

2009 Legislative Highlights

With a looming \$4.6 billion deficit, Minnesota legislators faced unique challenges during the 2009 legislative session. Fortunately, by the end of the session, crime victim services were largely preserved, and a number of important policy provisions were enacted that impact crime victims.

Criminal Sexual Conduct

Under the public safety omnibus bill, the definition of sexual contact was amended to include the intentional touching of a victim's body or clothing with seminal fluid. *Session Laws ch. 59, art. 1, sec 5*

Human Trafficking

Significant changes were made to the sex trafficking statute including: expansion of the definitions of sex and labor trafficking; creating a separate crime of sex trafficking distinct from the promotion of prostitution crime; and enhancing the penalties for sex trafficking when aggravating factors are present. The human trafficking report to the legislature is now required biennially rather than annually, and sex trafficking is considered a "violent crime" for the purposes of firearm provisions and crime victim protections against employer retaliation. *Session Laws ch. 137*

Prostitution

Several bills were passed that clarify and enhance the existing prostitution statutes, including: defining the terms "place of public accommodation" and "a public place" for prostitution crimes, clarifying the prostitution penalty enhancement provision for repeat offenders, making driving records relating to vehicle-involved prostitution offenses available to law enforcement, and making such convictions for repeat offenders public. *Session Laws ch. 170; ch. 137, sec. 5*

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Brandon's Law

This new law is designed to enhance the response by law enforcement to reports of adults who go missing under dangerous circumstances. The law requires law enforcement agencies to take a missing person report without delay and enhances the tools available to law enforcement. It also directs the Bureau of Criminal Apprehension to convene a working group to develop a model policy that incorporates standard processes, procedures, and notifications in missing person cases. *Session Laws ch. 38*

Misdemeanor Arrest

The law expands the time frame for warrantless misdemeanor domestic abuse arrests from 12 hours to 24 hours. *Session Laws ch. 59, art. 2, sec 3*

Vulnerable Adults

The Vulnerable Adults Act was revised to improve the response to maltreatment and financial exploitation cases, including strengthening the criminal provisions, enhancing investigative tools, and requiring law enforcement agencies to develop guidelines for handling and prioritizing vulnerable adult cases. *Session Laws ch. 119*

Safe at Home

Further refinements were made to the Safe at Home program, including the exclusion of predatory offenders from the program, placing requirements on landlords to protect the confidentiality of program participants, and identifying the data classification on data held by local government entities. *Session Laws ch. 105*

Aggravating Factors

Under the public safety omnibus bill, the "aggravating factors" that can be used as reasons for departures from the sentencing guidelines are now specified within statute. *Session Laws ch. 59, art. 5, sec. 8*

Domestic Fatality Review

All judicial districts can now establish a domestic fatality review team, expanding the model started in 1998 by Hennepin County. *Session Laws ch. 59, art. 1, sec. 2*

Predatory Offenders

As a condition of release, offenders under intensive supervision who are required to register are now banned from social networking sites, chat rooms, and instant messaging sites where minors can participate. *Session Laws ch. 59, art. 1, sec. 2*. In addition, commissioners of Corrections and Public Safety are directed to develop training materials on the dangers of predatory offenders for programs and officials who care for and educate children and vulnerable adults. *Session Laws ch. 59, art. 1, sec. 4*

Cell Phone

A customer whose cell phone is lost or stolen is not liable for unauthorized cell phone charges. *Session Laws ch. 54, sec. 1*

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22nd Annual Conference on Crime Victims Embracing Change

The Minnesota Department of Public Safety Office of Justice Programs (OJP) would like to thank all the participants, staff, committee members and speakers who helped make the 22nd Annual Conference on Crime Victims a success. The conference was held May 27 – 29 at Cragun's Conference Center in Brainerd.

The conference theme this year was *Embracing Change*. The keynote and breakout sessions integrated this theme by weaving hopeful, positive messages throughout their presentations with resources and tools for professionals to assist them while working with victims of crime.

The conference opened with a general session presentation of *The Boy Show* performed by 10 young male actors from the Youth Performance Company (YPC). YPC is a Twin Cities theater company that fuels the creative spirit of youth by developing, empowering and advancing young artists. Through youth-centered programming, education and performance, this extraordinary group of young men challenged conference participants to question the messages young boys encounter about their masculinity and manhood.

