

10 August 2023

NIAC

Not Invisible Act Commission

Re: NIAC Testimony

To the members of the NIAC Commission –

I commend the first steps taken by the Not Invisible Act Commission to change direction and offer hope to the Indigenous people and to the citizens of Montana. I commend you in your first steps to prevent and respond to violence. Thank you for allowing the Indigenous people and population of Montana to present their concerns.

My name is Angela Mastrovito. My daughter's name is Rebekah Grace (Rose) Barsotti. Let me be clear, Rebekah is Caucasian. I am writing this at the urging of Charli Sleeper, Indigenous Advocate. Charli and several other women of the tribal nations have embraced my family and my daughter's tragedy. They are willing to cross the cultural lines and assist us in our endeavors to coordinate efforts to make positive changes in Montana. What I would like to bring to your attention is that in the State of Montana, with great respect to the statistics and numbers that surround my sisters of Indigenous Missing and Murdered – in my daughter's case....their was no evidence of "white privilege". Since the onset of her Missing, my daughter and the case that surrounds this event has been made "**Invisible**".

In 2007 Rebekah moved to Montana from Virginia. She fell in love with the people and the beauty of the state. Montana became her 2<sup>nd</sup> home. Rebekah was adventurous in spirit and her Spirit of Light and Love went before her. Rebekah was quiet in demeanor, but her presence had a significant impact on those around her. .

In 2015 Rebekah married David Barsotti. Promises of a wedding on horseback soon turned into a Justice of the Peace ceremony at the Missoula County Courthouse with a \$75 cheap imitation diamond. **No witnesses.** A "private" ceremony.

Ever so slowly the phone calls decreased between my daughter and myself. I thought the reason was work schedules or time zone differences. Then the isolation from friends and family. Prior to her marriage, I would save enough to visit Rebekah every 5 years. After Rebekah married, it became more difficult to schedule that trip. According to Rebekah, it just "wasn't a good time". Rebekah was becoming "**invisible**."

Following a history of multiple calls to the Missoula and Mineral County Sheriff Office for Domestic Disputes – Rebekah called 911 on March 9, 2021; in Mineral County and filed a Personal Family Member Assault Charge, followed with a Standing Order of No Contact against

David Barsotti. The affidavit that Rebekah submitted was the first thing in this case to become “invisible”.

On July 20, 2021, my daughter’s estranged husband informed us Rebekah was Missing. He blamed it on everyone around him. A boyfriend who wanted to “pin it on him”, a Crime Victim Advocate assigned to Rebekah who wasn’t receiving return calls. These were all fabricated to take the attention from him. Rebekah had made multiple phone calls to the MCSO for a stand by assist to get the last of her things.....all went unanswered. Another act by law enforcement to make her appear “Invisible”.

The day Rebekah went missing David Barsotti’s caregiver was posting about Rebekah’s dog, Cerberus, missing, but NOT Rebekah. Again, Rebekah was “invisible.”

Rebekah’s vehicle and personal belongings were located at MM72 off Interstate 90. Her personal items on the riverbank on the east side of Alberton Climbing Rock at St. John’s Fishing Access. Again, despite having her Belgian Malinois with her (who was highly protective of her) and majestic in stature, NO ONE saw Rebekah or her dog at this site. Rebekah’s driver’s license and credit card were placed face up, side by side perfectly. She was **INVISIBLE** at St. John’s Fishing Access.

David Barsotti became **invisible**. David wasn’t looking for his estranged wife but calling Insurance companies to verify an Accidental Death Policy still in effect and USAA to cancel coverage of renter’s insurance; and calling the Landlord of the trailer Rebekah rented and requested to close it up. Rebekah went missing on the 20<sup>th</sup> of July. These calls took place on the 21<sup>st</sup> and the 23<sup>rd</sup> of July. Again, to make all traces **INVISIBLE**. Later, we were informed David Barsotti had camera footage into the trailer that Rebekah rented. He was stalking her.

August 4, 2021 - Sheriff Mike Toth of Mineral County informed my husband and myself – “I was not even going to look for your daughter”. “Who do you think she is, the President?” Both statements invalidate Rebekah’s existence as a human being, making her **INVISIBLE**. He also informed us that David Barsotti, “was not a person of interest and never would be”. Making David Barsotti **invisible**. Personally, we are of the opinion that this investigation was an Obstruction of Justice from the beginning. According to Sheriff Mike Toth, all evidence was compromised. Incompetence or Obstruction to Justice, neither is acceptable.

In any other state in this nation, a history of Domestic Violence would have made David Barsotti a person of interest at the very least. Not in Mineral County. Not in Montana. His rights were of greater importance than it was to find my daughter. My daughter’s items were confiscated to include her laptop from her rental trailer. There was no digital equipment of David Barsotti’s confiscated. Rebekah’s laptop remains **INVISIBLE**; no one is willing to confirm it’s existence or where it is located.

