


Minnesota Coalition
for Battered Women



OVW-GTEA
Enhancing Safety & Security for Victims of Incarcerated Offenders
Victim Focus Group Findings
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|| This project was supported by Grant No. 2013-WEAX-0012 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

Domestic Violence Grant Project

- **Need for the project**
- **Objectives and Goals**
 - **Enhance Safety & Security for Victims**
 - **Training**
 - **Corrections**
 - **Advocacy**
 - **Policy & Protocol Changes**

What is Domestic Violence?

MN Statute 518B.01 – Domestic Abuse Act

- **Domestic Abuse means:**
 - Physical harm, bodily injury, or assault
 - Infliction of fear of imminent physical harm, bodily injury, or assault
 - Terroristic threats, criminal sexual conduct, or interference with an emergency call
- **Committed against:**
 - **Spouse and former spouse**
 - Parent and child
 - Person related by blood
 - People cohabitating or who have lived together in the past
 - **Current or former intimate partner**

QDVRO

Qualified Domestic Violence-Related Offense

- MN Statute 518B.01
 - Domestic Abuse Act
- MN Statute 609.02, Subd. 16.
 - "Qualified domestic violence-related offense" includes a violation of or an attempt to violate sections [518B.01, subdivision 14](#) (violation of domestic abuse order for protection); [609.185](#) (first-degree murder); [609.19](#) (second-degree murder); [609.221](#) (first-degree assault); [609.222](#) (second-degree assault); [609.223](#) (third-degree assault); [609.2231](#) (fourth-degree assault); [609.224](#) (fifth-degree assault); [609.2242](#) (domestic assault); [609.2245](#) (female genital mutilation); [609.2247](#) (domestic assault by strangulation); [609.342](#) (first-degree criminal sexual conduct); [609.343](#) (second-degree criminal sexual conduct); [609.344](#) (third-degree criminal sexual conduct); [609.345](#) (fourth-degree criminal sexual conduct); [609.377](#) (malicious punishment of a child); [609.713](#) (terroristic threats); [609.748, subdivision 6](#) (violation of harassment restraining order); [609.749](#) (stalking); [609.78, subdivision 2](#) (interference with an emergency call); and [629.75](#) (violation of domestic abuse no contact order); and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories
 - [617.261](#) (nonconsensual dissemination of private sexual images) – effective August 1, 2016

Incarcerated Offender Population

Incarcerated Domestic Violence (DV) Offenders from 1/1/2012 – 1/1/2015

YEAR	Prison Population	Active DV	Inactive DV	Total DV
1/1/12	9,258	682 (7.37%)	307 (3.32%)	989 (10.68%)
1/1/13	9,342	740 (7.92%)	310 (3.32%)	1,050 (11.24%)
1/1/14	9,665	801 (8.29%)	398 (4.12%)	1,199 (12.41%)
1/1/15	9,907	1,056 (10.65%)	593 (5.98%)	1,649 (16.64%)
1/1/16	9,967	1,101 (11.0%)	592 (5.9%)	1,693 (16.9%)

Active and Inactive numbers exclude all QDVRO commits for murder and criminal sexual conduct. Also not included are commits for kidnapping, burglary 1st degree, or manslaughter (which are not QDVRO offenses, but may be the result of domestic violence).

Incarcerated Offender Population

Population Audit with CSC and Murder Commits

YEAR	Prison Population	Active DV	Inactive DV	Total DV
1/1/2015	9,907	2,239 (22.6%)	710 (7.1%)	2,949 (29.7%)
1/1/2016	9,967	2,393 (24.0%)	690 (6.9%)	3,083 (30.9%)

Details on 1/1/2015 CSC and Murder Sentences:

