

Chronology of an offender: Eric Keprice Richard

We are publishing a condensed version of Eric Keprice Richard's criminal history of domestic violence, listing the cases and their outcomes. The full chronology, including more details of the assaults as well as descriptions of probation violation hearings, plea hearings, and court-ordered conditions of release, is posted at www.watchmn.org/reports.

The first criminal case of domestic violence against Eric Keprice Richard, 38, was filed in 1999 when he assaulted his girlfriend. In the ensuing 11 years, he has another 23 cases involving two victims. Over the years, his disregard for the mandates of the criminal justice system has been met with few, if any, consequences that curbed this behavior. After repeated probation and supervised release violations, he has gone to prison in only three cases.

Many of the violations have been of criminal no contact orders, civil orders for protection and harassment restraining orders. The bulk of them (eight) involved Victim A and were violations involving intimidation, threats, and/or assaults, yet he was only charged with violating these orders twice, and both times the charges were dismissed.

Victim B was not spared from these violations either. Although Richard was charged and convicted in one such case, police reports show that he continued to violate the criminal no contact order by assaulting Victim B in each of the next three months, with no resultant charges even though one assault included an alleged strangulation.

Most of Richard's domestic assaults produced stayed sentences, after which he kept his probation officers busy—they filed a total of 10 arrest and detention orders against him for failure to comply with court orders in the cases involving Victim A, including violating no contact orders and committing new domestic assaults against her, and three involving Victim B.

The typical outcome in these probation violation cases was for the judge to revoke a fraction of his jail time (usually equivalent to the time he had already served) and place him back on probation, with similar conditions to those he had repeatedly violated, setting the revolving door to the courthouse in motion again. In an exception to this pattern, Richard was ordered to serve 24 months in prison for his most recent case against Victim A, and when he was released and violated the terms only three weeks later, he was sent back to prison for the remainder of his sentence.

Case 1: Criminal damage to property (misdemeanor) and fifth degree domestic assault (misdemeanor)

6/26/99 Minneapolis police report: Victim A reported to responding officers that when she refused to let her ex-boyfriend Richard into her apartment, he threatened her and tried to kick in the door. The police report states that officers advised her to get a restraining order. Richard fled the scene, but eventually turned himself in and was arrested and charged.

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What's new

WATCH welcomed two new members to its board of directors in September.

Meena Natarajan is the Executive and Literary Director of Pangea World Theater and a professional playwright. Pangea's mission is to illuminate the human condition, celebrate cultural differences, and promote human rights by creating and presenting international, multi-disciplinary theater. Pangea collaborates with women's advocacy organizations to produce and perform theater pieces that evoke the experiences of women who experience violence, particularly those from immigrant and refugee communities. Meena serves on the Immigrant and Refugee Battered Women's Task Force and has received numerous grants in support of her artistic work. She was awarded the Twin Cities International Citizens Award in 2001 and an Excellence in the Arts Award by the Council of Asian Pacific Minnesotans.

Rosario de la Torre is the Family Advocacy/Refugio Manager for Casa de Esperanza, an organization with the mission to mobilize Latinas and Latino

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A change in judicial selection could result in greater judicial accountability and more informed voters

by Marna Anderson

Last year, WATCH took an unprecedented action. Along with two other advocacy organizations, we publicly requested that Judge Stephen Aldrich step down from Hennepin County District Court. This action did not come out of the blue. We had long been bothered by Judge Aldrich's poor judicial demeanor and had made complaints to the Minnesota Board on Judicial Standards in October 2008 and January 2009. His "joke" about murder being preferable to divorce in an order for protection proceeding was the last straw. In November 2009, we filed a third complaint to the Board and informed the media of his inappropriate comment and our request.

Our complaints resulted in a public reprimand in October. Judge Aldrich tried to portray his comment as an isolated incident of a poorly-timed joke, but the press release sent out by the Board states the public reprimand is partly based on Judge Aldrich's disciplinary history. "Since 1997, Judge Aldrich [has] received three private warnings related to improper courtroom conduct. In a letter dated June 10, 2008, the Board warned him about making improper comments in court proceedings and that similar misconduct could likely result in a public reprimand." A letter sent to Judge Aldrich in 2000 states that, in one instance, Judge Aldrich's "choice of words...may have unnecessarily placed the integrity and impartiality of the judicial system in jeopardy."