In August 2021, my husband and I presented in person to the Mineral County Courthouse requesting all public records. We were informed there were none. In October 2021, a savvy

journalist called requesting the Affidavit of Probable Cause. This is the statement given on March 9, 2021, that was misplaced. The journalist knew better and insisted on the copy being located. It was located and released. An agent of the County notified us that the statement was released to media. It stated that David Barsotti was “**going to blow both of my hands off**”; according to Rebekah’s statement given to Deputy Patrick Nobles. It wasn’t until the PFMA trial in March 2022 we were made aware via Body Cam Audio that Deputy Nobles had previously responded to the residence regarding domestic disputes multiple times; referencing that each one had escalated. Pertinent information **INVISIBLE**.

Jurisdictional football has occurred in my daughter’s case as well, thus blurring the lines of responsibility. Mineral County transferred part of the case to Missoula County. Missoula City became involved because of death threats we received. Events concerning her case have been transferred back and forth between Missoula City, Missoula County and Mineral County. At this time, despite the County Attorney keeping my daughter’s case Open as a Criminal Investigation, the Sheriff Department refuses to accept new information, refuses to process any reports of new information and refers me to the County Attorney’s office, **who cannot file a report or investigate**. Mineral County also does not have in their employ a Detective or Investigator. Therefore, there is no one investigating. **INVISIBLE** again.

I reached out to DCI, they informed me they reviewed my daughter’s case in 2-3 days in Jan/Feb 2022. My attorney and myself had approximately 10 – 3” binders of information. I found it interesting that they could review that information in 2 to 3 days. I specifically asked if they had the entire report file. They did not know. Unfortunately, they reviewed the case before information was acquired and statements under oath provided. Mike Toth had informed me on January 1, 2022 that no new information would have any value, therefore it would not be processed. If you don’t acknowledge and process the information provided it is **INVISIBLE**.

March 2022 – the PFMA trial took place in Mineral County, Montana. The jury was not allowed to be informed that Rebekah was MISSING. Yet, the defendant’s attorney made a point to bring to the juror’s attention that Rebekah was not present at the hearing she requested. **Making my daughter INVISIBLE. This has to change.** Her voice was SILENCED.

May 2022 - Even when the body was found by a “fisherman”, he did not call 911 himself. He called a friend first. His name is not noted in the reports received from Missoula and the State Crime Lab. Mineral County refused to release their report. Again, **INVISIBLE**.

June 2022 - The body was “identified by dental records”. The DNA could not be “amplified”. (Oddly enough, a different way to say the DNA was “**INVISIBLE**”). The body was able to provide a toxicology screening but not DNA? Documentation on the autopsy report left us with many questions that did not receive answers. The body was found in clothing different from last seen. There were 9 teeth missing, yet 2 weeks before the event, my daughter’s dental exam/x-rays show a full set of teeth. Rebekah had long hair, but her hair was an average ½” in length. After travelling the Clark Fork River for 30 + miles, the body was intact except for her right hand. I was not allowed to view the body. The body was cremated at the request of her

abusive and estranged husband. **A woman should never be returned to her abuser. Dead or Alive.** Please take a moment and let that statement sink in. **Rebekah Grace Rose Barsotti was returned to her abusive and estranged husband.**

**The Slayer's Statute did not protect my daughter. That must change in the state of Montana. The Slayer's Statute should include an escape clause to allow protection of the victim when there is a history and/or Active PFMA charges against the perpetrator.**

July 2022 - Despite our best efforts to secure a 2<sup>nd</sup> autopsy, that event was manipulated as well. Despite court orders in place, the Deputy County Attorney created one roadblock after another. The State Crime Lab triple bagged the body, promoting decomposition and only refrigerated the body, despite a Court Order to preserve the body. Thomas Bennett, MD was unable to perform the 2<sup>nd</sup> autopsy due to decomposition. The State Crime Lab withheld all information/photos/etc. stating Dr. Bennett did not specifically ask for these things. Again, the entities in Montana do not have a cohesive effort to work together. It would appear that those in position of power exert the most energy in creating friction and events that prevent collaboration. The entities work against the truth being revealed.

Winter of 2023, I made 3 different phone calls to different County Sheriff Departments for Internet Harassment. No one wanted to receive the report. I contacted the Attorney General's Office regarding Internet Harassment that stemmed from my daughter's case. They politely informed me they would not be the office to address this issue. Again, if you deny the existence of evidence, it is **INVISIBLE**.

July 2023 - Despite Dr. Bennett extracting human remains for future DNA forensics, he recently informed us he has "misplaced" them. Actually, Dr. Bennett informed us that the Coroner of Basin, WY "misplaced" the Human Remains. Who does this? **INVISIBLE** once again.