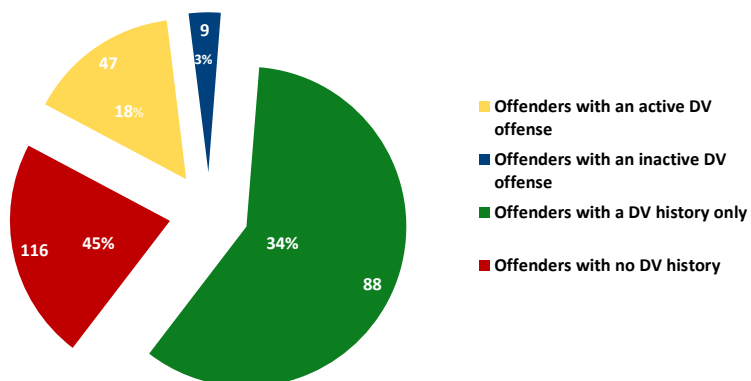
818 CSC Commits.....Approximately 12% IPV, 88% Other Household Member

365 Homicide Commits.....Approximately 60% IPV, 40% Other Household Member

1,056 Other QDVRO Commits.....Approximately 86% IPV, 12% Other Household Member

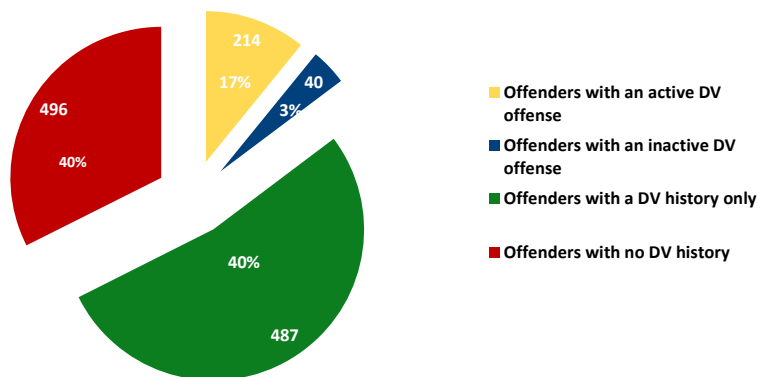
St. Louis County Prison Commits

Total Number of Currently Incarcerated Offenders from St. Louis
County Sentenced After 1/1/14 = 260 (8/11/16)



Hennepin County Prison Commits

Total Number of Currently Incarcerated Offenders from Hennepin
County Sentenced After 1/1/14 = 1237 (8/11/16)



Who is a Victim

Statutory Definitions

611A.01, (b) "Victim" means a natural person who incurs loss or harm as a result of a crime, including a good faith effort to prevent a crime

609.02, Subd. 1. "Crime" means conduct which is prohibited by statute and for which the actor may be sentenced to imprisonment, with or without a fine

