for the murders of my brother and sister-in-law.

The pain of the delay in our road to justice was long and devastating for our family. And we still must continue to prepare for parole hearings for our son's murderers. The system should have sentenced them to natural life and spared our family the living hell of returning to confront them again and again. Let me repeat, we are the victims of a weak and forgiving justice system.

For any family to deal with murder is excruciating. However, to allow the American justice system to add additional agony is both intolerable and shameful. Possibly if victims had an organization such as the ACLU or the Trial Attorneys' Associations our situation might improve. We have very few factions representing victims and that is why it is so very important that you step forward to help protect the honest, law abiding citizen who just happens to become a victim of crime. Why are so many interested in helping the perpetrators of crime and not the victims of the criminal's evil actions?

Our experience has compelled us to fight for reform. We started M.O.V.E., in Memory of Victims Everywhere to fight for victims rights in California. We started Force 100, a national grassroots advocacy group, with leaders in every state, to fight for a U.S. Constitutional Amendment for victims rights. Our efforts have led, among other things, to the passage, in 2004, of the Crime Victims Rights Act, which were honored to have named after our son Scott.

But today we address victims of sexual and physical violence. I am here to ask three things of you.

1. Protect victims by increasing the federal sentence for rape. Make it long and make it mandatory. Send a message that this evil crime will not be tolerated. Send a message that the safety of victims is a primary purpose of our government. Tell the victims of this country that

their protection matters. And tell those who would commit this crime that they will be severely punished. Only in this way can we begin to deter this violence against women.

Our family knows all too well the costs imposed by weak laws that release dangerous criminals too early. And those costs are not borne by the inanimate state. They are borne by the rapist's next victims and by citizens who live in fear. We can do better than this.

In my work in corrections and law enforcement, I have seen, over and over again, the consequences of weakness and falsely sentimental leniency: more and more victims. And I have seen the deterrent effect of sentences that do not undervalue the gravity of violent crime. I ask you today to stand for the innocent and the law-abiding and pass a mandatory sentence for rape in the federal system.

2. Increase the ability of the nation's law enforcement agencies to solve crimes through an increased reliance on DNA testing. Every person arrested should be required to submit a DNA sample. DNA sampling protects the innocent and helps identify the guilty. There is no reason why our country should not be in the forefront of using this important investigative tool.

Just as important as the expanded use of collecting DNA samples, is increasing the capacity of our crime labs to test DNA evidence when it is found at crime scenes, and then comparing those results to the samples in the national databases.

All across our country, there are rape kits and other DNA evidence that remains in a backroom of a lab or evidence storage facility, untested because labs have long delays before testing and analysis can occur, because of severe underfunding. This is a disgrace. When we are spending billions of dollars for less worthy projects, how can we call ourselves a nation of laws, a nation committed to justice, if we do not do everything possible to protect the innocent and bring the guilty to justice?

Our family knows the pain of delays that result because resources are too scarce to pursue justice vigorously. Every day brings a haunting, gnawing sense of loss, betrayal, and abandonment. Let me assure you, the pain of delay is not felt by the lawyers and the judges and the other professionals in the justice system nearly as much as it is felt regularly by the victims.

Make the science we have at our finger tips work for the law-abiding, protect the innocent, and identify the guilty. Provide the laws needed to test all arrestees and the resources needed to use the results from that growing database to find the guilty when crimes are committed.

3. Preserve and protect the rights of crime victims to justice and due process both in our laws and in our courts. Victims' rights to be informed, present and heard at critical stages must not only be preserved in our laws but also enforced in our courts.

Our family knows of the injustices that are done to victims in this country because they have been done to us. During the several trials of our son's murderers we were not given notice of proceedings, we were excluded from the courtroom and forced to sit on a hard wooden bench in the hallway, while the murderers family members were escorted into reserved seats. We were not allowed to speak at critical stages. And through it all we felt again the deep sense of betrayal by a

system that was supposed to be there for us. That was in the mid-1980s. We took up the cause for victims rights and fought hard for reforms. While progress was made it has been slow and frustrating.

