

# Family Violence Coordinating Council

# 2009

Annual report of the Fourth Judicial District  
Family Violence Coordinating Council serving  
Hennepin County.



**MINNESOTA  
JUDICIAL BRANCH**

**FOURTH JUDICIAL DISTRICT**



May 13, 2010

Chief Judge James T. Swenson  
Fourth Judicial District Court  
300 South Sixth Street  
Minneapolis, MN 55487

Dear Judge Swenson:

The members of the Hennepin County Family Violence Coordinating Council (“FVCC”) are pleased to present you with our 2009 Annual Report.

The FVCC was chaired by co-chair Judges Susan Robiner and Lloyd Zimmerman throughout the year assisted by FVCC Executive Director Nancy Peters. Although much of the good work of the FVCC takes place at the committee level, the FVCC had a productive year as illustrated below:

- The FVCC developed, approved, published and publicized a resolution that court funding cuts not jeopardize lives of domestic violence victims through programs, services and access to courts. The full resolution is attached as Appendix A to this report.
- The FVCC formally endorsed the domestic violence bench book developed by the Family Law Section of the Hennepin County Bar Association and developed strategies for disseminating the bench book. The “Domestic Violence Bench Book” is attached as Appendix B to this report.
- The FVCC instituted “Heard on the Street”, a standing agenda item in which all Council members share what they have heard in the community related to domestic violence issues, initiatives, and innovations, in order for the Council to assess whether it should seek to involve itself.
- The FVCC continues to update its membership roster in order to achieve full compliance with its bylaws which require that there be council representation across our community including the courts, prosecutors, public defenders, advocacy community, educators, medical community, law enforcement, and corrections.

There were several new appointments and resignations from the FVCC. We thank those who are no longer on the FVCC but who provided valuable service during their appointments; and heartily welcome our new voting members.

Throughout the year, the FVCC welcomed many guests who presented information during their monthly meetings. Guest speakers included Chief Judge James Swenson and Judicial District Administrator Mark Thompson, who presented a district court budget update; Judge Regina Chu, who presented on gun surrender protocol; Judge Tanja Manrique, who presented on Family Court issues as they relate to domestic violence; Katie Brey and Susan Ledray from Court Administration, who spoke about the changes in staffing of the Domestic Abuse Service Center (DASC) and the reassignment of harassment petitions from DASC to the Self Help Center; Deena Anders from the Domestic Fatality Review Team spoke to FVCC as did Dianna Stair from “Safe at Home” which provides confidential mailing addresses to domestic abuse victims; Deirdre Keys spoke on stalking; President Pamela Alexander from the Council on Crime and Justice spoke about a grant from the Minneapolis Foundation to work with families with children who have witnessed domestic violence; and Mark Anderson from the Barbara Schneider Foundation spoke about the connections between persons with mental illness and domestic violence.

The FVCC Executive Committee (EC), comprised of all committee chairs, met regularly through the year crafting agendas for the FVCC meetings and identifying and scheduling speakers for the FVCC. However, the focus of its work in 2009 was to develop a strategic plan which was ultimately approved by the FVCC as a whole at their April 2010 Council meeting. In 2009, the EC charged itself with identifying overarching goals and objectives for the FVCC and tackled this task by first identifying pressing issues in the domestic violence community. This was done through an external literature review of best practices reports and audits from other domestic violence focused agencies, including the 2008 Report of the Domestic Fatality Review Team and the Battered Women’s Justice Project Safety and Accountability Audit. It also engaged in facilitated idea generation with the FVCC which included open brainstorming sessions and an internet survey of members. Through these exercises EC was able to present to FVCC prioritized goals around which they built a strategic plan. The strategic planning process was kicked off with a half-day retreat facilitated by Stepheni Hubert, who continued to assist the EC as it created the strategic work plan. That work was largely complete by the end of the year and the strategic work plan was recently approved by the FVCC. The strategic work plan is attached as Appendix C to this report.

The Civil Committee (CC) of the FVCC met regularly in 2009. They continued the work of addressing issues that come up in Orders for Protection (OFP) and Harassment Restraining Order (HRO) courts which include service issues related to OFPs and filing and courtroom procedure for harassment petitions and orders. The CC is also monitoring the possible budget cut impacts on the functioning of both the Self Help Center and the Domestic Abuse Service Center (DASC). In 2010, the CC intends to engage in goal setting.

The Criminal Committee (CC) met monthly in 2009, its membership consisted of representatives from the prosecutor’s offices, advocacy agencies, probation, district court administration and community based organizations. In 2008, the Gone on Arrivals (GOA) workgroup distributed a report detailing best practices regarding the processing of these domestic violence GOA cases to

all Hennepin County prosecutors and police agencies. In 2009 the GOA best practices report was summarized in a short visual PowerPoint format for police departments to use as an internal training tool. This workgroup is headed by Lea De Souza. A Revocation Issues workgroup was formed to identify ways that the revocation process can be improved for each of the CC members' areas of practice by identifying ways that revocations can be standardized across the different divisions of the court. The CC sponsored a CLE seminar during October entitled "Echoes of War: Working with the Combat Veteran in Criminal Court." During that presentation, which was attended by close to 90 prosecutors, advocates, probation officers, defense attorneys and other court personnel, information was shared about the effects of post traumatic stress disorder (PTSD) on returning veterans and its effects on the families of returning veterans. The CC also had a presentation by Marna Anderson about WATCH's Strangulation Report which provided an overview of strangulation cases prosecuted in Hennepin County since 2005 when strangulation was made a felony by statute.

The Advocates Committee (AC) met most months in 2009, with its members discussing problems in the OFP filing process due to funding cuts affecting DASC, shared information about victim experiences with law enforcement and prosecution, and determined interest in having various speakers meet with advocates during regularly scheduled AC meetings. Informal information sharing has been a primary component of these meetings in recent months.

The Child / Juvenile Committee (C/JC) met monthly in 2009. Its membership consisted of representatives of child protection, adult and juvenile probation, advocacy agencies, county attorney, and community-based organizations. The C/JC discussed ways in which it could focus community and court attention on children who live in homes that experience domestic violence. Members exchanged information informally on how their agencies addressed this issue and hosted a viewing of a video "Safe from the Start" which included a presentation on trauma and child brain development. The C/JC hosted a Resource Fair on October 15, 2009 entitled "From a Child's Perspective: The Impact of Domestic Violence on Children" on the public service level of the Hennepin County Government Center. Approximately 20 community organizations staffed booths. Pamela Alexander, president of the Council on Crime and Justice spoke to the crowd over the lunch hour.

The Community Outreach Committee (COC) was productive this year, mostly defining the newly re-formed committee. It set four goals: 1) work with and assist FVCC administrative staff on the list of members and committee; 2) meet with and plan with the EC ways to improve attendance at the FVCC meetings; 3) create a flyer / brochure for prospective members informing them of the FVCC's purpose and goals; and 4) create a Web site with information on the FVCC. It largely met the first two goals and continues to work on the last two goals with the active involvement of Executive Director, Nancy Peters. The COC added an additional goal as a result of recent media coverage regarding domestic homicides. The COC decided to establish a media kit or train media at the direction of the EC. However, it subsequently learned that the Minnesota Coalition for Battered Women (MCBW) is working on these concerns at the state-wide level, and therefore one of the COC members will be attending MCBW's meetings and reporting back to the COC on progress and how it may be of assistance.

The FVCC believes that its efforts reported here are significant. As co-chairs, we extend our appreciation to all of the FVCC and committee members for their dedicated efforts during 2009. As the FVCC continues its work in 2010, its members remain true to its mission of enhancing system accountability and fostering innovative approaches to prevent and address domestic violence as a public policy priority. Thank you for your continued support.

Sincerely,

/s/SMRobiner

Judge Susan M. Robiner  
FVCC Co-Chair

/s/LBZimmerman

Judge Lloyd B. Zimmerman  
FVCC Co-Chair

cc: Assistant Chief Denise D. Reilly  
FVCC Members

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### Acronym Key

AC	Advocates Committee
BWJP	Battered Women’s Justice Project
BWLAP	Battered Women’s Legal Advocacy Project
CC	Civil Committee
C/JC	Child / Juvenile Committee
CrC	Criminal Committee
DAP	Domestic Abuse Project
DASC	Domestic Abuse Service Center
DV	Domestic Violence
EC	Executive Committee
FVCC	Family Violence Coordinating Council
GOA	Gone On Arrival
HRO	Harassment Restraining Order
MCBW	Minnesota Coalition Battered Women
OC	Community Outreach Committee
OFP	Order For Protection

## COMMITTEE REPORTS

### Civil Committee

The Civil Committee (CC) of the FVCC met regularly in 2009 on the fourth Thursday of the month at 12:30 p.m.

The CC continued the work of previous years in addressing issues that come up in Orders for Protection (OFP) court and Harassment Restraining Order (HRO) court. The CC's aim was to work through the committee to become better educated on the issues pertaining to OFPs and HROs, and to explore ways to resolve those issues.

Goals throughout 2009 were to review OFP service and general issues; review HRO court and filing procedures; review the impact of budget cuts on DASC and the role of Self Help Centers; review its purpose and to set goals for 2010.

The CC continued to monitor permanent OFPs which began in 2008. One service issue the CC faced was getting service information to civil/family courts when the deputies serve a short form in criminal court. Specifically, service at the suburban courts was difficult with deputies not sending the affidavits of services to the civil division, especially at Brookdale, where they are very busy. The CC asked the court deputies to fax the affidavit right away and then mail the original to alleviate this issue.

Another issue the CC faced was conflicting information regarding the court's financial support of publication as a means of alternative service. The CC discussed the issue with Judge Manrique and she informed the CC that although some of her colleagues have authorized publication, there has not been a change in the Bench Policy. The court cannot afford to pay for publication and has not paid for some time now. There is always the option of general delivery when there is absolutely no address, and the client can come to the court and tell the judge personally that he/she does not have an address.

The CC also worked on safety planning with clients regarding the enforcement of Service by Alternate Means (SAMS) OFP violations. There have been issues prosecuting violations of OFPs when they were served by alternate means because the prosecutors could not prove the respondents had actual knowledge of the OFP and therefore respondents could argue there was no intent to violate the terms of the order because there was no knowledge of the order. Additionally, the CC worked on how to send SAMS to multiple locations to increase the likelihood that the respondent is served via mail.