To those outside the legal community, a public reprimand may not seem like a big deal. But it is. The Board consists of 10 people (four judges, two attorneys, and four members of the public) appointed by the governor. It reviews approximately 125 written complaints per year. In 2009, the Board requested that 24 judges respond to a complaint against them in writing and it further investigated nine complaints. Of these, six received private warnings, and only one (less than 1%) received a public reprimand. Judge Aldrich is thus in rare company. He will be taking early retirement as of October 31, 2010.

Holding judges accountable

Complaints to the Board on Judicial Standards are one way of addressing poor demeanor, but a more efficient avenue for judicial accountability would be to build into our system a form of mandatory judicial evaluation. This could be possible through a legislative change being promoted by the Coalition for Impartial Justice. The Coalition, of which WATCH is a member, is dedicated to keeping politics out of Minnesota courts and providing voters with accurate and appropriate information about judges on the ballot.

Currently, Minnesota district court judges come to their positions through appointment by the governor, running for an open seat, or challenging a judge who is up for re-election. The Coalition is seeking to pass a Constitutional amendment creating a merit selection/retention election system where all district court judges would be:

- appointed by the governor at the recommendation of a non-partisan selection review committee;
- evaluated by a non-partisan committee prior to re-election based on feedback from litigants, colleagues, and attorneys; and
- recommended or not to retain their seat by the evaluative committee.

This system would provide two key elements that our current system does not: judicial accountability and voter information.

Why now?

Election rules have changed. Judicial candidates are now permitted to speak out on controversial political issues, seek campaign support from special interest groups, secure endorsements from political parties, and conduct mail fundraising campaigns. These changes have made judicial elections more politicized around the country. In some states, special interest groups make large donations to judicial campaigns to influence the outcome, and campaigns are becoming more and more expensive.

Minnesota has not experienced highly-politicized judicial campaigns, but most experts agree it is just a matter of time unless we take action to keep politics out of the courts. Just last spring, a new political action committee was formed in Minnesota with the goal of "getting conservative Christians elected to the state bench." Though even under the proposed merit selection/retention election system, judges facing re-election could be attacked by special interest groups, the special interest group could not effectively use its money/influence to "elect" another individual to fill the seat. Appointments would be made based on the bi-partisan selection committee's recommendation to the governor.

Judicial independence & accountability

WATCH has a leadership role on the Coalition because we are committed to holding Minnesota judges to a high standard of conduct where decisions are based on the law and all parties are treated with respect and dignity. When we have ongoing concerns about a judge not comporting with the Minnesota Judicial Code of Conduct, we will take steps to communicate with the judge, the leadership of District Court, and when necessary, make a complaint to the Board. But we also support a change in the selection of state court judges that would provide a means of evaluation and help to ensure that we maintain an impartial and respectful judiciary while still giving ordinary citizens a role in that process.

For more information or to get involved in the public awareness campaign on judicial selection, contact watch@watchmn.org.

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Hennepin County Civil Case A

9/14/99 *Order for protection (OFP) petition*: Judge Myron Greenberg granted Victim A a temporary *ex parte* OFP against Richard. According to the petition, Victim A requested the OFP out of fear for her safety because she was scheduled to testify at Richard's trial for Case 1 the following day. The petition described the events from Case 1, noting that Richard had gone to Victim A's home three other times that day and thrown rocks at her window and threatened her, but fled the scene before officers arrived in response to Victim A's calls.

9/15/99 *Outcome Case 1: Richard pleaded guilty to criminal damage to property (misdemeanor), and the domestic assault charge was dismissed.* Judge Lucy Wieland sentenced him to 60 days in the workhouse with 55 days stayed for one year and credit for five days. Probation conditions included: no assaults, no contact with the victim, pay restitution, and no violations of the protection order. The prosecutor was Stephanie Morgan.

5/10/00 *First arrest and detention (A&D) order Case 1*: Failure to make restitution payments.

8/4/00 *Second A&D order Case 1*: Failure to make restitution payments.