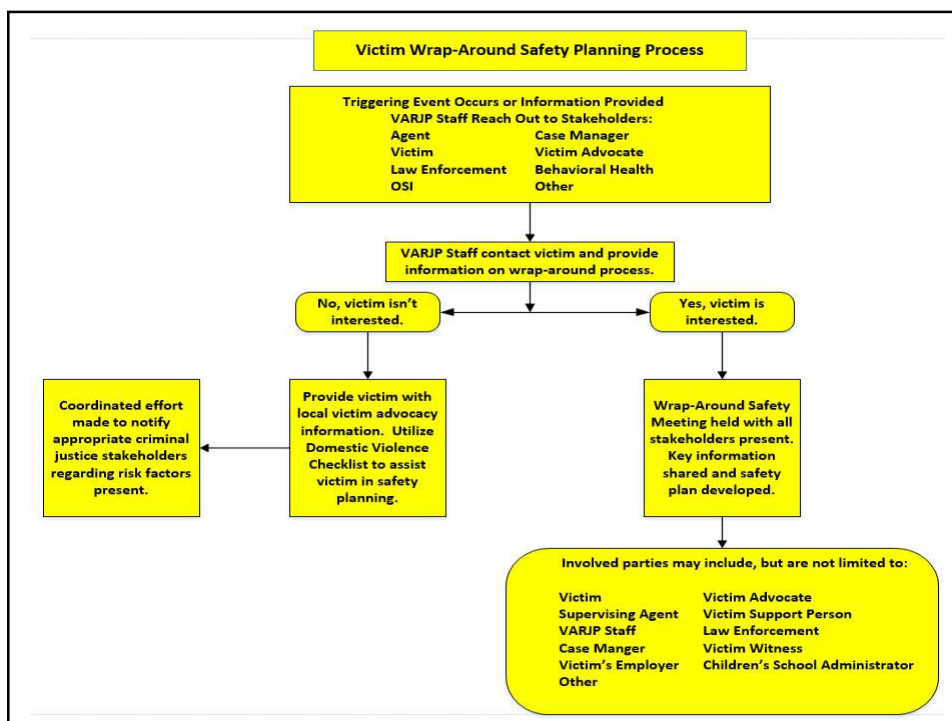
Who is a Victim

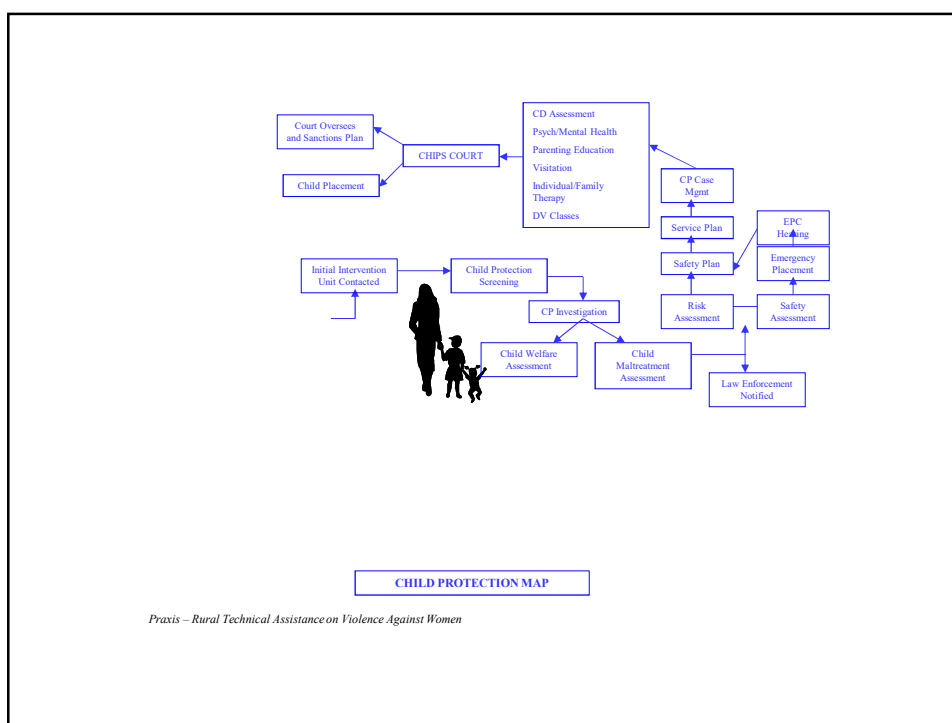