Thursday morning began with Public Safety Deputy Commissioner Mary Ellison presenting awards for volunteer service and for professional service to victims of crime. Michael Schumacher with the Hennepin County Attorney's Office received the Kosiak Memorial Award for his volunteer service with the Minnesota Alliance on Crime. Helen Trickey of the Division of Indian Work was the Distinguished Service Award recipient for her outstanding work on behalf of victims. OJP is pleased to recognize both Schumacher and Trickey for the outstanding and compassionate work they do for crime victims.

After the Thursday morning award ceremony, Susan Still shared her moving personal account as a survivor of long-term and



severe domestic violence. Susan's abuser is currently in prison for the violence he perpetrated against her, which was captured on video by Susan's eldest son. Articulate and poignant, Susan detailed how various components enabled her and her children to escape their batterer, and hold him accountable.

On Friday morning, Veraunda Jackson shared information about the importance of communicating appropriately with victims of sex crimes in order to create a safe environment for them to start the healing process. As a victim of rape at age 16, Veraunda turned that experience into a rewarding career as a prosecutor who advocated for both juvenile and adult victims of sex crimes. Veraunda invited participants into the extremely complex and private thought process of victims. Veraunda is devoted to inspiring and empowering professionals who often become worn out by juggling insurmountable case-loads, cumbersome bureaucracy and a variety of setbacks in the process of trying to prosecute cases. Veraunda's presentation reminded participants that

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Michael Schumacher, Mary Ellison, Jeri Boisvert and Helen Trickey



Minnesota Alliance on Crime members



Host and judges for OJP idol

they will never know how they will impact someone's life or how others will impact their life.

In addition to the three general sessions, conference participants had 16 workshops from which to choose. Concurrent sessions focused on domestic violence, general crime, child abuse and sexual assault.

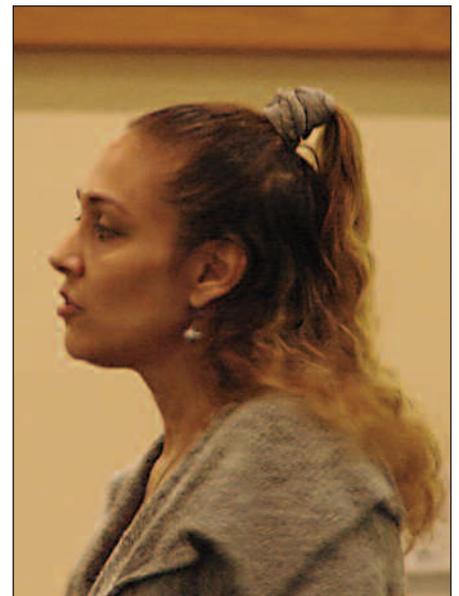
In addition to gathering new skills and knowledge, participants had time to connect or re-connect with colleagues and participate in a variety of entertainment options. Networking opportunities were provided at receptions held by the Minnesota Alliance on Crime (formerly the Minnesota General Crime Victim Coalition), the Minnesota Coalition Against Sexual Assault, and the Minnesota Coalition for Battered Women. Thursday evening brought the Fifth

Annual OJP Idol karaoke contest. Participants showcased their talents in front of a packed house, and panel of judges, while competing for valuable prizes.

Again, we thank everyone who attended the conference and contributed to its success. We look forward to seeing you again next year, May 26 – 28. Planning for the 2010 conference will begin in September. If you have any suggestions for speakers or topics, please e-mail Alicia Nichols at alicia.nichols@state.mn.us.



"The Boy Show"



Susan Still, keynote speaker

Cragun's Receives "Clean Hotel" Certificate



Dutch and Irma Cragun received a certificate of appreciation at the Minnesota Office of Justice Programs' (OJP) Annual Conference on Crime Victims at Cragun's resort May 27. The certificate was in recognition of Cragun's decision to remove adult pay-per-view pornography from their sleeping rooms.

Pay-per-view pornography is packaged and sold with other in-room amenities such as Hollywood movies and Nintendo games, and as such, is becoming more prevalent in hotels and resorts. The increased availability adds to the notion that sexually violent and degrading imagery is harmless, while substantial research indicates that it contributes to an increased propensity to commit violent crimes against women and children.

