

Promoting victim safety and offender accountability

Improving the response to misdemeanor domestic violence

Report summary by Kate Hovde, Suburban Court Project Coordinator

"...each encounter between someone living with [domestic] violence and a practitioner in the 'system' is an opportunity to interrupt the actions and patterns that sustain battering."¹

Domestic violence is a challenge facing all communities. It is a crime that more often than not escalates without intervention, and extensive research shows that the justice system's response can significantly impact whether or not the battering will continue or be deterred. Stemming the violence, however, requires not just a commitment from community leaders and the courts, but constant attention to what is working and what needs improvement.

WATCH's newest report focuses on how misdemeanor cases of domestic violence are handled in Hennepin County's three suburban courts. It concludes that each municipality should focus efforts on eliminating domestic violence and putting in place policies that make this a reality. But the report's observations and recommendations apply broadly as communities across the United States grapple with this relentless social problem.

WATCH's research

In 2009, for the first time in its 17-year history, WATCH was able to expand outside of the downtown Minneapolis courts and conduct a 21-month monitoring project to evaluate how misdemeanor domestic violence cases are treated in the suburban courts. Brookdale, Ridgedale, and Southdale are responsible for all non-felony traffic and criminal cases that occur within the 44 suburban municipalities. According to the Fourth Judicial District Research Division, the suburban courts handle approximately 30,000 cases per year, accounting for 55% of all non-felony filings in Hennepin County. All non-felony cases occurring within the city of Minneapolis are held in the downtown courts, which include a specialized domestic violence court.

The purpose of the report is to outline how Hennepin County suburban courts can improve their response to domestic violence cases and to make specific recommendations for key changes. To inform our report and the resulting recommendations, WATCH staff and 34

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What's new

It is with mixed feelings that WATCH says good-bye to Dawn Dougherty Cornell, who left WATCH in March to be home with her new son, Emmett. We know how happy she is to have adopted Emmett, and wish her and her family the best. But we deeply miss her dedication and creativity at WATCH. Dawn came to WATCH as the volunteer coordinator in 2005, became the court monitoring coordinator in 2006, and then national project director later that year, when WATCH secured Bush Foundation funding to launch its national training and technical assistance program.

In that position, Dawn took the national training project from an idea to a full-scale program, creating training manuals and guidebooks, developing and presenting webinars, conducting site visits with court monitoring groups around the country, and initiating the National Association of Court Monitoring Programs, which currently boasts 18 members from 15 states and territories.

Before she was officially through with her position as a staff member, we

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¹ "The Blueprint for Safety: An Interagency Response to Domestic Violence Crimes." St. Paul Blueprint for Safety, 2010.

We're dedicated, we're effective, and we need you

By Susan Lenfestey

Let's face it, it's been a tough spring all around. Winter's steely grip refuses to let go, the Twins are under-achieving in their splendid new digs, and the patched and pock-marked streets serve as a daily reminder that there's a shortage of funds and a growing list of needs.

While budgets are slashed and services cut back, the Mary Kay Foundation, which surveys over 600 domestic violence shelters across the country, reports an increase in incidents of domestic violence, and in the severity of the violence, for the third year in a row. As the economy tanks, hopes do too. The only thing rising for too many people is tension and violence.

Fortunately, there's an array of organizations dedicated to ending domestic violence, and WATCH stands out as a model among them.

WATCH is the first organization in the country focused solely on monitoring how the justice system handles cases of violence against women. Each case brings its own complicated history to the courtroom, and it is no simple task for those in the justice system to discern what is best. But if a chronic offender walks out with no consequences, and a victim walks out feeling unheard and unsafe, respect for our system of justice is diminished.

Like most people, I'm appalled that the United States has more people behind bars than any other country in the world, and by a wide margin. This is not the sort of first-place finish I want for my country. I'm not a "lock 'em all up" sort of woman. But as former columnist and author Anna Quindlen once wrote, "Jail sentences have many functions, but one is surely to send a message about what our society abhors and what it values."

Just as MADD brought about a cultural shift in how our society views drunk-driving by insisting that it be penalized as the serious crime it is, WATCH works to bring about a cultural shift in how we view violence against women by insisting that those who batter and rape are held accountable, and that the lives of women and girls are valued.

