

Addressing Felony Level Domestic Violence: The Stearns County Model

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Stearns County is sending a message that it wants to end domestic violence within its borders. With a county population of over 150,000, St. Cloud and contiguous communities contain common regional features that serve nearly 300,000 people. Thirty nine languages are spoken in the area's largest school district. This urban core contrasts with the surrounding crop land where traditional dairy and poultry farms are still the largest rural industries. The county's poverty rate is 13%.

More than 900 felony complaints are filed annually with the Stearns County District Court. Nearly half of those felony cases fall into the category of crimes against people, followed closely by property crimes and controlled substance crimes.

The Stearns County Domestic Violence Partnership (DVP) was formed in 2008 as the result of a study of use of county jail space. That study revealed that the primary groups of offenders occupying the jail were repeat drunk drivers and repeat domestic violence (DV) offenders – often, the same people. An average of 30-40 felony offenders each year were committing up to three new felony DV offenses apiece, with subsequent charges regularly filed while the first was proceeding through the justice system. A lack of pretrial supervision resources, a lack of specialization, and offenders who were clearly not changing behaviors were taking up time, effort, and room in the jail. A system of meaningful offender accountability was not present. Victim safety was not increased by the existing systemic response to domestic violence.

Stearns County Attorney Janelle Kendall gathered systemic data related to the offenders (criminal, civil, and family court involvement) and called together everyone who had anything to do with domestic violence. The first meeting of department heads, supervisors, line staff, community leaders and judges led to agreement that what was happening was not the best use of resources; something new was clearly needed. The Domestic Violence Partnership (DVP) was born.

During 2008, Stearns County prosecutors, defense attorneys, Mid-Minnesota Legal Aid, judges, court administrators, city police and the county sheriff, jail staff, Stearns County Corrections and Human Services, treatment professionals, and Anna Marie's Alliance, the community domestic violence agency, all met weekly to brainstorm and research best practices based solutions. The DVP closely examined the justice system's traditional approach to the offenders and found unmonitored conditions of release and relatively low bail. The Partnership established protocols and approaches recognizing the dangerousness of these offenders and the vulnerability of their victims.

In April 2009, Minnesota's first DV court, funded by multiple problem-solving and DV-related state and federal grants, opened for business. Two judges are assigned to the court. The focus of the court and the Partnership is accountability for offenders in tandem with services for victims. When an offender is assigned to the court, the victim becomes eligible for expanded legal and social services.

To be assigned to the court, an offender must have a prior felony conviction or a prior domestic violence related felony resulting in a felony or reduced level conviction; all new charges screened in are felony level DV-related offenses. The admission decision is made by the judge, with input from the operations team (including the public defender) at the weekly pre-court staffings.

Minnesota has long mandated arrest of DV offenders; since 2004, Stearns County holds all DV offenders for court. Domestic Violence Court (DVC) screening identifies repeat felony DV offenders while they are in jail immediately following arrest; and pretrial intensive supervision begins immediately. A dedicated probation agent and surveillance agent work together to ensure that violations of conditions of release are identified, including monitoring drug and alcohol use, whereabouts reporting, and compliance with no contact orders. Violations may be charged as an additional crime, or will be addressed at the weekly Domestic Violence Court hearings. With nearly two-thirds of offenders violating pretrial orders, swift and certain accountability requires close monitoring. The experienced probation agent commonly uses moral reconnection therapy and cognitive behavior programs that meet Batterers Intervention Program standards for the engrained behaviors in repeat felony DV offenders. Offenders also have access to chemical dependency and mental health treatment.

At the same time, victims have access to a Mid-Minnesota Legal Aid lawyer, the county attorney's office victim assistance coordinator (VAC), Anna Marie's Alliance shelter and support resources. This team works together to help victims who find that income, housing, and children may all be affected by the violence and the system's response to that violence.

The Legal Aid attorney's role is to protect and serve victims' and their children's needs including child support, eviction and/or housing challenges, property and personal asset protection, and obtaining, modifying and keeping civil orders for protection (OFP). Legal Aid receives victim contact information at the time the offender is assigned to the court. After a conflict check, Legal Aid calls the victim and offers legal help on issues directly related to the crime, from inability to pay rent because of loss of the offender's income at arrest to issues not directly related to the crime such as the failure of a landlord to make a repair. When a victim is ready to end the relationship, Legal Aid is ready to help them. They do not face a waiting list when they have decided to seek safety. Volunteer lawyers have stepped forward to help victims where Legal Aid has a conflict of interest.

While designed to address civil legal problems, the Legal Aid role has evolved to include advising victims about the criminal law process as it relates to the prosecution of the crime against them. Victims have questions about what happens during a trial, what happens if they don't answer a subpoena, and even whether there is a reason for them to refuse to answer a question because it might incriminate them. While the stereotype might be that victims are not cooperating with prosecution because they want to support the offender, in these cases of severe violence, victims report that it may be too dangerous for them to testify.