OJP funds programs seeking to provide essential interventions for victims of crime and to support primary prevention efforts designed to stop crime before it starts. A primary prevention approach seeks to change the environment in which so much sexual and domestic violence occurs.

The Minnesota Men's Action Network: Alliance to Prevent Sexual and Domestic Violence (MN-MAN), an OJP-funded project, recently negotiated the removal of pornography from Cragun's before they signed a contract with Cragun's for an October men's conference. MN-MAN informed Cragun's that while they would like to have their conference at Cragun's resort, they could not, in good conscience, provide a conference focused on preventing sexual and domestic violence while supporting a facility which routinely provided sexually explicit material that eroticized men's domination, degradation and violence against women. In less than a week, MN-MAN was notified that Cragun's would be removing the pornography permanently.

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Ramsey County Collaborative Receives Award

The Humphrey Institute's Public and Nonprofit Leadership Center honored Ramsey County with a 2008–2009 Local Government Innovation Award. The award recognizes the Runaway Intervention Project, a collaboration of the Ramsey County Attorney's Office, Midwest Children's Resource Center, Sexual Offense Services of Ramsey County, Hmong American Partnership, St. Paul School District and St. Paul Police Department.

The project was undertaken in 2006 in response to an alarming increase in the number of runaway girls in St. Paul. Many of the girls were gang-raped and forced into prostitution, and a large number skipped school, abused drugs and became pregnant. A study found Hmong runaway girls were especially at risk.

The Runaway Intervention Project addresses the needs of runaway girls through intensive intervention and services. Ongoing evaluation has shown dramatic improvement in the girls' healthy sexual behaviors, increased connectedness to family and school, higher self-esteem, improved mental health and reduced drug use.

The Humphrey Institute's Center for Public and Nonprofit Leadership launched the awards program in 2006 to recognize outstanding Minnesota local governments.

For more information, visit www.bhb.umn.edu/centers/pnlc/events_happenings.html.

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Victim Notification When Cases Declined

A change was made to the victims' right provision requiring prosecutors to notify victims in domestic violence, sexual assault, and harassment cases when a case is declined. The change includes sexual assault victims among those who should also get notice and information on orders for protection and harassment restraining orders. *Session Laws ch. 59, art. 2, sec. 1*

Crime Alerts

For those law enforcement agencies that provide crime alerts to the public, the alerts and accompanying documents must be in a format accessible to disabled persons. *Session Laws ch. 22, sec. 2*

Victim Services Funding

Although OJP faced cuts, there was a limit placed on cuts to crime victim program grants and reparations to no more than 3 percent from the FY 08-09 base funding. The legislation directed that OJP must give priority in awarding federal stimulus money to mentoring grants for incarcerated parents; youth intervention programs; re-entry programs for offenders; trafficking victim programs; nonprofits that help family and friends of persons who have died traumatically; juvenile detention alternatives; restorative justice programs; and judicial branch efficiency programs. *Session Laws ch. 83*

For legislative inquiries, contact the Jared Jordal at 651-201-7169.

Art of Recovery Helps to Heal

In commemoration of National Crime Victims' Rights Week, April 26 through May 2, the Department of Public Safety Office of Justice Programs and the Minnesota State Arts Board co-sponsored the sixth annual *Art of Recovery* exhibition. The show is an opportunity for Minnesotans who have been victims of crime and used the arts to respond, explore, express, or heal to share their work with each other and the public.



Twenty-one artists contributed work, including paintings, prints, cartoons, sculpture, poetry, short stories and essays. The show opened April 24 during the 2009 St. Paul Art Crawl. It remained on display at the Minnesota Arts Board office until June 30, and was viewed by more than 500 people.

The opening provided an opportunity for attendees to meet the artists and hear remarks from Sue Gens, executive director, Minnesota State Arts Board; Michael Campion, commissioner, Department of Public Safety; and former *Art of Recovery* artist, Gina Ruppert.



Department of Public Safety Commissioner Michael Campion and artist Lisa Dietz.



Self portrait by Lisa Dietz

All speakers expressed their gratitude and admiration for the artists' willingness to share such meaningful and personal work with the public, and highlighted the importance of expressing the experience of victimization in a healing way.

