

Shaun David Young: Gone on arrival | What's new

By Sarah Coulter, Court Monitoring Coordinator

Shaun David Young has a documented 17-year history of violence. His victims include five intimate partners—four of whom were victimized repeatedly—and three of his children. The children, ages one, two, and 14, not only witnessed the violence Young inflicted on their mothers, but were themselves abused. All three were physically assaulted, and the one-year-old was kidnapped twice. Three of his five intimate partners obtained orders for protection (OFPs) against him; court records show 10 cases in which Young was charged with violating those orders. The majority of these cases were either dismissed or never charged; four resulted in convictions.

In the majority of the cases described below, some involving multiple crimes, Young was never charged. Crimes that went uncharged include 16 incidents of fifth degree domestic assault, four violations of OFPs, and two sexual assaults, as well as property damage, burglary, terroristic threats, and kidnapping.

For the 14 cases in which charges were brought, Young served very little jail time as judges typically stayed his sentences and placed him on probation instead. According to the information we were able to review, the most Young served in jail consecutively was 74 days. Between Hennepin, Ramsey, and Washington counties, 29 bench warrants were issued for Young's failure to appear in court for various cases, but this

factor seems to have had little influence on judges' decisions in subsequent bail hearings.

In 23 of the total 37 cases, the police reports indicate that Young had left the scene before police arrived. These cases are known as "gone on arrival" (GOA), and refer to a suspect who has fled or whose whereabouts are unknown when police arrive at the scene of a crime.

Case 1: Fifth degree domestic assault*¹
11/20/90 Minneapolis police report: Victim A reported to responding officers that she and her live-in boyfriend, Young, were arguing when he struck her in the face twice, once with an open hand and once with a closed fist. **Young was gone on arrival, and the case was never charged.**

Case 2: Fifth degree domestic assault*¹
12/8/90 Minneapolis police report: Victim A reported to officers that Young, now her ex-boyfriend, became upset with her when she did not want to talk to him. He slapped her on the face before he fled on foot. The police report indicated the case was continued pending further leads or information. **The case was never charged.**

Case 3: Fifth degree domestic assault*¹
8/15/91 Minneapolis police report: Victim B fled to the Fifth Precinct Police Department after an argument with her live-in boyfriend, Young.

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Staff

WATCH would like to welcome Anna Light as the new national outreach assistant. Anna earned her bachelors degree from Bard College in New York, where she was a double major in human rights and dance. Anna interned at WATCH this spring and in her new position will work on strengthening WATCH's national presence and growing the National Association of Court Monitoring Programs. Welcome Anna!

We also welcome Jonathan Williams as the new intern. Jonathan is enrolled in the bachelors degree program at the University of Wisconsin-Milwaukee, where his major is political science. Jonathan is passionate about soccer and working with at-risk youth. We are excited to have him on board for the year and know that his contributions will strengthen our work. Welcome Jonathan!

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¹ Offenses with asterisks* are those for which no offense level, e.g., misdemeanor, gross misdemeanor, or felony, was given because they were never charged.

Closing the safety gap in gone on arrival cases

By Marna Anderson

The phrase “gone on arrival” (GOA) is familiar to law enforcement, prosecutors, probation officers, judges, and WATCH monitors. It refers to a suspect who has fled or whose whereabouts are unknown when police arrive at the scene of a crime.

The chronology in this issue of the *WATCH Post* points out the serious gap in Hennepin County’s justice system when an offender is GOA in domestic abuse cases. The profiled repeat offender, Shaun David Young, was GOA in at least 23 of 37 cases. Of the 23, only five resulted in charges, one of which was a non-domestic.

Hennepin County’s Domestic Abuse Service Center recorded 2,004 GOA domestic abuse-related cases in 2007.¹ Of those, less than 1% resulted in criminal charges based on the police report alone. In other words, just 18 cases had sufficient information in the police report for the prosecutor to bring charges and seek a warrant for the suspect’s arrest.

Almost a quarter (465 cases) were referred back to the police department because the police reports did not contain enough information about injuries or medical records to warrant further investigation. Prosecutors ultimately declined 312 of these after review, however, and charged only 153.² So, the bottom line is this: in 2007, 92% (1,833) of domestic violence incidents where the suspect was GOA resulted in no arrest and no charges.

The lack of justice system intervention in GOA cases was a significant part of the 2002 Hennepin County Fatality Review Team’s report, which noted that law enforcement agencies seldom attempt to locate perpetrators once they have fled the scene of the crime. This sends a very strong message to both the victim and perpetrator: the perpetrator learns he can do what he wants as long as he leaves before the police arrive and the victim learns that it is useless to call for help if the abuser has fled.³ To underscore the problem, research indicates that domestic abusers are GOA in nearly 50% of reported domestic assaults.

Improving on-the-scene investigation

Many members of the Hennepin County justice system have been working to increase prosecution of GOA cases.

The most apparent effort is a one-year pilot project in the Minneapolis Police Department’s Fifth Precinct. Together, the Minneapolis City Attorney’s Office and the Fifth Precinct are taking great steps to improve on-the-scene investigation of all GOA cases.

On-the-scene investigation is key. Since little or no effort is made to locate GOA suspects, the investigation should not be put on hold until they eventually turn up at a traffic stop or are arrested for committing some other crime. The responding officers need to gather sufficient evidence from victims so that the city or county can prosecute the case whether or not the offender is located immediately. Through this pilot project, prosecutors are training law enforcement officers about the information they need in order to charge a case, and prosecutors are gaining an understanding of the challenges law enforcement face at the crime scene.

A few of the actions investigators in the pilot project are now taking that are making a difference include getting—and taping—the victim’s statement at the scene, taking photographs of injuries, getting medical release forms signed, and obtaining as much information as possible from the victim regarding what the suspect was wearing, where he may have fled, and a description of the vehicle he may be driving.

