

Testimony of Jenny McCarthy

Speaking in support of LD 1183 “An Act to Expand the Use of Electronic Monitoring in Domestic Violence, Sexual Assault and Stalking Cases”

Before the Joint Standing Committee on Criminal Justice and Public Safety

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Senator Rosen, Representative Warren, and members of the Committee on Criminal Justice and Public Safety, my name is Jenny McCarthy. I am a domestic abuse and sexual assault survivor. I am here today to speak in support of LD 1183 “An Act to Expand the Use of Electronic Monitoring in Domestic Violence, Sexual Assault and Stalking Cases”.

On June 30, 2016 my abuser was arrested and charged with sexual assault. He remained incarcerated pending bail until July 8, 2016. On July 8th when he was released, he was released with electronic monitoring and ordered not to have any contact with me. That same day I was provided a device as well to carry with me. I had so much fear at the time that he would contact me after his release that having a device myself provided some level of comfort. I knew given our relationship, the power he had over me, especially since he was my therapist for years that I would be too afraid to call 911 if he did approach me. He knew me very well, he knew my routine, my running routes, where I was and was not comfortable going. I feared he would find me in town, not necessarily at home which would have been an auto alert to police since it was a restricted zone. If my abuser was the only one with a device then he would have been able to approach me outside of the restricted zone and no one would have been alerted. I knew having that device would be crucial for safety.

I was in the hospital for six of the twelve days my abuser was out on bail. On the evening of the same day I was discharged from the hospital he found me in downtown Portland.

Just after midnight on July 20, 2016 while I was about to pull out of a parking spot in downtown Portland, he appeared at my passenger side door; I turned my head to look for traffic and there he was at my window. At 12:03am my cell phone started ringing, but I was paralyzed by fear and I could not answer my phone.

It was the monitoring company calling me to alert me our electronic devices were in close proximity, to implement safety procedures and call 911.

The electronic monitoring company alerted 911 when I did not answer and could not respond back to them. They were the lifeline to Portland Police when I could not do this myself.

When my abuser came around to my driver's side window he was trying to get me to get out of my car to walk with him out onto one of the piers in Portland. I remember the desperation and thinking if I go with him no one will know where I am because I wouldn't be able to take my bag that the device was inside of; I remember the fear and just praying the authorities knew what was happening. Panicking, I was pleading with him to please leave. All I could focus on was trying to convince him to leave. After what seemed like forever I was able to drive away. I was hysterically crying and in survival mode. My phone rang again and it was the Portland Police. The woman on the other end of the line spoke to me calmly, she was already aware that our devices had been together and she was able to guide me into pulling over in a safe public space staying on the phone with me until an officer arrived in person.

Had the judge granted bail without the use of the electronic monitoring I do not believe I would be here today. Given the many times my abuser and I talked about what would happen if he was

arrested and that my death was expected, I believe had I gotten out of my car and done what he wanted, separating me from the device, then I would have ended up dead in Casco Bay in the early morning hours of July 20, 2016.

I'd like to thank Representative Fredette and his co-sponsors for LD 1183 as well as this Committee for their commitment to improving the safety of victims of domestic violence and sexual assault. I hope sharing my experience will help in understanding why the use of electronic monitoring is so important.

Thank you for listening and I am happy to answer any questions that you might have.

-Jenny McCarthy