

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
March 12, 1979

The fifty-seventh meeting of the Senate Judiciary Committee was called to order by Senator Everett R. Lensink in room 331 of the capitol building on the above date at 9:37 a.m.

ROLL CALL:

All members were present with the exception of Senator Van Valkenburg, who was excused.

CONSIDERATION OF HOUSE BILL 621:

This is an act to require the department of social and rehabilitation services, in cooperation with other agencies and officials, to gather, maintain, and analyze statistics on domestic violence and spouse abuse in the state for a period of 5 years. Representative Waldron stated that there was a booklet given out with SB 409, and one of the problems they came across with repeatedly was there was not any statistics. He said there was no fiscal note attached because it is really minimal cost to do this.

Caryl Borchers, from the Task Force Committee, gave statistics from the Mercy Home in Great Falls. She stated that they have served over 700 women and children since they have opened their doors. She stated that they have mercy homes in Butte, Glendive, Missoula, Helena and Great Falls. She gave some statistics of a study that was done in Yellowstone County.

Eudice Stain, Helena, who mans the rape crisis line stated that they already have had 82 calls this year from battered women.

Joy Baker, YWCA Battered Women Shelter in Missoula, gave statistics.

Larry Peterson, representing the Board of Crime Control, related how the data that is being discussed today relates to data that they collect. He stated that this is much more specific and he said that they do not go into any detail as to the crime.

Jan Brown, representing the Montana Association of Churches, gave a statement in support of this bill.

Marti Adrian, representing the Womens' Place, Missoula, stated that they urged the support of this legislation to bring to the public's awareness of the amount of abuse that is going on and she stated that she came up with the statistics that 1/3 of her clients had been abused during their marriage.

Anita Miller, a house parent at the Great Falls Mercy Home, gave a statement in support of this bill.

Jan Goodale, representing the mental health center, gave a statement in support of this bill.

There were no further proponents and no opponents.

Representative Waldron stated that SRS has assured them that they can take care of this bill within their current level budget. He said that SB 409 has passed through the Senate and the needs addressed in that bill were apparent and that statistics will help us get a handle on this situation. He also said that this could be utilized by law enforcement people and could be used for educational things. He stated that in order to recognize the problem, you have to ask the questions.

Senator Turnage asked if they have a copy of the form they intend to use. Representative Waldron said that SRS has not yet devised it. Senator Turnage questioned just what is the checkoff form. Representative Waldron gave an explanation of this.

There being no further questions or comments, the hearing on this bill was closed.

CONSIDERATION OF HOUSE BILL 737:

This is an act to amend the definition of serious bodily injury in the criminal code, etc. Representative Keedy gave an example of a person who was beaten and was in the hospital for a period of five days. He said that the question was whether there was serious bodily injury and the argument centered around whether there was a substantial risk of death. He stated that this bill would clear up this ambiguity.

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Tom Honzel, representing the Montana Association of County Attorneys, stated that they became aware of this problem in the case of the state vs. Kugler. He stated that the problem has been studied closely and they asked the committee to support this bill.

There were no further proponents and no opponents.

Senator Turnage said that he was a little concerned about the term "prolonged disfigurement" and he wondered who was going to define the term "prolonged" and he wondered how long is prolonged. Mr. Honzel stated that Professor Kouley stated in the Kugler case, 5 days would have been prolonged. Senator Turnage questioned what is the Kugler case and Mr. Honzel said that he was kicked in the head, hospitalized for five days but he did recover. Senator Turnage said that if he completely recovered, he could see why he was turned loose. Mr. Honzel said that the supreme court did uphold the conviction, but felt there was some problem.

There were some other questions and comments and the hearing on the bill was closed.

CONSIDERATION OF HOUSE BILL 747:

This is an act to get the attorney general sufficient authority to assure that ballot questions clearly indicate the implication of a vote for or against a ballot issue, etc. Representative Hand stated that this bill is the result of many years of election ballots and even though a person may have studied that ballot, that voting these decisions was a problem.

Senator Lensink said that SB 256 dealt with this area and other areas.

Mike McGrath, Assistant Attorney General, outlined the differing parts of the two bills. He stated that this bill deals only with the statement of implication and SB 256 deals with the entire process. He also stated that they conflict in two ways - SB 256 rewrites the entire section and this bill repeals this section.

There were no further proponents and no opponents.

Representative Hand suggested that both bills can't be enacted together and maybe they should be compared.

Senator Lensink stated that SB 256 was submitted by the attorney general's office and he summarized the differences in the bills.

There were no further questions or comments and the hearing on the bill was closed.

CONSIDERATION OF HOUSE BILL 749:

This is an act to make sexual abuse of children a criminal offense; defining the offense to include the actual sexual abuse of children and the preparation, distribution, and sale of child pornography. Representative Frates stated that they are trying to control child pornography. He stated that this was a \$2 billion industry and growing. He said that in California, this is a felony with a prison sentence - 7 or younger, they get 50 years; 7 to 13, 10 years and fines of \$25 to \$50,000.00.