A general issue the CC faced was modifications to OFPs with certain judges. An example being an advocate and three clients went to court to dismiss their OFPs and after talking to an advocate decided to attempt to modify the OFP to a protection-only OFP rather than dismissing it altogether. The judge refused to let the clients amend their orders so all three clients ended up dismissing their orders. Other clients have amended their orders with other judges with similar facts. According to Minn. Stat. §518B.01 subd. 11, one can modify an OFP after notice to all parties and a hearing, which may be why that judge refused to let them amend the order (even though they were asking for less protection) without the appropriate paperwork or notice. A few

ideas to address this are to see if court administration can suggest to clients calling for a hearing to dismiss their orders to talk to advocates first; have the AC discuss it so the advocates can be aware of the issue and tell clients about the option of amending order to protection-only instead of dismissed; and contact MCBW to see if this is something they might want to address in the next legislative session—when clients are seeking less protection, they can seek a modification without needing the same notice.

The CC continued to monitor harassment restraining order court issues which began in 2008. The CC invited harassment court mediators to a meeting to discuss the mediation procedure in HRO court and the services provided and how those services are provided to domestic violence victims.

The CC learned that HRO mediators are governed by Minn. Stat. § 494 and other operational guidelines. According to Minn. Stat. § 494, the mediators are not to provide mediation to victims of domestic violence. Mediators meet with the referee before the HRO calendar starts in the morning to screen out cases that involve domestic violence.

Screening is determined in two ways: 1) the petitioner checks a box on the HRO petition stating there is an intimate relationship between the petitioner and the respondent and these cases are screened out of the mediation process; or 2) statements contained in the HRO lead the mediator and the referee to conclude domestic violence, and sometimes stalking, is occurring.

Once the parties are in mediation, they are offered some choices on how to settle / mediate the situation. One option is a mutual HRO regardless of whether the respondent has filed a petition for an HRO. The mediators do not explain the legal consequences of a mutual HRO. They are concerned about the unauthorized practice of law and thus rely on the referee to provide the legal explanation and possible criminal ramifications to the parties. Another option provided by the mediators is “continuance for dismissal” of the HRO. There was discussion about the problems with this language, specifically law enforcement is unclear about whether a HRO that has been continued for dismissal is still a valid order and thus law enforcement is often not enforcing these orders. The mediators are interested in better language for them to use because they do not want to cause confusion for law enforcement and want the orders to be enforced.

If an agreement is reached between the parties, the mediators write up the agreement and it is presented to the court. If a victim of domestic violence is not screened out in the initial screening process or if the victim tells the mediator they are a victim of domestic violence, mediation should cease. A victim may need to be very clear that they are a victim of domestic violence. If a mediator either discovers domestic violence, by being told directly or believes domestic violence is occurring, the mediator is trained to explain to the parties that the mediation is not working out and thus they will not be going forward. The mediators also expressed that they want to have an open communication process and want to work together to create a process that works for all.

The CC raised concerns with the “continuance for dismissal” language in 2008, as the terms raise confusion for law enforcement because it is unclear whether an HRO is still a valid order and therefore they are not enforcing them. Following this year’s speakers, the HRO court referees advised that they will no longer be using the “continuance for dismissal” language.



As a result of budget cuts, the writing and filing of HROs moved out of DASC as of August 1, 2009. The CC monitored the effects of this and assisted in making sure that the stalking and sexual assault cases remained at DASC so clients would have access to advocacy services. This move has been extremely helpful to advocates and petition writers at DASC, and has freed up their resources to assist more victims filing for OFPs.

The CC continued to assess the effects of budget cuts, which began in 2008. There were many issues regarding court funding. Beginning July 2009, there were 45 expected positions that were not to be filled, and there were 4 employees at DASC instead of 6.

The CC monitored the DASC cuts and assisted with other ways of handling them. One solution was to move the non-domestic violence (neighbors) HROs from DASC to the Government Center Self Help Center (SHC). The goal was to keep stalking and domestic cases at DASC and to change the HRO format to a computer terminal at the SHC.

Another solution came from Judge Manrique. She spoke to the FVCC regarding enhanced coordination of community based petition writing. She addressed the issue of the budget woes and stated that DASC is a gold standard as we provide more than just the forms, as required by statute. She also stated that the reduction in district court employees is permanent. As a result, she asked for a community coordinated response. The cutbacks of hearings on the OFP calendar from every day to only three days a week, and with only 25% of respondents requesting hearings, advocates presumably have more time to write OFPs rather than being in court. Of the 2,300 OFPs written at the time, 1,900 were written by DASC and only 400 were written by other DV agencies. The FVCC gave some ideas to increase coordination and efficiencies among the DV agencies, including electronic filing and updating DV agency equipment. A separate pilot project regarding fax filing stemmed from these issues, and the CC gave input to those members. Fax filing was expanded to all DV agencies as of February 1, 2010.

In order to help with budget cuts, the SHC at the Government Center provided additional assistance by taking on the writing and filing of HROs. As a way to monitor this process and the screening process of DV clients in family court as well, the CC invited Reggie Wagner to present information on services offered at the family court SHC for clients and attorneys alike, including forms, and answering procedural questions. Ms. Wagner also described how the SHC staff tries to screen for domestic violence to provide appropriate referrals and eliminate back and forth travel between the Family Justice Center and the Government Center. The CC started planning training for the SHC on how to screen for domestic violence to be held in 2010.

Beginning in February 2009, the CC had a new judicial liaison, Judge Ivy Bernhardson. Beginning in September, the CC also had new co-chairs, Erin Wacker and Melanie (Smallwood) Lowin from Tubman. With the new leadership, the CC spent significant time goal setting to determine next steps and roles for the CC.

### **2010 Goals:**

1. Training:
  - a. Self Help Center DV training

- b. Child Support DV training (on consequences to victims of domestic abuse when seeking paternity/child support)
  - c. Child Protection training for advocates and attorneys appearing in domestic abuse proceedings on how best to help clients in OFP hearings when they have an open Child Protection case
2. Monitor HROs
  3. Following statute for other relief like Ramsey County
  4. Expand CC to other settings (paternity, divorce, child support, visitation) and how to interact with other parts of the system to intervene with parties
  5. Establishment of paternity and HROs.

Respectfully submitted by Melanie Lowin and Erin Wacker, Co-chairs

Committee Members:

Marna Anderson, WATCH; Beverly Balos, University of MN School of Law; Judge Ivy Bernhardson, District Court; Katie Brey, District Court Administration; Sarah Coulter, WATCH; Sue Fite, Domestic Abuse Service Center; Rana Fuller, BWLAP; Melanie Lowin, Tubman; Brenda Magoba, Tubman; Judge Tanja Manrique, District Court; Judy Mathison, Domestic Abuse Service Center; Laura Mitchell, Home Free Community Programs; Heidi Rivkin, Tubman; Judge Susan Robiner, District Court; Carol Tellett, Family Court Services; Erin Wacker, Tubman; Beth Wolhart, Cornerstone.

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**Criminal Committee**

The Criminal Committee (CrC) of the FVCC met monthly in 2009 and its members consisted of representatives from the prosecutor’s offices, advocacy agencies, probation, district court administration and community based organizations. A list of members who were active members of the CrC during 2009 is included at the end of the report.

The CrC is pleased that during 2009 our membership grew to include increased representation from practitioners involved in felony level domestic violence cases and from practitioners working in the suburban courts. The CrC is also pleased that this multi-disciplinary and multi-jurisdictional group of professionals continues to hold lively discussions about issues arising in the criminal courts, and that the CrC make-up allows for a broader analysis of the impact of changes in the law and to the way that domestic violence criminal cases are handled in Hennepin County because of the many perspectives and jobs of those serving on the CrC.

The CrC spent time at each meeting discussing current issues, new initiatives and developments in criminal laws regarding domestic violence. Issues discussed included: legislative changes and proposals, the impact of budget cuts on domestic violence cases, changes in the court’s calendaring and the development of the blocking system, and changes in the probation department. These discussions allowed for the sharing of information about these issues or new initiatives, and provided a forum for discussion regarding their impacts on the work of all CrC members.

In 2008, the Gone on Arrivals (GOA) workgroup distributed a report detailing best practices regarding the processing of these domestic violence GOA cases to all Hennepin County prosecutors and police agencies. Following the distribution of that report, in 2009 the workgroup began receiving requests from police agencies for more information about how to implement GOA best practices, and Lea De Souza, Michelle Jacobson, and Liz Cutter from the Hennepin County Attorney's Office were invited to provide a 2 hour training at the Brooklyn Park Police Department as part of their in-service training for officers. In 2009 the GOA best practices report was summarized in a short, visual PowerPoint format for police departments to use as an internal training tool. This workgroup is headed by Lea De Souza.

A Revocation Issues workgroup was formed to identify ways that the revocation process can be improved for each CrC member's area of practice, and by identifying ways that the processing of revocation matters can be standardized across the different divisions of the court. This workgroup is headed by Nancy Halverson.

The CrC sponsored a CLE seminar during October entitled "Echoes of War: Working with the Combat Veteran in Criminal Court". During that presentation, which was attended by close to 90 prosecutors, advocates, probation officers, defense attorneys and other court personnel, information was shared about the effects of post traumatic stress disorder (PTSD) on returning veterans and on the families of returning veterans. Information about resources for veterans in Hennepin County was also distributed. Presenters included Brockton Hunter, criminal defense attorney; Hector Matascastillo, veteran; Heidi Carlson, lead therapist for the men's program at Domestic Abuse Program (DAP); and Milton Schoen from the Hennepin County Veterans' Services.

The CrC also had a presentation by Marna Anderson about WATCH's Strangulation Report which provided an overview of strangulation cases prosecuted in Hennepin County since 2005 when strangulation was made a felony by statute.

### **2010 Goals:**

1. Identify and close gaps relating to the issuance, enforcement and prosecution of Domestic Abuse No Contact Orders in Hennepin County
2. Improve the probation revocation process in Hennepin County
3. Expand the current Domestic Violence Court best practices into all courtrooms in Hennepin County

Respectfully submitted by the Criminal Committee

Committee Members:

Michelle Jacobson, chair, Minneapolis City Attorney's Office; Jennifer Inz, vice-chair, Eden Prairie City Attorney; Marna Anderson, WATCH; Rebecca Arendts, Hennepin County Community Corrections & Rehabilitation; Carol Arthur, Domestic Abuse Project; Tonya Berzat, Hennepin County Attorney's Office, Domestic Abuse Service Center; Janice Blackmon, Hennepin County Community Corrections & Rehabilitation; Anna Krause Crabb, Minnetonka

City Attorney's Office; Lea De Souza, Hennepin County Attorney's Office, Domestic Abuse Service Center; Carol Engel, Hennepin County Community Corrections & Rehabilitation; Dana Feddema, Hennepin County Community Corrections & Rehabilitation; Mike Gephart, Hennepin County Community Corrections & Rehabilitation; Nancy Halverson, Hennepin County Community Corrections & Rehabilitation; Rachel Hawkins, Sojourner Project; Jay Hester, Hennepin County Community Corrections & Rehabilitation; Mary Hoogheem, Minneapolis City Attorney's Office; Kim Johnson, Hennepin County Community Corrections & Rehabilitation; Laura Landis, Home Free; Brenda Langfellow, District Court; Aaron Milgrom, Domestic Abuse Project; Rachel Ratner, Sojourner Project; Vicki Riven, District Court; John Staloch, Hennepin County Community Corrections & Rehabilitation; Lauren Teetzen, Home Free; Betty Turner, Home Free; Rita Weimar, District Court; Gretchen Zettler, Minneapolis City Attorney's Office.