Case 2: Damage to a motor vehicle and fifth degree domestic assault

6/22/01 *Minneapolis police report*: Victim A reported to officers that Richard approached her car as she arrived home, hit the driver's side windshield wiper, bending it in half, and stated "I'm gonna f*** you up! You're gonna die tonight!" She said that earlier in the day, he called and threatened that he was "going to kill you, b****." The victim drove away and called police. The case was never charged.

Case 3: Fifth degree domestic assault

6/26/01 *Minneapolis police report*: Victim A fled to the police department and told officers that during an argument with Richard about their two-month old son, he punched her in the mouth twice. When she threatened to call the police, Richard took her phone. The victim's sister-in-law and children witnessed the incident. Richard fled the scene, and the case was never charged.

Case 4: Fifth degree domestic assault

9/5/01 *Minneapolis police report*: Victim A told responding officers that Richard grabbed her around the throat and started "choking" her. The victim was able to flee and called the police. The case was never charged.

Case 5: Fifth degree assault (misdemeanor)

12/14/01 *Minneapolis police report*: Victim A reported to the police that when she arrived home that day, Richard yelled at her, punched her in the face, knocked her to the ground, and dragged her through her living room. He then fled. Soon after, the victim's cousin and a friend came to visit her, and while she was telling them about the assault, Richard returned and began arguing with her cousin. The friend became afraid of Richard and ran to call police. Richard was arrested when officers saw him standing on a corner near the victim's home and charged.

Hennepin County Civil Case B

12/17/01 *OFP petition*: Judge Kathryn Quaintance granted Victim A a temporary *ex parte* OFP against Richard based on the June and December assaults (Cases 3 and 5).

12/21/01 *Outcome Case 5: Richard pleaded guilty, and Judge Franklin Knoll sentenced him to 45 days in the workhouse with 38 days stayed for one year and credit for seven days.* He was ordered to attend an anger management class* and placed on probation to the court. His other probation conditions included: random breathalyzer and urinalysis, no violations of protection order, and complete a chemical dependency evaluation. The prosecutor was Kathryn Rygh, and the defense attorney was Deaundres Wilson.

8/13/02 *First A&D order Case 5*: Failure to remain in contact with his probation officer and complete domestic abuse counseling.

11/22/02 *Second A&D order Case 5*: Richard failed to maintain contact with his probation officer and to attend anger management classes, was terminated from the chemical dependency program, and tested positive for drugs or alcohol.

**Domestic violence defendants may be court ordered to attend a community-based counseling or treatment program. These programs vary widely in their philosophy and structure. Some are a series of classes on the general topic of anger management, others are more comprehensive programs developed specifically for domestic abusers. Throughout Richard's court records, the court uses the terms anger management and domestic abuse program/counseling interchangeably, so it is impossible to know whether the programs he has been ordered to attend are designed to curb domestic violence.*

12/6/02 *Third A&D order Case 5*: Richard was again out of compliance with court orders.

Case 6: Violation of a restraining order (misdemeanor)

10/14/03 *Minneapolis police report*: Victim A told police that Richard came to her home and threw rocks at her window. When she refused to let him in, he entered through

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the back door. The victim showed officers a Hennepin County Juvenile Court order prohibiting Richard from having contact with her or her children. Richard was arrested at the scene and later charged.

10/17/03 Outcome Case 6: According to the Minnesota Court Information System (MNCIS), the case was dismissed because it was “factually insufficient.” The prosecutor was Julie Delgado-O’Neil, and the defense attorney was Marcus Campbell.

Case 7: Two counts of domestic assault (misdemeanor and gross misdemeanor), two counts of fifth degree assault (gross misdemeanors), and one count of disorderly conduct (misdemeanor)

11/5/03 Minneapolis police report: Victim A showed responding officers the restraining order she had against Richard and told them he grabbed her, ripped her shirt, and threatened to kill her. Richard, who was hiding in the garage was arrested, and later charged.

Hennepin County Civil Case C

11/7/03 HRO petition: Judge Jack Nordby granted Victim A a two-year HRO against Richard. The petition included information about the incident from Case 7 and stated that Richard had been harassing her with unwanted visits. Judge Nordby ordered Richard to have no contact with the victim and stay away from her home and refrain from harassing her.