WATCH's recent study of how misdemeanor level domestic abuse charges are handled in the suburban Hennepin County courts is just one example of the sort of effective work WATCH does.

The two-year study revealed, among other things, a startling disparity in continuance for dismissal rates when compared to the downtown courts (15% in the suburbs vs. 1% downtown). This results in a lost opportunity for early intervention, and as WATCH executive director Marna Anderson said,

"When the system downplays those first couple of assaults it's doing a disservice to everybody—the abuser is not getting the services he needs to stop abusing and the victim is not getting the attention she needs so she can be safe."

WATCH has played a role in many of the changes for the better in the 19 years since we first entered the courts. As Ramsey County Attorney John Choi said recently,

"It is rare that anyone looks at actual case outcomes and uses that information to recommend improvements...[WATCH's suburban court] study is an effective example of this."

Through webinars and on-site training, WATCH also helps groups across the country replicate its simple concept of keeping an eye on justice. Recently, following three years of training and technical assistance from WATCH, a Seattle monitoring group just released its first report—evaluating a new statute that gives sexual assault victims the right to file for protection orders.

Like so many organizations feeling the pinch, WATCH has cut its already lean budget back to the bare minimum by cutting staff hours and not filling positions when an employee leaves. Our budget this year of \$369,250 supports 4 ½ staff positions and we are able to stretch those dollars to the limit by utilizing the talents of more than 100 active volunteers to monitor the courts each day. With their help, we continue to make a difference. A probation supervisor recently told a WATCH monitor,

"WATCH plays such an important role with the courts—you may not realize how important you are."

All of WATCH's funding comes from foundations and individuals. Like you. If you've contributed to WATCH before, we humbly ask that you give again. If you're considering an annual gift, we hope that you'll increase it from what you gave last year. And we would positively swoon if you would commit to a multiple-year pledge. If you have any questions about past giving, giving on line, and/or gifts of stock, please call the office at 612-341-2747 and speak with Marna or Donna.

Seriously. We're dedicated, we're effective, and we need you.

BECOME INVOLVED WITH WATCH

If you are interested in what goes on in court and want to make a difference on behalf of women and children who experience violence, become a volunteer court monitor with WATCH! We provide the training, and you donate four hours each month to monitor the courts. The summer training is on Saturday, June 4, 2011, from 10:00 a.m. to 4:00 p.m. Contact Anna at 612-341-2747, x 7 or alight@watchmn.org for more information. We would love to have you join us.

Case summaries

WATCH is not publishing the defendants' names in three of the following cases to protect the identity of their wives, who are the victims of their abuse.

WA

WA, 45, was charged with felony first degree assault for attacking his wife with a five pound dumbbell. According to the criminal complaint, the victim said she believed WA was trying to kill her when he struck her approximately 30 times in the head, face, and shoulders. She also told police he tried three times to snap her neck, but could not get a grip because of all the blood. She was able to escape and run to the neighbors after the defendant collapsed on top of her from exhaustion. When officers arrived on the scene, the victim was covered in blood and appeared to be losing consciousness. The victim received stitches and staples in multiple places, had a broken thumb, and lost several teeth. Police found the couple's five children at home.

After his first appearance on September 14, 2010, WA was released from custody with a domestic abuse no contact order, and a psychological evaluation was ordered in November. In February, the defendant was found competent, pleaded guilty as charged, and was sentenced by Judge Toddrick Barnette to 74 months in prison with credit for 5 days. His conditions include: supply a DNA sample and do not use or possess firearms or dangerous weapons. Joshua Larson was the prosecutor, and Robert Paule was the defense attorney.

MB

MB, 47, was charged with three felonies between April and September 2010 for terroristic threats against his wife.

In the first case from April, the victim reported that MB slapped her in the back of the head, grabbed a folding knife, and threatened to kill her. Fearing for her safety, she locked herself in the bathroom, but eventually came out when their infant started crying and MB left the room. MB returned a short while later, pointed the knife towards her stomach, and said if she ever called the police, no one would ever see her again. MB pleaded guilty as charged, and Judge Barnette sentenced him to 30 months in prison stayed for five years. His conditions include: 180 days in the workhouse with credit for 35 days served and an immediate furlough to treatment; domestic abuse counseling/treatment; supply a DNA sample; no alcohol/controlled substance use; do not ship/transport/posses or receive firearms or ammunition; and remain law abiding. Frederic Halla was the prosecutor, and Jason McGee was the defense attorney.