Research shows that the sooner the victim makes a statement after the assault, the more likely she will be able to provide enough information to charge the case. As time passes, the more likely it is that details of the abusive incident will be minimized or omitted or that the victim will become reluctant to move forward with the case out of fear, economic dependency, or loyalty to the abuser. On the law enforcement side, officers tend to prioritize newer, emergent cases, and the follow up on older cases gets pushed to the side.

Officers on the scene have a great responsibility — they have to gather as much evidence as they possibly can so that the case can be charged and prosecuted with or without the victim’s participation. Too often, the responsibility of holding defendants accountable gets placed on the shoulders of victims.

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¹ These numbers refer only to domestic abuse that occurs within a “romantic relationship,” not within other familial relationships, such as parent-child or sibling.

² Of the charges made, 47 were felonies, 48 were gross misdemeanors, and 58 were misdemeanors.

³ According to Minnesota’s Rules of Criminal Procedure (§629.341) a peace officer may arrest a person anywhere without a warrant if there is probable cause to believe that within the preceding 12 hours the person has committed domestic abuse.

She told police that during the argument, Young grabbed her by the neck and “choked” her, but let her go when she screamed. Officers brought Victim B home and tried unsuccessfully to locate Young. The police report indicated the case was recommended for further investigation. **The case was never charged.**

Case 4: Fifth degree domestic assault (misdemeanor)

1/19/92 Minneapolis police report: Victim B reported to responding officers that Young assaulted her. She said he had also struck her in the face a few days before, but she didn’t report it at the time because she was afraid Young would kill her if police failed to arrest him. **Young was arrested.**

Hennepin County civil court case

2/10/92 OFP petition: Judge Anne McKinsey granted Victim B a temporary *ex parte* OFP against Young.

Case 5: Violation of an order for protection and damage to property*

2/11/92 Minneapolis police report: Victim B reported to responding officers that Young came to her residence earlier that day. She heard him trying to pry open her lock and decided to let him in. She stated he tried to get back together with her, but she sent him away and called the police. **The case was never charged.**

Case 6: Violation of an order for protection (misdemeanor)

2/12/92 Minneapolis police report: Officers responded to a call regarding a violation of an OFP. Victim B was at a friend’s apartment and was informed by another friend that Young had crawled through her living room window and was inside her apartment. When officers entered Victim B’s apartment, **Young was found hiding in the bathroom and was arrested.**

2/12/92 First appearance Case 6: Judge John Stanoch arraigned Young and set bail at \$1,200 (later that day bail was reduced to \$700). Young pleaded not guilty in Cases 4 and 6.

2/18/92 Hearing Case 6: Young posted bail and Judge Edward Toussaint released him under the following conditions: no contact with Victim B, no assaults or disorderly conduct, and no obstructing the police.

Between January and July 1992, four bench warrants were issued for Young’s failure to appear in court on Cases 4 and 6.

Hennepin County civil court case outcome

2/18/92 Judicial Officer Gerald Rutman was required to dismiss Victim B’s *ex parte* OFP because she did not appear at the hearing.

Case 7: Fifth degree domestic assault*

4/19/92 Minneapolis police report: Victim A reported to responding officers that Young, her ex-boyfriend and the father of Victim C, their two-year-old daughter, became angry when he discovered that he had not been invited to a dinner party at her home and “slapped” her on the face with a closed fist. When Victim C tried to get away from Young, he hit her in the face, causing it to swell, and then fled the scene. The police report recommended the case be continued pending further information or leads. **The case was never charged.**

Case 8: Fifth degree domestic assault (misdemeanor) and giving false name to police (misdemeanor)

7/27/93 Minneapolis police report: Officers were called to the scene of a domestic assault in progress. When they arrived at the apartment, they found Victim B crying and holding Victim D, an infant. She told police that she and Young, her live-in boyfriend, were arguing when he started to threaten her and struck her on the left ear with a closed fist. **Officers arrested Young**, who first identified himself as Alonzo Miller.

7/28/93 First appearance Case 8: Judge Anne Simonett set bail at \$1,200. Young posted bail and was released under the following conditions: no contact with Victim B, no assaults or disorderly conduct, and no obstructing the police.

Hennepin County civil court case

7/28/93 OFP petition: Judge Kenneth Gill granted Victim B a temporary *ex parte* OFP against Young. WATCH could find no record of the issuance of a final OFP.

8/2/93 Outcome Cases 4, 6, and 8: **Young pleaded guilty to fifth degree domestic assault (misdemeanor) in Case 8, and the second charge was dismissed.** Cases 4 and 6 were also dismissed. Judge Stephen Swanson sentenced Young to 90 days in the workhouse with 83 days stayed² for two years and credit for seven days already served. Conditions of probation included completing domestic abuse counseling/treatment and following the recommendations of probation. The prosecutor was Ann Remington, the defense attorney was Mary Moriarty, and Roy Artis was the probation officer.

Case 9: Fifth degree domestic assault*

11/6/93 Minneapolis police report: Victim B reported to responding officers that during an argument with Young, she left to call a cab, and Young pursued her. He pushed her to the ground, hit her in the face several times, kicked her in the ribs, and fled on foot. She refused medical attention, but police advised her of her rights and later took her to a shelter. The police report indicated the case was recommended for further investigation. **The case was never charged.**

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²When a sentence is stayed, the defendant is not required to serve the specified time in jail unless he violates the conditions of probation and a judge orders the sentence to be executed.

3/4/94 First arrest and detention (A&D) order Case 8: An A&D order was issued for Young's failure to maintain contact with his probation officer, failure to provide proof of completing a domestic abuse program, and for a new "disorderly house" charge. Judge Swanson set bail at \$500.

Case 10: Criminal sexual conduct*

3/15/94 Minneapolis police report: Victim A reported to police that Young sexually assaulted her. **Young was arrested, but the case was never charged.** WATCH was unable to find additional information about this case.