On April 26, literary artists shared their work with a gathering of friends, family and supporters. They spoke of their experiences through their poems, essays and short stories. Their powerful performances touched all who attended with their courage and strength.

Again this year, the show was also available through an online gallery, featuring full artist statements and photos of all the work displayed in the show, allowing people throughout the state to view the work. The exhibit will travel to Duluth and Marshall later this year.

The Office of Justice Programs would like to express our sincere thanks to all the artists who participated in the show, as well as the Minnesota State Arts Board, and all those who viewed this inspiring and moving show.

We will be accepting submissions for the 2010 *Art of Recovery* in late 2009. The show will again feature visual and literary arts. The show accepts work from Minnesotans who have been victims of crime and used artwork to express that experience.

For more information about the show or the Greater Minnesota venues, contact Alicia Nichols at alicia.nichols@state.mn.us.

Cragun's Receives "Clean Hotel" Certificate continued from page 4

The certificate of appreciation was thus presented to the Craguns for their swift and decisive leadership. The certificate reads:

"In recognition of Dutch and Irma Cragun for their continued commitment to provide an atmosphere dedicated to the well-being of their guests and employees by establishing Cragun's as a pornography-free 'Clean Hotel.' Through their leadership, Cragun's Resort and Hotel has demonstrated their commitment to excellence through socially responsible busi-

ness practices and to the vision of a world free from sexual and domestic violence."

The MN-MAN project was initiated by the Minnesota Department of Health in 2005. In recent collaborations, they have begun developing model policy and practices that divest in the pornography industry. For more information on the Men's Action Network and the "Clean Hotel" initiative, go to www.menaspeacemakers.org/programs/mnman and click on the "Clean Hotels" button.

State v. Vance, A06-2130 (Minn. May 21, 2009)

In 2003, Vance was arrested for sexually assaulting, strangling, torturing and beating the mother of his children, while their children were present in the residence. Vance was convicted of several counts of sexual assault and one count of assault. A *Blakely* trial was then held to determine whether there were aggravating factors present, specifically: (1) multiple forms of penetration; (2) the presence of children; and (3) particular cruelty. The district court instructed the jury that “the State need not prove that the child or children actually observed or heard the offense or offenses, so long as they could have, from where they were located.” The jury found that the aggravating factors were proven, and the court imposed a sentence that was a double upward durational departure under the Minnesota Sentencing Guidelines.

In its review, the Minnesota Supreme Court noted that the presence of children is an aggravating sentencing factor when the offense is committed in the presence of the children, or where the victim is particularly vulnerable due to a child’s presence in the home. However, in this case the court instructed the jurors that the state did not have to prove the children actually saw or heard the offense. The Minnesota Supreme Court held that the mere presence of children in the home, absent any evidence that they saw or heard the offense, is not a substantial and compelling circumstance sufficient to support an upward sentencing departure. But, the court affirmed the sentence because it concluded that the district court would have imposed an upward departure based solely on the other two aggravating factors.

State v. Franks, A06-1242 (Minn. May 14, 2009)

While serving time in prison, Franks wrote several threatening letters to his estranged wife and children, as well as other individuals. His estranged wife had an order for protection in place. Franks was convicted of four counts of violating the order for protection, and one count of harassment. The district court sentenced him consecutively on the order for protection violations and declined to sentence him for the pattern of harassing conduct.

The Minnesota Supreme Court sustained the conviction for harassment. The court stated that the phrase “feel terrorized” in the felony level harassment law, Minn. Stat. 609.749, subd. 5. means to “feel extreme fear resulting from violence or threats.” The court further indicated that the test of whether words or phrases are threatening depends on the context, including past crimes committed against the victim. In this case, the court stated, the context was one of domestic violence. Regarding the sentencing, the court held that the district court should have imposed the sentence on the harassment offense, rather than the violation of an order for protection offenses, because the pattern of harassing conduct offense was the more serious offense arising out of the incident.

2009 Minnesota Victim Assistance Academy

The 2009 Minnesota Victim Assistance Academy will be held September 20 – 23 on the campus of St. Cloud State University. The Academy is based around a foundation-level victim services curriculum and provides an intensive course of study designed to improve the quality and consistency of victim services in Minnesota.

