

# WATCH



# POST

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## Everyone is (still) entitled to my opinion

by Susan Lenfestey, WATCH founder

In the early years of WATCH, the WATCH Post was a one-page newsletter, with defendant's criminal histories or "chronologies" on one side and a column on the other side by yours truly called "Everyone's Entitled to My Opinion."

Many things have changed in the nearly 20 years since WATCH began monitoring the courts, including this newsletter. Happily, changes have also occurred in the justice system, many of them based on the research and recommendations of WATCH. But as we've seen in the repugnant comments made recently by a few candidates for high office, attitudes towards women and rape still have a long way to go.

There are changes afoot at WATCH as well. We're pleased to announce that as of November 1, Amy Arcand is the new executive director of WATCH.

Amy comes to WATCH with twelve years' experience as the executive director of neighborhood organizations on Minneapolis' north and south sides. While in her current role as Executive Director of the Corcoran Neighborhood Organization, Amy co-created Women WISDOM, a neighborhood based outreach program to women used in prostitution, and Mujeres en Accion y Poder, a leadership program for Latina women. She recently began working with the Sexual Violence Center and their La Voz del Cambio prevention initiative.

Amy's impressive background includes a Masters Degree in public affairs from the University of Minnesota's Humphrey Institute, where her research centered on gender bias in elected office. At the Humphrey she also received the Thomas Swain Fellowship for Leadership.

WATCH is also launching two new monitoring projects – one on guns, the other on sex trafficking.

Due in large part to the leadership of WATCH, a pilot project in the 4th judicial district is scheduled to begin in January. Its goal is to make sure that guns are not left in the hands of domestic abusers. Guns have been used in the majority of domestic violence homicides in Minnesota in the past three years (and it appears this year will be a repetition). For ten years state law has required certain domestic violence defendants to surrender their guns, but the law is not being enforced in our district. We have high hopes the pilot project will change that, and are working with many dedicated partners to help the project succeed.

Local and national initiatives are bringing pressure on the justice system to change how cases of prostitution and sex trafficking are prosecuted. As a result, Hennepin County saw its first trial (and conviction) under the trafficking statute earlier this year and WATCH is keeping a close eye on how trafficking cases are handled in

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## What's new

### Board news

WATCH is pleased to welcome three new members to the board of directors.

Andrea Caro became interested in WATCH's mission through the Management Assistance Project's Best on Board program. Originally from Argentina, Andrea has more than 12 years of experience at Cummins, Inc., leading teams and developing, implementing, and evaluating business strategies across the U.S., Asia, Europe, and Latin America. She spearheads the Cummins United Way campaign and coordinates a sponsorship relationship between the company and a local nonprofit.

Andrea has worked extensively with team collaborations and brings a deep understanding of how to promote change by working across disciplines toward common goals. She is excited to bring these and her skills in organizational development, program planning, and evaluation to WATCH.

Anne Cross is a sociologist and professor in the School of Law Enforcement and Criminal Justice at Metro State University.

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# Case summaries

WATCH participates on the Gun Surrender Committee in Hennepin County, which, to quote its mission statement, “seeks the fair and effective implementation of existing state law regarding the possession or use of firearms by persons accused of, charged with, or convicted of crimes of domestic violence through working with the Courts, Legislature and law enforcement to meet these goals.” The committee is currently working to initiate a gun surrender pilot project in Minneapolis’s designated domestic violence court.

The 2011 Femicide Report documents that 52 percent of the year’s homicides statewide were committed using a firearm. The preliminary 2012 report suggests that number will remain the same or even increase.

WATCH monitors domestic assault cases involving firearms in court. Following is a sampling of cases observed in the past six months along with details of any past criminal histories involving domestic violence or firearms.

## DAVID ERIC SAVAGE

David Eric Savage, 39, was charged with felony prohibited person in possession of a firearm, felony second degree assault, and felony kidnapping. After his wife told him to move out and applied for an order for protection, Savage came to her residence, displayed a handgun, and ordered her inside. Fearful of being killed, the victim fled, and he chased her. Officers arrived on the scene and observed the defendant standing over the victim behind a gas station. They recovered a semi-automatic handgun with one round in the chamber.

At the time, Savage was prohibited from possessing a firearm due to a prior conviction of second degree assault committed against an ex-girlfriend. He has two additional domestic assault convictions.

The charges were later amended, and Savage pled guilty to felony possession of a firearm. Judge Luis Bartolomei sentenced him to 60 months in prison with credit for 64 days. Monte Miller was the prosecutor, and Paula Brummel was the defense attorney.

## DIJOHN NIGEL DONALD

Dijohn Nigel Donald, 20, was charged with felony second degree assault and felony terroristic threats for pointing a gun at his sister and threatening to shoot her while she was in bed with her one-year-old child. Two witnesses, including the mother of the defendant and victim, intervened.

