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Exhibit No. 9
Date 2-17-05
Bill No SB 452

February 17, 2005

Chairman Wheat and Honorable Members of the Senate Judiciary Committee:

My name is Judy Wang. I prosecute domestic violence cases on behalf of the people of the state of Montana. I am also a member of the Montana State Fatality Review Commission. The commission has reviewed several domestic violence homicides involving spouses, children and suicides. Despite the legislative changes that have already been made, domestic violence offenders still have easy access to their victims even after they are arrested for partner or family member assault.

In domestic violence cases the problem is power and control used by one partner over another. Violence is but one tool in the power and control toolbox. If an offender is in jail, the violence problem has been stopped, at least momentarily. The power and control continue when we haven't stopped an offender from calling his or her victim from jail.

Offenders frequently call their victim from jail after a partner assault arrest. The calls usually involve profanity including words that rhyme with "duck", threats, complaints about jail and or promises of a perfect life. All the calls are designed to control the victim. All the calls encourage the victim to welcome the offender home. All the calls leave the victim less safe and less likely to participate in an effective way with the prosecution of the offender.

Senate Bill 452 gives domestic violence victims a zone of peace. When an offender is arrested for a partner or family member assault,

the court with jurisdiction over the offense has the authority to issue a standard order that prohibits contact with the victim. Armed with the court order, law enforcement can give an offender notice that they cannot contact the victim. The notice must be given verbally and in writing. The notice will be reviewed by the court when the offender first appears. The time of arrest order cannot extend for more than 72 hours. The offender's arrest must be based on probable cause that the offender committed the offense of partner assault supported by a peace officer's affidavit.

If the offender violates the no contact order, that violation is a misdemeanor offense. If the offender does not violate the no contact order we have given the victim a day or two of peace. Senate Bill 452 takes the tools of power and control away from the offender at the time of arrest for partner or family member assault and makes victims safer.

Senate Bill 452 also criminalizes offenders contact with the victim after the offender first appears and through sentencing. This bill clearly gives the court the authority to order the offender to stay away and gives law enforcement the authority to impose consequences on an offender who violates the court order.

Please vote for Senate Bill 452.

Judy Wang
Assistant City Attorney

2-16-05

Dear Chairman Wheat and Honorable Members of the Senate Judiciary Committee:

I am writing in support of the legislation to enact the "no contact" bill, LC1903. I believe this bill offers necessary legislation that could help protect victims of domestic violence and allow the judicial system to work more effectively to prosecute offenders of Partner Family Member Assault (PFMA). Domestic violence is the number one health threat to women in our country. I have first- hand knowledge of the destruction domestic violence causes to women and families. My son-in-law murdered my daughter and two grandchildren during his homicide/suicide rampage in Billings in November 2001. Walking with my daughter during the last few weeks of her life revealed to me that our legal system is fraught with gaps regarding protection to women when they are trying to leave an abusive relationship. This proposed legislation offers some restraint over offenders that could make a difference for many victims whose lives are in grave danger like my daughter and grandchildren were.

Women who are victims of domestic violence are very vulnerable to their partners who have been abusive. I want to stress to you that by the time a woman calls the law to report abuse by her significant other, she has more than likely suffered months or years of abuse through emotional, psychological and physical control. Abused women have usually been brainwashed to believe they are the cause of the problems in their relationship and have repeatedly been coerced by their abuser to stay in the relationship. I know this was a fact for my daughter.

Her husband controlled her with frequent threats to kill her and their children if she ever left tried to leave the relationship. He also emotionally belittled her, physically hurt her and frequently took their children away from her during his fits of rage; all to prove his ultimate control over her. The way my daughter, as so many other women, learned to cope with his control was to appease him by letting him back into her life. His promises of change and profession of his love for her and their children mostly instigated this reunion. Of course, he never changed, only became more abusive.

As outsiders looking in, we need to understand that victims who have lived with months or years of fear have become entrenched in the "cycle of abuse". This cycle has been well documented. Basically, offenders may profess remorse and their willingness to change after an abusive, explosive episode. They will plead and/or coerce in any way necessary to regain control. The victim, who wants the abuse to end and not necessarily the relationship, will go along with the promises because they offer hope. Finally, when they realize things are not changing, they may seek help.

My daughter so desperately wanted the nightmare of abuse to end, but she was also "deathly" afraid of the consequences of trying to leave the relationship. She felt tormented both by the past abuse and by her prospects of leaving the relationship. She was more vulnerable than ever to her husband's control. He was able to talk to her shortly after he was arrested and convince her, once again, that he would change. My daughter re-canted her allegations and within a few days of his initial arrest all charges

against him were dropped. Tragically, less than two months later, he murdered her and their two children and then committed suicide.

My family and I live with enormous grief and feelings of guilt everyday now. We often ponder the what-if's. Perhaps if my son-in-law had not been permitted to contact my daughter after he was arrested, she would have been able to start acting in a self-protective, rational manner. Perhaps she could have sought the help she needed to break free from his control. And, perhaps she and my grandchildren would be alive today.