3/16/94 Appearance on first A&D Case 8: Judge Kathleen Blatz conditionally released Young without bail, referred him to probation for weekly contact, and scheduled a probation violation hearing for 4/19/94.

Case 11: Kidnapping and terroristic threats*

4/18/94 Minneapolis police report: Victim B reported to responding officers that Young threatened her, abducted Victim D, their one-year-old child, and fled in a vehicle to a nearby location. **The case was never charged.** WATCH was unable to find additional information about this case.

4/19/94 Probation violation hearing Case 8: Young failed to appear at this hearing, and Judge Ann Montgomery issued a warrant for his arrest.

Case 12: Deprivation of custody/parental rights and fifth degree domestic assault*

7/5/94 Minneapolis police report: Victim B reported to police that Young again took Victim D and refused to return him. She said he called her and wanted her to meet him, but would not give her an address. Later that day, Victim B called police to report that Young assaulted her and Victim D, their one-year-old son. The police report indicated the case was recommended for further investigation, **but it was never charged,** and WATCH was unable to find additional information about it.

Case 13: Fifth degree domestic assault*

7/26/94 Minneapolis police report: Victim B reported to responding officers that Young physically assaulted her. **Young was gone on arrival, and the case was never charged.**

10/27/94 Second A&D order Case 8: Young was again out of compliance with court orders. Bail was set at \$1,000, but MNCIS (Minnesota Court Information System) does not list the name of the judge who ordered it.

11/7/94 Second A&D order Case 8: The A&D was quashed when Roy Artis, Young's probation officer, filed a modification that stated Young was in contact with probation and had agreed to enter a domestic abuse program within 60 days.

3/16/95 Third A&D order Case 8: Young violated probation by failing to participate in a domestic abuse

program. Bail was set at \$1,200, but MNCIS does not list the name of the judge who ordered it.

4/3/95 Probation violation hearing Case 8: Judge John Holahan revoked 20 days of Young's probation, sending him to serve the time in jail, and referred him back to supervised probation to complete domestic abuse programming.

Case 14: Aggravated robbery (felony)

4/21/95 Minneapolis police report: Victim E reported to police that a co-worker agreed to drive him to Chicago to visit his daughters. As they were leaving Minneapolis, the co-worker said she needed to stop at a friend's house. When they arrived, she took the keys and left Victim E in the car. Shortly after, Young and an unknown man grabbed Victim E, pulled him from the car, hit him with a pipe, and stole his wallet.

When Victim E was certain the suspects had left, he flagged down a squad car. After he reported the robbery to officers, they advised him that they were transporting a prisoner to jail and could not investigate the incident further. Officers attempted to locate an unassigned unit, but all squads were already on assignments, so Victim E was transported to the Fourth Precinct Police Department, where he was seen by Hennepin County Medical Center paramedics and treated for head injuries. **Young was gone on arrival, however charges were subsequently filed.**

5/16/95 Arrest Case 14: Police arrested Young.

5/19/95 First appearance Case 14: Judge Herbert Lefler set bail at \$50,000.

6/1/95 Bail hearing Case 14: Judge Jack Nordby reduced Young's bail to \$10,000 with the following conditions: no assault charges, no same or similar charges, and no weapons violations.

6/21/95 Pre-trial hearing Case 14: Judge Swanson raised bail back to \$50,000 and added the condition that Young have no contact with Victim E.

7/27/95 Plea hearing Case 14: Young pleaded guilty to a reduced charge of fifth degree assault (gross misdemeanor).

8/8/95 Hearing Case 8: Probation officer Lisa Ostlund informed the court that Young's commission of the assault in Case 14 was a violation of his probation.

9/11/95 Revocation hearing Case 8: A revocation hearing was scheduled before Judge Swanson, but was cancelled because the probation period had expired six days earlier.

9/13/95 Outcome Case 14: **Judge Swanson sentenced Young to 365 days at the workhouse with 275 days stayed for two years and credit for 37 days served.**

Conditions included no contact with Victim E and to complete anger management counseling. Young served **36 days in the workhouse and was released early for good behavior.** The prosecuting attorney was Carla Hagen, the defense attorney was Clifford Poehler, and the probation officer was Stevie Myers.

Case 15: Disorderly conduct (misdemeanor) and two counts of fifth degree domestic assault (gross misdemeanors)

2/13/96 Minneapolis police report: Victim B approached officers in the precinct parking lot where she had fled from an altercation with Young. She told police that Young approached her vehicle while she was at a Burger King drive-through and told her to open her car door. When she refused, he returned to his vehicle and pursued her after she left, cutting her off in traffic and forcing a collision. He then got out of his car and attempted to break her driver's side window, at which time she fled to the police station. She notified officers that she had obtained a restraining order against Young in Anoka County in April 1995. While officers were taking Victim B's report, Young showed up. He denied chasing Victim B and stated that she had rammed her car into his vehicle. **Young was arrested at the scene.**

2/14/96 First appearance Case 15: Judge Patricia Karasov arraigned Young and set bail at \$1,200.

2/21/96 Conditional release Case 15: Young posted bond and was released under the following conditions: no contact with Victim B and no same or similar charges.

3/26/96 Outcome Case 15: **The prosecutor (not listed) dismissed all charges against Young due to the court's inability to locate Victim B.** The defense attorney was John Lucas.

9/9/97 Update Case 14: Four days prior to the expiration of Young's two-year probationary period, the court granted probation officer Stevie Myers's request to extend Young's probation an additional three months to allow him time to complete an anger management program.

12/5/97 Update Case 14: Probation officer Stevie Myers requested a revocation hearing due to Young's failure to complete an anger management program.

12/17/97 Revocation hearing Case 14: A hearing was held before Judge Swanson, but according to MNCIS no action was taken.

Case 16: Fifth degree domestic assault and damage to property*

1/16/98 Minneapolis police report: Police were called to the scene of a domestic assault. Victim B reported that Young assaulted her at her apartment. **Young was gone on arrival, and the case was never charged.** WATCH was unable to find additional information about this case.