Some changes have been made to this year’s Academy to further enhance the learning experience and make the program more accessible to victim service providers and criminal justice professionals. These changes include:

- New format emphasizing interactive and practice focused sessions.
- Shorter length — two-and-a-half days of classroom instruction.
- Completion of the Victim Assistance Training Online (VAT Online) through the Office for Victims of Crime Training and Technical



Minnesota Victim Assistance Academy



Assistance Center is a prerequisite. Additional information about this course will be provided to students upon notice of inclusion in the program.

Professionals who serve victims in any capacity are encouraged to apply. Application to the Academy is made through a formal submission process. Tuition is \$300 and includes course materials, lodging and meals during the Academy. The Academy application is available on the Internet at www.ojp.state.mn.us under the Training and Communications section. The Academy Web site also includes a sample Academy agenda, profiles of the steering committee and other information.

For more information, contact Alicia Nichols at 651-201-7318 or alicia.nichols@state.mn.us.

Federal News

House passes National Crime Victims' Rights Week resolution

On April 29, the House of Representatives passed a resolution supporting the 2009 National Crime Victims' Rights Week. H.R. 109 notes that observing victims' rights and treating victims with dignity and respect serves the public interest by engaging victims in the justice system, inspiring respect for public authorities, and promoting confidence in public safety.

House and Senate adopt concurrent resolution marking National Sexual Assault Awareness and Prevention Month

On April 30, the U.S. Senate gave final approval to a resolution supporting April as National Sexual Assault Awareness and Prevention Month. H. Con. Res. 104 notes that a sexual assault is committed in the United States every two-and-a-half minutes, that children and young adults are at highest risk, and that two-thirds of those crimes are perpetrated by someone known to the victim.

President Obama signs Fraud Enforcement and Recovery Act of 2009

On May 20, President Barack Obama signed the Fraud Enforcement and Recovery Act of 2009 (FERA). The bill had received final passage from the House on May 18. The legislation will expand federal fraud laws to cover mortgage fraud, additional forms of securities fraud, and certain money laundering. It authorizes additional funding for the Justice Department for investigations, prosecutions, and civil proceedings involving federal assistance programs and financial institutions, as well as funding for similar investigations by the Postal Inspection Service, U.S. Secret Service, Department of Housing and Urban Developments inspector general, and the Securities and Exchange Commission. FERA also amends the False Claims Act by extending liability to any person who knowingly presents a false or fraudulent claim for payment to the federal government. Finally, the bill establishes a Financial Crisis Inquiry Commission, comprising 10 congressionally appointed members, which will examine the causes of the current financial and economic crisis in the United States and present its findings to the President and Congress in 2010.

First Responders' Support Act of 2009 introduced

On May 14, Representative Charlie Melancon (D-La.) introduced the First Responders' Support Act of 2009, H.R. 2441, which revises and expands benefits available to public safety officers killed or injured in the line of duty. H.R. 2441 was referred to the House Judiciary Committee for review.

Child Protection Compact Act of 2009 introduced

On June 4, Representative Chris Smith (D-N.J.), with Representatives Carolyn B. Maloney (D-N.Y.), Dan Burton (R-Ind.), and Steven C. LaTourette (R-Ohio), introduced the Child Protection Compact Act of 2009. Under H.R. 2737, countries with a high prevalence of child trafficking and a demonstrated commitment to

addressing this problem would be eligible to enter into three-year anti-trafficking compacts with the United States. Eligible countries and the United States would then work together to create country-specific programs to end child trafficking and improve victim care by: evaluating legal standards and practices in the foreign nation; training anti-trafficking police and investigators; building the capacity of non-governmental organizations to educate vulnerable populations about the dangers of trafficking; working with law enforcement to identify and rescue victims; creating victim-friendly courts; and developing appropriate after-care facilities for rescued victims. The bill would also authorize the Secretary of State to direct up to \$15 million in grant money to eligible nations to implement their programs.