There were no further proponents and no opponents.

Senator Anderson questioned if they had any opponents in the house and Representative Frates stated none, whatever.

There were no further questions or comments and the hearing on this bill was closed.

CONSIDERATION OF HOUSE BILL 719:

This is an act to amend section 61-6-111, MCA, to prohibit an owner of a motor vehicle whose registration has been suspended from transferring such registration or motor vehicle until the judgment against him has been stayed or satisfied in full, subject to certain exceptions.

Larry Majerus, Administrator for the Motor Vehicle Division, stated that he was not here opposing the bill and his remarks may be a little premature. He stated that he could not argue with the intent of the bill but that it

makes it almost impossible to administer. He stated let's assume a judgment is filed on the car and it was traded in to another dealer, he stated that that dealer has no way of knowing there is a judgment on that car. The buyer would find out when he tried to transfer the title on that vehicle. He stated that this would require that everyone who wants to purchase a car would have to call Deer Lodge and there is no way they can handle that.

Senator Turnage questioned if they do have authority right now if they want to apply it. He said that the only exception is where there is a security interest but asked what if a fellow decides to give up the car. Mr. Majerus said that they suspend their driver's license pending the outcome of the judgment. He also said that first of all, they have to satisfy the judgment - they can enter into an agreement and they do not have to pay it off.

Senator Towe questioned if at the present time do they suspend licenses before a judgment. Mr. Majerus said no, we actually receive an order from the court to suspend the driver's license.

Senator Towe questioned who initiates the order from the court. You do not even get those orders unless you have a hard time getting a judgment satisfied. Mr. Majerus said that he thought they got six months to issue an order.

Senator Turnage said that the problem is with the application - he said if you owe \$1,000.00, the only way he could pay you is to sell his car and they won't let him sell the car until he pays the judgment. Mr. Majerus stated that he understood they had some authority to suspend registration.

Senator Anderson questioned as to who showed up as proponents in the house and Mr. Majerus said that there were no proponents and he did not speak on it, that he told them that he would have his attorneys look at it and see how we could handle it and he just did not think there is a simple answer.

Senator Lensink said that before acting on this, he would try and round up Representative Burnett and see what he has to say.

Senator Towe said that in the exceptions 122 and 125, these would be brought in as exceptions and wondered why the bill would be unworkable. Mr. Majerus said that our main objection is that the judgment does not show on the face of the title. He stated that he could sell his car and when you go to get your title you are not going to be able to get it until you pay the judgment.

There were no questions and no further comments and the hearing on the bill was closed.

DISPOSITION OF HOUSE BILL 749:

Senator Lensink stated that Joan Mayer from the Legislative Council, pointed out that this does not include the procurement of prostitutes. Joan Mayer testified that there are probably some legitimate films that are made.

Senator Towe questioned what is the age of consent and Joan Mayer stated 16 if there are three or more years difference, then a harder penalty.

Senator Turnage said on page 2, lines 13 and 14, that you better not have more than three copies of Playboy and felt that subsection (4) should be taken out.

Senator Lensink requested Ms. Mayer to draw up some amendments.

DISPOSITION OF HOUSE BILL 621:

Senator Turnage stated that his problem is with a single check-off and wondered what is he going to check-off. He also said that he does think it has fiscal impact, it definitely contemplates a new program and the idea that there won't be any money involved just isn't realistic.

Senator Lensink stated that he felt that the testimony did not really get to the bill.

Senator Turnage moved that we refer this bill to the finance and claims committee. The motion carried with Senator Brown voting no.

DISPOSITION OF HOUSE BILL 737:

Senator Turnage stated that his first reaction is what do they mean by continued medical treatment and prolonged disfigurement. Senator Towe said that if you have a scar on your leg or hip, would that be prolonged disfigurement. Senator Turnage said that the problem is that every cowboy fight is going to be included in this.

Senator Turnage said this is like the drink, block and tackle. You take two snorts, walk a block and you can tackle anything.

Senator Brown questioned if Professor Crowley would approve these specific changes. Senator Turnage said that under the old law we had three degrees of offenses, and described them.

Senator Lensink requested that Valencia Lane, researcher for the committee, get some copies of this and they will take it up again.

DISPOSITION OF HOUSE BILL 719:

Senator Towe said that what Mr. Majerus was saying is since we have notification of liens printed on the front of the title, this causes problems and he stated that there was no way the department could put this lien on all the titles.

Senator Anderson stated that in Idaho, the lienholder hangs on to the title. It was suggested that this bill be held up until later.

There being no further business, the meeting was adjourned at 11:25 am.

SENATOR EVERETT R. LENSINK, CHAIRMAN
Senate Judiciary Committee

BILLS TO BE HEARD BY SENATE JUDICIARY
Monday, March 12, 1979

1. HB 621 (Waldron)

proposed bill - requires the department of social and rehabilitation services to conduct a 5-year program to collect and analyze statistics on domestic violence and spouse abuse.