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### **Advocates Committee**

The Advocates Committee (AC) of the FVCC met most months of 2009 to discuss problems in the Order for Protection filing process due to funding cuts affecting DASC, and participated in discussions with Judge Manrique regarding ways to save time and money by faxing OFP petitions for signing. The August meeting was a training session at Cornerstone on advocate needs for self care to avoid compassion fatigue.

The AC invited probation to meet with and talk about their work and how it intersects with advocacy. As a result of the meeting with probation, the advocates' referral list (Appendix D) was updated and circulated. The AC meetings continued to operate as information sharing opportunities as well.

Several meetings were devoted to discussing the development of a protocol on responding to requests for modification of criminal "no contact" orders. This issue has arisen several times in the DV Court Steering Committee meetings where both probation and prosecution have expressed hesitation to modify these orders. It was noted that the concerns were the system related to issues around how victims could get court appearances scheduled, when they could be calendared, and the inappropriateness of the system changing the orders. Advocates agreed that victims who request modifications to criminal "no contact" orders have many concerns most appropriately addressed by advocacy and would like women making these requests to be referred to them. Advocates agreed they would all be willing to speak with women so referred regardless of whether or not the woman lives within their service area. The draft protocol is included in Appendix D.

#### **2010 Goals:**

1. Continue to share information about ongoing issues in the courts that affect battered women
2. Attend training(s) on "The Blueprint for Safety"
3. Track/monitor the fax-filing of OFP petitions
4. Develop materials to advise victims about intimidation tactics by batterers that may occur post arrest and preservation of evidence of such tactics

5. Evaluate information available to women regarding Early Neutral Evaluation
6. Increase participation of advocates in the committee, particularly informal resource sharing.

Respectfully submitted by Stephanie Avalon, Chair

Committee Members:

Carol Arthur, Domestic Abuse Project; Stephanie Avalon, BWJP; Vanessa Foster, Tubman; Rachel Hawkins, Sojourner Project; Holly Jacobson, Sojourner Project; Deirdre Keys, BWLAP; Sue Lantto, Project P.E.A.C.E.; Cindy Lyons, Domestic Abuse Project; Janelle O'Brien, Cornerstone; Jen Randell, Domestic Abuse Project; Rachel Ratner, Sojourner Project; Lisa Smith, FBI Minneapolis.

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### **Child / Juvenile Committee**

The Child/Juvenile (C/JC) met monthly in 2009 and meets on the third Tuesday of the month at 12:15 p.m. at the Health Services Building, Suite 1100, 525 Portland Ave. S. Members consisted of representatives of child protection, adult and juvenile probation, advocacy agencies, county attorney, and community based organizations. During the monthly meetings, the diverse group of members focused on the issues affecting children and juveniles whose lives are touched by domestic violence. The C/JC discussed current issues, shared information about participating members' organizations and programming, and worked toward the goals established through group agreement.

The 2009 goals were to research and review "best" or "promising" practices as they relate to the effects of domestic violence on children witnesses by highlighting programs or practices that appear to work, with the goal of advocating to preserve resources for effective programs; to organize a community event to promote awareness of the effects of domestic violence on children; to review the 2008 Domestic Violence Fatality Review Team Report with an eye toward children and juvenile issues, to determine if the results might be the subject of follow up by the committee; and to increase either the membership in the committee or the active participation by current members.

The C/JC began discussions regarding the first and third goals, and plans to refine and continue that work in 2010.

The C/JC successfully met its second goal by hosting a Resource Fair on October 15, 2009 entitled "From a Child's Perspective: The Impact of Domestic Violence on Children" on the public service level of the Hennepin County Government Center. Approximately 20 community organizations staffed booths. Pamela Alexander, president of the Council on Crime and Justice, spoke to the crowd over the lunch hour. The event was well attended, and the feedback from the participants was very positive. The fair was an opportunity for the community organizations to

provide information to the public and domestic violence professionals about their services, as well as to connect with each other. We hope to expand the Resource Fair next year with the assistance of the FVCC.

The C/JC made progress toward the last goal of increasing membership and/or active participation. We have added several new members, including some from organizations or agencies that are currently FVCC members, and some community organizations that are new to the FVCC.

**2010 Goals:**

1. Focus on the issue of children who witness domestic violence with the goal to find or suggest the “best” or “promising” practices for response. This would include: focusing on children who come to the attention of authorities through a call to law enforcement; reviewing the practices of law enforcement agencies, child protection, advocacy agencies and the criminal justice system (prosecution, probation); and bringing together all the different players to ensure that child witnesses are being noticed and provided resources, either directly or through parents and families.
2. Study the issue of the lack of reporting of juvenile romantic domestic violence cases to law enforcement, including stalking. Work with community and advocacy organizations that provide education to juveniles to include additional education and information about reporting.
3. Host an expanded resource fair in October, 2010.

Respectfully submitted by Stephanie Morgan, Chair

**Committee Members:**

Sharon Alexander, Juvenile Probation; Jessica Belland, Home Free; Carlein Cloutier, Home Free; Lisa Eder, County Attorney, Victim/Witness; Nancy Halverson, Adult Probation; Mohammed Hassan, Somali Community volunteer; Tim Horita, Juvenile Probation; Andrea Jegede, County Attorney, Victim/Witness; Gary Keifenheim, Family and Children’s Service; Dave Mathews, DAP; Michelle Meyer, Adult Probation; Stephanie Morgan, County Attorney; Judy Nelson, Sojourner; Mike Poindexter, Cornerstone; Jen Polzin, Tubman; Anthony Scott, Human Services and Public Health Department (HSPHD); Jessica Sonnek, Adult Probation; Tamara Statz, The Storefront Group; Nancy Van Thorre, CornerHouse; Debra Wenlund-Glaser, HSPHD.



**Community Outreach Committee**

The Community Outreach Committee (OC) was productive this year, mostly in defining the newly re-formed OC.

The OC made a decision to work on the FVCC from the inside out. In other words, before we reach out to the community outside of the FVCC, we want to take care of the current FVCC

members. We want to provide information to current and new members in order to build a more solid foundation on which to reach out. We accomplished some of our goals and will continue to work on others through 2010.

The first goal was to “Work with and assist FVCC administrative staff on the list of members and committee chairs as needed.” The OC worked on membership and the membership list throughout the year. The OC learned that there was a grid that went with the Bylaws of the FVCC that was composed by the Bylaws Committee many years ago. The OC tracked down the grid by the end of 2009 and with the new Executive Director were able to find a firm footing on which to base the membership roster.

The second goal was to “Meet with and plan with the Executive Committee ways to improve attendance to the FVCC meetings” with bullet points of “Use the Domestic Fatality Review Team 2007 annual report to identify gaps in possible participant members” and “Ask the Council members to identify possible members where there are gaps.” This was an accomplished goal for 2009. In shoring up the first goal the OC was able to meet and plan with the EC attendance concerns. The FVCC meetings are well attended now, but the OC credits their leadership for the FVCC.

The third goal, “Chair responsible for meeting with the FVCC Co-Chairs and Chief Judge regarding appointment and certificates (suggestions)” was accomplished with the first.

The last two goals set for the OC are still in progress: “Create a flyer / brochure for prospective members informing them of the FVCC’s purpose and goals” and “Create a web site with information on the FVCC—including purpose, goals and annual reports.” These will be the base goals for 2010, and with the appointment of the Executive Director, Nancy Peters, feel certain that these will be accomplished.

An additional goal was added along the way. As a result of the media coverage on recent domestic homicides, the OC was very concerned about the interviews of the neighbor saying, “This is not like him, he’s a good guy.” Then OC decided to pursue the idea of a media kit or training the media at the direction of the EC. Upon some research by Marna Anderson, she connected with MCBW which is working on these concerns at the state-wide level. Ms. Anderson will be attending those meetings and reporting back to the OC if there is anything the FVCC can do or add to the process.

In conclusion, we have seven members on the OC Roster and future meeting dates and times are set at the time of the meeting. We have one request from a participant that the meetings be held on a “fifth” Thursday of the month of which there are four in 2010 to insure attendance, so we will have meetings on those days and others where needed. Please contact the COC chair for dates of meetings if you would like to attend.

### **2010 Goals:**

1. FVCC purpose and goals flyer/brochure
2. Create FVCC Web site to include purpose, goals and annual reports
3. Media kit, training and/ or contact information

Respectfully submitted by Deirdre Keys, Chair

Committee Members:

Deena Anders, Domestic Fatality Review Team; Marna Anderson, Anne Gilmore, Hennepin County Medical Center; WATCH; Deirdre Keys, BWLAP; Cheryl Kolb-Utinen, Cornerstone Advocacy Service; Linda Wold, MSBA, Family Law Section.