Thank you for your consideration,

Sally Sjaastad
712 Parkhill Drive
Billings, Mt 59102

February 16, 2005

Chairman Wheat
Honorable Members of the Senate Judiciary Committee

RE: SB 452

For the record my name is Tootie Welker. I am the executive director of a domestic violence/sexual assault program in Sanders County. I had hoped to be present for this hearing but unfortunately I have grant due tomorrow and so I am unable to drive to Helena.

I have been working with battered women and women who have been victimized for over 15 years. My program works very closely with our law enforcement and other community agency's on a local Coordinated Community Response to domestic and sexual violence. Our program provides for on-call advocates who can respond to the direct needs of victims nights and weekends when law enforcement is called to the scene of a domestic violence. This allows our advocates the opportunity to inform victims of their options immediately after the assault and before they are assailed with numerous phone calls from the perpetrator in jail swinging between apologies and promises of roses to threats and coercion if they don't get the charges dismissed.

Prior to having advocates on-call, we would not learn of weekend incidents until Monday morning. By that time the window of opportunity had closed and victims would no longer want to speak to an advocate and would therefore not know there were other options available. Many programs, especially small rural programs do not have the staff available to provide on-call advocates. SB 452 would allow a window of opportunity for advocates to meet with victims to let them know their options without being coerced, threatened and manipulated by the perpetrator until he had been arraigned before the Judge. This bill adds another tool to the toolbox to help with victim safety and offender accountability. I sincerely hope you will give this bill a due pass motion.

Thank you for you time and attention.

Tootie Welker

MISSOULA
THE GARDEN CITY
HUB OF FIVE VALLEYS

CITY OF MISSOULA
POLICE DEPARTMENT

"Professionalism With Pride"

February 15, 2005

Chairman Wheat and Honorable Members of the Senate Judiciary Committee:

I am the Captain of the Uniform Patrol Division of the Missoula Police Department and have spent most of the twenty six years of my career in law enforcement as a uniformed officer in our Patrol Division. I have investigated thousands of domestic violence assaults. ***I am writing to encourage you to vote for Senate Bill 452.***

Many partner assault offenders call their victim from jail. These phone calls are usually a mix of threats and promises of a perfect life. Both types of calls are designed to lean on the victim to recant. Many times these calls are effective very effective.

In addition to the calls from jail, offenders are often court ordered to stay away as a condition of bond or a condition of their sentence. Enforcement of "no contact orders" is problematic. ***Senate Bill 452 gives law enforcement effective tools to deal with both of these problems.***

Under Senate Bill 452, officers will give notice of the court's no contact order to partner assault offenders upon arrest. From arrest through sentencing, Senate Bill 452 provides an enforcement tool when an offender ignores the court's prohibition of contact.

This bill will help us keep victims safe and give us tools to deal with offenders who ignore court orders. ***Please vote for Senate Bill 452.***

Thank you for your consideration of this matter.

Sincerely,

Marty Ludemann
Uniform Patrol Captain

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S M I T H J E W E L L P L L P

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To: Chairman Wheat and Members of the Senate Judiciary Committee
From: Monte Jewell
Date: February 16th, 2005
Re: Please vote for Senate Bill 452

As an attorney handling primarily family law cases, I frequently encounter situations which would benefit from passage of this bill. Early intervention is often key to reducing family violence and other harmful effects associated with divorce proceedings, especially for children. By placing greater discretionary power in the hands of law enforcement, Senate Bill 452 will advance this important goal.

Please do not hesitate to contact me if I may provide further information concerning my support for this bill.

WALLACE A. JEWELL
JUSTICE OF THE PEACE

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February 14, 2005

Chairman Wheat and Honorable Members of the Senate Judiciary Committee

RE: Senate Bill 452

Dear Honorable Senators:

This letter is written in support of Senate Bill 452. As you are probably aware many times alleged victims of partner or family member assault are less than willing the day after an offense to follow through with prosecution. Many times these victims are the first persons wanting contact with their abusers. While this may "keep the family together" it does not keep the victim safe or hold the abuser accountable for their actions. It only makes sense to me that keeping the abuser from the victim would keep the victim safer and hopefully in the long term reduce the incidence of partner or family member assault in Montana.

I urge you to give Senate Bill 452 a do pass recommendation.

Sincerely,

Wallace A Jewell

Wallace A. Jewell

Sanders County Sheriff's Office

Sheriff Gene Arnold
P.O. Box 910 • 1115 Main • Thompson Falls, MT 59873
(406) 827-3584 • Fax (406) 827-4171

Chairman Wheat
Honorable Members of the Senate Judiciary Committee

RE: SB 452

For the record my name is Sheriff Gene Arnold from the Sanders County Sheriff's Office. I have part of our local Coordinated Community Response to domestic violence since 1996. As we develop strategies for victim safety and offender accountability, one issue continuously keeps popping up and that is offenders calling victims from the jail and convincing them it will never happen again so that by the time the offender is arraigned, she has been calling the Prosecutor requesting charges be dropped. SB 452 would allow a window of opportunity for advocates to meet with victims to let them know their options without being coerced, threatened and manipulated by the perpetrator. I see this bill as another tool towards victim safety and offender accountability. I sincerely hope you will give this bill a due pass motion.

Thank you for you time and attention.

Gene Arnold