Section 1. NEW. Statistics on domestic violence and spouse abuse

Section 2. NEW. Agencies and officials to report information to department

Section 3. NEW. Suggested form -- information to be reported.

Section 4. NEW. Program to terminate.

2. HB 719 (Burnett)

current law - under 61-6-122, an owner's motor vehicle registration can be suspended for nonpayment of a final judgment in a case involving the ownership, maintenance, or use of a motor vehicle. Under 61-6-111, if the registration is suspended, the registration cannot be transferred or the motor vehicle registered in any other name until the division is satisfied that the transfer is in good faith; this does not affect the rights of creditors.

proposed bill - amends 61-6-111 to provide that if registration is suspended for non-payment of a judgment, the owner cannot transfer the registration or motor vehicle until the judgment is stayed or satisfied in full or until 6 years have passed from the date of judgment. This provision is subject to the exceptions of 61-6-122 (which allows for registration if the judgment creditor agrees in writing) and 61-6-125 (which provides for registration while a judgment is paid off in installments on a court order as long as there is no default in payment of the installments).

3. HB 737 (Keedy)

proposed bill - amends the definition of "serious bodily injury" in the criminal code. Basically, the bill changes the definition to include bodily injury that results in "the need for continued medical treatment or medical correction" and "any other grievous harm". The bill also changes the existing definition to make the definition slightly less stringent by deleting the limitations of "substantial" risk of death and "serious permanent" disfigurement.

Sections affected by change in definition of "serious bodily injury":

- 45-5-202 - aggravated assault
- 45-2-101(65) - definition of "weapon"
- 45-5-303(2) - aggravated kidnapping
- 46-18-222(5) - exceptions to mandatory minimum sentences and restrictions of suspension and deferral of sentence

Sections containing "serious bodily harm" (undefined)
45-2-212 - compulsion
45-3-101(2), (2)(a))
-102)
-103)
-104) Part named "When Force Justified"
-105(2)(a))
-106(2))

4. HB 747 (Hand)

current law - when a ballot issue is placed on the ballot by a legislative act or a petition, it must be accompanied by a statement of the implication of a vote for or against it. Currently, 13-27-314 provides that the attorney general can comment on the accuracy of a statement of implication provided by the legislature or party providing the petition, but he cannot change the statement (and, he can only write the statement if one is not provided.)

proposed bill - would allow the A.G. to override a statement of implication which had been drafted by the legislative or petitioners if the A.G. felt the statement did not clearly explain the implication of the vote.

NOTE: SB 256 which has passed the Senate, would repeal 13-27-314 and incorporates the provisions of this section into that bill. Under SB 256, the A.G. will write the statement of implication for ballot issues proposed by initiative -- but the legislature would still write the statement of implication for issues proposed by the legislature. Since SB 256 repeals the section that HB 747 amends, passage of HB 747 would have no effect.

5. HB 749 (Frates)

current law - 45-8-201 creates the offense of obscenity. Obscenity has strict constitutional connotations.

proposed bill - creates the offense of sexual abuse of children and defines the offense to include actual sexual abuse and the preparation, distribution, and sale of child pornography. The bill is intended to be codified in the criminal code. Subsection 1(e) is intended to get anyone who finances the activity without actual involvement. Subsection (4) creates a presumption of intent to sell if a person possesses 3 items of pornography.

NOTE - on page 1, line 21 & 22, the House amended the bill to limit the application of the bill and on page 2, line 12, the House changed the definition of "child" to mean a person less than 16 years old rather than 13 years old as originally drafted.

Date 5/12/79

ROLL CALL

JUDICIARY COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Lensink, Everett R., Chr. (R)	✓		
Olson, S. A., V. Chr. (R)	✓		
Turnage, Jean A. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Anderson, Mike (R)	✓		
Galt, Jack E. (R)	✓		
Towe, Thomas E. (D)	✓		
Brown, Steve (D)	✓		
Van Valkenburg, Fred (D)			✓
Healy, John E. (Jack) (D)	✓		

Each Day Attach to Minutes.

Please sign & return to Secretary: Secretary

SENATE Education COMMITTEE

BILL _____

VISITORS' REGISTER

DATE 3/22/79

Please note bill no.