Case 17: Fifth degree domestic assault*

9/3/98 Minneapolis police report: Victim F reported to responding officers that she and Young had been living together for three months. When Victim F came home from work that day, she told Young he had to leave. They began to argue, and he hit her in the face and on the head, causing her mouth to bleed and her lip to swell. Victim F declined medical attention. **Young was gone on arrival, and the case was never charged.**

Case 18: Fifth degree domestic assault*

12/13/98 Minneapolis police report: Victim F reported to responding officers that when she told Young she no longer wanted to live with him, he punched her several times in the face with his fist. **Young was gone on arrival, and the case was never charged.**

Case 19: Interference with a 911 call (gross misdemeanor), two counts of fifth degree domestic assault (misdemeanor and gross misdemeanor), and disorderly conduct (misdemeanor)

4/14/99 Minneapolis police report: Victim F told police she was taking a shower when Young entered the bathroom, grabbed her around the throat, and pushed her against the shower wall. When she fled from the bathroom to call police, he pulled the phone from her hands and said, "Don't even think about it." Victim F grabbed her coat and drove to a pay phone to call the police. **Officers arrested Young after searching the neighborhood.** While in the squad car, Young repeatedly yelled, "I'm gonna make her pay. I'm gonna break up her shit. She better leave the state."

5/21/99 Outcome Case 19: **Judge Tanya Bransford dismissed all four charges.** The prosecutor was Stephanie Morgan, and the defense attorney was Barbara Kehrberg. WATCH was unable to find additional information about this case, including why the charges were dismissed.

Hennepin County civil court case

6/18/99 OFP petition: Judge Henry McCarr granted Victim F a temporary *ex parte* OFP against Young, which expired seven days later after she did not attend the OFP hearing.

Hennepin County civil court case

4/27/00 OFP petition: Judge Delila Pierce granted Victim F a temporary *ex parte* OFP against Young. Victim F did not attend the OFP hearing, and it expired seven days later.

Case 20: Fifth degree domestic assault*

7/6/00 Minneapolis police report: Victim F reported to responding officers that Young came to her apartment, knocked on her door, and called her name. She did not answer the door because she was afraid of being assaulted and feared for her safety. Young successfully kicked in the door, but the chain was latched, and he was unable to gain entry. Victim F screamed for help, and a neighbor upstairs called the police. The report noted that officers had been to the apartment before when Young tried to break

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in. In both of these incidents, Young was gone when police arrived. **This case was never charged.**

Case 21: Burglary of dwelling*

9/1/00 Minneapolis police report: Victim F reported to responding officers that while she was at work, Young broke into her apartment and damaged her property. Later, he returned when she was at home and threatened her. Officers took photos of the damaged property. **Young was gone on arrival, and the case was never charged.**

Case 22: Robbery of person and fifth degree domestic assault*

12/3/00 Minneapolis police report: Victim F reported to police that the day before Young approached her from behind and grabbed her purse, causing her to fall. He then fled to his waiting vehicle. **The case was never charged.**

Case 23: Fifth degree domestic assault*

12/6/00 Minneapolis police report: Victim F reported that Young, her ex-boyfriend, threatened her. **Young was gone on arrival, and the case was never charged.** WATCH could find no additional information about this case.

Case 24: Violation of an order for protection*

2/9/01 Minneapolis police report: Victim F reported to responding officers that Young had followed her in his car. **Young was gone on arrival and the case was never charged.** WATCH could find no additional information about this case, including a record of when or where the OFP was issued.

Case 25: Fifth degree domestic assault, motor vehicle theft, and collision with an unattended vehicle*

4/29/01 Minneapolis police report: Victim G reported to responding officers that her ex-boyfriend, Young, gained entry into her home, where she was sleeping. Victim G woke up when she heard her current boyfriend, Victim H, yelling her name. Victim G and Victim H went outside and saw Young getting out of Victim G's car. Victim G tried to stop Young from leaving, and he punched her on the left side of the head with a closed fist. While she was on the ground, Young got into her car and backed up into Victim H's car. Young fled from the scene in Victim G's car. **The case was never charged.**

Case 26: Violation of an order for protection, terroristic threats, and damage to property*

5/21/01 Minneapolis police report: Victim F reported to responding officers that Young attempted to break into her home by throwing a brick through her front window. While officers were interviewing her, Young called her numerous times, and officers overheard him threaten to kill her. **Young was not at the scene, and the case was never charged.**

Case 27: Violation of an order for protection (misdemeanor)

6/16/01 Woodbury police report (Washington County): When officers stopped Young for a traffic violation, his

passenger, Victim F, appeared to have been crying, and officers noted swelling around her left eye. Young explained that Victim F had gotten into an argument with her boyfriend. While Young was taking a sobriety test, officers observed swelling on the outside of his right hand just behind his little finger consistent with injuries caused by throwing closed-fist punches. Young told officers that he had gotten the injuries while in a bar fight earlier that evening. When questioned about her eye, Victim F initially denied any incident involving Young, but as the officers were getting back into their car, she told them Young had hit her in the eye with a closed fist and attempted to take her car. She also told them that five days earlier, Young held a knife to her throat. **Young was arrested.**

Case 28: Two counts of violation of an order for protection (gross misdemeanor and misdemeanor)

6/25/01 Minneapolis police report: Victim F told responding officers that she and her sister saw Young sitting in his car outside her home. When she got out of her car and informed Young that he was violating an OFP, Young pulled out a hand gun and stated, "You wait until you get home, b****. You wait until you get off." Victim F then called police, and Young fled. While a police officer was taking her statement, Young called her. The officer got on the phone and told Young that he was violating the OFP and should leave Victim F alone. Young replied, "Oh yeah, I'll wait until I see her the next time," and hung up. **Although Young was gone when police arrived on the scene, charges were subsequently filed.**

11/29/01 Outcome Case 28: Young pleaded guilty to one count of violation of an OFP (gross misdemeanor), and the second count was dismissed. Judge Gary Larson sentenced him to 365 days in the workhouse with 245 days stayed for two years and credit for five days served. Young's probation conditions included no contact with Victim F and no interference with 911 calls. According to court records, Young served 74 days of this sentence and was released early for good behavior. The prosecuting attorney was Gary Hjort, the defense attorney was Diane Lugo, and the probation officer was Roy Elliot.

