

Statement in Support of Maine Legislative S.P. 896, *An Act to Protect Victims of Domestic Abuse and Violence by Amending the Law Regarding Proximity Restrictions in Final Protection from Abuse Orders*

My name is Kathryn Miles. I am a Maine resident, and a victim of abuse. In a lot of ways, I'm one of the lucky ones. In several instances, my abuser committed clear PFA violations, which led to his arrest and ongoing prosecution. However, more times than not, he found ways to exploit dangerous loopholes in standard PFA language that allowed him to avoid consequence. The state of Maine is not only complicit, but at least partially responsible for this ongoing exploitation.

As written, most protection orders only prevent what courts call "direct contact." In my case, that meant my perpetrator was arrested each time he phoned me or left a voice mail; however, it also meant that anything construed as "indirect contact" fell into a gray area subject to interpretation. It's first up to a responding police officer to make this subjective determination of intent, and officers are far from consistent in their interpretation.

Some that I've worked with have admitted to feeling frustrated and hamstrung by the onus of interpreting the standard of "contact." Others are dismissive or reductively literal where this threshold is concerned. I've been told repeatedly that state law allows my assailant to follow me in close proximity for extended periods of time or wait for me at my vehicle, so long as he does not speak. In one instance, I had photographic evidence of my perpetrator repeatedly stalking me in a densely wooded area. However, when I reported the incident to the police, I was told by the responding officer that my stalker would only be arrested if he directly threatened or admitted that he wanted to harm me. The officer also told me it was my responsibility to video my assailant making that admission while being actively pursued through the woods. In another instance, a law enforcement officer told me I should evade my assailant by veering off a trail and bushwhacking, even if that required me to scramble up or down an embankment on my hands and knees (he also suggested I use my cell phone to video this maneuver).

As a result of these responses from law enforcement, I have had to hire my own legal counsel, and I have spent hours filing reports and requesting internal department reviews. I've engaged in lengthy correspondences with supervisory officers and district attorneys. It has been an expensive, exhausting process and one that no one, and especially not an abuse victim, should ever have to endure.

The state of Maine owes it to both assault victims and law enforcement to provide real protections for some of its most vulnerable citizens. By amending the law regarding proximity restriction in PFAs, Maine won't save all of its abuse victims, but it will afford much needed protections for them – and the law enforcement officers serving them.

Thank you.

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