**Family Violence Coordinating Council**  
Co-chairs:  
Hon. Susan Robiner  
Hon. Lloyd Zimmerman

**Resolution that Court Funding Crisis Not Jeopardize Lives of Domestic Violence Victims**

Be it resolved by the Fourth Judicial District Family Violence Coordinating Council serving Hennepin County:

Whereas domestic violence is a serious public safety concern affecting thousands of Minnesota families, and the current court budget crisis threatens the ability of the courts and related services to protect families, women, men, and children from harm;

Whereas the Family Violence Coordinating Council (FVCC) was created by Minnesota law to address issues of domestic violence, and to establish and promote interdisciplinary programs and initiatives to coordinate public and private legal and social services and law enforcement, prosecutorial and judicial activities;

Whereas members of the FVCC are appointed by the Chief Judge of the Fourth Judicial District serving Hennepin County, and are recruited from a broad cross section of organizations and institutions in Hennepin County focused on domestic violence, including judges and administrators ; probation and family court services; Hennepin County Sheriff's Office; Suburban Chiefs of Police Association; Hennepin County suburban prosecutors; Minneapolis City Attorney's Office; Hennepin County Attorney's Office; Hennepin County Public Defender; Office of the Guardian Ad Litem; Human Services and Public Health Department; OutFront Minnesota; WATCH; University of Minnesota Law School; Minnesota State Bar Association; the Domestic Abuse Service Center; Cornerstone; Sojourner Project; Casa de Esperanza; Tubman Family Alliance, Home Free; Domestic Fatality Review Team; Domestic Abuse Project; The Initiative for Violence Free Families; Phyllis Wheatley Community Center; Hennepin County Medical Center; and others;

Whereas domestic violence is a crisis affecting thousands of individuals in Minnesota, and according to recent statistics from the Department of Public Safety, Office of Justice Programs, nearly 58,566 Minnesota victims of domestic abuse and violence required advocacy services in one year alone, with 10,426 of these victims requiring emergency shelter;

Whereas the public policy of the State of Minnesota, reflected in a wide range of criminal and civil laws, speaks to the importance of protecting families and individuals from the ravaging effects of domestic violence, and of ensuring that the laws providing protection are vigorously enforced and not diminished;

Whereas Hennepin County is the largest judicial district in Minnesota, with domestic violence cases filed in court for the year 2008 involving at least 600 felonies, 588 gross misdemeanors, 3,318 misdemeanors, and 3,068 civil order for protection filings involving an imminent threat of harm to a partner or child which were received by the Hennepin County Sheriff's Department for service;

Whereas, in the past 20 years, according to the Minnesota Coalition for Battered Women's *Femicide Report*, an annual listing of domestic homicides compiled from news accounts and information provided by law enforcement agencies, county attorneys, court administrators, battered women's programs, and family members and friends of murder victims, in Hennepin County alone at least 136 women, 41 children, and six family members or friends have been murdered as a result of domestic violence;

Whereas, according to the most current Minnesota Crime Survey, domestic abuse victims account for over a quarter of all violent crimes – a conservative estimate in light of data from the Criminal Justice Statistics Center at Minnesota Planning that 83% of all domestic abuse victims do not report one or more occurrences to the police;

Whereas, in threatening and desperate economic times, the risk of domestic violence dramatically increases, exacerbating conditions which are ripe for domestic violence, and requiring more protection and greater resources, not less;

Therefore, be it resolved by the Family Violence Coordinating Council that it supports the Minnesota Judicial Council, the governing body for the State’s courts, to secure adequate funding for the Courts; that it supports the efforts of the Hennepin County District Court to address problems in domestic violence through the court system including services to victims to ensure access to the courts; and that the Council urges the elected leadership of the State of Minnesota to protect and support the laws, institutions and programs that have taken years to develop, which protect victims of domestic violence and abuse, and which are at risk of being eliminated.

Unanimously adopted by the Council on March 12, 2009.

On behalf of the Council:

/s/LBZimmerman

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Hon. Lloyd B. Zimmerman, Fourth Judicial District  
FVCC co-chair

/s/SMRobiner

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Hon. Susan M. Robiner, Fourth Judicial District  
FVCC co-chair

APPENDIX B

**DOMESTIC VIOLENCE BENCH BOOK**

## ARRAIGNMENTS & BAIL HEARINGS

Pursuant to Minn. Stat. 629.72, in cases of domestic abuse, harassment, violation of an order for protection, and violation of a domestic abuse no contact order, the judge shall review the facts surrounding the arrest and the victim or the victim's family's account of the alleged crime before determining the arrested person's release. See **Minn. Stat. 629.72, subd. 2(a)**.

Before releasing a person arrested for or charged with a crime of abuse, harassment, violation of an order for protection, and violation of a domestic abuse no contact order, the judge shall make findings on the record as to whether:

- (1) release of the person poses a threat to the alleged victim, another family or household member, or public safety; or
- (2) there is a substantial likelihood the person will fail to appear at subsequent proceedings.

See **Minn. Stat. 629.72, subd. 2(a)**.

Conditions of release or bail that may be imposed for persons arrested or charged with a crime of abuse, harassment, violation of an order for protection, and violation of a domestic abuse no contact order include:

- (1) enjoining the person from threatening to commit or committing acts of domestic abuse or harassment against the alleged victim or other family or household members or from violating an order for protection or a domestic abuse no contact order;
- (2) prohibiting the person from harassing, annoying, telephoning, contacting, or otherwise communicating with the alleged victim, either directly or indirectly;
- (3) directing the person to vacate or stay away from the home of the alleged victim and to stay away from any other location where the alleged victim is likely to be;
- (4) prohibiting the person from possessing a firearm or other weapon specified by the court;
- (5) prohibiting the person from possessing or consuming alcohol or controlled substances; and
- (6) specifying any other matter required to protect the safety of the alleged victim and to ensure the appearance of the person at subsequent proceedings.

See **Minn. Stat. 629.72, subd. 2(b)**.

Maximum bail for misdemeanor and gross misdemeanors are listed in **Minn. Stat. 629.471**. The chart below contains a brief summary of that law.

Maximum Bail \$2,000	Maximum Bail \$6,000	Maximum Bail \$18,000
Violation of a Harassment Order (M)	Domestic Assault (M)	Domestic Assault (GM)
Obscene or Harassing Phone Calls (M)	5 <sup>th</sup> Degree Assault (M)	5 <sup>th</sup> Degree Assault (GM)
Any Other Misdemeanor Offense	Violation of an Order for Protection (M)	Violation of an Order for Protection (GM)
	Violation of a Domestic Abuse No Contact Order (M)	Violation of a Domestic Abuse No Contact Order (GM)
	Interference with an Emergency Call (GM)	
	Violation of a Harassment Order (GM)	
	Harassment/Stalking (GM)	
	Any Other Gross Misdemeanor Offense	

## CASE RESOLUTION & SENTENCING

Pursuant to **Minn. Stat. 609.2244, subd. 1**, a presentence investigation must be conducted and a report submitted to the court by the corrections agency responsible for conducting the investigation when:

- (1) a defendant is convicted of an offense described in section 518B.01, subdivision 2<sup>1</sup>;
- (2) a defendant is arrested for committing an offense described in section 518B.01, subdivision 2, but is convicted of another offense arising out of the same circumstances surrounding the arrest; or
- (3) a defendant is convicted of a violation against a family or household member of: (a) an order for protection under section 518B.01; (b) a harassment restraining order under section 609.748; (c) section 609.79, subdivision 1; or (d) section 609.713, subdivision 1.

Pursuant to **Minn. Stat. 518B.02, subd. 1**, if the court stays imposition or execution of a sentence for a domestic abuse offense and places the offender on probation, the court shall order that, as a condition of the stayed sentence, the offender participate in and successfully complete a domestic abuse counseling program or educational program.

Pursuant to provisions in each statute, a firearms order should be filled out for defendants convicted of:

Domestic Assault	5 <sup>th</sup> Degree Assault, if the victim is a family or household member of the Defendant <sup>2</sup>
Violation of an Order for Protection	Harassment Stalking

Pursuant to provisions listed below, a defendant convicted of any of the listed offenses shall be sentenced, as a minimum, as follows:

Offense	Minimum Sentence Required upon Conviction	Statutory Authority
Domestic Assault (GM)	20 days, 96 hours served consecutively*	609.2243, subd. 1
Violation of an Order for Protection (M)	3 days & participation in counseling	518B.01 subd. 14(b)
Violation of an Order for Protection (GM)	10 days & participation in counseling	518B.01, subd. 14 (c)
Violation of an Domestic Abuse No Contact Order (GM)	10 days & participation in counseling	518B.01, subd. 22(c)

\* The Court may stay execution of the minimum sentence on the condition that the person sentenced complete anger therapy or counseling and fulfill any other condition as ordered by the court. Minn. Stat. § 609.2243, subd. 1.

<sup>1</sup> Offenses listed in 518B.01, subd. 2 include: (1) physical harm, bodily injury, or assault; (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or (3) terroristic threats, within the meaning of section [609.713, subdivision 1](#); criminal sexual conduct, within the meaning of section [609.342](#), [609.343](#), [609.344](#), [609.345](#), or [609.3451](#); or interference with an emergency call within the meaning of section [609.78, subdivision 2](#).

<sup>2</sup> “Family or household members” mean: (1) spouses and former spouses; (2) parents and children; (3) persons related by blood; (4) persons who are presently residing together or who have resided together in the past; (5) persons who have a child in common regardless of whether they have been married or have lived together at any time; (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and (7) persons involved in a significant romantic or sexual relationship. . . . In determining whether persons are or have been involved in a significant romantic or sexual relationship under clause (7), the court shall consider the

length of time of the relationship; type of relationship; frequency of interaction between the parties; and, if the relationship has terminated, length of time since the termination. Minn. Stat. 518B.01, subd. 2(b).

**Quick Reference Guide for Domestic Assault Related Statutes**

<b>Offense</b>	<b>Statute</b>	<b>Maximum Bail</b>  <b>629.471</b>	<b>Maximum Probation Period</b>  <b>609.135</b>	<b>PSI required upon Conviction</b>  <b>609.2244</b>	<b>Firearms Order required upon conviction</b>	<b>Minimum Sentence required upon conviction</b>	<b>Conviction may be used to enhance a future arrest</b>
Domestic Assault (M)	609.2242, subd. 1	\$6,000	2 years	Yes	Yes	None	Yes
Domestic Assault (GM)	609.2242, subd. 2	\$18,000	2 years	Yes	Yes	20 days, 96 hours served consecutively <sup>1</sup>	Yes
5 <sup>th</sup> Degree Assault (M)	609.224, subd. 1	\$6,000	1 year	No	No	None	Yes
5 <sup>th</sup> Degree Assault with victim as family or household member (M)	609.224, subd. 1	\$6,000	2 years	Yes	Yes	None	Yes
5 <sup>th</sup> Degree Assault (GM)	609.224, subd 2	\$18,000	2 years	No	Yes	None	Yes
5 <sup>th</sup> Degree Assault with victim as family or	609.224, subd 2	\$18,000	2 years	Yes	Yes	None	Yes

<sup>1</sup> The Court may stay execution of the minimum sentence on the condition that the person sentenced complete anger therapy or counseling and fulfill any other condition as ordered by the court. Minn. Stat. § 609.2243, subd. 1. See Minn. Stat. 518B.02 for a description of the standards required for a court ordered domestic abuse counseling or educational program.



household member (GM)							
Violation of an Order for Protection (M)	518B.01, subd. 14(b)	\$6,000	1 year	Yes	Yes	3 days & participation in counseling <sup>2</sup>	Yes
Violation of an Order for Protection (GM)	518B.01, subd. 14(c)	\$18,000	2 years	Yes	Yes	10 days & participation in counseling <sup>3</sup>	Yes
Interference with an Emergency Telephone Call (GM)	609.78	\$6,000	2 years	Yes	No	None	Yes

