

Testimony of Ann Burke, R.N., M.Ed.

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Testimony Against H5149

Today I speak as a mother and retired school-nurse teacher. I fully intended to give my testimony in person, but since learning of H5149 I have awakened each night with a racing heart and panic attacks. Therefore, in order to preserve my own health, I choose to provide my testimony in print. It has been over 17 years, and still, my visceral reaction to my only daughter's torture and heinous murder still pierces through me when I am forced to think about it, as in the case of the proposal of H5149.

Lindsay's murder not only affected our family, it also affected the community-at-large. The school community, including co-workers, students, and parents where my husband taught and the town where I taught, as well as our family and friends were all overcome with shock, grief, and a feeling of being unsafe. People I knew would tell me their reactions and people I didn't know would contact me and let me know how it shook their world, in some cases motivating them to make changes in their lives. Counselors told me that they saw an increase in the number of people seeking help in the community and that I had no idea how this affected so many. And why did it affect so many? In the hierarchy of human needs, safety is most important, laying the foundation for which we can then seek love, belonging, self-esteem, and self-actualization. And this horrific crime shook that foundation. There was a ripple-effect across the communities.

In the years after Lindsay's murder, my family, friends, and I chose to focus on educating teens about dating violence, providing them with the knowledge and skills to protect themselves, their friends, and families against this health problem. In 2007, working with then-Attorney General Patrick Lynch, Rhode Island became the first state to adopt a teen dating violence education law. We all worked tirelessly through the National Attorney General's Association, the National Association of Secretaries of State, and the National Foundation for Women Legislators, to get the Lindsay Ann Burke Act passed in other states. Numerous other states have passed either the exact law or a variation of the law. Through this work we organized a group of parents from across the nation who also lost their daughters to dating violence. Together we were successful in getting the United States Department of Education to issue a Guidance Letter to all state departments of education, declaring that dating violence was a serious problem for teens and that schools should educate their students and react appropriately to instances of dating violence at school.

In order to accomplish this, I attended numerous working-committee meetings at the White House, had a private meeting with the Director of the United States Department of Education,

Arne Duncan, officials from the United States Department of Justice, and had three one-on-one meetings with then-Vice President Joe Biden, at the Vice-President's home at the US Naval Observatory, and in his office at the White House. In addition, through Lindsay's Fund, we trained staff at the majority of Rhode Island's middle and high schools, as required by law, and provided free RIDE-approved curriculum materials to all health teachers in our secondary schools. We ran statewide poster contests for secondary students awarding cash prizes, and provided grants to high schools to run the student-led "Clothesline Projects" in schools. We donated winning posters to schools, appropriate books to high school libraries, student-designed bookmarks, and so much more. Our teacher training was professionally made into a DVD, which was distributed to school districts in Rhode Island and out-of-state. Over the past five years we have donated numerous additional copies of the training DVD to Rhode Island schools and still provide grants to schools to hold their own Poster Contests and Clothesline Projects. The cost of our donations of services and materials runs well over \$250,000. with all of the funds raised by LABMF. I also want you to know that friends, community members, and students, on their own, worked tirelessly to raise the funds needed to be sure Rhode Island teens received a proper education in school on dating violence. This took a community to accomplish all of this, not just a few individuals.

And yet, despite focusing on educating others in order to prevent more senseless deaths, I still continue to feel the negative effects from my daughter's death. I can't even begin to describe to you the years of torment and torture my family has been through. You can only understand this misery if you yourself had a child that was murdered. It took a good 8 years before I began to even consider that my life was worth living again. And to think that before this, I never experienced depression. My outlook on life was that the glass was half-full. Despite that, I continued to have suicidal thoughts that would come and go, and I fought those urges with every fiber of my being. At the same time that I was accomplishing the work cited above, because I believed in the power of education and still do, I also continued to work at my full - time job as a health teacher, for five years. So here we are, years later, and just the mention of H5149 brings back the visceral reaction. I would add here that it is also bringing back a negative reaction amongst my family, friends and those in the community that are aware that H5149 has been proposed.

To those who think that "life without parole" is a second death penalty, and that we can do better as a society: Aren't we doing better by not having the death penalty? My daughter got the death penalty and her family has a life sentence. Lindsay a college graduate who had a degree in education and murdered at 23, is six feet underground, unable to live out the rest of her life, unable to pursue her dream of teaching, getting married, and having children of her own. All the while, the person who murdered her gets three meals a day, health care, recreational opportunities, educational opportunities, and numerous, unending appeals in the courts that continue to this day, all paid for by the citizens of this state. And you think we can do better? Just take a look at how prisoners who commit low-level crimes are treated in Russia, Iran, China, North Korea, and a host of other countries. And you think we can do better? Does better mean they have to be released into society only to re-commit crimes? Because that is

what will happen. And who takes responsibility then? The legislators who propose and vote for this law?

H5149 would allow for victim's families to be heard at the Parole Board before deciding release of the most serious offenders of vicious, heinous crimes. Given what I explained above, I for one, would not attend any Parole Board hearing for such purpose. Despite the fact that I don't have a lot of faith in a Parole Board making the right decision, I will still choose to save my own life, after years of fighting to piece together the shards of what was. I will not waste my time or sacrifice any more of my health by reliving the trauma of what happened. Even though I live everyday with the knowledge of what happened to my daughter, I have worked hard in recent years to find a little bit of peace and a little bit of joy with my family and friends. No change in the law will compel me to destroy myself further. I am satisfied with the work we have accomplished for the good of society, and don't believe I have to intentionally inflict pain on myself by appearing before a Parole Board in order to protect society.

I have done my part to protect society. Now I ask each of the legislators who proposed this bill to do their part to protect society. Isn't the purpose of legislating to provide and maintain safety in the community, so that its citizens may seek life, liberty, and the pursuit of happiness? Isn't that the responsibility of our legislators? This bill would do just the opposite. It would give the most serious criminals, who have committed crimes that are beyond "simple murder", as in Lindsay's case involving torture and aggravated circumstances (which I challenge any one of you to survive as a parent) the chance of being released from prison into society. I challenge each legislator to talk to your community and ask them how important their safety is to them. Ask them if they want the most heinous criminals to be released. And don't use the argument that these criminals can be rehabilitated. Perhaps low-level offenders can be rehabilitated, but can the sociopaths, the pathological liars with no conscience, never accepting responsibility for their crimes, always blaming others including their victims and the victim's families be rehabilitated? Absolutely not. Even the judges who keep denying the unending appeals in court know better, and understand that part of their job is to protect society. If you still believe that they can be rehabilitated you are misguided. And you do not belong in a position to propose laws that will only make our communities unsafe. I ask each of you to vote against H5149, thus choosing to keep our communities safe.