August 2023 - we are moving forward in our Appeal to the Montana Supreme Court. Judge Jason Marks of the Fourth District Missoula County Court refused to address motions and rulings present to the court, until I presented a Claim against the Estate. On May 4, 2023 he decided Rebekah was "Always dead and never missing". Stating I had no claim to the estate and despite the fact that my daughter was MISSING when I was awarded Conservator and then Guardian he reversed those decisions as he had been in "error". Rebekah had her "own" estate to be preserved and protected once she left her estranged husband, David Barsotti.

All information referenced above is documented and supported with either written or audio communications.

It is my opinion that the State of Montana hopes we exhaust ourselves – physically, mentally, emotionally or financially. Or perhaps die and then there is no one to fight on my daughter's behalf. Or so they think. Many people in the counties of Missoula and Mineral County have aligned themselves with our cause to seek Justice not only for Rebekah for all victims of Human Trafficking/ Domestic Violence/Missing and Murdered.

The present system in Montana that is in place regarding the Missing and Murdered appears to be specifically coordinated to make the Missing and Murdered **INVISIBLE**. The people and departments in position do not coordinate efforts to promote investigating events involving women of Domestic Violence and Missing/Murdered. They lack the ability to bridge the gap between local agencies and request assistance in most instances. People in position also lack the authority to make a decision or initiate a process that would actually help the family of the victims.

The layered jurisdiction is Statewide and expands beyond federal and local government and tribal nations. It is rare indeed that Counties even collaborate for Human Trafficking/Domestic Violence/Missing and Murdered. Each entity is left to its own resources to survive. The lack of collaboration between law enforcement bodies is statewide. The lack of accountability due to the structure of Sheriff in Montana actually promotes operating corruption and a system that fails the community.

The ability to track down appropriate agencies is cumbersome and can take months and often times families become exhausted in the quest for knowledge and resources. Which may actually be the intent of the bureaucrats in Montana.

The tragedy that plagues my sisters in the Native population is horrific and terrifying. We have become members of a larger family connected by tragic loss. The system fails those who are victims of Human Trafficking/Domestic Violence/Missing Persons and Murdered. Regardless of color.

I suggest Task Forces that act as liaisons between tribal nations/communities and law enforcement. For victims and their families of Human Trafficking/Domestic Violence/Missing and Murdered. Many families are left without an assigned contact. When evidence comes to light, families have no one to report to. The families need an assigned contact, whether it be within each tribal nation/county or region. The families are the advocates and the voice of their Missing and Murdered loved ones. The government castrates them and hopes to extinguish the efforts of voices being heard.

*The irony of the timing of the Commission Hearings is this - as you are travelling the States and addressing the concerns of the Indigenous Missing and Murdered, Montana is in the process of eliminating services offered by Crime Victim Advocates. The grants are being closed out early in multiple counties. With the promise that services will still be available from nearby localities. With the promise that a grant MAY BE available next fiscal year. I find this effort counter productive to your efforts to create more awareness and resources. It is my opinion that the State of Montana is intentionally silencing the voices affected by Domestic Violence.*

Our voices will not quietly go away, nor will they cease. Our voices will become collective, crossing barriers of color, and heritage. Any life taken is a tragedy. Our voices will rise in unison - those who are in position will hear their cries.

Despite the NIAC primarily concentrating on Native women I am reporting to you that the injustices extend beyond the tribal lands. It is throughout Montana. The manner in which women in general are not safe in the State of Montana is unacceptable. Women are life bearers. No other gender can bring forth life from their loins, yet women are treated as second class citizens in the State of Montana. Their perpetrators are better represented.

The Indigenous People deserve better. Women of this state deserve better. All people deserve to feel safe and protected; with confidence that they can safely live in their culture within their community.

It is my hope that the words spoken by your representatives will ring true and be put into action.

Deputy Attorney General Lisa Monaco emphasized, "The Justice Department is steadfast in our pledge to work with Tribal governments in preventing and responding to the violence that has disproportionately harmed Tribal communities. And we are committed to listening and being responsive to what our partners have to say."

In a June 8, 2023, letter to Tribal leaders, Secretary Haaland said, "Only with the collective participation of all our communities will our missing, murdered, or trafficked relatives and friends no longer be invisible."

The actions of the (Not Invisible Act) Commission will impact resources available to address MMIP issues for a long time."

*I personally would like to add here that the NIAC actions should bridge the gap of culture and impact resources statewide to all women and persons of the State of Montana.*

Being that this is a testimony electronically submitted, you cannot see the pained expression, you do not hear the sobs as I type this. You are not aware of the multiple times I have had to step away to wail in grief and despair as I capture on paper the attempts of State officials to eradicate my daughter's life and make her **INVISIBLE**.

**This Mother's Cry Will Not Be Silenced.** Rebekah's Legacy will coordinate efforts with the Indigenous women/families and people of all colors to promote change for the empowerment and safety of women in the State of Montana.

Submitted on behalf of my daughter, Rebekah Barsotti and all whose voice was extinguished.

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