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<sup>2</sup> 518B.01 subd. 14(b)

<sup>3</sup> 518B.01, subd. 14 (c)

**Quick Reference Guide for Domestic Assault Related Statutes**

<b>Offense</b>	<b>Statute</b>	<b>Maximum Bail</b>	<b>Maximum Probation Period</b>	<b>PSI required upon conviction</b>	<b>Firearms Order required upon conviction</b>	<b>Minimum Sentence required upon conviction</b>	<b>Conviction may be used to enhance a future arrest</b>
		<b>629.471</b>	<b>609.135</b>	<b>609.2244</b>			
Violation of a Domestic Abuse No Contact Order (M)	518B.01, subd. 22(b)	\$6,000	1 year	Yes, if Note 4 (below) applies	No	None	Yes
Violation of a Domestic Abuse No Contact Order (GM)	518B.01, subd. 22(c)	\$18,000	2 years	Yes, if Note 4 (below) applies	No	10 days & participation in counseling	Yes
Violation of a Harassment Order (M)	609.748, subd. 6(b)	\$2,000	1 year	No, unless victim is a family or household member	No	None	Yes
Violation of a Harassment Order (GM)	609.748, subd. 6(c)	\$6,000	2 years	No, unless victim is a family or household member	No	None	Yes
Obscene or Harassing Telephone Calls (M)	609.79	\$2,000	2 years	No, unless victim is a family or household member	No	None	No

				member			
Harassment/Stalking (GM)	609.749	\$6,000	2 years	No	Yes	None	Yes
Any other misdemeanor offense		\$2,000	1 year	Yes, if Note 4 (below) applies	No	None	No
Any other gross misdemeanor offense		\$6,000	2 years	Yes, if Note 4 (below) applies	No	None	No

4 A pre-sentence investigation must be conducted if the defendant is arrested for committing an offense described in 518B.01, subdivision 2, but is convicted of another offense arising out of the same circumstances surrounding the arrest. 609.2244, subd. 1(2). Offenses listed in 518B.01, subd. 2 include; domestic assault, terroristic threats, criminal sexual conduct and interference with an emergency call.

## ENHANCEMENT CHART FOR ASSAULT-RELATED OFFENSES

(Effective for offenses occurring after August 1, 2007)

A prior conviction for a violation of or an attempt to violate one of the following Qualified Domestic Violence Related Offenses will enhance the new charge as noted in the chart below. According to Minn Stat. § 609.02, subd. 16, a **QUALIFIED DOMESTIC VIOLENCE RELATED OFFENSE** is:

**Assault 1<sup>st</sup> to 5<sup>th</sup> Degree**  
(609.221 to 609.224)

**Terroristic Threats**  
(609.713)

**Malicious Punishment of a Child**  
(609.377)

**Domestic Assault**  
(609.2242)  
**Crim Sex 1<sup>st</sup> to 4<sup>th</sup> Degree**  
  
(609.342 to 609.345)

**Violation of an Order for Protection**  
(518B.01 Subd. 14)  
**Violation of a Restraining Order**  
  
(609.748 Subd. 6)

**Violation of a Domestic Abuse No Contact Order**  
(518B.01, Subd. 22)  
**1<sup>st</sup> and 2<sup>nd</sup> Degree Murder**  
  
(609.185 & 609.19)

**Interference with an Emergency Call**  
  
(609.78, subd. 2)

**Domestic Assault by Strangulation**  
  
(609.2247)

**Harassment/Stalking**  
  
(609.749)

NEW CHARGE	Enhanceable to a Gross Misdemeanor if there is a prior conviction	Enhanceable to a Felony if there are prior conviction(s)
<b>Domestic Assault</b> 609.2242	Against a <b>family or household member</b> within 10 years of the date of a prior conviction or adjudication of delinquency (2 <sup>nd</sup> in 10)  609.2242 subd. 2	Against <b>anyone</b> within 10 years of the date of the 1 <sup>st</sup> of 2 prior convictions or adjudications of delinquency (3 <sup>rd</sup> in 10)  609.2242 subd. 4
<b>Harassment</b> 609.749	Should already be a gross misdemeanor	Against <b>anyone</b> within 10 years of the date of a prior conviction or adjudication of delinquency (2 <sup>nd</sup> in 10)  609.749 subd. 4
<b>Assault 5<sup>th</sup> Degree</b> 609.224	Against the <b>same victim</b> within 10 years of the date of a prior conviction or adjudication of delinquency (2 <sup>nd</sup> in 10)	Against the <b>same victim</b> within 10 years of the 1 <sup>st</sup> of 2 prior convictions or adjudications of delinquency (3 <sup>rd</sup> in 10)

<b>Same Victim</b>	609.224 subd. 2(a)	609.224 subd. 4(a)
<b>Assault 5<sup>th</sup> Degree</b> 609.224 <b>Different Victim</b>	Against <b>anyone</b> within 3 years of the prior conviction or adjudication of delinquency (2 <sup>nd</sup> in 3)  609.224 subd. 2(b)	Against <b>anyone</b> within 3 years from the date of the 1 <sup>st</sup> of 2 prior convictions or adjudications of delinquency (3 <sup>rd</sup> in 3)  609.224 subd. 4(b)
<b>Violation of an Order for Protection</b> 518B.01, Subd. 14	Against <b>anyone</b> within 10 years of the date of a prior conviction or adjudication of delinquency (2 <sup>nd</sup> in 10)  518B.01 subd. 14(c)	Against <b>anyone</b> within 10 years of the date of the 1 <sup>st</sup> of 2 prior convictions or adjudications of delinquency (3 <sup>rd</sup> in 10)  518B.01 subd. 14(d)
<b>Violation of a Restraining Order</b> 609.748, Subd. 6	Against <b>anyone</b> within 10 years of the date of a prior conviction or adjudication of delinquency (2 <sup>nd</sup> in 10)  609.748 subd. 6(c)	Against <b>anyone</b> within 10 years of the date of the 1 <sup>st</sup> of 2 prior convictions or adjudications of delinquency (3 <sup>rd</sup> in 10)  609.748 subd. 6(d)
<b>Violation of a Domestic Abuse No Contact Order</b> 518B.01, Subd. 22	Against <b>anyone</b> within 10 years of the date of a prior conviction or adjudication of delinquency. (2 <sup>nd</sup> in 10)  518B.01, subd. 22(c)	Against <b>anyone</b> within 10 years of the date of the 1 <sup>st</sup> of 2 prior convictions or adjudications of delinquency (3 <sup>rd</sup> in 10)  518B.01 subd. 22(d)

**State and Federal Firearm & Pistol Prohibitions Relating to Domestic Violence Offenses**

<b>Person Prohibited from Possessing a Firearm</b>	<b>Type of Firearms Prohibited</b>	<b>Length of the Prohibition</b>	<b>Statutory Authority &amp; Maximum Penalty</b>	<b>Special Notes</b>
Persons convicted of misdemeanor or gross misdemeanor VOFF under 518B.01, subd. 22	Any pistols	3 years from the date of conviction	518B.01, subd. 14(l) Up to 365 days & \$3,000 fine	Court “shall” issue this firearms ban upon a conviction. Ban applies even if the court does not notify defendant of the ban. 518B.01, subd. 14(k)
Persons convicted of 5 <sup>th</sup> Degree Domestic Assault under 609.2242 or 5 <sup>th</sup> Degree Assault under 609.224 if the victim was a family or household member	Any pistols	3 years from the date of conviction	609.2242, subd. 3(e) Up to 365 days & \$3,000 fine	Court “shall” issue this firearms ban upon a conviction. Ban applies even if the court does not notify defendant of the ban. 609.2242, subd. 3(d)
Persons convicted of 5 <sup>th</sup> Degree Assault under 609.224 within 3 years of a prior assault conviction	Any pistols	3 years from the date of conviction	609.224, subd. 3(b) Up to 365 days & \$3,000 fine	Statute does not provide that the firearms ban is still in effect even if the defendant is not notified of the ban by the court. Prior assault conviction must be for 1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , or 5 <sup>th</sup> degree assault
Persons convicted of harassment/stalking under 609.749	Any pistols	3 years from the date of conviction	609.749, subd. 8(c) Up to 365 days & \$3,000 fine	Court “shall” issue this firearms ban upon a conviction. Ban applies even if the court does not notify defendant of the ban. 609.749, subd. 8(b)
Respondent in a valid and qualifying OFP or RO	Any firearm or	While the OFP or RO is in	18 U.S.C. 922(g)(8) Up to 10 years & \$250,000	Must verify that the Order is a qualifying order. (See next page) Military and law enforcement personnel are exempted from this ban

	ammunition	effect	fine	while on duty and when acting in an official capacity
Person convicted of a qualifying misdemeanor crime of domestic violence	Any firearm or ammunition	Life, unless the conviction has been set aside or expunged.	18 U.S.C. 922(g)(9) Up to 10 years & \$250,000 fine	Must verify that the conviction is a qualifying conviction (See next page)

## State and Federal Firearm & Pistol Prohibitions Relating to Domestic Violence Offenses

Under **Minn. Stat. 624.712, subd. 2**, a “**pistol**” is a weapon designed to be fired by the use of a single hand and with an overall length less than 26 inches, or having a barrel or barrels of a length less than 18 inches in the case of a shotgun or having a barrel of a length less than 16 inches in the case of a rifle (a) from which may be fired or ejected one or more solid projectiles by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances; or (b) for which the propelling force is a spring, elastic band, carbon dioxide, air or other gas, or vapor. “Pistol” does not include a device firing or ejecting a shot measuring .18 of an inch, or less, in diameter and commonly known as a “BB gun”, a scuba gun, a stud gun or nail gun used in the construction industry or children’s pop guns or toys.

Under, **18 U.S.C. 921(a)(3)**, the term “**firearm**” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer, or (D) any destructive device. Such term does not include an antique firearm.

Under, **18 U.S.C. 921(a)(4)**, the term “destructive device” means---

- (A) any explosive, incendiary, or poison gas-(i) bomb, (ii)grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) device similar to any of the devices described in the preceding clauses.
- (B) any type of weapon (other than shotgun or a shotgun shell which the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of any explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and
- (C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

Under, **18 U.S.C. 921(17)(a)**, the term "**ammunition**" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

Under **18 U.S.C. 922 (g)(8)**, an **order is a qualifying order**, if all of the following are true:

1. The Respondent must have had actual notice of the hearing and an opportunity to participate in it.
2. The Petitioner for the Order is a current or former spouse, a co-parent, or one who cohabits or has cohabited with the subject of the protection order.
3. The Order must prohibit either or both of the following:
  - harassing, stalking, or threatening an intimate partner or child of such partner; OR
  - engaging in other conduct which would place an intimate partner in reasonable fear of bodily injury to self or child.