Donald has a prior conviction for disorderly conduct from a domestic assault and was adjudicated delinquent for possession of a firearm.

Donald pleaded guilty to felony second degree assault and felony terroristic threats. Judge Lyonel Norris sentenced him to 36 months on each count, stayed for three years, a downward dispositional departure from sentencing

guidelines. His extensive probation conditions include attending anger management and parenting classes, obtaining a GED, maintaining employment, supplying a DNA sample, not possessing firearms, and completing a chemical health evaluation and treatment. Deborah Russell was the prosecutor, and Juanita Kyle was the defense attorney.

## KWAME LANCESKI BROWN

Kwame Lanceski Brown, 34, was charged with felony possession of a firearm for illegally possessing a shotgun. According to the criminal complaint, Brown dragged the mother of his children out into the street. He briefly left and returned, at which point the victim heard a click and saw a dark barrel at Brown’s side. When police arrived, officers observed Brown holding a long black gun and then throwing it and fleeing on foot. At the scene, officers recovered a loaded shotgun with one shell inside the chamber.

Brown has a prior conviction for felony possession of a firearm for a 2007 assault committed against the same victim in which he threatened to kill her with a loaded pistol in the presence of their three young children.

Brown pleaded guilty to felony possession of a firearm. Judge Marilyn Kaman sentenced him to 60 months in prison with credit for five days. Hans Larson was the prosecutor, and Nancy Laskaris was the defense attorney.

## What's new

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She uses WATCH research and articles in her courses and shares our commitment to gender and racial equity in the courts. As a former member of the Minneapolis Police Civilian Review Authority, Anne understands the important role independent organizations play in promoting public accountability of government agencies.

Randy deBruyn became a WATCH volunteer monitor last September and is an enthusiastic and thoughtful monitor with a keen eye for courtroom dynamics. Randy joined the board in May and the Development Committee this fall. He is a small business owner with finance expertise and was very active in helping WATCH meet the goals of the Pohlad matching grant.

## Staff news

WATCH owes a debt of gratitude to our two part-time temporary staff, Jill Parrott and Dawn Dougherty Cornell. Jill was formerly a stellar WATCH intern, monitoring court and taking on the mission of keeping our files organized. With support from the Bremer Foundation, we were able to hire her to do administrative work, where she is bringing order back to the office. Dawn returned to WATCH this summer after taking a break to adopt and raise her young son, Emmett. She made sure we met all of our grant deadlines, helped garner support for the Pohlad challenge grant and fall Gala host committee, and has kept our communications up-to-date. Both women are talented, dedicated, and fun, and they made the six-month leadership transition go much more smoothly.

# Volunteer notes

✓ Why don't the judges and attorneys use microphones? They are available but not always used. Much of what is said is hard to hear in the gallery.

✓ In domestic violence court, the judge stated that if people didn't drink alcohol, a half to three quarters of the judges in Hennepin County wouldn't have a job because most of the cases seen occurred while people were intoxicated.

✓ In domestic violence court, the judge explained why a defendant needed chemical dependency counseling *and* a domestic violence program, stating, "There are underlying issues here. Most people who use alcohol do not engage in this kind of behavior."

✓ At an omnibus hearing for a second degree murder case, the prosecuting attorney went to great lengths to ensure that the victim's family was comfortable, understood what was happening with the case, and knew what the next steps were. She then invited them to meet in her office following the hearing.

✓ At the scheduled start time for felony arraignments, the judge came out and introduced himself to the gallery, informed everyone that court would be starting late, and then explained the process for the day. Once court began, he explained "no contact" very clearly to all defendants, stating that it includes no texting, email, or Facebook, and that if the victim approaches them, they need to turn away and leave. He asked each defendant questions and read all of the case information before making a decision.

✓ The judge in order for protection court said that firearms are prohibited when the respondent denies the allegations but agrees to the order. The last time I was in order for protection court, however, a different judge said that with a denial the firearms restriction doesn't apply.

✓ The judge in domestic violence court seemed to explain points quickly, in one case saying "and so forth" instead of explaining all of the conditions of probation to the defendant.

✓ When petitioners filed for dismissals in order for protection court, the judge asked a series of questions including: "Can you tell me in your own words why you want to dismiss?"; "Is anyone pressuring you?"; and "Are you familiar with a safety plan? Do you have one in place?"

✓ The defendant was convicted of domestic assault by strangulation. I monitored the sentencing hearing, but I couldn't hear everything the victim said in her impact statement because some attorneys were talking.

✓ I was monitoring a second degree murder trial and was struck by this contrast--the attorneys were acting so "business-as-usual" while the victim's family was openly grieving in the gallery.