2/20/02 Outcome Case 27: Young was convicted of violation of an OFP (misdemeanor), and Washington County Judge Howard Albertson sentenced him to 90 days in jail stayed for two years. He also imposed a \$1,000 fine, but stayed \$700 of it. Young was ordered to have no contact with Victim F. The prosecutor was Eckberg Law Office, and the probation officer was Tracy Jensen.

Case 29: Fifth degree domestic assault (misdemeanor)

3/14/02 Minneapolis police report: Officers responded to a phone call from Victim I, Young's 14-year-old son. He told police that when he returned home from school that day, Young refused to let him into the house. He also said that Young punched him twice in the face, breaking his tooth and causing a swollen lip, and left. As officers finished taking his statement and were leaving, Victim I

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Volunteer notes

✓ At the government center, I overheard an attorney talking about how difficult it is for her to communicate with her clients when there are language barriers. She expressed concern over recent budget cuts and worried whether future cuts would eventually affect the interpreters' program and make it even more difficult.

✓ At order for protection (OFP) hearings in family court today, the judge did not explain the three options available to respondents.

✓ Court started an hour and a half late today because no one could find the defense attorney. When she arrived, she seemed unprepared and apologized to the judge, saying she had been on vacation and had forgotten that this case was being heard today.

✓ I was very impressed with the judge at the sentencing hearing for a domestic abuse-related burglary case. He acted with dignity and respect, taking the time to speak with the victims and explaining to them that the defendant would not be sent to prison in the United States, but was being deported to his country of origin. His manner and actions seemed to put the victims at ease, and they appeared to be at peace when they left the court room.

✓ I was monitoring OFP hearings today and observed the deputy cleaning and cutting his fingernails. At other times, I have seen deputies reading books and using their cell phones to text during these hearings.

✓ I thought the way the judge explained the no contact order to the defendant was confusing. She said, "[the victim] does not exist." She didn't give any specific directions, like not calling, or not going to her house. She was communicating with the defendant through an interpreter, which I thought made it even more difficult for her to ensure he clearly understood the no contact order.

Closing the safety gap

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Role of probation

When a probationer commits a new crime and is GOA, probation officers can play a key role in holding them accountable. Even when a GOA case is not charged, the supervising probation officer is still notified of the incident and can issue an order for the suspect's arrest and detention (A&D) for a possible probation violation, such as violating a no contact order or failing to remain law abiding. The order must be signed by a judge and the defendant then has the right to dispute the violation in a hearing in court. This action by probation officers immediately enhances the safety of the victim. Even if a defendant was GOA on the previous assault and there were no charges brought, he can be picked up on a warrant for the possible probation violation.

When probation officers do not issue arrest and detention orders, the system is not adequately protecting domestic violence victims and is losing an opportunity to hold convicted offenders accountable. Most probation officers recognize their role in this and consistently issue arrest and detention orders. But it doesn't end there. Judges also need to hold defendants accountable for probation violations by increasing supervision, requiring that they serve time for the violation, and that they follow through on orders to attend batterer's intervention programming. Too often, WATCH monitors observe dismissals of probation violation charges, undermining the probation officer's attempts to hold the perpetrator accountable.

On a positive note, advocacy organizations are increasingly pressuring probation officers to issue the orders and heartening examples of probation officers and advocates working together to ensure victim safety do exist. I heard recently of a

probation officer who rose early on the morning of a defendant's release from jail and sat in his car in front of the victim's home waiting for the defendant to show up. When he did, the probation officer called the police, and the defendant was arrested for violating the no contact order.

Each person in the system—from the police officer called to the scene to the prosecutor reviewing the case to the probation officer receiving notice of a possible violation to the judge signing the order—has a role in holding domestic abusers accountable, and each person who touches the case has to be especially vigilant when the suspect is GOA. The pilot project in the Fifth Precinct is already showing promising results in increased charges for repeat offenders—even those who are GOA—and should eventually be replicated in all Minneapolis precincts.

The offenders who flee the scene have been getting off scot-free for too long. Hopefully, that's changing, and GOA will no longer translate to "out of sight, out of mind."

Volunteer training

Do you have time available during the day and want to make a difference in the court system? If yes, then consider donating time as a WATCH volunteer monitor. The next training session will be held on Saturday, September 13, 2008, from 10 a.m. to 4 p.m. Contact Anita at anita@watchmn.org, or 612-341-2747, ext. 2 for more information. Or visit our website at www.watchmn.org for application materials and a volunteer job description.

National Walk-in for Justice

On October 2, 2008, WATCH is sponsoring an event to draw attention to the importance of citizen monitoring of the courts. During the National Walk-in for Justice, held during Domestic Violence Awareness Month, groups across the country will gather at their local courthouses to call attention to the criminal justice system's response to violence against women and children and to shine a spotlight on the need for citizen court monitoring.

We hope to support Walk-ins in at least 10 states, and so far groups in Illinois, Kansas, Michigan, Minnesota, New York, and the Virgin Islands have signed on. WATCH asked Dave Warren to give us an update on the court monitoring Unity House is doing in upstate New York, and their plans for participating in the National Walk-in for Justice. Thanks, Dave, for sharing your plans with *WATCH Post* readers.

How did you hear about WATCH?