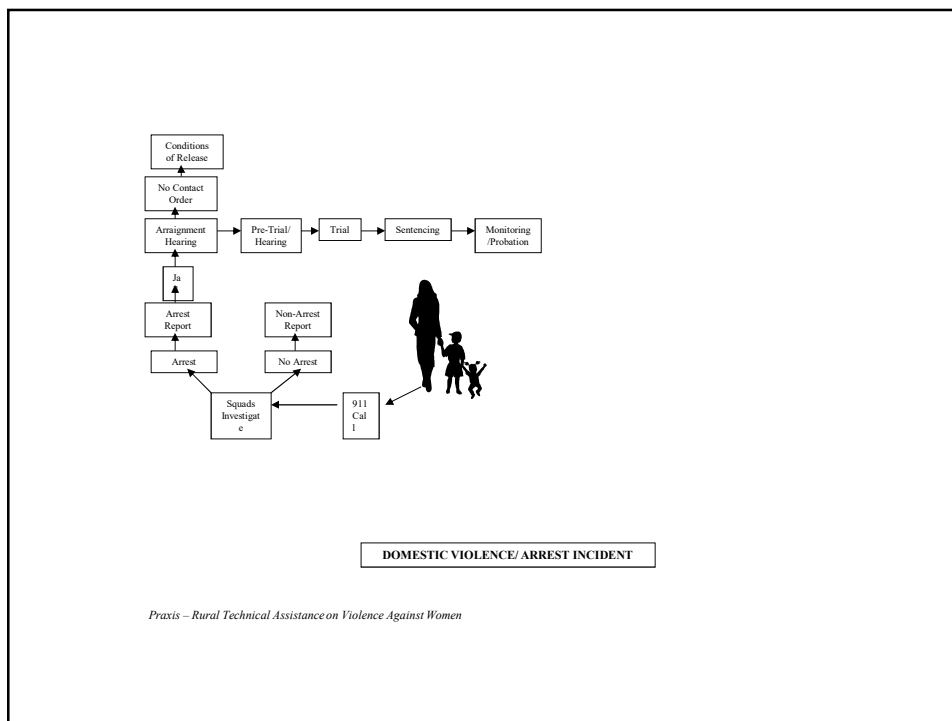
MN DOC Victim Assistance/Restorative Justice Program