## Everybody is (still) entitled to my opinion

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court. Investigations and prosecutions are complicated by the extreme fear and vulnerability of many victims, as well as historical attitudes blaming and criminalizing those used in prostitution. As in all our efforts, our attention will focus on ways the court ensures the rights and safety of sex trafficking victims are protected.

Court monitoring has a ripple effect. When these "silent" crimes are handled effectively and fairly, more victims come forward to report their crimes, and the justice system sends a message about what is acceptable in our society and what is not.

Keeping WATCH up and ticking during this transition time is Donna McNamara, who stepped up from her role as Director of Communications and Development to serve as the acting executive director of WATCH. While wearing both hats, she managed to lead WATCH with clarity and selfless energy, and inspired us all to dig deeper, reach higher – and keep a sense of humor. She was ably assisted by staff members Kate Hovde, Mandy Iverson, Jill Parrott and Dawn Dougherty Cornell who also stepped up and did twice the work they were hired to do.

Credit is also due to board chair Thompson Aderinkomi and the search committee, all of whom worked overtime with determination and dedication. Many thanks to Larissa Griffin Sponsler, Glenda Dewberry Rooney and committee chair Mary Grace Flannery for their generosity of time and spirit.

Many things have changed since I wrote those old newsletters, but our donors, volunteers and allies in the justice system remain the best cadre of friends any organization could hope for. Everyone is *still* entitled to my opinion, but *that's* a fact.

## SPECIAL RECOGNITION

At a reception on Oct 25th the Battered Women's Legal Advocacy Project (BWLAP) awarded former WATCH executive director Marna Anderson. The award emphasized WATCH's role researching case outcomes and making recommendations to advance justice for domestic violence victims. Marna talked about the role of court monitoring in "telling the truth" about what happens in court, and working with many dedicated partners to make the courts more responsive to victims of violence. Quoting Ellen Pence, whose work advanced justice for battered women around the globe, she reminded us, "Sometimes the truth makes us feel good about the progress we've made and what we've accomplished and sometimes it hurts like hell to see the way things are."

WATCH strives to reflect back to the justice system and the broader community both of these realities—what is working and what still needs to be done—and to use our role to push for a justice system that is more victim-centered. Congratulations Marna!

## WATCH

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Kate Hovde, Court Monitoring Coordinator

Mandy Iverson, Volunteer Coordinator

Donna McNamara, Development &  
Communications Director

Jill Parrott, Administrative Assistant

**Founder:** Susan Lenfestey

**Board Chair:** Thompson Aderinkomi

### Board of Directors:

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Mary Grace Flannery, Jennifer Johnson,

Kate Kelly, Amy Walsh Kern,

Susan Lenfestey, Sara Mushlitz,

Meena Natarajan, Larissa Griffin Sponsler



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## WATCH volunteer of the year

WATCH held its annual volunteer appreciation event on October 16th at the home of volunteer and board member Kate Kelly. The night was capped with the 2012 Volunteer of the Year award presentation. The honor this year (as well as the travelling Lady Justice statue) went to Janet Conn, a long-time WATCH volunteer court monitor and donor.

Since 2005, Janet has been a dedicated, dependable, and thoughtful volunteer. Around the office, she is known for staying late at hearings so as not to miss anything and for taking *very thorough notes* that balance demeanor and overall observations with the facts of the case. We can always count on Janet to participate in and attend our many events as well.

In addition to her volunteer work with WATCH, Janet is president of the Minnesota chapter of *Compassion & Choices*, organizing programs and speaking to people about end-of-life choices and planning. She drives occasionally for *Meals on Wheels* in Edina and also gives her time to Volunteers Enlisted to Assist People (VEAP) and the Edina and Bloomington food shelves. In April, she attended an international conference on women's rights in Istanbul with *The Advocates for Human Rights*. If there was a volunteer action hero, Janet would surely be the model.

Janet and her husband, Mike Debelak, have been married for 25 years. "We are pleased to have cats, not kids," Janet says. Well we're pleased to have *you*, Janet. It is volunteers like Janet who help to improve the courts and ensure that WATCH has a bright future. Congratulations!

## HELP MAKE THE JUSTICE SYSTEM WORK BETTER FOR RAPE SURVIVORS

WATCH is part of Hennepin County SMART—Sexual Assault Multidisciplinary Action Response Team. SMART is a group of 20 organizations that wants the justice system response to rape to be more respectful of victims' rights and safety. If you have been a victim of sexual assault and have sought services in Hennepin County—for example from a counselor, hospital, or the police, add your voice. You can fill out a confidential survey over the phone or online.

Call 612-871-5111 or go to  
<http://www.surveymonkey.com/s/6HJQYFT>