Five months later, MB was charged with two more cases of terroristic threats for incidents taking place in September. In the first of these incidents, the victim told police that MB left messages on her cell phone while she was at work telling her he would have people waiting for her when she left and threatening to damage her property and kill her. The case was dismissed.

In the second incident, the victim reported a series of terrifying death threats the day after she moved out of their home.

The threats included, "I promise you one thing, you will not live to see 2011...I'm going to kill you b**ch, I swear to god on my kids. I'm going to throw acid in your face...I will go to jail for the rest of my life if I have to." MB pleaded guilty to a reduced charge of gross misdemeanor terroristic threats, and Judge Barnette sentenced him to 182 days in the workhouse with credit for 182 days served. Judge Barnette also revoked his sentence in the April case and ordered him to serve the 30 months in prison with credit for 179 days.

TB

TB, 31, was charged with three cases between July and November 2010 for assaulting his wife. In the July case, he was charged with two counts of misdemeanor domestic assault. In August, he was charged with felony domestic assault by strangulation and misdemeanor domestic assault when he entered the bathroom while his wife was in the shower, ripped the curtain down, slapped her numerous times, grabbed her by the throat, pinned her against the wall, and strangled her.

In November, TB was charged with felony terroristic threats, misdemeanor domestic assault, and gross misdemeanor refusal to submit to a chemical test/driving while impaired. The victim reported that TB followed her to her mother's house, punched her in the eye, and threatened to kill her with a knife. He then fled, but returned a short while later and kicked in the front door while the victim called police. He fled again, but was arrested when officers pulled him over. He registered a 0.08 in a portable breathalyzer.

TB pleaded guilty to one count of misdemeanor domestic assault for the July case, one count of felony domestic assault by strangulation for the August case, and gross misdemeanor refusal to submit to a chemical test/driving while impaired for the November case. Judge Beryl Nord sentenced him to 90 days in the workhouse with 30 days stayed for one year and placed him on probation to the court for the July case; sentenced him to 60 days in the workhouse, but stayed imposition of the sentence for the August case; and sentenced him to 365 days in the workhouse with 305 days stayed for three years and credit for 21 days for the November case.

Judge Nord ordered TB to serve the three sentences concurrently with the following conditions: complete a chemical dependency evaluation/treatment; make a good-faith effort to obtain/maintain employment and/or pursue an educational program; do not ship/transport/possess or receive firearms or ammunition; supply a DNA sample; remain law-abiding; random drug testing; no contact with his wife until approved by probation and after completing anger management; domestic abuse counseling/treatment; and child visitation through family court. Erica Glassberg was the prosecutor in the July case, and Darren Borg prosecuted the August and November cases. Jerome Mesenbourg was the defense attorney in the July and November cases, and Paul Sarratori was the defense attorney in the August case.

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Promoting victim safety and offender accountability

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volunteers spent more than 2,000 hours monitoring nearly 1,500 suburban court appearances. In conjunction with daily monitoring, WATCH conducted quarterly meetings with volunteer monitors to address concerns and offer feedback; facilitated two meetings with stakeholders representing criminal justice system personnel and community advocates; held informal interviews with advocates, probation officers, and court administrators to gather input; and conducted a wrap-up focus group with monitors.

WATCH evaluated both the *process* – courtroom environment and efficiency, and the *substance* – individual case outcomes. With few exceptions, the primary causes of the issues described in the report are system-wide and not the result of individual behavior. The key findings identified in the report are:

- A lack of accountability for repeat offenders
- A lack of emphasis on victim safety
- A need for improvements in courtroom environment

Highlights from the full report, available on www.watchmn.org/reports, include:

