

## **SSB 5149: Monitoring of domestic violence perpetrators. Good intentions, bad law.**

**WDA and WACDL have concerns with SSB 5149.** Having electronic monitoring companies notify victims directly: 1) will often not have the desired results; 2) will often make third party companies witnesses in criminal cases; and 3) will put defendants who are also victims of domestic violence at further risk.

- These notification requirements will not have the desired results.
  - There is no guarantee that the monitoring company will be able to get a hold of a victim or their family
  - Even if the victim is reached, the contact with the victim may be too late
  - If someone is enough of a risk that the police should be immediately notified when the person is in violation of a no contact order, 911 is a more consistent and better option than victim contact.
  - In addition, if there is a violation of home monitoring, the victim advocate already has the ability to inform the victim and the victim's family of the problem.
- These notification requirements will make third party companies witnesses in criminal cases.
- Some people charged with domestic violence are also victims of domestic violence.
  - Sometimes abusers use the criminal justice system to harm their victims.
  - Sometimes victims of domestic violence retaliate against their abuser and get charged.
    - I have had a client whose head was slammed into a car by her abuser resulting in brain damage after she was charged with a minor assault against him.
    - Cynthia Brown was convicted of murder for murdering the man who trafficked her.
      - <https://abcnews.go.com/US/cyntoia-brown-woman-convicted-killing-alleged-sex-trafficker/story?id=64822482>
  - It is not always easy for the police to tell who the victim is at the outset of the case. THIS LAW COULD ACTUALLY PUT THESE TYPES OF VICTIMS AT GREATER RISK.
  - Sometimes this class of client will violate their protection order to get back important paperwork or documents from their abuser's house.

If you have additional questions please feel free to contact:

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