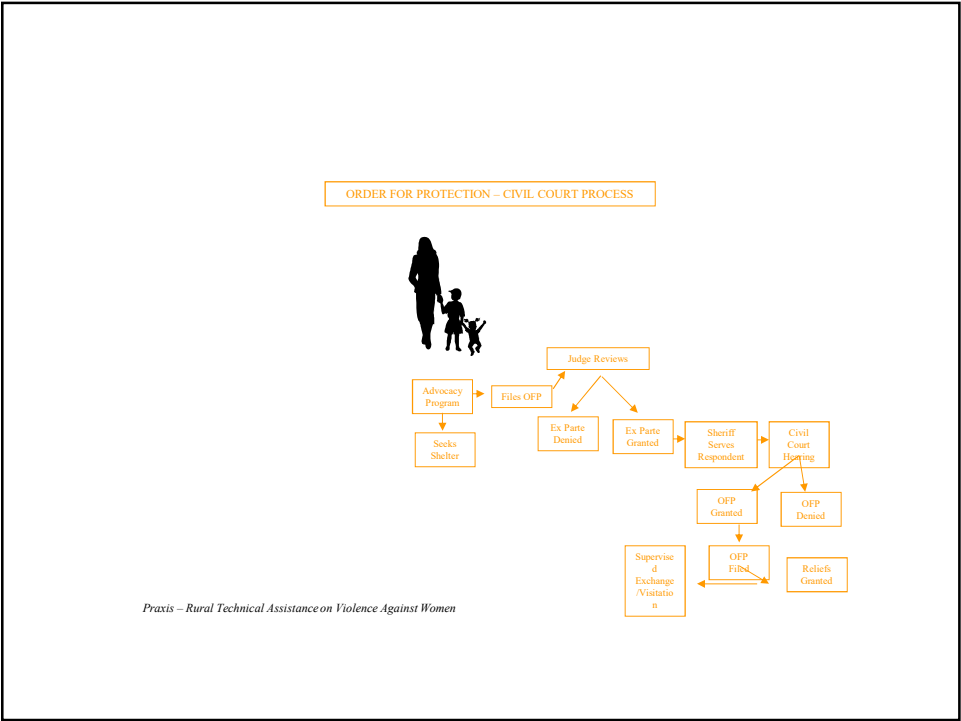
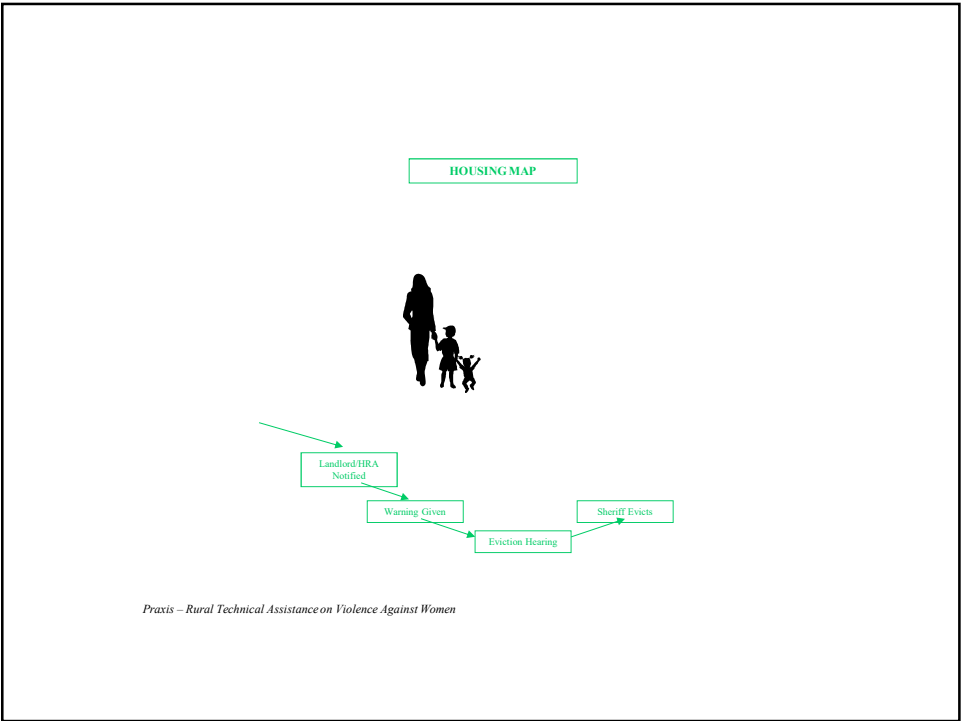
A victim is any person who incurs loss or harm as a result of a crime, any person listed on a criminal complaint as a victim, any person the court has ever determined is in need of protection (demonstrated by a current or previous Order for Protection, Harassment Restraining Order, Domestic Abuse No Contact Order, or other court order), or any person listed in a criminal justice agency report as a victim.