11/10/03 Outcome Case 7: Richard pleaded guilty to domestic assault (misdemeanor), and the other four charges were dismissed. Judge Janet Poston sentenced him to 90 days in the workhouse with 84 days stayed for one year and credit for six days. Richard was placed on probation to the court and ordered to attend anger management classes. His probation conditions included: follow child protection conditions, follow probation recommendations, and no violations of the order for protection. The prosecutor was Gretchen Zettler, and the defense attorney was Shannon Elkins.

12/9/03 First A&D order Case 7: Richard failed to maintain contact with his probation officer and to complete anger management.

Case 8: Violation of a no contact order

12/28/03 Minneapolis police report: Victim A told responding officers that Richard came to her home and threw rocks at her window. The victim showed officers the HRO banning him from contacting or harassing her. Richard was gone when police arrived, and the case was never charged.

Case 9: Violation of a restraining order

2/19/04 Minneapolis police report: Victim A told officers that Richard came to her home in violation of the HRO and

asked to be let in. When she sent him away, he started throwing rocks and snowballs at her window. Richard was gone when police arrived and was never charged.

Case 10: Violation of an order for protection

2/29/04 Minneapolis police report: Victim A showed officers her HRO and told them she woke up to the sound of rocks being tossed at her bedroom window and Richard calling her name. When police arrived he had fled, and the case was never charged.

3/15/04 Second A&D order Case 7: Richard’s public defender could not confirm his entrance into treatment.

Case 11: Domestic assault (felony)

10/13/04 Hennepin County criminal complaint: Victim A reported that Richard took her car keys and tried driving off with their three-year-old son in the car. When he stopped and walked around the car to her door, she attempted to drive away, but he struck her with a closed fist. The police report noted that Richard had fled the scene and a warrant for his arrest was in effect for Case 7.

10/18/04 Third A&D order Case 7: Richard violated probation by committing another domestic assault (Case 11) and failing to report to the workhouse as ordered.

Case 12: Violation of a protection order

11/23/04 Minneapolis police report: Victim A reported to police that Richard called her home from jail through a 3rd party. When the victim wasn’t there, Richard told her daughter to give her this message: “I’m gonna have child protection come over. I’m gonna hurt you like you hurt me. I’m gonna break up the family.” The case was never charged.

Case 13: Domestic assault

1/7/05 Minneapolis police report: Victim A called police to report that Richard had come to her apartment building and refused to leave. Officers responded to the scene and ordered Richard to leave. Forty-five minutes later, the victim called police again to report that Richard had returned and was throwing objects at her window. When she refused to respond, he kicked in her back door, grabbed her phone, took her keys, and fled in her truck. The victim’s four children, ages one through 13, were present during this incident. The case was never charged.

2/16/05 Outcome Case 11: Richard pleaded guilty, and Judge Lynn sentenced him to 18 months in prison stayed for three years. His probation conditions included: 84 days in the workhouse with credit for 84 days, no alcohol/controlled substance use, no contact with Victim A until completing residential treatment, domestic abuse counseling/treatment, and random urinalysis. The prosecutor was Krista Bettinger, and the defense attorney was Mark Devaraj.

Case 14: Violation of a no contact order

4/14/05 Minneapolis police report: Victim A showed officers a copy of the HRO and reported that Richard called her four times that day. The case was never charged.

4/15/05 First A&D order Case 11: Richard failed to abide by the no contact order.

Case 15: Fifth degree domestic assault

4/16/05 Minneapolis police report: Victim B told responding officers that Richard grabbed the front of her sweatshirt, slapped her head, and stated, "I will beat your a**!" He fled in her vehicle, and the case was never charged.

Hennepin County Civil Cases D and E have been omitted due to space constraints, but are included in the online chronology at www.watchmn.org/reports.

Case 16: Two counts of fifth degree domestic assault (gross misdemeanor) and one count of disorderly conduct (misdemeanor)

6/9/05 Minneapolis police report: Victim B left her home to call police after Richard slapped her in the face. Officers accompanied her home and arrested Richard. He was charged in the case.

Case 17: Four counts of violation of a no contact order (misdemeanor)

7/5/05 Hennepin County criminal complaint: Richard called Victim B a total of 118 times from June 13 to June 16.

7/6/05 Outcome Case 16: Judge Beryl Nord dismissed all three charges. The prosecutor was Kathryn Rygh, and the defense attorney was Emmett Donnelly.