Two Unity House staff members visited WATCH for training and technical assistance when they were developing the program 2 ½ years ago and I was able to attend a training session when I started working with the program last year. I was there with two staff from a Michigan program trying to get a monitoring project going. It was really helpful. We have received a lot of training and technical assistance from WATCH since we started.

What got you interested in the National Walk-In?

I heard about it through the *Court WATCH Connection* email, and thought it was a great idea, so I forwarded it along to the Director here, who agreed we should be a part of it.

What are some current issues your court monitoring program is seeing?

We have been monitoring the Integrated Domestic Violence Court in Rensselaer County, New York for about a year and a half. We recently expanded to all town and local courts in the county, which has been daunting to organize and manage, but it is giving us a better grasp of the issues, especially concerning orders for protection.

We have been working to educate justice system members about the differences between anger management and batterers' intervention programs and the importance of using batterers' intervention with domestic abusers. It is hard to say definitively how our work

with the justice system facilitated a change, but our monitors are observing judges increasingly referring convicted domestic abusers to batterers' intervention programs as a condition of probation.

What are your biggest challenges?

Most volunteers with our program are college students, who are usually gone during the summer, so finding summer volunteers is difficult. Funding is also a challenge—that seems to be true for most non-profits.

How do you plan to include the National Walk-In in your Domestic Violence Awareness month activities?

We are thinking of holding the "walk-in" in Troy City Court. We're interested in hearing what other groups are planning and receiving outreach and media materials from WATCH to help us.

Unity House does an annual Domestic Violence Awareness Day where police, social services, child services, advocates, etc. all get together for a softball game. It is always well attended and generates local media attention. We hope having two events this year will generate more media interest and bring greater public awareness of the role of courts and court monitoring.

If you are interested in scheduling this event in conjunction with other Domestic Violence Awareness Month activities in your community, we welcome your participation. We are developing outreach and media materials, and will also sponsor a brief organizing seminar for participating groups.

Contact Dawn at ddougherty@watchmn.org or (612) 341-2747, x 3 to learn what resources are available and how WATCH can support you in hosting a successful walk-in.

WATCH



National Walk-in for Justice
Coming to a court near you
October 2, 2008

pointed out his father's car. The officers approached the vehicle. When questioned, Young initially gave officers a false name, but upon further questioning, admitted his identity. Young told police his son was a habitual liar and denied striking him. **Young was arrested and charged.**

3/15/02 A&D order Case 28: Young violated his probation by committing another domestic assault (Case 29). When he failed to appear for his probation violation hearing on 3/15/02, Judge Lloyd Zimmerman issued a warrant for his arrest.

5/29/02 Probation violation hearing Case 28: A hearing was scheduled before Judge Beryl Nord for Young's failure to comply with probation by committing another domestic assault (Case 29). MNCIS shows no action was taken.

5/30/02 Outcome Case 29: **Judge Nord dismissed the charge. The case was referred to Hennepin County child protection, but records indicate Victim I denied the abuse when questioned, and no petition was ever filed.** The prosecuting attorney was Gary Hjortand and the defense attorney was Elizabeth Fowlds.

9/18/02 Probation violation Case 28: Young again violated probation by failing to complete a domestic abuse program. MNCIS indicated no new A&D order was issued due to the existing A&D order from 3/15/02, which was amended to include failure to complete domestic abuse programming.

Case 30: Second degree domestic assault (gross misdemeanor)

4/16/04 Ramsey County criminal complaint: St. Paul police responded to a call regarding a domestic assault. Victim F reported to officers that her boyfriend, Young, became angry when she asked him to leave her home. He punched her in the face three times, striking her left and right eyes and the bridge of her nose. According to the complaint, officers observed a cut over the victim's left eye that required stitches, and that her nose was bleeding and swollen. The complaint noted Young's pending fifth degree domestic assault case (gross misdemeanor) in Hennepin County involving Victim F. **Young was gone on arrival of police, but charges were subsequently filed.**

Case 31: Criminal sexual conduct and fifth degree domestic assault*

7/10/04 Minneapolis police report: Victim F reported to responding officers that Young sexually assaulted her. She was transported to Hennepin County Medical Center by ambulance. **The case was submitted to the Hennepin County Attorney's Office, which declined to prosecute it.**

Case 32: Fifth degree domestic assault*

10/11/04 Minneapolis police report: Victim J went to the police station to report that her boyfriend, Young, had assaulted her. She said they were arguing in her car when he threw the car into park and took his keys. With her

keys, Victim J drove to Young's mother's house, where he met her and began yelling at her. He then got into her car and took her keys. When he tried to grab her cell phone, she threw it onto the floor, at which time he threw her set of keys at her. When she tried to reach for them, he struck her in the face, injuring her right eye. Young got out of the vehicle, walked over to the driver's side, and began beating on the window and yelling at her, but she managed to drive away. Victim J refused medical attention and advice from officers. **The case was never charged.**

1/10/05 Plea hearing Case 30: Young pleaded guilty to second degree domestic assault (gross misdemeanor).

3/14/05 Outcome Case 30: **Ramsey County Judge Thomas Mott sentenced Young to one year in the workhouse stayed for two years and put him on probation for two years. Judge Mott also imposed a \$3,000 fine, but stayed \$2,950 of it. Probation conditions included: complete a domestic abuse program, abstain from alcohol and drugs, and have no contact with Victim F.** The prosecutor was Charles Clippert, and the probation officer was Charlotte Sitzer.

Hennepin County civil court case

8/5/05 OFP petition: Referee Jeannice Reding granted Victim J an OFP against Young. Victim J's petition stated that during January 2005, Young and his ex-girlfriend, Victim A, went to Victim J's apartment. A fight ensued, and Victim A broke Victim J's arm, which required three surgeries to fix. The OFP prevented Young from contacting Victim J in person, by phone, letter, third party, or by any electronic means, such as pager, cell phone, e-mail, etc.