Anti-Gang Enforcement Act of 2009 introduced

On June 10, Representative Thomas Rooney (R-Fla.), with Representatives Rick Larsen (D-Wash.) and Sue Myrick (R-N.C.), introduced the Anti-Gang Enforcement Act of 2009. If passed, H.R. 2815 would amend several provisions of the U.S. Code to increase sentencing for violent gang activity. By exposing adult gang members to 10 years of incarceration for interstate gang recruiting, 20 years for conspiring to commit criminal gang violence, and 20 years for coercing another to engage in gang violence, the bill is intended to deter gang activity and facilitate prosecution of gang members. The bill was referred to the House Judiciary Committee for review.

State News

Illinois requires arrest of parolees who commit domestic violence or stalking

The Illinois Legislature has given final passage to a bill providing that persons on parole or mandatory supervision who are accused of domestic violence, stalking or felony violation of a protective order must be automatically arrested for violating parole. Current law mandates only the arrest of parolees who commit a felony with a knife or firearm or fail to register as a sex offender. The new law doubles (from two years to four) the mandatory supervised release term for offenders convicted of domestic violence, stalking or felony violation of a protective order. It also requires 40 hours of training regarding domestic violence for all parole officers whose caseload includes domestic violence felons. The legislation was sent to the governor for his signature.

Nevada passes law further restricting sex offender contact with victims and witnesses

On May 30, Nevada Governor Jim Gibbons signed into law a bill that prohibits sex offenders under lifetime supervision from contacting or communicating with victims or witnesses who testified against them at trial, unless offenders receive written approval from the chief parole and probation officer. In addition, the new law expands the prohibition on the public disclosure of a sexual assault victim's identity to include victims of statutory sexual seduction or sexual conduct involving a pupil or student.

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Oklahoma bill expands care for rape victims

On April 14, Oklahoma Governor Brad Henry signed legislation eliminating the requirement that medical personnel contact law enforcement when a sexual assault victim seeks medical treatment. Under the new law, healthcare professionals are not required to report sexual assault against adult victims but shall inform victims of their right to have a report made and make a report if requested by victims. The healthcare professional must also refer victims to a sexual assault and victim services program and provide the telephone number of the state's sexual assault and domestic violence hotline.

New Resources

State Department releases ninth annual report on human trafficking

The U.S. Department of State has released its ninth annual report on human trafficking. The "2009 Trafficking in Persons Report" seeks to raise global awareness of the crime of human trafficking and encourage government action. Download a fact sheet about the report at www.state.gov/r/pa/scp/fs/2009/124871.htm or a copy of the full report at www.state.gov/g/tip/rls/tiprpt/2009/index.htm.

NIJ releases report on what police should know in making domestic violence arrests

The National Institute of Justice has released a short guide for law enforcement on making arrests in domestic violence cases. The guide addresses findings from a multi-state survey of police incident reports, and uses those findings to suggest practices to improve the effectiveness of police response. "Making Arrests in Domestic Violence Cases: What Police Should Know" is available at www.ncjrs.gov/pdffiles1/nij/225458.pdf.

Study examines children's resilience in face of domestic violence

A team of researchers from Michigan State University in East Lansing has released a study indicating that young children who witness the domestic abuse of their mother are 3.7 times more likely to develop emotional and behavioral problems than children who have not witnessed abuse. The researchers then conducted a second study of 190 boys and girls who witnessed the abuse of their mother to determine what factors helped abuse-exposed children avoid developing mental health problems. www.medpagetoday.com/primarycare/domesticviolence/13993

New training guide for volunteers serving victims

The Office for Victims of Crime recently published an online training guide for new volunteers providing services to victims. The publication contains basic information on volunteering and the need for services for crime victims, as well as a five-part training guide that covers effective victim assistance, the victim experience, basic communication skills, victim services, and self care. The guide is available at www.ovc.gov/publications/infores/Good_Samaritans/welcome.html.

New OVC publication promotes assistance for rural crime victims

The Office for Victims of Crime has released a new guide designed to promote law enforcement-based assistance for rural crime victims. "Victim Services in Rural Law Enforcement" explores creative and economical ways for rural law enforcement agencies to meet the needs of victims at the crime scene and during follow-up contact. The guide is available online at www.ovc.gov/publications/infores/RuralVictimServices/welcome.html

Staff Profile

Claire Redmond started working in the Office of Justice Programs on July 8. She is excited to be working as a grant specialist working with the Recovery Act: Byrne Justice Assistance Grants for the Office of Justice Programs.