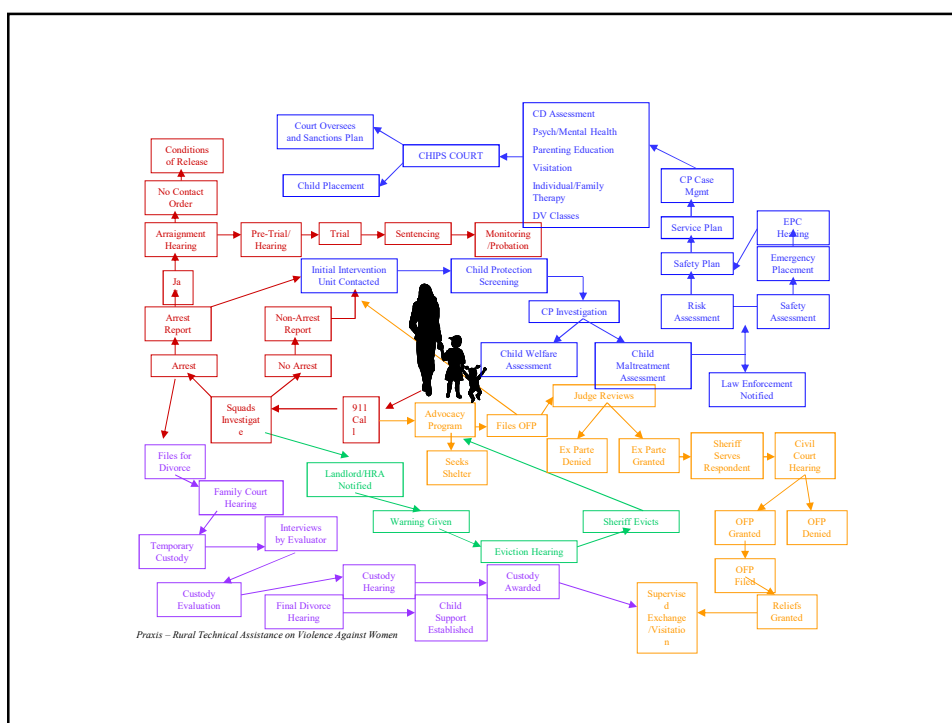
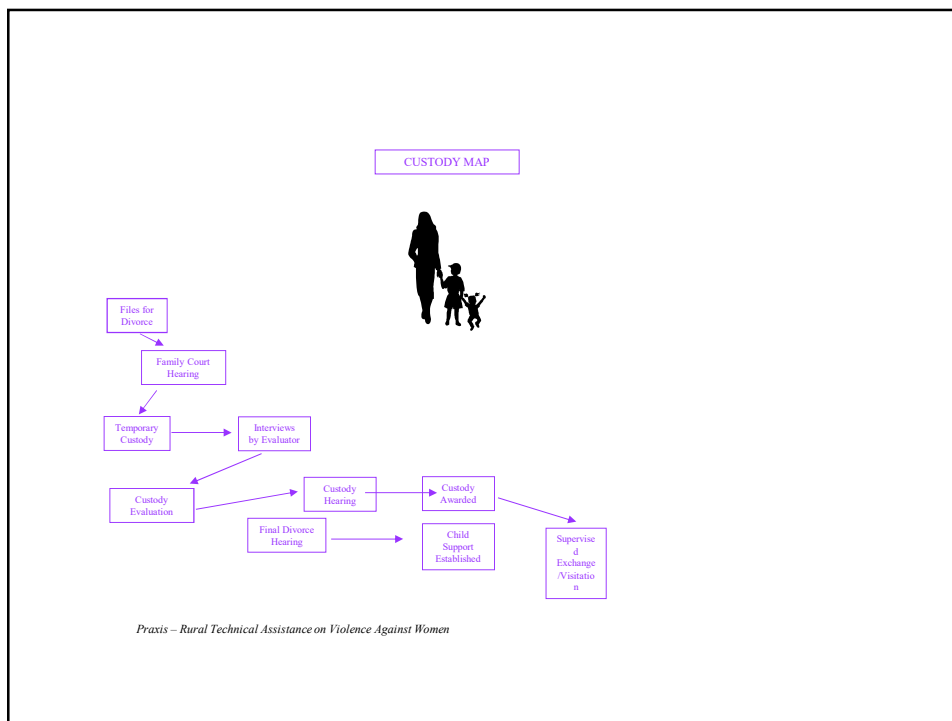
Victim Wrap-Around Safety Meeting Process