8/11/05 Outcome Case 17: Richard pleaded guilty to one count of violating a no contact order (misdemeanor), and the other three charges were dismissed. Judge Heidi Schellhas sentenced him to 45 days in the workhouse with credit for 13 days and work release if eligible. The prosecutor was Kathryn Rygh, and the defense attorney was Emmett Donnelly.

Case 18: Violation of a restraining order

8/11/05 Minneapolis police report: Victim A reported that Richard, while out of jail on work release, came to her house and pushed his way through her door. He returned a short while later, but fled when the victim's daughter called the police. The police report noted that the victim had an HRO against Richard. The case was never charged.

Case 19: Fifth degree domestic assault

8/17/05 Minneapolis police report: Officers were called to a domestic assault. Victim B told police Richard punched her in the

face and ribs while yelling at and threatening her and that she is afraid he is going to kill her. The case was never charged.

Case 20: Fifth degree domestic assault

9/18/05 Minneapolis police report: Victim B told responding officers that Richard slapped her several times across the face then fled when she called police. Officers noted that Richard was wearing an electronic home monitoring ankle bracelet at the time of the assault. The case was never charged.

Case 21: Harassment and domestic assault

9/27/05 Minneapolis police report: Victim A told officers that Richard called her 60 times over the last two days, threatening to hurt himself. The victim showed officers a copy of the HRO against him. While officers were taking her statement, Richard called, but hung up when she handed the phone to the police. The case was never charged.

Case 22: Domestic assault by strangulation and kidnapping

10/11/05 Minneapolis police report: Officers were called to Hennepin County Medical Center regarding a domestic assault. Victim B reported that while she was driving her car, Richard struck her in the face with a cell phone charger and threatened to kill her. She told police that when she pulled over, Richard "choked" her and when she "blackout" he drove her to a friend's house where, for 19 hours, she tried to convince him to take her to the hospital. He finally agreed when she told him that if she did not receive medical attention, she would be unable to attend an upcoming court hearing about custody of their son. The case was never charged.

Case 23: Domestic assault (felony) and violation of a restraining order (felony)

10/31/05 Hennepin County criminal complaint: Officers were called to a domestic assault. Victim A reported that Richard, who was on a weekend pass from his chemical dependency program, grabbed her by the neck and threw her down on the couch. The victim struggled free and when she ran out the door, Richard chased her and tried to drag her back into her home. He finally let her go and fled when she called out for help. The victim reported to officers that she had an HRO against Richard.

11/4/05 Second A&D order Case 11: While on probation for Case 11, Richard again assaulted Victim A (Case 23).

Hennepin County Civil Case F

11/28/05 OFP petition: Judge John Connolly granted Victim B a temporary *ex parte* OFP against Richard based on the June and October assaults (Cases 16 and 23).

12/21/05 Outcome Civil Case F: Judge Holahan granted Victim B a one-year OFP prohibiting Richard from contacting her, going to her or her mother's home, or committing further

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Volunteer Notes

✓ At one of the suburban courts this morning, the clerk started at 8:40 with a very lengthy announcement describing the process, including no talking when a case is being heard. She was extremely thorough and covered most aspects of what is and will be happening. I have monitored this court eight times, and this is the first time I have heard this done. It was terrific.

✓ From the gallery in one of the suburban courts, I could see that the two prosecutors were on Facebook and playing games on their laptops while the judge was on the bench and court was in session. To their credit, when their cases were called, they were very engaged and professional, but since everyone in the gallery can see their computers when they are sitting at the table up front, it gives the wrong impression.

✓ After the judge in one of the suburban courts shouted at a defendant and left the bench and courtroom, the public defender apologized to her client, saying, "Sorry, he is like that with everyone."

✓ I wish that judges in order for protection hearings would always discuss the details of the order while in court rather than sending the parties downstairs to wait for the clerk to deliver the order. It is difficult to know what respondents are told downstairs, and I think it would be better to have both parties present to hear the stipulations of the order.

✓ The judge presiding over a plea hearing in the government center today appeared very tired and disinterested. For example, one of the attorneys asked, "Will you please remind the defendant that all conditions for release remain in place [until sentencing]?" The judge responded simply, "All conditions for release remain in place," without specifying them.