4. The Order must also contain either or both of the following:
- a finding that the person subject to the order represents a credible threat to the physical safety of an intimate partner or child; OR
  - an explicit prohibition against the use, attempted use, or threat of physical force against an intimate partner or child which would be reasonably expected to cause bodily injury.

Under **18 U.S.C. 922 (g)(9)**, a **domestic assault conviction is a qualifying conviction**, if all of the following are true:

1. The crime convicted of is a federal, state or local offense that is a misdemeanor under federal or state law.
2. The crime convicted of has an element of either the use or attempted use of physical force, or the threatened use of a deadly weapon;
3. The crime convicted of was committed by a current or former spouse, parent, or guardian of the victim; a person with whom the victim shares a child in common; a person who is cohabiting or has cohabited with the victim as spouse, parent or guardian of the victim; or a person similarly situated to the spouse, parent, or guardian of the victim.
4. The conviction was obtained after the defendant had an attorney or knowingly waived the right to an attorney.
5. The conviction was obtained after the defendant either had a jury trial or knowingly and intelligently waived the right to a jury trial.
6. The conviction has not been set aside or expunged, or the person has not been pardoned.

**Domestic Violence Court Probation Revocation Grid – Adopted by Domestic Violence Court in November 2005<sup>1</sup>**

Probation Violation	First Arrest & Detention Order		Second A & D		Third A & D	
	Misdemeanor	Gross Misdemeanor	Misdemeanor	Gross Misdemeanor	Misdemeanor	Gross Misdemeanor
New assault <sup>2</sup> against same victim	Revoke all time	Revoke 90 days; reinstate probation	Revoke all remaining time	Revoke all remaining time	Revoke all remaining time	Revoke all remaining time
New assault against another domestic victim	Revoke 30 days; reinstate probation	Revoke 60 days; reinstate probation	Revoke all remaining time	Revoke all remaining time	Revoke all remaining time	Revoke all remaining time
Violation of No Contact Order or OFP or Harassment Restraining Order; Interference with emergency telephone call	Revoke 15 days; reinstate probation	Revoke 30 days; reinstate probation	Revoke all remaining time	Revoke all remaining time	Revoke all remaining time	Revoke all remaining time
Commission of new offense that is a violation of probation <sup>3</sup>	Revoke 15 days; reinstate probation	Revoke 30 days; reinstate probation	Revoke all remaining time	Revoke all remaining time	Revoke all remaining time	Revoke all remaining time

Failure to attend/complete DA treatment or anger management program	Revoke 10 days; reinstate probation	Revoke 15 days; reinstate probation	Revoke all remaining time	Revoke all remaining time	Revoke all remaining time	Revoke all remaining time
Failure to complete chemical health assessment or attend/complete CD treatment or other recommendations	Revoke 10 days; reinstate probation	Revoke 15 days; reinstate probation	Revoke balance; in-custody transfer to ACF and/or furlough to inpatient treatment	Revoke 120 days; treatment at ACF and/or in-custody transfer to ACF with furlough to inpatient treatment	Revoke balance; in-custody transfer to ACF and/or furlough to inpatient treatment	Revoke 120 days; treatment at ACF and/or in-custody transfer to ACF with furlough to inpatient treatment
Use of alcohol or drugs, if use is a violation of probation	Revoke 5 days; reinstate probation	Revoke 10 days; reinstate probation	Revoke 20 days; reinstate probation	Revoke 20 days; reinstate probation	Revoke 20 days; reinstate probation	Revoke 20 days; reinstate probation
Failure to meet with probation; whereabouts unknown	Revoke 5 days; reinstate probation	Revoke 10 days; reinstate probation	Revoke 25 days; reinstate probation	Revoke 30 days; reinstate probation	Revoke 25 days; reinstate probation	Revoke 30 days; reinstate probation

<sup>1</sup> Each Judge must exercise his and her own discretion on the Bench. Additionally, all revocations must be based upon findings consistent with

*State v. Modtland*, 695 N.W.2d 602 (Minn. 2005) and *State v. Austin*, 295 N.W.2d 246 (Minn. 1980).

<sup>2</sup> New assault need not result in charge or conviction, as long as it is proven by clear and convincing evidence.

<sup>3</sup> The standard Domestic Violence Terms & Conditions of Sentence (Form HC2806) includes the following offenses: Assault, Disorderly Conduct, Violation of Protection Order, Harassment, Interference with an Emergency Call, and Weapons. Additionally, the Court can check alcohol and drug offenses and write in other offenses.

# STATUTES PERTAINING TO ARRAIGNMENTS & BAIL HEARINGS

## **629.72 Bail in cases of domestic abuse, harassment, violation of an order for protection, or violation of a domestic abuse no contact order**

Subd. 2. Judicial review; release; bail.

(a) The judge before whom the arrested person is brought shall review the facts surrounding the arrest and detention of a person arrested for domestic abuse, harassment, violation of an order for protection, or violation of a domestic abuse no contact order. The prosecutor or prosecutor's designee shall present relevant information involving the victim's or the victim's family's account of the alleged crime to the judge to be considered in determining the arrested person's release. In making a decision concerning pretrial release conditions of a person arrested for domestic abuse, harassment, violation of an order for protection, or violation of a domestic abuse no contact order, the judge shall review the facts of the arrest and detention of the person and determine whether:

(1) release of the person poses a threat to the alleged victim, another family or household member, or public safety; or

(2) there is a substantial likelihood the person will fail to appear at subsequent proceedings.

Before releasing a person arrested for or charged with a crime of domestic abuse, harassment, violation of an order for protection, or violation of a domestic abuse no contact order, the judge shall make findings on the record, to the extent possible, concerning the determination made in accordance with the factors specified in clauses (1) and (2).

(b) The judge may impose conditions of release or bail, or both, on the person to protect the alleged victim or other family or household members and to ensure the appearance of the person at subsequent proceedings. These conditions may include an order:

- (1) enjoining the person from threatening to commit or committing acts of domestic abuse or harassment against the alleged victim or other family or household members or from violating an order for protection or a domestic abuse no contact order;
- (2) prohibiting the person from harassing, annoying, telephoning, contacting, or otherwise communicating with the alleged victim, either directly or indirectly;
- (3) directing the person to vacate or stay away from the home of the alleged victim and to stay away from any other location where the alleged victim is likely to be;
- (4) prohibiting the person from possessing a firearm or other weapon specified by the

court;

(5) prohibiting the person from possessing or consuming alcohol or controlled substances; and

(6) specifying any other matter required to protect the safety of the alleged victim and to ensure the appearance of the person at subsequent proceedings.

(c) If conditions of release are imposed, the judge shall issue a written order for conditional release. The court administrator shall immediately distribute a copy of the order for conditional release to the agency having custody of the arrested person and shall provide the agency having custody of the arrested person with any available information on the location of the victim in a manner that protects the victim's safety. Either the court or its designee or the agency having custody of the arrested person shall serve upon the defendant a copy of the order. Failure to serve the arrested person with a copy of the order for conditional release does not invalidate the conditions of release.

## **STATUTES PERTAINING TO CASE RESOLUTION & SENTENCING**

### **518B.02 Domestic abuse counseling program or educational program required**

Subdivision 1. Court-ordered domestic abuse counseling program or educational program. If the court stays imposition or execution of a sentence for a domestic abuse offense and places the offender on probation, the court shall order that, as a condition of the stayed sentence, the offender participate in and successfully complete a domestic abuse counseling program or educational program.

### **609.2244 Presentence domestic abuse investigations**

Subdivision 1. Investigation. A presentence domestic abuse investigation must be conducted and a report submitted to the court by the corrections agency responsible for conducting the investigation when:

- (4) a defendant is convicted of an offense described in section 518B.01, subdivision 2;
- (5) a defendant is arrested for committing an offense described in section 518B.01, subdivision 2, but is convicted of another offense arising out of the same circumstances surrounding the arrest; or
- (6) a defendant is convicted of a violation against a family or household member of: (a) an order for protection under section 518B.01; (b) a harassment restraining order under section 609.748; (c) section 609.79, subdivision 1; or (d) section 609.713, subdivision 1.

Subd. 2. Report. (a) The Department of Corrections shall establish minimum standards for the report, including the circumstances of the offense, impact on the victim, the defendant's prior record, characteristics and history of alcohol and chemical use problems, and amenability to domestic abuse programs. The report is classified as private data on individuals as defined in section 13.02, subdivision 12. Victim impact statements are confidential.

(b) The report must include:

- (1) a recommendation on any limitations on contact with the victim and other measures to ensure the victim's safety;
- (2) a recommendation for the defendant to enter and successfully complete domestic abuse programming and any aftercare found necessary by the investigation, including a specific recommendation for the defendant to complete a domestic abuse counseling program or domestic abuse educational program under section 518B.02;
- (3) a recommendation for chemical dependency evaluation and treatment as determined by the evaluation whenever alcohol or drugs were found to be a contributing factor to the offense;
- (4) recommendations for other appropriate remedial action or care or a specific explanation why no level of care or action is recommended; and
- (5) consequences for failure to abide by conditions set up by the court.

# STATUTES PERTAINING TO CRIME VICTIMS RIGHTS

## **611A.03 Plea agreements; notification**

Subdivision 1. Plea agreements; notification of victim. Prior to the entry of the factual basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall make a reasonable and good faith effort to inform the victim of:

- (a) the contents of the plea agreement recommendation, including the amount of time recommended for the defendant to serve in jail or prison if the court accepts the agreement; and
- (b) the right to be present at the sentencing hearing and at the hearing during which the plea is presented to the court and to express orally or in writing, at the victim's option, any objection to the agreement or to the proposed disposition. If the victim is not present when the court considers the recommendation, but has communicated objections to the prosecuting attorney, the prosecuting attorney shall make these objections known to the court.

Subdivision 2. Notification duties. A prosecuting attorney satisfies the requirements of subdivision 1 by notifying:

- (a) the victim's legal guardian or guardian ad litem; or
- (b) the three victims the prosecuting attorney believes to have suffered the most, if there are more than three victims of the offense.

## **611A.0315 Victim notification; domestic assault; harassment**

Subdivision 1. Notice of decision not to prosecute.

(a) A prosecutor shall make every reasonable effort to notify a victim of domestic assault or harassment that the prosecutor has decided to decline prosecution of the case or to dismiss the criminal charges filed against the defendant. Efforts to notify the victim should include, in order of priority: (1) contacting the victim or a person designated by the victim by telephone; and (2) contacting the victim by mail. If a suspect is still in custody, the notification attempt shall be made before the suspect is released from custody.