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOS
William J. Schmidt		621	<input checked="" type="checkbox"/>	
Carol K. Bonham	Missouri WCA		<input checked="" type="checkbox"/>	
Jack O. Baker	Missouri WCA	621	<input checked="" type="checkbox"/>	
Wesley K.	Missouri WCA	621	<input checked="" type="checkbox"/>	
Deborah Miles	Missouri WCA	621	<input checked="" type="checkbox"/>	
Anni Taylor	Missouri WCA	621	<input checked="" type="checkbox"/>	
J. Ha. Eva Stange	Helena Brth. Women's Soc. Tenn	621	<input checked="" type="checkbox"/>	
Jan Brown	Mo. Chain of Churches	HB 621	<input checked="" type="checkbox"/>	
"	"	HB 749	<input checked="" type="checkbox"/>	
W. Addie Cannon	SRS	HB 621		
Anita M. Miller	G.F. Mercy Home	HB 621	<input checked="" type="checkbox"/>	
Sharon McVicker	Great Falls (victim)	HB 621	<input checked="" type="checkbox"/>	
Walter A. ...	W. ...	HB 621	<input checked="" type="checkbox"/>	
Jan J. ...	Therapist	HB 621	<input checked="" type="checkbox"/>	
Jessica Hunter	Battered Spouses	HB 621	<input checked="" type="checkbox"/>	
Larry Majerus	Larry Majerus	HB 719		

My name is Jutta Eva Stange, of Helena. I am a member of the Helena Woman's Center Rape Crisis Line and Battered Women Task Force. I speak in support of House Bill #621.

In 1977, the Rape Crisis Line began to receive the first calls for help from battered women. Since then, there has been a steady increase in calls during 1978 and as of January 1st of this year, we have seen a dramatic increase.

Of 92 calls in 1977, we received 13 from battered women.

Of 83 calls by August of 1978, 19 calls came from battered women. Then, 4 months later, by December of 1978, a total of 52 calls out of 156 calls received were from battered women.

Since January 1st of this year, that means in a little of over 2 months, members of the Helena Woman's Center have received already 82 calls from battered women.

A recent Helena Woman's Center study of the Helena Police Department, East Helena Police Department and Lewis and Clark County Sheriff's Department records found 102 reports of alleged battering in 1977-1978 of which 95 of the victims were women and 7 were men.

As with suicide and divorce, battering appears to have a seasonal pattern, with December and January having the highest incidence.

Further, a clear weekly and daily cycle of battering could also be ascertained from the records, i.e., on week-ends — Friday, Saturday and Sunday — and between 5 P.M. and 3 A.M. we recorded the highest occurrence of battering.

Of the 102 battering complaints, 96 had been reported for the first time and only 6 previously. In 10 % of the reports previous battering was alleged. Although battering is known to be recurrent in nature, it seems that battered women do not repeatedly seek law enforcement assistance.

Eighteen of the reports indicated the women left the crisis area for a spot believed to be safe while the men left in 32 instances.

In only 3 reports prosecution was desired.

Drinking was reported in conjunction with battering in 27 of the complaints.

Child abuse or threats of child abuse were alleged in 8 reports.

~~(A copy of our study is available from Natalie Cannon.)~~

As with rape and child abuse, spouse battering is under-reported. Perhaps only 1 out of 10 incidences is reported. Currently, we only see the tip of the iceberg. The extent of the occurrence of spouse battering demonstrates that it is not an individual problem but a social problem. There exists then a definite and pressing need for the gathering of large-scale, accurate statistics which will help to define the magnitude and reality of the problem before we can begin the process of healing.

1978

Missoula YWCA Batterd Women's Shelter

Jan 1 to Dec 31

WOMEN AIDED 129

Children 169

Total 298

Averages: 28 Women & Children a month

3.5 days in length of stay

Residence

Missoula City & County 77%

Out of County 15%

Out of State 12%

MARITAL STATUS

Married 68%

Divorced 08%

Separated 10%

Single 14%

RACE

White 89%

Native American 10%

Other 006%

WOMEN AGES

--To 18 008%

18 - 25 38%

26 - 40 46%

41 - 65 15%

66 - up 0

RESULTS OF AID

Returned to situation 28%

New Living Arrangements 50%

Unknown 22%

GREAT FALLS NEROY HOME FOR WOMEN AND CHILDREN

STATISTICS FOR FEBRUARY

TOTAL

1. Unduplicated Count of Program Beneficiaries	377
1a. Total Continuing from Previous Fiscal Year	1
1b. Total New for the Year	62
1c. Total Terminated During the Year	61

<u>2. REFERRED FROM</u>	<u>MONTH</u>	<u>YTD</u>	<u>TD</u>
Church	0	0	14
Crises Line	19	33	132
NAFB Chaplain	0	0	9
NAFB (hosp. Police, etc.)	0	0	1
Opportunities Inc.	5	7	20
Police	1	1	43
Juvenile Probation	0	0	3
Providence Alcohol Center	0	1	4
Prostitution	0	0	1
Public Health	0	0	4
R.C.C.	0	0	23
St. Thomas Childrens Home	0	1	5
St. Vincent DePaul Society	0	0	4
WPA	0	1	5
State Health	0	0	4
Rescue Mission	0	0	1
Private Psych.	0	0	4
Women's Resource Center	0	0	7
Self-Referral	1	1	11
Out of Town (shelter exchange, etc.)	0	0	16
Wesley Center	0	0	2
Blessed Hope	0	0	9
Hospital	0	0	5
Sheriff	1	2	16
Receiving Home	0	0	1
Highway Patrol	0	0	1
Private Lawyer	0	0	1
Runaway House	0	0	1
Schools	0	0	1
Indian Education (board member)	0	0	2
Board Member	66	6	6

