

# WATCH



# POST

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## Everybody's entitled to my opinion DO TIGHT BUDGETS MEAN LOOSE JUSTICE?

**By Susan Lenfestey, WATCH founder**

When Dru Sjodin was murdered in November, 2003, there was an understandable hue and cry from the public. How could it be that her now-convicted killer, Alfonzo Rodriguez Jr., a recently released Level Three sex offender—the category deemed most likely to re-offend, and as such, a candidate for a form of indefinite treatment and detention known as civil commitment—was out on the streets unsupervised?

Well, like everything, it's complicated, but perhaps government-on-the-cheap played a part.

When Governor Pawlenty took office in January, 2003, the state was facing a \$4.5 billion deficit, and with his campaign pledge not to raise taxes, cuts were being made to all departments across the board, including Corrections.

In May, 2003 Dr. Anita Schlank, head of the Minnesota Sex Offender Program, resigned after being told by a supervisor that the program was growing at an "unsustainable rate" and being directed to draw up a list of 40 civilly committed sex offenders to place in community housing in order to save money. (This testimony became a political hot potato, denied by some, confirmed by several of Schlank's co-workers.)

According to Dr. Schlank, the order to pare down the program was in place before Pawlenty was elected, so I am not laying the release of Rodriguez at

Gov. Pawlenty's feet. But I am saying that if Rodriguez was released to save money, the savings came at a terrible cost.

Since Sjodin's murder there's been plenty of tough talk and new legislation. Local lawmakers have changed civil commitment procedures and extended sentences for sexual predators, and nationally, Dru's Law, which creates a national sex offender public database, was enacted in 2005.

However, talk about public safety is as plentiful in politics as photo-ops, but paying for it is another matter. Although the 2007 legislative session restored some of the funding that was cut in the 2003 budget, the squeeze from the state house is still being felt at the court house. And Governor Pawlenty's controversial slashing of Local Government Aid (LGA)—which provides state funds for cities, including the City of Minneapolis—is being felt acutely at the Minneapolis Police Department and City Attorney's office.

Delving into the effects of budget cuts tapped into much more material than this short article can cover, but what we learned is sobering.

In talking to people in the criminal justice system, at both the county and the city level, it becomes clear that they are stretched to the max. The city police force and attorney's office have been particularly hard-hit by the cuts to LGA. The following examples illuminate, but by no means encompass, the fallout.

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## WHAT'S NEW

### New staff

WATCH welcomes intern Nashad Muse, who is here under the Lois Bishop student of color internship program. Nashad recently graduated from Minneapolis Community and Technical College and will be attending the University of Minnesota in the fall. She will major in political science and aspires to be an attorney. Her fluency in three languages—Somali, Swahili, and English—will be an advantage whatever her chosen career. Her internship began in June, and she will be with us for a full year. Welcome aboard, Nashad!

### Volunteer training

Do you have at least one morning or afternoon each month to devote to monitoring court hearings and reporting on what you see? If so, become a trained WATCH court monitor. Volunteer monitors make it possible for us to provide useful feedback to the justice system. The next training will be held on Saturday, September 15, 2007. For more information, contact Shahidah at [smaayif@watchmn.org](mailto:smaayif@watchmn.org), 612-341-2747 x 2, or visit [www.watchmn.org](http://www.watchmn.org) to download an application.

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# National recognition: WATCH wins *Celebrating Solutions* award

By Marna Anderson

WATCH's fiscal year ended on a great note. Not only did we increase financial support from individuals and foundations by over \$22,000, we were awarded a 2007 Celebrating Solutions award from the Mary Byron Foundation, a grant-making charity in Kentucky. Along with the honor, WATCH received a \$10,000 cash award with "no strings attached"—the kind of gift foundations rarely make!

The Celebrating Solutions selection committee chose WATCH and three other organizations out of 240 nominees nationwide. The committee looks for programs that can serve as national models for innovative approaches to breaking the cycle of domestic violence. We are very pleased that the WATCH court monitoring model is being recognized in this way.

In January, we entered into our third year of Bush Foundation funding to promote court monitoring across the United States. We are doing this through memberships in our National Association of Court Monitoring Programs, web-based trainings, our Developing a Court Monitoring Program start-up manual, and presentations at national and regional conferences.

Since the end of May, WATCH staff members have conducted training in Nevada and presented at conferences in Florida and the Twin Cities. In September, we are headed to conferences in Baltimore and San Diego. As we meet with advocates and others interested in starting court monitoring programs, it is evident that people are looking for new approaches to change how the justice system handles cases of violence against women. Our monitoring experiences and constructive working relationships with members of the justice system in Hennepin County are benefiting other jurisdictions, and we are energized by all the organizing going on in other parts of the country.

As I mentioned above, WATCH has increased its funding from individuals and foundations this year. We have also increased our earned income 45%

through memberships with the national association, training fees, and start-up manual sales. We are proud of these accomplishments, but they are just one side of the equation.