Note: Victim A was arrested for the 1/23/05 assault on Victim J. On 2/22/06 she pleaded guilty to fifth degree assault (misdemeanor). Judge Denise Reilly sentenced her to an anger management program and 45 days in the workhouse with 30 days stayed for two years. She was ordered to have no contact with Victim J and to follow probation recommendations.

8/15/05 Revocation hearing Case 28: Judge Diana Eagon continued the case for 30 days to allow the public defender to confirm Young's completion of domestic abuse classes. The public defender was Mark Deveraj, and the probation officer was Roy Elliot.

9/13/05 Hearing Case 28: Judge David Duffy continued the case an additional 30 days to allow the public defender to verify Young's completion of domestic abuse classes.

Case 33: Harassment (felony) and four counts of violation of an order for protection (felony)

10/25/05 Hennepin County criminal complaint: Brooklyn Center Police were dispatched to the scene of a domestic violence incident. Upon arrival, Victim J stated that Young, against whom an OFP was in effect, left eight messages on her phone. She told officers that she and Young previ-

Continued on page 10

ously dated, but that she had broken off their relationship when he assaulted her. **Young was gone on arrival, but was arrested at his place of employment on 11/17/05.**

11/3/05 Revocation hearing Case 28: Judge Zimmerman continued the case with felony charges from Case 33.

11/10/05 Warrant Case 30: Ramsey County probation officer Sitzler requested a warrant due to Young's failure to complete a domestic abuse program and a chemical dependency evaluation.

11/17/05 Plea hearing Case 33: Young pleaded guilty to two felony charges—harassment and violation of an OFP. Judge McKinsey released Young without bail pending sentencing under the following conditions: no use of alcohol or drugs, no contact with Victim J, and random breathalyzer and urinalysis.

Case 34: Violation of an order for protection (felony)

11/21/05 Hennepin County criminal complaint: Victim J reported to police that she was granted an OFP against Young in August, but he had just called her from a blocked/private number. She answered the call, but hung up when she recognized his voice. Later, when Victim J's daughter, Victim K, was on the phone, Young beeped on the "call-waiting" line and Victim K handed her the phone. When Young asked her to meet him at a bar, she hung up and immediately called the Crystal police. **Young was not at the scene, but charges were subsequently filed.**

11/22/05 Warrant Case 33: Probation officer Norm Meier requested a warrant for Young's arrest due to his failure to obey the no contact order. Based on the allegations in Case 34, Judge Cara Neville set bail at \$40,000.

11/23/05 Appearance Case 33: Young appeared before Judge Tony Leung, who set bail at \$20,000 with conditions and \$40,000 without conditions.

1/4/06 Outcome Case 33: **Judge McKinsey sentenced Young to 120 days in the workhouse with credit for 68 days already served and put him on probation for three years under the following conditions: attend an anger management program, no alcohol or drug use, complete chemical dependency evaluation or attend treatment, no criminal activity, undergo a psychiatric evaluation or treatment, and submit to random breathalyzer and urinalysis.** The prosecutor was Andrew Small, the defense attorney was Robert Sorensen, and the probation officer was Rick Tieden.

1/4/06 Update Case 28: On the same date, Judge McKinsey held a hearing on Case 28, but MNCIS noted no action was taken due to the expiration of Young's probation for that case.

1/23/06 Probation violation hearing Case 30: Ramsey

County Judge Mott sentenced Young to serve 73 days with credit for 73 days served.

Case 35: Violation of an order for protection*

3/22/06 Minneapolis police report: Victim J told police that while she was waiting for a ride outside the government center on 2/24/06, Young approached her and told her that he loved her and wanted the judge to marry them. Victim J went inside to avoid Young, but he followed her and continued to tell her that they could work things out. The police report indicated the case was recommended for further investigation, **but was never charged.**

5/5/06 A&D order Case 33: Young violated probation by failing to remain law abiding and violating the no contact order. Judge Toddrick Barnette signed an order for Judge McKinsey that Young be arrested and held without bail.

5/8/06 Modification filed Case 33: Judge McKinsey ordered the A&D quashed, released Young without bail, and ordered him to have no contact with Victim J.

5/15/06 Revocation hearing Case 33: Judge McKinsey extended Young's probation for an additional two years.

5/15/06 Outcome Case 34: **Judge McKinsey dismissed the charge.** The prosecutor was Andrew Small, and the defense attorney was Robert Sorensen. WATCH could find no additional information about this case.

Case 36: Stalking (felony) and two counts of terroristic threats (felony)

5/1/07 Hennepin County criminal complaint: Victim J reported to responding Crystal police officers that she received two threatening text messages from Young. One message stated, "Your little mom, I am going to get my ex to f*** her up so she better be gone when I get back. You or A—[referring to Victim J's adult daughter, Victim K]." The second message stated, "Beat down on her, you watch, that's a promise, remember your ass kicking. Wait to see what your little one gets, not today, that's a promise." The complaint noted that at the time of the incident, Young was on probation for four counts of assault, violating an OFP, and disturbing the peace, all involving Victim J. **Young was gone on arrival, but charges were subsequently filed.**

Hennepin County civil court case

5/7/07 OFP petition: Judge Patricia Belois granted an OFP for Victim J against Young for herself and on behalf of her daughter, Victim K, for the 5/1/07 incident.

Case 37: Violation of an order for protection (felony)

8/15/07 Hennepin County criminal complaint: Hopkins police stopped Young for a traffic violation and found Victim J to be a passenger in the car. A routine check showed that Young had a revoked license and a Stearns County felony drug warrant. **He was also found to be in violation of an OFP, for which he was subsequently charged.**

Hennepin County civil court case outcome

8/17/07 Referee Reding dismissed the OFP at Victim J's request.

8/20/07 Probation violation hearing Case 33: An A&D order was issued for Young's failure to remain law abiding. Young was already in custody on Case 37.

9/26/07 Warrant Case 36: A complaint warrant was issued for this case.