Claire is a Saint Paul native but now lives in south Minneapolis. She attended Central



Claire Redmond, Grants Specialist

High School and graduated from Hamline University with a bachelor's degree in business management. Claire has more than eight years of experience working with youth nonprofits throughout the Twin Cities.

Claire loves cats but she's allergic to them. She also loves baking and cooking, so be on the look out for various treats in the breakroom.

Stearns County Launches Felony Domestic Violence Court

By Janelle Kendall

In late 2007, Stearns County was well down the road to determining who was taking up overcrowded jail space. The county had looked at correctional alternatives to incarceration for low-level property crime and traffic offenders. And they worked systemically to ensure they were jailing those that posed a threat to public safety. In looking at those who remained, two groups were found: repeat DWI offenders and repeat domestic violence offenders, many of whom are both. In examining this population, they found that around 100 domestic violence offenders each year committed three or more crimes against the same victim. That's about one-third of the total felony caseload for a year.

Patterns typically showed that the traditional systemic response didn't seem to be working. While domestic assault files were pending, new assaults or no-contact violations continued to occur. Those wound through the system in myriad paths, and were high resource drains on all agencies involved. Consequently, a group of prosecutors, defense attorneys, judges, corrections agents, local battered women's shelter advocates, legal aid staff, treatment facilities staff, and the jail and court administration organized to learn how to better deal with this population.

The search for solutions led them to the Center for Court Innovation (CCI) in New York, a research and data collection group focused on best practices for court interventions nationwide. They showed the group that throughout the U.S., family or intimate relationships resulting in violence are a growing drain on criminal justice and child protection resources. In fact, multiple criminal, child protection, family and civil court matters involving the same victim and defendant wind through the system simultaneously, uncoordinated and without common information. With this understanding and experience, as well as CCI's input and direction, the group decided to establish Minnesota's first felony domestic violence court.

They found that traditional court responses to domestic violence had been particularly ineffective with Stearns County's repeat felony domestic violence offenders. Although CCI showed that states on both coasts have attempted targeted intervention with domestic offenders, most courts attempt to deal with all offenders in a jurisdiction, rather than focusing on an identified group of recidivists. While specialization in this complicated area of public safety has been shown to work, Stearns County is taking it a step further. They will concentrate on repeat felons, thereby increasing victim safety and offender accountability through this targeted and court-authority based response to a select group of recidivist offenders who meet pre-determined criteria.

Data collection, detailed analysis and specific planning have resulted in two competitive grant awards that helped open the Stearns County Felony Domestic Violence Court in April 2009. The grants allow the courts to dedicate specialized probation and victim services to offenders and victims, apply surveillance intervention to offenders, and offer civil legal advice to victims and families.

Stearns County Court has a trained team of judges, prosecutors, probation agents and victim advocates. Surveillance is available 24/7 to ensure offender compliance with court orders. Concentrated and coordinated victim support services enhance victim and child safety. At weekly offender compliance hearings, the court gives offenders prompt, detailed and strictly enforced conditions of release. Expertise, consistency and coordination among team members ensures efficiency and accountability.

This dramatically increased systemic collaboration was very eye-opening. It's one thing to assume what other agencies are doing with "your" cases; it's another to watch. In only three months of operation, it was discovered that there were hundreds of no contact violations by listening to the jail phone calls of incarcerated offenders, even though every call begins with a recording stating that "this call is subject to monitoring and recording." The methods that jailed defendants find to keep in contact with (and exercise control over) their victims are beyond expectations. That being said, victims are working with the county at a higher rate than expected.

It is hoped that repeat violations will be reduced when sanctions for noncompliance are prompt, court-directed and certain, but our data collection has just begun. It takes time to show what will work. Stearns County has an established history of systemic problem-solving, with Minnesota's only mandatory adult drug court since 2002 and Minnesota's first child protection drug court in 2006 — giving previous experience in developing and maintaining strict admission criteria, close supervision, targeted assistance and enforcing compliance with court orders.

The good news is that the county hasn't had a new assault from designated offenders because most remain incarcerated. The troubling news is that a way has not been found to stop offender contact with and control over their victims — incarcerated or not. The best news is that the entire system now interacts daily to determine how to make this work better.