Our budget also increased by \$64,000 from fiscal year 2006 to 2007. Being fully staffed and having just completed a two-year national planning phase, the board of directors and staff decided that this was the year to take the big leap and have as broad an impact as possible. The board voted to use approximately 20% of WATCH's reserve funds to meet this year's expenses, and to sustain this growth, we are implementing new fundraising strategies.

In the spring, we launched a capital campaign to raise an additional \$50,000 per year for the next three years from individual donors. Our goal is to have secured the funds by our fall gala, which will be held in November. The additional funding will help support three primary areas: our national expansion, the Lois Bishop student of color internship, and special monitoring projects in Hennepin County. No bricks. No mortar. Instead, it's a capital campaign to support WATCH's local monitoring projects and national expansion.

As always, we are very grateful for our many loyal donors who keep WATCH monitors in the courtroom and envision with us a future free from violence against women and children.

To go along with all the great energy and work of the WATCH staff, board, and volunteers, we decided to give our office a face lift. Thanks to volunteer Mardell Presler and a group of friends from her church, our drab, off-white walls have been spruced up with green and orange paint. We've added a new sign to the entryway, hung our signature red clipboards up, added some shelves, and gotten rid of clutter. The colors are bright (some say a little shocking!), but they seem to fit the energy of the organization.

## Volunteer Notes

□ The judge in felony arraignments repeatedly raised his voice to the public defender and tactlessly shot down her arguments. He was visibly antagonistic and hostile towards her from the beginning. Someone in the gallery mentioned to me they thought he was being very hard on the defense attorney, and one defendant made a comment about not feeling like he was treated fairly because the judge seemed to be mad at his attorney. Later in the afternoon, several other staff from the public defender's office appeared in court, after which the judge's demeanor noticeably improved.

□ In domestic violence court, the judge grabbed his newspaper and read it on the bench while waiting for the prosecutor to take a 20-minute smoking break. At one point during the wait, he announced that he was getting up to go to the "boys' room."

□ The judge in order for protection hearings did an excellent job of explaining the firearms statute. I wish more judges would explain it to the parties because I don't think most people know about it.

□ As I was waiting in an empty courtroom for a case to begin, the defense attorney and prosecutor entered the courtroom from chambers, bringing an apparent argument with them. The defense attorney accused the prosecutor of being a fraud and questioned her "validity" and "legality." I was unable to hear the prosecutor's response, but was shocked by the defense attorney's hostility. I don't know what all was going on, but it seemed unprofessional to bring that into the courtroom.

□ At the end of the felony arraignment calendar, eight family members for one case were still present. It turned out the in-custody defendant refused to come to court that day. The clerk had announced at 1 p.m. that the case wasn't going to be heard, but the family hadn't yet arrived for the 1:30 p.m. hearing. They appeared quite frustrated by the experience.

□ The judge in domestic violence court was very clear and concise and treated all parties with respect. She seemed to be concerned that defendants understand the process and any plea agree-

The sex crimes unit of the Minneapolis Police Department (MPD) has been reduced from 10 officers to four, who are responsible for investigating an average of 1,300 cases a year, and that doesn't include oversight of the 2,500 registered sex offenders living in Minneapolis. Do the math, says an officer we spoke with, "we're not checking on them." The math also means that many cases aren't being assigned an investigator—and no investigation means no charges can be brought.

A county prosecutor expressed outrage over the low number of filings of child abuse cases in Minneapolis due to budget cuts in the police department's Family Violence and Sex Crimes Units, which she says makes it impossible for them to keep up with investigating child abuse cases.

Public defenders also find these cuts detrimental. One told WATCH, "Yes, the system needs more resources across the board but your emphasis must be on domestic abuse, in my opinion, as these cases often involve real victims who are in real pain and their government is doing NOTHING for them."

In 2006 the city attorney's office handled a total of 27,195 cases. (The city attorney's office handles misdemeanors and gross misdemeanors. Higher level crimes are referred to the county.) There are 28.5 attorneys in the office, so that's an average of 951 cases per attorney per year. Both the American Bar Association (ABA) and the Minnesota State Public Defender recommend an annual average of 400 misdemeanor cases per attorney per year, or 250 gross misdemeanor cases per attorney per year, so our city attorneys are carrying over double the recommended amount. "The LGA cuts came in on top of other cuts," says one city attorney. "We've always done more with less, but now we simply can't do any more."

After a high-profile tragedy like the murder of Dru Sjodin, the tax-paying public clamors for the criminal justice system to do a better job, but balks when presented with the bill.

Obviously throwing money at the complicated problem of sex crimes, especially at the corrections end and not the prevention end, is no panacea. But giving the criminal justice system a shrinking budget, and expecting it to effectively administer justice in these complex cases, is, well, criminal.

It takes little courage for political leaders to lower the bar on sex offenders, but it takes extraordinary courage to raise the bar on taxpayers. Well, you get what you pay for. At least in my opinion.