WOMEN AND CHILDREN IN SHELTER

<u>3. AGE GROUP</u>	<u>TOTAL</u>	<u>YTD</u>
3a. Infants - Under 5	4	6
3b. Between 5 and 12	7	15
3c. Between 13 and 17	2	3
3d. Between 18 and 29	5	9
3e. Between 30 and 64	5	9
3f. 65 and over	0	0

<u>4. SEX</u>	<u>TOTAL</u>	<u>TD</u>
4a. Male	9	14
4b. Female	14	27

<u>5. ETHNIC BACKGROUND</u>		
5a. White	20	34
5b. Black	0	0
5c. Hispanic	0	0
5d. Oriental	0	0
5e. Native American	3	7
5f. Other Ethnic Minority	0	0
5g. Not Known	0	6

<u>6. FAMILY INCOME</u>		<u>YTD</u>
6a. Below Official Poverty Level	2	8
6b. At a Near Poverty Level	5	6
6c. Middle Income Locality Median	3	5
6d. Upper Income		
6e. Not Known		

<u>7. LOCATION OF RESIDENCE</u>		<u>YTD</u>
7a. Cascade County	8	14
7b. Other	2	5

<u>USE</u>	<u>TOTAL</u>
8a. Number of persons served	33
8b. Number of persons at the Shelter	23
8c. Number of women at the Shelter	10
8e. Number of boys at the Shelter	9
8f. Number of girls at the Shelter	4
8g. Total Days used in Shelter	25
8h. Total beds occupied	32
8i. Range of stay per days of use	3.28
8j. Range of stay per month	2.93

WOMEN IN SHELTER

<u>NUMBER OF WOMEN SEEKING AIDE</u>	<u>TOTAL</u>	<u>FTD</u>
9a. Battered or Abused	8	13
9b. Transient	1	4
9c. Transient and Abused	1	2

10. AID PROVIDED

10a. Shelter		
10b. Meals	297	50+
10c. Transportation		

Referred to and helped by:

M.P.S.	Mental Health
LEGAL Aid	Fish
Opportunities Inc.	Hospital
Crimes Center	County Auterney
Womens Group	Police
Court of conciliation	Sheriff

11.	<u>RESULTS OF AID PROVIDED</u>	<u>TOTAL</u>	<u>YTD</u>	<u>TD</u>
	11a. Legal action for abuse	2	5	31
	11b. Has/will seek professional counseling for abusive situation.	1	1	22
	11c. Returned to husband or boyfriend	5	10	45
	11d. Found alternative to abusive situation	1	2	49
	11e. Continued traveling	0	1	35
	11f. Found home	3	5	30
	11g. Found home and job	1	2	14
	11h. Hospitalization	0	0	0
	11i. Did not report back	0	0	18
	11j. Returned home to family	0	0	6

12.	<u>VOLUNTEER HOURS (TO DATE)</u>	24,694	<u>HOURS</u>
	12a. Houseparent		341
	12b. Relief Houseparents		80
	12c. Volunteers		260

716 24 Street, North
Apartment 6
Great Falls, Montana 59401
March 8, 1979

Mr. Everett R. Linsink
Chairman
Senate Judiciary Committee
Capitol Station
Helena, Montana 59601

Dear Mr. Linsink:

As a member of the Board of Directors of the Great Falls Mercy home, a shelter for battered and abused women, I would like to take this opportunity to urge you to support House Bill 621.

House Bill 621 is entitled "A bill for an act to require the Department of Social and Rehabilitative Services in cooperation with other agencies and officials to gather, maintain, and analyze statistics on domestic violence and spouse abuse in the state for a period of five years." Being involved with the Great Falls Mercy Home and battered women, I feel that this piece of legislation deserves your support.

Your earnest consideration of this bill will be greatly appreciated.

Sincerely,

Jeanne M. Adams

Jeanne M. Adams
Representative
Great Falls Mercy Home

cc: Senate Judiciary Committee members

RAPE CRISIS LINE STATISTICS FOR 1977

The type of services given by crisis line volunteers often overlap. Thus, a caller may receive advocacy (by a volunteer to any agency which the caller needs to deal with), referral, counseling, transportation, or any combination of these services. It should also be noted here that the crimes reported to the line are alleged crimes, the majority of which have not been tried in a court of law.