Partners strive to provide assistance to victims as close to the incident of violence as possible. Legal Aid reaches out to the victim within 24 hours of when the offender is assigned to DVC. Community advocates are often called to the scene of the violence by law enforcement. When an advocate was at the scene in person or spoke with the victim by phone at the scene of

an offender arrest, a pilot project found victims' contact with the shelter increased from 9% to 62%.

The team approach to serving victims ensures that victim needs, which differ depending on living situations involving children, chemical dependency or mental illness, education and employment, are more likely to get appropriate and prompt responses. Victims needing support groups or shelter work with the community advocate. Victims needing help getting to court will work with the prosecutor's Victim Assistance Coordinator. Victims needing legal advice or representation work with Legal Aid. Some work with all three partners, moving between agencies depending on the status of the criminal case and how the victim meets her own needs. The attorney/client privilege provided by Legal Aid and the confidentiality of the community advocates have proven critical to victims' safety and trust in the system.

Research by the Center for Court Innovation indicates that most DV courts hear all levels of domestic violence or focus on misdemeanor domestic violence. However, the Stearns County model focuses resources on the most dangerous – repeat felony offenders. Because of strong efforts to collect data about the work of the partnership, it is known that this new system has resulted in identification of thousands of no contact order violations, measured and substantially reduced substance use, and counted a large reduction in criminal activity by offenders assigned to this court. Each case is individual; victims are heard, and due process rights are litigated and protected. Court is still court – contested hearings and jury trials occur. Upon conviction, pretrial supervision and conditions of release become conditions of probation, and supervision and programming proceeds through three carefully designed phases.

About half of these offenders have changed their behavior; some move on to traditional supervision and some are off probation. The other half who do not follow rules and continue to commit new crimes, primarily DANCO (domestic abuse no contact order) violations, go to prison. True accountability for offenders comes in many ways. The enhanced surveillance, plus a detailed information sharing system among county-wide law enforcement, plus improved communication between partners brings a level of supervision and knowledge of activities that includes employment, education, substance use, and most importantly, physical whereabouts. After 4 years of operation, of the offenders who did not go prison, only 13% committed new assaults. This is a substantial reduction from the average of three new charged offenses a year each from this group of offenders.

In addition to reducing crime, court processing time has been reduced by nearly a third. The presence of the same team avoids duplicity, manipulation, and delay. If an offender can't follow the rules, he goes to prison. If he can, he doesn't need to be in jail. The Stearns County model has reduced crime, brought efficiency to this part of the criminal justice system, and increased collaboration among community partners at an unprecedented level.

The victim side of the partnership shows similar results; at least 88% of victims have received help from Legal Aid. At the start of the process, victims have not usually decided to leave the offender; they (or someone else) called the police because they wanted a particular incident to stop. Still, at least 50 per cent of victims are now known to have left the offender, after receiving the support from lawyers and advocates provided by this project. Prior to DVC, similar victims dropped or dismissed more than 50% of OFPs. In DVC, victims dismiss only

13% of OFPs. Victims also have legal help as they navigate the criminal law system, something that has not been available to low-income victims in the past. Some victims testify because they have the chance to get legal advice about that testimony.

The project continues to identify areas to improve, and strategies to work more effectively. All partners remain heavily engaged as new challenges are identified – victims who opt against services, effects on children in these homes, and post-prison reoffending. A project designed to provide services to children exposed to trauma is now working out of the St. Cloud Police Department. Contacts have been made with State Correctional Facilities to develop strategies related to programming in prison and transition from prison back into the community. A research project is being conducted to evaluate the effectiveness of victim services, and to identify gaps in services that would help victims during both the immediate crisis and the aftermath.

Three of the originally grant funded positions are now a permanent part of the Stearns County budget and the fourth, the Legal Aid attorney, has been successfully grant funded due to the ongoing data and real life story accomplishments of this program. It's beyond any one agency – it's the entire community working hard to embed this innovative approach. It is working.

Stearns County Attorney Janelle Kendall concluded, “From the outset we agreed that the violence had to stop – whether the offender was in jail, the victim left, or the offender’s behavior changed. Through a combination of strategies, we have reduced the violence and generational damage being done at a level beyond even our own expectations. We continue to look for better ways to serve these victims and their children and support better behavior from these offenders. We had to do something different and we are glad that this is working.”

Janelle Kendall was first elected the Stearns County Attorney in November of 2002. Kendall is Past President of the Minnesota County Attorney’s Association and has served on the MCAA Board of Directors since 1999. She is presently a member of the Board of the National District Attorney’s Association. Public safety is her office’s primary goal. Annually, Kendall and her office prepare and present over 60 hours of law enforcement training to at least 500 law enforcement personnel and attorneys statewide on a myriad of public law and public interest topics such as bullying prevention, search and seizure, domestic violence, and the effective use of county jail space.

Ann Cofell has been deputy director of Mid-Minnesota Legal Aid since 1983. She presently supervises MMLA’s offices in St. Cloud and Willmar. Cofell and her offices have been leaders in looking for opportunities to creatively meet client needs through community partnerships including the Stearns County Domestic Violence Court Partnership, Project Care (a health insurance access partnership), and a Medical/Legal Partnership with CentraCare Health System.