✓ During a sentencing for a first degree criminal sexual conduct case, the judge said, "I will be more than happy to put you away for the 144 months" if the defendant violated any of the terms she was describing. She made it clear that if he appeared back in court, it would be in front of her, not a different judge, and she would hold him accountable. She said that she was "disturbed" that he has never taken any responsibility for the crime and made a point to emphasize that the victim "didn't do anything to deserve this."

✓ The prosecuting attorney in domestic violence court put the address of a women's shelter where the victim was staying on the record. The judge had asked if the address was confidential, and the prosecutor didn't seem to think so because the defendant had appeared at this address. But I overheard the victim's advocate express concern quietly to her peers that this was, in fact, confidential and inappropriate. The advocate's fear was that people in the courtroom for other matters overheard it.

What's New

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communities to end domestic violence. Rosario has served in this position for eight years. Rosario came to the United States from Mexico in 1988 and is an experienced advocate in the areas of domestic violence, sexual assault, and victimization. She has vast training, advocacy, court advocacy, and crisis line management experience. In addition to serving on WATCH's board, Rosario is also a member of the board of directors of the Minnesota Coalition for Battered Women.

We are thrilled that these two accomplished women are taking on leadership roles with WATCH.

MAKE A PLEDGE TO WATCH'S FUTURE

WATCH does something no one else does. Because most people are not able to be in court every day, WATCH is there to represent you, the public—to document what happens, to report on what we see, and to use the data to push the courts to improve.

Whether or not you will ever be inside a courtroom, you know how important it is to our democracy that the courts are fair, impartial, and transparent. WATCH plays a crucial role, every day, in ensuring public accountability in the courts in Hennepin County. We focus on violence against women and children, but our recommendations are heard by the full bench, and have an impact beyond those cases.

By supporting WATCH, you ensure the public's voice is heard in the courts.

- Your support helps send a volunteer to court to observe a sexual assault sentencing where s/he will be the only member of the public in the gallery.
- It helps us put out this quarterly newsletter, and publish groundbreaking reports.
- It supports a volunteer coordinator at a domestic violence shelter in another state learn how to start a court monitoring program at her agency.
- It pays for our webinars and helps sustain the National Association of Court Monitoring Programs.

You can return your gift in the enclosed envelope, go online at www.watchmn.org and click on the Give MN button on our home page, or call the office at 612-341-2747.

WATCH is a small, lean organization that achieves success by forging strong partnerships with other organizations and through the generosity of hundreds of volunteers and individual donors each year. We hope you'll join us.

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acts of domestic abuse against her.

2/23/06 Bench warrant Case 23: When Richard failed to appear for his hearing, Judge Warren Sagstuen issued a bench warrant for his arrest and set bail at \$25,000.

Hennepin County Civil Case G

6/15/06 OFP petition: Judge Patricia Belois granted Victim A a temporary *ex parte* OFP against Richard. The petition included information about his numerous violations of Victim A's 2003 HRO and a June 6, 2006, incident during which he called and threatened the victim.

6/22/06 Outcome Civil Case G: Referee David Piper dismissed the OFP at Victim A's request.

7/10/06 Outcome Case 23 and revocation hearing Case 11: **Judge Sagstuen sentenced Richard to 24 months in prison with credit for 65 days served.** He also revoked 18 months of Richard's sentence for Case 11, and ordered him to serve the two sentences concurrently. The prosecutor was Stuart Shapiro, and the defense attorney was Mark Devaraj. Note: Richard was released from prison on 9/5/07. Three weeks later he was arrested for violating the terms of his supervised release and sent back to prison to serve the rest of his sentence. He was released on May 5, 2008.

Case 24: Domestic assault (felony)

11/6/08 Hennepin County criminal complaint: Richfield police officers spoke with a witness, who reported that Richard punched Victim B in the face when she tried to stop him from leaving with their five-year old son. Officers noted the victim was bleeding heavily from a cut above her left eyebrow. Richard was arrested.

2/6/09 Jury trial Case 24: A jury found Richard guilty of domestic assault, and Judge Richard Scherer ordered he be held without bail.