Total Number of Calls:.....92
 Women.....79
 Men.....13

Age (if given): 8-12.....3
 13-18....15
 19-23....10
 24-34....15
 35-45....6
 46-56....1
 Over 56...3

Type of Call:
 Sexual Assault (total).....31
 Rape.....22
 Attempted Rape.....3
 Exposure.....3
 Harassment.....3

Months: Jan.....9 July.....7
 Feb.....4 Aug.....13
 March...10 Sept.....5
 April...5 Oct.....8
 May.....5 Nov.....8
 June....8 Dec.....10

Battered Women.....13
 Health.....9
 Depression/Suicide.....9
 Drug/Alcohol.....3
 Child Abuse (non-sexual).....3
 Juvenile Delinquency.....3
 Housing.....2
 Financial Problem.....1
 Marital Problems.....1
 Sexuality.....5
 Other.....3

Time of Volunteers: Two volunteers were on call 24 hours a day throughout 1977. This amounted to 17,520 hours. Time spent during initial phone calls and follow-up- 7,409 minutes (123.48hrs.)

Number of Contacts between Crisis Line Advocates and the Following Agencies:
 City Police.....7
 County Sheriff.....2
 Court.....3
 Hospital.....4

Referred to:
 Family Planning.....14
 Mental Health Center.....8
 Alcoholism Center.....3
 Legal Services.....1
 Blue Mt. Clinic
 (health services for women) ..8
 Mercy Home
 (shelter for battered women)...1
 Other.....5

* * * * *

FINANCIAL EXPENDITURES AND INCOMING MONEY TO THE WOMAN'S CENTER 1977

In 1977 the Woman's Center received \$6,656.03. This was divided among the following categories: Donations and memberships..... \$2114.03
 Fundraising activities.....142.00
 Grants.....4400.00

Expenditures for 1977 were \$5,173.11. Of this money, \$2,920.86 was salary and fringe benefits for a part-time Rape Awareness Program Coordinator.

1978

RAPE CRISIS LINE STATISTICS
JANUARY - DECEMBER 1978

TOTAL NUMBER OF CALLS	156
WOMEN.....	143
MEN	13

TYPE OF CALL

Sexual Assault.....	27
Rape.....	22
Attempted Rape.....	1
Harrassment.....	4
Battered Women.....	52
Health	12
Depression/Suicide.....	10
Housing	8
Sexuality.....	4
Drug/Alcohol	1
Child Abuse (non-sexual)	1
Juvenile Delinquency	1
Marital Problem.....	8
Financial Problems.....	5
Other.....	24

REFERRED TO

Family Planning	10
Mental Health Center.....	8
Blue Mountain Clinic (Health Services in Missoula ... for Women)	7
Mercy Home (Shelter for Battered Women and Children). .	8
Legal Services	2
Other	50

MONTHS

January	4
February	3
March	3
April	12
May	16
June	13
July	13
August	19
September.....	8
October.....	24
November	22
December	19

TIME OF VOLUNTEERS

Two volunteers were on call twenty-four hours a day throughout 1978. This amounted to 17,520 hours. Time spent during initial phone calls and follow-up was 2,221 minutes or 37 and 1/6 hours.

RAPE CRISIS LINE STATISTICS

JANUARY - AUGUST 1978

TOTAL NUMBER OF CALLS.....	83
Women.....	77
Men.....	6

TYPE OF CALL

Sexual Assault (Total).....	17
Rape.....	13
Attempted Rape.....	1
Harassment.....	3
Battered Women.....	19
Health.....	11
Depression/Suicide.....	8
Housing.....	7
Financial Problems.....	3
Sexuality.....	2
Drug/Alcohol.....	1
Child Abuse (non-sexual).....	1
Juvenile Delinquency.....	1
Marital Problem.....	1
Other.....	10

REFERRED TO

Family Planning.....	6
Mental Health Center.....	7
Blue Mountain Clinic (Health Services for Women).....	5
Mercy Home (Shelter for Battered Women and Children).....	4
Legal Services.....	1
Other.....	25

MONTHS

January.....	4
February.....	3
March.....	3
April.....	12
May.....	16
June.....	13
July.....	13
August.....	19

TIME OF VOLUNTEERS

Two volunteers were on call twenty-four hours a day throughout these past seven months. This amounted to 11,664 hours. Time spent during initial phone calls and follow-up was 1,241 minutes or 20.68 hours.

SPOUSE BATTERING
in the
HELENA, EAST HELENA, AND LEWIS AND CLARK COUNTY AREA

DECEMBER 1978

prepared by
Barbara Garrett

Spouse Battering

in the

Helena, East Helena, and Lewis and Clark County Area

The Helena, East Helena, and Lewis and Clark County area, like most communities, has a spouse battering problem. The Helena and East Helena Police Departments and Lewis and Clark County Sheriff Department have received 102 reports on alleged battering incidents during 1977-1978. The actual magnitude of the problem is believed to be much larger than the law enforcement records may indicate because battering, like child abuse and rape, is under reported; that is, more incidents occur than are reported to law enforcement officials.