12/20/07 Revocation hearing Case 33: Judge Warren Sagstuen dismissed the probation violations and ordered this case to continue with the new felony charges in Cases 36 and 37.

12/20/07 Outcome Cases 36 and 37: **Young pleaded guilty to violation of an OFP (felony) in Case 37 and all charges in Case 36 were dismissed.** Judge Sagstuen stayed imposition of Young's sentence and placed him on probation for three years under the following conditions: remain law-abiding, provide a DNA sample, and follow all instructions of probation. Beverly Benson was the prosecutor for Case 36, and Theresa Galatowitsch was the prosecutor for Case 37. Amanda Johnson was the defense attorney in both cases, and the probation officer was Rick Tieden.

Conclusion

For Shaun David Young, being "gone on arrival" has typically meant avoiding accountability. Young has learned that if he flees the scene of a crime he commits, he is likely to receive few or no consequences for his violence. In 23 of the 37 cases documented here, Young was not at the scene when officers responded, and only five of those cases resulted in charges being filed.

The criminal subcommittee of the Hennepin County Family Violence Coordinating Council has been working on a set of best practices and procedures for police who respond to cases where the suspect has fled the scene. Their recommendations have not yet been finalized, but if adopted, could result in more complete investigations and successful prosecutions. A pilot project for improving investigations of GOA cases has been ongoing in Minneapolis' Fifth Precinct since 2007. See Marna Anderson's column on page 2 for more information on GOAs and how they are being addressed. We hope these efforts lead to all parties approaching these cases with the utmost concern for the safety of the victims and a commitment to holding defendants like Young responsible for the violence they commit.

Low-cost office space needed

Recent ownership changes in the Northstar building may result in WATCH needing to move our office. We are looking for approximately 2,500 square feet of space in downtown Minneapolis (preferably skyway connected). If you know anyone who may have space to rent to us, please contact Marna at manderson@watchmn.org.

What's New *Continued from page 1*

Board

For two years, Claudia Velasco has served on the WATCH board, lending her knowledge of finances and spreading her enthusiasm for WATCH's mission. Claudia learned of WATCH through the YWCA's Leadership Registry Program, which encourages greater board participation for women and people of color. Since January 2008, Claudia has served as treasurer and filled an important leadership role. Claudia is leaving WATCH one year prior to completing her three-year term due to the demands of a new job. Thank you for your great work, Claudia! We'll miss having you on the board.

There are many people who are good citizens, who volunteer when called upon, and responsibly show up. And then there's Peggy Pluimer. Peg gives the dull plod of civic duty a celestial gloss—without assuming any heavenly airs for herself. If a more good-spirited and beloved person resides in this town, she has yet to cross our radar.

Peg has been involved in many causes over the years, from the Minnesota Zoo to the Minneapolis Institute of Art to the Children's Museum, but the League of Women Voters and the Minneapolis Public Schools have been her primary focus. With three sons and a tireless commitment to public education, she's probably set a record for volunteer hours logged. She is unique in her ability to achieve so much with so little fuss.

So it was at WATCH, where Peg has been a board member and a court monitor from the very start. Her steady hand in all things, including recording the minutes as secretary for nine years, played a large part in establishing WATCH's credibility and stability. With her connection to the League of Women Voters, she was also instrumental in getting the judicial candidate forums off the ground. There was never a time when we couldn't turn to Peg for smart advice and cheerful assistance on anything.

Most WATCH board members rotate off after two three-year terms, but Peg is one of a few "old-timers" (sorry Peg) to have served many consecutive terms. Peg has decided that, due to her current job and other responsibilities, she can no longer give WATCH the time she feels it deserves. So it is with great sadness that we let her go. We are so grateful for her 15 years of generous service and wish her all the best in every endeavor.

Condolences

WATCH joins with others in the community to mourn the passing of David Michael "Mike" Winton. Mike and his wife Penny have championed WATCH since its inception, graciously opening their home to host WATCH programs, as well as being generous and loyal donors. We'll miss his grace and laconic wit and extend our deep sympathy to Penny and to their family.

WATCH

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Thumbs up/thumbs down

👍 Thumbs up to the clerks, too numerous to name, in Hennepin County courts for outstanding service to WATCH and the general public. They provide us with invaluable assistance finding criminal complaints; informing us of hearing delays, changes, and outcomes; and answering questions regarding the scheduling and disposition of cases we are monitoring.

👍 Thumbs up to the federal government for requiring that states pay for medical forensic examinations for rape victims regardless of whether the victims report the crime to police. The FBI has recommended this change since 1999, and many jurisdictions across the country, including Hennepin County, have been providing the necessary free medical care for years. But in most jurisdictions, exams are only offered if accompanied by a

police report. Victims who are reluctant or unsure of making a police report do not undergo an evidence collection exam. If they later decide to report the crime, the physical evidence is no longer available, making prosecution nearly impossible. We applaud this small, but important, step in easing the burden for victims of rape.

👍 Thumbs up, once again, to the federal legislation outlawing sex discrimination in education. Title IX celebrated its 36 birthday on June 23, and news reports summarized the gains women have made since its passage in 1972. Here are a few examples to remind us all of the critical role legislation plays in fostering a just society. In 1970, women were only 40% of all undergraduates, now they are 60%. At that time, women received just 14% of doctoral degrees,

but today they earn nearly half. In medical schools, 50% of students are now women, whereas prior to Title IX, women represented just 10%, and in law schools, the percentage of women students has jumped from 7% to 49%.

👍 Thumbs up to state legislators for renewing their commitment to funding services for crime victims. Despite cuts recommended by the governor, the House Public Safety Budget Division recommended no cuts. The Senate Public Safety Budget Division recommended overall cuts to the Office of Justice programs, but did not single out victim services programs. At the end of the 2008 legislative session, both the Minnesota House and Senate passed a public safety bill that included no cuts to crime victim services funding, and the bill was signed by the governor.