- In Minnesota, domestic violence offenses are enhanceable, meaning that subsequent domestic violence offenses can be charged as a gross misdemeanor or felony². In the suburban courts, less than half (49%) of the domestic assault cases that resulted in a conviction were resolved with an enhanceable offense. Resolving cases with non-enhanceable offenses eliminates the opportunity to use increased penalties to hold repeat offenders accountable.
- Of all suburban cases with a conviction, 25% resulted in the defendant being ordered to probation to the court rather than supervised probation. When defendants are placed on probation to the court, they are not required to report to a probation officer, and no mechanism is in place for the victim to report safety concerns or violations.
- In the suburban courts, judges failed to explain the no contact order to defendants in one third of domestic violence cases. Failing to explain these orders is a disservice to both defendants and victims. Violations of the order may result in additional criminal charges for the defendant, and victim safety can be compromised if the defendant engages in ongoing abuse, harassment, or threats.
- WATCH monitors documented that it was difficult or impossible to hear proceedings 54% of the time due to noise in the courtroom and called attention to the lack of weapons screening or other safety measures in place to protect victims, community members, and court personnel at the three suburban courts.

The following abbreviated case summary illustrates some of our findings:

A defendant was charged with gross misdemeanor domestic assault, gross misdemeanor fourth degree assault of a police officer, and misdemeanor obstruction of legal process for assaulting his girlfriend and resisting arrest (Case 1). Later the same day, he was arrested a second time and charged with gross misdemeanor violation of a no contact order (Case 2). A month later, he was arrested again and charged with gross misdemeanor violation of a no contact order (Case 3).

Prior to these cases, the defendant's criminal history included five domestic violence-related offenses, three of which occurred in the last 10 years. Two of these cases were reduced from gross misdemeanor domestic assault to misdemeanor disorderly conduct. According to the police report, after his arrest in Case 1, "The defendant stated he knew how the system worked, and he knew how to get out of it." Had the prior cases resulted in convictions for enhanceable offenses, the three most recent cases could have been charged as felonies.

The defendant pled to misdemeanor obstruction of legal process (Case 1), gross misdemeanor violation of a no contact order (Case 2), and misdemeanor violation of a no contact order (Case 3). Finally, after 16 years and eight domestic violence cases, the defendant could now face felony charges for any future domestic violence offenses.

Changes currently in effect

WATCH has observed many positive and encouraging steps already taken to improve the functioning of the suburban courts. In January 2010, Hennepin County District Court launched a pilot project at Ridgedale that blocked cases to one judge from the initial appearance through the sentencing and created a four-judge team. Southdale and Brookdale followed suit in May 2010. Block teams and court personnel are meeting regularly to address concerns and discuss possible improvements, and District Court has plans to conduct its own evaluation of the efficacy of these changes and the overall efficiency of the suburban courts.

In November 2010, WATCH joined a best practices committee established to review the current best practices document, created in 2005 for Minneapolis' designated domestic violence court, for export to the suburbs, a crucial step in addressing specifically how domestic violence cases should be handled. The suburban courts continue to be a work in progress, and District Court demonstrates an on-going commitment to making improvements.

2 Once a defendant is convicted of one of the domestic-violence related offenses listed in Minn. Stat. § 609.02, subd. 16, future domestic violence-related charges may be enhanced to a gross misdemeanor or felony if occurring within the same 10-year period.

Conclusion

To effectively decrease domestic violence, every stage of a domestic violence case in the justice system must be considered through the lens of victim and community safety and offender accountability. Former New York chief judge Judith S. Kaye wrote,

*If domestic violence defendants present a particular risk of future violence, then why not enhance monitoring efforts to deter such actions? If victims remain in abusive situations due to fear for their own and their children's well being, then why not provide links to services and safety planning that may expand the choices available to them? If cases are slipping between the cracks of a fragmented criminal justice system, then why not work together to improve coordination and consistency?*³

WATCH supports increased communication and coordination as a primary means of addressing the areas in need of improvement. An effective response to domestic violence is a shared responsibility and requires that each part of the judicial system considers the impact it will have on victim safety and offender accountability. It is easy to focus on individual jurisdictions and disregard the bigger picture. Interconnectedness among the suburban municipalities, and with Minneapolis and Hennepin County, would help ensure that the response to these cases is consistent, regardless of where the offense occurs.