When the trial of Michael Goodwin took place we were again the target of a motion to exclude us from the courtroom, but using some of the very reforms that we had fought for after Scott's murder, we were admitted this time to most of the trial. But not without a legal fight.

If we are to truly seek justice in our great Nation, we cannot forget the due process rights of the victims, any more than we can ignore those rights for defendants. The rights contained in the CVRA, and those contained in the recently voter-passed Victims Bill of Rights in California, set the standard for the rights to justice and due process that should be the birthright of every person in this country. These rights are well known to this committee.

But our direct experience in the Goodwin trial has demonstrated beyond any doubt that even strong statutes like our laws in California, or the CVRA, are too often words on paper when confronted with a hostile or uncaring court system. We still need to fight for them. That is why the work of the National Crime Victims Law Institute and the legal clinics it supports now in 10 states and the District of Columbia is so very critical.

I ask you to support a full funding appropriation, already authorized by the Congress, for NCVLI and its clinics. If necessary, allow the Crime Victims Fund to be used for this purpose after raising the cap on the use of these funds. Clinics have been in the forefront of bringing the words of victims' rights to life. When Patrick Kenna was denied his CVRA right to speak at the sentencing of the convicted con man who stole his savings, the Arizona clinic was there to fight his right to speak all the way to the Ninth Circuit, and his right was vindicated. When a murder family's right to be present was denied despite our new state constitutional right in California, our new California clinic has been there to fight for their rights in a case still pending. And the stories are being replicated across our country through the critical work of these clinics.

And what does all this mean for VAWA? How important is it for a woman to be able to tell the court about her needs for safety before her violent abuser is released after arrest? It might be a matter of life or death. How critical is it for a woman who has been raped to be heard on the matter of a plea agreement that might diminish the severity of the crime against her? For justice and for the rapist's next victims it might be crucial. How important is it for a mom and dad to be heard at sentencing when their little daughter has been the victim of violence?

For us, there is no need to speculate. It is just as fundamental for the parents of a daughter as for a son. The rights to safety and privacy, the rights to be informed, present, and heard, the rights to be free from unreasonable delay, to confer with the prosecutor, and to be treated with fairness, these are as fundamental to justice as the air we breathe is to our life. This is not idle speculation on my part; this is the stuff of my life for the last three decades. When these things are denied to you, as they have been to us, you are abandoned and betrayed.

In order to judge moral fiber, fortitude, courage and justice, it is important for you, our Nation's decision makers, to create a strong effort to try and personally identify with and recognize why there is such a strong need for crime victims to be served with justice and the protection of our

citizens.

As horrifying as the thought may be, for a moment, please try to put yourself in the place of a victim's family, where someone you love deeply has been brutally murdered, raped, or badly wronged. No, I would never want or ask you to suffer the pain that so many victims are forced to endure...but if you don't try to understand by placing yourself in the situation that many are forced to endure, then it is impossible for you to use knowledge and high-quality judgment in setting the essential standards for our great Nation.

Yes, it is impossible in just a few moments to bring you into the real world being a victim of violent crime and I certainly do not want you to ever be forced to endure the reality that my family has been forced to live. For a straight quarter-of-a-century, without a break, my family has been through living hell. . . furnished first hand to my family by evil killers who should have remained in prison... and then our misery and sorrow was greatly expanded by our justice system. If our justice system had of worked properly, my family would be alive today.

We are from a good, honest, hard working family. We never thought we could become victims of horrible crimes. Our family is among the millions of Americans who have been forced to endure the everlasting devastation caused by criminals, and in addition, we are further required to suffer added enormous stress caused by the inequities within our justice system.

You have the power to make things better. As you consider VAWA today and the good it has done, please remember the good that has been left undone and that remains to be done.

Pass a strong mandatory prison sentence for rape in the federal system.

Enhance or DNA sampling and testing laws to give our law enforcement officers the tools they need and deserve to solve more crimes and seek justice for victims.

Fully fund the CVRA through the National Crime Victim Law Institute and its clinics so that victims' rights can be made a reality by enforcing them in court.

In this way you will protect women by solving more crimes, deterring more crimes, and treating victims with fairness and dignity.

Thank you for your consideration of these views.