Janelle Kendall is the Stearns County Attorney writing on behalf of the Stearns County Domestic Violence Partnership.

Brown Reappointed to Crime Victims Reparations Board

In June, Public Safety Commissioner Michael Campion reappointed Raichel Brown for another four-year term on the Minnesota Crime Victims Reparations Board. Brown will continue to serve as the victim representative on the board. In 1997, Brown's family members were innocent victims of a drive-by shooting in Minneapolis, which left her brother with a spinal cord injury.

"Serving on the Minnesota Crime Victims Reparations Board has been a rewarding experience," Brown says. "I am inspired each time a crime victim receives the services needed to help rebuild their lives. As a crime victim myself, I am glad to be able to contribute my perspective in the decision-making. I look forward to continuing my service with my fellow board members and the great staff of the reparations program."

Brown is currently employed at the Target Corporation. Previously, she worked as an administrative assistant at the



*Raichel Brown,
Reparations Board Member*

Minneapolis law firm of Blackwell Igbanugo, P.A. She has served as a volunteer program coordinator with a violence prevention program which works to educate youth about gun violence. Brown has a degree in political science from the University of St. Thomas.

The Minnesota Crime Victims Reparations Board is a unit within the Office of Justice Programs which provides financial compensation to victims of violent crime and their families. The board was established in 1974 in response to increased public concern for victims of violent crime. Since its inception, the program has assisted thousands of crime

victims. The board is composed of five members, appointed by the commissioner of the Minnesota Department of Public Safety. In addition to Brown, the Board members include Robert Goodell (chairperson), Dr. Philip Eckman, Lt. Kimberly Lund and Mary Waldkirch.

MNCASA Receives Grant to Improve Forensic Medical Exam Process

The Minnesota Coalition Against Sexual Assault (MNCASA) recently received a grant from the Office of Justice Programs for a project to improve the quality and management of the forensic medical examination process statewide. This grant will support MNCASA's efforts to develop and implement more effective interagency protocols related to evidence collection and retention in sexual assault cases. MNCASA looks forward to working with law enforcement, prosecutors, advocates and sexual assault medical personnel, as well as other important stakeholders, to identify and promote best practices in Minnesota.

The purpose of a forensic medical examination is to attend to the healthcare needs of the sexual assault victim and collect evidence for a possible criminal case. It includes an examination of physical trauma, determination of penetration or force, patient interview, and collection and evaluation of evidence in a manner that meets legal chain of custody requirements. Additional procedures can include treatment for sexually transmitted diseases and access to emergency contraception.

The Violence Against Women Act (VAWA) requires states to ensure that victims of sexual assault are not required "to partici-

pate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both."¹ The purpose of this law is to ensure that proper emphasis is placed on access to health care and evidence collection. While reporting to law enforcement is important, victims are not always ready to do so immediately after an assault and should not be deterred from seeking health care for fear of having to engage the justice system before they are ready. Costs for medical intervention should also not create a barrier to victims seeking needed health care.

Minnesota is compliant with VAWA under Minn. Stat. §609.35. However, there are several problems associated with carrying out the intent of the law. Ongoing issues include different billing practices across counties; misunderstanding about payment responsibility; wide-ranging policies about responsibility for kit storage and length of time for kit storage; and different interpretations of several legal obligations including access to emergency contraception, mandatory reporting of sexual abuse and minor consent for medical care. Varied jurisdictional and medical

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¹ Violence Against Women and Department of Justice Reauthorization Act of 2005, 42 U.S.C.A. 3796gg-4(d)(1).

Commentary



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facility responses create uncertainty about the process as well as a complicated and often unpredictable system for victims and professionals alike to navigate.

MNCASA will work with a multidisciplinary advisory group to identify and carry out project objectives, which include a statewide conference to enhance the skills of medical and other system responders. Much of the project work will be based on the 2008 tool kit funded by the federal Office on Violence Against Women

and developed by the Maryland Coalition Against Sexual Assault. The overall goal is to improve the quality and management of forensic exam throughout Minnesota. In the end, victims of sexual violence will benefit from a system that offers consistent information, quality care, and a victim-centered response.

For further information, contact MNCASA at 651-209-9993 or 800-964-8847.