(b) Whenever a prosecutor dismisses criminal charges against a person accused of domestic assault or

harassment, a record shall be made of the specific reasons for the dismissal. If the dismissal is due to the unavailability of the witness, the prosecutor shall indicate the specific reason that the witness is unavailable.

(c) Whenever a prosecutor notifies a victim of domestic assault or harassment under this section, the prosecutor shall also inform the victim of the method and benefits of seeking an order for protection under section 518B.01 or a restraining order under section 609.748 and that the victim may seek an order without paying a fee.

# MORE STATUTES PERTAINING TO CRIME VICTIMS RIGHTS

## **611A.033 Speedy trial; notice of schedule change**

(a) A victim has the right to request that the prosecutor make a demand under rule 11.10 of the Rules of Criminal Procedure that the trial be commenced within 60 days of the demand. The prosecutor shall make reasonable efforts to comply with the victim's request.

(b) A prosecutor shall make reasonable efforts to provide advance notice of any change in the schedule of the court proceedings to a victim who has been subpoenaed or requested to testify.

## **611A.035 Confidentiality of victim's address**

Subdivision 1. Discretion of prosecutor not to disclose. A prosecutor may elect not to disclose a victim's or witness's home or employment address, telephone number, or date of birth if the prosecutor certifies to the trial court that:

- (1) the defendant or respondent has been charged with or alleged to have committed a crime;
- (2) the nondisclosure is needed to address the victim's or witness's concerns about safety or security; and
- (3) the victim's or witness's home or employment address, telephone number, or date of birth is not relevant to the prosecution's case.

If such a certification is made, the prosecutor must make a motion with proper notice for the court's permission to continue to withhold this information. The court shall either:

- (1) order the information disclosed to defense counsel, but order it not disclosed to the defendant; or
- (2) order the prosecutor to contact the victim or witness to arrange a confidential meeting between defense counsel, or defense counsel's agent, and the victim or witness, at a neutral location, if the victim or witness consents to a meeting.

This subdivision shall not be construed to compel a victim or witness to give any statement to or attend any meeting with defense counsel or defense counsel's agent.



Subd. 2. Witness testimony in court. No victim or witness providing testimony in court proceedings may be compelled to state a home or employment address, telephone number, or the date of birth of the victim or witness on the record in open court unless the court finds that the testimony would be relevant evidence.

# MORE STATUTES PERTAINING TO CRIME VICTIMS RIGHTS

## **611A.038 Right to submit statement at sentencing**

(a) A victim has the right to submit an impact statement to the court at the time of sentencing or disposition hearing. The impact statement may be presented to the court orally or in writing, at the victim's option. If the victim requests, the prosecutor must orally present the statement to the court. Statements may include the following, subject to reasonable limitations as to time and length:

- (1) a summary of the harm or trauma suffered by the victim as a result of the crime;
- (2) a summary of the economic loss or damage suffered by the victim as a result of the crime; and
- (3) a victim's reaction to the proposed sentence or disposition.

(b) A representative of the community affected by the crime may submit an impact statement in the same manner that a victim may as provided in paragraph (a). This impact statement shall describe the adverse social or economic effects the offense has had on persons residing and businesses operating in the community where the offense occurred.

(c) If the court permits the defendant or anyone speaking on the defendant's behalf to present a statement to the court, the court shall limit the response to factual issues which are relevant to sentencing.

(d) Nothing in this section shall be construed to extend the defendant's right to address the court under section 631.20.

## **611A.039 Right to notice of final disposition of criminal case**

Subdivision 1. Notice required. Except as otherwise provided in subdivision 2, within 15 working days after a conviction, acquittal, or dismissal in a criminal case in which there is an identifiable crime victim, the prosecutor shall make reasonable good faith efforts to provide to each affected crime victim oral or written notice of the final disposition of the case. When the court is considering modifying the sentence for a felony or a crime of violence or an attempted crime of violence, the court or its designee shall make a reasonable and good faith effort to notify the victim of the crime. If the victim is incapacitated or deceased, notice must be given to the victim's family. If the victim is a minor, notice must be given to the victim's parent or guardian. The notice must include:

- (1) the date and approximate time of the review;
  - (2) the location where the review will occur;
  - (3) the name and telephone number of a person to contact for additional information;
- and
- (4) a statement that the victim and victim's family may provide input to the court concerning the sentence modification.

As used in this section, "crime of violence" has the meaning given in section 624.712, subdivision 5, and also includes gross misdemeanor violations of section 609.224, and non-felony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and 609.749.

Subd. 2. Exception. If a prosecutor contacts an identifiable crime victim in advance of the final case disposition, either orally or in writing, and notifies the victim of the victim's right to request information on the final disposition of the case, the prosecutor shall only be required to provide the notice described in subdivision 1 to those victims who have indicated in advance their desire to be notified of the final case disposition.

## APPENDIX C

### 2010 FVCC Strategic Work Plan

#### Goal 1: Increase visibility as a resource of talent regarding domestic violence issues

Action Step	Baseline	Timeline	Measurement	Responsible Party
1. Address Internet presence	no website	Q1-2	4 <sup>th</sup> Judicial District Website presence at zero expense. Content to include committee contact information, resolution, links to and from relevant organizations and annual reports	Committee Outreach Committee Chair and FVCC Executive Director (ED)
2. Enhance media relations	no media kit	Q1-2	Prepare media kit including contact information for stories about domestic violence	Committee Outreach Committee Chair
3. Utilize October as DV month	1 event-Oct '09	Q3	Expand Resource Fair, other committees may expand representation by hosting a table or booth at other events	Children / Juvenile Committee Chair with others TBD

#### Goal 2: Increase role in decision making process for domestic violence policy/protocol changes

Action Step	Baseline	Timeline	Measurement	Responsible Party
1. Identify system gap(s) in Hennepin County government and nongovernment services / agencies to address and facilitate improvements	January 2010 ranking survey	Q1-4	Identify gaps by April FVCC meeting, decide as gaps to pursue as committees and/or all FVCC, reduce gaps in cases/systems improvement plan, use gaps 3,4,5; No Contact Orders selected to be FVCC's gap	Each committee NOTE: Advocates - Blueprint, Ch/Juv - DV on parent or sibling, Criminal - DV BPs in suburbs, Community Outreach - media
2. Increase communication regarding this role at FVCC meetings	"Heard on the Street" added 12/09	Q1-4	FVCC members to increase FVCC meeting participation; including difficult, sensitive and unspoken concerns	Each committee
3. Identify agencies where FVCC's presence could effect change	no list	Q3	Identify and submit list of agencies draft by July 1 and final list by 9/30/10 to ED	Each committee, ED

#### Goal 3: Adhere to FVCC Bylaws

Action Step	Baseline	Timeline	Measurement	Responsible Party
1. Actively manage membership and committee cohesion	Membership status report by Community Outreach Committee	Q1	Complete an audit of voting/non-voting members, committee participation, and meeting attendance in accordance with the Bylaws	FVCC co-chairs, FVCC ED, Committees
2. Comply with timelines for planning and reporting	2009 report distributed 11/09	Q1-2	Submit 2009 annual report initial draft by 1/31/10, final draft by 2/28/10, and final report distributed by 3/31/10	Committee chairs, FVCC co-chairs, FVCC ED
3. Review FVCC Bylaws and propose revisions, if needed	04 Bylaws revision re number of voting members	Q4	Review Bylaws to monitor FVCC's compliance; propose any Bylaws changes for approval by the 4th Judicial District Chief Judge	Executive Committee, Bylaws Ad Hoc Committee

**APPENDIX D**

**COMMUNITY AGENCIES FOR DOMESTIC ABUSE  
(\*also write OFPs)**

<b>AGENCY</b>	<b>AREAS OF SERVICE</b>	<b>PHONE #</b>	<b>24 HR #</b>
Asian Women United	Ramsey/Hennepin County	*612-724-0756 612-724-8823	
Casa de Esperanza	Ramsey/Hennepin County	651-772-1611	
Cornerstone	Bloomington, Richfield, Edina, St. Louis Park, Eden Prairie	*952-884-0376	952-884-0330
Domestic Abuse Project (DAP)	Hennepin County DAP – City Hall DAP – NorthPoint DAP – Little Earth	*612-874-7063 612-673-3526 612-529-7477 612-728-5874	
	DAP does OFPs and will go where needed to complete them. DAP has advocates that speak Spanish, Somali, Kiswahili, and Oromo.		
Home Free	Priority: Plymouth, New Hope Golden Valley. Will serve: Brooklyn Park, Rogers, Dayton, Osseo, Corcoran, Medina, Greenfield, Hanover, Hassan, Loretto, Maple Plain, and Independence	*763-545-7080	763-559-4945
Project Peace	Crystal, Brooklyn Center, Robbinsdale and Maple Grove	*763-533-0733	
Sojourner	Hopkins and Minnetonka	*952-935-1004	952-933-7422
Tubman	North Mpls. (NorthPoint)	*612-521-0240	
Tubman Legal	Hennepin County Mpls. City Hall	*612-673-2244	
Tubman Shelter	Hennepin County	*612-825-0000	

<b>AGENCY</b>	<b>AREAS OF SERVICE</b>	<b>PHONE #</b>	<b>24 HR #</b>
Anoka County OFP		*763-422-7372	
Hennepin County DASC		*612-348-5073	
Ramsey County DASC		*651-266-5130	

- **Victims can write orders in Hennepin County if 1) Hennepin County is where the victim or respondent lives; 2) there is a pending or completed family court proceeding involving the parties or minor children; or 3) the alleged domestic abuse occurred Minn. Stat. 518B.01, subd, 3.**
- **The Hennepin County Department of Corrections contact located in the Domestic Abuse Service Center is Melanie Terwey at 612-348-0364. Please call if you have any questions or concerns when making a referral.**

**24 hour Metro Crisis Line for Shelter and Counseling 612-379-6363**

**24 hour Minnesota DV Crises Line : 1-866-223-1111**

**24 hour National Domestic Violence Hotline: 1-800-799-SAFE (7233)**

**Resource: Minnesota Coalition for Battered Women: <http://www.mcbw.org>**

## **Domestic Violence Victims Seek Modification of No Contact Orders**

### **Referral to Advocacy**

The Advocates Committee of the FVCC would like a protocol adopted assuring that any victim requesting modification of a No Contact Order be directed to speak with an advocate who would have the conversation described below prior to assisting the victims in presenting their requests to the court. If a modified No Contact Order is desired in Minneapolis, the advocate will inform the victim that the Domestic Violence Court does not generally issue No Contact Orders with exceptions. The advocate will offer the option of acquiring an Order for Protection with the limited no contact provisions the victim is requesting, and will assist the victim in obtaining the Order For Protection (OFP). The advocate would then inform the prosecutor and the judge in the Domestic Violence Court of the provisions of the OFP, with particular attention to those provisions that conflict with the criminal No Contact Order.

