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## EDITORIAL

### A contemptuous law

Tuesday, June 10, 2008

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It's hard to believe, but there it is, codified into California law: Should the plaintiff in a domestic violence case decide that he or she does not want to testify against the defendant, that plaintiff can be held in contempt of court - and incarcerated.

To put it more simply, someone who's *already* suffered domestic violence can be tossed into jail for refusing to testify against his or her batterer. The idea is mind-boggling - the state can use another form of mind control against someone who is already struggling to be free of violation and manipulation. Why in the world do we allow this?

There's absolutely no reason why we should, and that's why it's critical for the state Assembly's Public Safety Committee to pass SB1356 today, and send the bill on for a full vote on the floor. SB1356 has already passed the Senate, where author Leland Yee, D-San Francisco, was able to advocate for it. But it appears that opposition from the District Attorneys Association may stall it in the Assembly.

We understand that DAs want to have as many tools as possible in order to win convictions. But there's got to be a better way than revictimizing those who have already suffered.

"We're just saying that incarceration is wrong," said Jeannette Zanipatin, policy director of the California Partnership to End Domestic Violence, a nonprofit organization that worked with Yee to draft the bill. "We're saying that threatening people with incarceration is wrong. We're saying that there has to be a way to get convictions that doesn't involve this practice."

And indeed, there must be - DAs have been finding it for plaintiffs in sexual assault cases for more than a decade. Once upon a time (say, the early 1990s), those plaintiffs could also be threatened with jail time unless they testified. The Legislature rightly saw the problems with this approach and remedied the situation.

They must now do the same for the victims of domestic violence.

Sacramento can be a difficult place for people who really want to "make a difference": the strictures of politics, budgets, timing and personality make compromise, both big and small, necessary on a daily basis. On this issue, legislators have a clear, direct opportunity to change a dreadful practice. They must pass SB1356 out of committee today.

This article appeared on page B - 6 of the San Francisco Chronicle

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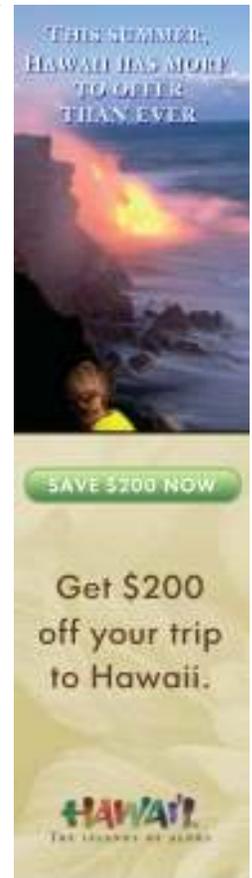
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