EXHIBIT 1
DATE 3-11-09
SB 381

MONTANA
COALITION AGAINST
DOMESTIC AND SEXUAL
VIOLENCE

TO: House Judiciary Committee
FROM: Kelsen Young, Executive Director
DATE: March 11th, 2009
RE: SB 381 - Direct department of justice to enter MOU on enforcement of alien laws

Good morning, Mr. Chairman and members of the committee. My name is Kelsen Young and I am the Executive Director of the Montana Coalition Against Domestic and Sexual Violence. We rise in opposition to SB 381 sponsored by Senator Shockley. SB 381 has the potential to harm victims of domestic violence in Montana who are immigrants.

In SB 381, the type of "MOU" proposed essentially deputizes local law enforcement officers to enforce federal immigration law. Instead of being able to focus and be present in our communities to protect victims of crime and maintain public safety, police officers will now be additionally focused on verifying people's status.

Why is this a problem for victims of domestic violence? Because if you are a victim who is out of status, or whose status is tied to a partner who is abusive, you are less likely to be able to call the police, report the abuse, and receive necessary crisis services. The very people directed with protecting victims of crime are now going to be inquiring about their legal status? If you are a victim who has just been abused by your partner and you know that the police will inquire about your status, no matter how bad the situation and the abuse you have suffered is, you are not likely to call the police for fear of the ramifications of getting embroiled in the immigration system.

Granted, I am sure it is not the intention of Senator Shockley or this legislation to undermine the safety of victims of crime, but that is the effect that these agreements often have. Unless you address these types of unintended consequences, this legislation will have negative consequences for those who are actually probably in *most* need of basic services and safety. Imagine for a moment that you are an immigrant in a foreign country and your partner has slowly but surely isolated you from the outside world, inflicted violence and control, and constantly threatened you regarding your immigration status and losing your children. Imagine not speaking the language; not understanding the local customs, laws, and systems; maybe not even understanding that law enforcement, shelters, and other services are even available to you. You are afraid, alone, and desperate. You finally reach out for help only to be told that your status will now be investigated by those tasked with protecting you?

MCADSV works with law enforcement in a number of areas and we have a good relationship with these entities, but when this type of agreement is the law of the land, immigrant communities know about them, and they are afraid to call law enforcement. The law enforcement agencies that we work with don't want instances of domestic violence to go unreported. But we have serious concerns that this is exactly what will happen if SB 381 passes.

Immigrants are part of our communities, they are our neighbors. They live in this state, they work in this state, and policies like the one SB 381 calls for pushes these people into the shadows.

Montana must do all it can to protect domestic violence victims regardless of their immigration or legal status in this country. No one should have to choose between staying in an abusive relationship or risk arrest and/or deportation. SB 381 will only escalate the fear of law enforcement by immigrants and reinforces the batterers control over his victim.

I encourage you not to pass this bill and allow Montana law enforcement to continue to serve and protect their communities, not take away their ability to do so for those who need it most. Thank you and I am available for questions.

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