The wrap-around safety meeting is part of a victim centered process designed to bring all stakeholders together at once. It gives the victim(s) a chance to voice safety concerns regarding an offender's release from prison, provides a picture of community supervision, ensures that all stakeholders are on the same page, and creates a contingency plan for worst case scenarios.









Victim Focus Groups and Interviews

Why and Who?

Violence Against Women Movement

- ❑ Stay grounded in experiences of victims/survivors
- ❑ Inform advocacy efforts and services

Victim centered while focusing on offenders

Key Participant Demographics

Key Questions:

Meaning of Safety

Contact with Offender

Case Manager & Agent Contact

Issues Faced During Offender Incarceration

MN DOC Visitation Policy

MNCHOICE

Wrap-Around Safety Planning

Offender Behavior After Release

Findings

- Victims are frustrated and hurt by receiving very little information and support throughout the process, especially post conviction. They want to give input.
- Victims considered everyone to be part of the same system. Their experiences with the system dictated how open they were to engaging with everyone.
- Language used by those working with the victims was intimidating and not accessible to the victims.

“I lived in constant fear that he would be released and I wouldn’t know. Nobody contacted me. I didn’t know if he was going to get out today or in two years.”

“I was stabbed several times and left to die and in the end, all I got was a letter in the mail saying he was being released and I could call if I had any questions.”

Findings

- There was lack of emotional support for victims in all areas, even within advocacy.
- Victims interactions with various players were not trauma-informed.
- There was too much focus on the criminal justice system process and little support outside of it.

“Even if they couldn’t tell me, they could have been nicer. They could have said, I understand why you want to know and I wish I could tell you but unfortunately, the law doesn’t allow me to... or at least sorry, he did this to you.”

Findings

- Offender accountability does not always result in victim safety.
- Victims are being abused directly or through third parties during incarceration.
- Victims don't know who to contact (in facility and community) and are hesitant to report abuse taking place without knowing what the consequences will be.

“He called me thirty times in one week from prison... had his friends on the inside call me all the time. His mom would stop paying rent for me and my kids if I didn't take his call. All the time, where are you, what are you doing? Nothing changed.”

“I would go visit him and he’d call me names and the guards never did anything. I’d be crying and no one even gave me a tissue. He’d call me a b* and a c*** and no one stopped him.”***

Findings

- **Victims want to take part in the Wrap-Around Safety process.**
- **Victims want mandatory DV programming in prison.**
- **Victims want contact restrictions (visiting, phone, mail).**

“[He] has been to prison [many] times because he keeps beating me up. I would visit because if I didn’t, he’d call me a thousand times and write me a thousand letters. I had to pay for the gas to drive down all the time and send him money. I thought things would change every time but if you’re going to visit him the weekend after he’s going in there, what’s going to change? This last time he went in, he chopped my hair, raped me, and beat me up so bad I was in the hospital for weeks. If I didn’t have that gap [in communication], I’d be right back to where I was... they know how to manipulate you... allowing visits gives them their control back.”

“I found his agent and asked if I could go over and meet him. We met for an hour and a half... I felt so much better afterwards... What made me trust him was that he listened to me and told me everything he could... I would pick up the phone and call him if he ever contacts me.”

Policy & Protocol Changes

New Special Condition:

- The offender must refrain from the use or possession of any technological device, internet site, or internet application that is designed to monitor, harass, stalk or cause fear.

New Standard Condition:

- The offender must refrain from direct or indirect contact with any person deemed a victim by the Department of Corrections, any person listed in a criminal justice agency report as a victim, or anybody who the court has determined is in need of protection as demonstrated by a current/previous Order for Protection, Harassment Restraining Order, or Domestic Abuse No Contact Order, without prior documented approval of agent/designee.

Warrant Protocol:

- No requirement to have assurance that a victim will testify prior to a warrant being issued by HRU or OD.

Use of Community Based Advocates:

- Victim Advocates are allowed to be present when victim testimony is provided (either in person or over the phone).
- Agents are being instructed to refer victims to community based advocacy whenever possible.

What's Next?

Web Trainings

- Corrections (Felony Corrections Overview, Case Study)
- Advocacy (DV 101, Role of Advocates, System/Community Advocacy)

Case Tracking Pilot Project

- St. Louis County

Victim Centered Corrections

- Complete CCR & DVRT
- Information Sharing
- Victim Outreach (Post Prison Commit)
- Victim Centered Release Planning
 - Script/Talking Points
 - Release Planning
- Victim Wrap-Around Safety Planning



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