WATCH hopes this report will enhance current efforts and lead to the development and implementation of more effective policies and protocols and will result in:

- Municipalities taking a stronger and more active stance against domestic violence, in part by resolving cases and setting supervised probationary conditions that would prevent future violence;
- Judges consistently explaining no contact orders and other conditions of release in detail and, by doing so, increase victim safety and offender compliance, sending a message that domestic violence is a serious matter that will be treated as such by the court;
- District Court giving appropriate attention to environmental and safety concerns in the suburban courts, including the lack of weapons screening, in order to create safer and more accessible courts; and
- The formation of a multi-disciplinary domestic violence steering committee to address the specific recommendations in WATCH's report, oversee case outcomes, and monitor progress towards improvements.


The complete list of recommendations and a more detailed look at our findings can be found in the full report, available at www.watchmn.org/reports.


³ Judith S. Kaye and Susan K. Knipps. "Judicial Responses to Domestic Violence: The Case for a Problem Solving Approach." *Western State University Law Review* 27:3 (1999-2000).


SAMPLE VOLUNTEER NOTES FROM SUBURBAN COURT MONITORS


- ✓ The judge does not explain no contact orders in any case... [t]his seemed particularly remiss in cases that involved violation of no contact orders or orders for protection.
- ✓ Overall, court went relatively smoothly. The gallery remained quiet, and the judge remained on the bench. The judge and clerks worked well together to maintain courtroom decorum, with the deputies occasionally stepping in to explain the courtroom process.
- ✓ There should be a metal detector to screen everyone who enters the courtrooms. Some of the defendants were obviously angry and could pose a threat, despite the presence of deputies – that is when the deputies were in the courtroom. In sum, security was lacking, except for in-custody cases.
- ✓ The process in general is insensitive for victims choosing to attend court. They should either have a specific waiting area for victims or schedule them at accurate times to decrease the time victims have to be exposed to defendants.
- ✓ The judge read the defendant's history which included illegal possession of firearms and a number of domestic assaults. The defendant was charged with violation of an order for protection and the judge failed to mention the firearms prohibitions.
- ✓ During a recess, a lot of attorneys are standing around waiting for the judge. A lot of them seem ready to go and appear impatient, commenting about the long wait and wondering aloud who is in chambers talking to the judge.
- ✓ I heard the judge ask the clerk to wait before calling more cases because the sentencing forms for domestic assaults were outdated versions and did not include the firearms prohibition.
- ✓ The judge didn't appear to understand the role of the advocate and twice asked what her position was regarding the no contact order. The advocate explained it was not her position to offer her opinion, and that she only relays to the court what the victim asks her to.


Thumbs up/thumbs down

 Thumbs up to metro area prosecutors for their leadership in redefining children and teenagers used in prostitution as victims, not delinquents. In a February news conference, they announced changes to prosecution policies that will focus on protecting child victims of prostitution from further abuse and prosecute the pimps and johns who abuse them. A bill before the Minnesota legislature would change the legal definition of who could be charged with prostitution to individuals 18 and over.


 Thumbs up to Senator Amy Klobuchar for introducing legislation designed to preserve evidence, document trauma, and support research into sexual assaults involving members of the U.S. military. In a study conducted by the military in 2008, 21 percent of women questioned reported experiencing sexual harassment or assault while in the military. The bill, which has strong bi-partisan support, would extend services to victims who do not immediately report the assault, but who later seek treatment.

 Thumbs up to the Minnesota Supreme Court for affirming the state's right to call expert witnesses to testify about common behavior exhibited by sexual assault victims. The Court's decision notes that experts may be necessary because an average juror in a sexual assault case may not have sufficient understanding of the dynamics of sexual assault. The ruling brings Minnesota belatedly in line with the rest of the country—Pennsylvania is now the only state that does not allow such expert testimony.

 Thumbs down to Lancaster County (Nebraska) District Judge Paul Merritt for threatening a 24-year old woman with contempt of court and a jail sentence for refusing to be a witness for the state in a sexual assault trial. The victim's mother reported the assaults (which took place more than 16 years ago when the victim was a child) to police. The young woman initially spoke to investigators, describing details of the assaults, and cooperated in taping a phone conversation in which the defendant admitted the sexual touching. She was, however, concerned about the effects of testifying on the health and well-being of herself and her children and indicated her unwillingness to testify in the case. By punishing her for her decision to spare herself and her son the public humiliation of a trial, the judge shows an astonishing lack of empathy for her. With victims of sexual assault already reluctant to report (60% of sexual assault crimes go unreported according to the federal Bureau of Justice Statistics), this action will have a very chilling effect on victims coming forward. WATCH is saddened that the judge was unable to come up with a more reasonable, humane way to handle this situation.