While spouse battering has received increased public attention over the last four years, little solid information about the nature or extent of the problem has been available. Recently, a research project on the issue in Montana was completed under contract with the Montana State Department of Social and Rehabilitative Services (SRS). That research was based on case studies and the resulting report, A Study of Spouse Battering in Montana*, goes a long way in describing

*Copies available through the Montana State Library and Department of Social and Rehabilitative Services.

the character of the problem.

The need for services for battered women and for a study on the extent of battering in our area became apparent to the Helena Woman's Center when it began to receive calls from battered women on its Rape Crisis line in the fall of 1977. The Helena Woman's Center could not respond adequately to the calls for help. It is a relatively small, private non-profit organization with limited resources and is not equipped nor staffed to offer the kinds of services that battered women need. The most obvious and immediate need of battered women is to ensure their own personal safety. They also commonly face problems of low self-esteem and economic dependency. Organizations that respond to the needs of battered women normally provide shelters or safe home programs and offer counselling and central referral services. If the Helena Woman's Center were to respond to battered women in our area, it would require additional financial support in order to initiate a safe home program, counselling, and central referral services. The preliminary step for the Center must be to develop documentation of the battered spouse problem which will appropriately justify requests for outside support.

The purpose of this report is to provide the Helena Woman's Center with information it can use in: (1) establishing program priorities; (2) developing a safe home program, and; (3) requesting support from public or private funding sources. Law enforcement and other public officials may also be expected to have use for the data due to growing awareness and concern about the problem.

STUDY SCOPE

Many, probably most, cases of battering are never reported. If a battered woman does call the police or sheriff departments, she will most likely not sign a complaint or pursue further action. Few cases of battering result in court action, much less conviction. It is believed that police and sheriff department records reflect a much smaller problem than actually exists, although they are the best available data source on battering in the community.

The basic research work for this report was completed by volunteers for the Helena Woman's Center in cooperation with the Lewis and Clark County Sheriff Department, and Helena and East Helena Police Departments. All of the data is based on law enforcement occurrence and investigation

reports. Because the data is based on law enforcement reports rather than court records, it reflects the quantity and nature of alleged incidences, not proven cases that have been validated through the judicial process.

The study was completed in phases and utilized the most current information available. For this reason the data periods for the three law enforcement departments do not coincide. The Lewis and Clark County data period is from July 1977 through June 1978; the Helena Police Department period is from September 1977 through August 1978; and the East Helena Police Department period is from October 1977 through October of 1978.

Reports on battering incidents between married persons, boyfriends and girlfriends, and divorced persons were included in the statistics developed because (1) actual marital status cannot always be determined from law enforcement reports and (2) battering does not necessarily start after a marriage ceremony nor terminate when a divorce is final.

Reports that made reference to physical violence were included in the statistics; that is, those that contained references to hitting, beating, slapping, kicking, and so forth. No attempt was made to judge arbitrarily the amount or

duration of physical violence. Reports that did not include a specific reference to physical violence, but rather used terms such as fight or argument, were excluded from the data base. Words like fight or argument could be used in describing a verbal dispute that did not involve physical violence. This cautious approach has probably resulted in statistics that do not fully reflect battering in the community or even battering as a law enforcement problem.

BATTERING REPORTED IN HELENA, EAST HELENA, AND LEWIS AND CLARK CO.

In our area over the last year 102 reports on battering have been received by law enforcement officials. Women were identified as the victims in 95 of these reports and men in 7. In a couple of instances, both the man and the woman involved were reported as both victim and assailant. In approximately two-thirds of the reports the complainant was the alleged victim.

The reports indicate that battering has a seasonal pattern as do suicide, divorce, and other similar actions that are rooted in personal and familial stress. Battering also has clear weekly and daily cycles.

The monthly rate of battering reports was high during December and January as illustrated in the following table:

Number of Reports by Month

<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
13	10	10	4	6	7	10	10	6	7	6	13

This increased number of battering reports during December and January may not be due totally to an increase in the rate of battering incidents. Some of the increased reporting may be caused by battered women's disillusionment with their situations. A battered woman may be less willing to silently endure being beaten during the season that should be filled with peace, religious experiences, and expressions of family love. Psychologists frequently observe that the holiday season is a time of high stress because of contrasts between personal expectations and actual life circumstances.

A weekly cycle is indicated in the reports received by the local law enforcement offices.

Number of Reports by Day-of-Week

<u>Sunday</u>	<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>	<u>Saturday</u>
23	8	3	9	16	19	25

The high number of reports on the weekend may be due to the increased level of opportunity; but reasons for the high rate on Thursday and Friday are less obvious. The weekly cycle of battering

may be influenced by job tension or the 'pay day blues'. Some battered women have described themselves as "whipping boys" for on-the-job and financial stress.

Most battering reports were received between 5 P.M., after working hours, and 3 A.M., after the night spots close. The number of reports by time-of-day is shown below.