3/12/09 Outcome Case 24: **Judge Scherer sentenced Richard to 21 months in prison stayed for three years.** His probation conditions included: 270 days in the workhouse with credit for 127 days, random testing, chemical dependency evaluation/treatment, domestic abuse counseling/treatment, no contact with Victim B, and remain law-abiding. The prosecutor was Stuart Shapiro, the defense attorney was Arthur Martinez.

9/3/09 First A&D order Case 24: Richard's urinalysis tested positive and he was terminated from his chemical dependency treatment program.

4/22/10 Second A&D order Case 24: Richard failed to maintain contact with his probation officer and to provide urinalysis and breath analysis.

5/19/10 Third A&D order Case 24: Richard failed to report to the workhouse after the 24-hour grace period.

9/15/10 Update Case 24: A probation violation hearing was cancelled because Richard refused to be brought from the jail to appear in court. The third A&D was amended to add Richard's failure to provide urinalysis and breath analysis.

10/5/10 Update Case 24: Richard is currently serving 210 days in the workhouse with credit for 39 days.

Recommendations

According to the *Model Policy for Prosecutors and Judges on Imposing, Modifying and Lifting Criminal No Contact Orders*,¹ victim safety is enhanced when prosecutors and judges monitor defendants' compliance with court orders and impose immediate sanctions upon violation. WATCH has the following recommendations for improving victim safety in this case:

Richard did not face charges in 15 of the cases WATCH documented. When police reports document behavior that fits the definition of domestic assault in Minnesota statutes, these cases should result in criminal charges.

Although Richard repeatedly violated criminal and civil no contact orders, he was arrested only six times. When police respond to domestic assaults that occur while protection orders are in place, as they did in cases involving Victims A and B, every effort should be made to arrest the defendant, whether or not he has fled.

Judges continually gave Richard a second chance or revoked only a fraction of his sentence. In response, he continued to act in defiance of court orders. When probation officers report a defendant's failure to comply with court-ordered probation conditions, the court should issue swift and meaningful consequences for these violations.

Richard was repeatedly court ordered to chemical dependency evaluations and treatment. In cases of domestic violence, the court's primary focus should be on addressing the violence, and defendants should be ordered to attend batterer's intervention programs.

Note: Some police reports use general language, such as violation of a protection order, when describing violations of a harassment restraining order. In this chronology, WATCH has utilized the same language used in the official documents.

¹ *Model Policy for Prosecutors and Judges on Imposing, Modifying and Lifting Criminal No Contact Orders*, Jennifer Long, Christopher Mallios, and Sandra Tibbetts Murphy, February 2010, Battered Women's Justice Project.

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In fond memory of Gary Joselyn

By Susan Lenfestey

Gary Joselyn, one of the first men to volunteer for WATCH after its founding, died in late August at the age of 81, just weeks after being diagnosed with pancreatic cancer.

In the early years of WATCH Gary served as a courtroom monitor and also helped to design and implement WATCH's first program evaluation. He served two terms on the board of directors, where he spoke with wisdom and an admirable economy of words. For more than ten years he came to the WATCH office once a week to enter defendant information into the database. In 2000, he was named the WATCH volunteer of the year, an honor that was dwarfed by the enormity of his character.

In addition to being a Navy veteran of the Korean War, Gary was on the faculty of the University of Minnesota for 33 years, and had a vast range of interests, from education and politics to knitting and beekeeping. He dazzled board members with the complex sweaters he knit during meetings and delighted staff members with holiday gifts of honey from his "happy bees."

He was a proud feminist and an early advocate of women's reproductive rights. "Somehow I've always had a real impatience with injustice," he once said.

His contributions to WATCH and to the world were many. He radiated curiosity, humor, and integrity through the bluest of eyes, and we will miss him terribly.

We are honored and touched that Gary chose WATCH as one of three recipients of memorial gifts. Thank you to the following people who have made a gift to WATCH in his name.

Gordon Asselstine
Carol and Alan Bensman
John and Virginia Groos
Michael and Brenda Johnson
Jeannie and Tony Jordon
Melanie Jordan

Ross and Phyllis Jordan
Ember Reichgott Junge
Joyce and Wally Kennedy
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Naomi J. Loper
Todd and Christine McVay

Senora and Peter Meintsma
Harriet and Ira Reiss
Steven Schreurs and Marla Siegler
Mari C. Sikkink
Jim and Vonnie Swanson