 Thumbs up to the U.S. Department of Education for issuing the first-ever guidelines to specifically assist high schools, colleges, and universities to better prevent and respond to sexual harassment and assault on their campuses. The guidelines summarize schools' obligations under Title IX of the Civil Rights Act, which bars institutions of education that receive federal funding from gender-based discrimination. In the past,

when complaints were brought to the Department's Office of Civil Rights, its rulings applied only to the institution investigated. The new guidelines, however, have made clear that these rulings apply to all educational institutions, bringing consistency and uniformity to enforcement of the Title IX provisions prohibiting sexual assault and harassment for the first time.

 Thumbs down to Chris Brown and Charlie Sheen for assuming their celebrity status entitles them to use and abuse women without question or consequence. Sheen's history includes charges he shot his then-fiancée in 1990, a 1994 civil suit involving Sheen striking a woman who refused to have sex with him, and an undercover "sting" of the so-called "Hollywood Madam" in 1995, to whom Sheen had paid more than \$50,000 for prostituted women. In a recent 20/20 interview, Sheen again touted the "benefits" of prostitutes. Brown's most recent outburst—breaking a dressing room window on set—occurred after the host of Good Morning America asked him a series of questions about his brutal assault of his ex-girlfriend Rihanna.

What's new

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recruited Dawn to serve as a volunteer community member on the WATCH communications committee. Thank you, Dawn, for your six dedicated years of service; we are so grateful you will continue to be a part of WATCH.

Congratulations to WATCH board chair Thompson Aderinkomi for receiving the Exemplary Board Member award from the Management Assistance Project (MAP). Thompson was one of two Minnesotans honored by MAP for outstanding board service. Thompson joined the board in 2009 and served as treasurer before being elected board chair in 2011. He is an inspiring leader who is helping WATCH realize its vision and increase its support. Congratulations, Thompson!

WATCH WEBINAR: PROVIDING FEEDBACK TO YOUR COURTS

Join WATCH on May 24, 2011, at 1 p.m. (CST) for a one-hour training on strategies for effectively interacting with members of the justice system to promote improvements in your courts. WATCH has been monitoring Hennepin County courts since 1993, and founded the National Association of Court Monitoring Programs in 2007. Hear about our successes and how to avoid common mistakes and learn about effective strategies being used in programs across the country.

Call 612-341-2747, x 7 for more information, or visit www.watchmn.org/training.

Volunteer notes

- ✓ The deputy in felony arraignment court made an announcement that communication with defendants was prohibited, and there was to be no talking. Many court personnel were having side conversations throughout his announcement, so it was difficult to hear.
- ✓ I waited for multiple appearances, all scheduled for 1:30 p.m., but by 2:45 p.m., none had been heard. Delayed start times in the government center are not only inefficient, but disrespectful to defendants, victims, and their families.
- ✓ In order for protection court this morning, two cases needed a Spanish interpreter, but only one was available. Parties from each case needed to talk with a guardian ad litem before the hearing, so one set had to wait while the other met with the guardian and interpreter.
- ✓ When a no contact order was issued in felony arraignment court today, the defendant asked what he was supposed to do if the victim contacts him. The judge did an excellent job of explaining that it was solely the defendant's responsibility to terminate the contact.
- ✓ I am concerned that the use of acronyms and abbreviations are often not understood by defendants or victims. DANCO, PSI, Rules 20 and 25 are used repeatedly by attorneys and judges. In two cases today, defendants needed to ask for an explanation of one or more of these terms.
- ✓ When the petitioner asked the judge in family court to dismiss the order for protection, the judge made it clear that she was very concerned for the petitioner's safety. When the petitioner turned down the judge's offer to amend the petition from no contact to no abuse, the judge reluctantly dismissed the order and told her never to hesitate to come back to court in the future.
- ✓ In a revocation hearing for a defendant who violated his probation, the judge did a very thorough job of explaining why he was going to execute the 21-month prison sentence, noting how the defendant had not fostered trust with the court by blatantly violating the no contact order.
- ✓ A jury trial was scheduled to start today for a fourth degree criminal sexual conduct case, but the defendant asked for a continuance. The judge was reluctant to agree to it because of the many continuances already granted. One hearing scheduled for March was rescheduled five times, and when it was finally heard in June, the defense requested another continuance. The judge went through each date in the case's history where the defendant had made such a request and stated that yet another continuance was unfair to the victim. But in the end, the judge continued the trial again for another three months.
- ✓ The judge in order for protection court today was very involved in each case and concerned for petitioner safety. She asked petitioners if they had or wanted an advocate, ensuring they had the support they needed. In three of the cases, the petitioners wanted to dismiss the orders, and in each case, the judge gave the option of amending the order to allow contact, but not physical violence. All three petitioners chose to have the order amended.