Number of Reports by Time-of-Day

Midnight to 1 A.M.	10	Noon to 1 P.M.	1
1 A.M. to 2 A.M.	10	1 P.M. to 2 P.M.	1
2 A.M. to 3 A.M.	12	2 P.M. to 3 P.M.	1
3 A.M. to 4 A.M.	5	3 P.M. to 4 P.M.	2
4 A.M. to 5 A.M.	3	4 P.M. to 5 P.M.	1
5 A.M. to 6 A.M.	1	5 P.M. to 6 P.M.	5
6 A.M. to 7 A.M.	0	6 P.M. to 7 P.M.	6
7 A.M. to 8 A.M.	2	7 P.M. to 8 P.M.	6
8 A.M. to 9 A.M.	2	8 P.M. to 9 P.M.	8
9 A.M. to 10 A.M.	0	9 P.M. to 10 P.M.	5
10 A.M. to 11 A.M.	1	10 P.M. to 11 P.M.	9
11 A.M. to Noon	3	11 P.M. to Midnight	6

While battering is recurring in nature, the local law enforcement reports do not reflect repeated incidents. The 102 reports involved 96 alleged assailants. Only 6 of the

complaints involved a person that had previously been reported during the study period. Ten percent of the reports contained allegations of previous battering incidents. These figures suggest that battered women do not repeatedly turn to law enforcement officials for assistance, for whatever reason.

When a battered woman calls law enforcement officers, the immediate crisis is most frequently resolved by either the man or the woman leaving the premises for the evening. Eighteen of the reports noted that the woman left the area for the home of a friend or relative or some other place believed to be safe. Thirty-two of the reports noted that the man left the area. Only eight of the reports indicated that prosecution was desired, while eleven indicated that prosecution was not desired.

The battering reports received by local law enforcement officials do point out a couple of other problems that may occur in conjunction with spouse battering. Drinking was reported in twenty-seven of the complaints and child abuse or threats of child abuse was mentioned in eight complaints.

RECOMMENDATIONS

The local law enforcement data may have value to the

Helena Woman's Center in developing a safe home program.

In light of the data, it is recommended that the Woman's Center:

1. Establish a safe home program immediately; 102 reports to law enforcement officials indicate that the extent of the problem is substantial enough to justify the immediate creation of this service.
2. Provide 24 hour hot-line service for safe home referrals. Most battering incidents occur on the weekends and during late evening hours. Referral services which operate only from 9:00 A.M. to 5:00 P.M. will not meet the needs of battered women. Such services may be provided either through a small group of well organized dedicated volunteers or, possibly, by a cooperative agreement with other crisis line operations in the community.
3. Offer safe home facilities that can accommodate children and at least 5 to 7 women at one time. A battered woman may need to have a safe place for her children as well as herself. Those who operate safe home programs generally experience greater demands for refuge than they originally anticipated.* The largest number of reports received during one day was three; therefore, any safe home program in this community needs 'plus three' capacity.

* Pizzey, Erin, Scream Quietly or the Neighbors Will Hear, Penguin Books Ltd., Harmondsworth, Middlesex, England, 1974.

4. Continue the on-going program for informing the public of battering and of services available. Public support for battered women's services, as an alternative to continued beatings, is essential. For the holiday season (December and January) the Center should consider requesting additional public service announcements and press coverage of the spouse battering problem and of the services available to battered spouses.

CONCLUSION

Reduction of the battering problem and aid for the victims can best be attained through broad based community support. A victim may need counselling, shelter, transportation, legal advice, or a variety of other services. Only through a commitment by several organizations, individuals and agencies can the necessary full range of assistance for victims be attained.

The report prepared for SRS, A Study of Spouse Battering in Montana, describes the common characteristics of battered women; that is, (1) low self-esteem, (2) emotional breakdown and immobility caused by an inability to deal with being physically abused by someone you love and who claims to love you, and (3) guilt that is rooted in the belief that physical

punishment is not dished out unless the recipient justifiably deserves it. The report addresses the most frequently asked question, "why do they stay?", when on the surface leaving seems to be such a simple answer. It also contains recommendations for law enforcement, legal, legislative, and other actions.

A Study of Spouse Battering in Montana in combination with the Helena area statistics should provide those that wish to initiate services for battering victims with much of the basic information they need. The SRS report covers a broad range of information while this study indicates that the problem is sufficient in size locally to justify the attention of our officials, agencies, and civic organizations.

The Helena Woman's Center in providing public information may be able to facilitate broader community support by encouraging groups and persons to offer direct assistance to victims in their own area of expertise (legal services, social services, and so forth.) Appeals by the Helena Woman's Center, first, for direct assistance to victims and, second, for indirect assistance by support to the Woman's Center efforts may ultimately result in an appropriate response to much needed aid for the battered women in our community.

ACKNOWLEDGEMENTS

Thanks to those law enforcement organizations that cooperated in this study and to the volunteers who provided advice and assisted in data collection.

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Helena Police Department

East Helena Police Department

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