## Case summaries

*WATCH periodically publishes brief summaries of cases we have been monitoring to provide information on the justice system's response to cases of violence against women and children.*

### Charles Edward Kennedy

Charles Edward Kennedy, 41, is well-known to the criminal justice system. In 2005, WATCH published a chronology of Kennedy's 20-year history of domestic and sexual violence against at least 13 different women and children. Last fall, we published an update of his criminal activity, which involved charges of felony failure to register as a sex offender and misdemeanor and gross misdemeanor driving while intoxicated. An update on his status follows.

In July 2006, Kennedy was charged with felony failure to register as a sex offender when he was found to have provided a false address to his probation officer. He was also found to be living with a woman and her child in violation of a court order preventing him from sharing a home with children.

Kennedy pleaded guilty to a reduced charge of gross misdemeanor failure to register as a sex offender and was sentenced in January 2007 by Judge John Sommerville to 365 days at the state prison in Moose Lake with credit for 49 days served. Because he committed this crime while on probation for a domestic violence crime, the remaining 177 days of his probation in that case were revoked and were served concurrent with the new sentence. Teresa Froehlke was the prosecutor, Cynthia McCollum was the defense attorney, and Craig Vos

was the probation officer. As we go to press, WATCH received notification that Kennedy was released.

### Mahamud Abdullahi Isse

On December 29, 2005, F.W., then nearly 20 years old, reported to police that she was molested when she was 10 years old by Mahamud Abdullahi Isse. F.W., who lives in the state of Washington, had returned to Minnesota for a visit that month and ran into Isse at the Somali Mall. He gave F.W. his phone number and said that he wanted to see her again. F.W. called Isse and recorded the conversation, during which Isse admitted to having sexual contact with her when she was a child.

On December 30, 2005, Isse was charged with two counts of felony criminal sexual conduct. That same day, he posted \$150,000 bond and was released from custody. On January 3, 2006, he appeared before Judge Patricia Belois, who ordered him to have no contact with F.W. or any witnesses, no unsupervised contact with juvenile females, attend all court appearances, and remain law abiding. The Hennepin County Subject in Process (SIP) database indicates the case was continued or rescheduled four times between February and July 2006.

On December 19, 2006, after a mental health and neuropsychological exam, the court found Isse competent to stand trial. On June 25, 2007, Isse failed to appear for his trial before Judge Mark S. Wernick. Judge Wernick issued a bench warrant ordering him to appear the following day at 9 a.m. When Isse again failed to appear, Judge Wernick forfeited Isse's \$150,000 bond and issued another bench warrant with bail set at \$300,000. At this time, court records show Isse's whereabouts are unknown. The prosecutor for this case is Amy Sweasy, and the defense attorney is Richard Cohen.

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## Thumbs Up/Thumbs Down



**Thumbs down** to the media for choosing to focus on steroids as the primary cause of pro wrestler Chris Benoit's actions in the murder-suicide involving his wife and young son. Benoit's wife, Nancy, was granted an order for protection against him in 2003, yet this barely merits a mention in the media coverage of the case. The failure to put these murders in the context of domestic abuse, where they belong, does a disservice to the victims and also represents a missed opportunity to educate the public about the potential lethality of domestic violence.



**Thumbs down** to Lancaster County (Nebraska) District Court Judge Jeffre Cheuvront for his decisions regarding the use of language in a criminal sexual conduct trial. Citing the interests of "fairness," the judge sustained a motion by defense attorneys that barred witnesses from using words like "rape" and "sexual assault" in their testimony. He also ruled that the prosecution could not use terms like "victim," "assailant," and "sexual assault kit."

To further skew the playing field, he denied a later motion filed by the prosecution that would have prohibited the defense from using words like "sex" and "intercourse" to describe the alleged assault. The first trial ended in a hung jury. The judge suspended the subsequent trial during jury selection following media coverage of protests at the courthouse in support of the victim's rights. The trial is now on hold while the victim appeals the language ban in federal district court.



**Thumbs up** to Judge Wernick's court for responding to our study on court timeliness by improving communication with people in the gallery. The clerk regularly asks people what hearings they are waiting for and informs them of delays and continuances. We believe that public trust in the justice system is fostered by good communication and appreciate these efforts.



**Thumbs down** to filmmaker Eli Roth for promoting his film "Hostel" by claiming it provides relief for stressed-out active duty military personnel. In an interview, Roth claimed U. S. soldiers in Iraq—the male ones, that is—told him "Hostel" is the most popular movie on their military base. The film includes extremely graphic scenes of women being mutilated, sexually assaulted, and dismembered. You can bet watching women being tortured wouldn't reduce the stress levels of any of the women on base.

### Web seminar

Join WATCH on-line on September 27, 2007, for a low-cost court monitoring seminar titled *Communicating with Court Personnel: Strategies for Creating Change*. For more information, contact Dawn at [ddougherty@watchmn.org](mailto:ddougherty@watchmn.org) or 612-341-2747, x 3.

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