Case Summaries

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GAIL ELIN GAGNE

Gail Elin Gagne, 28, a teacher at Cretin Derham Hall high school, was charged with two counts of felony third degree criminal sexual conduct for sexual abuse of a student. The victim, age 16, told investigators that he met Gagne while working in the weight room at the school, where she was the supervisor. He reported that Gagne invited him out to restaurants, gave him rides home from school, and initiated sexual contact with him on several occasions, which included sexual penetration.

Gagne pleaded guilty to a reduced charge of fifth degree criminal sexual conduct, a gross misdemeanor. Judge Richard Scherer sentenced her to 360 days in the workhouse with 360 days stayed for 364 days. She was placed on supervised probation for 364 days with the following conditions: supply a DNA sample; register as a predatory offender; no contact with the victim or the victim's family; no same or similar; and remain law abiding. Judith Hawley was the prosecutor, and Earl Gray was the defense attorney.

ERNESTO VIGBIO SINCHI

Ernesto Vigbio Sinchi, 55, was charged with one count each of felony third degree and fourth degree criminal sexual conduct for sexually assaulting a female acquaintance. According to the criminal complaint, Sinchi and the victim were job hunting together when he drove to his apartment building and, while in the car, sexually assaulted her while she struggled unsuccessfully to escape.

Sinchi was convicted of third degree criminal sexual conduct, a felony. Judge Nord stayed imposition of the sentence and placed Sinchi on conditional release for 10 years. Conditions include: serve 180 days in the workhouse; register as a predatory offender; supply DNA sample; attend and complete sex offender treatment; and have no contact with the victim. Judith Hawley was the prosecutor, and Elizabeth Hughes was the defense attorney.

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National Domestic Violence Hotline report

Calls from Minnesotans in 2010 show barriers continue to exist

The National Domestic Violence Hotline was established 15 years ago as a toll-free clearinghouse to connect anyone in the United States to domestic abuse services in their state. The Hotline just released a report with data for 2010 showing that Minnesota ranks twenty-third in calls to the hotline, with 1,511 calls. Forty-nine percent of calls came from Minnesota's five largest cities: Minneapolis (343), St. Paul (203), Duluth (102), St. Cloud (42), and Rochester (40). Hotline calls likely represent only a fraction of those actually seeking services, however, since victims of domestic violence in Minnesota have access to a range of resources in most counties, including shelter and advocacy services.

According to the report, most callers (67%) were seeking direct services for domestic violence, including shelter, individual or group support, or other community services. Another 26% were looking for legal services, the majority of them (53%) seeking help with a protection or restraining order.

An analysis of the calls shows that the vast majority of victims (1,180) were unable to access needed services due to barriers, half in the area of direct services and half in the area of legal services. In 35% of instances where callers tried to access direct services, callers reported no services were available; 16% reported a lack of transportation prevented them from accessing services; and 3% reported that language was a barrier to them receiving services. When callers sought legal services, 52% said they could not afford the services; 25% said legal services were not available; and 4% reported language was a barrier to them receiving legal services. While state and federal policymakers debate funding cuts to legal services, advocacy programs, housing, and other basic services, these numbers remind us that gaps in services continue to exist around the state.