While the referral to the advocate would be mandatory, the advocate will make clear to the victim that she/he is not required to speak with the advocate.

The conversation between the advocate and victim will be confidential. No part of the conversation will be shared unless the victim wishes information shared. The conversation will include an explanation of the various types of no contact orders or no contact provisions of Orders for Protection and Harassment Restraining Orders, including how each type of order is obtained and enforced, as well as safety planning and/or danger assessment, referrals to other services, and other appropriate topics as determined by the advocate and victim.

Advocates will assist the victim in summarizing whatever information the victim wishes the court to know, and will facilitate the sharing of the information to the appropriate court staff.

This protocol and the advocate's role in court is meant to represent the victim's informed decision to the court. Judges should refrain from asking the advocate's opinion. Advocates having the conversation above will have shared their safety concerns with the victim in the context of analyzing risks. Advocates will also inform the victim that the prosecutor or probation officer may recommend a No Contact Order even if she/he wants it dismissed, and that the final decision rests with the judge.

**DRAFT**

## **APPENDIX E**

### **FAMILY VIOLENCE COORDINATING COUNCIL BYLAWS Adopted May 2003**

#### **PURPOSE OF THE FAMILY VIOLENCE COORDINATING COUNCIL**

The Fourth Judicial District has established the Family Violence Coordinating Council for the purpose of dealing with family violence issues. The Council will promote interdisciplinary programs and initiatives to coordinate public and private legal and social services and law enforcement, prosecutorial, and judicial activities. The general purpose of the Council shall be:

- To coordinate between agencies, departments and the courts on the issues of domestic violence and abuse;
- To promote effective prevention, intervention and treatment techniques; and
- To improve the response to domestic violence and abuse so as to reduce incidents of domestic violence and promote victim safety.

#### **EXECUTIVE COMMITTEE**

Overall, the Executive Committee shall take a directive role, providing leadership for the FVCC, handle emergency issues, and coordinate efforts.

- *Membership:* The committee will be made up of the FVCC co-chairs, the chairs of the committees, and two at-large members voted on by the FVCC.
- The committee chairs will attend all Executive Committee meetings and provide reports on their committees' activities. In the event of an absence, information and proxy votes, if applicable, will be communicated to the FVCC co-chairs. No designee will be sent to the Executive Committee meeting.
- The committee will meet the first week of the month (the week before the FVCC meeting) at a standard time and location.
- The committee sets the agenda for the upcoming FVCC meeting and identifies what issues require a vote of FVCC members.
- The committee identifies and coordinates presentations to the FVCC.
- The committee shall address issues of membership attendance and filling vacancies.
- Members shall take minutes of meetings on a rotating basis.

#### **STANDING COMMITTEES**

There will be five standing committees of the Family Violence Coordinating Council:

- (1) Civil Committee
- (2) Criminal Committee
- (3) Advocates Committee



- (4) Child/Juvenile Committee
- (5) Community Outreach Committee

**Committee structure:**

- Each committee will have a chair and vice-chair.
- Each committee will establish goals for the coming year.
- Each committee will submit a written year-end report to the Executive Committee committee activities.
- Each committee can establish temporary workgroups to work on specific, short-term issues.
- Additional standing committees may be established by a vote of the FVCC.

**Committee meetings:**

- Committees will have standing meeting times and locations.
- Committees will meet at least 6 times per year.
- Minutes must be taken and distributed to committee members and members of Executive Committee.
- Committee members (listed on committee roster) can vote on issues.

**Committees chairs:**

- Chairs serve for term of one year and can be reappointed.
- Chairs are appointed by the FVCC co-chairs.
- Chairs must be voting members of the FVCC.
- Chairs sit on the Executive Committee.
- Chairs run meetings and set procedure for meetings.
- Chairs maintain committee rosters—identifying “members” as opposed to guests.
- Chairs reports on committee activity at each FVCC meeting, or ask designee to submit report.
- New chairs should be identified by December and begin their term in January.

**Committee vice-chair:**

- Takes minutes.
- Appointed by chair of committee.
- Runs committee meeting in absence of committee chair.
- Does not attend Executive Committee meetings.

**FVCC MEETINGS**

- Meetings run by the FVCC co-chairs.
- Only FVCC members can vote.
- Name cards provided for all FVCC members.
- Attendance taken at each meeting.

- The FVCC meets the second Thursday of the month, 12:15—1:30 pm.
- The FVCC meetings are open. Anyone who is not a member is a guest. Guests are welcome to participate in the meetings, but only members can vote.

### **FVCC MEETING AGENDA**

- To get a topic on an agenda, notify the FVCC chair or other member of Executive Committee.
- Meetings have regular agenda items:
  - (1) Presentations
  - (2) Committee reports
  - (3) Business requiring votes
  - (4) Issues and other business not requiring votes
  - (5) Announcements and new issues

### **FVCC MEMBERS**

- The Chief Judge appoints all members.
- Members are expected to attend all FVCC meetings.
- Members must sit on at least one committee of the council.
- The FVCC will be made up from 35 representatives from governmental and nongovernmental organizations. (*See attached grid for breakdown.*)
- New members should be provided an orientation and given the FVCC bylaws and roster.

### **ANNUAL WORKPLAN**

- Each committee makes at least one goal for the year.
- The Executive Committee shall review the goals of each committee, as well as identify overall goals for the FVCC and come up with an annual work plan by the October FVCC meeting to be presented to the entire FVCC at the November meeting. The annual workplan shall be voted upon at the December meeting.

### **YEAR-END REPORT**

- The Executive Committee will prepare a year-end summary of FVCC activities for distribution to the FVCC and the community at large.
- The annual report shall be prepared in December and January and delivered to the FVCC at the February meeting.

### **FVCC YEAR**

- The FVCC operates on a calendar year schedule—January to December. FVCC co-chairs and committee chairs begin their annual appointments starting in January.

## **OTHER RECOMMENDATIONS REGARDING STAFFING**

- If a new FVCC Executive Director (ED) position is established, it is recommended that the ED have the following duties:
  - (1) Organize and maintain FVCC records.
  - (2) Maintain up-to-date FVCC membership roster.
  - (3) Take minutes of FVCC meetings and committee meetings.
  - (4) Provide orientation to new members.

<b>APPENDIX F</b>
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**2009 MEMBERSHIP ROSTER  
FAMILY VIOLENCE COORDINATING COUNCIL**

- 1. Judge Susan Robiner**  
Fourth Judicial District, Family Court
- 2. Judge Lloyd Zimmerman**  
Fourth Judicial District, Domestic Violence Court
- 3. Lieutenant Cliff Ahlgren**  
Hennepin County Sheriff's Office
- 4. Vicki Albu**  
Fourth Judicial District, Juvenile Court Senior Manager
- 5. Deena Anders**  
Domestic Fatality Review Team Project Coordinator
- 6. Marna Anderson**  
WATCH
- 7. Carol Arthur**  
Domestic Abuse Project, Executive Director
- 8. Stephanie Avalon**  
Battered Women's Justice Project
- 9. Tonya Berzat**  
Asst. Hennepin County Attorney
- 10. Janice Blackmon\***  
Hennepin County Community Corrections & Rehabilitation
- 11. Katie Brey\***  
Fourth Judicial District, Family Court Operations Manager
- 12. Professor Beverly Balos**  
University of Minnesota
- 13. Sharon Brice**  
Domestic Abuse Project

- 14. Crabb, Anna Kraus**  
Suburban Prosecutor
- 15. Liz Cutter**  
Hennepin County Attorney's Office
- 16. Rosario de la Torre**  
Casa de Esperanza
- 17. Lea De Souza**  
Assistant Hennepin County Attorney, Domestic Abuse Service Center
- 18. Sue Fite**  
Legal Services Specialist Supervisor, Domestic Abuse Service Center
- 19. Vanessa Foster**  
Tubman
- 20. Rana Fuller**  
Battered Women's Legal Advocacy Project
- 21. Mike Gephart**  
Adult Probation, Investigations
- 22. Anne Gilmore**  
Hennepin County Medical Center Sr. Social Worker
- 23. Lois Gunderson**  
The Initiative for Violence Free Families
- 24. Nancy Halvorson\***  
Hennepin County Community Corrections & Rehabilitation
- 25. Jennifer Inz**  
Suburban Prosecutor
- 26. Michelle Jacobson**  
Minneapolis City Attorney's Office
- 27. Deirdre Keys**  
Battered Women's Legal Advocacy Project
- 28. Cheryl Kolb-Utinen**  
Cornerstone

- 29. Laurie Kusek\***  
Fourth Judicial District, Guardian ad Litem
- 30. Laura Landis**  
Home Free
- 31. Jodi Lashley\***  
CornerHouse
- 32. Kristine Lizdas**  
Battered Women's Justice Project
- 33. Melanie Lowin** (appointed in September)  
Tubman
- 34. Brenda Magoba**  
Tubman
- 35. Judy Mathison**  
Fourth Judicial District, Domestic Abuse Service Center
- 36. Aaron Milgrom**  
Domestic Abuse Project
- 37. Judy Miller-Thomas**  
Phyllis Wheatley Community Center, Domestic Abuse Manager, DASC Legal Advocate
- 38. Stephanie Morgan**  
Office of the Hennepin County Attorney, Juvenile
- 39. Nancy Peters\***  
Fourth Judicial District, FVCC Executive Director
- 40. Rachel Ratner**  
Sojourner Project
- 41. Vicki Riven**  
Fourth Judicial District, Criminal Court Operations Manager
- 42. Heidi Rivkin**  
Tubman
- 43. Anthony Scott**  
Human Services and Public Health Department

**44. Lisa Smith**

Federal Bureau of Investigation, Domestic Violence Unit

**45. John Staloch**

Adult Probation, Supervision

**46. Carol Tellett\***

Family Court Services

**47. Lolita Ulloa**

Asst. Hennepin County Attorney, Domestic Abuse Service Center

**48. Nancy Van Thorre\***

CornerHouse

**49. Erin Wacker** (appointed in September)

Tubman

**50. Rebecca Waggoner-Kloek**

OutFront

**51. Linda Wold**

Minnesota State Bar Association, Family Law Section

**52. Gretchen Zettler\***

Asst. Minneapolis City Attorney

\* Non-voting member